



ROTHESAY



Sagamore Heights Subdivision Virtual (Webex) Public Meeting 15 December 2020 at 6:00 p.m.

- Please log-in (per the instruction email) a few minutes early to ensure there are no technical difficulties
 - **PLEASE NOTE:** If there are two attendees from the same address, please use ONE log-in (and share) **OR** log in from separate rooms/locations
- The meeting is being broadcast LIVE on the Rothesay YouTube channel and will be recorded. The recording will be available until Friday, December 18. <https://www.youtube.com/user/RothesayNB>
- The public meeting is an opportunity to present comments and no decisions will be made. Questions will be recorded and the developer will be given an opportunity to respond after all attendees have spoken
- Supplemental information, if required, will be provided to the Clerk's Office by January 6, 2021 for consideration at the January 11, 2021 Rothesay Council meeting
- Speakers are limited to **ten minutes**, in accordance with the Rothesay Procedural By-law
 - The Mayor will use the gavel to signify the end of the time limit and the speaker will be moved back to the waiting room
 - Disruptive or disrespectful comments will not be entertained and the speaker will be muted and/or expelled from the meeting



ROTHESAY

INTEROFFICE MEMORANDUM



TO	:	Mayor & Council
FROM	:	John Jarvie
DATE	:	11 December 2020
RE	:	Comments of Residents re Sagamore Heights Subdivision Plan

Recommendation:

It is recommended:

1. Council raise the Matter from the Table,
2. Receive the attached report for Information, and
3. Table decisions on the acceptance of the lands for public purposes and adoption of the agreement with the Developer until the January 11th, 2020 Council meeting.

Background:

Town staff have received many questions and comments regarding the proposed Sagamore Heights subdivision plan. Attached is a list of over 60 of these and the best efforts of staff to provide responses. These responses have been prepared in consultation with the Developers and more fulsome answers will be available at a later stage in the project when more engineering work has been completed.

As Council will note, the proposed development meets the Town zoning and subdivision bylaws with no variances and as such can be said to meet the intentions of the Town respecting residential land development. The ongoing process will be subject to the requirements of Town bylaws and the detailed requirements of the development agreement. Some questions or comments are related to various regulations at the Provincial level.

Several of the comments relate to existing conditions on Maliseet Drive or River Road. While these would not normally be expected to be answered by the Developers, the approval process has identified some issues that could involve improvements to infrastructure in the established neighbourhoods. For example, there is a depressed portion of Maliseet Drive that is susceptible to flooding during the freshet and it will be raised during the 2021 Town resurfacing program. Issues with substandard internet have been identified to the provider. Staff will work with the neighbourhoods on these issues irrespective of the subdivision development but there may be same opportunities to resolve some of these issues due to the new subdivision.


Following the Tuesday evening video session when residents can voice concerns directly to Council, staff will assemble a report with recommendations regarding any changes to the proposed development agreement or other aspects for presentation to Council at its January meeting.



70 Hampton Road
Rothesay, NB
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Rothesay Council
December 14th, 2020

TO: John Jarvie, Town Manager

SUBMITTED BY: 
Brian L. White, Director of Planning and Development Services

DATE: Friday, December-11-20

SUBJECT: Sagamore Heights Subdivision Application – Supplemental Report

INFORMATION REPORT

ORIGIN:

At the November 9 2020 regular Open Session meeting of Council the following Motion was passed:

MOVED by Deputy Mayor Alexander and seconded by Council. Brennan the application pertaining to Sagamore Heights – 55 Lot Subdivision be tabled until at least next month, December 14, 2020 or until such time as a summary document can be prepared answering the residents’ and Councillors’ questions and perhaps identifying a process whereby residents can give a presentation on their questions or designate someone to speak on their behalf.

CARRIED.

BACKGROUND:

At their November 2, 2020, regular meeting of the Rothesay Planning Advisory Committee (PAC) considered an application from Mr. Edward Harley and Mr. Patrick Shea, Directors of 619699 N.B. Inc. (developer) to subdivide 31.3 acres of vacant land in Sagamore Point. The subdivision includes the following facts:

1. The proposed subdivision is for fifty-five (55) single-family home lots. More than half of the lots are larger than 2000m² (½ acre), more comparable in size to abutting Maliseet Drive lots and generally larger than the River Road lots next to them.
2. The proposed lots average over 1800m² and all lots meet the Town’s by-law requirement of 1350m³ for the low-density single-family zone.
3. The subdivision agreement includes LED streetlights at public street intersections and mandatory driveway lights for every new home;
4. The subdivision plan includes a ¼-acre neighbourhood playground park and an asphalt trail along the main public streets, Sage and Greenbrier.

