



Town of East Gwillimbury

COMMUNITY INFRASTRUCTURE AND ENVIRONMENTAL SERVICES REPORT CIES2022-15

To: Council

Date: June 7, 2022

Subject: Development Earthworks Agreement Tricap Properties – 19T-20001

Origin: Community Infrastructure and Environmental Services
Development Engineering Branch

RECOMMENDATIONS

1. **THAT** Community Infrastructure and Environmental Services Report CIES2022-15 dated June 7, 2022 regarding “Development Earthworks Agreement Tricap Properties – 19T-20001” be received; and
2. **THAT** Council authorize the General Manager of Community Infrastructure and Environmental Services to execute the development earthworks agreement with the developer.

PURPOSE

The purpose of this report is to request Council’s approval for the execution of the Town’s standard development earthworks agreement for Phase 1 of the Tricap Properties development located on the southwest corner of 2nd Concession and Mount Albert Road. See Appendix 1 attached.

BACKGROUND

The Tricap Properties development originally received draft approval on May 17, 2004 and Red-line revisions were approved by Council on July 12, 2010 together with revised conditions of draft approval. Phase 1 of the development consists of 105 residential units located on the south-west corner of 2nd Concession and Mount Albert Road.

On occasion, the Town and developers will enter into specific agreements to permit certain works to commence in advance of final registration of plans of subdivision which is common throughout the development industry.

The developer has submitted a formal request to commence earthworks and servicing associated with Phase 1A and earthworks associated with Phase 1B. A schedule of proposed works has been provided and the developer has signed the Town’s standard development earthworks agreement. All required securities along with the CIES fee deposit will be collected upon execution of the agreement, pending Council approval.

Under the terms of the agreement, the following general conditions will need to be met to allow works to proceed:

- Approval of all plans and specifications associated with the works (includes erosion and sedimentation and tree preservation and grading plans).
- Payment of all planning/legal fees and disbursements related to the development applications
- Approval of all regulatory agencies (LSRCA, MNRF and MECP) required for the completion of the works
- Town to be provided copies of all contracts, reports, notices for the proposed works
- Owners to notify all emergency services of their intended commencement date for the works
- No topsoil permitted to be removed from the site without prior approval from the Town
- Payment of CIES fee deposit, submission of securities as identified in the agreement and liability insurance

ANALYSIS

The developer through their consulting engineers is required to implement enhanced erosion and sediment control (ESC) measures to ensure that no earthworks commence within a sub watershed area (other than that required for ESC) in advance of all ESC facilities being in place. All ESC works are to be certified by the developer’s consulting engineer and regular inspections are required to be completed in advance, during and after all rain events. These measures are required to ensure that no sediment is allowed to discharge from the site.

To minimize disruption to Good Shepherd Catholic Elementary School, the developer is proposing a phased approach for earthworks as outlined below:

Phase 1A June- August 2022	<ul style="list-style-type: none"> • Installation of silt fence around the limits of Phase 1A • Construction of temporary sedimentation control pond • Earthworks, servicing and construction of Street D • No tree removals proposed
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Phase 1B September- December 2022	<ul style="list-style-type: none">• Installation of silt fence around the limits of Phase 1B• Tree removals and earthworks within Phase 1B lands• Not to commence until completion of Phase 1A
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Earthworks, servicing and road construction of Street D are proposed to advance as Phase 1A to take advantage of construction while school is not in session. Street D will be constructed from 2nd Concession to a cul-de-sac terminating just west of the school frontage replacing the current driveway with a municipal road.

As Street D is located along the same alignment as the existing driveway entrance to Good Shepherd, the developer is working with the York Catholic District School Board to construct a temporary access driveway from Mount Albert Road to the school site to facilitate access to the school and in-school daycare during construction of Street D. This temporary access road is subject to Region approval and will be constructed to meet the requirements of emergency vehicles.

The proposed earthworks, servicing and extensive erosion/sedimentation control (ESC) program for Phase 1A have been reviewed by Town staff, and the LSRCA as required to ensure compliance with all regulatory requirements and the Town's enhanced ESC standards. The drawings have been accepted subject to the developer's consulting engineer completing minor revisions as per Staff direction.

Drawings for Phase 1B are currently being finalized and no works within Phase 1B shall proceed until all required drawing and agency approvals have been received. All works are subject to the Town's enhanced guidelines.

