



Sent via e-mail: Slattery, Alannah <aslattery@newmarket.ca>

August 6, 2020

Municipal File No: D09NP2004 (OPA), D14NP2004 (ZBA), D12NP2004 (DPS)
LSRCA File No.: SD-41848 / OP-418-48 / ZO-41848

Allanah Slattery
The Town of Newmarket
395 Mulock Drive
Newmarket, ON L3Y 4X

Dear: Ms. Slattery,

Re: **Application for Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision
600 Stonehaven Avenue, Town of Newmarket**

Thank you for circulating the captioned applications to LSRCA for review and comment. The applicant is proposing to amend the Official Plan and rezone the subject lands to permit:

- 60 Single-detached Dwelling Units
- 142 Townhouse Units

The applicant is also applying for approval of a plan of subdivision which will provide for single detached dwellings and townhouse dwellings in both condominium ownership and freehold ownership formats.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Planning Justification Report (Zelinka Priamo Ltd., December 2020)
- Environmental Impact Study (Beacon Environmental Ltd., February 2020)
- Marianneville Stonehaven Developments Ltd Functional Servicing Report (SCS Consulting Group Ltd, December 2019)
- Limited Hydrogeological Review (Terrapex, December 2019)
- Geotechnical Investigation (Terrapex, November 2019)

It is noted that LSRCA staff have participated in a site visit at this location and also provided pre-consultation comments on May 24, 2019.

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06. LSRCA has also provided comments as per our MOU with Town of Newmarket representing matters pertaining to watershed planning, natural heritage and stormwater management. The application has also been reviewed through

our role as a public body under the Planning Act as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the Clean Water Act in accordance with the review roles and responsibilities agreed to between the Town and LSRCA.

Recommendation

Based on our review of the submitted materials, it is submitted that it would be premature to make a recommendation for decision on these applications given that the development limit has not yet been finalized. On this basis, it is recommended that these applications be deferred until such time as the location of the development limit, and associated limit of designation and zoning can be agreed to.

Site Characteristics

Existing mapping indicates the following:

- the subject property is within the vicinity of an unevaluated wetland and Weslie Creek (located on “Other Lands owned by Applicant”).
- The subject property contains an identified flood hazard area as well as erosion hazard area associated with Weslie Creek
- the subject property is within an area governed by Ontario Regulation 179/06
- the subject property is located within a completed watershed or sub-watershed study area – East Holland River Subwatershed Plan
- The lands are designated Parks and Open Space by the Town’s Official Plan and zoned Private Open Space by the Town’s Zoning By-law
- the subject property is within the WHPA-Q2 area per the South Georgian Bay Lake Simcoe Source Protection Plan

Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement. There are identified hazards on this property (flood and erosion hazards). The provided documentation has not demonstrated consistency with Section 3.0 of the PPS, 2020.
2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland. This site is regulated and therefore a permit under the Conservation Authorities Act will be required prior to any site alteration or development on these lands.

Advisory Comments

3. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Newmarket in that we provide plan review services related to watershed planning, natural heritage, stormwater management and hydrogeology through a MOU as well as through our role as a public body, pursuant to the *Planning Act*. The proposed development meets the definition of “Major Development” as provided by the Lake Simcoe Protection Plan as well as the Phosphorus Offsetting Policy, accordingly, Designated Policy 4.8 of the Lake Simcoe Protection Plan will apply to this proposal. The proposal is also required to satisfy the Lake Simcoe Phosphorus Offsetting Policy.

Planning review comments have been prepared by the undersigned (m.bessey@LSRCA.on.ca) and can be found in the attached matrix.

Technical comments related to Natural Heritage have been prepared by Jessica Chan, Natural Heritage Ecologist (j.chan@LSRCA.on.ca) and can be found in the attached matrix.

Technical comments related to Hydrogeology have been prepared by Shelly Cuddy, P.Geo (s.cuddy@LSRCA.on.ca). These comments may be found in the attached matrix. .

Technical comments related to Stormwater Management and floodplain delineation have been prepared by Manish Kaushal, P.Eng (m.kaushal@LSRCA.on.ca) and are provided in the attached matrix.

A completed copy of these matrices is required to be included as part of the next technical submission.

Summary

At this time, sufficient technical information has not been provided to delineate the development area. On this basis, we are unable to support the proposed OPA, ZBA and Draft Plan of Subdivision at this time. We look forward to working with the Applicant’s team to address the outstanding technical matters.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated.
2. Ontario Regulation 179/06 does apply to the subject site. A permit from LSRCA will be required prior to any development taking place;
3. Further justification in support of these applications is required per the comments provided in the attached matrices.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (m.bessey@lsrca.on.ca)

Sincerely,

A handwritten signature in blue ink, appearing to be 'M.B.' followed by a long horizontal line that ends in a vertical line, resembling a stylized 'M.B.' or 'Melinda Bessey'.