5. No wells will be drilled and no septic fields will be permitted; all homes will be connected to Town water and sewer.
6. The Developers have been asked to have a traffic study prepared by a qualified traffic consultant.
7. A professional engineering firm will prepare a stormwater management plan to address runoff from the new homes as well as existing stormwater concerns from the surrounding topography. These plans are subject to review and approval by Town staff.
8. All municipal services (water, sewer and storm) will be connected at Maliseet Drive. Public utilities (electricity, phone, internet, cable) will enter from River Road. There are no planned service interruptions, impacts or improvements anticipated for existing residents because of the proposed development.
9. Town staff have confirmed that the existing sewage treatment facility can accommodate the additional sewage flows from the proposed 55 new homes. Announcement of a major upgrade to the wastewater treatment facility is pending.
10. The subdivision process requires that Council enter into a subdivision agreement with the developer for the municipal services and dedication of property for public purposes. No variances from Town bylaws are requested and this application is not a 'rezoning' as the land is zoned for this type of development.

At the November 2, 2020 meeting, Planning Advisory Committee made several recommendations, which were then forwarded, to Rothesay Council. Subsequently at the November 9 2020 regular Open Session meeting of Council considered the PAC recommendations were are as follows:

1. Council authorize the Mayor and Clerk to enter into a subdivision development agreement with 619699 N.B. Inc. to subdivide vacant land accessed off Maliseet Drive to allow for 55 single-family home building lots with new public road connections to Maliseet Drive and River Road.
2. Council assent, as per Section 88(2) of the Act, to the creation of public streets Sage Street, Greenbrier Street, Juneberry Court, and Goldenrod Lane with connections to Maliseet Drive and a future street connection to River Road and as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).
3. Council assent, as per Section 88(3) of the Act, to setting aside of land for public purposes as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).
4. Council assent, as per Section 88(7) of the Act, to the creation of a Local Government Service Easement as shown on the Sagamore Heights Subdivision tentative plan Drawing No. T-0758-R1 for the subdivision of land (PIDs 00241240, 00246603, 30128680, 00062737, 00246595, 00223453, 00224147, 30145890, 30147318).

Council deliberated on the PAC recommendations and then as noted in the ORIGIN section of this report decided to TABLE the application pending a summary report, which provides Council with answers to residents' questions.

Staff reviewed the emails and documents sent to the Town regarding the subdivision and selected all questions as submitted (quoted verbatim). Staff then prepared a summary table of those questions and provided that table to the developer. The answers provided in the table as follows represent responses from the Developer including comments from Town Staff (see below).

RESIDENT QUESTION	RESPONSE
1. Besides Harley and Shea who are the others within 619699 NB Inc. in case there is a conflict of interest?	Mr. Harley and Mr. Shea are the only registered owners of the holding company 619699 NB Inc. (see attached company registration form)
2. Will people think about leaving Rothesay in 20 years because the way of life that originally attracted people is now lost due to overpopulation and congestion thanks to tax greedy council?	<p>The question is rhetorical, and presents a false dilemma where by Council's decision on this application turns Rothesay into an overpopulated and congested community, that results in the alienation of long standing residents. The argument however offers no evidence. Staff believe the baseline for "overpopulation and congestion" in Rothesay can be benchmarked against other residential single-family neighbourhoods in Rothesay.</p> <p>For example, the proposed subdivision would add 55 homes to the existing 48 homes in Sagamore Point thereby creating a neighbourhood of 104 homes. The land area of Sagamore Point is 95.8 acres therefore the overall density is 1.08 dwellings per acre. For comparison, Kennebecasis Park has 333 Single Family Dwellings and 309.8 acres of land for an overall density of 1.07 dwellings per acre.</p> <p>Staff have confidence based on this comparison (Sagamore Point versus Kennebecasis Park) that the proposed subdivision will continue and reinforce the low-density residential pattern of development that reflects our "Rothesay lifestyle" that makes our community attractive.</p>

