

9

**OMB APPEALS BY 724903 & 771322 ONTARIO INC. (GOLDSTEIN)
PLAN OF SUBDIVISION 19T-90064
TOWN OF NEWMARKET
PROPOSED AMENDED MINUTES OF SETTLEMENT**

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, May 26, 2005, from the Regional Solicitor and the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council endorse the Amended Minutes of Settlement substantially in the form attached to this report as *Attachment 2* and that the Ontario Municipal Board be so advised.
2. The Regional Chair be authorized to sign further amendments to the Minutes of Settlement that are local in nature and do not impact on Regional responsibilities or positions.

2. PURPOSE

The purpose of this report is to seek Council endorsement to amend the Minutes of Settlement filed with the Ontario Municipal Board in this matter on November 14, 2001 in order to implement a revised groundwater monitoring plan.

3. BACKGROUND

At its meeting of October 11, 2001, Regional Council endorsed the Minutes of Settlement (*Attachment 1*) with respect to an OMB appeal of the Goldstein subdivision in Newmarket. The Minutes of Settlement resulted from two days of mediation.

Pursuant to the Minutes of Settlement, the OMB was approving a draft plan of subdivision of approximately 53.88 hectares (133.14 acres) providing for 697 single family dwellings, an elementary school, two parks and three storm water management facilities (*Attachment 3*). The Board's Order was to be withheld until the Region advised the Board and the Town of Newmarket that water service is available and the Town has passed a resolution allocating water to the relevant phase, lots and blocks.

To date, the Town has allocated water and sewer capacity for 100 units. Discussions would then continue with respect to the phasing of the plan of subdivision.

4. ANALYSIS AND OPTIONS

A significant issue in the mediation was the impact, if any, of the proposed development on the wells of the properties fronting on Kingdale Road, the residential properties adjacent to the north of the plan of subdivision. Section 17 of the Minutes of Settlement required the owners to complete a hydrogeological/well impact study which would recommend required mitigation or remedial measures to the satisfaction of the Town engineer. This report has now been completed.

The Town of Newmarket, the Kingdale Road Residents Group and the Owners are proposing that the Minutes of Settlement be amended to reflect the recently completed groundwater study. This would be accomplished by replacing paragraph 17 of the original Minutes of Settlement with a new paragraph 17 in the Amended Minutes of Settlement (*Attachment 2*). The Amended Minutes also provide that the owner will agree in the subdivision agreement to be responsible for the interim provision of water to any Kingdale residence should a well be unusable for reason of a decrease in quality or quantity below the relevant provincial water quality standards.

These amendments to the Minutes of Settlement are essentially local in nature and do not impact Regional responsibilities; however, as signatories to the original Minutes of Settlement if there is to be an amendment to those Minutes then the Region signature is required.

There may be further amendments of this nature to the original Minutes of Settlement. It is not anticipated that these amendments shall require report to Regional committee and Council and it is therefore recommended that Regional Council authorize the Regional Chair to execute such amendments in future.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LOCAL MUNICIPAL IMPACT

The amended Minutes of Settlement formalize an arrangement achieved by the Owners, the Kingdale Residents Group and the Town of Newmarket. The matter is local in nature. By authorizing the amendment, Regional Council is indicating support for the arrangement.

7. CONCLUSION

The Town of Newmarket, the Kingdale Residents Group and the Owner of Subdivision 19T-90064 have reached an agreement respecting a groundwater management plan that requires amendment to Minutes of Settlement in the OMB appeal of this matter. As a signatory to the original Minutes of Settlement, Region approval of the amendment is required.

It is recommended that Regional Council endorse the Amended Minutes of Settlement attached to this report and that the Ontario Municipal Board be so advised.

It is also recommended that the Regional Chair be authorized to execute any further amendments to these Minutes of Settlement as such amendments should not require report to Regional committee and Council.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are included with this agenda.)