



ROTHESAY
PUBLIC HEARING AGENDA
6:30 p.m.
Tuesday, April 12, 2022
Common Room, Rothesay Town Hall



Public access to the Live stream will be available online at 6:30 p.m.:

<https://www.youtube.com/user/RothesayNB/videos>

**PUBLIC HEARING – 36 Unit Apartment Building
(95) Hampton Road/Woodland Avenue
(PIDs 00242271, 030130348, 030020051, 30130355)**

1. CALL TO ORDER Instructions

2. PUBLIC HEARING

Documentation

8 April 2022

Public Notice Memorandum prepared by Town Clerk Banks

21 March 2022

Community Planning Act, Section 111 notice to website/Town Hall

1 April 2022

Staff Report to Planning Advisory Committee

DRAFT

By-law 2-10-29 (*Tabled by PAC April 4, 2022*)

DRAFT

(Amended) Development Agreement (*Tabled by PAC April 4, 2022*)

3 February 2022

Staff Report to Planning Advisory Committee

1 December 2021

Staff Report to Planning Advisory Committee

Appearances/Presentations:

Presentation: Brett Taylor, KV Properties Ltd. - Applicant

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

Appearances: Joanne Godfrey
Larry Greer
Innis McCready

Comments: **In Opposition**
Email from B. Tsang
Petition (40 signatures)
Letter from L. Greer
Email from S. Tsang
Email from R. Bautista

In Favour

Letter from D. & J. Shaw
Letter from S. Clifford
Letter from K. & L. Taylor
Letter from S. & D. Allen
Email from R. & B. Black
Email from I. & R. Grieve
Letter from S. Milburn

3. ADJOURNMENT



ROTHESAY MEMORANDUM



TO : Mayor Grant and Rothesay Council
FROM : Town Clerk Banks
DATE : 8 April 2022
RE : Public Hearing Notice and social media
36 Unit Apartment Building (95) Hampton Road/Woodland Avenue

March 21, 2022 Public Hearing Notice posted to the Rothesay website and in the Town Office, in accordance with the *Community Planning Act*

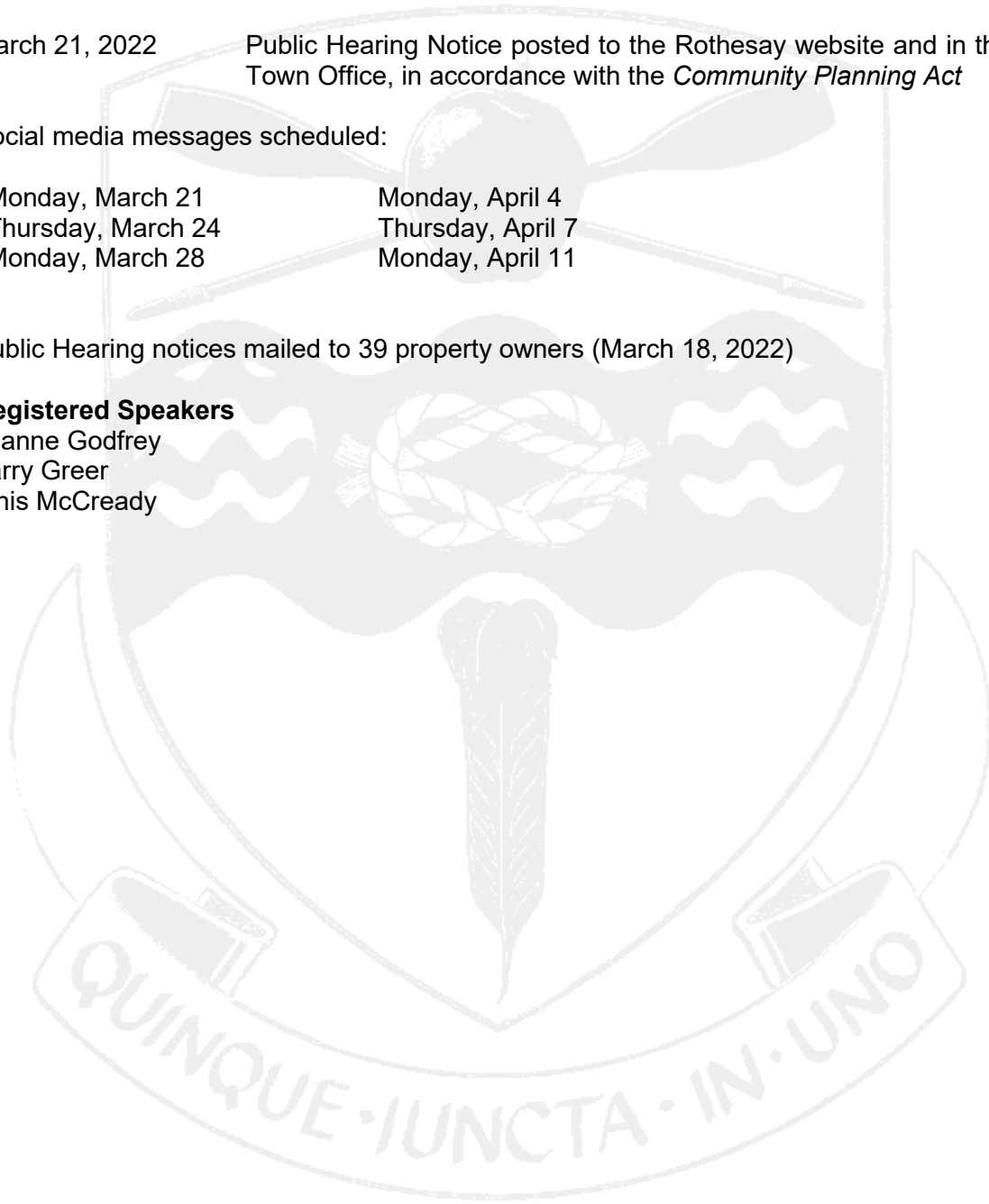
Social media messages scheduled:

Monday, March 21	Monday, April 4
Thursday, March 24	Thursday, April 7
Monday, March 28	Monday, April 11

Public Hearing notices mailed to 39 property owners (March 18, 2022)

Registered Speakers

Joanne Godfrey
Larry Greer
Innis McCready



ROTHESAY

Posted 21 March 2022

PUBLIC HEARING NOTICE – (95) Hampton Road 36 Unit Apartment Building

PUBLIC NOTICE IS HEREBY GIVEN that, pursuant to Section 111 of the *Community Planning Act*, SNB 2017, c 19 and amendments thereto, Rothesay Council intends to consider rezoning lands located off Woodland Avenue and Hampton Road (PIDs 00242271, 30130348, 30020051, 30130355 - to be consolidated) from Single Family Residential – Standard Zone [R1B] to the Multi- Unit Residential Zone [R4] for a 36-unit apartment building, subject to the execution of a Development Agreement, in accordance with the *Community Planning Act*, supra.

Rothesay Council has scheduled an IN-PERSON **PUBLIC HEARING** to be held on **Tuesday, April 12, 2022**, commencing at 6:30 p.m. The hearing will be held in the Common Room, Rothesay Town Hall, 70 Hampton Road.

Rothesay is requesting attendees wear masks and maintain social distancing. Any person wishing to speak or attend the hearing is requested to register with the office of the Town Clerk **no later than Thursday, April 7, 2022 at 4:00 p.m.**

The following documentation is available online and can also be reviewed at the Town Office, 70 Hampton Road, Rothesay - Monday to Friday 8:15 am – 12 noon and 1:15 – 4:30 pm (closed between 12 noon and 1 pm), exclusive of civic holidays:

DRAFT	By-law 2-10-29
DRAFT	Development Agreement
3 February 2022	Staff Report to Planning Advisory Committee
1 December 2021	Staff Report to Planning Advisory Committee

Written objections will be received by the undersigned until 4:00 p.m. on Thursday, April 7, 2022 and will be provided to Council in advance of the public hearing.

Please note that all records in the custody or under the control of the town of Rothesay are subject to the provisions of the Right to Information and Protection of Privacy Act, SNB 2009, c. R-10.6 and may be subject to disclosure. Records may be shared with internal departments, external agencies or released at a Town committee meeting, which may be public. Any questions regarding the collection of this information can be directed to the Rothesay Town Clerk.

Mary Jane E. Banks, BComm
Town Clerk
(MaryJaneBanks@rothesay.ca)

506-848-6664

[www.rothesay.ca /public-hearing-notice-95-hampton-road-36-unit-apartment-building/](http://www.rothesay.ca/public-hearing-notice-95-hampton-road-36-unit-apartment-building/)

PUBLIC HEARING NOTICE – (95) Hampton Road 36 Unit Apartment Building

: 2022-03-21

21 March 2022

PUBLIC NOTICE IS HEREBY GIVEN that, pursuant to Section 111 of the *Community Planning Act*, SNB 2017, c 19 and amendments thereto, Rothesay Council intends to consider rezoning lands located off Woodland Avenue and Hampton Road (PIDs 00242271, 30130348, 30020051, 30130355 – to be consolidated) from Single Family Residential – Standard Zone [R1B] to the Multi- Unit Residential Zone [R4] for a 36-unit apartment building, subject to the execution of a Development Agreement, in accordance with the *Community Planning Act*, supra.

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DRAFT [By-law 2-10-29 \(PDF\)](#)

DRAFT [Development Agreement \(PDF\)](#)

3 February 2022 [Staff Report to Planning Advisory Committee \(PDF\)](#)

1 December 2021 [Staff Report to Planning Advisory Committee \(PDF\)](#)

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Mary Jane E. Banks, BComm
Town Clerk
MaryJaneBanks@rothesay.ca
506-848-6664

2022April12(95)HamptonWoodlandHearingWEB_005



To: Chair and Members of Rothesay Planning Advisory Committee
From: Brian L. White, MCIP, RPP
 Director of Planning and Development Services
Date: Thursday, March 31, 2022
Subject: Rezoning - 95 Hampton Road - Recommendation Report

Applicant/owner:	Brett Taylor, Director	Applicant/owner:	KV Properties Ltd.
Mailing Address:	1 Magnolia Lane PO Box 100 Rothesay, NB E2E 3L2	Mailing Address:	1 Magnolia Lane PO Box 100 Rothesay, NB E2E 3L2
Property Location:	Woodland Avenue / Hampton Road	PIDs:	00242271, 30130348, 30020051, 30130355
Plan Designation:	Commercial & High Density	Zone:	R1B & Central Commercial
Application For:	36-unit residential apartment building		
Input from Other Sources:	Director of Operations		

RECOMMENDATION

Staff recommend THAT the Planning Advisory Committee consider the following Motions:

- A. PAC HEREBY recommends that Council enact BY-LAW 2-10-29 to rezone land located off Woodland Avenue (PIDs 00242271, 30130348, 30020051, 30130355 – to be consolidated) from Single Family Residential – Standard Zone [R1B] to the Multi- Unit Residential Zone [R4] for a 36-unit apartment building, subject to the execution of a Development Agreement as amended.
- B. PAC HEREBY recommends that Council authorize the Mayor and Clerk to enter into an agreement, as amended, to allow for the development a 36-unit apartment building on land located off Woodland Avenue (PIDs 00242271, 30130348, 30020051, 30130355 – to be consolidated).

ORIGIN:

Rothesay Council has scheduled an IN-PERSON PUBLIC HEARING to be held on Tuesday, April 12, 2022, commencing at 6:30 p.m.

BACKGROUND:

KV Properties currently owns 8 properties along Woodland Avenue with a combined area of ~5,195.9 Sq Meters. The proposed development of the 36 unit apartment building would required that no less than 3600 square meters of the land be consolidated into a single parcel for the proposed apartment building. The remaining land (~1,595.9 Sq Meters) would be consolidated into a single commercial parcel, with its driveway access from Woodland Avenue.

WOODLAND AVENUE CONNECTION:

In the December 6th, 2021 report to PAC Staff noted that the proposed building has frontage on Hampton Road with access to Woodland Avenue. Staff reviewed the applicant’s submitted traffic

impact statement and stated to PAC the possibility of connecting Woodland Avenue through to Hampton Road.

Staff also directed the KVFD to review the proposal to ensure their public safety concerns were addressed. KV Fire Department offered that the proposed single driveway access would be very tight in front of the building if they had to set-up the ladder truck with access blocked for the duration a prolonged incident. The Department requested that the Town consider the requirement for secondary access/exit to Woodland Avenue. (Figure 1)



Figure 1 – Revised Site Plan Proposed Apartment Building

In response to the concerns raised the developer revised the site plan showing a driveway access to Woodland Avenue from the rear portion of the parking lot with direct access to the building's sheltered parking. The main entrance would remain as an extension of Woodland Avenue from the Hampton Road. The proposed main entrance design would also end in the parking lot without a traffic bulb on Woodland Avenue thereby making winter maintenance very difficult. Staff believe the proposed driveways are problematic in that vehicles exiting the development through the rear driveway have no ability to get directly to the Hampton Road. Furthermore, the drive aisle for the building has a reduced width of 6m and not the standard 7.5m thereby making two-way traffic less suitable through the parking lot.

For these reasons, Staff are requiring that Woodland Avenue be connected to Hampton Road. The decision to connect Woodland to Hampton also addresses several additional concerns as follows:

- A. Removes an unplanned dead-ended street which does not meet transportation engineering standards being too long and without a turn around at the street end;
- B. Improves response times for public safety (police, fire, ambulance);
- C. Increases efficiency for public works (street cleaning, garbage removal, snow plowing);

Staff note the authority to grant approval of driveway entrances lies with the Town Engineer. Furthermore, the Town Engineer is professionally obligated to render decisions and engineering advice that ensure the safety of the public street network. While PAC can grant variance or relief from the frontage requirements for new lots, the authority for new driveways and specifications of public streets exceeds the scope of powers given to the Committee.