Melinda Bessey, MSc, MCIP, RPP
Director – Planning and Engineering

Encl: LSRCA Comment Matrices (Planning, Engineering, Natural Heritage and Hydrogeology)

c.c. Joanne Barnett (Applicant)
Asif Abbas (York Region)



LSRCA 1st SUBMISSION REVIEW
 600 Stonehaven Avenue, Town of Newmarket
 August 6, 2020 (APID 41848)

#	Drawing	Section	Pg#	LSRCA Comment (August 6, 2020)	Applicant Response (DATE)
ENGINEERING REVIEW					
Documents Reviewed: Marianneville Stonehaven Developments Ltd Functional Servicing Report, dated December 2019, prepared by SCS Consulting Group Limited.					
E1		General		The Report is signed but not sealed. Please note that the report and drawings are to be signed and sealed by a Professional Engineer.	
E2		General		Please include a digital copies of executed hydrology (VO) and hydraulics (HEC-RAS) model.	
E3		General		Proposed development limits appear to be based on the Preliminary Design Concept, Proposed Culvert Replacement Under Bayview Avenue (2015). Please note that the culvert design and floodplain analysis must be finalized and approved prior to determining the development limits.	
E4		2.2.2, 2.9	4, 16	Please include the drainage areas in Tables 2.2, 2.9, 2.10 and 2.11.	
E5		2.5.3	13, 14	<p>It appears that full compliance of the volume control requirements are not met with the proposed design.</p> <p>As per Section 2.2.2.2 of the LSRCA Technical Guidelines for Stormwater Management Submissions (2016), if full compliance is not possible, the reason must be documented in the report.</p> <p>Please note that the extended detention in superpipe and manufactured treatment units (jellyfish filter etc.) cannot be used to meet the volume control requirements.</p>	



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#	Drawing	Section	Pg#	LSRCA Comment (August 6, 2020)	Applicant Response (DATE)
				Please discuss with LSRCA staff prior to the next submission.	
E6		2.9	17	Please demonstrate the site area draining towards Stonehaven Avenue East will not impact the downstream stormwater management system.	
E7		2.12	19	Please confirm the relevant changes to the hydraulic model, as indicated in "Preliminary Design Concept, Proposed Culvert Replacement Under Bayview Avenue" have been approved.	
E8	RESUBMISSION REQUIREMENTS: <ol style="list-style-type: none"> 1. A completed response matrix which includes a detailed response outlining how each of the comments above have been addressed with reference to applicable reports/drawings (i.e. specific sections/pages/details or tab identifiers). 2. The response matrix is to also include a summary of any additional changes to the design (i.e. in addition to those not identified in the detailed response to comments, and includes changes to reports, drawings, details, facility design, etc.). 3. All drawings are to be folded (8.5 x 11). 4. Reports and engineering drawings/details are to be signed and sealed by a Professional Engineer. 5. Reports are to include a digital copy of applicable models on a Data CD or USB Thumb Drive. 6. All submissions/reports are to include applicable technical components which achieve the minimum requirements outlined in the LSRCA Technical Guidelines for Stormwater Management Submissions, September 2016. 				



LSRCA FIRST SUBMISSION HYDROGEOLOGY REVIEW
 600 Stonehaven Ave – Newmarket (APID41848)
 August 6, 2020

#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
Documents Reviewed: Limited Hydrogeological Review; Terrapex; December 2019 Functional Servicing report; SCS Consulting Ltd; December 2019					
Background: freehold and condo development in 7.069 ha or a 17.5 ha site. Currently sports fields, parking, lawns and landscaping with a large 2 storey building.					
Hydrogeological Report					
H1				The proposed development is within the WHPA-Q2 for The Region of York. LUP-12 of the South Georgian Bay Lake Simcoe Source Protection Plan is applicable. A hydrogeological assessment has been provided. From the data provided the post development infiltration deficit is 3404 m ³	
H2				A groundwater monitoring program has been initiated; however, seasonal high groundwater levels have not been acquired. Please provide monthly data between 1 March and 30 June to capture this information. From the data provided infiltration may be functionally feasible on this site.	
H3				<i>In-situ</i> percolation testing will be required to assess the permeability and porosity of the native soils. Please acquire this data in the vicinity of and at the base of any proposed infiltration LIDs.	
H4		Dewatering		Effluent from construction dewatering is to be treated and returned to the environment. Please provide a dewatering plan. Please assess the need for either a PTTW or EASR. A copy of any PTTW is to be provided to LSRCA.	
H5				Long term foundation control dewatering; the preference is for foundation control dewatering effluent to be	



