



**ROTHESAY**  
PUBLIC HEARING AGENDA  
Rothesay High School  
Commencing at 7:00 p.m.  
**Tuesday, November 8, 2016**



**PUBLIC HEARING**

**7 HILLCREST DRIVE (PID 00257139 & 30048847)**

**1. CALL TO ORDER**

Instructions  
Public Hearing Policy (October 2014)  
Development Process summary (August 2016)

**2. PUBLIC HEARING**

**Documentation**

17 October 2016	1 <sup>st</sup> Section 68 advertisement
2 November 2016	2 <sup>nd</sup> Section 68 advertisement
8 November 2016	Recommendation from Planning Advisory Committee
7 November 2016	Staff Report 7 Hillcrest Drive
DRAFT	By-law 2-10-27
	Development Agreement

**Appearances:**

**Joe Bent, McKay Builders**  
**Peter Allaby, P. Eng.**  
**Barb Crawford, P. Eng.**  
**Andrew McKay, McKay Builders**

**Brian White, Director of Planning/Development Services**

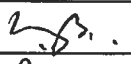

**Comments/Apearances:** Letters from residents (15) (*with map*)

**3. ADJOURNMENT**

# ROTHESAY

## Policy

Topic:	Public Hearings
Application:	Rothsay Council and Staff

Date Prepared	1/10/01
Date Adopted by Council	9/10/01
Date Amended	09/2009 10/2014
Mayor:	
ACTING Town Manager:	

## BACKGROUND

The Community Planning Act, R.S.N.B. (1973), Chapter C-12 and amendments thereto, provides the procedure to be followed for Public Presentations (Section 25) and Public Hearings (Section 68), copies of which are attached hereto and identified as Schedule "A".

There is no provision within the Community Planning Act, supra for a deadline to accept written objections before the Public Hearing. Section 68(1) indicates the second required advertisement shall be no less than four (4) days prior to the date of the Public Hearing. It has been the practice of the Clerk's office to indicate in the advertisement written objections will be received until 4:00 p.m. the Thursday preceding the Public Hearing. However, the Council agenda deadline is 12:00 p.m. the Wednesday preceding the meeting, which occasionally causes confusion on the submission deadlines.

During the process, Council acts in a quasi-judicial setting. There is ample opportunity throughout the process for the public to express their views. Once the Public Hearing has been held, Council makes its decision based on the information received up to the date of the Public Hearing. Any information received subsequent to the hearing should not be taken into consideration in the decision-making process. In a legal context, this would be the same as a judge receiving additional information once a trial is over but before making his decision.

## POLICY:

This policy will be followed for all Public Hearings scheduled by Council, unless otherwise stated in provincial legislation. Advertisements shall be placed in the newspaper in accordance with Section 68(1) of the Community Planning Act, supra and shall indicate written objections will be received until 12:00 p.m. on the Wednesday preceding the Public Hearing.

Documentation received by the Town Clerk after 12:00 p.m. on the Wednesday preceding the Public Hearing will be distributed to Council members at the Public Hearing, immediately prior to the "Call to Order" of the Hearing. It shall be left to the discretion of Council to receive and/or consider the subsequent documentation received. In accordance with the Community Planning Act, supra Section 68(4) any person wishing to speak may do so at the Public Hearing.

Following the close of the Public Hearing, no further documentation or comments from the public will be received for consideration by Council, unless so requested by Council. Council members should disregard any information (email/correspondence/telephone) not received through the Town Clerk's office. Individuals submitting information directly to Council members (email/letters/phone calls) should be advised to contact the Town Clerk or Town Manager.

In accordance with the laws of natural justice, those Council members who were not in attendance at the public hearing shall be precluded from voting on the subject matter of the hearing.

The Public Hearing policy adopted by Council on October 9, 2001 (amended September 14, 2009) is hereby amended.

**SCHEDULE A**  
**Public Hearing Policy**

Excerpts from the Community Planning Act, R.S.N.B. (1973), Chapter C-12 and amendments thereto:

**25(1)** Before complying with the requirements of section 68 with respect to a municipal plan, a council shall publish a notice in a newspaper circulated in the municipality at least ten, and no more than fourteen, days prior to the day mentioned in paragraph (b), stating

- (a) the intention of the council to adopt a municipal plan;
- (b) the day and place for a public presentation by the council of the proposed plan;
- (c) that objections to the proposed plan may be made to the council within thirty days of the day of the public presentation.

**25(2)** Where a notice is published under subsection (1), any person may submit to the council written objections to the proposed municipal plan within the period mentioned in that subsection.

**68(1)** With respect to a by-law under this Act other than a by-law mentioned in paragraph 67(1)(a), the council shall

- (a) by resolution, fix a day and place for the consideration of objections to the proposed by-law, and
- (b) subject to subsection (7),
  - (i) if a daily newspaper is circulated in the municipality, publish twice a notice in the form described in subsection (2) of its intention of considering the enacting of the by-law, the first of such notices to be published not less than twenty-one and not more than thirty days before the day fixed pursuant to paragraph (a), and the second not less than four days and not more than seven days before such day, or
  - (ii) if a weekly newspaper is circulated in the municipality, publish twice a notice in the form described in subsection (2) of its intention of considering the enacting of the by-law, the first of such notices to be published not less than twenty-one and not more than thirty days before the day fixed pursuant to paragraph (a), and the second not less than four days and not more than eleven days before such day.

**68(2)** A notice under paragraph (1)(b)

- (a) shall set forth a description of the area affected by the by-law, which shall where feasible, in the case of a zoning by-law or zoning provisions in a rural plan under subsection 27.2(1), refer to street names and civic numbers;
- (b) shall state a place where and the hours during which the by-law may be inspected by an interested person, and the time and place set by the council for the consideration of written objections to the by-law;
- (c) shall set forth the person to whom written objections may be sent; and
- (d) may, in the case of an amendment or repeal, state briefly the reasons for it or an explanation thereof.

**68(3)** Where a notice has been published under paragraph (1)(b) in respect of a proposed by-law, the council shall

- (a) make suitable provision for inspection of the by-law by the public at the time and place set out in the notice, and
- (b) before enacting the by-law, hear and consider written objections to it.

**68(4)** Any person who wishes to speak for or against written objections is entitled to be heard at the time and place fixed pursuant to subsection (1) for consideration of such objections.

**68(5)** Where, subsequent to the publishing of a notice under paragraph (1)(b), the council substantially amends the proposed by-law, the provisions of this section apply *mutatis mutandis* to the amendment.

**68(6)** The council is not required to vote on the by-law on the day fixed under subsection (1) for the consideration of objections to it, but the by-law shall not become valid unless, within six months after the day that the first notice was published under subsection (1), it is

- (a) enacted, and
- (b) except a zoning by-law, subdivision by-law, building by-law, deferred widening by-law, controlled access street by-law or amendment to the zoning provisions in a rural plan under subsection 27.2(1), submitted for the approval of the Minister.

**68(7)** Where it is proposed to amend a zoning by-law or a rural plan under subsection 27.2(1) for the re-zoning of an area of land, the council is not required to publish a second notice under paragraph (1)(b) if

- (a) the owners of land within the area and within one hundred metres thereof, other than a person applying for the re-zoning, are advised in writing of the proposed amendment, or
- (b) a notice of the proposed amendment is posted in a prominent place on the property proposed to be re-zoned.



# ROTHESAY

## MEMORANDUM



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TO	:	Mayor Grant and Rothesay Council
FROM	:	Town Clerk Banks
DATE	:	4 August 2016
RE	:	Zoning By-law amendment Process

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The following summary and attached flow chart is being provided to give a brief overview of the Zoning By-law Amendment Process:

**1. Planning Advisory Committee (PAC) reviews application and provides written views to Council**

- As per section 66 of the Community Planning Act, Council is required to request written views of the PAC on the proposed by-laws before enacting amendments
- Planning staff prepare a report of the proposed amendments, with recommendations for PAC's consideration
- PAC meets the 1st Monday of every month to consider planning applications.

**2. Council conducts a public hearing to consider objections to by-law amendment(s)**

- All rezoning applications are subject to a public hearing before Council
- The hearing is advertised between 21- 30 days and 4-6 days before the scheduled hearing date
- Owners of all properties located within 100 metres of the subject property are notified of the public hearing by regular mail
- The purpose of the hearing is to consider any written objections submitted by members of the public. Any person may submit an objection and/or speak at the hearing
- Applicants also have the opportunity to present a summary of their proposal, and to address any concerns raised by objectors at the public hearing
- The public hearing is the last opportunity for Council to receive input from the applicant and the public before making a final decision on the bylaw. Once the public hearing has concluded, Council is not permitted to receive or consider any further representations on the bylaw unless another public hearing is held or additional information is requested from Town staff

**3. Council's decision to enact, deny or defer the by-law amendment(s)**

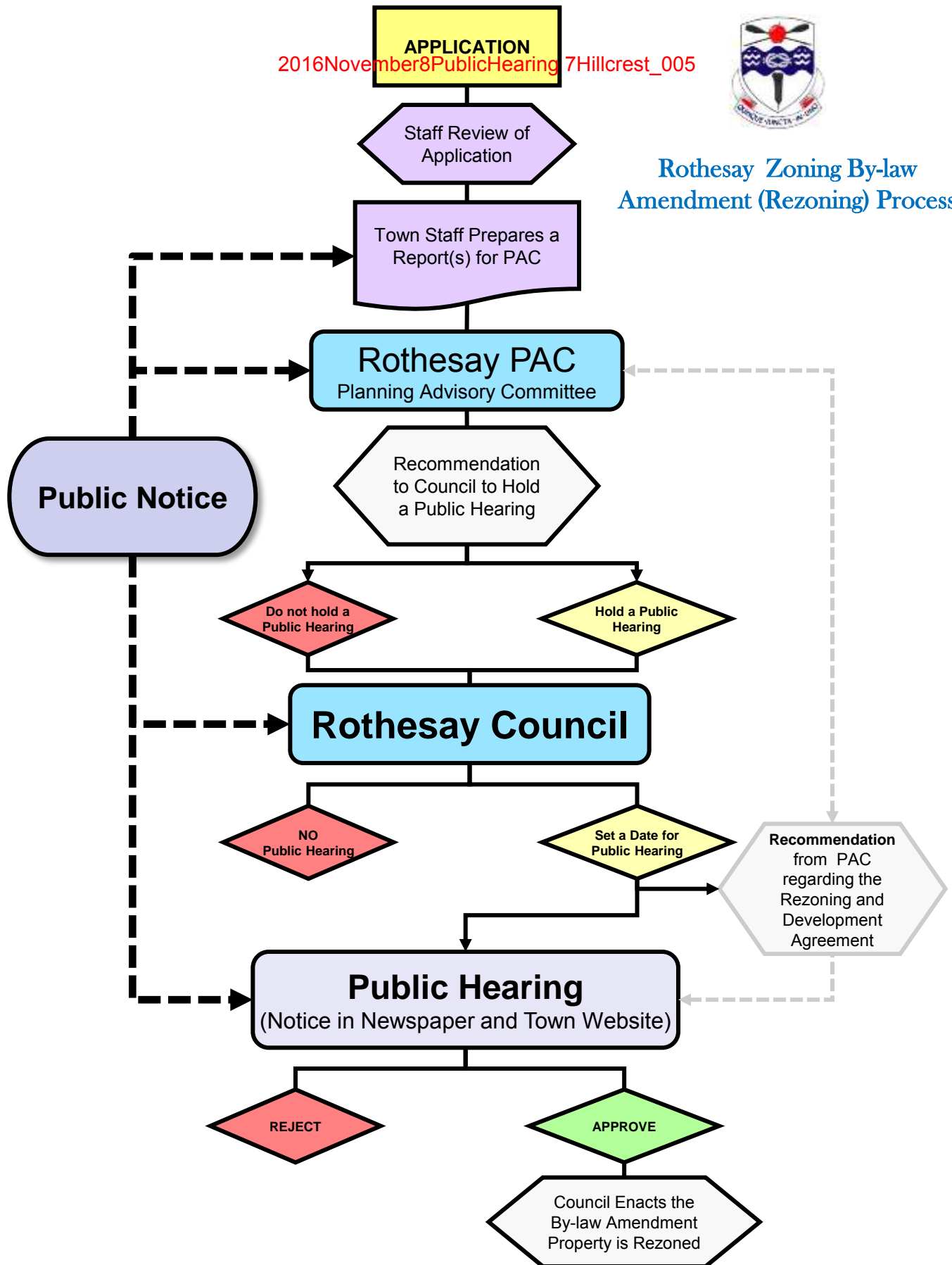
Council considers the input received at the hearing and decides to either:

- Allow the application to proceed by enacting by-law amendment(s); and development agreements (if applicable)
- Require that the by-law or development agreement be amended; or
- Deny the application

If Council decides to enact the by-law amendment, it is required to read the by-law, by title, three times over the course of two separate Council meetings, along with one reading in its entirety. First and Second reading by title may occur on the same night as the hearing; however, the third reading and enactment must be done at a separate Council meeting.



## Rothesay Zoning By-law Amendment (Rezoning) Process





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2016November8PublicHearing 7Hillcrest\_006

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Friday: Thursday 5 p.m. | Saturday: Friday 2 p.m.

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17 October 2016

## TENDER/GENERAL NOTICES



## ROTHESAY PUBLIC NOTICE

In accordance with Section 68 of the Community Planning Act, R.S.N.B. (1973) Chapter C-12, and amendments thereto, PUBLIC NOTICE is hereby given that the town of Rothesay intends to consider an amendment to By-law 2-10, "Rothesay Zoning By-law" for 7 Hillcrest Drive (PIDs 00257139 & 30048847), under authority of Sections 34 and 74 of the Community Planning Act, supra, following a **PUBLIC HEARING** to be held on **Tuesday, November 8, 2016**, commencing at 7:00 p.m., at **Rothesay High School**, 61 Hampton Road, Rothesay, New Brunswick.

The purpose of the amendment is to consider a plan for the rezoning of lands located at 7 Hillcrest Drive (PIDs 00257139 & 30048847) from Single Family Residential - Large Serviced Zone (R1a) to Multi-Unit Residential Zone (R4) to allow for the development of a 60 unit condominium development, subject to the execution of a Development Agreement in accordance with Section 39 and Section 101 of the Community Planning Act, supra.

The documentation can be reviewed at the Town Office, 70 Hampton Road, Rothesay, New Brunswick, between the hours of 8:15 a.m. and 4:15 p.m., Monday to Friday, exclusive of civic holidays and is available online at [www.rothesay.ca](http://www.rothesay.ca). Written objections to the proposed amendment will be received by the undersigned until **12:00 p.m. Thursday, November 3, 2016**. Any correspondence with employees, agents, or elected officials of the town of Rothesay may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act, S.N.B. 2009, c. R-10.6.

Any person wishing to speak may do so at the **PUBLIC HEARING on Tuesday, November 8, 2016**, commencing at 7:00 p.m. **PLEASE NOTE:** Individual comments will be limited to ten (10) minutes maximum.

Mary Jane E. Banks, BComm  
Town Clerk - Rothesay

## LEGAL NOTICES

## NOTICE OF LEGISLATION

"NOTICE IS HEREBY GIVEN that The New Brunswick Registered Barbers' Association, intends to apply to the current or the next session of the Legislative Assembly for the enactment of a private Bill entitled "An Act to Amend An Act to Incorporate the New Brunswick Registered Barbers' Association"



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2 November 2016

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In accordance with Section 68 of the Community Planning Act, R.S.N.B. (1973) Chapter C-12, and amendments thereto, PUBLIC NOTICE is hereby given that the town of Rothesay intends to consider an amendment to By-law 2-10, "Rothesay Zoning By-law" for 7 Hillcrest Drive (PIDs 00257139 & 30048847), under authority of Sections 34 and 74 of the Community Planning Act, supra, following a **PUBLIC HEARING** to be held on **Tuesday, November 8, 2016**, commencing at 7:00 p.m., at **Rothesay High School**, 61 Hampton Road, Rothesay, New Brunswick.

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The documentation can be reviewed at the Town Office, 70 Hampton Road, Rothesay, New Brunswick, between the hours of 8:15 a.m. and 4:15 p.m., Monday to Friday, exclusive of civic holidays and is available online at [www.rothesay.ca](http://www.rothesay.ca). Written objections to the proposed amendment will be received by the undersigned until **12:00 p.m. Thursday, November 3, 2016**. Any correspondence with employees, agents, or elected officials of the town of Rothesay may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act, S.N.B. 2009, c. R-10.6.

Any person wishing to speak may do so at the PUBLIC HEARING on **Tuesday, November 8, 2016**, commencing at 7:00 p.m. **PLEASE NOTE:** Individual comments will be limited to ten (10) minutes maximum.  
Mary Jane E. Banks, BComm  
Town Clerk - Rothesay

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### NOTICES

#### EVENTS IN YOUR COMMUNITY

Hampton Progressive Conservative Association, Notice of Annual meeting  
9am, November 5th Presbyterian Church  
1257 Route 820 Barnesville NB

#### LEGAL NOTICES

##### NOTICE OF MORTGAGE SALE

TO: THE ESTATE OF JAMES ROBERT GORDON, Mortgagor

AND TO: SEAN PATRICK CROSTON, Property Owner

AND TO: ALL OTHERS TO WHOM IT MAY CONCERN

NOTICE is given under the Power of Sale in a Mortgage registered in the York County Land Titles Office on December 20, 2010 as number 29625499 between the late James Robert Gordon of Durham Bridge, County of York, New Brunswick, Mortgagor, and The Toronto-Dominion Bank, Mortgagee.

AND

NOTICE is given under the default provisions contained in a certain Personal Banking Security Statement between the late James Robert Gordon and the Toronto-Dominion Bank, registered on December 21, 2010 as number 19607423 in the New Brunswick Personal Property Registry System.

The property known as 417 Lower Durham Road, Durham Bridge, County of York, and Province of New Brunswick and known as Parcel Identifier Number (PID) 75362459 and the 1986 Grandeur Mini Home home having serial number 8176R525 situate and located on said property is to be sold, at public auction, at the Fredericton Court House, 427 Queen Street, Fredericton, New Brunswick, on December 1, 2016 at 11:00 a.m.

If a sufficient offer of purchase is not received, the property will be withdrawn and will be sold by private contract.

DATED this 20th day of October, 2016.

##### TORONTO-DOMINION BANK

By: LAWSON CREAMER

Per: VERONICA L. FORD

Solicitors for THE TORONTO-DOMINION BANK (TD Canada Trust)

#### NOTICE OF MORTGAGE SALE

TO: ARTHUR EDWARD GREEN  
and CAROL JEAN GREEN,  
Mortgagors

AND TO: ALL OTHERS TO  
WHOM IT MAY CONCERN

NOTICE is given under the Power of Sale in a Mortgage registered in the Saint John County Land Titles Office on November 18, 2011 as Number 30857248 between Arthur Edward Green and Carol Jean Green of Saint John, County of Saint John, New Brunswick, Mortgagors, and TD Financing Services Home Inc., Mortgagee.

The property known as 423 Prince Street, Saint John, County of Saint John, New Brunswick, and known as Parcel Identifier Number (PID) 394098 is to be sold at public auction at the Saint John Court House, 10 Peel Plaza, Saint John, New Brunswick on Wednesday, November 30, 2016 at 11:00a.m.

If a sufficient offer of purchase is not received, the property will be withdrawn and will be sold by private contract.

DATED this 25th day of October, 2016.