DEVELOPMENT AGREEMENT:

The DRAFT development agreement (Attachment C) attached to this report includes a modification to the site plan specific to the configuration of the driveways to the property. The agreement also contains clauses that specify the developer's financial obligation to pay for the connection of Woodland Avenue to Hampton Road. The developer has expressed concern regarding both the requirement for the Woodland Avenue public street connection and the requirement to pay for the connection. However, Municipal Plan Policy DEVC-1 states "Council Shall...Require that developers pay for 100 percent of the growth-related infrastructure expenses to service development inside the boundaries of their proposal as well as **100 percent of cost of minimum upgrades to local infrastructure** that falls outside their project boundaries but is directly necessary for the development." Staff have determined that the Woodland Avenue connection to Hampton Road is "directly necessary for the development" however, Staff also recognize a public interest in the street connection.

While Rothesay has an obligation to the residents and taxpayers to make every effort to be fiscally conscientious there are situations that allow Rothesay to cooperate and share the cost of infrastructure that would benefit the public. For that reason the agreement also states that the Town will provide the design engineering for the proposed road connection thereby ensuring the public interests are properly considered.

Polling was previously conducted via a notification letter sent to surrounding property within one hundred (100) meters of the subject property. The most apparent concern for residents who live Woodland Avenue is the connection of the street through to Hampton Road. Residents expressed concern regarding safety by increased traffic and the loss of neighbourhood character and amenity provided by the dead-ended street.

Staff note that the development property in question is comprised of 8 lots which were created in 1914 as part of the Fairvale Heights traditional street plan, in which the streets run at right angles to each other, forming a grid. Woodland Avenue (formerly Clarke Avenue) was never designed as a dead-end street or to accommodate a cul-de-sac development. The existing 8 lots all have road frontage on the undeveloped portion of Woodland Avenue. As existing lots would have the opportunity to develop the public street for access to each lot, thereby completing Woodland Avenue.

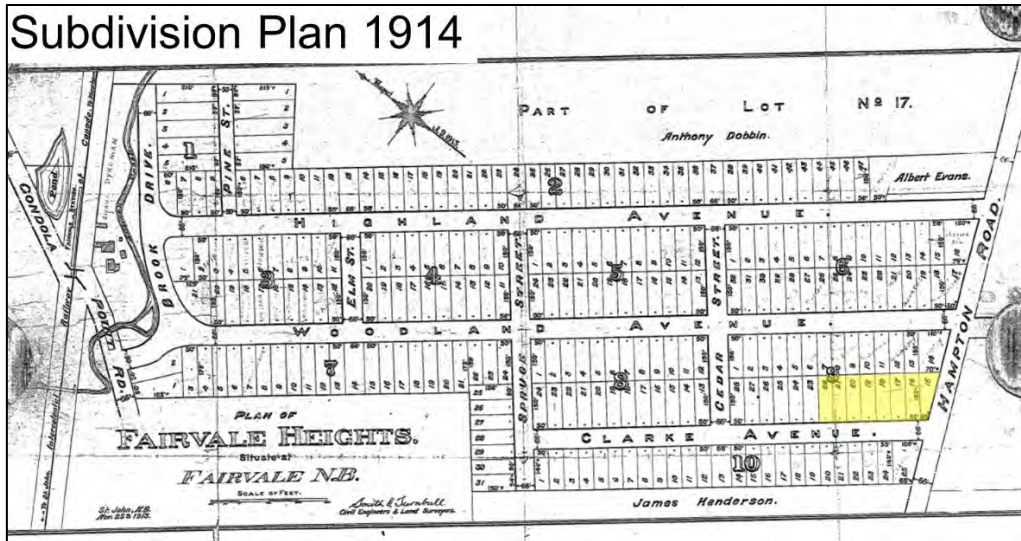


Figure 2 - 1914 Fairvale Heights Subdivision Plan (Subject Properties in Yellow)

SUMMARY:

The character of the neighbourhood is varied, containing single family homes and small apartment buildings, commercial retail shops, restaurants and services and the Hampton Road commercial corridor. The compatibility of this residential project with the surrounding neighbourhood is a key consideration for Staff. Compatible development, however, does not mean identical development. Compatibility stresses coordination of new developments with the existing neighbourhood, by encouraging development that increases the number of residential units on the property yet complements the character of the neighbourhood.

Residential intensification within the Hampton Road commercial designation is a specific goal of the Rothesay Municipal Plan. Proposals such as this offer advantages, including land efficiency and reducing development pressures on existing low-density neighbourhoods. Staff support for this proposal is driven by Municipal Plan objectives to provide a variety of housing choices, utilizing existing public infrastructure, and reinforcing opportunities for pedestrian and transit friendly neighbourhoods.


Staff believe that the overall building design in this mixed-use neighbourhood achieves good design and is appropriate to the character of Hampton Road.



Figure 3 - Proposed Apartment Building

ATTACHMENTS:

Attachment A Proposed By-Law
Attachment B DRAFT Development Agreement

A handwritten signature in blue ink, appearing to read "B. White", is positioned above the text identifying the report's author.

Report Prepared by: Brian L. White, MCIP, RPP
Date: Thursday, March 31, 2022



**BY-LAW 2-10-29
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 the Community Planning Act, 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 “2-10-29”.

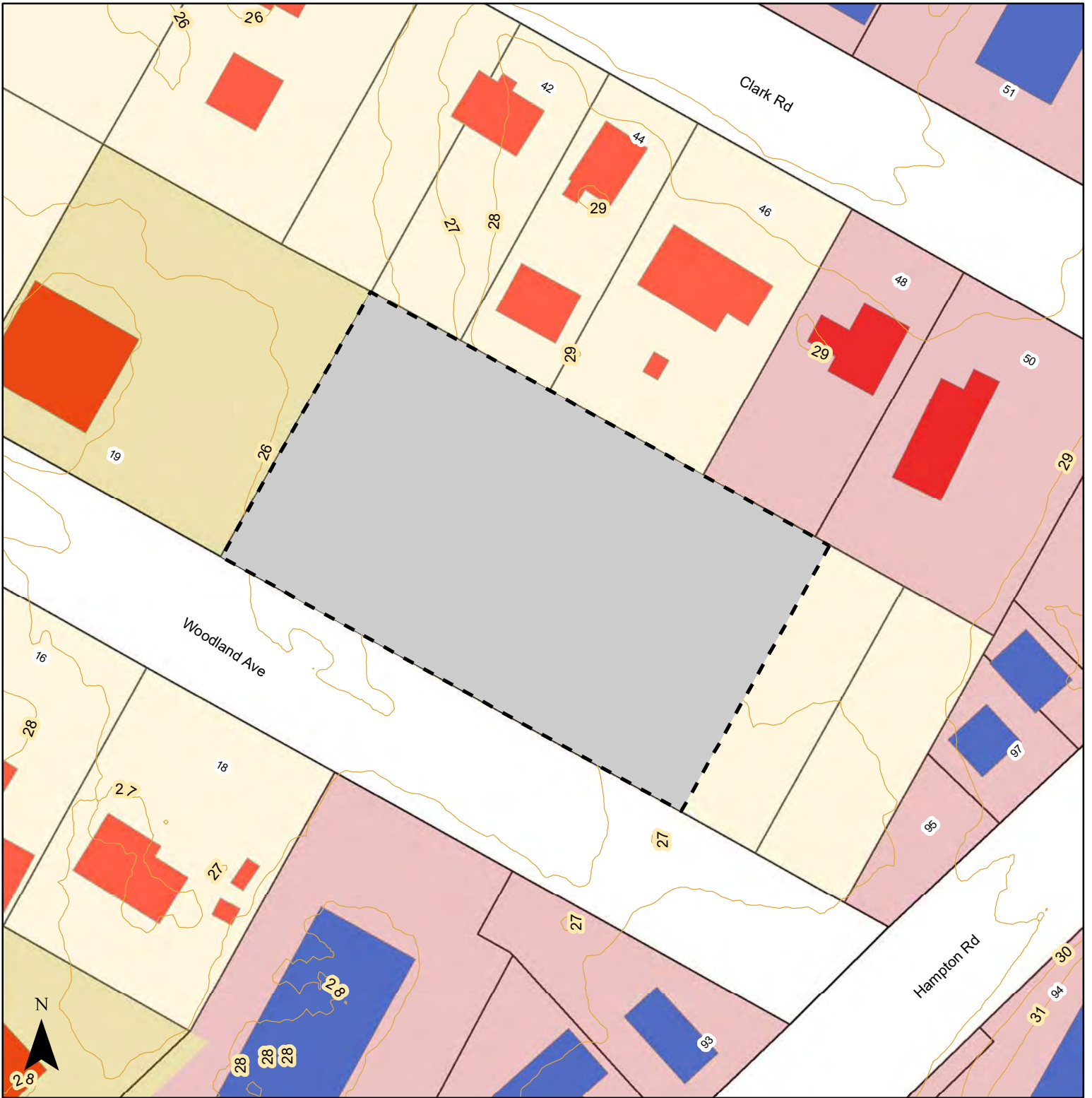
The purpose of the amendment is to rezone lands located off Woodland Avenue and Hampton Road from Single Family Residential – Standard Zone [R1B] to the Multi-Unit Residential Zone [R4] for a 36-unit apartment building subject to the execution of a Development Agreement in accordance with the Community Planning Act, supra.

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

MAYOR

CLERK

Attachment - Bylaw 2-10-29
2022April12(95)HamptonWoodlandHearingWEB_012



2022-02-03, 10:48:35 AM

1:800

Buildings

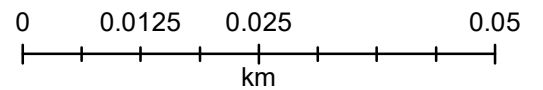
- Commercial
- Residential

Zoning

- CC
- R1B
- R4

Property Boundary

- Property Boundary



Rothesay

DEVELOPMENT AGREEMENT

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

Parcel Identifier of Parcels Burdened by Agreement: 00242271, 30130348, 30020051, 30130355
(min 3600 square meters to be consolidated)

Owner of Land Parcels: **KV Properties Ltd.**
1 Magnolia Lane
PO Box 100
Rothesay, NB
E2E 3L2 (Hereinafter called the "Developer")

Agreement with: **Rothesay**
70 Hampton Road
Rothesay, N.B.
E2E 5L5 (Hereinafter called the "Town")

a body corporate under and by virtue of the Local Governance Act, RSNB 2017, Chapter 18, located in the County of Kings and Province of New Brunswick

WHEREAS the Developer is the registered owner of certain lands located off Woodland Avenue (PIDs 00242271, 30130348, 30020051, 30130355) 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 thirty-six (36) unit apartment building on the Lands as described in Schedules B through E. (herein after called the "Project")

AND WHEREAS Rothesay Council did, on **INSERT DATE**, authorize the Mayor and Clerk to enter into an agreement with KV Properties Ltd. to develop a residential apartment building on the Lands.

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 total number of residential units situated on the Lands shall not exceed thirty-six (36) residential apartment 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 (4)
 - d. Schedule D Landscape Plan
 - e. Schedule E Storm Water Management Plan

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 Rothesay 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 Schedules B to E.

Architectural Guidelines

5. 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 community character and that is generally consistent with the existing styles of housing in Rothesay. The Developer agrees to ensure the following:
 - a. The architectural design of the building shall be, in the opinion of the Development Officer, generally in conformance with Schedule C.
 - b. All exterior mounted ventilation and related mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner to reduce clutter and negative impacts on the architectural character of the building.

Storm Water

6. The Developer shall carry out, subject to inspection and approval by Town representatives, the installation of a storm water system as per Schedule E of this agreement. The Developer agrees to accept responsibility for all costs associated such installation including 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 from the entire developed portion of the lands to a predetermined location selected by the Developer's Engineer and approved by the Town Engineer; and
 - b. Topsoil and hydro-seeding of shoulders of roadways.
7. 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.
8. The Developer agrees that all roof leaders, down spouts, and other storm water drains from the building, parking lot and landscape features shall not be directed or otherwise connected or discharged directly without attenuation to the Town's storm water or sanitary collection system.
9. 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.

Municipal Streets

10. The Town agrees that the design and engineering to complete the public street from Woodland Avenue from to Hampton Road shall be the responsibility of the Town.
11. The Developer agrees to carry out and pay for the entire actual cost to construct, within the Woodland Avenue public street right-of-way from the existing end of asphalt through to Hampton Road, pavement, thickness and materials to the width, depths, and densities as approved by the Town Engineer.
12. The Developer agrees to provide signed documentation and progress reports from a practicing Professional Engineer, licensed in New Brunswick ensuring that applicable codes and standards have been met and that the work was completed and utilizing such materials as in accordance with the terms of this Agreement and approved specifications.

13. The Developer agrees to provide as-built drawings that delineate all public infrastructure to be submitted to the Town in compliance with the minimum standards and requirements specified in Rothesay's Digital Data Submission Standards for Infrastructure and Construction Drawings.

Municipal Sidewalks

14. The Developer shall carry out and pay for the entire actual cost of a public sidewalk and associated barrier curbing as required to comply with Town standards within the Town right-of-way and extending the sidewalk from the proposed building to the intersection of Woodland Avenue and Hampton Road, subject to inspection and approval by Rothesay's Engineer, including the following:
 - a. supply and maintenance of for a period of one (1) year the topsoil, sod, landscaping and the planting of street trees located every 10 meters, or an equivalent number planted in locations approved by the Town, along the length of the public road right-of-way where such trees are as follows:
 - b. Not smaller than six centimetres (6 cm) in diameter measured at a point being 2 meters above the root ball such trees species as approved by the Development Officer.