RESIDENT QUESTION	RESPONSE
STORMWATER	
<p>3. How will flooding on the 75ft of road frontage (ditch & front lawn) on River Rd. be alleviated if the proposed future street from Sagamore Heights to River Rd. goes through? It already floods now in the winter due to ditch drainage?</p>	<p>Stormwater is always a major matter for any subdivision development; accordingly, Rothesay requires that stormwater management systems be designed by a Professional licensed engineering firm to address the new development and existing stormwater concerns from the surrounding topography as it relates to the new subdivision. The plans prepared for the new subdivision are also reviewed, revised and approved by the Town's engineer. Also existing drainage issues along existing public streets should be reported to the Town as a service request for regular maintenance.</p>
<p>4. Our major concern is potential flooding of our property when the developers build up the land. What will be the elevation of the land?</p>	<p>It is the Developer's responsibility to develop properties in a manner such that drainage does not become a nuisance for neighbouring properties.</p> <p>Property specific drainage questions related to existing problems or very specific issues on individual properties cannot be addressed until the project engineering is completed and in many cases, the details are specific to the actual house design proposed for individual lots.</p>
<p>5. The proposed subdivision lands have a significant water retention capacity absorbing both regular precipitation and melt water. How is the loss of this capacity going to be offset and how will the increased runoff (especially given the possibility of increased heavy rain events due to climate change) be managed?</p>	<p>It is the Developer's responsibility, which is spelled out in the subdivision agreement, to hire a Professional Engineer to design and certify that the storm water system is constructed in accordance with Rothesay specifications.</p> <p>It is the Developer's responsibility to address drainage concerns that are related to existing problems or very specific issues on individual properties through the detailed project-engineering phase.</p>
<p>6. We are concerned that development of these lots may lead to increased water flow during rain events. Can you assure us that this will not be the case?</p>	<p>The Developer would be bound by contract (subdivision agreement) to adhere to Rothesay's by-laws at the issuance of a building permit, to include swales, dry wells and other stormwater controls as required, to control surface runoff and direct it away from neighbouring properties.</p>

RESIDENT QUESTION	RESPONSE
7. What will be put in the area called "municipal services", behind Lots 10-14?	This is drainage easement for the Town of Rothesay to accommodate drainage originating from River Road.
8. Are we now going to have flooded ditches and yards as a result of runoff and storm drains?	It is the Developer's responsibility to prepare a stormwater management plan that utilizes net zero strategies that have a stormwater-neutral effect and where the amount of stormwater generated is equal to the existing pre-development total stormwater. It is the Developer's responsibility to present to the Town a stormwater system in accordance with Rothesay specifications.
9. Can the stream handle the storm drain activity of all the paved areas that no longer have soil to gather moisture?	It is the Developer's responsibility to ensure all stormwater infrastructure will be properly designed and sized according to engineering specifications to handle future runoff.
10. What prevents a new homeowner from trenching his property the way they like only to have their runoff end up following gravity in my ditch or front yard or backyard?	Rothesay by-laws regulate how homeowners grade their properties and require techniques such as swales, dry wells and other stormwater controls to control surface runoff and direct it away from neighbouring properties.
11. Can the town of Rothesay ensure that my yard will not become the path of runoff from higher ground?	<p>Property at a lower elevation from the surrounding land, already receives runoff from that land. While neighbours owe a duty not to cause nuisance to one another, it is beyond the scope of the Zoning By-Law to enforce non-development related drainage between adjoining landowners.</p> <p>Rothesay does have the authority to enforce development related drainage from new homes, driveways and garages.</p>
12. Removing trees and building roads and houses will affect rainfall and snowmelt runoff. What are the town's and developer's plans to protect the environment from these adverse effects during the period of construction and into the future?	<p>The Developer or new homeowner must adhere to the Town by-law that requires a site-grading plan including an erosion and sediment control plan to be submitted and approved before a development or building permit is issued.</p> <p>Rothesay also requires that the entire development have stormwater management plan designed by a Professional licensed engineering firm to address the existing and future stormwater concerns as it relates to the proposed subdivision.</p>