No tree removals are proposed with the Phase 1A limits. A comprehensive tree evaluation and inventory is being undertaken by a certified arborist for the Phase 1B lands and no works are permitted to commence within Phase 1B until all required Town and agency approvals are in place.

Earthworks Construction Schedule

Pending Council's approval, below is the developer's proposed timeline for the earthworks and applicable servicing operation:

Phase 1A

Environmental Siltation Control Measures	Late June 2022
Earthworks	Early July 2022
Underground Servicing & Road Construction	July – August 2022

Phase 1B

Environmental Siltation Control Measures	September 2022
Clearing and Grubbing Operations	September 2022 – October 2022
Topsoil Stockpiling & Earthworks	October 2022 – December 2022

Following the earthworks operation, it is anticipated that the developer will proceed with pre-servicing of the Phase 1B site under a separate, and future pre-servicing agreement.

Staff note that future lands identified in Appendix 1 are not required to balance Phase 1 earthworks and will remain undisturbed until such time as a new and separate earthworks agreement is entered into in the future.

Material Importation and Traffic Management Plan

No material import is required for Phase 1A however Phase 1B will require approximately 5,000 cubic meters of soil (approximately 500 trucks) to complete site grading works in accordance with the approved plans.

Truck traffic to facilitate importation of material will be required to follow an approved haul route as identified in the earthworks agreement. The developer has prepared a traffic management plan that identifies a proposed haul route that extends to and from the site via 2nd Concession to Green Lane. Alternative routes may be considered as appropriate to mitigate impacts to area residents and businesses.

As both Mount Albert Road and 2nd Concession is a Regional Road, Regional approval of the proposed site entrance and temporary school access is required.

Site Access and Hours of Operation

The lands being developed under this agreement are proposed to be accessed via 2nd Concession south of Mount Albert Road. The proposed entrance location is identified on Appendix 1 as attached. The proposed entrance is being reviewed by the Region of York as the road authority and no earthworks shall commence until the entrance approval is granted by York Region.

Approval of the earthworks agreement includes the restriction of operations on Saturdays with the exception of machine maintenance and emergency works. No Sunday or holiday works are permitted with the exception of emergency works. Permitted hours of operation are 7:00 am to 7:00 pm Monday through Friday.

FINANCIAL IMPLICATIONS

The earthworks agreement associated with this report includes the current rates and timing of payments as per the Town's standard requirements and the associated fees will be adjusted as necessary as part of the future subdivision agreement. It is expected that the Town will receive fees in the amount of approximately \$ 90, 560 under the current fees by-laws for this development. The fees by-law allows for reconciliation of tendered costs upon signing the subdivision agreement.

NEED FOR PUBLIC CONSULTATION

The developer will be required to provide hand-delivered notice to all adjacent residents as required. Additionally, development engineering staff will work with the developer to assist with placing a notice on the Town page of the East Gwillimbury Express newspaper and on the Town's website to advise of the commencement of earthworks, subject to Council approval. Further, engineering staff have met with planning staff and confirm that resident concerns expressed during the draft plan process were dealt with prior to issuance of draft approval.

ALIGNMENT TO STRATEGIC PLAN

The recommendations of this report align with the following Strategic Priorities:



Responsible Growth and Environmental Protection

Ensure development occurs in a sustainable fashion, with a focus on preserving the Town's cultural heritage and environmental features

Ensure that communities are built in a respectful manner, with resident and business quality of life protected



Build Complete Communities

Enhance the Town's core infrastructure network including roads, sidewalks, water, sewer, and broadband

Effectively manage new and existing assets to deliver exceptional services to residents while ensuring a sustainable community

CONCLUSION

The developer has sufficiently advanced their subdivision design to allow earthworks and pre-servicing of Phase 1A to proceed along with earthworks within Phase 1B subject to approvals as noted. In order to facilitate the work, the Town will need to enter into a development earthworks agreement with Tricap Properties.

APPENDICES

Appendix 1 – Site Location Plan

Prepared by:
<i>Original Signed By</i>
Kevin Brake, C.Tech. Development Manager

Reviewed and Recommended by:
<i>Original Signed By</i>
Paul Neuman, C.E.T. Director of Engineering

Reviewed and Recommended by:
<i>Original Signed By</i>
Mike Molinari, P. Eng., General Manager, CIES

Approved for Submission by:
<i>Original Signed By</i>
Thomas R. Webster Chief Administrative Officer

Appendix 1 – Site Location Plan

