

Applicant:	Hawthorne Park Subdivision	Date of Decision:	March 14, 2023
File No.:	39T-TC1903	Date of Notice:	March 24, 2023
Municipality:	Thames Centre	Last Date of Appeal:	April 13, 2023
Subject Lands:	Lot 17, Concession B SRT	Lapsing Date:	March 14, 2028

NOTICE OF DECISION
On Application for Approval of Draft Plan of Subdivision
Section 51 of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above was given by the County of Middlesex on March 14, 2023. A copy of the decision including the conditions for final plan approval and the lapsing provision is attached.

Public and Agency Comments

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal must be filed with the County of Middlesex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal must be sent to the attention of the Director of Planning and Development, at the address shown below and it must,

- (1) set out the reasons for the appeal,
- (2) be accompanied by the fee prescribed under the Ontario Land Tribunal Act, and
- (3) include the completed appeal form(s) from the Ontario Land Tribunal's website.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Notwithstanding the above, subsection 51(48.3) of the Planning Act prescribes the eligible 'persons' that may appeal the decision to the Ontario Land Tribunal.

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Right of Applicant or Public Body to Appeal Conditions

The applicant, any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, the Minister or the Municipality in which the land is located may, at any time before the final plan of subdivision/condominium is approved, appeal any of the conditions imposed by the approval authority to the Ontario Land Tribunal by filing a notice of appeal with the Director of Planning.

How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision/condominium may be changed at any time before the final plan is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority, or made a written request to be notified of the changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

Other Related Applications: Official Plan Amendment, File, 39-TC-OPA28
Zoning By-Law, File Z19-19

Getting Additional Information

Additional Information about the application is available for public inspection. The Middlesex County Administration Building is open to the public by appointment. Alternative forms of accessing additional information about the application are also available. Please contact the Director of Planning and Development dvanderwerff@middlesex.ca or 519-434-7321 extension 2262 to make arrangements.

Mailing address for Request to be Notified

County of Middlesex - Planning Department | 399 Ridout Street North | London ON N6A 2P1
T: 519.434.7321 F: 519.434.0638 Email: dvanderwerff@middlesex.ca

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The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Middlesex are as follows:

No.	Conditions
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- | | |
|----|---|
| 1. | <p>That this approval applies to the draft plan of subdivision prepared by AGM and signed by Jason Wilband, OLS dated May 5, 2021 showing the following:</p> <ul style="list-style-type: none"> • eight (8) blocks to support low density residential uses (Blocks 1 to 8) • four (4) blocks to support low density residential uses or medium density residential uses (Blocks 9, 10, 11 and 12) • three (3) blocks to support medium density residential uses (Blocks 13, 14 and 15) • two (2) blocks to support mixed use development (Blocks 16 & 17) • two (2) blocks for open space purposes (Blocks 18 and 19) • three (3) blocks for stormwater management purposes (Blocks 20, 21 and 22) • three (3) blocks for road widenings and 0.3 m reserves (Blocks 23, 24 and 25) • two (2) blocks for a natural buffer and natural heritage features (Blocks 26 and 27) |
| 2. | <p>That the development of the draft plan of subdivision may be phased subject to the approval of an overall phasing plan for the development of the entire site to the satisfaction of the Municipality. For the purposes of this condition, the development of a phase may only proceed when the Municipality is satisfied that all of the external infrastructure/services for that phase are "in place" as described in condition 4.</p> |
| 3. | <p>That the draft plan of subdivision shall be developed on full municipal services, including sanitary sewers, municipal water and urban storm water management practices. Prior to final approval of each phase of the development, the Municipality shall confirm that full municipal services are 'in place' as described in condition 4.</p> |
| 4. | <p>That no development of a phase of the draft plan of subdivision shall commence until all external infrastructure and services required for the development of that phase are in place including municipal water supply, treatment and conveyance infrastructure and sewage treatment and waste water conveyance infrastructure. For the purpose of these conditions, services being "in place" means that the infrastructure exists and is operational to the satisfaction of the Municipality and that capacity in such infrastructure has been formally allocated by the Municipality for use in connection with the development of the draft plan of subdivision.</p> |
| 5. | <p>That the road allowances included on the draft plan of subdivision shall be shown and dedicated to the Municipality as public highways.</p> |