##### TD FINANCING SERVICES HOME INC.

By: LAWSON CREAMER

Per: VERONICA L. FORD

Solicitors for: TD FINANCING  
SERVICES HOME INC.

##### NOTICE OF MORTGAGE SALE

TO: Shane Sherwood Harvey  
Dawn Darlene Harvey  
14 Broad Street  
Grand Bay-Westfield, NB E5K 2K1

AND ALL OTHERS TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that under and by virtue of a certain mortgage dated June 14, 2012 and registered in the Land Titles Office on June 20, 2012 as Number 31610299 made between Dawn Darlene Harvey and Shane Sherwood Harvey, as mortgagors, and Computershare Trust Company of Canada, as mortgagee, which mortgage was subsequently assigned to Bridgewater Bank by an assignment of mortgage dated October 11, 2016 and registered in the Land Titles Office on October 18, 2016 as Number 36430180, and under and by virtue of the Property Act, RSNB 1973, c P-19, as amended, there will be sold at public auction, for the purposes of recovering the monies secured by the said mortgage, default having been made in the payment thereof, at the Saint John Courthouse, 10 Peel Plaza, Saint John, New Brunswick on Monday, November 28, 2016 at the hour of 2:30 p.m., local time:

The lands and premises situate at 14 Broad Street, Town of Grand Bay-Westfield, in the County of Kings and Province of New Brunswick, and being identified as PID 30147151.

TOGETHER with all the buildings and improvements thereon and the privileges and appurtenances thereto belong or in any way appertaining.

FURTHER NOTICE is hereby given that if a sufficient offer of purchase is not received at the said public auction, the offer for sale will be withdrawn and the land and premises will be sold privately without further notice.

DATED at Fredericton, New Brunswick, this 24th day of October, 2016.

Per: Romain Viel  
McInnes Cooper  
Solicitors for Bridgewater Bank  
Telephone: (506) 453-0920  
Facsimile: (506) 458-9903





# ROTHESAY

## MEMORANDUM



---

TO	:	Mayor and Council
FROM	:	Town Clerk Mary Jane Banks
DATE	:	8 November 2016
RE	:	By-law 2-10-27 (Rezoning) 7 Hillcrest Drive

---

Please be advised the Planning Advisory Committee passed the following motions at its regular meeting on Monday, November 7, 2016:

**MOVED** by C. Pinhey and seconded by C. Boyne the Planning Advisory Committee recommend Council:

- A. Enact By-law 2-10-27 to rezone lands located at 7 Hillcrest Drive (PIDs 00257139 & 30048847) from Single Family Residential Large Serviced R1A zone to Multi-Unit Residential (R4) subject to a development agreement.

**NAY votes recorded from: L. Gale and E. Gillis.**

**CARRIED.**

**MOVED** by C. Pinhey and seconded by C. Boyne the Planning Advisory Committee recommend Council:

- B. Enter into a Development Agreement with A.E. McKay Builders Ltd. to develop a 60 unit residential condominium complex at 7 Hillcrest Drive (PIDs 00257139 & 30048847).

**NAY votes recorded from: L. Gale and E. Gillis.**

**CARRIED.**





**To:** Chair and Members of Rothesay Planning Advisory Committee

**From:** Brian L. White, MCIP, RPP  
Director of Planning & Development Services

**Date:** Thursday, October 27, 2016

**Subject:** Rezoning Application - 7 Hillcrest Drive (R1A to R4)

<b>Applicant:</b>	Andrew McKay	<b>Property Owner:</b>	David E. Long, & Sharon A. Long
<b>Mailing Address:</b>	A.E. McKay Builders Ltd. 380 Model Farm RD Quispamsis, NB E2G 1L8	<b>Mailing Address:</b>	7 Hillcrest Drive Rothesay, NB E2E 5P6
<b>Property Location:</b>	7 Hillcrest Drive	<b>PID:</b>	00257139 & 30048847
<b>Plan Designation:</b>	Low Density	<b>Zone:</b>	Single Family Residential – Standard (R1B)
<b>Application For:</b>	Rezoning R1A to R4 Subject to a Development Agreement		
<b>Input from Other Sources:</b>	Director of Operations, Kennebecasis Valley Fire Department		

**Origin:**

On June 15, 2016 A.E. McKay Builders Ltd. did submit an application under a purchase and sale agreement with David and Sharon Long to develop the land at 7 Hillcrest Drive ( PIDs 00257139 & 30048847) as a multi-unit mixed density residential community. McKay Builders' proposal would develop the land as a 60 unit residential condominium complex situated on a 3.85 acre corner lot at the intersection of Hampton Road and Hillcrest Drive. The proposed development consists of two 24-unit three story condo buildings and two 3-unit buildings and three two-unit buildings for total of 12 garden homes.



Figure 1 - Proposed development at 7 Hillcrest Drive

### Background:

On Wednesday, September 14th, 2016 Rothesay Council did hold a public hearing to consider the application to rezone the subject property. Approximately 130 members of the public attended the hearing with residents speaking against the proposal and residents speaking in favour of the proposal. In response to the concerns expressed received from the public the applicant did revise the proposal (see Figure 1). On October 11, 2016 Rothesay Council did schedule a public hearing for November 8th, 2016 to review the revised application from McKay Builders. Council also referred the revised application back to the Planning Advisory Committee to confirm its recommendation and to ensure that all interested parties are heard.

Notwithstanding the revisions the application to develop at 7 Hillcrest Drive (PIDs 00257139 & 30048847) is as follows:

- A. Two 24-unit three story condo buildings with 48 underground parking and 48 surface parking spaces;
- B. 12 garden homes (two 3-unit and three 2-unit garden homes);

### ANALYSIS

The subject land entails two large parcels 11,525.01 square meters and 4,045.99 square meters which would be consolidated into a single land parcel totaling 15,571m<sup>2</sup> (3.85 acres). The property is currently occupied by a single family home located at the far end of property nearest the neighbouring 9 Hillcrest Drive. The land is zoned Single Family Residential – Large Serviced R1A which permits residential dwellings on 2,000 square meter (½ acre) lots. The land is designated Low Density residential and the development proposal would not be permitted under the zoning by-law without Council's approval.

### Municipal Plan Policy:

PAC would be familiar with the concept that the Rothesay Municipal Plan is the guiding document that informs citizens and Staff about Rothesay's objectives regarding the following issues:

- general land use planning policies;
- how growth is coordinated to meet Rothesay's needs;
- helping property owners understand how their land may be used now and in the future;
- helping to decide where roads, water, sewer, parks and other services will be built;
- providing a legal framework for our zoning by-law and regulations such as the size of lots and the height of buildings;
- providing guidance to Council to evaluate new development; and
- demonstrating Council's awareness of the future growth and stability of Rothesay.

Rothesay's Municipal Plan contains both general statements and specific policy on many topics and issues. Regarding how residential growth is coordinated the municipal plan offers the following:

*Current residential development in Rothesay is generally low density with a few areas of moderate density residential uses, which include smaller apartments, garden homes and townhouses. This Plan acknowledges the existing moderate density development and makes provision within the Plan and the Zoning By-law for future moderate density housing in specific areas in the Town. As well, consideration will be given to higher density development in areas where it is appropriate and compatible with the overall development concept. Single-family, detached housing, while still making up most of the demand, will be accompanied by an increasing demand for other types of housing. This is due to changes in family characteristics, income levels, an ageing of the population and rising land and development costs.*

*It is also recognized that current development patterns are inefficient in the use of land and contribute to a pattern of urban sprawl in the Greater Saint John Region. A more sustainable development pattern will be achieved if new development uses land more efficiently by reducing lot sizes and clustering housing units where such housing can be developed without impinging excessively on existing neighbourhoods. This form of development is becoming increasingly popular in areas where citizens no longer desire the burden of large property and large house maintenance.*

*Council considers residential development other than single-family, detached housing as part of the natural growth and evolution of the Town. Alternative types, styles and tenure of housing where such housing can be developed in a manner complementary to existing development, be of superior quality and be consistent with the objectives of this Plan will be welcomed to meet the sustainable community principles. This will allow Rothesay*



*to remain a preferred residential community offering a variety of high quality housing options that suit the needs of the existing population as well as offering attractive choices for future residents.<sup>1</sup>*

The previous passage (above) extracted from the Municipal Plan offers some general direction for the public and staff. Notwithstanding that the meaning of the text should be interpreted carefully Staff consider the passage that states, “Council considers residential development other than single-family, detached housing as part of the natural growth and evolution of the Town” to be very informative and central to this application.

During the process of reviewing this application the term “spot rezoning” has been used by the public in a pejorative manner to categorize the project. Staff believe that the uncomplimentary characterization of the applicant’s proposal is unwarranted as the change in the zoning is not spot rezoning if it is consistent with and furthers the goals of the Rothesay Municipal Plan. Furthermore, PAC should consider that the process of rezoning subject to development agreement offers Rothesay Council far more control than would be available if the property was previous zoned for higher density uses, in this manner the rezoning process safeguards the public interest.

In examination of whether or not this proposal is “consistent with and furthers the goals of the Rothesay Municipal Plan” Staff have reviewed specific Policy (part 5.2.3 (h)) which allows for the consideration of residential development proposals through a rezoning and development agreement process, that policy is as follows:

Municipal Plan Policy 5.2.3 (h)	Staff Comment
<i>(h) In any residential designation in this Plan, Council, through a specific agreement under section 39 of the Community Planning Act, will consider approving innovative development that does not meet the standards set out in the Zoning By-law where such development can be shown to meet the general intent of this Plan and the following special criteria as evaluated by Council:</i>	The subject property is designated residential and the proposal could be considered innovative as an architecturally well-designed pedestrian friendly condominium development in Rothesay with high quality residential amenities such as underground parking, pool, and landscaping.
<i>i. provides a housing option(s) not otherwise available in the community</i>	Condominium development of this scale and style is not commonly provided or found in Rothesay.
<i>ii. augments the quality of adjacent neighbourhoods</i>	The proposed assessment value of the garden homes at \$300k ± and condo apartment units at \$200k ± will be on par or higher than the average assessments in the area. Staff believe the overall architectural design appears to be high quality and compatible with homes nearest to the development and similar in scale to major nearby institutional buildings such as Town Hall, Churches and schools.
<i>iii. provides high quality housing compatible with housing in adjacent areas</i>	The project is well designed with good quality materials and architectural treatments that reflect an uncomplicated New England Colonial-style of architecture. Most Colonial style construction will consist of square or rectangular footprints, symmetrical massing, and side-gabled or hipped roofs. The main condo buildings’ have a classic Colonial central front door with exterior wood shingle siding and simple wide white trim boards to distinguish building edges, windows and doors. The Colonial style also features a medium pitched roof with an added cupola feature.
<i>iv. is fully serviced with municipal sewer and water</i>	The proposal will be fully serviced and the developer would be responsible for any necessary offsite upgrades required to service the project. Including an extension and upgrade of the water

<sup>1</sup> Rothesay Municipal Plan By-law 1-10, Part 5.1. General Residential Development Context (Page 12)

	main and a new fire hydrant as requested by the Fire Department.
<i>v. does not create excessive traffic in adjacent neighbourhoods</i>	The Institute of Transportation Engineers' (ITE) Trip Generation data is the most utilized tool among transportation professionals for estimating trips generated by new development. ITE indicates that trip generation rates are lower for multi-units and condos than single family homes for a number of reasons - lower occupancy, fewer cars per household and different demographic. The submitted traffic impact statement indicates low impacts and no operational issues.
<i>vi. offset increased densities through extraordinary landscaping and/or innovative design techniques.</i>	The proposal renderings show mature vegetation surrounding the property and Staff are encouraged by the renderings. The central feature of the design is a well-developed landscape plan along Hampton Road that provides visual interest to both pedestrians and residents. A landscape plan will be attached to the development agreement.

**Location:**

Close to schools, parks, businesses and services the proposed location is on the edge of the low density neighbourhood being the closest large property to the Town's main arterial road. The proposed project is also an appropriate location for higher density residential infill being a corner lot with pedestrian orientation and landscaping to Rothesay's "main street" (Hampton Road).

**Traffic Impact:**

The traffic impact statement from Crandall Engineering Ltd. for the original proposal of 65-unit condominium development stated that the project was *"not expected to cause operational issues to the existing street network. Traffic impacts to Hillcrest Drive will be low given the close proximity of the development to the Hampton Road/Hillcrest Drive intersection. Very little development traffic would be expected to travel east on Hillcrest Drive. No upgrades will be required at the Hampton Road/Hillcrest Drive intersection."*

Notwithstanding that Crandall Engineering has already stated that the original 65 unit development would have negligible effect on traffic Staff are of the opinion that a reduction in the total number of residential units would accordingly further reduce the overall "negligible" impact.

Staff have also reviewed the professional practice regarding trip generation studies and single-family owners use their cars more often than apartment residents use theirs. In general cars in single-family houses make more trips during the week, more trips on Saturday, and more trips on Sunday than cars owned by apartment residents. In explaining why single-family houses produce the more traffic, the Institute of Transportation Engineers notes that single family homes are the largest forms of residential dwellings generally with the most residents per dwelling, but also have more vehicles per unit than other residential unit types and they are generally located farther away from commercial areas, employment areas and other trip attractors than other residential land uses.

**Storm Water:**

The applicant's consulting engineers have not revised the storm water plan however the revised proposal offers more physical space to accommodate larger structures and facilities to manage storm water. Notwithstanding Council's discretion on the rezoning application should Council give 1<sup>st</sup> and 2<sup>nd</sup> reading the applicant would revise the storm water plan for attachment to the development agreement prior to any final approvals.

**Public Safety:**

The applicant agrees to the installation of a new hydrant on Hillcrest Drive near the parking entrance would permit the fire department to service the entire development more effectively.

**Lot Size:**



The R1A zone allows for R4 zone allows development of apartments and attached housing at the highest density permitted by the Rothesay Municipal Plan, which is 20 units per acre. The proposed site location includes two large properties 11,525.01 square meters and 4,045.99 square meters totaling 15,571m<sup>2</sup> (3.85 acres). Therefore, the maximum allowable density for the property would be 77 units (calculated as 3.85 acres x 20 units/acre). The applicant's proposal for 60 units would be 22% under the maximum allowable density in the R4 zone.

**Setbacks:**

The revised proposal increases the front yard setback from the minimum of 7.5 meters to 20 meters measured at the closest point to Hampton Road and up to 28 meters at the furthest point the revised project meets or exceeds all the applicable minimum yard setback standards for the front, rear and major side yard as well as the separation setbacks between garden homes.

**Parking:**

The proposed development exceeds the R4 zone requirement for 62 parking spaces to accommodate the apartment buildings. The revised concept plan shows 48 surface parking spaces and 48 underground spaces for a total of 96 parking spaces. The garden homes all have attached garages and driveways. Staff note that the proposed underground basement parking garage has multiple benefits and is the optimum higher-density parking solution in terms of meeting multiple objectives, such as:

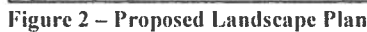
- A. **Parking:** accommodates more parking than otherwise possible on a higher density sites;
- B. **Outdoor Space:** More site area to serve as an outdoor space amenity for residents, instead of being devoted to driveways and parking;
- C. **Environmental:** Reduced site area devoted to paved areas, while increasing opportunities for landscaping.
- D. **Minimal Disruptions to Sidewalk:** Hampton Road is the main pedestrian corridor for Rothesay. The safety of sidewalks is diminished when there are frequent interruptions by driveways, which bring more potential for vehicle-pedestrian conflicts. The development proposal minimizes disruptions to the Hampton Road sidewalks by providing a single point of access to parking from Hillcrest Drive, instead of separate front driveways for each unit off Hampton Road.
- E. **Resident Safety:** Underground parking provides residents with convenient all weather access to their vehicles within a monitored secured building.

**Scale and Density**

Notwithstanding the increased setback Staff are encouraged that the main 24 unit condo buildings will still have a front door orientation to Hampton Road which will provide easy access for residents of the buildings. The increased setbacks and proposed landscaping will have a positive effect on the overall appearance reflecting the desire for a less visible development.

**Landscaping**

The double row of trees and landscaped berm along Hampton Road will reinforce the green well-manicured character of Rothesay. The additional street trees and berm also help buffer residents from street noise and visual impacts while reducing the perceived mass and volume of the buildings.



A development agreement is a voluntary contract between Rothesay and the applicant / property owner that details the obligations of both parties and specifying the standards and conditions that will govern development of the property. Although the agreements are made voluntary, once made they registered as an encumbrance on the land title and become binding on the parties and their successors.

## Summary

Staff have heard extensively from the public on this application many of whom believe that low density housing is the best option for Rothesay. Staff recognize that the general impression of Rothesay is that of a peaceful town where low density neighbourhoods are quiet and private, and have very little traffic. Unfortunately, the space for low density residential neighbourhoods is not limitless, and the societal cost of low density communities is more roads, more cars and less land for future generations. Moreover, we are being constantly reminded of the impacts of climate change. If we are serious about reducing our collective effect on the environment then we need to exhibit some temperance for our desire to build more traditional low density housing where we have to use our cars to get everywhere.

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services is an effective manner of reducing urban sprawl and it's good for the environment. Areas of higher density housing also have lower infrastructure costs primarily because the roads, electricity, sewer, water, are already there.

*"It is also recognized that current development patterns are inefficient in the use of land and contribute to a pattern of urban sprawl in the Greater Saint John Region.<sup>2</sup>"*

On the other hand, Staff are not unaware of the drawbacks of higher density residential as it does lack the privacy and perhaps some of overall sense of character or place that most people associate with Rothesay. Nevertheless, Staff continue to recommend that PAC support the application as wide building setbacks from Hampton Road and additional landscaping effectively addresses the municipal plan policy to "offset increased densities through extraordinary landscaping and/or innovative design techniques." The applicant's current proposal is in Staff's opinion a practical accommodation of previous public input and a design that reduces the overall scale and intensity of the project.

Staff are aware that allowing more residential density into any established neighbourhood should not disenfranchise current residents who have the biggest stake in the application. It is this dilemma that the Planning Advisory Committee must examine through the details of the project design and the real versus perceived impacts on neighbours. In closing Staff recommend support for this project because it would be in accordance with Rothesay's Municipal Plan and in Staff's professional opinion in the public interest for the natural growth and evolution of the Town.

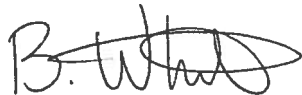
### **Recommendation:**

Staff recommend THAT the Planning Advisory Committee:

- A. Recommend that Council enact BY-LAW 2-10-27 to rezone lands located at 7 Hillcrest Drive ( PIDs 00257139 & 30048847) from Single Family Residential Large Serviced R1A zone to Multi-Unit Residential (R4) subject to a development agreement.
- B. Recommend that Council enter into a Development Agreement as amended with A.E. McKay Builders Ltd. to develop a 60 unit residential condominium complex at 7 Hillcrest Drive ( PIDs 00257139 & 30048847).

