Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

ISSUE DATE: October 12, 2017 **CASE NO(S).:** MM130083

PROCEEDING COMMENCED UNDER subsection 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant:	Main Street Clock Inc.
Subject:	By-law 2013-51 - Heritage Conservation District Area
Municipality:	Town of Newmarket
OMB Case No.:	MM130083
OMB File No.:	MM130083
OMB Case Name:	Main Street Clock Inc. v. Newmarket (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Main Street Clock Inc.
Subject:	Application amend Zoning By-law No. 2010-40 - Refusal of Application by the Town of Newmarket
Existing Zoning:	Historic Downtown Urban Centre Zone (UC-D1)
Proposed Zoning:	Site specific (to be determined)
Purpose:	To permit a mixed use building
Property Address/Description:	178,180,184,190 and 194 Main Street
Municipality:	Town of Newmarket
Municipality File No.:	D14 NP 13-19
OMB Case No.:	MM130083
OMB File No.:	PL170048

Heard: August 11, 2017 in Newmarket, Ontario

APPEARANCES:

Parties	**Counsel/Representative***
Main Street Clock Inc.	I. Kagan and A. DeGasperis
Town of Newmarket	L. Longo and P. Voorn
Trinity United Church	B. Horosko
Heart of Newmarket Citizens' Group	G. Fox*

MEMORANDUM OF ORAL DECISION DELIVERED BY L. M. BRUCE ON AUGUST 11, 2017 AND ORDER OF THE BOARD

INTRODUCTION

[1] The Board held a second Pre-hearing Conference ("PHC") on August 11, 2017 to consider matters related to the Issues List, to address party/participant status and to set future hearing dates. The matters before the Board are two appeals concerning the lands known municipally as 178-194 Main Street. The first appeal is pursuant to the *Ontario Heritage Act* and the second appeal is pursuant to the *Planning Act*.

[2] The proposal is for a mixed-use development which would include 165 residential units and five commercial units. The property is located in a Heritage Conservation District as defined under s. 41 of the *Ontario Heritage Act*.

[3] At the initial PHC the Board granted party status to Trinity United Church. At this PHC Trinity United Church asked to withdraw as a party. Also at the initial hearing, the Architectural Conservancy of Ontario ("Conservancy") requested party status. The Board found it premature to make that decision. At the second PHC, the Conservancy indicated they no longer were seeking party status but would retain participant status.

[4] The Board stated that all participants are entitled to make a statement to the Board, to consider if there are opportunities to consolidate and have representatives make collective statements.

[5] The Board facilitated discussions on the draft Issues List. The parties agreed to continue to refine wording and to provide the Board with a revised Procedural Order and Issues List. This was completed and received by the Board on August 22, 2017 and is included herewith as Attachment 1.

[6] A third PHC to provide the Board with an update will be held by telephone conference call on **Thursday, February 8, 2018** at **9 a.m. Individuals are directed to call 416-212-8012 or toll free 1-866-633-0848 and at the prompt enter code 4779874#.**

[7] A 15-day hearing on the merits of the appeals will be heard beginning **Tuesday, August 7, 2018 at 10 a.m. at:**

Town of Newmarket
Municipal Offices, Council Chambers
395 Mulock Drive
Newmarket, Ontario

[8] There will be no further notice of this hearing. This Member is not seized but may be spoken to in advance of the hearing if required.

[9] This is the Order of the Board.

"L.M. Bruce"

L. M. BRUCE
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

MM130083
PL170048

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 41(4) of the *Ontario Heritage Act*, R.S.O. 1990, c. O, 18, as amended

Applicant and Appellant:	Main Street Clock Inc.
Subject:	By-law 2013-51 – Heritage Conservation District Area
Municipality:	Town of Newmarket
OMB Case No.:	MM130083
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OMB Case Name:	Main Street Clock Inc. v. Newmarket (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Main Street Clock Inc.
Subject:	Application to amend Zoning By-Law No. 2010-40 – Refusal of Application by the Town of Newmarket
Existing Zoning:	Historic Downtown Urban Centre Zone (UC-D1)
Purposed Zoning:	Site specific (To be determined)
Purpose:	To permit
Property Address/Description:	178-194 Main Street South
Municipality:	Town of Newmarket
Municipal File No.:	D14 NP 13-19
OMB Case No.:	MM130083
OMB File No.:	PL170048

PROCEDURAL ORDER

1. The Board may vary or add to these provisions (orally or in writing) at any time, either on request of a party or as it sees fit. The Board may alter this Order by an oral ruling or by written Order.