Water Supply

15. 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.
16. The Town agrees to supply potable water for the purposes and for those purposes only for a maximum of thirty-six (36) residential dwellings and for minor and accessory purposes incidental thereto and for no other purposes whatsoever.
17. The Developer agrees to pay the Town a fee for connection of the building to the Town water system including sprinkler feed to the Town water system calculated in the manner set out in By-law 1-18, Rothesay Water By-law as amended from time to time, to be paid to the Town twelve (12) months following the issuance of the building permit.
18. The Developer agrees that the Town does not guarantee and nothing in this Agreement shall be deemed 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.
19. 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.
20. 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.
21. 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 or if an invoice for water service is more than 90 days in arrears.
22. The Developer agrees to provide, prior to the occupation of the building, written certification of a Professional Engineer, licensed to practice in New Brunswick that the connection to the Town water system has been satisfactorily completed and constructed in accordance with the Town specifications.

Sanitary Sewer

23. The Developer agrees to connect to the existing sanitary sewer system at a point to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
24. The Developer agrees to pay the Town a fee for connection to the Town sewer system calculated in the manner set out in By-law 1-15 Rothesay Sewage By-law, as amended from time to time, to be paid to the Town twelve (12) months following the issuance of the building permit.
25. The Developer agrees to carry out subject to inspection and approval by Town representatives, and pay for the entire actual costs of 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.
26. 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.
27. The Developer agrees that connection 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.

Indemnification

28. 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 (\$2,000,000.00) including a project wrap-up liability policy (with no less than 24 months coverage after project completion). 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 previously mentioned 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

29. 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 **KV Properties Ltd.**, 1 Magnolia Lane, PO Box 100, Rothesay, NB, E2E 3L2 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

30. 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 that may apply in the future to the site and to activities carried out thereon.

Termination

31. 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 been completed 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 to the provisions of the Rothesay Zoning By-law.

32. Notwithstanding the preceding paragraph (31) above, the Parties agree that the 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 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.
33. 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 this 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

34. The Town and Developer agree that Final Occupancy of the proposed 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 and an Occupancy Permit has been issued.
35. 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 one hundred twenty percent (120%) 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 an automatically renewing, irrevocable letter of credit issued by a chartered bank dispensed to and in favour of Rothesay;
 - b. Rothesay may use the security to complete the work as set out in Schedule D and E of this Agreement including landscaping or storm water works not completed within a period not exceeding six (6) months from the date of issuance of the Occupancy Permit;
 - c. all costs exceeding the security necessary to complete the work as set out in Schedule D and E this Agreement shall be reimbursed to Rothesay; and
 - d. any 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

36. The Developer agrees that after sixty (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 of Council, 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

37. 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

38. 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

39. 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 WHEREOF, each of the parties set out below has caused this Agreement, made in duplicate, to be duly executed by its respective, duly authorized officer(s) as of _____, 2022.

Witness:

KV Properties Ltd.

Brett Taylor, Director

Witness:

Rothesay

Nancy E. Grant, Mayor

Witness:

Mary Jane E. Banks, Clerk

SCHEDULE A

PID: | 00242271, 30130348, 30020051, 30130355 (TO BE CONSOLIDATED)



"Not For Construction"

ISSUE	DESCRIPTION	DATE
01		

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THIS DRAWING MAY NOT BE USED IN WHOLE OR IN PART FOR ANY PROJECT OTHER THAN THAT DESIGNATED HEREIN.

ANY CHANGES TO THIS DESIGN, PRIOR TO OR DURING CONSTRUCTION, MUST BE APPROVED BY THE ARCHITECT & ARCHITECTURAL DESIGNER.

ALL CONTRACTORS MUST CONFORM TO ALL REGULATIONS, MUNICIPAL AND PROVINCIAL BY-LAWS AND "THE NATIONAL BUILDING CODE OF CANADA".

ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev.#	Description	Date

Stamp:

Architectural Consultant:

Architectural Designer:

171 Lutz Street, Moncton, NB E1C 5E8
 Bus: (506) 855-3777 Cell: (506) 392-2777 eMail: denis@spitfiredesign.ca

Client: **KV PROPERTIES**

Project: **APARTMENT**
 95 Hampton Road Rothesay, Moncton

Drawing Title: **SITE PLAN**

Date:	30 Mar, 2022
Checked by:	D.M.
Drawn by:	E.C.
Scale:	AS NOTED
Sheet:	A0.1
Flight no:	4405

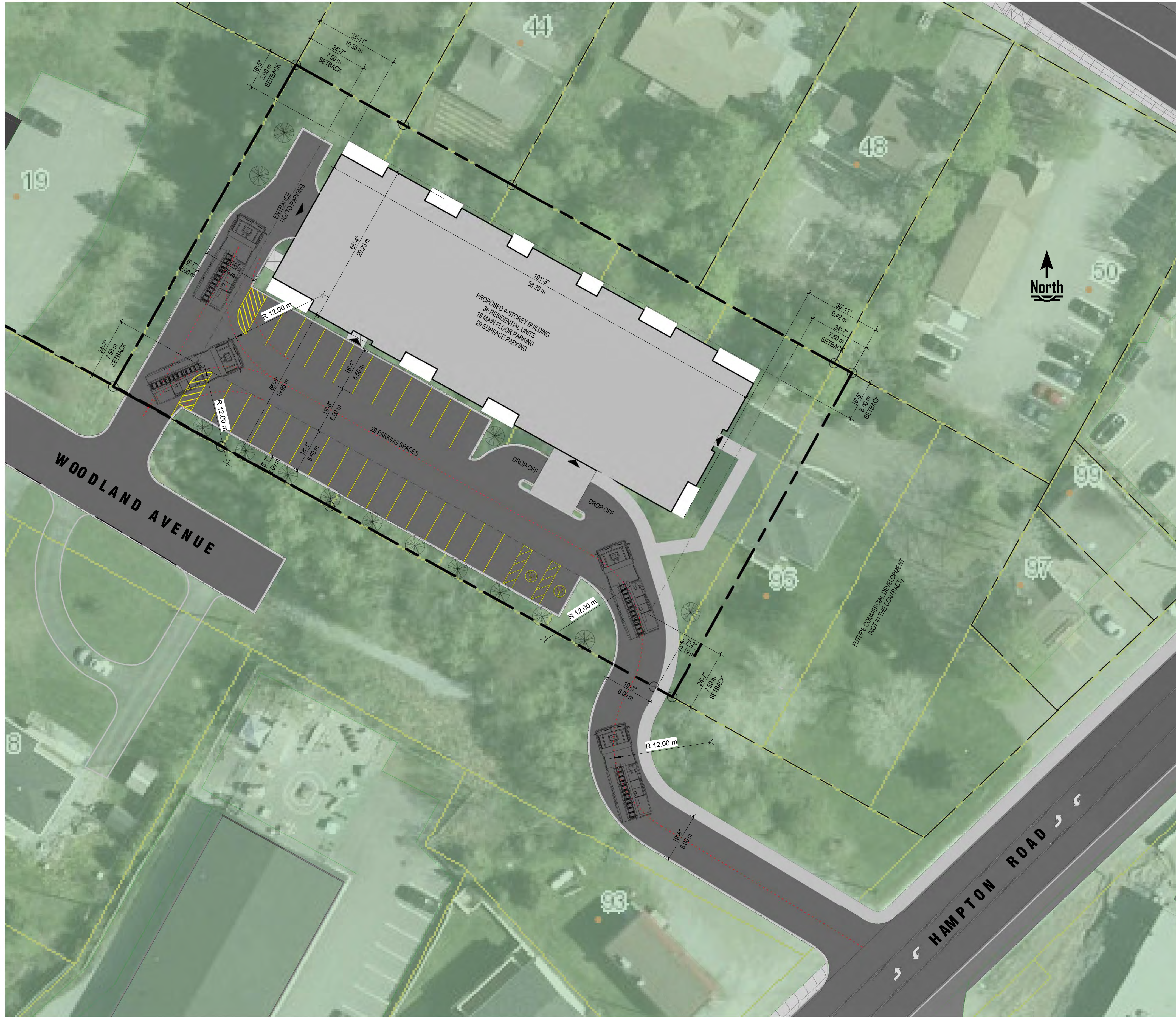
SCHEMATIC SUMMARY

LOT INFO	
PID	00242271.30130355.30020051
Physical Address	30130348.00242495.30130330
Lot Area	3601.20 Sqm
Current Zoning	R1B
Proposed Zoning	Multi-Unit Residential (R4)
Required Green Space	Min. of 30% Landscape Area
Proposed Green Space	1625.08 Sqm
PARKING	
Required Parking	47
Required Parking Ratio / Unit	1.3
Surface Parking	29
Main Floor Parking	17
Barrier Free Parking	4
Total Parking Spaces	48
Total Parking Ratio / Unit	1.33
BUILDING INFO	
Building Footprint	1106.19 sqm.
Storeys	4
Building Height	13m
Max Allowable Height	15m
Construction	Concrete
Total Residential Units	36
REQUIRED VARIANCE	
Variance 1	7.5m wide Driveway Aisle

SCHEMATIC SUMMARY

1/2" = 1'-0"

Disclaimer: This preliminary schematic site plan is based on site information provided by the client, or found on a public domain. This site plan is a graphical representation which approximates the size, configuration and location of features. This plan is not intended to be used for legal descriptions or to calculate exact dimensions or areas. Several yet unknown factors may affect the functionality of this site plan, including existing topography, service easements, soil conditions, etc.



SITE PLAN

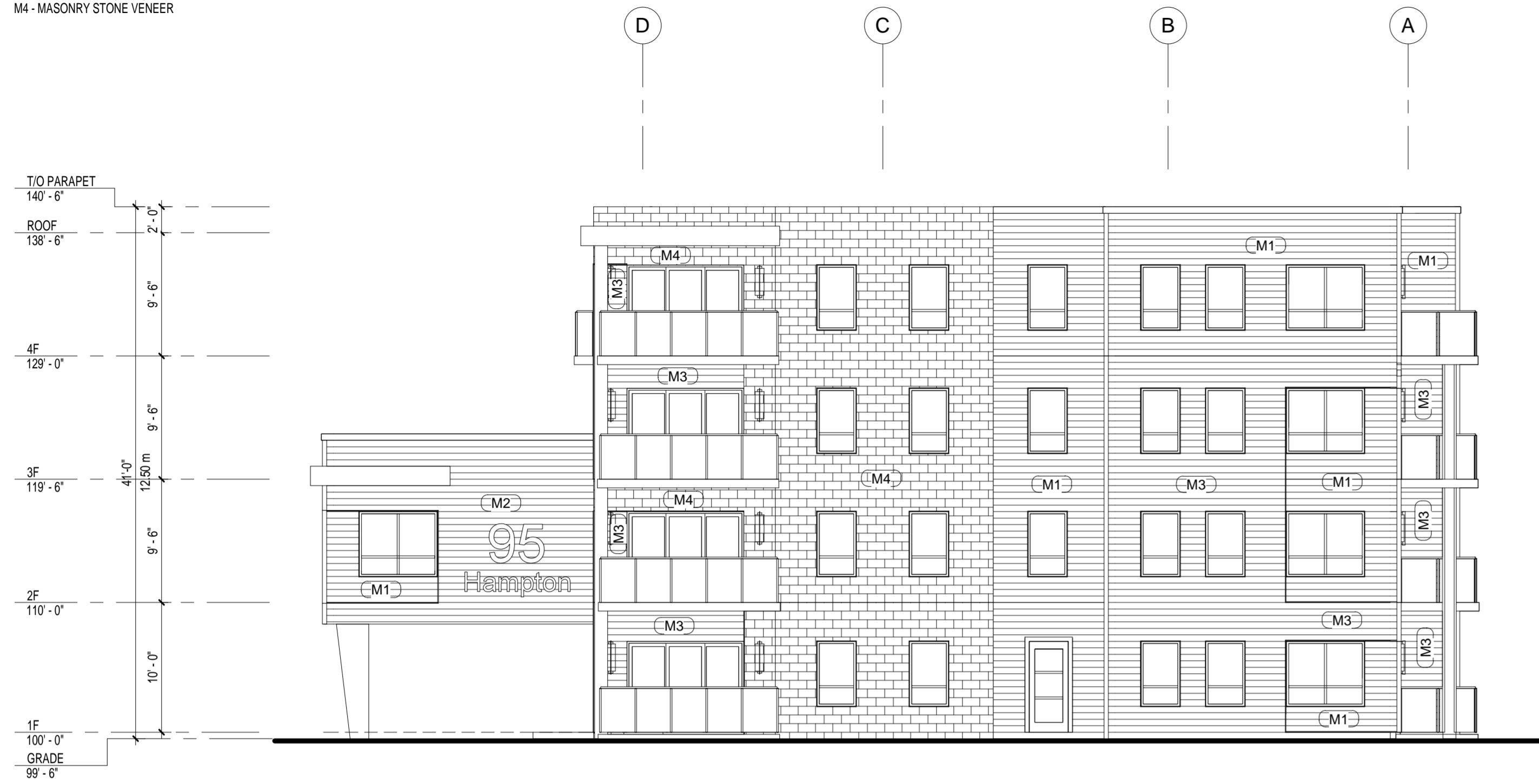
3/64" = 1'-0"

MATERIALS:

