



# ROTHESAY COUNCIL

SPECIAL OPEN SESSION

Monday, July 25, 2011

MINUTES



PRESENT: MAYOR WILLIAM J. BISHOP  
DEPUTY MAYOR BLAIR MacDONALD  
COUNCILLOR SCOTT COCHRANE  
COUNCILLOR PAT GALLAGHER JETTE  
COUNCILLOR TERRY KILFOIL  
COUNCILLOR NORMA MULLETT  
COUNCILLOR DON SHEA  
COUNCILLOR TOM YOUNG

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF DEVELOPMENT SERVICES (DDS) GAY DRESCHER

**PUBLIC HEARING**                      **By-law 2-10-08 French Village Road (portion) PID#00230060)**

29 June 2011                      1<sup>st</sup> Section 68 advertisement  
20 July 2011                      2<sup>nd</sup> Section 68 Advertisement  
5 July 2011                        Recommendation from Planning Advisory Committee/Town Clerk  
24 June 2011                      Staff Report  
DRAFT                                By-law 2-10-08

**Appearances:**                      **G. Drescher, Development Officer, Director of Development Services**  
**William Bonney**

**Objections:**                        **None received – 21 July 2011**

Mayor Bishop called the Public Hearing to order at 7:30 p.m. and gave instructions to those in attendance, noting the legislative process and advising the hearing was duly advertised. DDS Drescher gave a brief presentation outlining the proposal for a continuing quarry operation at 169 French Village Road. She noted a rehabilitation plan for the site is required and it will be reviewed by the Planning Advisory Committee for a recommendation to Council. Mr. Bonney commented on the current rehabilitation done at the site, including planting trees, maintaining gentle slopes and stabilizing the banks, indicating he would like to see the land used for another purpose twenty years down the road. On questioning from Council, Mr. Bonney advised the property could be used for commercial, residential or light industrial in the future, advising there are no "holes" but rather the knolls have been removed. It was noted there are pits on neighbouring properties and a compost facility.

Mayor Bishop called three times for those wishing to speak in favour of the proposal.

Mayor Bishop called three times for those wishing to speak in opposition to the proposal.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the Public Hearing be adjourned.

**CARRIED.**

The Public Hearing adjourned at 7:40 p.m.

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### **PUBLIC HEARING                      By-law 2-10-10 92 Hampton Road PID# 00242479**

29 June 2011            1<sup>st</sup> Section 68 advertisement  
20 July 2011            2<sup>nd</sup> Section 68 Advertisement  
24 June 2011            Staff Report  
5 July 2011             Recommendation from Planning Advisory Committee/Town Clerk  
DRAFT                    By-law 2-10-10

**Appearances:            G. Drescher, Development Officer, Director of Development Services  
                                 Greg Zwicker, GENIVAR**

**Objections:**            17 July 2011   Letter from Mr. and Mrs. Adams, 15 Glenwood Drive  
                                 18 July 2011   Letter from E. Hatfield, 86 Hampton Road  
                                 20 July 2011   Letter from Mr. and Mrs. Mayes, 8 Glenwood Drive  
                                 21 July 2011   Letter from Mr. and Mrs. Kennedy, 5 McLaughlin Drive

Mayor Bishop called the Public Hearing to order at 7:30 p.m. and gave instructions to those in attendance. DDS Drescher gave a brief presentation, noting the proposal is to rezone the back portion of 92 Hampton Road to Central Commercial to provide a consistent zone for the entire parcel. She advised the development proposal for the restaurant and coffee shop had already been given approval by the Planning Advisory Committee. DDS Drescher noted the comments raised in the letters with respect to traffic, garbage, parking, lighting, and stormwater management. She indicated the Town is working with the developer to provide for a right turn lane, the lighting will be required to meet the standards of the By-law, and the detailed stormwater management plan is currently under engineering review.

Greg Zwicker, GENIVAR, gave a brief presentation to Council. He outlined the five properties involved in the proposal, noting the coffee shop development will partially encroach on the back portion of 92 Hampton Road that is currently zoned Residential and is the subject of the public hearing. Mr. Zwicker made the following comments: stormwater management will involve the installation of an oversize pipe under the parking lot to capture run-off, the lighting standards will meet the requirements of the Zoning By-law, and there are no immediate plans to develop the back portion of the property. On questioning, the following was discussed: concerns with traffic flow and the three proposed accesses/egresses for the development, transport truck access, status of development agreement, design of proposed right-turn lane, need for a traffic study, landscaping on the site and how best to address the traffic issue.