Organization of the Hearing

2. The hearing will begin on **Tuesday, August 7, 2018** and the length of the hearing is **fifteen (15) days.**

3. The parties and participants *(see the Attachment 1 for the meaning of these terms)* are listed in Attachment 2 to this Order. All parties and participants shall attend the first day of the hearing. All parties and participants (or their representatives) shall provide a mailing address, email address, and telephone number to the Board. Any such person who retains a representative (legal counselor agent) subsequent to the prehearing conference must advise the other parties and the Board of the representative's name, mailing address, email address and phone number. Only parties may call witnesses. Participants may testify on their own right but may not call professional witnesses, may not make opening statements or closing submissions and may not cross-examine other witnesses.

4. The Issues are set out on the Issues List attached as Attachment 3 to the Order. There will be no changes to this list unless the Board permits and a party who asks for changes may have costs awarded against it, except if the Issues List is modified through mediation or pursuant to a settlement between the parties.

Requirements Before the Hearing

5. The parties shall file their draft Issues List by no later than **Friday, July 7, 2017.** By that same date the parties shall also advise the number of expert witnesses they intend to call and the area of expertise of such expert witness. At the August 11, 2017 prehearing conference the final Issues List will be established.

6. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of the witnesses and the approximate order in which they will be called. This Witness List must be delivered to all of the parties on or before **Thursday, June 28, 2018.** For expert witnesses, a party is to include the area of expertise in which the witness is proposed to be qualified.

7. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, and any other reports or documents to be relied on at the hearing. Copies of this must be provided as required by section 10. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If this is not done, the Board may refuse to hear the expert's testimony. For the greater certainty, each expert witness statement must comply with the minimum content requirements specific in Rule 21 of the Board's *Rules of Practices and Procedures*. Regardless of whether the expert prepares a report or a witness statement, the expert shall include a signed Acknowledgement of Expert Duty.

8. A non-expert witness or participant must provide to the Board, and the parties a witness or participant statement on or before **Wednesday, July 18, 2018** or the witness or participant may not give oral evidence at the hearing.

9. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement but the party calling them must file a brief outline of the expert's evidence on or before **Wednesday, July 18, 2018.**

10. On or before **Wednesday, July 18, 2018**, the parties shall provide copies of their witness and expert witness statements to the other parties and to the Board.

11. Parties may provide to all other parties and the Board a written response to any written evidence on or before **Friday, July 27, 2018**.

12. The parties shall exchange their visual evidence by no later than **Thursday, August 2, 2018.** If a model is proposed to be used the Board must be notified before the hearing. All parties must have a reasonable opportunity to view it before the hearing.

13. A party or participant wishing to change written evidence, including witness statements, must make a written motion to the Board. *(See: Rules 34 and 35 requiring at least ten (10) days service before a motion is heard.)*

14. A party who provides a witness' written evidence to the other parties must have the witness attend the hearing to give oral evidence, unless the party notifies the Board at least seven (7) days before the witness testifies that the written evidence is not part of their record.

15. Documents may be delivered by personal delivery, e-mail, facsimile, courier or registered or certified mail or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules [26 – 31] on this subject. For documents delivered by e-mail, a hard copy shall also be delivered on request. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

16. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

17. The list of Parties and Participants is set out in Attachment 2.

18. The Issues List is set out in Attachment 3**.**

18. The Order of Evidence is as set out in Attachment 4.

19. A summary of the various filing dates is contained in Attachment 5.

20. Expert witnesses in the same field shall have a meeting before the hearing to try to resolve or reduce the issues for the hearing. The experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the parties and the municipal Clerk.

This member is not seized.
So orders the Board.