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6. That all streets, including any unopened road allowance to be dedicated as a public highway, shall be named and the lots addressed on the draft plan of subdivision to the satisfaction of the Municipality and the County.
7. That any open sides of road allowances, including any lands to be conveyed to the Municipality, created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
8. That the Owner convey 0.3 metres reserves to the County of Middlesex to prevent direct access for Blocks 16 and 17 located along Dorchester Road (County Road 32). Notwithstanding the foregoing, a 0.3 metre reserve shall not be required where Street 'A' intersects with Dorchester Road (County Road 32).
9. That the Owner dedicate a road widening measuring to 18 metres from the centreline of Dorchester Road (County Road 32) to the County if the right of way is not already to that width.
10. That left and right turning lanes shall be constructed on Dorchester Road (County Road 32) at the intersection with Street 'A' to provide access to the development. All costs with regards to the design and construction of these lanes shall be borne by the Owner and an entrance permit shall be required prior to any construction work within the County road allowance.
11. That prior final approval, grading and stormwater management plans shall be completed to the satisfaction of the County.
12. That prior to development of Blocks 16 and / or 17 the Owner shall have a noise impact assessment undertaken by a qualified person to determine noise impact levels related to County Road 32 (Dorchester Road) to the satisfaction of the Municipality and the County; and furthermore, that any recommended noise mitigation measures be implemented by the Owner through a development agreement to the satisfaction of the Municipality.
13. That the Owner shall convey Blocks 18, 19, 20, 21, 22, 26 and 27 to the Municipality.
14. That prior to final approval, that Official Plan Amendment No.28 be in effect for the draft plan of subdivision.
15. That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the draft plan of subdivision.

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16. That the Owner and the Municipality enter into a subdivision agreement ("Subdivision Agreement") pursuant to Section 51 (26) of the Planning Act to be registered on title of the lands to which it applies prior to the Plan of Subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of subdivision has been registered.
17. That the Subdivision Agreement satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to the provision of roads, temporary roads and turning circles, pedestrian walkways, sidewalks, grading and drainage, planting of trees, landscaping, provision of community mailboxes, fencing, buffering, recommended and approved EIS mitigation requirements, street lighting and other amenities, the provision and installation of full municipal water and sanitary services, the installation of underground electrical services, any recommended and approved sourcewater protection mitigation requirements and other matters which may be required by the Municipality respecting the development of the Plan of Subdivision.
18. The Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes.
19. The Owner shall enter into an agreement with the appropriate service providers for the installation of underground communication / telecommunication utility services for these lands to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.
20. That prior to final approval, that the Owner shall obtain any necessary approval(s) under the Drainage Act to facilitate legal outlet to discharge stormwater.
21. That the Subdivision Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.
22. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority.
23. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Owner.

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24. That prior to final approval, the Owner shall submit for the review and approval of the Upper Thames River Conservation Authority (UTRCA) and the Municipality, a final stormwater management plan and sediment and erosion control plan incorporating necessary measures to enhance the quality of stormwater discharges and to control erosion and sedimentation during and after construction. The final stormwater management plan and sediment and erosion control plan, and final detailed servicing and grading plans shall identify drainage and sediment and erosion control strategies. The final stormwater management plan shall also provide detail with respect to the monitoring and maintenance of the stormwater management facilities.
25. That prior to final approval, the owner shall submit a final Environmental Impact Study which addresses the UTRCA's outstanding comments and concerns, to be prepared to the satisfaction of the UTRCA and the Municipality.
26. That prior to final approval, the owner shall obtain a Section 28 permit under the Conservation Authorities Act shall be obtained from the UTRCA prior to the commencement of any development or site alteration within the UTRCA's Regulated Area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.
27. That prior to final approval, the Owner shall submit a final Hydrogeological Assessment and a final Water Balance Analysis Report for review and approval by the UTRCA. If newly provided information impacts the buffers and setbacks proposed by the EIS, this draft plan of subdivision may need to be redlined to the satisfaction of the UTRCA and the Municipality.
28. That prior to final approval, the Owner shall submit a final Geotechnical Assessment for review and approval by the Municipality.
29. That prior to final approval, the Municipality shall advise the County that the Subdivision Agreement between the Municipality and the Owner provides for the following:
 - a. municipal assumption and ownership of any facilities required for the detention and enhancement of storm water quality, and for the purpose of ensuring perpetual maintenance and operation; and
 - b. the inclusion of any environmental protection measures recommended in the final stormwater management plan required by condition 24 that are not capable of being addressed under the Ontario Water Resources Act.