EXACT MATERIAL COLORS AS PER OWNER

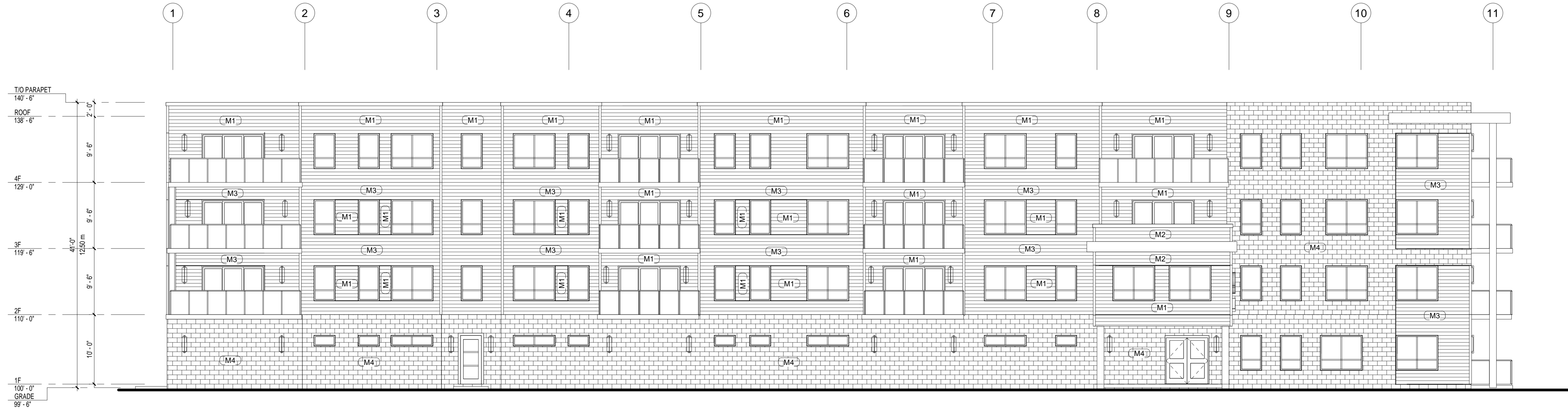
- M1 - HORIZONTAL METAL SIDING COLOR 1
- M2 - HORIZONTAL METAL SIDING COLOR 2
- M3 - METAL SIDING (TEAK)
- M4 - MASONRY STONE VENEER

2022April12(95)HamptonWoodlandHearingWEB_021



EAST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

MATERIALS:

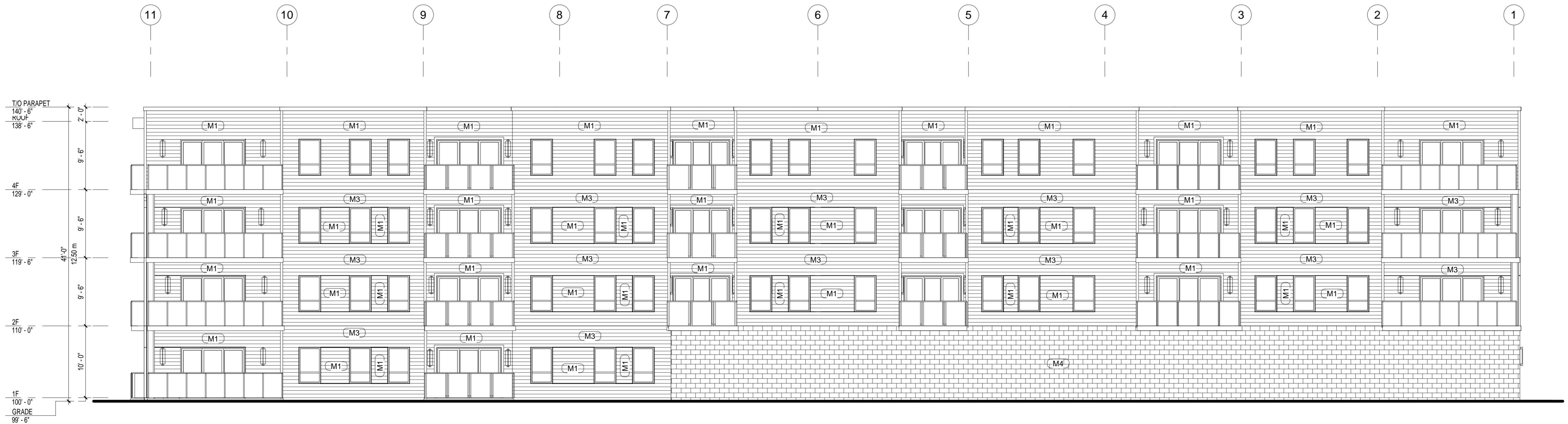
EXACT MATERIAL COLORS AS PER OWNER

- M1 - HORIZONTAL METAL SIDING COLOR 1
- M2 - HORIZONTAL METAL SIDING COLOR 2
- M3 - METAL SIDING (TEAK)
- M4 - MASONRY STONE VENEER



WEST ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

Schedule D Landscape Plan
2022April12(95)HamptonWoodlandHearingWEB_023



A - Ornamental grass and shrubs



B - Trees

Schedule E Storm Water Management Plan

2022April12(95)HamptonWoodlandHearingWEB_024

Ref: 21292-StormwaterReview

January 27, 2022

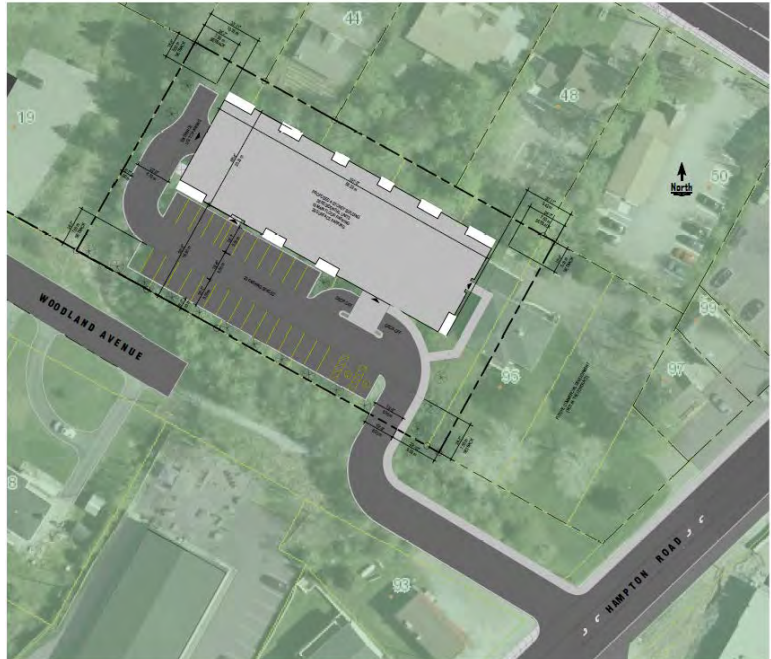
Mr. McLean,



Re: 95 Hampton Road - KV Properties- Stormwater Review

Don-More Surveys & Engineering Ltd. (Don-More) has been engaged to perform a high level review of a proposed development at the above address relative to a stormwater management strategy.

We have been provided with a revised conceptual site plan prepared by Spitfire Design Co. dated December 16, 2021 and this review is limited to details shown on this site plan.



Existing Site

The existing site can be characterised as a generally flat area with an existing single family residence in the front area and wooded area in the rear of the site. The existing site sheet drains north to the northern edge of the property away from Hampton Road.

There is a ditch/swale along the western side of Woodland Avenue which discharges to the northern edge of the site where it flows northeast along the rear of the site towards Clark Road and enters a piped storm network.

Stormwater Management Approach

The proposed site plan shows a new driveway leaving Hampton Road and entering the site, and a new building sitting on the northern portion of the site adjacent to the new parking area.

There is some discussion about the driveway changing to an extension of Woodland Avenue, but this would not change the overall approach to stormwater management.

The new site would be designed to perform stormwater management to limit peak flows to pre

development levels. Water draining from the parking areas would be directed to a Stormscepter to provide treatment of water quality. Below are preliminary design ideas for how this will be achieved.

The new building has a flat roof. We would plan to detain water on the roof of the building using flow controllers on the roof drains. Typically we design this system to pond the equivalent of 100mm of water in a 100 year event.

The new parking area would be designed to have a catch basin system which will collect the water and direct it to a Stormscepter, then discharge to the northern side of the property. The parking lot around the catch basins will be graded to create “ponds” at the catch basins and Inlet Control Devices (ICD’s) will be installed on the catch basins to limit peak flows into the piped system. This results in water ponding on the parking area in peak rain events.

Following detailed design and once modelling of these two approaches has been completed, if additional measures are required to reduce peak flows we would look at either a traditional stormwater management pond at the northwestern corner of the property, or underground storage under the parking areas.

Closing

We trust this is sufficient for your present needs. Please feel free to contact the undersigned at 506.636.2136 or at at@dmse.ca for any additional information or clarification.

Yours truly,

Don-More Surveys & Engineering Ltd.



Andrew Toole, NBLS, P.Eng.

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

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

Deponent: Brett Taylor
1 Magnolia Lane
PO Box 100
Rothesay, NB, E2E 3L2
Office Held by Deponent: Director
Corporation: KV Properties Ltd.

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: _____, 2022

I, BRETT TAYLOR, 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 "BRETT TAYLOR" 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 Rothesay,
in the County of Kings,
and Province of New Brunswick,
This ___ day of _____, 2022

BEFORE ME:

Commissioner of Oaths

BRETT TAYLOR

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

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

Deponent: MARY JANE E. BANKS

Rothesay
70 Hampton Road
Rothesay, N.B.
E2E 5L5

Office Held by Deponent: Clerk

Corporation: ROTHESAY

Other Officer Who Executed the Instrument: NANCY E. GRANT

Rothesay
70 Hampton Road
Rothesay, N.B.
E2E 5L5

Office Held by Other Officer Who Executed the Instrument: Mayor

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: _____, 2022

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 Rothesay, 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
Rothesay, in the County of Kings,)
and Province of New Brunswick,)
This ___ day of _____, 2022)

BEFORE ME:)

Commissioner of Oaths)

MARY JANE E. BANKS



To: Chair and Members of Rothesay Planning Advisory Committee
From: Brian L. White, MCIP, RPP
Director of Planning and Development Services
Date: Thursday, February 03, 2022
Subject: Rezoning - 95 Hampton Road (Supplementary Report)

Applicant/owner:	Brett Taylor, Director	Applicant/owner:	KV Properties Ltd.
Mailing Address:	1 Magnolia Lane PO Box 100 Rothesay, NB E2E 3L2	Mailing Address:	1 Magnolia Lane PO Box 100 Rothesay, NB E2E 3L2
Property Location:	Woodland Avenue / Hampton Road	PIDs:	00242271, 30130348, 30020051, 30130355
Plan Designation:	Commercial & High Density	Zone:	R1B & Central Commercial
Application For:	36 unit residential apartment building		
Input from Other Sources:	KVFD		

RECOMMENDATION

Staff recommend the Planning Advisory Committee REMOVE from the TABLE the rezoning application for 95 Hampton Road.

ORIGIN:

At the December 8th, 2021 regular meeting of the Planning Advisory Committee the rezoning application for 95 Hampton Road was TABLED pending the receipt of a supplemental staff report containing the following:

1. Additional project details from the applicant;
2. Staff review and recommendation of traffic and access;
3. Polling results;
4. Review by KVFD; and
5. Draft development agreement and rezoning By-law.

BACKGROUND:

In the December 2021 Staff report the applicant identified the development lands on 8 separate parcels including two parcels owned by Mr. Brian Edwards. KV Properties has completed the land transaction with Mr. Edwards and the company now owns all of properties subject to rezoning.

KV Properties proposed development would consolidate 4 property parcels (00242271, 30130348, 30020051, 30130355) into a ~3600 square meter parcel for the proposed apartment building. The remaining parcels would be consolidated as a corner lot with frontage onto Hampton Road (PIDs 30130330, 30130322, 30130314, and 00242495) and would retain their existing zoning for future development opportunities.

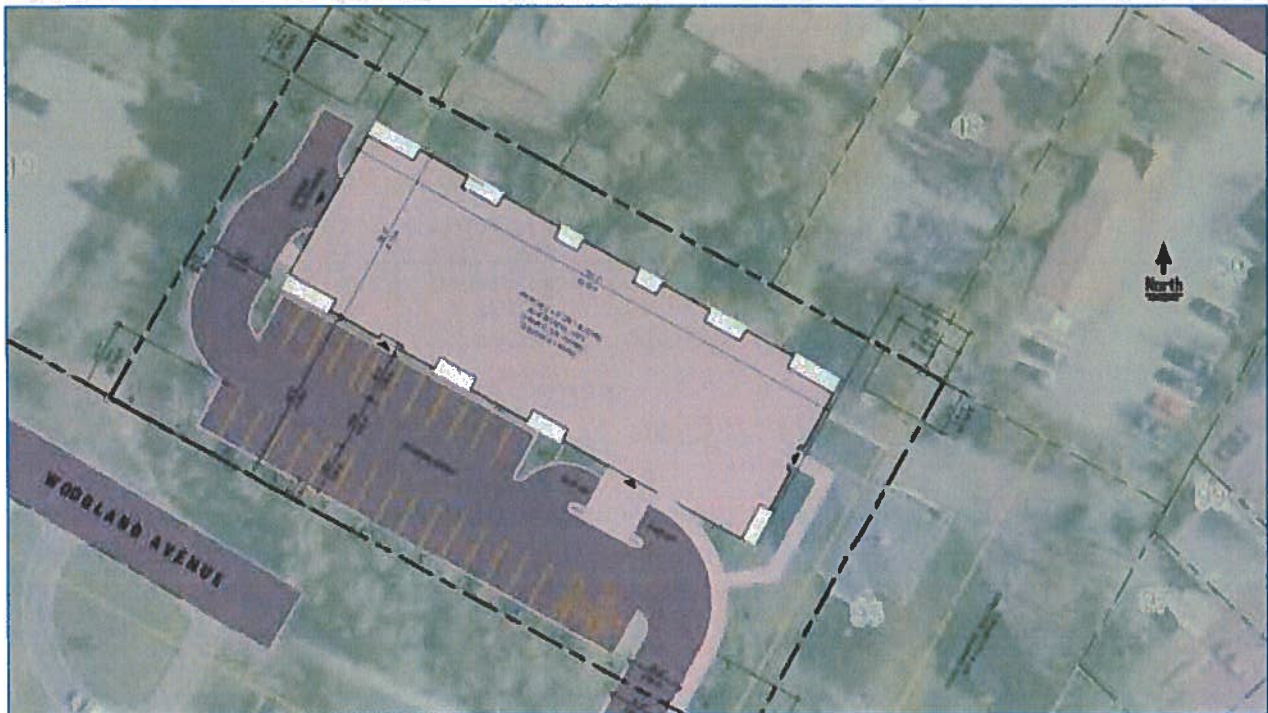


Figure 1 - Site Plan Proposed Apartment Building

As previously noted, the proposed building is setback 5 meters from the shared property boundary with 42-48 Clark Road. The proposed 5-meter setback does not meet the by-law minimum requirement of a 7.5-meters. Staff reviewed the site plan and building location with the applicant to evaluate alternatives and no reasonable alternative solutions were presented.