### **Attachments:**

Map 1                      Site Plan of Proposed Development  
Attachment A        Draft BY-LAW 2-10-27  
Attachment B        Proposed Development Agreement with McKay Builders



Report Prepared by: Brian L. White, MCIP, RPP  
Date:    Thursday, October 27, 2016

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<sup>2</sup> Rothesay Municipal Plan By-law 1-10, Part 5.1. General Residential Development Context (Page 12)



<p>360 McKay Builders</p> <p>360 McKay Builders</p> <p>360 McKay Builders</p>	<p><b>CONCEPTUAL SITE PLAN</b></p> <p>CONSTRUCTION</p> <p>10/1/2016</p>	<p><b>CENTRAL PARK</b></p> <p>CONDOMINIUM DEVELOPMENT - Rothesay, N.B.</p>	<p>Project No. 1016-004</p> <p>Date: AUGUST 2016</p> <p>Scale: 1:500</p>	<p><b>L-1</b></p> <p>OF 1</p>
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**BY-LAW 2-10-27  
A BY-LAW TO AMEND THE ZONING BY-LAW  
(No.2-10 Rothesay)**

The Council of the town of Rothesay, under authority vested in it by Sections 34 and 74 of the Community Planning Act, R.S.N.B. (1973) Chapter C-12, and amendments thereto, hereby amends By-Law 2-10 "Rothesay Zoning By-law" and enacts as follows:

That Schedule A, entitled "Zoning" as attached to By-Law 2-10 "ROTHESAY ZONING BY-LAW" is hereby amended, as identified on the attached sketch, identified as Attachment "2-10-27".

The purpose of the amendment is to rezone lands located at 7 Hillcrest Drive (PIDs 00257139 & 30048847) from Single Family Residential – Large Serviced R1A to Multi-Unit Residential (R4) to allow for the development of 60 residential condominium units subject to the execution of a Development Agreement in accordance with Section 39 and Section 101 of the Community Planning Act, supra.

FIRST READING BY TITLE :  
SECOND READING BY TITLE :  
READ IN ENTIRETY :  
THIRD READING BY TITLE  
AND ENACTED :

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MAYOR

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CLERK



**Attachment - Bylaw 2-10-27**  
Subject Property - PIDs: 00257139 & 30048847

Date: 22/08/2016





## Rothsay

### DEVELOPMENT AGREEMENT

*Land Titles Act, S.N.B. 1981, c.L-1.1, s.24*

Parcel Identifiers  
of Parcels Burdened  
by Agreement:

00257139 and 30048847  
(Lots To Be Consolidated & Converted to Land  
Titles)

Owner of Land Parcels:

**A.E. McKay Builders Ltd.**  
380 Model Farm Road  
Quispamsis, N.B.  
E2G 1L8 (Hereinafter called the "Developer")

Agreement with:

**Rothsay**  
70 Hampton Road  
Rothsay, N.B.  
E2E 5L5 (Hereinafter called the "Town")

a body corporate under and by virtue of the  
Municipalities Act, RSNB 1973, Chapter M-22,  
located in the County of Kings and Province of New  
Brunswick

**WHEREAS** the Developer is the registered owner of certain lands located  
at 7 Hillcrest Drive (PIDs 00257139 and 30048847) and which said lands are  
more particularly described in Schedule A hereto (hereinafter called the "Lands");

**AND WHEREAS** the Developer is now desirous of entering into a  
development agreement to allow for the development of two 24-unit condo  
buildings with underground parking, two 3-unit and three 2-unit garden home  
buildings on the Lands as described in Schedule A.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that for and in the  
consideration of the mutual covenants and agreements herein expressed and  
contained, the parties hereto covenant and agree as follows:

1. The Developer agrees that the number of residential units situated on the  
Lands indicated on Schedule A shall not exceed sixty (60) residential  
condominium units.

#### Schedules

2. The Developer agrees to develop the Lands in a manner, which, in the  
opinion of the Development Officer, is generally in conformance with the  
following Schedules attached to this Agreement:
  - a. Schedule A Legal Description of Parcels
  - b. Schedule B Proposed Site Plan and Location of Buildings
  - c. Schedule C Building Elevations
  - d. Schedule D Landscape Plan
  - e. Schedule E Storm Water Management Plan (Pending Revision)

#### Site Development

3. The Developer agrees, that except as otherwise provided for herein the  
use of the Lands shall comply with the requirements of the Rothsay  
Zoning By-law and Subdivision By-law, as may be amended from time to  
time.
4. The Developer agrees to develop the Lands in a manner, which, in the  
opinion of the Development Officer, is generally in conformance with

## Schedule B.

5. The Town and Developer agree that the Development Officer may, at their discretion, consider a reduction in the total number of Residential units and the resulting applicable and necessary changes to Schedule B through Schedule E as non-substantive and generally in conformance with this Agreement.
6. The Developer agrees to not commence clearing of trees, removal of topsoil or excavation activities in association with the construction of the development until the Town has provided final approval of the development permit as issued by the Development Officer.
7. The Developer agrees that driveways for each developed garden home shall conform as follows:
  - a) All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
  - b) Every developed garden home shall have one (1) permanent driveway lighting fixture that shall as follows:
    - i. provide illumination of the primary driveway entrance to the private street right of way;
    - ii. be supplied from the property's electrical system;
    - iii. automatically switch on there is insufficient daylight;
    - iv. be located not closer than 1.5 meters to the paved driveway edge and not closer than 2 meters to the private street right of way boundary; and
    - v. be installed by the Developer and maintained by the successive home owner(s) their successors and assigns, in a manner to ensure continuous operation during night time hours.
8. The Town reserves the right to assign private street names, notwithstanding that the names may not correspond with those shown on Schedule B.
9. The Developer agrees that it will not commence construction of any dwelling and no building permit will be issued by the Town for any such dwelling until such time as the street, which provides the normal access, to each dwelling, has been constructed to Town standards as specified by the Town and is ready for hard surfacing at least beyond the point which shall be used as the normal entrance of the driveway to service such dwelling.
10. The Developer agrees to restore, in so doing assuming all costs, any and all disturbed areas of the private street and private street right of way to the satisfaction of the Town Engineer following installation of the required municipal services.

**Architectural Guidelines**

11. The Developer agrees that an objective of this development is to provide a high quality and visually attractive development which exhibits an architectural design that reinforces the character complement existing housing and to be generally consistent with the existing styles of Rothsay. The Developer agrees to ensure the following:
  - a. The architectural design of the buildings shall be, in the opinion of the Development Officer, generally in conformance with Schedule C.
  - b. The building plans shall have similar features, such as roof lines, facade articulation (projections/recesses), fenestration, primary exterior wall colour or materials or roof colour, etc.
  - c. The building facades shall include design elements, finishing



materials and variations that will reduce any perceived mass and linearity of large buildings and add architectural interest

- d. The building design should reflect the use of appropriate high quality materials and architectural expressions to reduce the impact of height, bulk and density on adjacent lower density development and contributes to the visual enhancement of the area.
- e. All ventilation and related mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating it within the building framework.

#### **Storm Water**

12. The Developer shall carry out, subject to inspection and approval by Town representatives, and pay for the entire actual costs of the installation of a storm water system as per Schedule E of this agreement. The Developer agrees to accept responsibility for all costs associated with the following:
  - a. Construction, to Town standards, of a storm water system including pipes, fittings, precast sections for manholes and catch basins capable of removing surface water, to a predetermined location selected by the Developer's Engineer and approved by the Town Engineer, from the entire developed portion of the lands as well as top soil and hydro-seeding of shoulders of roadways.
13. The Developer agrees to submit for approval by the Town, prior to commencing any work on the storm water system such plans, as required by the Town, that shall conform with the design schematics and construction standards of the Town, unless otherwise acceptable to the Town Engineer.
14. The Developer agrees that all roof leaders, down spouts, and other storm water drains from all proposed dwelling shall not be directed or otherwise connected or discharged to the Town's storm water or sanitary collection system.
15. The Developer agrees that the storm water drainage from all dwellings shall not be discharged:
  - a. directly onto the ground surface within one meter of a proposed dwelling;
  - b. within 1.5 m of an adjacent property boundary;
  - c. to a location where discharged water has the potential to adversely impact the stability of a side yard or rear yard slope or a portion of the property where there exists a risk of instability or slope failure; or
  - d. to a location or in such a manner that the discharge water causes or has the potential to cause nuisance, hazard or damage to adjacent dwellings or structures.
16. The Developer agrees to provide to the Town Engineer written certification of a Professional Engineer, licensed to practice in New Brunswick that the storm water system has been satisfactorily completed and constructed in accordance with the Town specifications.

#### **Water Main Replacement**

17. The Town and Developer agree that the existing water main in Hampton Road will be replaced with a new 8 inch (200mm) for a length of not more than 225 meters from a point of connection at the intersection of Highland Avenue and Hampton Road to a shared boundary point between 50 and 48 Hampton Road.
18. The Town and Developer agree that the design and construction of the water main shall be the responsibility of the Town subject to review by a

consulting engineering firm retained by the Developer.

19. The Town and Developer agree that the cost to replace the water main shall be the responsibility of the Developer.
20. The Town and Developer agree that prior to the awarding of a construction tender the Developer shall supply the Town with a security deposit in the amount of 100 percent of the recommended tender price to complete the required water main replacement. The security deposit shall comply with the following conditions:
  - a. security in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank dispensed to and in favour of Rothesay.
21. The Town and Developer agree that the cost of the water main replacement includes design and all construction associated with the new water main including asphalt restoration, all pipe including associated valves, backflow preventers, couplings, joint restraint, fittings and in the condition necessary for its intended use, and labour and overhead costs directly attributable to the construction of a new 8 inch (200mm) water main.

#### **Water Supply**

22. The Developer agrees to connect to the Town's nearest and existing water system at a point to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
23. The Town agrees to supply potable water for the purposes and for those purposes only for a maximum of sixty (60) residential dwellings and for minor and accessory purposes incidental thereto and for no other purposes whatsoever.
24. The Developer agrees to pay the Town a connection fee for each residential unit to the Town water system calculated in the manner set out by By-law as amended from time to time, to be paid to the Town on issuance of each building permit.
25. The Developer agrees that the Town does not guarantee and nothing in this Agreement shall be deemed to be a guarantee of an uninterrupted supply or of a sufficient or uniform water pressure or a defined quality of water. The Town shall not be liable to the Developer or to any person, firm or corporation for any damage or injury caused by the interruption of the supply of water, the lack of uniform pressure thereof or the quality of water.
26. The Developer agrees that all connections to the Town water mains shall be approved and inspected by the Town Engineer or such other person as is designated by the Town prior to backfilling and that the operation of water system valves is the sole responsibility of the Town.
27. The Developer agrees to comply with the Town's Water By-law and furthermore that a separate water meter shall be installed, at their expense, for each residential connection made to the Town's water system.
28. The Developer agrees that the Town may terminate the Developer's connection to the Town water system in the event that the Town determines that the Developer is drawing water for an unauthorized purpose or for any other use that the Town deems in its absolute discretion.
29. The Developer agrees to provide, prior to the occupation of any buildings or portions thereof, written certification of a Professional Engineer,



licensed to practice in New Brunswick that the connection of service laterals and the connection to the existing town water system has been satisfactorily completed and constructed in accordance with the Town specifications.

#### **Sanitary Sewer**

30. The Developer agrees to connect to the existing and nearest sanitary sewer system at a point to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
31. The Developer agrees to pay the Town a connection fee for each residential unit to the Town sewer system calculated in the manner set out by By-law as amended from time to time, to be paid to the Town on issuance of each building permit.
32. The Developer agrees to carry out subject to inspection and approval by Town representatives, and pay for the entire actual costs of the following:
  - a. Engineering design, supply, installation, inspection and construction of all service lateral(s) necessary to connect to the existing sanitary sewer system inclusive of all pipes, laterals, fittings, and precast concrete units.
33. The Developer agrees to submit for approval by the Town, prior to commencing any work to connect to the sanitary sewer system, any plans required by the Town, with each such plan meeting the requirements as described in the Town specifications for such development.
34. The Developer agrees that all connections to the Town sanitary sewer system shall be supervised by the Developer's engineer and inspected by the Town Engineer or such other person as is designated by the Town prior to backfilling and shall occur at the sole expense of the Developer.

#### **Retaining Walls**

35. The Developer agrees that dry-stacked segmental concrete (masonry block) gravity walls shall be the preferred method of retaining wall construction for the purpose of erosion control or slope stability on the Lands and furthermore that the use of metal wire basket cages filled with rock (gabions) is not an acceptable method of retaining wall construction.
36. The Developer agrees to obtain from the Town a Building Permit for any retaining wall, as required on the Lands, in excess of 1.2 meters in height and that such retaining walls will be designed by a Professional Engineer, licensed to practice in New Brunswick.

#### **Indemnification**

37. The Developer does hereby indemnify and save harmless the Town from all manner of claims or actions by third parties arising out of the work performed hereunder, and the Developer shall file with the Town prior to the commencement of any work hereunder a certificate of insurance naming the Town as co-insured evidencing a policy of comprehensive general liability coverage on "an occurrence basis" and containing a cross-liability clause which policy has a limit of not less than Two Million Dollars (\$2,000,000.<sup>00</sup>). The aforesaid certificate must provide that the coverage shall stay in force and not be amended, canceled or allowed to lapse within thirty (30) days prior to notice in writing being given to the Town. The aforesaid insurance coverage must remain in full force and effect during the period available to the Developer pursuant to this agreement to complete the work set out as described in this Agreement.

#### **Notice**

38. Any notice or advice which is to be given under this Agreement shall be deemed to have been satisfactorily given to the Developer if delivered personally or by prepaid mail addressed to **A.E. MCKAY BUILDERS LTD., 380 MODEL FARM ROAD, QUISPAMIS, N.B., E2G 1L8** and to the Town if delivered personally or by prepaid mail addressed to

**ROTHESAY, 70 HAMPTON ROAD, ROTHESAY, NEW BRUNSWICK, E2E 5L5.** In the event of notice by prepaid mail, the notice will be deemed to have been received four (4) days following its posting.

#### **By-laws**

39. The Developer agrees to be bound by and to act in accordance with the By-laws of the Town as amended from time to time and such other laws and regulations that apply or may apply in future to the site and to activities carried out thereon.

#### **Termination**

40. The Town reserves the right and the Developer agrees that the Town has the right to terminate this Agreement without compensation to the Developer if the specific proposal has not commenced on or before **#insert date** being a date 5 years (60 months) from the date of Council's decision to enter into this Agreement accordingly the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Rothesay Zoning By-law.
41. Notwithstanding Part 44, the Parties agree that development shall be deemed to have commenced if within a period of not less than three (3) months prior to **#insert date** the construction of the private street and municipal service infrastructure has begun and that such construction is deemed by the Development Officer in consultation with the Town Engineer as being continued through to completion as continuously and expeditiously as deemed reasonable.
42. The Developer agrees that should the Town terminate this Agreement the Town may call the Letter of Credit described herein and apply the proceeds to the cost of completing the work or portions thereof as outlined in the agreement. If there are amounts remaining after the completion of the work in accordance with this agreement, the remainder of the proceeds shall be returned to the Institution issuing the Letter of Credit. If the proceeds of the Letter of Credit are insufficient to compensate the Town for the costs of completing the work mentioned in this agreement, the Developer shall promptly on receipt of an invoice pay to the Town the full amount owing as required to complete the work.

#### **Security & Occupancy**

43. The Town and Developer agree that Final Occupancy of the proposed apartment building(s), as required in the Building By-law, shall not occur until all conditions above have been met to the satisfaction of the Development Officer.
44. Notwithstanding Schedule D and E of this Agreement, the Town agrees that the Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the required storm water management and landscaping. The security deposit shall comply with the following conditions:
- a. security in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank dispensed to and in favour of Rothesay;
  - b. the Developer agrees that if the landscaping or storm water works are not completed within a period not exceeding six (6) months from the date of issuance of the Occupancy Permit, the Town may use the security to complete the works as set out in Schedule D and E of this Agreement;
  - c. the Developer agrees to reimburse the Town for 100% of all costs exceeding the security necessary to complete the works as set out in Schedule D and E this Agreement; and

- d. the Town agrees that the security or unused portion of the security shall be returned to the Developer upon certification that the work has been completed and acceptable to the Development Officer.

#### **Failure to Comply**

45. The Developer agrees that after 60 days written notice by the Town regarding the failure of the Developer to observe or perform any covenant or condition of this Agreement, then in each such case:
- (a) The Town shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
  - (b) The Town may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act;
  - (c) The Town may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
  - (d) In addition to the above remedies, the Town reserves the right to pursue any other remediation under the *Community Planning Act* or Common Law in order to ensure compliance with this Agreement.

#### **Entire Agreement**

46. This Agreement contains the whole agreement between the parties hereto and supersedes any prior agreement as regards the lands outlined in the plan hereto annexed.

#### **Severability**

47. If any paragraph or part of this agreement is found to be beyond the powers of the Town Council to execute, such paragraph or part or item shall be deemed to be severable and all other paragraphs or parts of this agreement shall be deemed to be separate and independent therefrom and to be agreed as such.

#### **Reasonableness**

48. Both parties agree to act reasonably in connection with any matter, action, decision, comment or approval required or contemplated under this Agreement.

This Agreement shall be binding upon and endure to the benefit of the parties hereto and their respective heirs, administrators, successors and assigns.

**IN WITNESS HEREOF** the parties have duly executed these presents the day and year first above written.

Date: \_\_\_\_\_, 2016

Witness:

A.E. McKay Builders Ltd.