DDS Drescher acknowledged the comments from Council and noted the restaurant and coffee shop have already been approved by the Planning Advisory Committee. She advised there will be a development agreement that will address the traffic issue, detailed drawings have not been provided yet and the option was available to request a traffic study. It was further noted the requirement is 30m<sup>2</sup> of tree cover for the site, which does not include the undeveloped portion.

Mayor Bishop called three times for those wishing to speak in favour of the proposal. Mr. James Morris, 9 Dobson Lane and Mr. Blake Creamer, 3 Beach Drive spoke in favour of the proposal, indicating it will provide more opportunity to the town and provide more services so there is less need to travel to Saint John.

Mayor Bishop called three times for those wishing to speak in opposition to the proposal. The following people spoke: Carol Adams 15 Glenwood Drive, Don Blaney 7 Iona Avenue, Gerald Hatfield 86 Hampton Road, Cheryl Kennedy 5 McLaughlin Drive. The following comments were made: several restaurants already in the area, concern with the property being clear cut, increased traffic and resulting congestion, possibility of a strip mall being located on the back portion of the property, stormwater management, Hampton Road area floods already with heavy rainfall, impact on private wells, in favour of development but need to review issues of traffic, stormwater drainage, noise and garbage.

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Mr. Zwicker gave the following responses: it is not the intent to clear-cut the property and a larger buffer area could be considered, stormwater management will meet the requirements established by the Town, garbage collection areas will be covered but in an area visible to clientele so will be maintained, negotiations are ongoing with the Town with respect to the right-turn lane and the entrances/egresses were adjusted as requested by the Town.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the Public Hearing be adjourned.

**CARRIED.**

The Public Hearing adjourned at 8:28 p.m.

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**PUBLIC HEARING                    By-law 2-10-09 8 Marr Road PID# 00242552**

29 June 2011            1<sup>st</sup> Section 68 advertisement  
20 July 2011            2<sup>nd</sup> Section 68 Advertisement  
24 June 2011            Staff Report  
5 July 2011             Recommendation from Planning Advisory Committee/Town Clerk  
DRAFT                    By-law 2-10-09

**Appearances:            G. Drescher, Development Officer, Director of Development Services  
                                 Greg Zwicker, GENIVAR**

**Objections:             None received – 21 July 2011**

Mayor Bishop called the Public Hearing to order at 7:30 p.m. and gave instructions to those in attendance. DDS Drescher gave a brief presentation, outlining the proposed rezoning is to accommodate commercial development.

Greg Zwicker, GENIVAR, gave a brief presentation. He advised there is no current tenant for the proposed CRU (commercial retail unit) and the request is to do the development as one cohesive project (8 Marr Road, 92 and 94 Hampton Road). On questioning, Mr. Zwicker and DDS Drescher advised of the following: the property edge abutting the residential property will have a buffer, either a hedge or fence and trees are required on the development, the location of the parking lot along the frontage of Marr Road will not be permitted, the existing house on the site will be salvaged and moved but no alternate location has been determined yet, and there is very little room for a sidewalk along the south side of Marr Road.

Mayor Bishop called three times for those wishing to speak in favour of the proposal. Mr. James Morris, 9 Dobson Lane advised he was in favour of the proposal.

Mayor Bishop called three times for those wishing to speak in opposition to the proposal. Mrs. Adams, 15 Glenwood Drive questioned what could be built on the site once it is rezoned. It was noted any development agreement would be reviewed by the Planning Advisory Committee and forwarded to Council for approval.

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the Public Hearing be adjourned.

**CARRIED.**

The Public Hearing adjourned at 8:35 p.m.

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Mayor Bishop called the Open Session of Council to order at 8:40 p.m.

### **1. APPROVAL OF MINUTES**

N/A

### **2. APPROVAL OF AGENDA**

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the agenda be approved as circulated.  
**CARRIED.**

### **3. OPENING REMARKS OF COUNCIL**

Counc. Cochrane noted he attended the grand re-opening of the TBS store on behalf of the Mayor.

### **4. DELEGATIONS**

N/A

### **5. CORRESPONDENCE FOR ACTION**

5.1 6 July 2011 Letter from Symphony New Brunswick RE: funding request.

5.1.1 6 July 2011 Letter from Symphony New Brunswick Foundation RE: funding request VIVO.

**MOVED** by Counc. Young and seconded by Counc. Gallagher Jette the letters dated 6 July 2011 from Symphony New Brunswick RE: funding request and from Symphony New Brunswick Foundation RE: funding request VIVO be referred to the Finance Committee.

**CARRIED.**

5.2 15 July 2011 Letter from D. Rushton RE: drainage at 48 Clark Road.

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett the letter dated 15 July 2011 from D. Rushton RE: drainage at 48 Clark Road be referred to the Town Manager for a response.