RESIDENT QUESTION	RESPONSE
13. Has an environmental impact assessment been completed for the proposed subdivision?	<p>Rothesay has no by-law requirement for an environmental assessment of development projects. Only major residential subdivisions located outside incorporated areas are required to be registered under the Provincial Environmental Impact Assessment Regulation.</p>
PROPERTY VALUES	
14. Can anyone reviewing this proposal tell me seriously that looking out my backyard and seeing two homes to my one is going to maintain or increase my property value?	<p>One of the most frequently used indicators of residential home value are recent sale prices of comparable homes in your neighbourhood. If the value of new housing exceeds the average value of homes presently in the neighbourhood, the overall effect on the neighbourhood could be an increase in home value.</p> <p>However, the value of any home is associated with specific property details, age and condition of the home, style of home, home size and usable space, modern upgrades and updates.</p>
15. Can the town of Rothesay ensure my property value remains the same or increases with a proposed 55 homes?	<p>Municipalities do not offer any insurance regarding property values. Furthermore, the basic economic principle of supply and demand is a major factor of home value. When more houses are listed for sale than there are buyers willing to buy those houses, prices will go down. The opposite is also true. Housing inventory is in a constant state of adjustment, which in turn creates an unpredictable real-estate market.</p> <p>As previously stated the value of an individual property is related to market value and as long as demand keeps pace with supply, the value of local properties will not fall. In fact, they will probably rise, particularly if the new development boosts the desirability of a home in the up and coming Sagamore Point neighbourhood.</p>
16. In reviewing the current proposal however, it appears the current developers have decided to plan for more smaller lots. We are concerned how this will affect our property value. Can the developers comment on this?	<p>The Developers estimate their investment value of the subdivision development at ~\$35 million, and further believe that through this investment the neighbourhood will become both more desirable and valuable.</p>

RESIDENT QUESTION	RESPONSE
GROUNDWATER - WELLS	
17. What studies have been done, or will be done, to be sure of Water Quality and Quantity for the future of River Rd. residents?	The Developer has not conducted any groundwater studies. However, the Developer is required to connect all proposed homes to Town water and sewer. No wells will be drilled into the existing groundwater resource in the area and no septic fields will be permitted.
18. For those of us on wells, who do we contact if there is an unforeseen deterioration in our water quality/supply?	<p>The New Brunswick Department of Environment and Local Government establishes regulations regarding groundwater exploitation under the Clean Water Act and aquifer protection is addressed in Regulation 90-79 under the Clean Water Act.</p> <p>Provincial aquifer protections do not apply to a private well not on same property.</p>
19. As we are all on wells, how does the developer plan on dealing with run-off during expansion? Have there been studies done as to whether the water table can actually support such expansion?	No wells will be drilled into the existing groundwater resource in the area and no septic fields will be permitted, and for that reason, the proposed development is not expected to affect the groundwater in the area.
20. Can the town of Rothesay ensure our wells will remain clean and deliver the current volume?	The Town cannot offer any such assurance.
21. Has the effect on groundwater and water table been assessed by a civil engineering company?	The Developer has not conducted any groundwater studies.
TRAFFIC	
22. It is also a concern with all the extra traffic to feel safe walking on the side of the road. Is it possible that we can get sidewalks as well?	The need for sidewalks along public streets is a competitive priority among many Rothesay neighbourhoods that is managed through recommendations from Town Staff vetted through Committee process and brought forward to Council's annual capital budgeting process.