\_\_\_\_\_  
Director



Witness:

Rothesay:

---

---

Mayor

---

---

Clerk

DRAFT

**SCHEDULE A**

(NOTE: LOTS TO BE CONSOLIDATED AND CONVERTED TO LAND TITLES)

**PID:** 00257139

**Apparent**

**Parcel** Public Access

**Access:**

**Status:**

**Effective**

**Date/Time:**

**Page:**

**Legal**

**Description:** Lot 75-2 as shown on Plan# 5141A

**PID:** 30048847

**Apparent**

**Parcel** TO BE COMPLETED AFTER CONVERSION to LAND TITLES

**Access:**

**Status:**

**Effective**

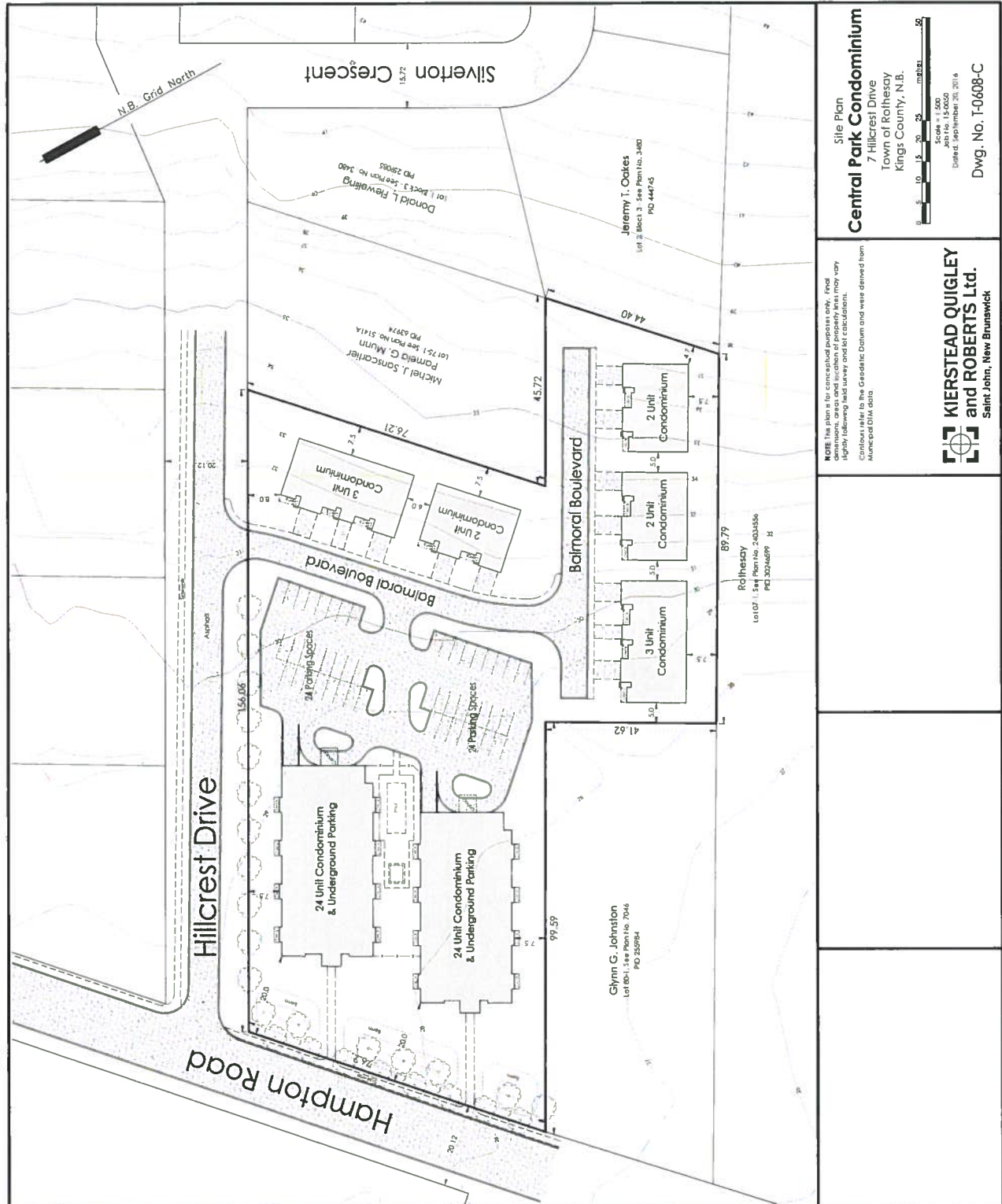
**Date/Time:**

**Page:**

**Legal**

**Description:** Part X as shown on Plan# 200784

DRAFT



**Site Plan**  
**Central Park Condominium**  
 7 Hillcrest Drive  
 Town of Rothesay  
 Kings County, N.B.  
 Scale: 1" = 50'  
 Job No. 15-0020  
 Dated: September 20, 2014  
 Dwg. No. T-0608-C

**KIERSTEAD QUIGLEY and ROBERTS Ltd.**  
 Saint John, New Brunswick

**NOTE:** This plan is for conceptual purposes only. Final dimensions and locations of buildings and parking spaces may vary slightly following field survey and/or calculations. Changes later to the Grading Datum and were derived from Municipal DTM data.





**A.E. MCKAY Builders**  
380 Model Farm Road, Dulspensis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 1**  
24 UNITS - UNDERGROUND PARKING  
HILLCREST DRIVE ELEVATION  
Date: AUGUST 29, 2016 Scale: N.T.S.

**A-1**  
OF 15



380 Madel Farn Road, Quispamsis E2G 1L8  
Phone: 506-544-8104

## CENTRAL PARK

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:

BUILDING TYPE - 1  
24 UNITS - UNDERGROUND PARKING  
HAMPTON ROAD ELEVATION

Date:

AUGUST 29, 2016

Scale:

N.T.S.





**A.E. MCKAY Builders**  
380 Model Farm Road, Quispensis E2G 1L8  
Phone: 506-544-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 1**  
24 UNITS - UNDERGROUND PARKING  
REAR ELEVATION  
Date: AUGUST 29, 2016 Scale: N.T.S.

**A-3**  
OF 15





**A.E. MCKAY Builders**  
380 Model Farm Road, Quispens's E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 2**  
TRIPLE UNIT  
FRONT ELEVATION  
Date: AUGUST 29, 2016 Scale: N.T.S.

**A-4**  
OF 15



380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:	
BUILDING TYPE - 2 TRIPLE UNIT REAR ELEVATION	
Date:	Scale:
AUGUST 29, 2016	N.T.S.





**A.E. MCKAY**  
*Builders*

380 Model Fern Road, Quispensis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

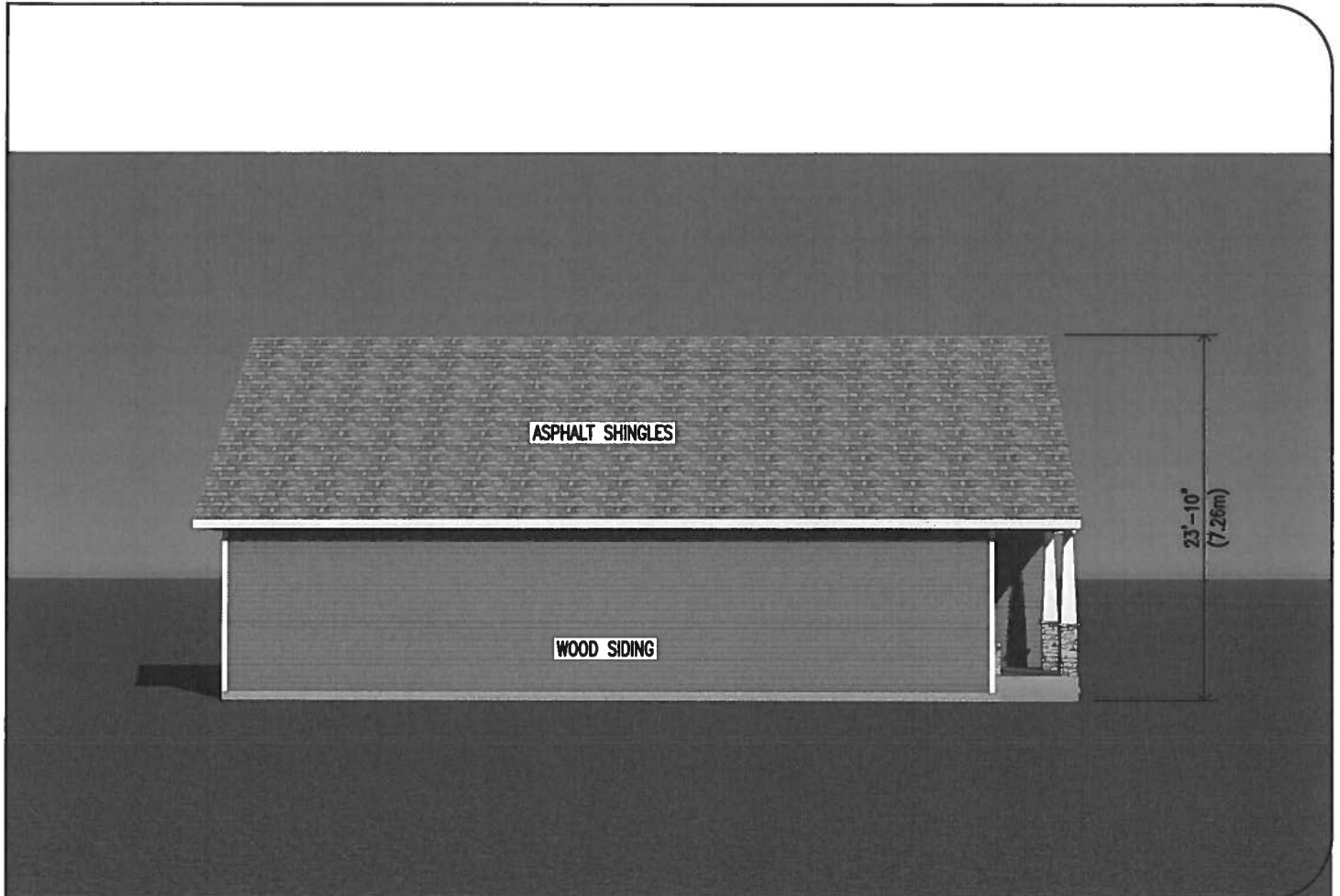
Drawing Title:

**BUILDING TYPE - 2**  
TRIPLE UNIT  
RIGHT ELEVATION

Date: AUGUST 29, 2016 Scale: N.T.S.

**A-6**  
OF 15





**A.E. MCKAY Builders**  
380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 2**  
TRIPLE UNIT  
LEFT ELEVATION  
Date: AUGUST 29, 2016 Scale: N.T.S.

**A-7**  
OF 15



**A.E. MCKAY Builders**  
380 Model Farm Road, Quispensic E2G 1L9  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 3**  
DOUBLE UNIT  
FRONT ELEVATION  
Date: AUGUST 29, 2016 Scale: N.T.S.

**A-8**  
OF 15



**MCKAY**  
*Builders*

380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: **BUILDING TYPE - 3**  
DOUBLE UNIT  
REAR ELEVATION

Date: AUGUST 29, 2016 Scale: N.T.S.

**A-9**  
OF 15





380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:

BUILDING TYPE - 3  
DOUBLE UNIT  
RIGHT ELEVATION

Date:

AUGUST 29, 2016

Scale:

N.T.S.

**A-10**  
OF 15



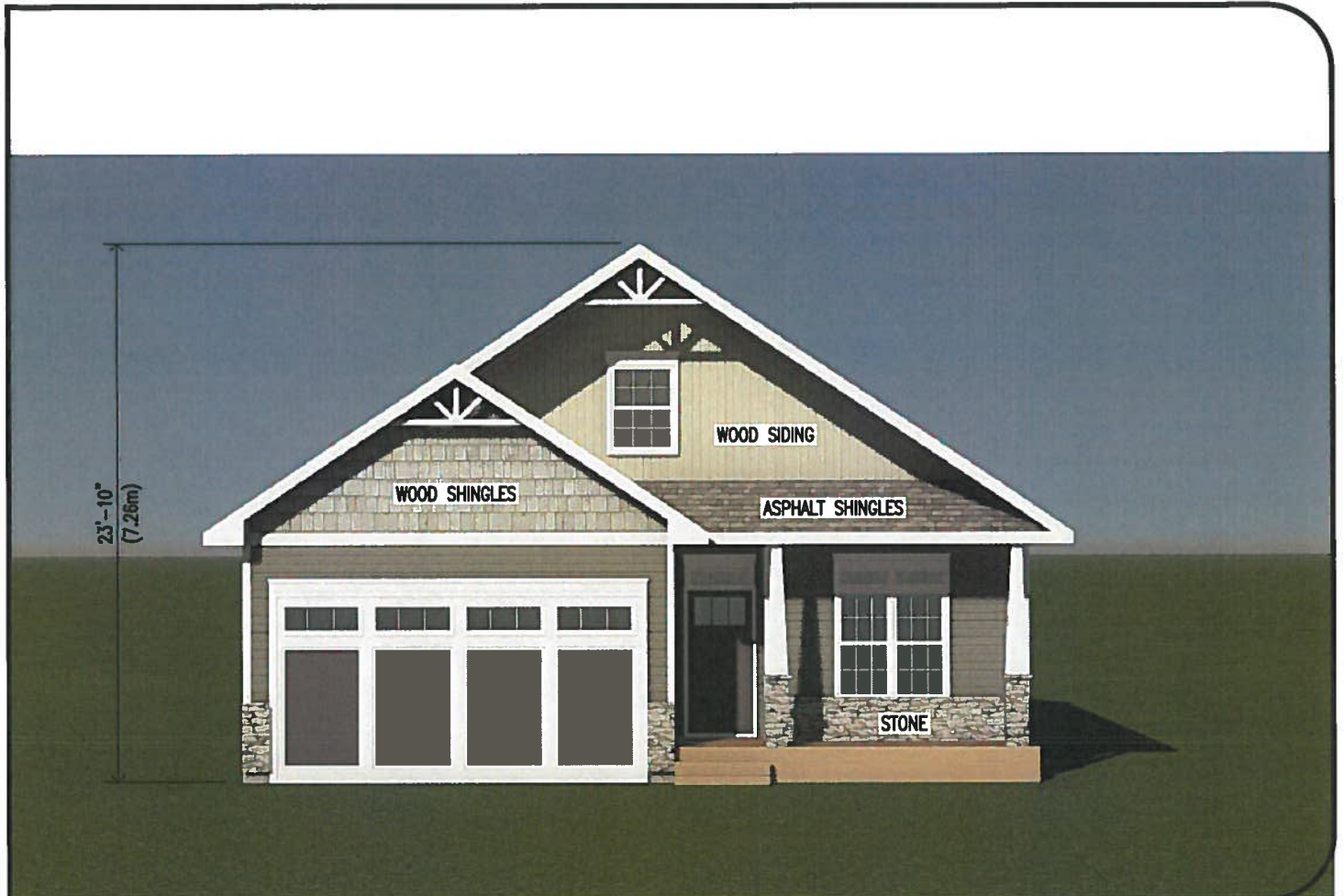
**A.E. MCKAY Builders**  
380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:  
**BUILDING TYPE - 3  
DOUBLE UNIT  
LEFT ELEVATION**

Date: AUGUST 29, 2016 Scale: N.T.S.

**A-11**  
OF 15



380 Model Farm Road, Quispens's E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:

BUILDING TYPE - 4  
SINGLE UNIT  
FRONT ELEVATION

Date:

AUGUST 29, 2016

Scale:

N.T.S.

**A-12**  
OF 15





**A.E. MCKAY**  
*Builders*  
380 Model Farm Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

==== **CENTRAL PARK** =====  
**CONDOMINIUM DEVELOPMENT - Rothesay, N.B.**

Drawing Title:	
BUILDING TYPE - 4 SINGLE UNIT REAR ELEVATION	
Date:	Scale:
AUGUST 29, 2016	N.T.S.

**A-13**  
OF 15





380 Madel Farn Road, Quispamsis E2G 1L8  
Phone: 506-644-8104

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title:

BUILDING TYPE - 4  
SINGLE UNIT  
RIGHT ELEVATION

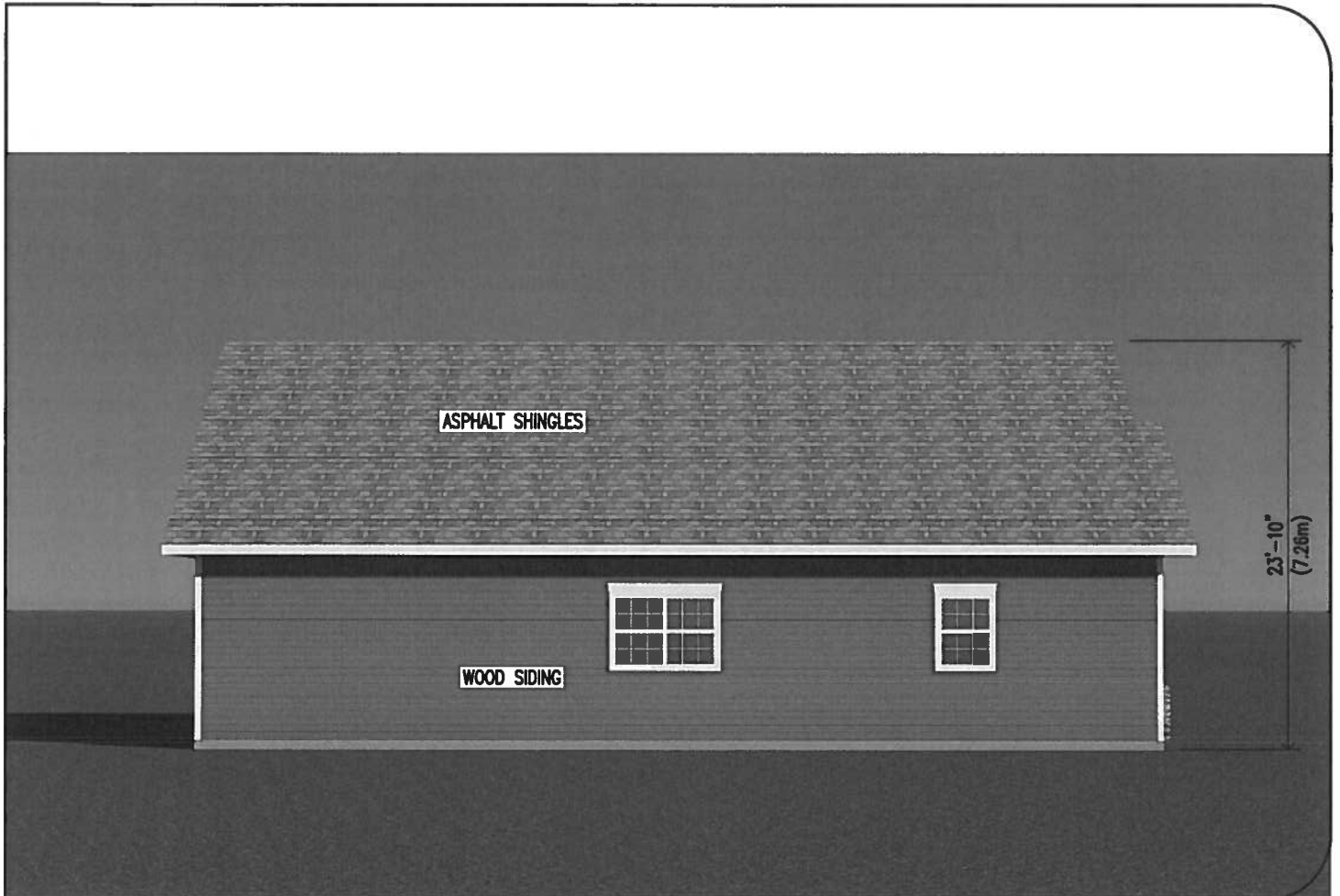
Date:

AUGUST 29, 2016

Scale:

N.T.S.

