

ROTHESAY

PUBLIC HEARING

Holland Drive PIDs 00056614, 00065094, 00056598

By Webex Videoconference

Monday, November 15, 2021

7:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR HELEN BOYLE
COUNCILLOR DAVE BROWN
COUNCILLOR TIFFANY MACKAY FRENCH
COUNCILLOR BILL McGUIRE
COUNCILLOR DON SHEA

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN
TREASURER DOUG MacDONALD
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

ABSENT: COUNCILLOR PETER J. LEWIS (*declared conflict of interest*)

PUBLIC HEARING **HOLLAND DRIVE (PID #s 00056614, 00065094, 00056598)**
2 – Six storey (48 Unit) apartment buildings

1. CALL TO ORDER Instructions

Mayor Grant called the videoconference to order at 7:35 p.m. She noted the delayed start was due to technical difficulties. Mayor Grant advised that she, Counc. Boyle, and Town Clerk Banks are present in the Sayre Room, at Rothesay Town Hall, observing physical distancing requirements, and wearing masks. She further noted Counc. Lewis declared a conflict of interest and will not be in attendance. All other Council members and Town staff were connected remotely.

Mayor Grant welcomed all in attendance, and noted registration was required to participate. Members of the public are asked to state their name and address before speaking – and will each have a ten minute time limit as outlined in the Procedural By-law. Following the ten minute time limit, members of the public will be moved to the “waiting room” where they can still hear the public hearing.

She outlined the order stating: the applicants will present first; followed by a presentation by Brian White (Director of Development Services); Council will have an opportunity for questions following the presentations; then members of the public will be invited to speak in order of registration; and the public hearing will conclude with closing statements from the applicants. She noted Council will not be voting on the draft by-law this evening.

2. PUBLIC HEARING

Documentation

12 November 2021	Public Notice memorandum prepared by Town Clerk Banks
20 October 2021	<i>Community Planning Act</i> , Section 111 notice to website
1 November 2021	Motion from Planning Advisory Committee
27 October 2021	Staff Report to Planning Advisory Committee <i>without attachments</i>
25 August 2021	Staff Report to Planning Advisory Committee <i>excluding Attach. B</i>
28 June 2021	Staff Report to Planning Advisory Committee <i>excluding Attach. A&D</i>
DRAFT	By-law 2-10-29
DRAFT	Development Agreement

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Appearances/Presentations:

Presentation: **Andrew Baskin, A.C. Baskin Investments Inc.**
Daniel Houghton, P.Eng.

Presentation: **Brian White, MCIP RPP, Director of Planning/Development Services**

Comments: Letters from residents (2)

Appearances: Anita Thomas
Enid Haley
Sheila Darkin
Andrew Pollabauer
Carol Ring

Mayor Grant listed the documentation and the dates the notice was posted to the Town's social media and website. She added there were a total of four letters received – two attached to staff reports, and two were received before the public hearing.

Mayor Grant invited the applicants to present.

Mr. Daniel Houghton, of Engineering by Houghton, introduced Mr. Andrew Baskin (developer), and Mr. Jacob Kilpatrick, P. Eng. (Engineering by Houghton).

Mr. Baskin introduced the Holland Hills project as multifaceted living, and the first of its kind in Rothesay. Mr. Houghton outlined the proposal, noting it is an application to rezone three parcels of land off Holland Drive from Single Family Residential (R1B), to R4 Multi-Unit Residential for the development of two six storey 48-unit (96 total) apartment buildings. He highlighted: adjacent properties are largely commercial and multi-unit residential, minimal walking distance to essential services and amenities, sloping terrain (rather than flat) complements building height and skyline, and 14 affordable units will be included to satisfy density bonus requirements.

Mr. Baskin stated he has lived in Rothesay for 12 years. He purchased the property in October 2020 to create a housing option combining luxury and affordability. He has worked with Town staff, along with his engineering team, for a number of months, to materialize his vision for housing that is close to Town amenities (ex. gyms, restaurants, banks); differentiates from standard apartments (not a cookie cutter design) – includes townhouse style apartments with exterior access; provides options for one, two, and three bedrooms; offers amenities such as a double elevator (hotel style lobby), café, gym, salon, and significant greenspace (roughly ¼ of an acre) for future considerations such as a pool, greenhouse, or putting green; and allows tenants to live a more green lifestyle with a smaller carbon footprint.