Attachment 1

Purpose of the Procedural Order and Meaning of Terms

The Board recommends that the parties ***meet to discuss this sample Order before the prehearing conference*** *to try to identify the issues and the process that they want the Board to order following the conference. The Board will hear the parties' comments about the contents of the Order at the conference.*

Prehearing conferences usually take place only where the hearing is expected to be long and complicated. If you are not represented by a lawyer, you should prepare by obtaining the Guide to the Ontario Municipal Board, and the Board's Rules, from the Board Information Office, 15th Floor, 655 Bay Street, Toronto, M5G 1E5, 416-326-6800, or from the Board website at www.omb.gov.on.ca.

Meaning of terms used in the Procedural Order:

Party *is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an* ***unincorporated group*** *wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.*

NOTE *that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.*

Participant *is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing these statements.* ***NOTE*** *that such persons will likely not receive notice of a mediation or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.*

Written and Visual Evidence: ***Written evidence*** *includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material.* ***Visual evidence*** *includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.*

Witness Statements: *A* ***witness statement*** *is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing. An* ***expert witness statement*** *should include his or her (1) name and address, (2) qualifications, (3) a list of the issues he or she will address, (4) the witness' opinions on those issues and the complete reasons for the opinions and (5) a list of reports that the witness will rely on at the hearing. A* ***participant statement*** *is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.*

Additional Information

Summons: *A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing. If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.*

The order of examination of witnesses: *is usually direct examination, cross-examination and re-examination in the following way:*

- direct examination by the party presenting the witness;
- direct examination by any party of similar interest, in the manner determined by the Board;
- cross-examination by parties of opposite interest;
- re-examination by the party presenting the witness; or
- another order of examination mutually agreed among the parties or directed by the Board.

Attachment 2

LIST OF PARTIES and PARTICIPANTS

PARTIES

1. **Main Street Clock Inc.**
   Mr. Ira T. Kagan and Ms. Alexandra DeGasperis
   KAGAN SHASTRI LLP
   188 Avenue Road
   Toronto, Ontario, M5R 2J1
   ikagan@ksllp.ca / adegasperis@ksllp.ca;
   Tel: 416-368-2100 ext. 226 (Kagan) ext.274 (DeGasperis)
   Fax: 416-324-4224 (Kagan) 416-324-4207

2. **Town of Newmarket**
   Mr. Leo Longo (Mr. Paul Voorn, Town Legal is co-counsel)
   AIRD & BERLIS LLP
   BCE Place, Suite 1800, Box 754, 181 Bay Street
   Toronto, Ontario, M5J 2T9
   llongo@airdberlis.com
   Tel: (416) 865-7778
   Fax: (416) 863-1515

3. **Heart of Newmarket Citizens Group**
   Mr. Gerald Fox
   131 Orsi Drive
   Newmarket, Ontario, L3Y 3H7
   info@heartofnewmarket.ca
   Tel: 905-853-0167

PARTICIPANTS

4. Mr. Athol Hart, 161 Prospect Street, Newmarket, Ontario, L3Y 3T7. eaglhart@rogers.com

5. The Newmarket Chamber of Commerce, Ms. Debra Scott, 470 Davis Drive, Newmarket, Ontario, L3Y 2P3, debra@newmarketchamber.ca

6. Mr. Siegfried Wall, 2303 Eglinton Avenue East, Suite 1000, Toronto, Ontario, M1K 2N6, wallrealestatelimited@rogers.com (owns 226-228-230 Main Street South, 465-469-471-475-477 Timothy Street, Newmarket)

7. Ms. Jackie Playter, 112 Arden Avenue, Newmarket, Ontario, L3Y 4H6, jackieplayter@hotmail.com (also owns 157 Main Street South)

8. Mr. Wayne Playter, 175 Prospect Street, Newmarket, Ontario, L3Y 3T7, kushogplayter@gmail.com

9. Mr. George Smith, 111 Main Street South, Newmarket, Ontario, L3Y 3Y8, George.smith@sslgroup.ca

10. Mr. Greg King, 115 Main Street South, Unit 6, Newmarket, Ontario, L3Y 8J2, kinggb@sypatico.ca

11. Ms. Elisabeth Hempen, 221 Market Square, Newmarket, Ontario, L3Y 4A7, lisabee27@hotmail.com

12. Ms. Pina Donia, P.O. Box 2210, Richmond Hill, Ontario, L4E 1A4, mppecile@bell.net, (2484121 Ontario Inc. owns 451 Botsford Street)