RESIDENT QUESTION	RESPONSE
23. How does the Town of Rothesay and/or the developer plan to not only improve these current issues (traffic and lack of sidewalks on Maliseet) but help to prevent them in the future if expansion takes place?	Observations regarding the lack of amenities or state of existing municipal infrastructure along existing streets has been noted by Staff and will be assessed by Council in annual budget considerations to focus financial and staff resources where they are most needed throughout Rothesay.
24. Are there any plans for a sidewalk on any of the street sections that will see a significant increase in traffic?	The subdivision plan requires sidewalks along Greenbrier Street to Sage Street. There are no other planned sidewalks in the subdivision.
25. Lot 77 on River Road appears to be owned by the development company requesting this proposal. Does the plan include turning this lot into a roadway? It is in line with "Future Street" coming off Fern Street?	This Lot will become a public street "Sage Street" as it connects to River Road down through the subdivision to Maliseet Drive.
26. What plan does the town have in place prior to the start of construction to deal with possibly 110 additional cars trying to access Gondola Point Road in the morning from River Rd.	Staff do not anticipate the need for signalization at the Gondola Point / River Road intersection. However, Staff will continue to monitor the level of service (LOS) for this intersection and recommend improvements if required.
27. Has a traffic assessment been done taking into consideration the new subdivision / River Road and Maliseet Drive access to the Gondola Point Road at peak hours?	No study has been done and Staff do not anticipate the need for signalization at the Gondola Point / River Road intersection.
28. Being that the River Rd is a long and narrow road, with what we consider to already have a traffic problem we ask what plan or considerations (if any) may be offered to address these particular concerns?	The Developer states that they are not required to address existing traffic problems on River Road.
29. Also, being that the new sub-division will have 3 access roads off of Maliseet Dr, we question as to why another access road even needs to be connected to the River Rd at all? If not, can it be omitted from the plan?	Town Staff note that Maliseet Drive is the only entrance and exit to Sagamore Point. The safety of the entire Sagamore Point subdivision will benefit from a secondary public road access therefore the River Road connection cannot be omitted.

RESIDENT QUESTION	RESPONSE
30. When do we slow development to address infrastructure? When traffic comes to a standstill? When pedestrians are at risk and vehicle accidents increase?	Staff have evaluated the proposal with due consideration for traffic safety and are recommending approval.
31. Can the town of Rothesay ensure that the increase in traffic will not put our residents at risk while walking on their narrow sidewalk less street?	Rothesay offers no such insurance. However Staff point to the Kennebecasis Park subdivision of 333 homes and ~10 kilometres of public streets without sidewalks as an example of a safe and desirable neighbourhood.
32. Fifty- five new homes will increase the traffic exiting onto Gondola Point Road at River Rd, especially in the mornings. What plans are being made to deal with this and avoid backups? One car turning left could cause major delays.	Staff do not anticipate the need for signalization at the Gondola Point / River Road intersection. However, Staff will continue to monitor the level of service (LOS) for this intersection and recommend improvements if required.
33. Dead-end streets – Why would Fern Street not be a through street to Maliseet Drive?	Maliseet Drive does not connect to the proposed Greenbrier Street (Fern Street) as the existing Maliseet cul-de-sac road right of way would not allow for a public street geometric design that could meet the standards for a safe intersection. Furthermore, Staff are concerned about speeding along Maliseet and the potential for speeding on Greenbrier.
CONSTRUCTION PROCESS	
34. Will the land be clear-cut immediately or will roads and infrastructure be installed, and properties cleared as sold?	It is the Developer's responsibility to cut only those trees that are specifically required to facilitate development. The trees on the proposed roads will be cut out and roughed in (grubbing and rough grading). Municipal services and completed public streets will be installed in Phases. Individual building lots will be cleared as they are sold.
35. What time of day will construction be allowed to start and have to end by, each work day?	It is the Developer's responsibility to not start construction noise before 7:00 a.m. and to stop construction by 9:00 p.m. (Refer to By-law 4-03 – Rothesay Nuisance By-law)

RESIDENT QUESTION	RESPONSE
36. Will construction be allowed on weekends?	Yes, construction is permitted on weekends.
37. How will services (water, sewer, storm runoff, electricity, cable/internet/phone and others) be brought into the proposed subdivision? Will the construction process bring service interruptions to existing residents? Will the end result bring worse or improved services to existing residents?	The Developer intends to bring municipal services (water, sewer and storm) to approved connections at Maliseet Drive. Public utilities (electricity, phone, internet, cable) will enter from River Road. The Developer intends to have limited or no service interruptions for existing residents because of the proposed development. The Developers are prepared to work with public utilities to facilitate service improvements to the degree that they are not absorbing any additional construction costs.
38. How will flooding and land debris be alleviated during, and after construction of the 300ft of property border?	It is the Developer's responsibility to see that construction adheres to best practices for erosion and sedimentation control. Town Staff and the developer's onsite construction management will routinely inspect construction.
39. Can the town of Rothesay ensure that the developer leaves a tree line between our lots and any new ones?	It is the Developer's responsibility to encourage all new homeowners to retain natural vegetation, mature trees and natural topography wherever possible. However, new homeowners are not required to maintain or retain tree lines.
40. We are greatly concerned with rampant clear cutting that most likely will need to happen to support these lots. How is this going to protect the existing tree lines on already developed lots?	It is the Developer's responsibility to only remove trees in order to clear out stumps and remove the top soils to build roads and install services. The Developers are further restricted from widespread "clear cutting" on the entire property. Individual home lots will be sold and developed to the new resident's specifications. Homeowners are also encouraged to only clear and grade that portion of their land, which they intend to build on.