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#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
				treated and returned to the environment, please assess the potential for this.	
H6		7.0 Water Balance		A water balance has been provided. From the information provided, in Tables 5 and 6, there appears to be an infiltration deficit in the order of 3404 m ³ in the post-development scenario.	
H7		7.2		Demonstrate there is a minimum of 1 m separation between the invert of any LID facility and the seasonal high groundwater level.	
H8		7.2		Amended topsoil thickness is not credited with additional infiltration credit. Pervious pavements are to be installed no closer than 4 m to any building foundation.	
H9		7.2		Situating LID facilities installed on private property is not preferred due to maintenance issues. Should LID facilities be installed on private property they are to be discontinuous between properties.	
H10		7.2		Where the local infiltration rate is less than 15 mm/hr subdrains are to be included in the design of the infiltration facility.	
Functional Servicing Report					
H11		2.3.1		Amended soil thickness while encouraged is not provided with additional infiltration credit.	
H12				Please demonstrate that the proposed Rear Yard at Surface infiltration trenches meet the requirement of 1 m of separation between the invert of the facility and the seasonal high groundwater elevation.	



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H13				Please demonstrate that there is a minimum of 1 m separation between the invert of the proposed Catchbasin Infiltration systems and the seasonal high groundwater elevation.	
H14				Demonstrate that all permeable pavement will be a minimum of 4 m away from any buildings and that there will be minimum 1 m separation between the invert of the facility and the seasonal high groundwater elevation.	
H15	2.5			Please note the infiltration sump is the volume of the facility beneath the invert of the subdrain, please provide this dimension and the storage volume of the facility. Please include the seasonal high groundwater elevation of the drawing.	
H16	2.6			Please include the seasonal high groundwater elevation demonstrating there is a minimum of 1 m separation between the invert of the facility and the seasonal high groundwater elevation. Please include all dimensions on the cross section. Please include the depth of the facility beneath the subdrain since this is the infiltration sump.	
H17	2.7			Please include the seasonal high groundwater elevation on the cross sections.	
H18		Appendix E		<p>From the data provided in Appendix E the infiltration facilities are suitably sized. Please note a safety factor of 2.5 should be used for calculating the required area to ensure the preferred drawdown time of 24-48 hours is met.</p> <p>It is unclear if they are functionally feasible due to lack of seasonal high groundwater measurements as previously mentioned.</p>	

#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
<p>Submission/Resubmission Requirements:</p> <ol style="list-style-type: none"> 1. A completed response matrix which includes a detailed response outlining how each of the comments above have been addressed with reference to applicable reports/drawings (i.e. specific sections/pages/details or tab identifiers). 2. The response matrix is to also include a summary of any additional changes to the design (i.e. in addition to those not identified in the detailed response to comments, and includes changes to reports, drawings, details, facility design, etc.). 3. All drawings are to be folded (8.5 x 11). 4. Reports and engineering drawings/details are to be signed and sealed by a Professional Geoscientist or Professional Engineer as appropriate. 5. Reports are to include a digital copy of applicable models on a Data CD or USB Thumb Drive. 6. All submissions/reports are to include applicable technical components which achieve the minimum requirements outlined in the LSRCA Technical Guidelines for Stormwater Management Submissions, September 2016. 					
<p>Important Notes and References:</p> <ol style="list-style-type: none"> 1. Please contact the LSRCA to scope any required Environmental Impact Study or Natural Heritage Evaluation 2. The stormwater management submission is required to be prepared in accordance with “LSRCA Technical Guidelines for SWM Submissions” https://www.lsrca.on.ca/Shared%20Documents/permits/swm_guidelines.pdf 3. Submissions are to be in accordance with the LSRCA Watershed Development Guidelines https://www.lsrca.on.ca/Shared%20Documents/permits/watershed-development-guidelines.pdf?pdf=Watershed-Development-Guidelines 4. The hydrogeological analysis is required to be prepared in accordance with “Hydrogeological Assessment Submissions: Conservation Authority Guidelines for Development Applications” https://www.lsrca.on.ca/Shared%20Documents/permits/hydrogeological%20_guidelines.pdf?pdf=Hydrogeological-Guidelines 5. Where the LSPOP applies, submissions are to be in accordance with the LSPOP found here: https://www.lsrca.on.ca/watershed-health/phosphorus 6. Low Impact Development Treatment Train Tool can be found here: https://www.lsrca.on.ca/Pages/LIDTTTool.aspx 7. <u>LSPP Water Balance Offsetting Policy: applies to all new applications under the planning act received after 1 January 2019, details can be found here:</u> https://www.lsrca.on.ca/Shared%20Documents/lspw-water-budget-policy.pdf 8. LSRCA Review Fees can be found here: https://www.lsrca.on.ca/permits/permit-fees 					