13. Ms. Jone Wright, 198 Main Street South, Newmarket, Ontario, L3Y 2Z2, jone.wright@sympatico.ca

14. Ms. Heather Burling, 435 Park Avenue, Newmarket, Ontario, L3Y 1V9, heatherburling@rogers.com

15. Ms. Anne Martin, 221 Main Street South, Newmarket, Ontario, L3Y 3Y9 alorrainem@yahoo.ca

16. Ms. Ann Campbell, 182 Church Street, Newmarket, Ontario, L3Y 4C2, Campbell_ann@rogers.com

17. Ms. Margaret Davis, 435 Park Avenue, Newmarket, Ontario, L3Y 1V9, marg.davis@icloud.com

18. Mr. Dave Kempton, 560 Poplar Lane, Newmarket, Ontario, L3Y 2A8, Kempton@pixsilver.com

19. Ms. Peggy Stevens, 560 Poplar Lane, Newmarket, Ontario, L3Y 2A8, peggysteves1@hotmail.com

20. Mr. Glenn Wilson, 255 Main Street South, Newmarket, Ontario, L3Y 3Z4, glenn@adline.ca

21. Ms. Carmina Pereira, 106 Cardinal Crescent, Newmarket, Ontario, L3Y 5Y6, cperein623@rogers.com (owns 246-248 & 252 Main Street South)

22. Ms. Olga Paiva, 255 Main Street South, Newmarket, Ontario, L3Y 3Z4, olga@adline.ca

23. Mr. Joe Sponga, 339 Millard Avenue, Newmarket, Ontario, L3Y 1Z5, spongajoe@gmail.com

24. The Architectural Conservancy of Ontario. Mr. Gordon Prentice, 217 Harrison Drive, Newmarket, Ontario, L3Y 6B8, mrgordonprentice@yahoo.ca,
Tel: 905-953-0140

25. Ms. Sandra Fuller, 127 Joseph Street, Newmarket, Ontario, L3Y 4H3, smfuller@neptune.on.ca

ATTACHMENT 3

CONSOLIDATED ISSUES LIST

MAIN STREET CLOCK INC. ISSUES

1. What amendments are warranted to Schedule "B" of By-law 2013-51 (being the Heritage Conservation District Plan) in order to permit the proposed development (being OMB appeal PL170048) and to achieve good heritage conservation planning?

TOWN OF NEWMARKET ISSUES

PROVINCIAL POLICIES

2. Does the proposed development have proper regard to matters of Provincial interest as set out in section 2 of the Planning Act?

3. Is the proposed development consistent with the Provincial Policy Statement, including sections 1.1,1, 1.1.2, 1.1.3.3, 1.1.3.4, 1.1.3.5, 1.2.1, 2.6.1, 2.6.3 and. 4.7?

4. Does the proposed development, as proposed to be revised, conform to section 4.2.7 of the Growth Plan for the Greater Golden Horseshoe, 2017?

5. Is the incremental development density advanced by the Development necessary for the Town to achieve the Urban Growth Centre density targets of the Growth Plan for the Greater Golden Horseshoe, 2017?

YORK REGION POLICIES

6. Does the proposed development conform with the York Region Official Plan including sections: 3.4 - Cultural Heritage, 3.5 - 4.4 – Planning for Retail, 5.3 -Intensification, 5.4 – Regional Centres and Corridors and 5.5 – Local Centres and Corridors?

7. Is the incremental development density advanced by the Development necessary for the Town to achieve the Town's intensification targets as set out in the York Region Official Plan?

TOWN OF NEWMARKET POLICIES

8. Does the proposed development conform with the Town of Newmarket Official Plan including sections: 1.3 - Goals; 4.0 - Urban Centres (in particular, section 4.3.3); 4.4 – Intensification; 11.1

– Cultural Heritage Resources; and 12.0 – Urban Design and Compatibility?