As noted in the previous (December 2021) report to PAC Staff believe that the overall building design in this mixed-use neighbourhood achieves good design and is appropriate to the character of Hampton Road. Staff did recommend that the applicant consider natural materials (wood) to mitigate the white “institutional” appearance of the building. The revised design (Figure 2) uses metal siding which mimics wood siding which in combination with darker colours of building should help reduce façade's mass and add visual warmth to building design.



Figure 2 - Before and After Renderings of the Proposed Building

SHADOW STUDY

As required, the applicant has submitted a shadow study (Attachment D) to illustrate the impact of the development in terms of sun and daylight access to the surrounding properties including surrounding buildings, the public realm, public and private open space. The proposed project is not adjacent to public parks or open spaces and accordingly will not affect public amenities. Shadow studies are also useful for understanding what impacts could be anticipated on the use of private residential amenity spaces such as rear yard patios, decks, pools and gardens. The submitted study demonstrates that there will be minimal daytime shadow impacts from the proposed development on the backyard amenity areas of 44 and 46 Clark Road.



Figure 3 - Summer Solstice (June 21) 4pm

KENNEBECASIS VALLEY FIRE DEPARTMENT:

As is required by Municipal Plan Policy FR-7, the KVFD did review the proposal to ensure that public safety and firefighting concerns are addressed. KV Fire Department offered that they are concerned about the access route based on the site plan schematic. The Department notes that the S turn into the driveway might not meet the NBC requirements of a 12m radius. The 6m driveway entrance and drive aisle between the parking spaces meets Fire Code but not the zoning by-law requirement of a 7.5m drive aisle. The Department notes that could be very tight in front of the building if they had to set-up the ladder truck with access becoming a major bottleneck if they were setup for a prolonged incident. The Department requested that the Town consider a requirement for secondary access/exit to Woodland Avenue.

DEVELOPMENT AGREEMENT:

The DRAFT development agreement (Attachment C) is including in this report for review by the PAC and the public should Council decide to hold a public hearing. Staff believe that some minor changes and clarifications will be necessary to the final draft agreement, those edits will be submitted for PAC's review.

POLLING:

Polling was conducted via a notification letter sent to surrounding property within one hundred (100) meters of the subject property. The responses to the letter are contained in Attachment A.

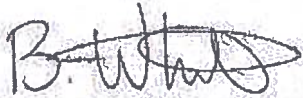
RECOMMENDATIONS:

Staff recommend the Planning Advisory Committee consider the following MOTION:

Rothesay Planning Advisory Committee HEREBY recommends that Rothesay Council schedule a public hearing to consider rezoning the lands located off Woodland Avenue and Hampton Road from Single Family Residential – Standard Zone [R1B] to the Multi-Unit Residential Zone [R4] for a 36-unit apartment building subject to the execution of a Development Agreement in accordance with the Community Planning Act.

ATTACHMENTS:

- | | |
|--------------|-----------------------------|
| Attachment A | Polling Responses |
| Attachment B | Proposed By-Law |
| Attachment C | DRAFT Development Agreement |
| Attachment D | Application Revisions |



Report Prepared by: Brian L. White, MCIP, RPP

Date: Thursday, February 03, 2022

ATTACHMENT A - POLLING RESPONSES

FROM: 14 WOODLAND AVE

Hi Brian,

We just received the letter of re-zoning today (not a lot of time to consider or ask for feedback)

I would like the record to state, that I oppose the development and rezoning.

- too much added traffic
- it will lower the value of single family homes in the area
- oppose any connection to woodland avenue for this development
- this area has enough multi-unit homes already - any more of these homes would create too much density and lower values (creating a ghetto)

Thank You

FROM: 14 WOODLAND AVENUE

Good afternoon,

I just received a letter regarding a zoning application for 95 Hampton Rd. As a resident of Woodland Avenue, I do have a few concerns about the property and the potential of having a road or entrance on this street. This is currently a quiet dead end street with plenty of children who enjoy riding their bicycles and such out on the road. (We do not have sidewalks) With a new building and added traffic, this street would no longer be safe for the kids to play. The reason we moved to this home was strictly because of the fact that it IS a dead end quiet street.

My family and I are 100% opposed to this development.

Thanks for your time.

FROM: 46 CLARK ROAD

Mr. White,

I just received your letter informing us of the application from Mr. Brent Taylor to rezone the property at 95 Hampton Road for a 36-unit apartment building subject to the terms of a development agreement.

I live at 46 Clark Rd and my property is directly behind the 95 Hampton Road property and share the property line.

Our family's concern is that currently students from the school and residents from Woodward Avenue are walking through the property at 95 Hampton Road and through our yard at all hours of the day and night to get to the mall area across the street from our home. With the apartment building, directly behind us we strongly believe this will increase.

Request

Our request is for a 2m high metal fence between our property and the apartment complex to remove the risk of this continuing and likely increasing.

Thank you,

Homeowner
46 Clark Road

FROM: 42 CLARK ROAD

Hi,

I own 42 Clark road. I received a letter in the mail, without my name on it. I found this strange.

I'm concerned about this development. There are markings on my property in the photo I received, indicating a setback. Please explain.

Will there be a buffer of trees left between the back of the building and the property lines on Clark road? There is mature trees that if left could at minimum provide privacy to the residents of Clark road. As opposites to a birds eye view into these homes.

How long will construction last and what are the time frames that is acceptable? Another apartment building on Hampton road has been being constructed for years.

There is a brook that runs between 42 Clark and 19 woodland Avenue. I would also be concerned about additional run off.

Thanks,

FROM: 12 WOODLAND AVENUE

Dear Brian;

Thanks to you for the prompt acknowledgment of my memo, and now I will attempt to share a few thoughts on the matter at hand.

The landscape of the Town today would be unrecognizable by those of 50 years ago, particularly in the former community of "old Fairvale." With the ballooning population, the growing commercial establishments, more eateries, more vehicle traffic, more high end high density Multi-Units, etc. etc. all of which causes people like myself (and others) who feel that our Town's planning and administration needs to slow down, take stock, and hold our balance. Don't get me wrong, I don't want to live in the past, and I'm not opposed to change and progress. The Town and it's staff are doing a great job in these difficult times, and good things are happening. But make no mistake, there are concerns.

But now to the matter at hand; which is the developers application to rezone properties in the area at 95 Hampton Road, for the purpose of developing a multi-unit building. It is my understanding that the building plan would have access to the Hampton Road via the end portion of Woodland Ave. This then brings me to our concern: As Woodland Ave. being a dead-end Street and is aligned (or can be aligned) with the Hampton Road, and as traffic volumes increases (as it will) at the Marr Road intersection and on Hampton Road (as predicted) it would then seem inevitable that traffic volumes will pressure the Town to open up Woodland Ave. as a two- way Street onto Hampton Road and Spruce Street on the other end.

The people and families in the Woodland Ave. neighborhood have always enjoyed the benefit of a dead-end, no-through-traffic street, and while I cannot speak for others (I can only advocate for myself) yet I believe that every single resident living on this street would speak with one voice in opposition to the developers application, because of the detrimental impact it would have on our neighborhood, if in fact Woodland Ave. would be opened through to Hampton Road.

It seems an unfortunate oversight that the PAC notice of the Rezoning Application was not delivered to every household on this Street. Would it not be possible to yet circulate the notice to each home on the Street?

Thank you for your time and your thoughtful consideration of my concerns.

Yours truly,

Wednesday, January 26, 2022
RE: Rezoning Application – 95 Hampton Rd

Chair & members of Rothesay P.A.C.

Since purchasing our home in 1975 the Municipality has slowly eroded away our beautiful neighbourhood. Apartment buildings were constructed on Scott Ave., Clark Rd., and even a small four unit was built illegally on 19 Woodland (as it was zoned single family residential at that time). Later on a mall was constructed & just recently expanded onto our street causing considerable noise disruptions for the abutting neighbours. This application approval will complete a surrounding of our home that initially was purchased on a beautiful, quiet dead-end street with wildlife & natural scenery.

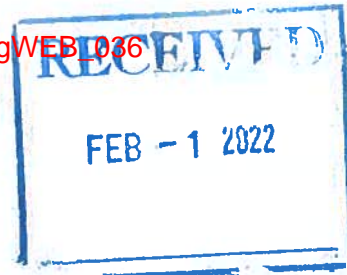
- The current proposal to route traffic to Hampton Rd. is the best option from the perspective of the residents of Woodland Ave. We would be opposed to routing of traffic through Woodland Ave & **strictly opposed** to the continuance of Woodland Ave to Hampton Rd, (thus making another Scott Ave). The current updated Municipal plan currently shows no interest in the subject of opening up the street.
- There is a concern over the proposed building height shadowing our residential neighbourhood. Standard apartment buildings in this area have traditionally been three stories. Due to a poorly drained property it seems logical to forgo the sheltered parking on the main level and maintain the 36 units on three levels.
- Lowering the proposal to three stories would also permit more room for a sloped/trussed roof design, more in style with the existing buildings on Woodland Ave. Also consideration should be given to making the building of high quality design rather than typical brick & mortar institutional design.
- There is a concern over the density, width & height of a buffer between the end of the asphalt & Woodland Ave. It currently shows a 2 meter buffer zone with very limited shrubbery. We would prefer a thickly treed buffer or at least a fence of 2 meter height to restrict foot traffic from this project onto our adjoining properties.
- There is no indication of the location of refuse containers. This is a concern as many times the collector is onsite in the early hours of the day creating excessive noise.

In closing we wish to voice our concerns over this proposed development as outlined above. Our suggestion to the Town would be to consider moving the building closer to the Hampton Rd (utilizing the properties proposed for commercial) , leaving adequate parking to the rear of the building similar to many recent developments within the Town. This would alleviate many of the concerns we have raised while still allowing the properties to be developed.

Sincerely,



16 Woodland Ave
Rothesay, N.B.



RE: Rezoning Application – 95 Hampton Rd



Members of the Rothesay Planning Advisory Committee

Our apologies for the lateness of this letter but we just received our mail & letter from the Town a few days ago!

Please accept this letter as our official opposition to the rezoning of the property at 95 Hampton Road. In recent years the mall has been allowed to expand into our street making the noise level from it unbearable. This noise starts anytime from 5:30 a.m. and continues until late in the evening. As shift workers this makes getting rest very difficult. Adding a 36 unit apartment complex directly across the street will just add to this situation. Headlights from the parking lot will be aimed directly into our front windows. The proposed buffer between this massive complex and our street is inadequate to compensate for this. There is no indication of where the dumpsters for this complex would be located but the pickup from those as well as the snow removal could be at all hours of day or night and disruptive for the neighbours.

Although not indicated in the rezoning application we are also very concerned about the possibility of opening our street to the Hampton Road. This would change our quiet dead-end neighbourhood into a fast paced busy street.

Sincerely,


18 Woodland Ave
Rothesay, N.B.
E2E 2K5 



**BY-LAW 2-10-29
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 the Community Planning Act, 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 "2-10-29".

The purpose of the amendment is to rezone lands located off Woodland Avenue and Hampton Road from Single Family Residential – Standard Zone [R1B] to the Multi-Unit Residential Zone [R4] for a 36-unit apartment building subject to the execution of a Development Agreement in accordance with the Community Planning Act, supra.