A-14  
OF 15



**A.E. MCKAY**  
*Builders*

380 Model Farm Road, Oulspansis E2G 1L8  
Phone: 506-644-8104

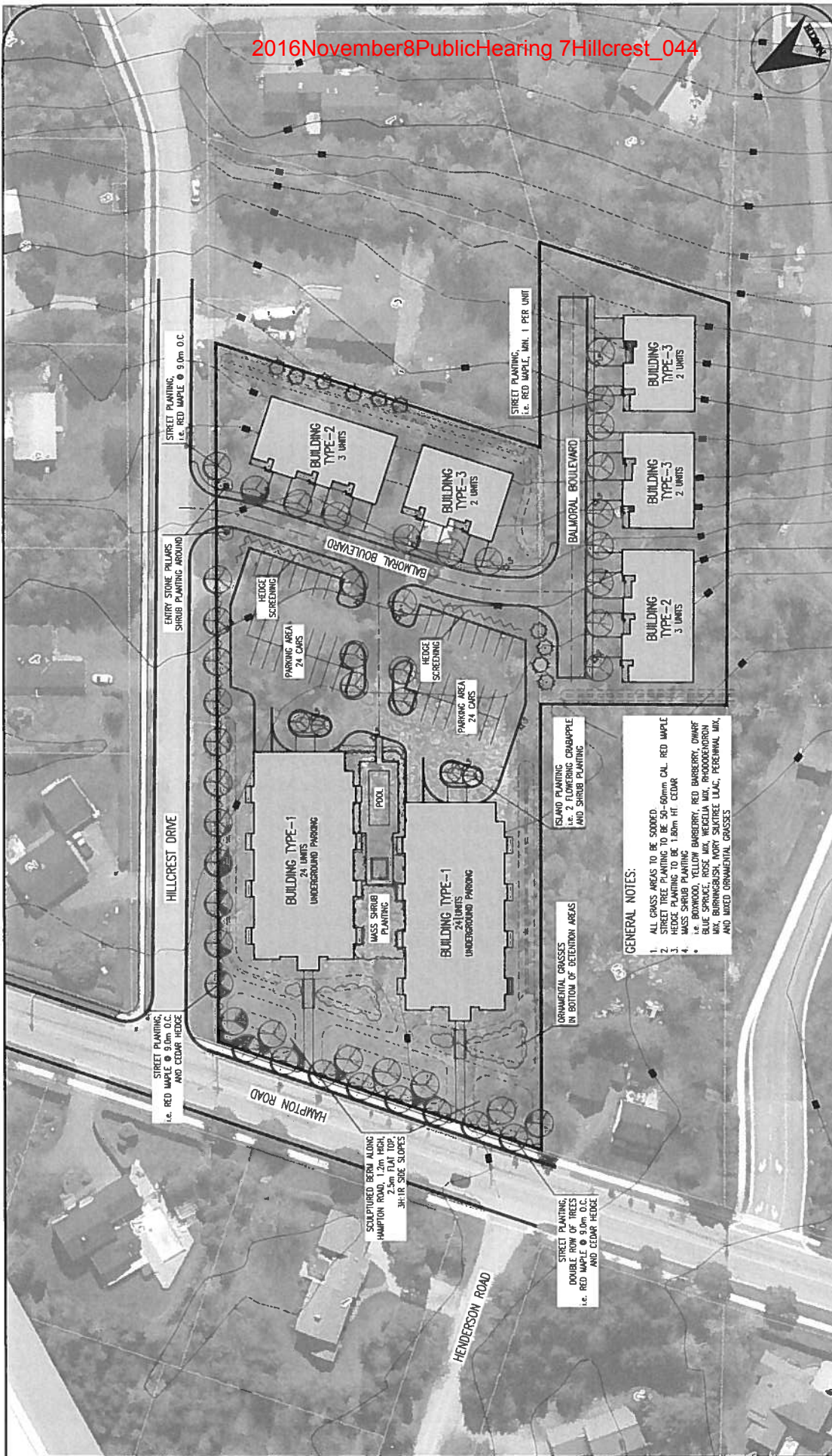
**CENTRAL PARK**

CONDOMINIUM DEVELOPMENT - Rothesay, N.B.

Drawing Title: BUILDING TYPE - 4  
SINGLE UNIT  
LEFT ELEVATION

Date: AUGUST 29, 2016 Scale: N.T.S.

**A-15**  
OF 15



GENERAL NOTES:

1. ALL GRASS AREAS TO BE SOODED
  2. STREET TREE PLANTING TO BE 50-60mm CAL. RED MAPLE
  3. STREET PLANTING TO BE 1.80m HT. CEDAR
  4. MASS SHRUB PLANTING
- i.e. BOXWOOD, YELLOW BARKED, RED BARBERRY, DWARF HYDRANGEA, YEW, LARIX, PICEA, TAXUS, JUNIPER, LAURUS, ILEX, BURNING BUSH, NYCTAGINIA, LILAC, PEGONIA, LILAC, AND MIXED ORNAMENTAL GRASSES

Drawing Title	CONCEPTUAL SITE / LANDSCAPE PLAN		
Project No.	7016-664	Drawn by	WSP
Date	AUGUST 2016	Scale	1:400

**CENTRAL PARK**  
CONDOMINIUM DEVELOPMENT - ROTHESAY, N.B.

**McKay Builders**  
388 Model Farm Road, Sackville, NB  
Phone: 506-544-8104

**CONCEPTUAL NOT FOR CONSTRUCTION**  
NOT TO BE USED FOR CONSTRUCTION



## SCHEDULE E - TO BE REVISED

July 15, 2016

Town of Rothesay  
70 Hampton Road  
Rothesay, NB  
E2E 5Y2

Attention: Brett McLean, P.Eng.  
Director of Operations

***Re: Stormwater Management Plan and Site Services for Central Park Condominium***

To Whom It May Concern:

Dillon Consulting Limited (Dillon) is pleased to submit this letter report outlining the stormwater management plan and site services layout (sanitary and water) for the Central Park Condominiums Development. This plan has been prepared for A.E. McKay Builders and describes the recommended stormwater management plan along with the proposed sanitary sewer and water service layouts for the nine (9) building condominium development. The proposed layouts for Central Park Condominiums are presented in **Sheets 1 and 6** of the appended drawing set, respectively.

### BACKGROUND

The Central Park Condominium Development is located at the intersection of Hillcrest Drive and Hampton Road in Rothesay, New Brunswick. A.E. McKay Builders is proposing a nine (9) building condominium development with seven (7) small and two twenty-four (24) unit condominium buildings. The pre-developed site has an area of approximately 2.2 hectares consisting of primarily wooded terrain and grassed areas.

### STORMWATER MANAGEMENT PLAN

It is expected that the Central Park Condominium Development will increase the impervious area of the existing site. Therefore, the proposed development may contribute to an increase in stormwater runoff peak flow and total runoff volume generated from the site.

As outlined on **Sheet 1** of the appended drawing set, the proposed stormwater collection system will consist of two storm sewer systems with subsurface storage along Manhattan Boulevard and within the Parking area adjacent to the 24-unit condominium buildings. The remainder of the site will convey water through a series of swales leading to detention ponds.



274 Sydney Street  
Suite 200  
Saint John  
New Brunswick  
Canada  
E2L 0A8  
Telephone  
506.633.5000  
Fax  
506.633.5110

Dillon Consulting  
Limited

*Town of Rothesay*  
*Page 2*  
*July 15, 2016*



The southern portion of the site is located along a steep gradient while the remaining area is relatively flat. The steep grade limits the opportunity for storage in this area. Therefore, the proposed detention ponds are located along the southwest side of the site adjacent to Hampton Road. The orientation of the ponds are shown on **Sheet 1** of the appended drawing set.

### Methodology and Approach

The approach used in preparing the stormwater management plan for the Central Park Development involved simulating pre- and post-development conditions using the U.S. Army Corps of Engineers' HEC-HMS hydrologic modeling software. Synthetic design storms were used in the analysis of the stormwater management model prepared in HEC-HMS. The Alternating Block Method (Chow 1988) was used to estimate the rainfall distribution for the 5 and 100 year return period rainfall events, both having a storm duration of 24 hours.

Rainfall intensity-duration-frequency (IDF) statistics developed by the Canadian Water Network Online IDF CC Tool for Environment Canada's Saint John Airport (A) climate station were used to support this assessment (<http://www.idf-cc-uwo.ca>). The Canadian Water Network uses Global Climate Model data to approximate changes in the IDF Curve due to climate change for a selected range. Use of the IDF CC tool allows for the consideration of climate change impacts, specifically the potential for higher intensity rainfall.

Aerial imagery along with the proposed site plan was used to determine properties of the existing site (i.e. land cover, surface slope, drainage). The existing site includes two (2) main catchment areas draining to Hampton Road and the Arthur Miller Fields stormwater collection systems. The SCS Curve Number method was implemented to approximate the lag time of the catchments. These results were used to estimate the existing (pre-development) peak flows from each catchment area.

A detailed model was constructed to represent the movement of water through the proposed stormwater management system (**Sheet 1**) which includes both detention ponds and subsurface storage. The catchment areas, curve numbers (CN) and catchment lag were adjusted to represent the post-development drainage areas contributing to Hampton Road and the Arthur Miller Fields.

Curve numbers outlined in the Town of Rothesay Stormwater Management Guidelines were used to represent open spaces in the model while the percent imperviousness used in the model was used to account for hard surfaces (i.e. roofs and paved surfaces).



### Simulation Results

The following sections include pre and post development simulation results for the 5 and 100 year return period storms at the proposed outlets to the Hampton Road and Arthur Miller Fields stormwater collection systems. It should be noted that the total drainage area under pre and post-development conditions (2.2 ha) was unchanged; however, additional pre-development run-off was directed to the Hampton Road outlet. The reduced catchment area for the Arthur Miller Fields was required to ensure pre-development peak discharge levels of a 100-year return storm ( $0.076 \text{ m}^3/\text{s}$ ) were maintained following development.

Tables 1 - 4 summarize the pre- and post-development simulation results for both the Hampton Road and Arthur Miller Fields drainage areas.

Table 1: Hampton Road Pre and Post-Development

Return Period	Pre-Development Peak Discharge ( $\text{m}^3/\text{s}$ )	Post-Development Peak Discharge without SWM ( $\text{m}^3/\text{s}$ )	Post-Development Peak Discharge with SWM ( $\text{m}^3/\text{s}$ )
5 Year	0.054	0.118	0.090*
100 Year	0.167	0.244	0.165*

\*The Hampton Road drainage area was increased from  $10,848 \text{ m}^2$  (pre-development) to  $13,094 \text{ m}^2$  (post-development) as part of the stormwater management plan.

Table 2: Arthur Miller Fields Pre and Post-Development

Return Period	Pre-Development Peak Discharge ( $\text{m}^3/\text{s}$ )	Post-Development Peak Discharge without SWM ( $\text{m}^3/\text{s}$ )	Post-Development Peak Discharge with SWM ( $\text{m}^3/\text{s}$ )
5 Year	0.025	0.053	0.037*
100 Year	0.076	0.112	0.068*

\*The Arthur Miller Field drainage area was reduced from  $6518 \text{ m}^2$  (pre-development) to  $2967 \text{ m}^2$  (post-development).

It is noted that the simulation results presented in Tables 1 and 2 show that the 100-year pre-development peak flows have been maintained under the post-development condition. Moreover, the 5-year pre-development peak flows contributing to the Arthur Miller Fields ditch have also been maintained under the post-development condition.



*Town of Rothesay  
Page 4  
July 15, 2016*



It is noteworthy, however, that the post-development 5-year peak flows discharging to Hampton Road are slightly higher than the pre-development values. This increase is expected to have a minor impact on downstream conveyance, given that downstream drainage infrastructure is expected to meet a higher design criteria, for example a 50-100 year level of service. The hydrologic simulation suggests that high intensity rainfall events (e.g. 100-year storm) will not result in discharges in excess of pre-development levels.

### Retention

Due to the increased runoff for developed areas, storage calculations were completed. The storage volume required to retain a 24 hour, 100 year return period storm was determined using HEC-HMS hydrologic modeling software. Two types of detention storage were incorporated in the stormwater management plan: 1) two detention ponds, and 2) subsurface storage along Manhattan Boulevard and the parking lot area adjacent to the 24-unit condominium buildings. The proposed locations of the storage facilities can be seen on **Sheet 1** of the appended drawing set.

Subsurface storage will be installed in two locations on site including 57 meters along Manhattan Boulevard and approximately 40 metres in the parking area. The storage will be made up of a series of HDPE arched structures with a height of 1.14 meters. The arched structures are to be underlain with bedding stone to provide additional storage. The storage capacity provided by these structures is expected to be in the order of 125 m<sup>3</sup>.

A large pond will be constructed adjacent to Hampton Road while the smaller pond is to be constructed on the west side of the site. The storage capacity of the pond is expected to be approximately 260 m<sup>3</sup>.

The total storage volume for the entire site was estimated to be in the order of 385 m<sup>3</sup>. The proposed pond and subsurface storage will provide sufficient capacity to reduce the peak discharge of a 100-year return storm from the site to pre-development levels (0.167 m<sup>3</sup>/s). It is also noted that the diversion of flows contributing to the existing ditch near the Arthur Miller Fields has resulted in the 100-year post-development flows being less than for existing discharge (0.076 m<sup>3</sup>/s).



## SANITARY DESIGN

The primary development site will consist of seven (7) small and two twenty-four (24) unit condominium buildings at the intersection of Hillcrest Drive and Hampton Road. **Table 3** below details the buildings proposed for the development site.

Table 3: Development Site Sanitary Parameter Summary

Building	Number of Buildings	Units	Equivalent Population
24 Unit Condominium	2	24	120
1 Unit Condominium	1	1	3
2 Unit Condominium	2	2	10
3 Unit Condominium	4	3	30
TOTAL POPULATION:			163

The population of the proposed development is approximately 165 people. The sanitary design for the site included upstream sanitary infrastructure on Hillcrest Drive, from Rothesay Road to Charles Crescent. The upstream sanitary system consists of the majority of the Highland Avenue subdivision as well as Iona Avenue. The theoretical sanitary flows from the upstream system are included in **Table 4** below.

Table 4: Upstream Sanitary Flows – \_\_\_\_\_ Subdivision

Street	Location		Equivalent Individual Population	Area (ha)	Theoretical Design Flow (Population & Extraneous)	Theoretical Pipe Capacity
	From	To				
Hillcrest Drive	Charles Crescent	Hampton Road	238	28	3.85 lps	49.8 lps

Assuming an occupancy load of 340 L/Person per day (*Atlantic Canada Standards and Guidelines Manual for the Collection, Treatment, and Disposal of Sanitary Sewage*, (ACSGM)) and a peak extraneous flow of 0.18 L/Hectare per second, the proposed development will contribute approximately 2.9 lps to the existing sanitary system.

**Table 5** below notes the upstream sanitary flow on Rothesay Road contributing to the downstream system.

**Table 5: Upstream Sanitary Flows – Marr Road to Hillcrest Drive**

Street	Location		Equivalent Individual Population	Area (ha)	Theoretical Peak Design Flow (Population & Extraneous)	Theoretical Pipe Capacity	% of Pipe Capacity
	From	To					
Rothesay Road	Marr Road (approximately)	Hillcrest Drive	1600	80	27.00 lps	43 lps	63%

The contribution from the proposed development site is not significant to the overall flow in the sanitary piping system.

**Table 6** below notes the proposed piping as well as connection to existing.

**Table 6: Proposed Piping**

Street	Pipe Size (mm)	Slope (%)	Theoretical Peak Design Flow (Population & Extraneous) (cumulative) (lps)	Theoretical Pipe Capacity (lps)	% of Pipe Capacity
Manhattan Boulevard	200 (proposed)	8.20	0.40	111.00	< 1
Manhattan Boulevard	200 (proposed)	0.50	0.91	27.41	3.3
Manhattan Boulevard	200 (proposed)	0.50	2.01	27.41	7.3
Hillcrest Drive	200 (existing)	1.65	5.86	49.79	11.8
Hillcrest Drive	200 (existing)	0.50	7.83	27.41	28.6

Town of Rothesay  
 Page 7  
 July 15, 2016

Street	Pipe Size (mm)	Slope (%)	Theoretical Peak Design Flow (Population & Extraneous) (cumulative) (lps)	Theoretical Pipe Capacity (lps)	% of Pipe Capacity
Rothesay Road	200 (existing)	1.23	33.8	42.99	78.8*

*\*Prior to this development, the sanitary pipe on Rothesay Road had an assumed peak flow of 31 lps, or 72% of the theoretical pipe capacity. The contribution from the proposed development is less than 7% of the overall capacity.*

From the connection of the development site sanitary sewer at the intersection of Hillcrest Drive and Manhattan Boulevard and the proposed parking lot for the two 24 unit condominium buildings, the storm and sanitary sewers are separated.

Connection to the existing Town of Rothesay infrastructure will be done as shown on the appended drawing set and in accordance with the Town of Rothesay Specifications.

From the above information and attached drawings, the existing receiving sanitary system will be able to handle the additional sanitary flow from the proposed development site.

## POTABLE WATER AND FIRE FLOWS

It is estimated that the demand for this development will be in the order of 340 L/Capita per day.

The proposed alignment of the water supply connections are presented on the appended development drawing set.



*Town of Rothesay  
Page 8  
July 15, 2016*

## CONCLUSION

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Hydrologic modeling using HEC-HMS was performed to estimate the pre and post-development stormwater peak flows for the Central Park Condominium Development site. The proposed mitigation measures to offset the increase in peak flow include two detention ponds and subsurface storage. The hydrologic simulation suggests that the recommended storage elements effectively mitigate increases in the 100-year peak flow under post-development conditions.

An analysis was undertaken to determine the impact of the Central Park Condominium Development on the existing sanitary sewer system in the Town of Rothesay. The contribution of the proposed development is not expected to affect the overall flow in the existing receiving sanitary system. The analysis therefore suggests that the existing system will be able to handle the additional sanitary flow from the development site.