9. Is the incremental development density advanced by the proposed development necessary for the Town to achieve its intensification targets?

10. Does the proposed development conform with the Town of Newmarket Lower Main Street South Heritage Conservation District Plan and implementing By-law and Guidelines?

GENERAL ISSUES

11. Have the appropriate heritage attributes of the existing heritage buildings on and in proximity to the site, been appropriately identified and addressed in the heritage impact assessment advanced through the proposed development?

12. Does the proposed development provide an appropriate relationship to heritage buildings and other existing development in proximity to the site?

13. Is the proposed heritage conservation strategy advanced through the proposed development adequate and appropriate?

14. Is approval of the zoning by-law amendment premature without an approved Conservation Plan or, in the alternative, should the by-law be made subject to an "H" provision which requires same?

15. Does the proposed development represent an over development of the site given its context?

16. What is an appropriate maximum height for any redevelopment of the subject land considering its historical context and existing heritage policies?

17. At what height would a building step back be necessary and appropriate on the subject land considering its historical context and existing heritage policies?

18. What would be the necessary and appropriate minimum building step back depth considering the historical context and existing heritage policies?

19. Is the form and content of the proposed draft Zoning By-law Amendment adequate?

20. Is the proposed five-storey underground parking garage feasible and will it and site servicing areas function properly?

21. Is any approval of the proposed development premature pending a determination of legal ownership of portions of the subject land? ***[This issue is being held in abeyance for further consideration following the outcome of the Town's court proceeding respecting title to certain lands]***

22. Does the proposed development represent good planning and is it in the public interest?

HEART OF NEWMARKET CITIZENS GROUP ISSUES

Heritage Conservation District By-law

23. Does the Clergy principle apply in this case?

Issues re: Zoning By-law Amendment

PROVINCIAL STATUTORY AND POLICY REQUIREMENTS

24. Does the proposed development have regard for the matters of provincial interest set out in section 2 of the Planning Act, including subsections (d), (h), (h.1), (o), (p) and (r(ii))?

25. Would the approval of the proposed development have appropriate regard for the decisions of Town Council as required by section 2.1 of the Planning Act?

26. Is the proposed development consistent with the Provincial Policy Statement, 2014 pursuant to section 3(5) of the Planning Act, including policies 1.1.1(b), 1.1.1(c), 1.1.1(f), 1.1.3.4, 1.2.1(c), 1.5.1(a), 1.6.7.1, 1.6.7.5, 1.6.10.1, 2.6.1, 2.6.3, 3.0, 3.2.2 and 4.7?

27. Does the proposed development conform with and not conflict with the Growth Plan for the Greater Golden Horseshoe (2017), pursuant to section 3(5) of the Planning Act?

YORK REGION OFFICIAL PLAN

28. Does the proposed development conform with the York Region Official Plan, including policies 3.13, 3.4.3, 3.4.4, 3.4.7, 3.4.8, 3.4.11, 3.5.4, 3.5.6, 3.5.7, 5.2.8(a), 5.3.6, 5.4.2, 5.4.31, 5.5.1, 5.5.3, 7.2.5?

NEWMARKET OFFICIAL PLAN

29. Does the proposed development conform with the Town of Newmarket Official Plan, including 1.2 - Basis - Living well, 1.3.2, 4.0 - Urban Centres - Design, 4.0 - Urban Centres - Activity, 4.1(d), (e) and (g), 4.2 policy 2(e), 4.3.4 policies 1 and 5, 11.1(a), (b), and (d), 11.2 policies 2, 8 and 9, 11.2.3, 12.0, 12.1(b), 12.2.3, 12.4, 12.8, 15.2 policy 3(b), 15.7 policy 2, 16.1.1 policies 3(a), (b), (e), (f), (g) and (h)?