Mr. Houghton addressed the following:

Stormwater Management: a net-zero design will incorporate a combination of rooftop, underground, and overland storage to ensure post-development runoff does not exceed pre-development conditions. This is intended to prevent adverse impacts to neighbouring properties and maintain the current volume entering the municipal stormwater system. A detention pond may be incorporated into the landscaping plan.

Traffic: Englobe was engaged to provide a traffic study which indicates the level of service requirements will not be exceeded. Traffic will increase at the Marr Road/Chapel Road intersection but not enough to warrant adjustments. However, a 40% or \$100,000 contribution was included in the development agreement to improve the intersection to address existing traffic concerns.

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Connections to Sobeys and Canadian Tire: the suggestion to connect to Sobeys and Canadian Tire parking lots was explored but not discussed with the property owners. These connections could be problematic by creating a shortcut from Hampton Road to Marr Road, ultimately introducing more traffic along Chapel Road.

Fire Protection: is compliant with all codes for six-storey buildings (non high-rise), more specifically: available fire water flow capacity verified, non-combustible roof construction, non-combustible cladding, buildings will be sprinklered (NFPA compliant), 35% perimeter access, emergency power supply for lighting and alarms, and fire escapes (NBC compliant).

Mr. Houghton suggested the estimated tax revenue of roughly \$1.8 million dollars over ten years would benefit Rothesay. He thanked Council for their time.

Mayor Grant thanked the applicants and invited questions from Council.

Council. Shea asked if the project incorporates all suggestions from the Kennebecasis Valley Fire Department (KVFD). Mr. Houghton noted the KVFD recommendations match standard construction practices for six storey buildings. Council. Shea questioned if 35% perimeter access is standard to enable access for fire trucks. Mr. Houghton advised he is not qualified to answer, but the 35% perimeter access does meet NFPA requirements. Council. Shea asked if consideration was given to creating walking paths to Sobeys and Canadian Tire, and if the businesses were consulted. Mr. Houghton noted there is intent to create pedestrian or bike paths to access the nearby commercial corridor. Consultation would occur if the project is approved.

Council. McGuire asked if tenants in the affordable housing units would experience a rent increase, or eviction, once the 20 year commitment expires. Mr. Baskin noted the Canadian Mortgage and Housing Corporation (CMHC) offers a 10 year commitment with an option to renew. He explained, it is unlikely he would evict tenants without cause. He added rent may increase with the Consumer Price Index (CPI) but to speculate now would be premature. Council. McGuire expressed concern the buildings may eclipse the backyards of adjacent properties. He noted the buildings will be twice as high as the condominium buildings on Hillcrest Drive (three storeys). Mr. Baskin advised a shadow study was completed. He added the comparison may be misleading – there is a level of subtlety owing to the sloped terrain, flat roofs, and distance from single storey buildings; whereas the condominiums were constructed on flat ground, with pitched roofs, in close proximity to single storey residences. Council. McGuire referenced a statement from the KVFD Fire Chief stating additional resources are not necessary at this time. He expressed concern this may imply resources will be required in the future which will have financial implications for both Rothesay and Quispamsis.

Deputy Mayor Alexander made the following comments: the shadow study does not identify what time of day/time of year the images reflect; despite sloping terrain, the buildings will be tall structures (64.5 ft) significantly higher than trees, Canadian Tire (20 ft), Sobeys (approx. 15-20 ft), and adjacent residential buildings (maximum three storeys); and the distance to adjacent residential properties (80 ft) is only slightly more than the height of the buildings, which may cause shadows and impact neighbouring properties. He asked why the buildings are not located on the parcel of land closer to Hampton Road. Mr. Baskin identified an easement in this area that would require construction of a driveway increasing the overall scope and cost of the project. He added positioning the buildings this way would definitely create shadows on the buildings at 154 Hampton Road.

Mr. Houghton clarified, the buildings would not “disappear” into the hillside, but the sloping elevation will offset a portion of the height – they would not be six storeys above the existing road. He advised the dates/times were accidentally cropped from the shadow study images. He apologized for not catching the error, and displayed the original images.

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Deputy Mayor Alexander commented on the amount of hardscaping, and noted a green roof would not be visible on a six storey building. Mr. Houghton advised there will be water retention on the roof but it is not considered a “green” roof. He added the intent is to maintain as much greenspace as possible which led to the decision for significant underground parking. He noted the renderings provided are only conceptual at this stage. He added there will be land for recreational purposes, and an overland storage pond. Modelling software will utilize the pre- and post-development conditions to ensure stormwater runoff from the property does not adversely impact surrounding properties.