**CARRIED.**

### **6. CORRESPONDENCE - FOR INFORMATION**

6.1 24 June 2011 Letter from Tourism and Parks Minister Trevor Holder RE: Bay of Fundy New7Wonders of Nature.

**MOVED** by Counc. Shea and seconded by Counc. Kilfoil the letter dated 24 June 2011 from Tourism and Parks Minister Trevor Holder RE: Bay of Fundy New7Wonders of Nature be received/filed.

**CARRIED.**

6.2 13 July 2011 Letter from Local Government Minister Bruce Fitch RE: PSAB Implementation.

6.2.1 22 July 2011 Memorandum from Treasurer Johnson RE: PSAB implementation.

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Mullett the letter dated 13 July 2011 from Minister Fitch RE: PSAB Implementation and the memorandum dated 22 July 2011 from Treasurer Johnson RE: PSAB implementation be received/filed.

**CARRIED.**

### **7. REPORTS**

#### **7.0 July 2011 Report from Closed Session**

##### **➤ 2011 Capital Budget additions**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council approve the following revisions to the 2011 Asphalt Capital Budget, subject to budget availability:

- remainder of Iona Avenue
- Ian Crescent
- Longwood Drive at Carriageway

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- portion of Longwood Avenue
- Colonsay Place
- Phoenix Court

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council approve the following revisions to the 2011 Chipseal Capital Budget, subject to budget availability:

- French Village Road from Dofred Road to Hooper Drive

**CARRIED.**

**MOVED** by Counc. Cochrane and seconded by Deputy Mayor MacDonald Council approve the following addition to the 2011 Capital Budget:

- extending sidewalk curb and gutter from Marr Road to Chapel Hill Boulevard

**CARRIED.**

### 8. OLD BUSINESS

N/A

### 9. NEW BUSINESS

**BUSINESS ARISING FROM PUBLIC HEARINGS** (see Public Hearing documentation)

#### 9.1 French Village Road Rezoning application (By-law 2-10-08)

5 July 2011 Recommendation from Planning Advisory Committee/Town Clerk  
DRAFT By-law 2-10-08

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald 1<sup>st</sup> Reading, by Title, be given By-law 2-10-08, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-10-08 by title.

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald 2<sup>nd</sup> Reading, by Title, be given By-law 2-10-08, "A By-law to Amend the Zoning By-law".

**CARRIED.**

The Clerk read By-law 2-10-08 by title.

#### 9.2 8 Marr Road Rezoning application (By-law 2-10-09)

5 July 2011 Recommendation from Planning Advisory Committee/Town Clerk  
DRAFT By-law 2-10-09

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald 1<sup>st</sup> Reading, by Title, be given By-law 2-10-09, "A By-law to Amend the Zoning By-law".

#### ON THE QUESTION:

Deputy Mayor MacDonald expressed concern over traffic at the intersection and indicated this is the time to deal with this major issue. He advised he would not support the By-law and suggested there should be a traffic study. It was noted a traffic study could be done and only 1<sup>st</sup> Reading be given the By-law, or it could be tabled. Counc. Gallagher Jette advised she would support the By-law with the caveat a traffic study be done. Counc. Kilfoil advised he was in support of the By-law and had confidence staff would properly investigate the concerns raised.

**CARRIED.**

**MOVED** by Deputy Mayor MacDonald and seconded by Counc. Gallagher Jette a traffic study be done for the proposed development at the Marr/Clark/Hampton Roads intersection that included current traffic flows and the impact of the proposed commercial developments on the site.

**CARRIED.**

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**9.3 92 Hampton Road Rezoning application (By-law 2-10-10)**

5 July 2011 Recommendation from Planning Advisory Committee/Town Clerk

DRAFT By-law 2-10-10

**MOVED** by Counc. Young and seconded by Deputy Mayor MacDonald 1<sup>st</sup> Reading, by Title, be given By-law 2-10-10, "A By-law to Amend the Zoning By-law".

**CARRIED.**

**9.4 Equipment Purchase – Freightliner Attachments 2011-01EQ**

12 July 2011 Memorandum from Treasurer Johnson

**MOVED** by Counc. Kilfoil and seconded by Counc. Mullett Resolved: that Council approve the purchase of truck attachments from Parts for Trucks for \$61,986.76, inclusive of HST.

**CARRIED.**

**10. NEXT MEETING**

It was noted there are public hearings scheduled for August 8, 2011, to be followed by the regular meeting of Council.

**11. ADJOURNMENT**

**MOVED** by Counc. Young and seconded by Counc. Kilfoil the meeting be adjourned.

**CARRIED.**

The meeting adjourned at 8:55 p.m.

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MAYOR

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CLERK