NEWMARKET LOWER MAIN STREET SOUTH HERITAGE CONSERVATION DISTRICT BY-LAW and the HERITAGE CONSERVATION DISTRICT PLAN for LOWER MAIN STREET SOUTH

30. Does the proposed development conform with the Town of Newmarket Lower Main Street South Heritage Conservation District By-law and the Heritage Conservation District Plan for Lower Main Street South, including 4.2.1.1 Recognition of Historic Buildings, 4.2.4.1 Design of New Buildings or Facade Replacements on Main Street South, 4.3.1 Protection of Views?

DEVELOPMENT SPECIFIC ISSUES

Heritage

31. Does the proposed development appropriately respect the scale, relationship, character and form of the existing heritage building at 178-180 Main Street South?

32. In light of O. Reg. 09/06, are the heritage attributes of the existing designated heritage building at 178-180 Main Street South as well as all of the properties under appeal in the Heritage Conservation District, being conserved by the proposed development?

Planning – Land Use and Urban Design

33. Is the approval of the proposed development premature in the absence of an amendment to the Official Plan permitting in excess of 80 residential units per hectare on the site?

34. Does the conceptual site plan put forward by the appellant contain sufficient information to permit the calculation of floor space index?

35. Has the floor space index put forward for the proposed development been calculated correctly?

36. Is the approval of the proposed development premature in the absence of an amendment to the Official Plan permitting a floor space index in excess of 1.0 on the site?

37. Does the conceptual site plan put forward contain sufficient information to permit the calculation of building height?

38. Has the number of storeys put forward for the proposed development been calculated correctly?

39. Does the proposed development represent overdevelopment of the site, with particular regard to the size of the site and the surrounding context?

40. Is the site organization and built form of the proposed development, including building siting and building height, floor space index, length, mass, scale and stepbacks, appropriate?

41. Does the proposed development provide an appropriate built form transition to the adjacent, lower scale neighbourhood.

42. Is lack of stepbacks on the south and west Market Square elevations of the proposed development appropriate?

Traffic, Access, Parking and Servicing

43. With respect only to the Market Square lands and not any of the external public roads, does the traffic assessment submitted for the proposed development provide adequate analysis and background information and are any of the following anticipated traffic impacts acceptable?
    a. Courier delivery
    b. Passenger pick-up and drop-off

c. Loading, garbage enclosures
d. The safety and operational aspects of waste disposal truck maneuvering movements; and
e. A functional and safe pedestrian environment.

44. Does the proposed development appropriately address residential parking requirements, including an adequate number of appropriate accessible parking spaces, resident parking spaces, visitor parking spaces, and internal and external bicycle parking spaces?

45. Does the proposed development appropriately address parking requirements, or the lack thereof, for the owners, employees and customers of the 5 retail/commercial units?

Good Planning and Public Interest

46. In light of the foregoing issues, does the proposed development represent good planning and is it in the public interest?

Draft Zoning By-law Amendment

47. In the event that the Board allows the appeal in whole or in part, is the form and content of the proposed draft Zoning By-law Amendment, insofar as it relates to building height, parking, units per hectare and floor space index, appropriate?

Note: the identification of an issued does not mean that all parties agree that such issue, or the manner in which the issue is expressed, is appropriate or relevant to the determination of the Board at the hearing. The extent to which these issues are appropriate or relevant to the determination of the Board at the hearing will be a matter of evidence and argument at the hearing.

ATTACHMENT 4

Order of Evidence

1. **Main Street Clock Inc.**
2. **Town of Newmarket**
3. **Heart of Newmarket Citizens Group**
4. **Participants**
5. **Main Street Clock Inc. (in Reply)**

ATTACHMENT 5

Summary of Filing Dates

EVENT	DATE
1st Prehearing Conference	Wednesday, May 3, 2017
2nd Prehearing Conference	Friday, August 11, 2017
Parties to exchange their Issues List, the number of expert witnesses they intend to call and the area of such expertise (is. Planning, heritage, transportation)	Friday, July 7, 2017
Parties to exchange their List of Witnesses	Thursday, June 28, 2018
Parties to exchange their Witness Statements Participants to provide their Participant Statements	Wednesday, July 18, 2018
Parties to exchange their Reply Witness Statements	Friday, July 27, 2018
Parties to exchange their visual evidence	Thursday, August 2, 2018
OMB hearing commences	Tuesday, August 7, 2018