Sincerely,

DILLON CONSULTING LIMITED



Barb Crawford, P.Eng.  
Project Manager

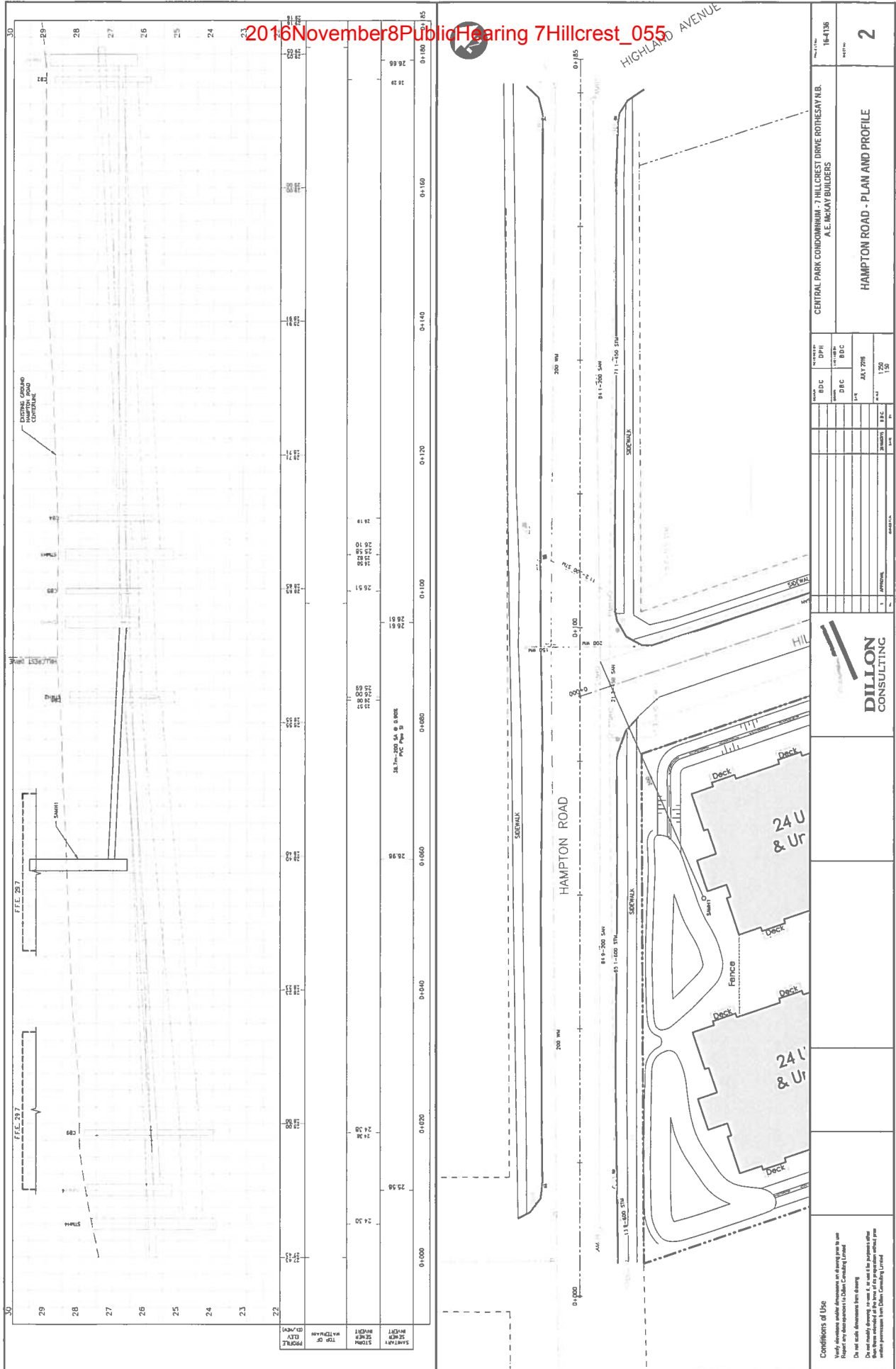
BDC:mhc

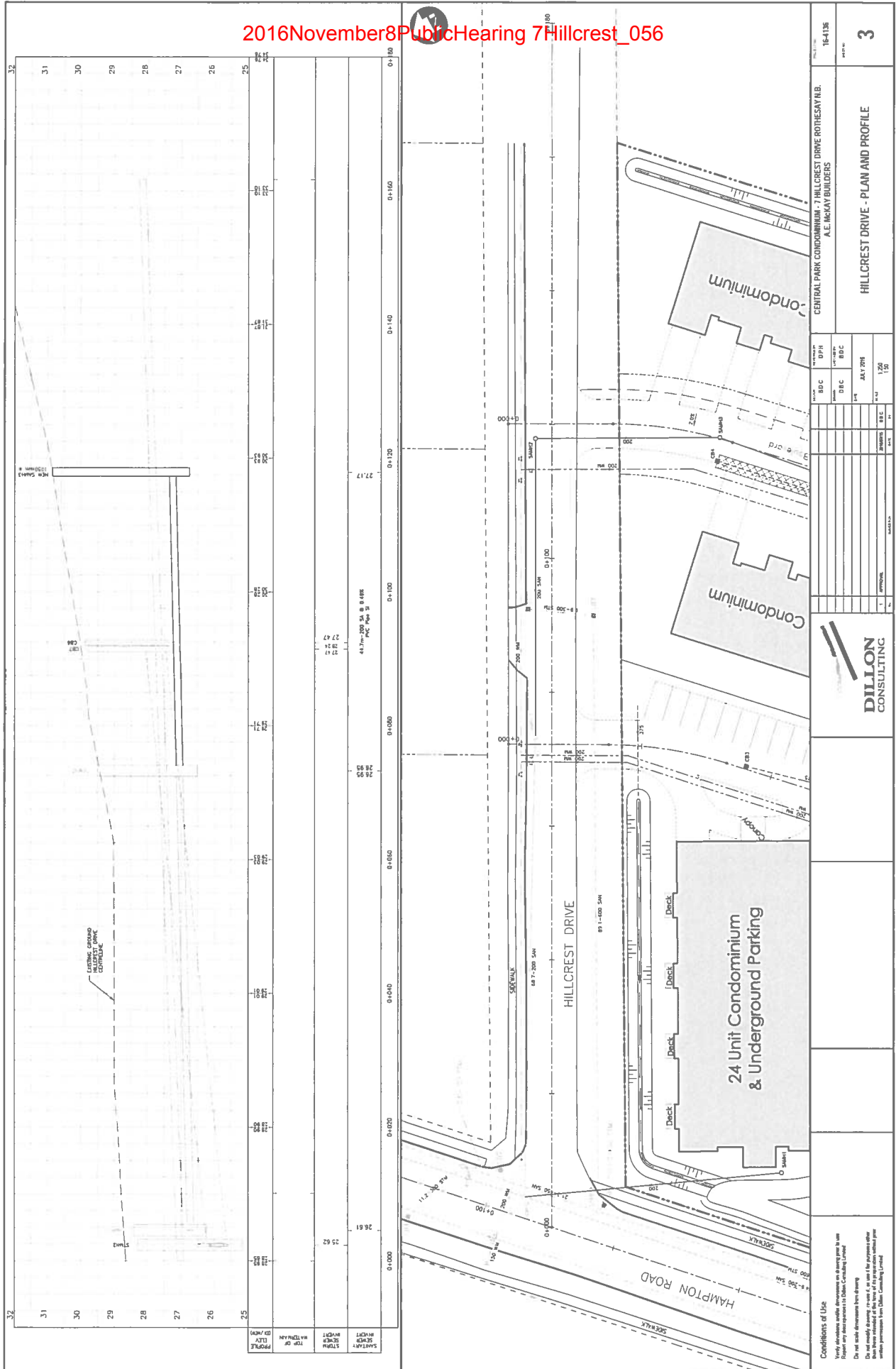
Our file: 16-3836











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**HILLCREST DRIVE - PLAN AND PROFILE**

16-1135

3



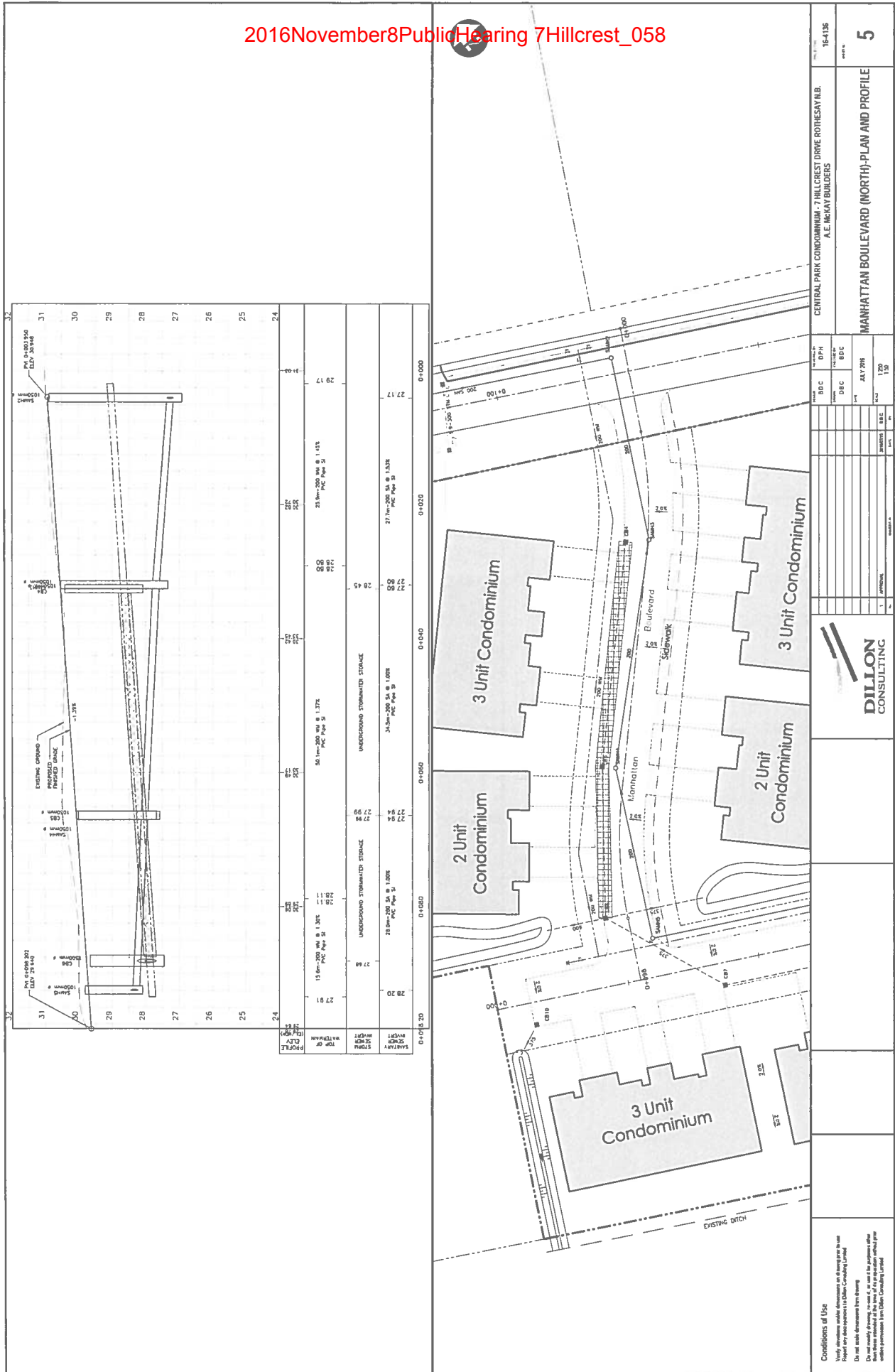
**DILLON**  
CONSULTING

**CENTRAL PARK CONDOMINIUM • 7 HILLCREST DRIVE ROTHESAY N.B.**

16-4136

4





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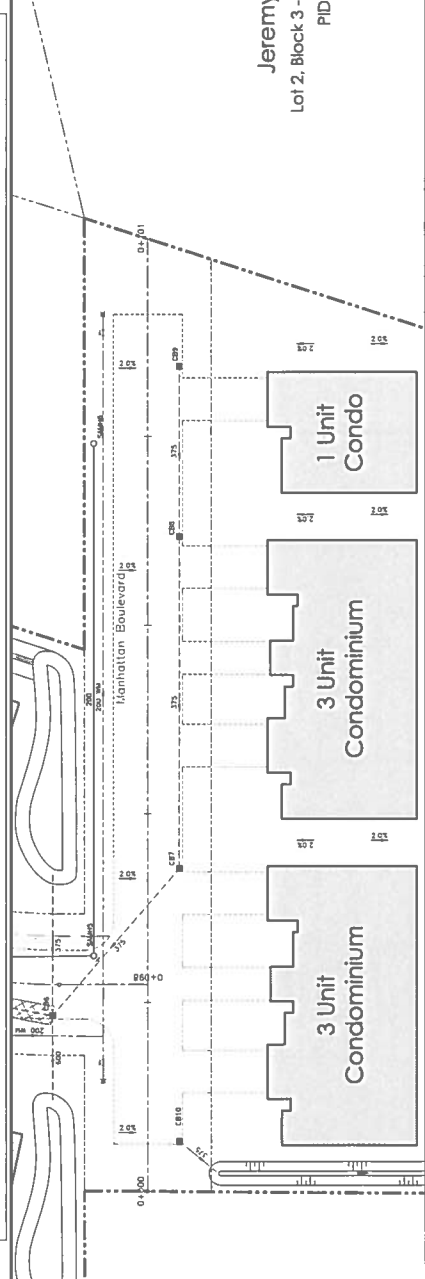
**DILLON**  
CONSULTING

CENTRAL PARK CONDOMINIUM - 7 HILLCREST DRIVE, ROTHESAY N.B.  
A.E. McKay Builders

MANHATTAN BOULEVARD NORTH PLAN AND PROFILE

5

15-1135



PID 444745

16-4136

6

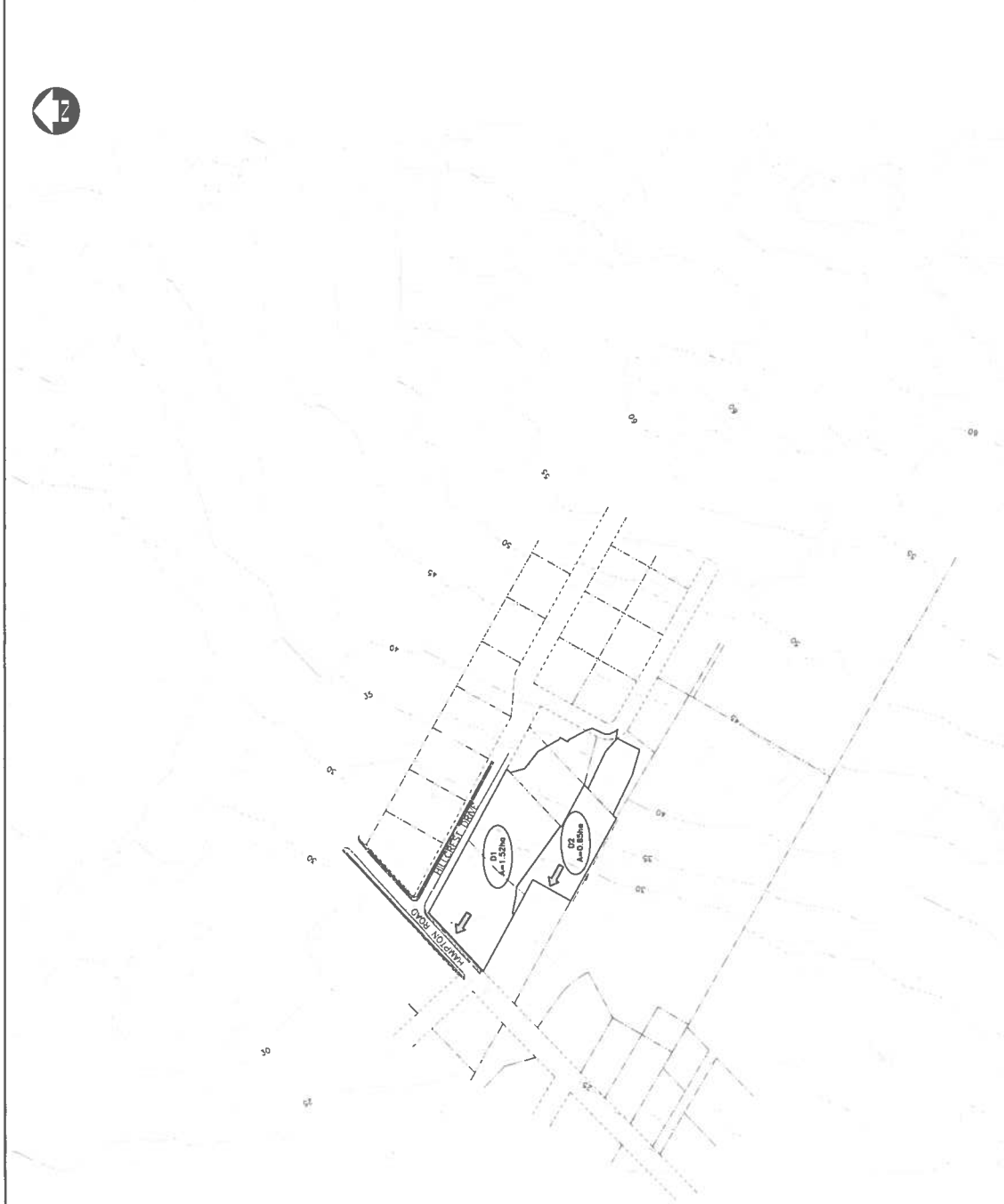
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**LEGEND**

- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING/PROPOSED WATERVALE
- EXISTING/PROPOSED HYDRANT
- EXISTING/PROPOSED END CAP
- EXISTING WELL
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING/PROPOSED MAINTENANCE HOLE
- EXISTING/PROPOSED/ADJUST CATCH BASIN
- EXISTING/PROPOSED/ADJUST DITCH INLET
- DITCH/WALE
- CULVERT
- REBAR
- MAJOR OVERLAND FLOW ARROW
- DRAINAGE AREA LABEL (AREA M/A/AREA/ADJUST COEFFICIENT)
- PARTIAL DEPTH ASPHALT
- FULL DEPTH ASPHALT
- ASPHALT OVER CONCRETE
- CONCRETE PAVEMENT
- RECESSED CURB
- RIGHT-OF-WAY
- LOT LINE
- PROPERTY LINE
- EXISTING/PROPOSED ELEVATION
- MAJOR/MINOR CONTOURS

[illegible]

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

*Land Titles Act, S.N.B. 1981, c.L-1.1, s.55*

Deponent: Andrew McKay  
A.E. McKay Builders Ltd.  
380 Model Farm Road  
Quispamsis, N.B. E2G 1L8

Office Held by Deponent: **Director**

Corporation: A.E. McKay Builders Ltd.

Place of Execution: Rothsay, Province of New Brunswick.

Date of Execution: \_\_\_\_\_, 2016.

I, **Andrew McKay**, the deponent, make oath and say:

1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the attached instrument was executed by me as the officer(s) duly authorized to execute the instrument on behalf of the corporation;
3. the signature "**Andrew McKay**" subscribed to the within instrument is the signature of me and is in the proper handwriting of me, this deponent.
4. the Seal affixed to the foregoing indenture is the official seal of the said Corporation was so affixed by order of the Board of Directors of the Corporation to and for the uses and purposes therein expressed and contained;
5. That the instrument was executed at the place and on the date specified above;

DECLARED TO at Rothsay,  
in the County of Kings, )  
and Province of New Brunswick, )  
This \_\_\_\_ day of \_\_\_\_\_, 2016. )

BEFORE ME: )

\_\_\_\_\_  
Commissioner of Oaths )

\_\_\_\_\_  
Andrew McKay



## Form 45

## AFFIDAVIT OF CORPORATE EXECUTION

*Land Titles Act, S.N.B. 1981, c.L-1.1, s.55*Deponent: **MARY JANE E. BANKS**Rothsay  
70 Hampton Road  
Rothsay, N.B.  
E2E 5L5

Office Held by Deponent: Clerk

Corporation: **Rothsay**Other Officer Who  
Executed the Instrument: **NANCY E. GRANT**Rothsay  
70 Hampton Road  
Rothsay, N.B.  
E2E 5L5Office Held by Other  
Officer Who Executed the  
Instrument:

Mayor

Place of Execution: Rothsay, Province of New Brunswick.

Date of Execution: \_\_\_\_\_, 2016.