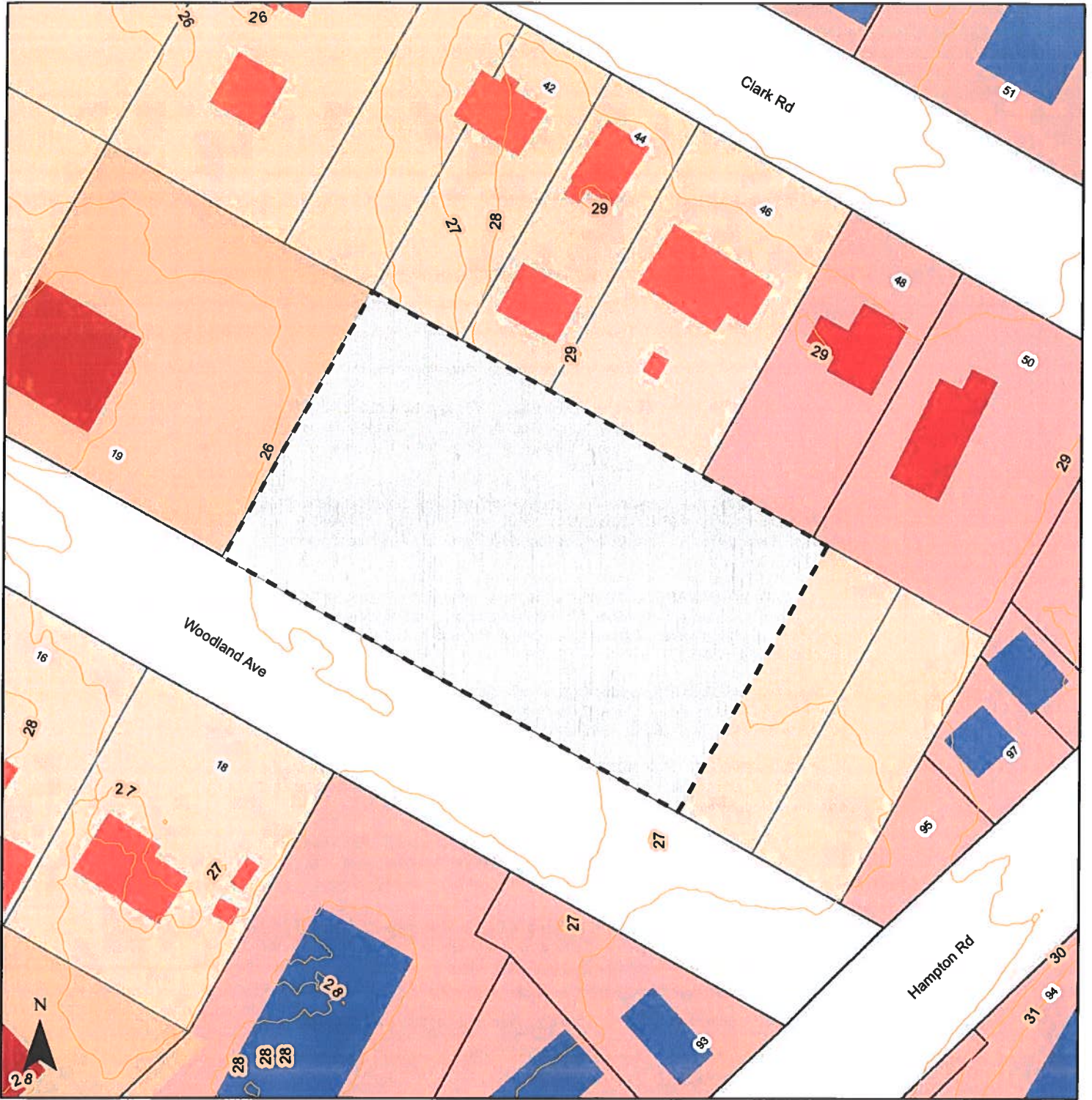
FIRST READING BY TITLE :
SECOND READING BY TITLE :
READ IN ENTIRETY :
THIRD READING BY TITLE
AND ENACTED :

MAYOR

CLERK

Attachment Bylaw 2-10-20

PIDs 00242271, 30020051, 30130348, 30130355



2022-02-03, 10:48:35 AM

1:800

Buildings

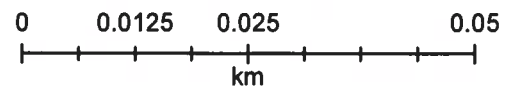
- Commercial
- Residential

Zoning

- CC
- R1B
- R4

Property Boundary

- Property Boundary



Rothesay

DEVELOPMENT AGREEMENT

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

Parcel Identifier of Parcels Burdened by Agreement: 00242271, 30130348, 30020051, 30130355
(to be consolidated)

Owner of Land Parcels: KV Properties Ltd.
1 Magnolia Lane
PO Box 100
Rothesay, NB
E2E 3L2 (Hereinafter called the "Developer")

Agreement with: Rothesay
70 Hampton Road
Rothesay, N.B.
E2E 5L5 (Hereinafter called the "Town")

a body corporate under and by virtue of the Local Governance Act, RSNB 2017, Chapter 18, located in the County of Kings and Province of New Brunswick

WHEREAS the Developer is the registered owner of certain lands located off Woodland Avenue (PIDs 00242271, 30130348, 30020051, 30130355) 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 thirty-six (36) unit apartment building on the Lands as described in Schedules B through D. (herein after called the "Project")

AND WHEREAS Rothesay Council did, on **INSERT DATE**, authorize the Mayor and Clerk to enter into a Development Agreement with **CORPORATE NAME** to develop a residential apartment building on the Lands.

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 total number of residential units situated on the Lands shall not exceed thirty-six (36) residential apartment 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 (4)
 - d. Schedule D Landscape Plan
 - e. Schedule E Storm Water Management Plan

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 Rothesay 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 Schedules B, C, D and E.

Architectural Guidelines

5. 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 community character and that is generally consistent with the existing styles of housing in Rothesay. The Developer agrees to ensure the following:
 - a. The architectural design of the building shall be, in the opinion of the Development Officer, generally in conformance with Schedule C.
 - b. All exterior mounted ventilation and related mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner to reduce clutter and negative impacts on the architectural character of the building.

Storm Water

6. The Developer shall carry out, subject to inspection and approval by Town representatives, the installation of a storm water system as per Schedule E of this agreement. The Developer agrees to accept responsibility for all costs associated such installation including 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 from the entire developed portion of the lands to a predetermined location selected by the Developer's Engineer and approved by the Town Engineer; and
 - b. Topsoil and hydro-seeding of shoulders of roadways.
7. 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.
8. The Developer agrees that all roof leaders, down spouts, and other storm water drains from the building, parking lot and landscape features shall not be directed or otherwise connected or discharged directly to the Town's storm water or sanitary collection system.
9. 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.

Municipal Streets

10. The Developer shall carry out, subject to inspection and approval by Rothesay representatives, and pay for the entire actual cost of the following:
 - a. surveying and staking of lots and streets;
 - b. rough grading of streets to profiles approved by Rothesay;
 - c. fine grading of streets to profiles approved by Rothesay;
 - d. hard surfacing of the streets as shown on the plan to Rothesay specifications; sub-grade standards, compaction and finish as approved by Rothesay's Engineer, in writing, before final hard surfacing may be installed;
 - e. constructing the proposed connection of Woodland Avenue to Hampton as approved by Rothesay's Engineer;

- f. supply and maintenance of for a period of two (2) years the topsoil, sod, landscaping and the planting of street trees calculated as no more than one tree for each 10 meters measured along the linear centre line of the public street right of way, planted on location(s) approved by Rothesay and where such street trees are as follows:
 - i. Not smaller than six centimeters (6 cm) in diameter measured at a point being 2 meters above the root ball such trees species as approved by Rothesay.
 - ii. Inspected by Rothesay 12 months from time of planting and again then at 24 months. The Developer shall replace trees identified for replacement during warranty inspections.
 - g. Engineering design and inspection of those works referred to in clauses b), c) d), e) and f) of this section.
11. The Developer agrees to provide signed documentation and progress reports from a practicing Professional Engineer, licensed in New Brunswick ensuring that applicable codes and standards have been met and that the work was completed and utilizing such materials as in accordance with the terms of this Agreement and approved specifications.
12. The Developer agrees to provide as-built drawings that delineate all public infrastructure to be submitted to Rothesay in compliance with the minimum standards and requirements specified in Rothesay's Digital Data Submission Standards for Infrastructure and Construction Drawings.
13. Rothesay reserves the right to assign or rename public street names, notwithstanding that names may not correspond with existing names.
14. The Developer agrees that all items, materials, pipes, fittings, and other such infrastructure following acceptance of delivery on site by the Developer shall remain the full responsibility of the Developer against their accidental breakage or vandalism until Rothesay accepts the completed works.
15. The Developer agrees to restore all disturbed or damaged areas of the public street and right of way to the satisfaction of Rothesay's Engineer following installation of the required municipal services.

Municipal Sidewalks

16. The Developer shall carry out and pay for the entire actual cost of a public sidewalk and associated barrier curbing as required to comply with Town standards within the Town right-of-way and extending the sidewalk from the proposed building to the intersection of Woodland Avenue and Hampton Road, subject to inspection and approval by Rothesay's Engineer, including the following:
 - a. supply and maintenance of for a period of one (1) year the topsoil, sod, landscaping and the planting of street trees located every 10 meters, or an equivalent number planted in locations approved by the Town, along the length of the public road right-of-way where such trees are as follows:
 - b. Not smaller than six centimetres (6 cm) in diameter measured at a point being 2 meters above the root ball such trees species as approved by the Development Officer.

Water Supply

17. 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.
18. The Town agrees to supply potable water for the purposes and for those

purposes only for a maximum of thirty-six (36) residential dwellings and for minor and accessory purposes incidental thereto and for no other purposes whatsoever.

19. The Developer agrees to pay the Town a fee for connection of the building to the Town water system including sprinkler feed to the Town water system calculated in the manner set out in By-law 1-18, Rothesay Water By-law as amended from time to time, to be paid to the Town twelve (12) months following the issuance of the building permit.
20. The Developer agrees that the Town does not guarantee and nothing in this Agreement shall be deemed 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.
21. 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.
22. 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.
23. 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 or if an invoice for water service is more than 90 days in arrears.
24. The Developer agrees to provide, prior to the occupation of the building, written certification of a Professional Engineer, licensed to practice in New Brunswick that the connection to the Town water system has been satisfactorily completed and constructed in accordance with the Town specifications.

Sanitary Sewer

25. The Developer agrees to connect to the existing sanitary sewer system at a point to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
26. The Developer agrees to pay the Town a fee for connection to the Town sewer system calculated in the manner set out in By-law 1-15 Rothesay Sewage By-law, as amended from time to time, to be paid to the Town twelve (12) months following the issuance of the building permit.
27. The Developer agrees to carry out subject to inspection and approval by Town representatives, and pay for the entire actual costs of 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.
28. 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.
29. The Developer agrees that connection 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

30. 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.
31. 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

32. 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 (\$2,000,000.⁹⁹) including a project wrap-up liability policy (with no less than 24 months coverage after project completion). 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 previously mentioned 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

33. 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 KV Properties Ltd., 1 Magnolia Lane, PO Box 100, Rothesay, NB, E2E 3L2 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

34. 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 that may apply in the future to the site and to activities carried out thereon.

Termination

35. 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 been completed 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 to the provisions of the Rothesay Zoning By-law.
36. Notwithstanding the preceding paragraph (47) above, the Parties agree that the 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 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.
37. 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 this 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

38. The Town and Developer agree that Final Occupancy of the proposed 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 and an Occupancy Permit has been issued.
39. 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 one hundred twenty percent (120%) 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 an automatically renewing, irrevocable letter of credit issued by a chartered bank dispensed to and in favour of Rothesay;
 - b. Rothesay may use the security to complete the work as set out in Schedule D and E of this Agreement including landscaping or storm water works not completed within a period not exceeding six (6) months from the date of issuance of the Occupancy Permit;
 - c. all costs exceeding the security necessary to complete the work as set out in Schedule D and E this Agreement shall be reimbursed to Rothesay; and
 - d. any 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

40. The Developer agrees that after sixty (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 of Council, 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

41. 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

42. 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

43. 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 WHEREOF, each of the parties set out below has caused this Agreement, made in duplicate, to be duly executed by its respective, duly authorized officer(s) as of _____, 2022.

Witness:

KV Properties Ltd.