LSRCA FIRST SUBMISSION PLANNING REVIEW
 600 Stonehaven Ave – Newmarket (APID41848)
 August 6, 2020

#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
Documents Reviewed: Planning Justification Report (Zelinka Priamo, January 2020) Environmental Impact Study (Beacon Environmental, February 2020) Geotechnical Investigation Report (Terrapex, November 11, 2019)					
P1	PJR	4.1	10	The PJR provides a policy review in the context of the PPS (2014). Please note that the PPS was updated in 2020 and the updated policy document is now in effect. The submitted applications will be reviewed in the context of the PPS (2020).	
P2	PJR	4.1	10	The PJR has omitted any justification demonstrating consistency with Section 2.0 – Wise Use and Management of Resources or Section 3.0 – Protecting Public Health and Safety. It is noted this application is to consider the natural heritage features (i.e. watercourse and wetland) as well as the hazard areas (steep slope erosion hazard and floodplain) associated with the subject lands and lands identified as “Other lands owned by applicant”.	
P3	PJR	None		The subject property is located within an identified Groundwater Recharge Area (WHPA Q2) per the South Georgian Bay Lake Simcoe Source Protection Plan. The proposed development meets the definition of “Major Development” as provided by this plan, accordingly, the application is required to satisfy policy LUP-12 of the Source Protection Plan. The PJR has omitted any justification to this regard.	



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#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
P4	PJR	4.8.6	32	<p>The PJR states the following:</p> <p><i>Section 10.2.1 of the Official Plan describes Flood Plain lands as constituting the area adjoining a watercourse. The regulation mapping of the Lake Simcoe Region Conservation Authority identifies the precise location of these hazards, however the Official Plan permits that these hazards can be delineated through site specific studies as part of a development application.</i></p> <p>Please note that LSRCA mapping is a tool and site specific delineation of floodplain hazard areas is carried out through topographic surveys, floodplain assessments, etc.</p> <p>SCS is currently working to delineate the flood hazard area on this site.</p>	
P5	EIS		Figure 3	<p>This figure demonstrates that there is development proposed within the slope hazard area (i.e. within the TOB + 15m). LSRCA Watershed Development Guidelines require that development be setback a minimum of 15m from Top of Bank or Stable Top of Slope (whichever is greater). Any variance of this would require geotechnical justification to allow for encroachment into this required setback. Provided justification can be provided, the minimum permitted setback would be 6m (erosion access allowance per MNRF).</p>	
P6				<p>Please provide a proposed draft plan of subdivision. The documents provided for review included a site</p>	



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#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
				plan only. The proposed draft plan contained within the PJR is illegible.	



LSRCA FIRST SUBMISSION NATURAL HERITAGE REVIEW
 600 Stonehaven Ave – Newmarket (APID41848)
 August 6, 2020

#	Report/ Drawing	Section	Pg#	LSRCA COMMENT (August 6, 2020)	APPLICANT RESPONSE (DATE)
Documents Reviewed: Environmental Impact Study (Beacon Environmental Limited, February 2020)					
NH1	EIS	7.1	26	Provide a catchment-based water balance.	
NH2		6.3	24	Delineate the location of the proposed cut/fill operations to ensure they are located outside of natural heritage features and their associated buffers.	
NH3		7.2.1	27	A fence along the natural heritage features and buffer areas should be proposed to keep future residents from entering/disturbing these areas.	
NH4		7.2.2	28	The required wetland and woodland restoration as a result of LSRCA's EOP needs to be located outside of natural heritage feature buffers as these buffers are required to be vegetated as per the LSPP policies. And Town OP	
NH5		7.2.3	29	The LSRCA's Ecological Offsetting Policy is applicable to the woodland communities on the subject property (i.e. CUW1a, CUW1b, CUP) unless it can be demonstrated that they are except as per Section 3.3.2.1 of the Policy.	
NH6		4.2.3	19	The location of the Sandbar willow, jointed rush and small-fruited bulrush needs to be delineated. If these species are located within the development footprint, appropriate mitigation measures need to be provided (i.e. transplantation outside the development footprint).	