RESIDENT QUESTION	RESPONSE
<p>41. Construction process – with simply an announcement of the proposed subdivision and a map of its proposed final appearance, current residents have no idea how the significant construction process involved with such a development will impact them. When will it start? Will it be done all at once or be done in phases over a decade?</p>	<p>The Developer would begin construction through the winter of 2020/21 with development proceeding in six phases with an anticipated buildout time of 6-8 years depending on market conditions.</p>
<p>SEWAGE/WATER</p>	
<p>42. Has an assessment been completed with adding 55 new single family homes on new sewer system and can the Town of Rothesay accommodate with the current (sewer) septic field system?</p>	<p>Rothesay currently has an aerated lagoon, not a septic field. The Director of Operations for the town of Rothesay has confirmed that the existing lagoon system can accommodate the additional sewage flows from the proposed 55 new homes.</p>
<p>43. Is the new sewer system capable of handling all these new houses along with all the possible new development as proposed in the new Town Municipal Plan 2020?</p>	<p>The “new” treatment system is the planned upgrade of the Sagamore Point Lagoon to a mechanical treatment plant. The preliminary design is for a plant that can service the projected 2035 population with a contingency factor built in for greater than expected growth. The plant will also be designed to be scalable past 2035.</p>
<p>44. What effect will 55 new homes have on the sewer lagoon?</p>	<p>The addition of 55 new homes will have negligible effect on the Town’s treatment system.</p>
<p>45. During the floods of 2018 and 2019 the sewer was flooded and portable toilets had to be brought in. Has the wastewater planning taken this into account?</p>	<p>The development of the proposed subdivision will have no effect on the existing situation with sewage collection infrastructure in low-lying flood prone parts of the Rothesay.</p>
<p>46. Can the current sewage treatment pond handle 55 more homes?</p>	<p>Yes, the Town’s treatment system can handle the addition of 55 new homes.</p>

RESIDENT QUESTION	RESPONSE
47. The infrastructure pipe was layed 2 years ago to divert the pond from K-Park, the pump house has been constructed, when does the rest of the upgrade take place?	With the financial assistance of the Federal and Provincial government, the Town was able to complete Phase 1 of the new sewage treatment project. Phase 2 will see the development of a new modern wastewater treatment plant that will cost upwards of \$20 million. The project cost requires funding from Federal and Provincial partners. Rothesay is prepared to begin Phase 2 of the project as soon as funding is announced.
MISCELLANEOUS	
48. The new proposed plan, how does it compare to the original proposed plan?	In 1973, the Village of Fairvale approved the Sagamore Point a subdivision plan that vested Maliseet Drive as a public street. That 1973 plan also showed a future conceptual phase for Sagamore Point with 41 building lots and new public streets. The developer's application for that future conceptual phase, now known as "Sagamore Heights", includes 55 building lots and new public streets that follow the same general configuration as the 1973 concept plan.
49. Wasn't the plan originally for far fewer houses?	The 1973 conceptual subdivision plan showed 41 building lots. The current proposal is for 55 building lots.
50. Why was the original plan not considered by the Town of Rothesay on receipt of the application?	The 1973 conceptual subdivision plan has no legal standing and was never submitted to the Town for approval. The Town is obligated to review a subdivision plan submitted by a landowner in compliance with Town By-laws.
51. Why does the new proposal have to be 55 houses ?	The subdivision does not have to be 55 homes; however, the subdivision does meet the Town by-law requirements.
52. Is there any consideration being given to a requirement for lot sizes to be consistent with the other 'Sagamore' Point properties ie: Maliseet and Malabeam lots?	The Developer is proposing a subdivision that meets all requirements of the Town By-law furthermore more than half of 55 total lots are ~2000m ² (½ acre) sized lots which is more consistent with Maliseet properties.