Counc. Brown inquired about construction of the building, the 14 affordable units, 35% perimeter access – and if it is possible to increase this percentage, the size of storage ponds – and mitigation for freezing, and retaining walls (location and size). Mr. Baskin noted they are leaning toward wood with metal cladding, or concrete. He stated his preference for concrete but noted this would depend on cost. He explained Town staff advised how many affordable units were required for the project. Mr. Houghton noted the 35% perimeter access is the minimum standard, however the plan includes vehicle access on three sides of each building which exceeds this standard. He responded to the remaining questions, noting: software will be used to determine the appropriate size for rooftop, underground, and surface storage for stormwater – details will not be available until the final design is confirmed (i.e. total amount of impervious surfaces); instructions will be provided to ensure stormwater storage areas are properly maintained (prevention of freezing); and there will be retaining walls (the foundation of the building, and walls constructed near underground parking. He explained, the renderings are conceptual so they are not detailed – the height of the retaining walls will be determined when the design is finalized.

Counc. Shea asked if municipal stormwater and sanitary sewer systems are adequate to handle the expected discharge from the property, or will improvements be required. Mr. Houghton noted a model was not undertaken for sanitary sewer discharge, but he does not anticipate issues with capacity. He reiterated the net-zero model for stormwater discharge ensures post-development runoff conditions will not exceed pre-existing conditions.

Mayor Grant invited DPDS White to present.

DPDS White highlighted the following:

- The shadow study received was completed properly and reviewed by staff
- The proposed land:
 - Is 3.2 acres
 - Abuts two commercial properties (Sobeys and Canadian Tire)
 - Is in close proximity for pedestrian access to the commercial area on Hampton Road
 - The 2020 Municipal Plan designates this land for higher density use
 - Eligible for a density bonus, subject to inclusion of 14 affordable units
 - 20 year commitment for affordable units (Town standards)
 - Units can revert back to free market rental rates following completion of 20 year term
 - Sloped terrain and proximity to large commercial buildings reduces concerns regarding building height
 - Six storey buildings may be more problematic in other areas of Rothesay
 - Requires a rezoning application
 - A development agreement is required for approval
 - the draft development agreement:
 - does not include a pool or putting green (future considerations mentioned by Mr. Baskin)
 - includes an extension of Chapel Road (with cul-de-sac and sidewalks – including Parkdale Avenue)

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- identifies a 40% cost contribution to Marr Road/Chapel Road intersection upgrades
- KVFDD recommends additional safety measures, beyond National Building Code standards for six storey buildings – suggesting high-rise building standards be incorporated, such as standpipe systems, to reduce overall risk

Counc. Shea inquired about streetlights. DPDS White advised all municipal requirements must be fulfilled by the developer – the cost of new infrastructure directly related to the project will be borne by the developer. He added Brett McLean, Director of Operations, is in attendance and can address this, along with the results of a water capacity study. DO McLean advised streetlights are required at intersections. Since the extension of Chapel Road will not create an intersection, streetlights are not required. He suggested the developer may have plans for exterior lighting on the proposed buildings, and parking lots, as this is standard practice for apartment buildings.

DO McLean reported, since the project is in the conceptual stage, industry standards were used to model a water capacity test. Based on the model, municipal water system capacity is adequate to support the maximum hydraulic load from the property (water drawn from all fixtures – sprinklers, bathrooms, etc. at the same time). He added the capacity of the municipal sanitary sewer system is also adequate to handle discharge from the property.

Deputy Mayor Alexander stated, according to By-law 2-10, the proposed buildings (19.7 meters) will require a 30% variance as they exceed the maximum building height of 15 meters. He asked if an alternate design of three four-storey buildings is permissible. DPDS White noted this is correct, and such an alternate design would be possible. Deputy Mayor Alexander commented on the minimal number of red oak trees (five) on the conceptual design separating the property from residences on Scribner Crescent. He expressed concern it would take 20+ years for these trees to grow enough to act as a screen for privacy (and only seasonally when leaves are on the trees). He asked if other options, such as coniferous trees, were explored. DPDS White advised Council can make requests if it is believed the landscaping plan is inadequate. He added, the matter can be discussed by the Planning Advisory Committee as a recommendation has not yet been provided by the Committee. Deputy Mayor Alexander concluded by commenting “affordable housing” may be a misnomer. He noted the project may appear to be low-income housing but, in present day values, affordable rent in the building would be \$1,335 per month (expected to increase by CPI annually), whereas it sounds as if rent would be roughly \$600-700 per month.

Mayor Grant invited registered members of the public to speak.