I, **MARY JANE E. BANKS**, the deponent, make oath and say:

1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
6. That the attached instrument was executed by me and **NANCY E. GRANT**, the other officer specified above, as the officer(s) duly authorized to execute the instrument on behalf of the corporation;
7. The signature "**NANCY E. GRANT**" subscribed to the within instrument is the signature of Nancy E. Grant, who is the Mayor of the town of Rothsay, and the signature "**Mary Jane E. Banks**" subscribed to the within instrument as Clerk is the signature of me and is in the proper handwriting of me, this deponent, and was hereto subscribed pursuant to resolution of the Council of the said Town to and for the uses and purposes therein expressed and contained;
8. The Seal affixed to the foregoing indenture is the official seal of the said Town and was so affixed by order of the Council of the said Town, to and for the uses and purposes therein expressed and contained;
9. That the instrument was executed at the place and on the date specified above;

DECLARED TO at town of  
Rothsay, in the County of Kings, )  
and Province of New Brunswick, )  
This \_\_\_\_ day of \_\_\_\_\_, 2016. )

BEFORE ME: )

\_\_\_\_\_  
Commissioner of Oaths )\_\_\_\_\_  
**MARY JANE E. BANKS**



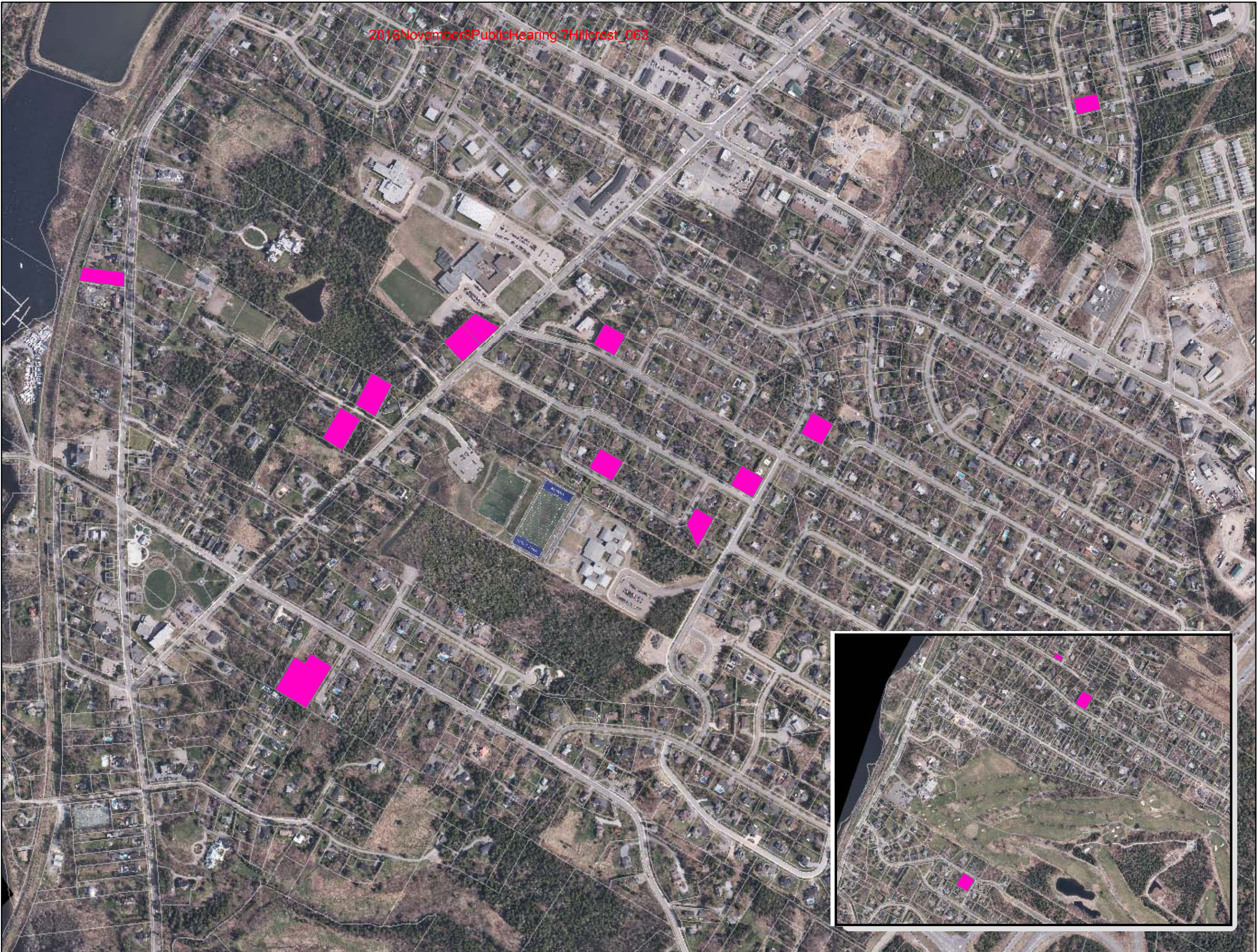
# Hillcrest Drive Proposal

Public Comments

- 13 North St
- 6 Silverton Cres
- 17 Silverton Cres
- 4 Highland
- 5 Hibbard Ln
- 57 Hampton Rd
- 59 Hampton Rd
- 71 Eriskay Dr
- 8 Hibbard Ln
- 20 Goldie Crt
- 69 Scovil Rd
- 24 Hillcrest Dr
- 6 Valpy Dr
- 57 Gondola Point Rd
- 139 Renshaw

Nov. 4th, 2016

2016November8PublicHearing 7Hillcrest\_063







Mrs. Margaret Steele  
57 Gondola Point Rd  
Rothesay NB E2E 5K1

Rothesay N.B

October 15, 2016

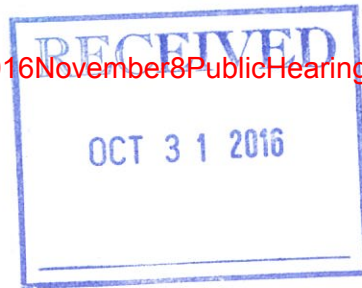


The Mayor and Council.  
Town of Rothesay.

Do you have a committee named  
"Town Planning"? When I see large houses  
crammed on postage-stamp lots. It makes  
me wonder. What happened to measurement  
rules, square feet and footage etc.?

Remember this is supposed to be  
a suburb with open space, green areas  
and gardens. not houses bulging over property  
lines. Stop all this before it gets out of  
control. I certainly hope it is not too  
late already

Peggy Steele



5 Hibbard Lane,  
Rothesay, N.B.,  
E2E 5M3  
October 30, 2016

Mayor and Council,  
Town of Rothesay  
70 Hampton Road,  
Rothesay, N.B.

Dear Mayor and Councillors;

This letter is to express my concern regarding the revised plan dated September 20, 2016 for the proposed development at 7 Hillcrest Drive.

Although the plan indicates 5 fewer garden homes, the apartment buildings remain next to Hampton Road. The berms and greater setback may help reduce the impact of these buildings which are larger than the neighbouring homes but still does not fit in with the surrounding homes and landscape. The larger paved area may also lead to greater water runoff in the intense rain storms we are more often experiencing. There are also traffic concerns with only 1 exit/entrance onto the same street travelled by children to and from school.

Yes, higher density population is advisable and yes, the concept of single family homes on a large lot is under scrutiny in both urban and suburban communities. But, this development is too much in this location.

Please consider a further reduction in the number of housing units. Reducing the height of the apartment buildings would better blend with the homes nearby.

At this time, I am opposed to the revised plan for development on 7 Hillcrest Drive.

Yours respectfully,

Catharine MacDonald



From:  
To: [Mary Jane Banks](#)  
Subject: Public Meeting - 7 Hillcrest Drive -Rezoning Application  
Date: October-31-16 12:44:40 PM

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Please provide the following letter to Council on my behalf in connection with the above noted public meeting.

**Sent via email**

October 31, 2016

Mayor Grant and Members of Rothesay Town Council,

I had hoped to address you in person in connection with this matter but I will be out of town on business on the date of the scheduled public meeting and unable to attend.

If present, I would once again express my concern that matters which have been under discussion privately for months will be addressed by members of the public possibly without a complete sense of what is being considered since plans for this application seem to be the subject of ongoing discussions with staff and ongoing amendment. However, I am pleased that Council accepted the recommendation to refer this application back to PAC and the public to give you and members of the public additional time for debate and consideration.

I'd welcome a chance in the future to participate in discussions with your Council and other interested citizens about the challenges of process, governance and transparency faced by public bodies with specific emphasis on development activities. I note that the City of Edmonton has done extensive work on the issue of residential infill development and has excellent source materials online. Perhaps the notice and informational aspects of these types of plans could be adapted for our much smaller community.

In connection with this proposal, and conceding that residents generally are open to responsible and innovative development on this site, the question really revolves around building location, density and whether this proposal constitutes a thoughtful and aesthetic transition from the surrounding single family homes. No one can seriously suggest that this is anything other than a significant change in use with potential challenges. It is among the largest deviations from the Municipal Plan considered by a Council for many years and would benefit from a process which involves all stakeholders. The increase from a permitted 8 residences to 60 (750%) is worth careful review as it cannot be undone once approved.

A jarring transition which is not thoughtfully executed will be bad for the property values of surrounding homeowners and will diminish the general impression and aesthetics of our community. In solving one perceived problem (the need for additional types of housing in Rothesay), it should not create others.

**The developer advises that the two multi unit buildings will each be roughly the size of the current Rothesay Town Hall.** In addition to the low rise condominiums, is it appropriate to have two such large structures on a relatively small site? Clearly if the two

structures were motel buildings you would reject them as an intrusion on the character of the neighbourhood but you would also be concerned about their size and prominence. Is the proposed transition from the surrounding half acre lots with a single residence reasonable ? Most residents seem to agree that, at the very least, the large structures cannot and should not be located on the Hampton Road even with the revised 20 metre setback. This is completely inconsistent with the surrounding single family homes which have significant landscaping, large lots and substantial setbacks.

As I have said previously, we understand that economics dictate many aspects of property development but, in our view, the proposal's massing from 8 to 60 residences may simply be too much for the site to accommodate when combined with concerns which may exist in connection with parking, traffic, water and other issues. We would support a further scaled back proposal which moves the largest (but hopefully smaller) structures completely to the rear and side of the site using landscaping to reduce the impact of the transition from the low rise surrounding residential structures. The developer has repeatedly indicated his willingness to locate the largest structures at the rear of the property and has presented these options for consideration. We remain at a loss to understand staff's refusal to entertain this option based on an unexplained desire to create a streetscape of two anomalous and out of place large structures merely to facilitate walking.

The larger issue is whether the proposal meets the spirit of the existing Municipal Plan and whether a facilitated discussion with public input should take place before spot rezoning for much increased density on a residential lot takes place. We are aware that other similar projects are being contemplated for Rothesay and therefore a precedent will have been created by this project which may be difficult to ignore when subsequent applications are made. Have all stakeholders had an adequate opportunity to weigh in on what their town should look like in the future? Have staff presented to Council a balanced and comprehensive assessment of the current proposal or is it advocating spot rezoning? Is it time to take a moment to reflect on a new Plan for Rothesay?

Proponents will tell you that there are words in the existing Plan which support consideration of higher residential density along the Hampton Road. I would suggest that the average resident of Rothesay would have told you that their interpretation of those words would use the Low Wood project as an example of higher density residential development. What is currently being proposed, since it is well beyond the Low Wood precedent, was never contemplated or considered. If this argument makes sense to you, Council could reject the proposal and recommend that proposals of this scale must await a review of the Municipal Plan (which is due). The proponent would be free to resubmit a much scaled back alternative proposal for your subsequent consideration.

If the development were to proceed in any fashion, the developer has told residents privately he would have no objection to certain alterations to the draft Development Agreement which was circulated to the public (these suggestions made at the public meeting were not

incorporated in the latest revised draft from staff); 1) the agreement should be non assignable (ie. the developer who made the commitments to residents would be the only one who could have the benefit of the rezoning and could not "flip" the rezoned property to a third party), 2) the time limit to complete construction should be limited to a reasonable period such as 3 years, 3) it should be made clear that this is a condominium project and not rental property, and 4) landscaping and berms surrounding the site should be erected when construction is commenced.

I regret not being able to address you personally. As I have said repeatedly, I believe a thoughtful, innovative development of this parcel is possible and desirable. I believe the proponent merely wants to build something which will be of good quality, profitable and marketable. I equally believe that a rush to approval of planning and rezoning "on the fly" will not necessarily yield the desired result and that our Town will live with the decision for a long time.

Respectfully submitted,

Peter Klohn  
[57 Hampton Road](#)  
Rothesay, N.B.



**From:**  
**To:** [Nancy Grant](#); [Matthew Alexander](#); [Miriam Wells](#); [Tiffany Mackay French](#); [Bill McGuire](#); [Peter Lewis](#); [Grant Brennan](#); [Don Shea](#); [Mary Jane Banks](#)  
**Subject:** Fw: 7 Hillcrest Drive Rezoning Application (Public Hearing Sept 14/16)  
**Date:** October-31-16 3:57:08 PM

---

Mayor & Council -

Please be advised that despite the developer submitting a 'revised' plan for this project, my comments as communicated on September 14/16 are still items of which I am concerned and am therefore still NOT IN FAVOR of this development.

Regards,  
Cindy Millican  
71 Eriskay Drive

---

**From:** Cindy M  
**Sent:** September 14, 2016 5:02 PM  
**To:** nancygrant@rothesay.ca; mattalexander@rothesay.ca; miriamwells@rothesay.ca; tiffanymackayfrench@rothesay.ca; billmcguire@rothesay.ca; peterlewis@rothesay.ca; grantbrenan@rothesay.ca; donshea@rothesay.ca; MJ Banks  
**Subject:** 7 Hillcrest Drive Rezoning Application (Public Hearing Sept 14/16)

Good Afternoon.

Allow me to apologize for the 11th hour submission of my comments. It was my intention to attend this evenings Public Hearing, however, a family commitment will prevent me from doing so. I will keep my comments brief and to the point and I sincerely hope they will be taken into consideration when Council deliberates the merits of this rezoning application. Let me begin by stating my position on this application. I am **not in favor** of the proposed rezoning. While I applaud the developer for his confidence in our Town and his desire to develop here, I do not feel this is an appropriate location for such a high density development. Hampton Road (particularly in the area of Hillcrest) is a very busy area with not only motorists but pedestrians as well. With four (4) schools, a very popular sports field and arena and the revamped Common all within walking distance, plenty of vehicular and pedestrian traffic is generated at all times of the day/evening in this area. While I appreciate that the applicant has conducted a traffic study, I think we all recognize that two key factors would have played a role in the outcome of this study - the time of year (summer break for schools) and the fact that the Rothesay Road was (and continues to be) closed to through traffic. Yes, assumptions were made as to

what the volume would have been if the timing of the study had been different, but in my opinion that does not negate the need for a study to be done in 'real time' - ie: when school is in session and Rothesay Road is open. At the very least, the Town should undertake it's own traffic study to substantiate the numbers recorded by the applicants consultant. Another traffic aspect which I feel needs to be considered is the fact that it is not only Hampton Road & Hillcrest which will feel the effects of the traffic generated by this development but the feeder roads farther up into the Highlands could also be impacted. Currently, in an attempt to avoid traffic on Hampton Road and the lights at the Marr Road, it's common for vehicles to short cut (with no regard to the speed limit) via Eriskay Drive and Iona Ave to reach the Marr Road. As you all are no doubt aware, Eriskay between Highland and Iona and Iona itself are very narrow with several blind knolls along the way. Construction was to be done on these two streets to enhance safety & infrastructure, however, it now seems that this project has been taken off the table indefinitely as no money is available. I firmly believe that Council needs to revisit the decision to sideline this project as it deserves to be placed back on the priority list for reasons of safety and infrastructure integrity. In summation, I do not feel that this location is suitable for a high density development. The affected area (the Highlands) is well known for it's well kept properties and large, mature lots and given it's proximity to schools and other family oriented amenities, it is a very popular area for families of all ages. High density just does not seem to fit with the existing character of the area. I hope Council will consider the character and nature of our Town when reviewing this application. Once a development of this type is constructed, there is no going back ... this will be precedent setting and not in a good way. Thank you so very much for taking the time to review my comments. Should you have questions or comments, please feel free to contact me. Best regards. Cindy Millican, 71 Eriskay Drive



November 01 2016

Dear Mayor and Counsellors

This letter is to express our concern regarding the revised proposed development at 7 Hillcrest Drive by A.E. McKay Builders.

The plan basically indicates five fewer garden homes, however it has not addressed esthetics, water drainage, the environment and most importantly the question of increase in traffic.

Placing this development on 1.5 hectares is still an unacceptable increase in density from the surrounding properties and current use.

We would like to see another study done on the traffic flow. There are morning when the traffic is backed up well beyond Hibbard Lane thus limiting access on to the Old Hampton Road. This will only increase with the proposed development.

Traffic congestion is a concern with only one exit on to a very busy street that services 3 schools within a block from 7 Hillcrest.

Although we welcome alternative housing this is not the parcel of land this should be built upon.

Sincerely

Arthur, Norah and Barbara Lee-White

*Arthur Lee-White*  
*Norah Lee-White*  
*Barbara Lee-White*

RECEIVED

NOV - 2 2016

59 Hampton Road  
Rothesay, N.B.  
E2E 5L4

November 1, 2016

Her Worship, Dr. Nancy Grant and Members of the Rothesay  
Town Council  
70 Hampton Road  
Rothesay N.B.

Re: Proposed rezoning-A.E.McKay Builders,  
7 Hillcrest Drive (multi-residential)

Dear Mayor Grant and Members of Town Council

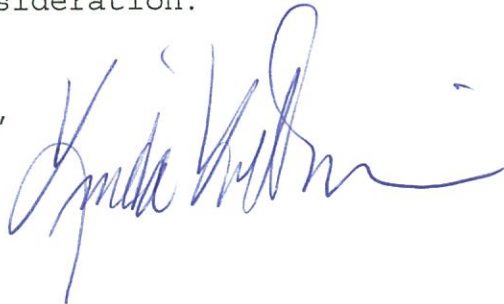
Regarding the above-noted development proposal, the  
concerns I expressed to you in my August 31, 2016 letter  
(attached) remain.

To summarize, I am not against development in  
Rothesay. However in my view the proposed density for this  
property is much too high and should be reduced. Secondly  
the location of the two larger hotel size buildings should  
be situated in the rear of the property.

Thank you for your consideration.

Respectfully submitted,

Linda LeMesurier





Linda LeMesurier  
59 Hampton Road  
Rothesay, NB  
E2E 5L4

August 31, 2016

Her Worship, Dr. Nancy Grant  
and Members of the Rothesay Town Council  
70 Hampton Road  
Rothesay, NB

Re: Proposed Rezoning – A.E. McKay Builders Ltd.  
7 Hillcrest Drive (multi-residential development)

Dear Mayor Grant and Members of Town Council,

I am the owner of 59 Hampton Road, the property diagonally across the street from this proposed development. My family has owned this property since 1990 and my husband and I have raised our 2 children from this location. We purchased this property as it was in a good residential neighborhood with excellent access to good schools and we felt this would be a good place to raise our family. It has met all of our expectations and now that our children have become adults and left the family home, we are now beginning to think about downsizing, and moving into a condo-style environment is a real possibility for us.

I am writing this letter to raise my concerns (and not necessarily my opposition) to this proposed development. As I shall be away for the September 14<sup>th</sup> public meeting, I am submitting this letter for your consideration. I have confidence that you will carefully consider all of the necessary elements in deciding whether this proposal is in the best interests of the Town of Rothesay.

Briefly, I will summarize my concerns.

#### A – ROTHESAY MUNICIPAL PLAN

A municipality spends a great deal of effort in preparing a municipal plan for its town. The Rothesay Municipal Plan 2010 is 59 pages with various attachments.

It is my understanding that this is the development blueprint for the Town and any alteration from this should be carefully scrutinized. To rezone a property from R1A-single family house zone to R4 – multi use residential zone is an exceptional and major deviation from the Rothesay Municipal Plan 2010.

To permit this sets a major precedent for others to do likewise in the future.

From my review of the documents filed for this Application and subsequent discussions with the Applicant, it would seem to me that the Town staff have looked at this rezoning as nothing more than a technicality to overcome before construction begins. I would have thought that when this proposal came forward that the town staff would have been more resistant to the rezoning and assisted the applicant in identifying other Town properties that were already zoned R4-multi use residential and compliant with the municipal plan. I do not believe this was ever done.

I would ask that the Town staff identify other properties in the Town which might be suitable for this type of development before permitting this Application. Otherwise, I fear that granting this rezoning shall result in future similar application all over Rothesay for other properties in the R1A residential zone. With the aging demographics in Rothesay, I suspect this will be the first of many applications in the Town for this type of retirement style living. If spot rezoning is going to be so easily achieved, then what is the purpose of a municipal plan?

Additionally, has the Town staff examined whether there would be any reduction in the property values of the existing homes close to this development? I am not against development but to approve a rezoning that could have a negative financial impact on the existing homes should be considered. Has the Town engaged a professional property appraiser to look at this issue? If not, this should be done before any approval is given in my view.