RESIDENT QUESTION	RESPONSE
53. Since municipal water is being put on the properties, will this service be offered to River Road residents?	The Developer is not responsible for extending municipal services onto River Road, as it not directly connected to the servicing of the development proposal.
54. Will there be an on- going mechanism and recourse put in place for residents to voice concerns and resolve issues as the project develops? If so, what will it be?	The Developer intends to maintain and provide community contact for onsite construction issues and concerns. Residents can report a concern or issue to the attention of the Town's Bylaw Enforcement Officer by calling Town Hall.
55. Why are the names of the owners of River Road published on the plans, but the owners of Maliseet Drive are not?	<p>The use of homeowner names on some lots is not within the control of the developer.</p> <p>The tentative plan of subdivision was prepared by licensed surveyors to meet the legal requirements of referencing the proposed subdivision in context for the Provincial Land Registry Office.</p>
56. Has an environmental assessment been completed for the new proposed sub-division?	No. Rothesay has no by-law requirement for an environmental assessment of development projects. Furthermore, only major residential subdivisions located outside incorporated areas are required to be registered under the provincial Environmental Impact Assessment Regulation.
57. Who now owns the deeded access to the water on Maliseet Drive? Will the new subdivision residents have access to this area?	The Developers' own the waterfront lot on Maliseet Drive and are planning to grant access to future homeowners in the subdivision.
58. Services for Existing Neighborhood: As alluded to above, there are currently many modern services missing within the current Sagamore Point subdivision. Is there a plan to modernize the current neighbourhood in addition to the planned expansions?	<p>It is not the Developer's responsibility to maintain or upgrade existing public utilities (electricity, telecom, and internet) this infrastructure is owned by NB Power that is regulated by the NB Energy and Utilities Board, which in turn has the responsibility to enforce Reliability Standards. Complaints can be made online http://www.nbeub.ca/complaint-form.</p>

RESIDENT QUESTION	RESPONSE
<p>59. Current residents of Maliseet Drive and Malabean Lane have access to a shared beach lot via deeded beach rights. If deeded beach rights for the same shared beach lot (which is small) extend to new residents within the expanded community, we feel this would dilute the worth and usage of these rights for the current residents. What is the plan for deeded beach rights for new residents?</p>	<p>The Developer notes that the only thing that is changed with the private beach property is ownership. The new owners have the same rights as the previous owners and any existing Deeded beach rights have not changed in any way.</p> <p>The new residents will be extended those same privileges however the beach will not be a public beach.</p>
<p>60. Is there an opportunity to have an upgrade of the internet service as part of the new infrastructure being put in for the new subdivision?</p>	<p>The Developer is prepared to work with public utilities to facilitate service improvements to the degree that they are not absorbing any additional construction costs.</p>
<p>61. Currently there is no fire system fighting infrastructure (hydrants) on Maliseet Drive except at the entrance of the road; assuming hydrants will be placed at new traffic access points and cul-du sac?</p>	<p>It is the Developer's responsibility to build new municipal fire protection hydrants in the development, the plan for services has not been finalized by the engineering firm.</p>
<p>62. Deer are already a big problem in Rothesay, we are concerned that once construction starts and continues, the deer on that land will be forced out (displaced) and onto roads and other properties and will add to our deer problem. So we ask what, if any plan there may be to address this concern?</p>	<p>There is no specific plan to address displaced deer or loss of deer habitat. Deer management is the responsibility of the Department of Natural Resources and the Town of Rothesay participates in the annual Kennebecasis Valley Deer Management Plan.</p>
<p>63. How high of an elevation will the proposed Fern St. be to the 300ft of property border?</p>	<p>Engineering is not yet complete; however, it is the Developer's responsibility to ensure stormwater water issues are addressed.</p>