Anita Thomas was not in attendance.

Enid Haley was not in attendance.

Sheila Darkin was not in attendance.

Mr. Pollabauer noted the project is being promoted as “something Rothesay is missing”. He stated, absent in this discourse is the impact on nearby residents. He referenced DPDS White’s comment on the close proximity to Canadian Tire and Sobeys, indicating there is little mention of single storey dwellings along Chapel Road. He noted the proposal is a drastic change in land use – rezoning single family residential land to the highest density possible. He expressed concern regarding privacy for existing residences in the area, indicating this proposal does not adhere to the gradual increase in density, from single family residences to the apartment buildings on Scribner Crescent. He thanked the Deputy Mayor for drawing attention to, and implored Council to consider, the potential impacts to

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residents, not just commercial properties. He mentioned the change would increase existing traffic by at least 96 vehicles. He added it is expected residents did not anticipate such a drastic change to density in the area. In conclusion he asked Council to consider residents, not just commercial properties.

Mayor Grant thanked Mr. Pollabauer.

Carol Ring was not in attendance.

Mayor Grant advised a registration was received after the deadline. When questioned, Council granted the request to speak.

There was no response from Casey Hoogeveen.

Mayor Grant invited the applicants to make any final comments.

Mr. Houghton addressed concerns regarding building height, and vegetation. He advised the elevation of the property will be utilized so that the height difference between the proposed buildings, and the buildings on Hillsvie Crescent, Chapel Road, and Scribner Crescent range from two- to four-storeys. The intent is to maintain a natural tree buffer – there are no objections to increasing the number or changing the type of trees. With respect to the suggestion for three four-storey buildings, Mr. Houghton noted this would increase the area of impervious surfaces. The two six-storey buildings allow for more greenspace and the inclusion of two-storey townhouse style apartments.

Counc. McGuire asked if soil samples were taken to determine if rock removal is required. If so, would the removal process be a nuisance (ex. noise) for neighbouring property owners. Mr. Houghton reported Fundy Engineering was engaged to complete a subsurface investigation. Excavators dug to the maximum depth of the equipment without encountering bedrock. For clarification, if rock removal was required, hydraulic hammers would be used, as opposed to blasting. Counc. McGuire suggested this may be an inconvenience to residents depending on the duration.

Counc. Brown inquired about the four absent registered participants, asking if they were absent for the entire meeting, or if they left during the course of the meeting. It was noted two participants were absent and two were present but left during the meeting.

Mr. Houghton addressed traffic concerns. He noted they were made aware of existing traffic concerns and engaged a local firm to complete a traffic study including, but not limited to, Chapel Road and Parkdale Avenue. He advised the scope of the project includes the addition of sidewalks to enable pedestrian access to Hampton Road. Improving walkability it is expected to reduce vehicle traffic.

Mr. Baskin commented on the completion of geotechnical, traffic, fire protection, water, and shadow studies, noting nothing is ever “perfect”. He noted Rothesay is a burgeoning community – there is a need for housing, and it would be unfair to stall development and deny individuals the opportunity to live in the community. A lot of work was put into the project, he owns property nearby, and measures have been taken to be “good custodians of the area” by cleaning up and investing in the property. He noted Rothesay is a “low-rise” community, and despite beliefs, six-storey buildings are considered low-rise by definition. He continued, stating he is trying to be as accommodating as possible to reduce opposition. He believes this is the right project for this property; the majority of residences nearby are multi-unit properties, townhouses, or commercial properties. He stated his desire to invest in his hometown, and he anticipates demand for the units. He reiterated his interest in the project, noting he is willing to incur costs for intersection improvements and sidewalks to move the project forward.

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Carol Ring joined the videoconference and was invited to speak. She asked how close the proposed buildings will be to the nearby existing barriers, and if the road will be torn up.

Mr. Houghton advised the concrete barriers would be roughly 18 meters from the closest exterior wall of the first building. He added the road will be reconstructed to Town standards. Ms. Ring asked if trees will be replaced once the Town rebuilds the road. She cautioned trees are necessary for flood mitigation, especially for downhill properties. Mr. Houghton clarified, the developer, not the Town, will reconstruct the road to Town standards. In terms of stormwater, runoff will be directed away from buildings and into storage ponds to prevent flooding. He added vegetation will be replanted for stabilization of slopes and privacy.


Mayor Grant invited any further questions and there were none. She thanked members of the community for attending the public hearing.

3. ADJOURNMENT

The public hearing adjourned at 8:53 p.m.



MAYOR



CLERK