The Kilsyth Meadows development is 33 lot subdivision on private services approved by the County of Grey on December 12, 2019. It is located in the Kilsyth settlement area, and can be accessed off of Concession 7 and Grey Road 5. The purpose of this report is to provide details on the contents of the subdivision agreement presented to Council for consideration.
Subdivision Agreement

This agreement contains standard provisions for approval of the works and the retention and release of securities. The developer will be building a road that connects the development through to Grey Road 5 and Concession 7 along with two stormwater management ponds for drainage. The proposed road, Fleming Drive, is named for the Fleming family who settled in the area and are credited with naming Kilsyth. A brief history of the Fleming family written by Gwen Harris and Ruth Larmour, was submitted by the developer and is appended to the report for Council’s review.

The agreement contains standard development and legal provisions and has been reviewed by the Township’s lawyer. Schedules are attached to the document to provide details specific to this development and meet conditions of draft approval issued by the County. They are summarized below:

1. Schedule “A” provides the legal description of lands being subdivided. In the office file we have appended a copy of the approved draft plan to the agreement.
2. Schedule “B” Draft Plan of Subdivision/ Condition of Draft Approval. This schedule contains the draft plan conditions approved by Grey County, that the developer is required to meet prior to being able to register the subdivision to create the lots.
3. Schedule “C” Lands and Easements to be Deeded. This schedule lists a large number of drainage easements that will be granted to the Township. The Township’s lawyer will work with the developer’s lawyer during the registration of the easements so that the registration is completed to the satisfaction of the Township. One foot reserves and day lighting triangles will be transferred to the County and that process will be overseen by the legal department at the County.
4. Schedule “D” List of Monies Payable by the Developer to the Township. This list contains the required security for the approved works calculated at 100% and a $10,000.00 developer deposit for legal and engineering costs incurred by the Township during the build out of the subdivision.
5. Schedule “E” Works to be constructed and itemized estimate of Costs of Construction of each part of the works. This estimate is provided by the developer’s engineer and is a breakdown of the costs to complete the approved works. The items in this list correspond to the approved development plans listed in Schedule “F”. The security identified in Schedule “D” is calculated from this estimate.
6. Schedule “F” List of Approved Plans and Engineering Drawings. These are the development plans reviewed and approved by Township staff, GSCA staff and County Transportation staff.
7. Schedule “G” Conceptual Servicing Plan. This plan shows the layout of the lots and demonstrates that each lot can accommodate a building envelope, driveway, well and septic system within the required setbacks without encroaching into the drainage easements. It is important to note that this plan is conceptual, which means that at the building permit stage, the developer can request an entrance in a different location than shown on the plan, provided it is in accordance with the
entrance permit policy. This development does not have restricted building envelopes, rather, the lots will be developed in accordance with the zoning setbacks for the R1- residential zone.

8. Schedule “H” Lots Requiring Special Attention. This schedule references a plan that legally identifies the drainage easements that apply to specific lots. The full legal description will be submitted once the plan has been registered.

9. Schedule “I” Parkland Site Plan. The plan referenced in this schedule shows how the developer will prepare the park lands so that the site is ready to accommodate playground equipment. Wording to this effect is included in Section 35 of the agreement.

10. Schedule “J” Township’s Engineering Standards. This document is included in the agreement to supplement the approved works and provide direction on the Township’s engineering standards.

11. Schedule “K” Declaration of Progress and Completion. This schedule requires the developer to declare a timeline to complete the works and follow it.

Standard development provisions also include the requirement for site plans at the building permit stage along with a $1500.00 grading and drainage deposit, the requirement for dark-sky friendly lighting, the permission for up to 4 model homes, and provisions for the release of securities. This agreement allows the developer to apply for a release of securities once 70% of the works have been completed. In no event will the security be reduced to less than 100% of the cost of the outstanding works or $20,000.00 whichever is greater.

Through the circulation process, residents expressed concern with construction activity and days and hours of work on site. The Township’s Noise By-law 95-2011 contains provisions that prohibit the operation of construction equipment Monday through Saturday between the hours of 11pm and 6am and prohibit it entirely on Sundays and holidays.

An additional concern was with the speed limit along Grey Road 5. County staff have agreed to reduce the speed limit in front of this new development in response to concerns identified by the residents.

**Conditions of Draft Approval**

There are 26 Conditions of Draft Approval specified for this development, 25 of which the Township is required to report back to the County on how they have been addressed. The conditions have been included in the subdivision agreement and include the financial requirements of development including securities for building the road and the stormwater management ponds, and the registration of drainage easements.

Issues and concerns identified through the circulation process were included as conditions of draft approval so that they could be addressed in the subdivision agreement. The chart attached as Appendix A identifies the conditions of draft approval and notes how they have been identified in the subdivision agreement.
Conclusion & Recommendation

The agreement has been reviewed by the Township’s solicitor and includes the required conditions of draft approval.

It is recommended that report PL.2020.27 Kilsyth Meadows Subdivision Agreement 2020 from the planner be received for information, and that;

Council approve By-law 2020-059 as presented with 100% securities, to authorize a Subdivision Agreement with Barry’s Construction and Insulation Ltd. for lands described as Part of Lot 9, Concession 7 and Part of Lots 71, 75, 78, 85-87 and unnamed street Registered Plan 117, Part 1, Plan 16R-10979 as identified within Draft Plan of Subdivision No 42T-2018-11 for the creation and development of 33 privately serviced residential lots.

By-law 2020-059 and the subdivision agreement are presented for Council’s consideration.

Respectfully Submitted:

Jenn Burnett

Jenn Burnett, MSc., MCIP, RPP