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30. That prior to final approval, the Owner shall submit a Risk Management Plan undertaken by a qualified person to satisfaction of the Municipality's Risk Management Official to ensure compliance with the Thames Sydenham and Region Source Protection Plan and the Clean Water Act, 2006; and that any recommended and approved mitigation measures be implemented through the subdivision agreement as well as any applicable site plan agreement.
31. That prior to final approval, the Transportation Impact Study dated June 2019 and prepared by Paradigm Transportation Solutions Limited be revised to include an addendum which addresses the traffic impacts to the satisfaction of the Municipality and the County and that any recommended and approved measures to mitigate traffic impacts be implemented through the subdivision agreement.
32. That prior to final approval, that all existing buildings and structures be removed from the subject lands to the satisfaction of the Municipality subject to any applicable permits that may be required.
33. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 to 32 (inclusive) have been satisfied.
34. That prior to final approval, the County is to be advised in writing by the County Engineer how conditions 8 to 12 have been satisfied.
35. That prior to final approval, the County is to be advised in writing by the Upper Thames River Conservation Authority how conditions 24, 25, 26 and 27 have been satisfied.

NOTES TO DRAFT APPROVAL

- 1) Draft approval for this plan of subdivision is for a period of five (5) years from the date of decision. Any request made by the Owner to the Approval Authority to extend the lapsing date must be made 60 days prior to the lapsing date and include a written confirmation from the municipality endorsing the extension.
- 2) It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority, quoting the file number.
- 3) It is suggested that the applicant be aware of:
 - a. subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;
 - b. subsection 144 (2) - allows certain exceptions.

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- 4) Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
- 5) The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
- 6) It is the applicant's responsibility to obtain the necessary permits from the UTRCA in accordance with Ontario Regulation 171/06 made pursuant to Section 28 of the Conservation Authorities Act.
- 7) A copy of the subdivision agreement must be provided to the County of Middlesex (Planning and Development Department) prior to final plan approval.
- 8) If the agency's condition concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
- 9) When the zoning by-law amendment required in Condition 15 is being prepared, reference to this subdivision application file number should be included in the explanatory note. This will expedite the County of Middlesex and other agencies' consideration of the by-law.
- 10) Clearance is required from the following agencies:
 - Municipality of Thames Centre | 4305 Hamilton Road, Dorchester, ON NL 1G3
 - Upper Thames River Conservation Authority | 1424 Clarke Road, London, ON N5V 5B9
 - County Engineer – County of Middlesex | 399 Ridout Street North, London, ON N6A 2P1
- 11) All measurements in subdivision final plans must be presented in metric units.
- 12) The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 Mylar and 2 paper) for signature purposes:

"Approval Authority Certificate

This Final Plan of Subdivision is approved by the County of Middlesex under Section 51(58) of the Planning Act, R.S.O. 1990, on this ____ day of ____ 20__.

*Director of Planning and Development,
Middlesex County"*

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- 13) The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
- Georeferenced to the NAD83 UTM Zone 17N coordinate system.
 - All classes of features must be separated into different layers.
 - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.
- 14) The final plan approved by the County of Middlesex must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED _____ DAY OF _____, 20____, THIS DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT THIS _____ DAY OF _____, 20____.

DATE

SIGNATURE

LEGEND

- SUBJECT LANDS
- NATURAL HAZARD LIMIT (AECOM)
- NATURAL HAZARD BUFFER (AECOM)
- PROPOSED STREETLINE
- PROPOSED LOT LINE
- POTENTIAL MULTI-USE PATH