RESIDENT QUESTION	RESPONSE
<p>64. What studies if any have or will take place on the possible Air Quality changes due to more possible wood stove smoke?</p>	<p>No studies have been completed and none are required. Staff recognize that burning wood, whether in a wood stove or a fireplace, releases a variety of pollutants into the air.</p> <p>The New Brunswick Department of Environment and Local Government administers the provincial Clean Air Act. However, there are currently no regulations in place under that Act specific to residential wood smoke emissions.</p> <p>The New Brunswick Department of Energy administers the provincial Energy Efficiency Act. Regulation 95-70 under that act requires all solid fuel burning heating appliances manufactured and sold (retail) in New Brunswick to comply with CSA standard B415.1-00.</p>
<p>65. Is it possible to limit or not have any Wood Burning appliances in this new subdivision?</p>	<p>Municipalities do not have the authority to regulate wood burning devices inside a home.</p>
<p>66. What rights do we have as a property owner?</p>	<p>Property rights will not change; homeowners will retain their existing property rights. Property owners should expect that the proposed development follow all Town by-laws and that there be little or no impact of the development on their personal property.</p>
<p>67. How will our rights as a property owner or developer be protected by the Town?</p>	<p>There will be no changes to your property rights resulting from this proposed development. Rothesay will investigate complaints and enforce Town By-laws.</p>
<p>68. Which side will the new Paved Pathway on Fern St.be located?</p>	<p>The preliminary plan indicates that the paved pathway will be located on the left or inside portion opposite side from the river of the proposed public street.</p>
<p>69. What will happen with the ditch /brook that runs between the two properties at 51,49 when they put the road through connecting River Road and Fern Street? Because the water that runs through the ditch runs across my property at 55 River Road ?</p>	<p>This is the location of the future street connection of Sage Street to River Road. Detailed engineering has not determined the exact manner of stormwater management however a drainage easement is proposed to accommodate stormwater infrastructure.</p>

RESIDENT QUESTION	RESPONSE
70. What was the NB Department of transportation and Infrastructure doing with the lot that runs beside the proposed future street to River Road or has the town in talks to purchase it?	The property was acquired by the Province through tax sale on July 20, 2015. Rothesay has made a request to acquire the property for the purpose of a public road and drainage infrastructure.
71. The forest on Sagamore Point would be expected to absorb about 80 tonnes of CO2 every year. What is the town's plan to offset and mitigate this?	The Developer has no responsibility to prepare a detailed technical analysis of GHG impacts. However, according to the community inventory, more than 38.6% of the community's Greenhouse Gas emissions come from the residential sector. Improving energy efficiency in new home construction is key means of reducing overall community emissions. In addition, NB Power has developed a series of financial incentive programs such as replacement of home heating systems for existing homes. The average implementation rate of these measures is set at 50%.
72. Can the town assure residents that these street lights will use a shade or other mechanism to light downwards only, reducing glare, increasing pedestrian and driver safety, benefitting migrating wildlife and continuing to allow residents who wish to see the dark night sky the chance to do so?	NB Power will install and maintain the streetlights, issues and concerns can be directed to NB Power at 1-800-663-6272.
73. Why was there not a public consultation process with residents, the developer and the Town? Why only allow questions to be submitted? How do we know concerns will be taken into consideration?	<p>No public consultation process is required, as the subdivision for 55 single-family homes does not require a rezoning and no variances are required. In situations where a homeowner or a developer fully complies with the Town's by-laws a public hearing is not required.</p> <p>All written comments submitted to PAC were reviewed and considered before their recommendation to Council was made, likewise Council has asked for additional clarification regarding questions presented by the public.</p>
74. Are we only to see the results of discussion with the Town of Rothesay (Planning Advisory Committee) and Developer?	Minutes from PAC and Town Council are available for public review.

RESIDENT QUESTION	RESPONSE
<p>75. STAFF NOTE that we received several comments (not questions) regarding the water lot allocation as land for public purpose that demand why Rothesay would accept "14.68 acres of absolutely useless water covered, inaccessible, sewage runoff, so called "green space" for our use."</p>	<p>The "water lot" was offered to the Town in response to Rothesay's request. This "water lot" parcel is deemed essential to the current and future upgraded sewage treatment plant facility including the effluent pipeline infrastructure that runs through that water lot parcel.</p> <p>Staff agree that the water lot is not "green space" however Staff believe that there is recreational value especially recreational boating. Staff also note that this water lot connects to surrounding Town owned land along Maliseet Drive. Furthermore, the water lot has a very important public use other than recreational, which is associated with future improvements to the Town's sewage treatment facility.</p>