#### B - SPECIFIC PROPOSAL

Should the Council come to the decision that this is a good project for this property, I would urge you to carefully analyse the proposed density advanced in the Application. To construct 2 large 24 units condo buildings along with 6 additional buildings seems to me to be much too dense for a 3.85 acre lot. The additional number of people and vehicles would quickly alter this residential neighborhood. I would suggest a maximum of 48 units would be reasonable.

Furthermore, to place the 2 large buildings within a few feet away from Hampton Road seems inappropriate when you examine the existing homes along this road which have a much greater setback from the road.

To me the larger buildings should be situated on the back side and right corner of the property close to Miller Fields. It was my understanding that this positioning was originally the Applicant's proposal but for whatever reason the Town staff would not accept it.

In conclusion, I do not believe that the Town has completed the necessary due diligence to determine whether this proposal should proceed, however, should Council approve this proposal, I would urge that you require a reduction in the overall scale and density of the project and a repositioning of the buildings on the property.

Thank you for your consideration

Respectfully submitted,

Linda LeMesurier



Ryan Peters  
13 North Street  
Rothesay N.B,

Nov 1, 2016

To: Whom It May Concern:  
Re: Proposed condominium complex  
7 Hillcrest Drive

This letter is to express my concern regarding this proposal for the condos and garden homes to be built on Hillcrest drive. As a resident for several years in the valley, I have seen a growth of traffic in the area. Presently to get down on the main street at certain hours of the day is extremely difficult. More building with an increase in population in this area will make the congestion much worse. Build the complex but build it somewhere away from this already congested area !

Yours truly,

Ryan Peters



Walter Peters  
4 Highland Ave  
Rothesay N.B,  
E2E 5M5

Nov 1, 2016

To: Whom It May Concern:  
Re: Proposed condominium complex  
7 Hillcrest Drive

This letter is to express my concern regarding this proposal for the condos and garden homes to be built on Hillcrest drive. As a resident in this community for the last 10 years I have seen the increase in traffic grow immensely in this area. As of present I oppose the complex proposed in this area. I feel there are better areas for condos and town houses to build. They would be better built perhaps up off Millennium drive or directed away from this congested traffic area. Also to my understanding, there are more complexes going in by Cochran's Market. How will the Old Hampton Road adjust to the increase in traffic How many more vehicles will be traveling up this road ? There is great difficulty getting out on the main road at present. Try getting out in the morning from your residential area or try to get up the strip at lunchtime or supertime. I am not opposed to building the proposal but I feel there are better areas that would accommodate everyone without more congestion. There is only one main road through our town!

Yours truly,

Walter Peters



**From:** [REDACTED]  
**To:** [Brian White](#)  
**Cc:** [Nancy Grant](#); [Tiffany Mackay French](#); [Don Shea](#); [Miriam Wells](#); [Peter Lewis](#); [Bill McGuire](#); [Grant Brenan](#); [Matthew Alexander](#)  
**Subject:** Fw: By-Law 2-10-27 Amendment to Proposed Condominium Complex - 7 Hillcrest Drive  
**Date:** 01 November 2016 1:10:06 PM

---

Dear Mr. White,

Reference subject by-law amendment/condominium complex....

After reviewing conceptual site/landscape plan, the minimal set-back of the 2 main buildings on the corner of Hampton Road & Hillcrest as well as the additional parking on Hillcrest side suggest nothing much has changed from developers original plan. Given that the Hampton Road is an already busy street, particularly at peak periods, one has to ask if 7 Hillcrest Drive is the appropriate location for such a high density development. The size of the condominium proposal (single family residential to large serviced R1A/multi unit R4) raised many questions and concerns at the public hearing held September 14th.

Even in the project's amended form, the surrounding, older established neighborhood(s) (i.e. Hibbard Lane, Henderson Lane, etc.), will be negatively affected by the size of the proposed complex.

The existing infrastructure is also inadequate. With schools and huge outdoor sporting fields nearby, traffic issues will likely intensify. Hillcrest Drive is only .6 of a kilometer from a very busy intersection. Where the Hampton, Marr and Clark Roads meet, is already a congested intersection (especially during the morning and afternoon peak periods).

This particular intersection is of sub-par design. When approaching, the centre lane traffic on the Marr Road meet the centre Lane traffic coming up the Clark Road, cars/trucks etc., must literally meet head on to make their respective turns. In spite of an apparent need for condo housing in Rothesay and for reasons stated above, the scope (size) of Mr. McKay's project as described in the amended documentation provide by the town, is, in my opinion, not suited for the Hampton Road/Hillcrest Drive location.

During the September 14th public hearing several suggestions were made as a way to possibly "soften" the appearance of the complex. Some of those ideas would make the development more in keeping with the existing neighborhood(s). However, based on what is being presented in the amended package, it is evident both the developer and town hall have chosen to stay the course and not deviate much from the original plan.

Sincerely,

André Castonguay

email : [REDACTED]

Sent from i5

2016November8PublicHearing 7Hillcrest\_078

**From:**  
**To:** [Rothesay Info](#)  
**Subject:** rezoning 7 hillcrest dr  
**Date:** November-01-16 1:52:04 PM

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To Mayor Grant and Rothesay council

As long time residents of Silverton Cres. in Rothesay we wish to express our displeasure at the proposal to rezone 7 Hillcrest Drive from R1A to R4. In our opinion the proposal is much to large for the area and would completely change the intent of the original R1A zoning for the area.

It seems that every time AE McKay wants to build in Rothesay that a zoning change is requested or a variance is granted. Why isn't this plan proposed in an area already zoned R4? Isn't that what a municipal plan is all about?

I hope our concerns will be considered by council when debating the proposed changes.

Sincerely, David and Claudette Hudson

## 2016November8PublicHearing 7Hillcrest\_079

**From:** [rothesay-noreply@thepulsegroup.ca](mailto:rothesay-noreply@thepulsegroup.ca)  
**To:** [Rothesay Info](#)  
**Subject:** Website Contact message  
**Date:** November-01-16 10:04:34 AM

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Name: Brian Wilson

Street Address: 139 Renshaw Rd

Phone:

Email:

Comments: I was wondering if a decision on the townhouse development on Hillcrest Dr. has been made. Affordable senior housing is becoming more of a concern every year. I live in a single family home on the Renshaw Rd and can see a time when I will want to downsize. It would be my first choice to stay in the town of Rothesay. I have lived here for many years and love it a lot. There have been some great projects completed over the last few years, the Common included, so keep up the good work. Brian Wilson

Lisa Best and John Gallant  
6 Silverton Crescent  
Rothesay, NB E2E 5V8

**3 November 2016**

Mayor Grant and Councillors  
70 Hampton Road  
Rothesay, NB E2E 5L5

Dear Mayor Grant and Councillors:

I am writing concerning the proposed development at 7 Hillcrest Drive. We are concerned about the proposal for several reasons. First, and most important, is the fact that the surrounding neighbourhoods are low density residential. One of the reasons that most people purchased homes in this area was the nature of the neighbourhood. As is stated in the Rothesay Municipal Plan (2010), *“Protection of existing neighbourhoods is a key tenet of this Plan. New development will be expected to complement existing housing and to be generally consistent with the existing styles and density in areas contiguous with land proposed for development.”* (pg. 12). Further on Page 14, in Section 5.2.3 POLICY *“The areas shown on the Future land Use Map as low density residential shall be limited to uses that include single-family, detached housing, and in some zones, two unit dwellings with limitations on the relative numbers of each type and uses accessory or supplementary to these.”* Further the map in Schedule A clearly shows the area as low density residential. An examination of the proposed development is inconsistent with these statements. We do not understand why a deviation to the municipal plan is being considered, especially as the Municipal Plan was adopted only 6 years ago. There are other areas in Rothesay that could be considered for higher density development and these areas are outlined in the plan.

Second, there are five schools that are in this immediate neighbourhood (Rothesay Elementary, Rothesay Park, Harry Miller Middle, Rothesay High, and Touchwood Academy). Adding 60 residential units at the bottom of Hillcrest has the potential to put pressure on these schools. Further, children walk to each of these schools and having a construction zone in the area could put those children in danger. In the morning and afternoon, Hillcrest Avenue is busy; there are buses and parents travelling to Rothesay Elementary. I cannot imagine the increase in traffic if 60-100 additional vehicles were moving down Hillcrest Avenue to Hampton Road. We attended the initial town meeting and listened in disbelief to the results of the traffic study. Anyone who drives down Hillcrest in the morning realizes that there will be an impact to traffic flow. Currently, in the morning, traffic can be backed up from the lights at Marr Road to the Town Hall. Conducting a traffic survey during the least busy time of year (summer) cannot possibly indicate that there will be no increase in traffic during the busiest times of the year.



3 November 2016

Page 2

Third, as we live on Silverton Crescent, we are concerned about where this development ends. The current proposal is for the development to remain below the two house lots at the bottom of the Crescent. If those houses are put up for sale, can they be rezoned and integrated into this complex? Will the road that goes through the complex (Balmoral) be extended to travel up Silverton? These are questions that concern us. When we purchased our home, we looked at several neighbourhoods in Rothesay and Quispamsis. We choose this area because it was close to the school, the Commons, and other amenities. A high density development such as this changes the atmosphere in our neighbourhood, makes it less safe for our son to travel to school and to activities, and could affect the value of our home. Already one house on Hillcrest has sold and another on Henderson is recently up for sale. These listings may be coincidental but I would urge Council to take these listings seriously. It is certainly possible that homeowners are so concerned about this development that they are considering the possibility of moving.

We would also like Council to be aware that we are not against development. We certainly think that low or medium density residential dwellings would be appropriate on this plot of land. At the same time, 60 homes, with two large buildings, built on less than four acres of land seems unreasonable. When one stands on the bottom of Hillcrest and looks at the plot, it does not seem possible that the proposed development would fit in the space provided. I would suggest that, perhaps, 20-30 garden homes would be appropriate on this plot.

Sincerely,

Lisa Best and John Gallant



Nov. 3, 2016

Attention Rothesay Town Council,

Re: Zoning for 7 Hillcrest Drive:

I would like to submit my concerns for the proposed development.

1. I believe this plan is too aggressive for this small an area and would cause congestion in the surrounding traffic flow. A smaller apartment condo building with more garden homes would be more appropriate.

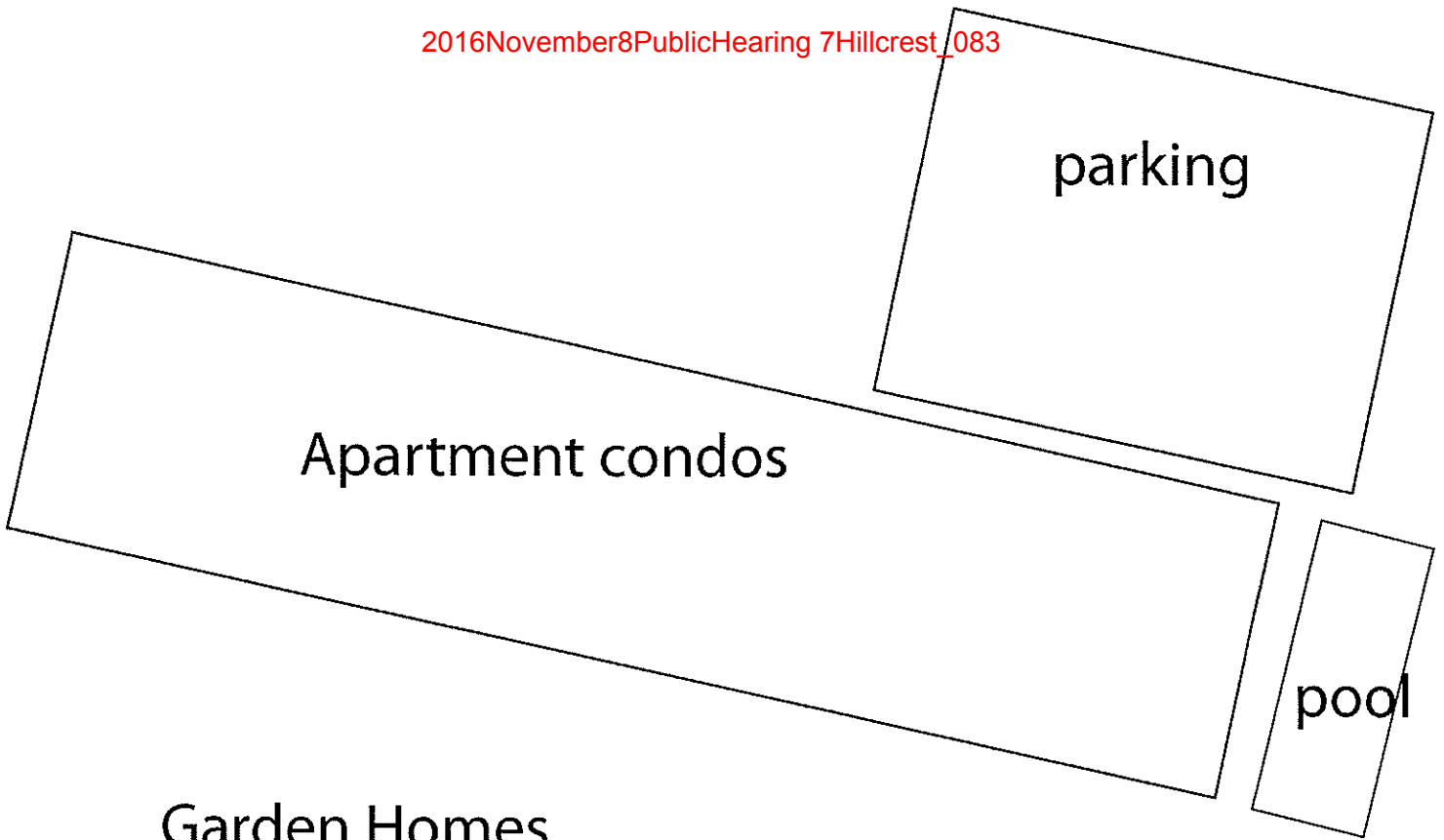
2. Two apartment condos facing one another on the long side is a very bad idea. This kind of design works in a resort setting where people are visiting for a short time but few people want to live in an apartment that looks into another apartment across from them.

Neither do most people want to hear the sounds coming from a pool just outside their bedroom window for three months of the year. The resale value on these inside condos would be very poor.

Sincerely,

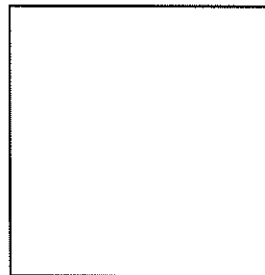
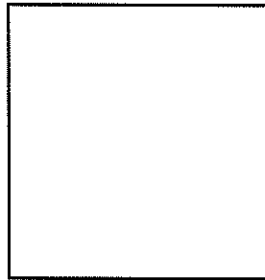
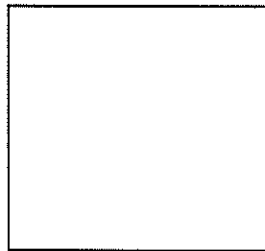
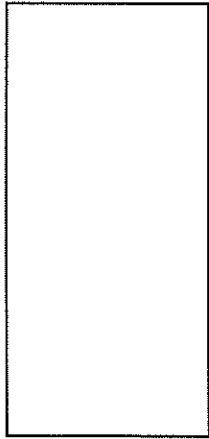
A handwritten signature in black ink, appearing to be "Jill Brock", written over a horizontal line.

Jill Brock  
20 Goldie Ct.,  
Rothesay, N.B.



## Garden Homes

Hillcrest



Hampton Road

November 3, 2016



Dear Members of the Rothesay Town Council,

I would like to respectfully voice my opposition and non-support for the amended proposed condo/apartment development at the foot of Hillcrest Drive.

My wife and I have lived on Hillcrest Drive for 30 years. The reason we purchased this property had largely to do with the fact that the area was zoned for residential single family dwellings. The area is peaceful, safe and close to all the amenities. It was a perfect place to raise our 4 children. In the past few years, there have been several other families with very young children move to Hillcrest Drive and within the near proximity. These children walk to elementary, middle and high school.

The families in that area purchased their homes to raise their children with the knowledge that the area was zoned for single family dwellings. True to their vision, our municipal council forefathers wisely ensured that much of the land in Rothesay, such as the Hillcrest Park Area, was zoned for that purpose. The people have made significant financial investments to move into that area to fulfill their hopes, dreams and aspirations. They placed tremendous value on having the peace of mind that their existing land title of single family dwelling property was protected by a covenant with their municipality and province and that any development such as the initial proposal or the amended version would take place where land had already been zoned for that purpose. For the people, this is more than a loss of economic capital. It is a loss of social capital. It is a loss of a way of life, something which has made the community so appealing to live in for so many years. The social vitality of a community should not be forsaken for a short term opportunistic entrepreneurial profit motive driven scheme located in a single family residential zoned area.

Admittedly, there is a provision in the bylaws that allow for the rezoning of property. Such a provision should only be used when it is in the interest of the public good of the community. This is certainly not in the public interest of the Hillcrest Park community. Several multiunit apartment buildings are currently being built in Rothesay including nearby developments on the Old Rothesay Road and the Gondola Point Road, both in areas zoned for that purpose. Why is it that other properties similarly zoned for multiunit housing are not being pursued or utilized for this proposal? I would assume that much of the demand for this type of housing would be absorbed by these developments.

The amended proposal is still grossly over ambitious and non-aesthetically pleasing to the area. There are 5 schools very close to this proposed development. Traffic in the area is already busy, and before and after school hours, congested. The crosswalk nearby is busy and at times dangerous due to the rush of people before and after school. The proposed 60 unit development will only exacerbate the problem. There are not 60 families in all of Hillcrest Drive, Silverton Crescent and the bottom half of Highland Drive combined. Most of these properties are at least half acre lots making up much more than 3.5 acres for this development.

I am not against the area being developed for residential single family dwellings. In fact, I would encourage single family homes be built on that parcel of property. The lot could easily accommodate up to 8 or more large single family dwellings as was done on Eriskay Drive or even a larger number of garden homes.





The Town of Rothesay has always been desired as a place for families to locate and raise children. One of the major reasons for this is the desire to live in a social setting and residential area of single family dwellings that are aesthetically pleasing.

I would ask the Town Council of Rothesay to turn down this overly ambitious, non-aesthetically pleasing and profit motive driven proposal and uphold the people's right to a way of life that they have invested in and have become accustomed to know and love. The social vitality of a community should not be forsaken or grossly altered for the sake of an economic opportunistic entrepreneurial profit driven scheme that is not conducive to the social setting of the area and in no way represents greatest happiness of the greatest number.

Respectfully yours,



Dr. Lawrence MacDonald

Jean MacDonald



24 Hillcrest Drive

Rothesay, NB

E2E 5P5

## 2016November8PublicHearing 7Hillcrest\_086

**From:** [rothesay-noreply@thepulsegroup.ca](mailto:rothesay-noreply@thepulsegroup.ca)  
**To:** [Rothesay Info](#)  
**Subject:** Website Contact message  
**Date:** November-03-16 11:09:51 AM

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Name: Gillian Wallace

Street Address: 69 Scovil Road

Phone: [REDACTED]

Email: [REDACTED]

Comments: I wish to protest the old and new plans for the 7 Hillcrest property. This is not the proper location for apartment buildings. You may wish to call them condos, but they are too big for this location in the town.

Councillor Wells was correct at the last public meeting - Rothesay has an ambiance that is being quickly eroded.

With new builds too big for lots, on undersized lots and in back yards of one home properties. Which ever way you look at this redesign - it's still lipstick on a pig.