BLOCK 24
0.3m RESERVE

BLOCK 25
0.3m RESERVE

TOTAL PROPERTY
AREA = 20.84 Ha

BLOCK 17
MIXED USE
1.74 Ha

BLOCK 16
MIXED USE
1.84 Ha

BLOCK 22
SWM BLOCK
0.09 Ha

BLOCK 14
MEDIUM DENSITY RESIDENTIAL
0.94 Ha

BLOCK 13
MEDIUM DENSITY RESIDENTIAL
1.50 Ha

BLOCK 15
MEDIUM DENSITY RESIDENTIAL
0.29 Ha

BLOCK 8
LOW DENSITY RESIDENTIAL
0.48 Ha

BLOCK 26
ECO BUFFER
1.02 Ha

BLOCK 18
PARKLAND
0.76 Ha

BLOCK 1
LOW DENSITY RESIDENTIAL
0.62 Ha

BLOCK 10
LOW / MEDIUM DENSITY RESIDENTIAL
0.38 Ha

BLOCK 7
LOW DENSITY RESIDENTIAL
0.60 Ha

BLOCK 6
LOW DENSITY RESIDENTIAL
0.68 Ha

BLOCK 21
SWM BASIN
0.23 Ha

BLOCK 20
SWM BASIN
0.19 Ha

BLOCK 5
LOW DENSITY RESIDENTIAL
0.33 Ha

BLOCK 2
LOW DENSITY RESIDENTIAL
1.60 Ha

BLOCK 4
LOW DENSITY RESIDENTIAL
0.67 Ha

BLOCK 3
LOW DENSITY RESIDENTIAL
0.67 Ha

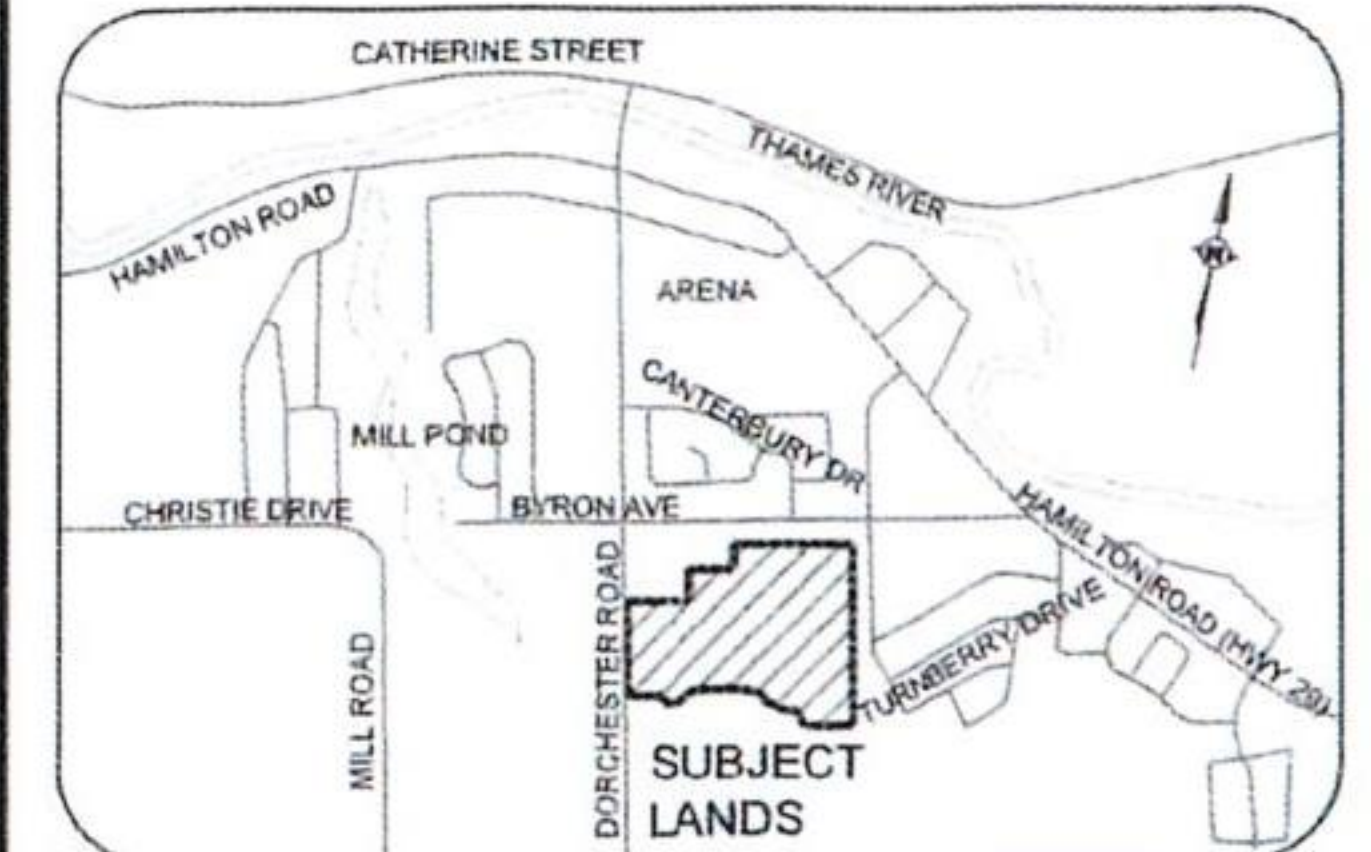
BLOCK 27
NATURAL ENVIRONMENT
0.39 Ha

BLOCK 19
PARKLAND
0.88 Ha

mbpc
Monteith + Brown
planning consultants
413 PRINCES AVENUE, LONDON, ONTARIO N6B 2B9
Tel: (519) 644-1335 E-mail: mbpc@mbpc.ca

**DRAFT PLAN OF
SUBDIVISION**

PART LOT 17 CONCESSION B, SOUTH OF
THAMES RIVER, 33R-16963 PART 1
NORTH DORCHESTER
MUNICIPALITY OF THAMES CENTRE



KEY PLAN

OWNER'S CERTIFICATE

I, Jay McGuffin of Monteith Brown Planning Consultants, am authorized to submit this Draft Plan of Subdivision on behalf of the owner, Sifton Properties Ltd.

J. McGuffin, M.C.P., R.P.P.
Monteith Brown Planning Consultants

May 6, 2021
Date

SURVEYOR'S CERTIFICATE

I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.

Jason Wilband, O.L.S.
ACM Plan, Survey, Engineer

May 5, 2021
Date

REQUIREMENTS UNDER SECTION 51 (1) OF THE PLANNING ACT, 1990

- a) as shown on plan
- b) as shown on plan
- c) as shown on key plan
- d) as shown on land use schedule
- e) as shown on plan
- f) as shown on plan
- g) as shown on plan
- h) municipal water
- i) sandy soil fill
- j) as shown on plan
- k) municipal sewers
- l) as shown on plan

LAND USE SCHEDULE

LAND USE	AREA in Ha	PERCENT
LOW DENSITY RESIDENTIAL BLOCKS 1 to 8	5.71	27.4
LOW / MEDIUM DENSITY RESIDENTIAL BLOCKS 9 to 12	2.06	9.9
MEDIUM DENSITY RESIDENTIAL BLOCKS 13 to 15	2.73	13.1
MIXED USE BLOCKS 16 & 17	3.58	17.2
OPEN SPACE - PARKLAND BLOCKS 18 & 19	0.82	3.9
OPEN SPACE - SWM DRAINAGE BLOCKS 20 to 22	0.52	2.5
ROAD WIDENING, RESERVES BLOCKS 23 to 25	0.14	0.7
STREETS A to E	3.87	18.6
OPEN SPACE - ECO BUFFER BLOCK 26	1.02	4.9
OPEN SPACE - NATURAL ENVIRONMENT BLOCK 27	0.39	1.9
TOTAL SITE AREA	20.84	100.00

No.	Revision	Date	Initial
1	ADD MEDIUM DENSITY - MUNICIPAL COMMENTS	05/21	BS

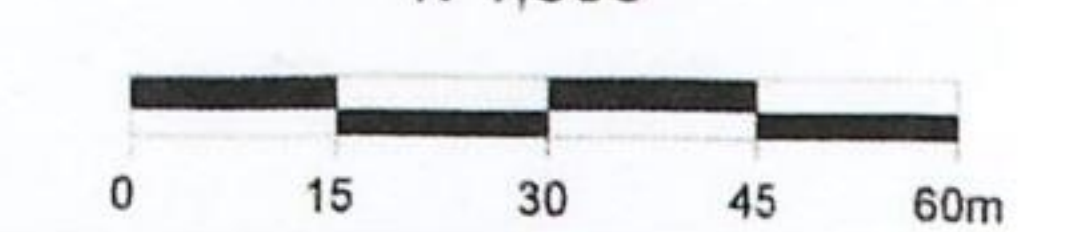
CLIENT

Sifton

Experience. The Difference.™

BAR SCALE

1: 1,000



ADDRESS
HAWTHORNE PARK SUBDIVISION
187 Dorchester Road
39T-TC1903

DRAWN BY: BS	CHECKED BY: JMC	PROJECT No.: 12-827
DESIGNED BY: BS	APPROVED BY:	DRAWING No.: 1
SCALE: on 24x36 1:1000	DATE: May 03, 2021	

Subject to the Conditions as set out in the Notice of Decision, dated March 24, 2023, this Draft Plan is approved pursuant to Section 51 of the Planning Act, RSO 1990.


Durk Vanderwerff
Director of Planning and Development