Brett Taylor, Director

Rothesay

Witness:

Nancy E. Grant, Mayor

Witness:

Mary Jane E. Banks, Clerk

SCHEDULE A

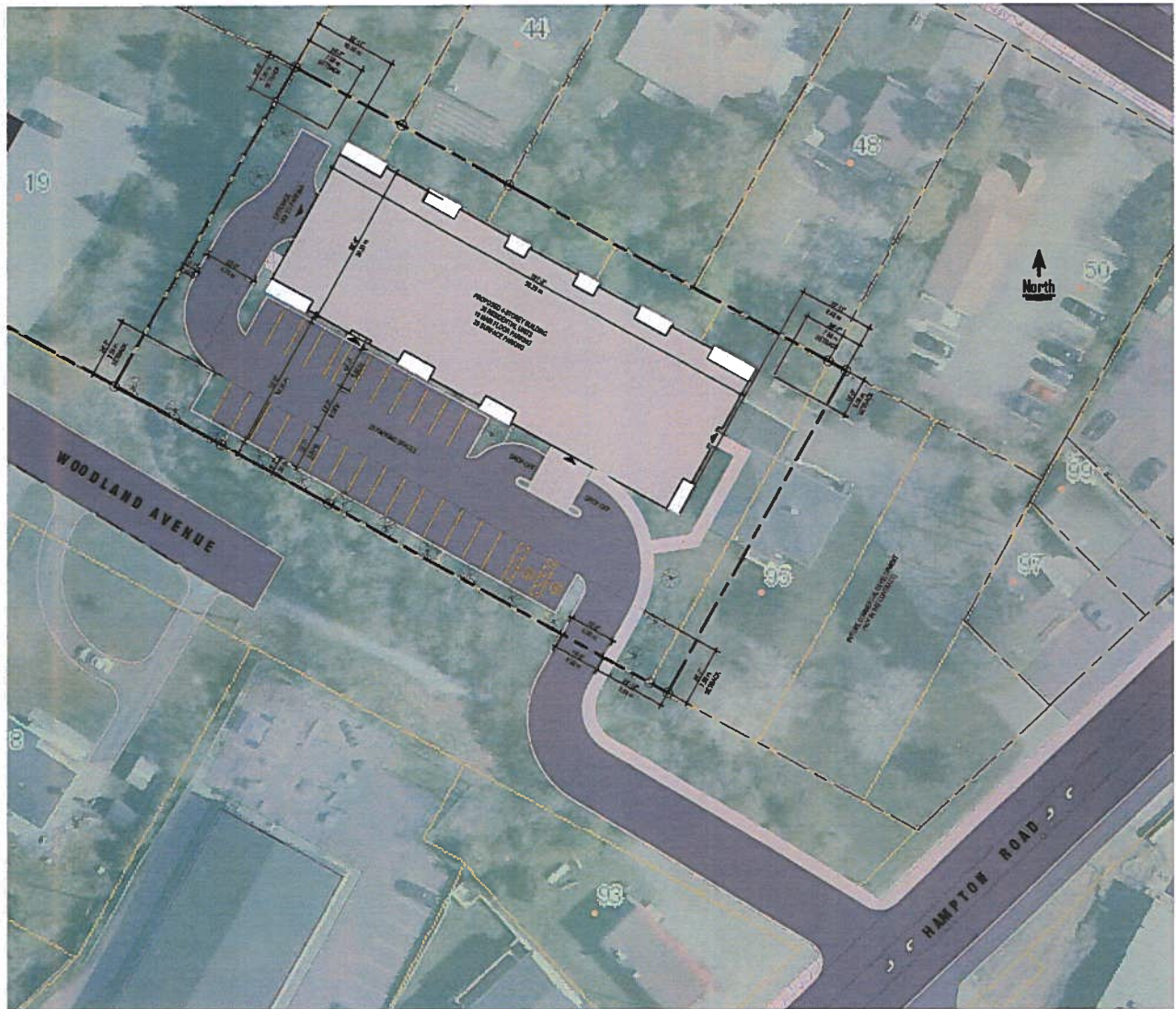
PID: | 00242271, 30130348, 30020051, 30130355 (TO BE CONSOLIDATED)

Attachment B - SITEPLAN

SCHEMATIC SUMMARY	
Project Name	19050517 Hampton Road Highway
Project Address	98 Hampton Road Highway, Sherbrooke
Project Type	200 L.R. Type
Project Area	875
Project Location	Subdivided Residential (P)
Project Status	Site of 2015 Lotteries Act
Project Date	10/25/2019
Access	
Access Point	47
Access Point	L3
Access Point	3F
Access Point	17
Access Point	4
Access Point	49
Access Point	L23
Site Area	
Site Area	1905.00 sqm.
Site Area	4
Site Area	20
Site Area	20
Site Area	26
Access	
Access Point	17 on site driveway

SCHEMATIC SUMMARY
1/2" = 1'-0"

Warning: This preliminary schematic site plan is based on site information provided by the client, or based on a public search. The site plan is a general representation and does not constitute a site plan, investigation and location of features. The plan is not intended to be used for legal purposes or to indicate exact dimensions of areas. Demographic information may affect the functionality of the site plan, including zoning regulations, current easements, and easements, etc.



SITE PLAN
3/64" = 1'-0"



"Not For Construction"

FILE	DESCRIPTION	DATE
11		

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ALL CONTRACTORS MUST COMPLY TO ALL REGULATIONS, MUNICIPAL AND PROVINCIAL BY-LAWS AND "THE NATIONAL BUILDING CODE OF CANADA".

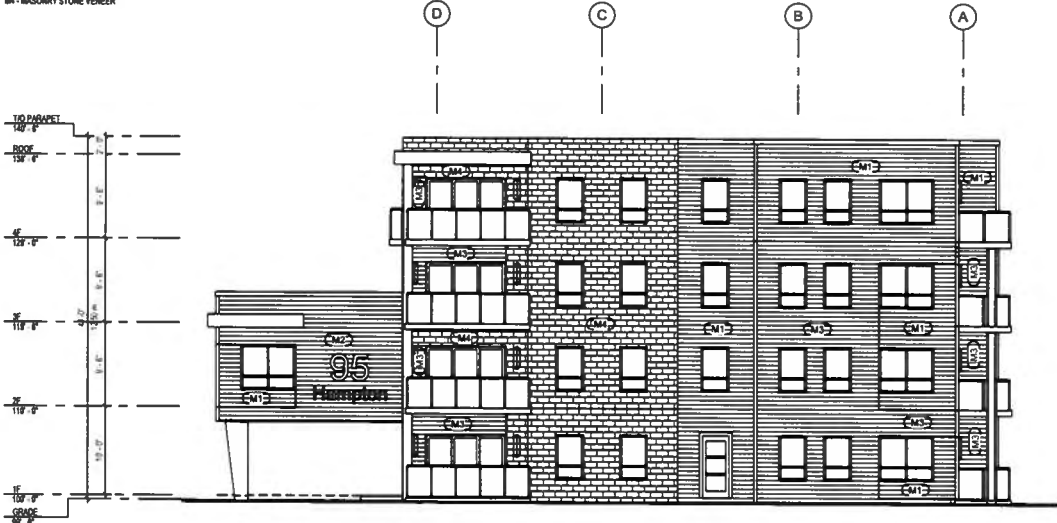
ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev. #	Description	Date



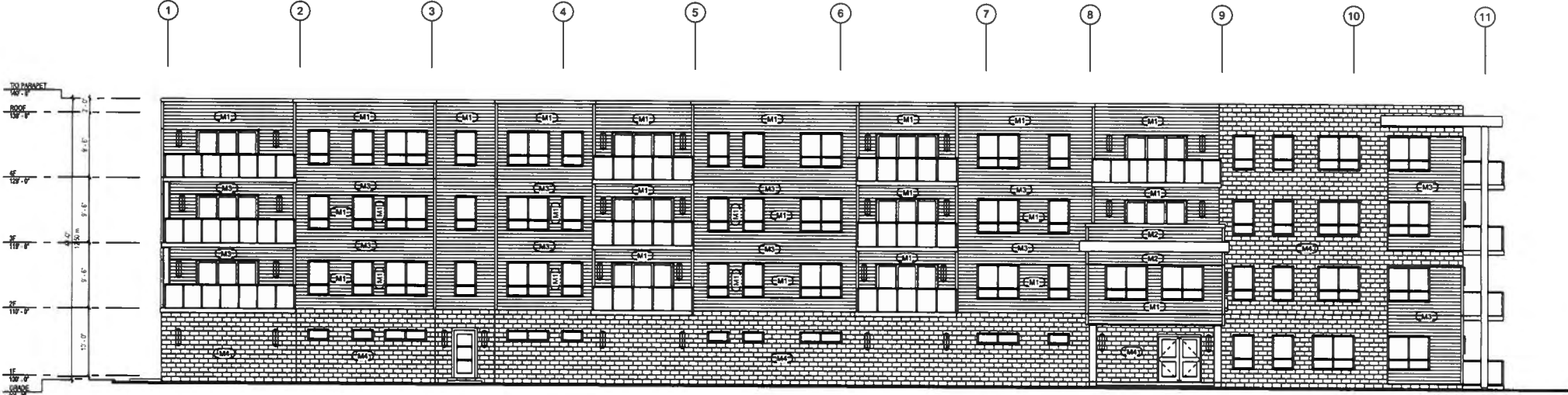
Client:	KV PROPERTIES
Project:	APARTMENT 98 Hampton Road Highway, Sherbrooke
Drawing No:	SITE PLAN
Date:	19 DEC, 2021
Checked by:	D.J.K.
Drawn by:	E.C.
Scale:	AS NOTED
Sheet:	A0.1
Plot No.:	4405

MATERIALS:
EXACT MATERIAL COLORS AS PER OWNER
M1 - HORIZONTAL METAL SIDING COLOR 1
M2 - HORIZONTAL METAL SIDING COLOR 2
M3 - METAL SIDING (TEAK)
M4 - MASONRY STONE VENEER



EAST ELEVATION

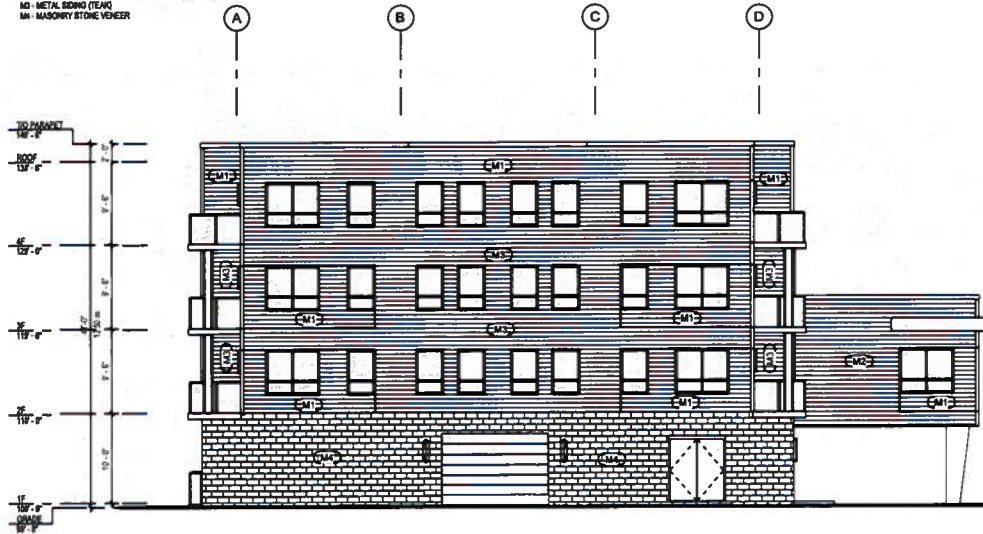
1/8" = 1'-0"



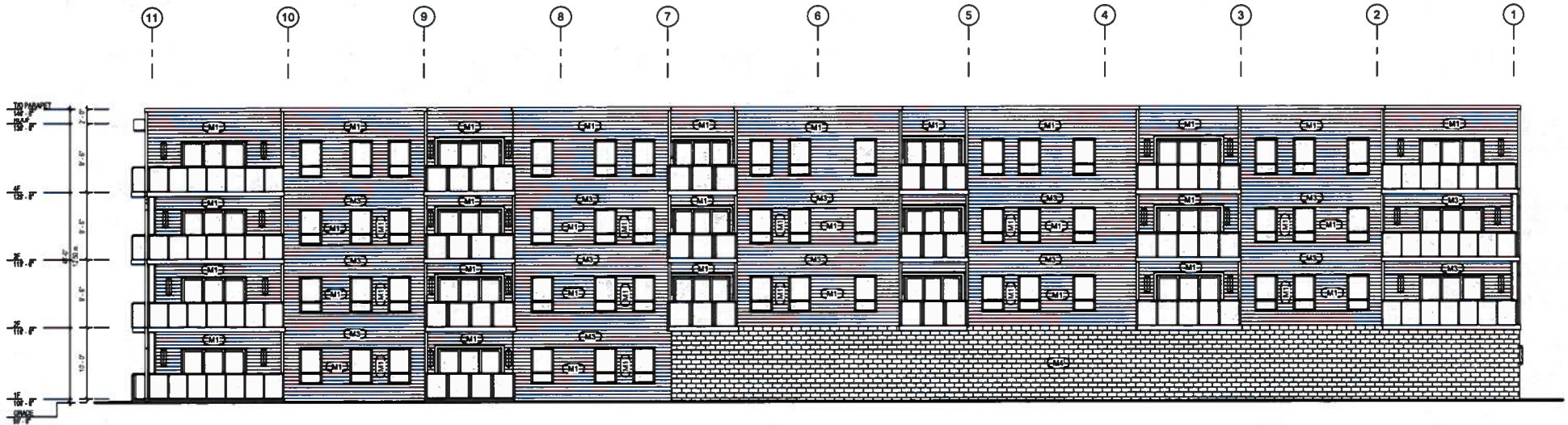
SOUTH ELEVATION

1/8" = 1'-0"

MATERIALS:
EXACT MATERIAL COLORS AS PER OWNER
M1 - HORIZONTAL METAL SIDING COLOR 1
M2 - HORIZONTAL METAL SIDING COLOR 2
M3 - METAL SIDING (TEAR)
M4 - HAUNDRY STONE VENEER



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

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

Deponent: Brett Taylor
1 Magnolia Lane
PO Box 100
Rothesay, NB, E2E 3L2
Office Held by Deponent: Director
Corporation: KV Properties Ltd.

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: _____, 2022

I, BRETT TAYLOR, 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 "BRETT TAYLOR" 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 Rothesay,
in the County of Kings,
and Province of New Brunswick,
This ___ day of _____, 2022

BEFORE ME:

Commissioner of Oaths

BRETT TAYLOR

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

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

Deponent: MARY JANE E. BANKS

Rothesay
70 Hampton Road
Rothesay, N.B.
E2E 5L5

Office Held by Deponent: Clerk

Corporation: ROTHESAY

Other Officer Who Executed the Instrument: NANCY E. GRANT

Rothesay
70 Hampton Road
Rothesay, N.B.
E2E 5L5

Office Held by Other Officer Who Executed the Instrument: Mayor

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: _____, 2022

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 Rothesay, 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
Rothesay, in the County of Kings,)
and Province of New Brunswick,)
This ___ day of _____, 2022)
BEFORE ME:)
Commissioner of Oaths)

_____)
MARY JANE E. BANKS

ATTACHMENT D







"Not For Construction"

ID	DESCRIPTION	DATE

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ALL CONTRACTORS MUST CONFORM TO ALL REGULATIONS, MUNICIPAL AND PROVINCIAL BY-LAWS AND THE NATIONAL BUILDING CODES OF CANADA.

ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev #	Description	Date

Architectural Designer

Spitfire DESIGN CO.
 88 Hampton Road Pelham, Ontario
 Tel: 905-565-3712 Fax: 905-565-3727 email: info@spitfire.com

KV PROPERTIES

APARTMENT
 88 Hampton Road Pelham, Ontario

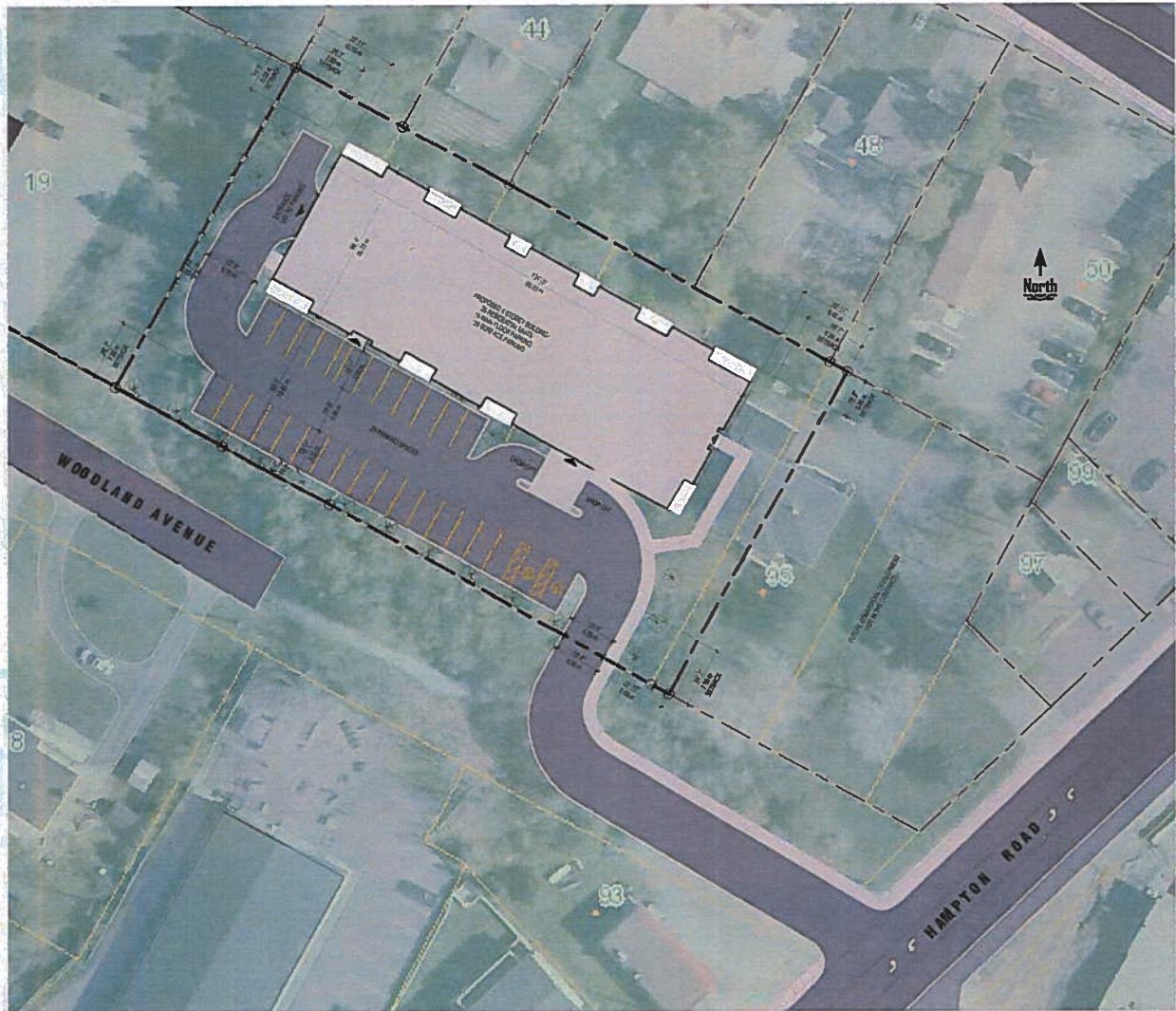
SITE PLAN

Date: 20 JAN, 2022

Designer: E.C.

Scale: AS NOTED

Sheet: A0.1 Page no: 4/45



SCHEMATIC SUMMARY

LOT INFO	
Lot #	62021, 62022, 62023, 62024, 62025, 62026
Project Name	88 Hampton Road Pelham
Project No.	2022-03
Drawn By	Architectural
Checked By	Architectural
Scale	AS SHOWN

PARKING	
# of Spots	12
Surface Area	1200 sq. ft.
Notes	AS SHOWN

BUILDING INFO	
Height	12.5m
Floor Area	AS SHOWN
Notes	AS SHOWN

REQUIRED VARIANCE	
Notes	AS SHOWN

SCHEMATIC SUMMARY

Notes: This preliminary schematic site plan is based on site information provided by the client or on public domain information. It does not constitute a legal or professional agreement for site development or construction. The user is responsible for obtaining all necessary approvals and permits. The user is responsible for all site work, including utility relocation, service connections, and landscaping.

SITE PLAN
 1:100



"Not For Construction"

NO.	DESCRIPTION	DATE

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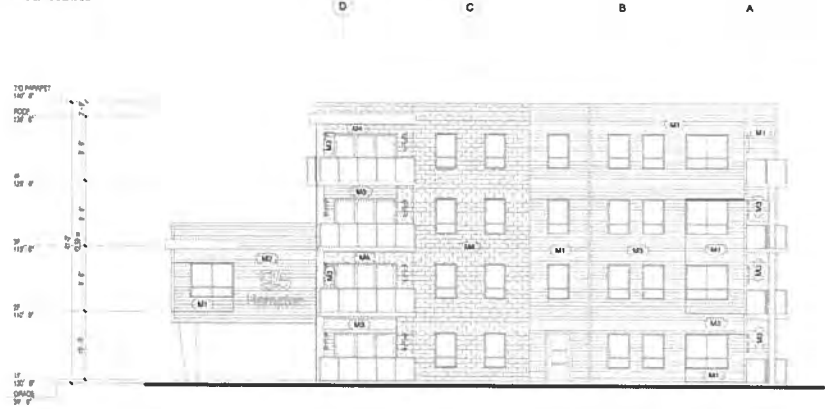
ALL CONTRACTORS MUST CONFORM TO ALL REGULATIONS, MUNICIPAL AND PROVINCIAL BY LAWS AND THE NATIONAL BUILDING CODE OF CANADA. ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev #	Description	Date

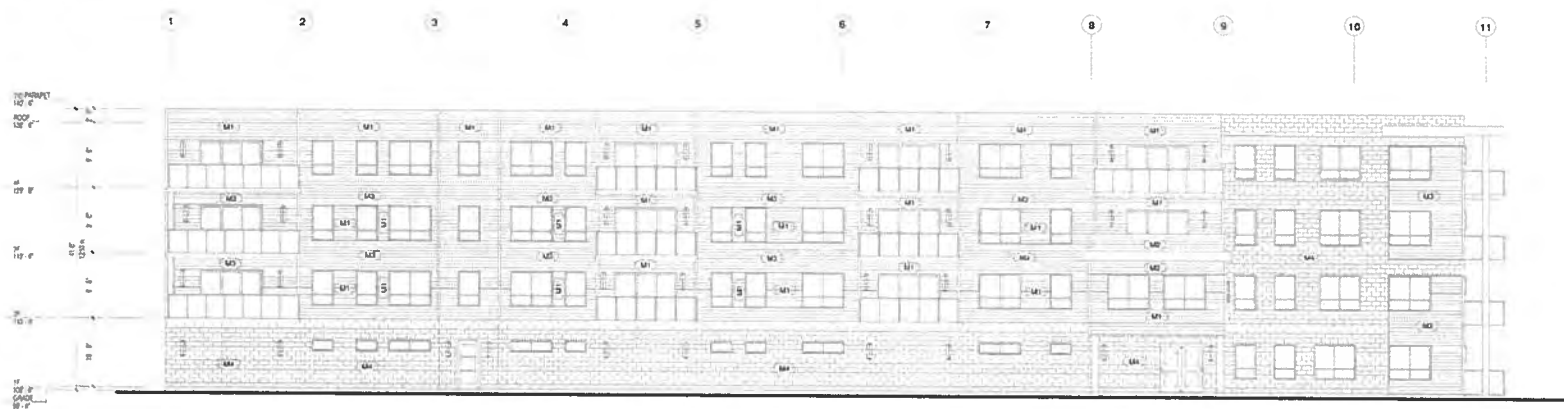


KV PROPERTIES
APARTMENT
85 Hampton Road, Port Hope, Kingston
ELEVATIONS
Date: 29 JAN 2022
Drawn by: P.J.M.
Checked by: E.C.
Scale: AS NOTED
Sheet: A3.1

LEGEND
 EXACT MATERIAL COLOURS ARE INDICATED
 M1 - METALLIC METAL BRASS COLOUR
 M2 - ROYAL BLUE METAL BRASS COLOUR
 M3 - METAL BRASS COLOUR
 M4 - METAL BRASS COLOUR
 M5 - METAL BRASS COLOUR



EAST ELEVATION
 1/8" = 1'-0"



SOUTH ELEVATION
 1/8" = 1'-0"



"Not For Construction"

NO.	REVISIONS	DATE

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ALL CONTRACTORS MUST CONFORM TO ALL REGULATIONS, MUNICIPAL AND PROVINCIAL BY-LAWS AND THE NATIONAL BUILDING CODE OF CANADA.

ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Rev #	Description	Date

spitfire
DESIGN CO.
11110 20th Avenue, #1013
Edmonton, Alberta T6E 2E3
Phone: (780) 555-4777 Fax: (780) 555-2727 Email: info@spitfire.ca

KV PROPERTIES

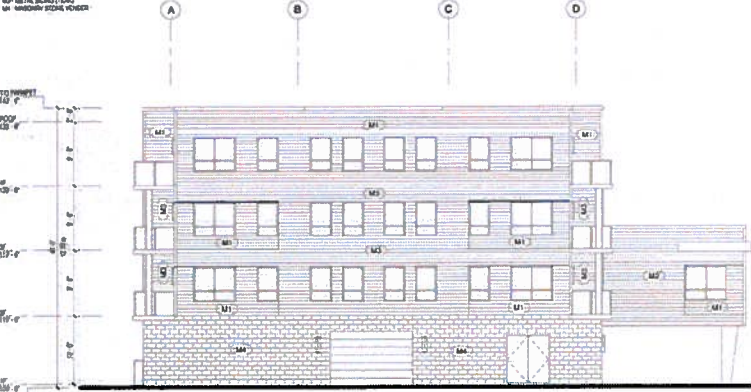
APARTMENT
88 Hampton Road, Pathway, Miramichi

ELEVATIONS

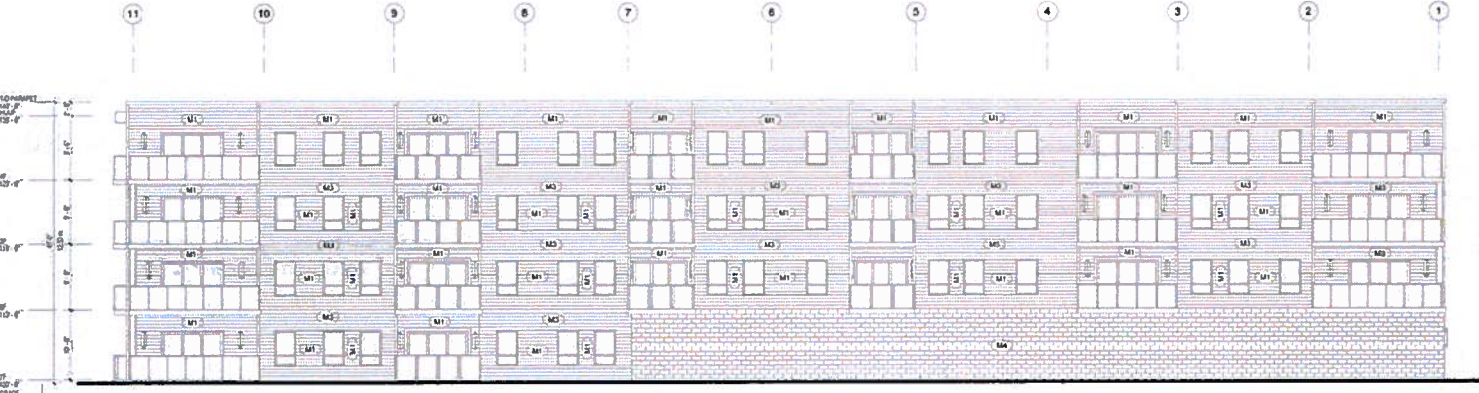
Date: 20 JAN, 2022

Drawn by: B.M.
Checked by: E.C.
Scale: AS NOTED
Sheet: A3.2 Page: 4/25

NOTES:
1. SEE MATERIAL SCHEDULE FOR FINISHES
M1 HORIZONTAL METAL SIDING COLOR 1
M2 HORIZONTAL METAL SIDING COLOR 2
M3 METAL SIDING COLOR
M4 WINDOW FRAME FINISH



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

506.433.4427 (Sussex)
506.652.1522 (Saint John)
info@dmse.ca
www.dmse.ca

2022 April 12 (95) Hampton Woodland Hearing WEB_058



Ref: 21292-StormwaterReview

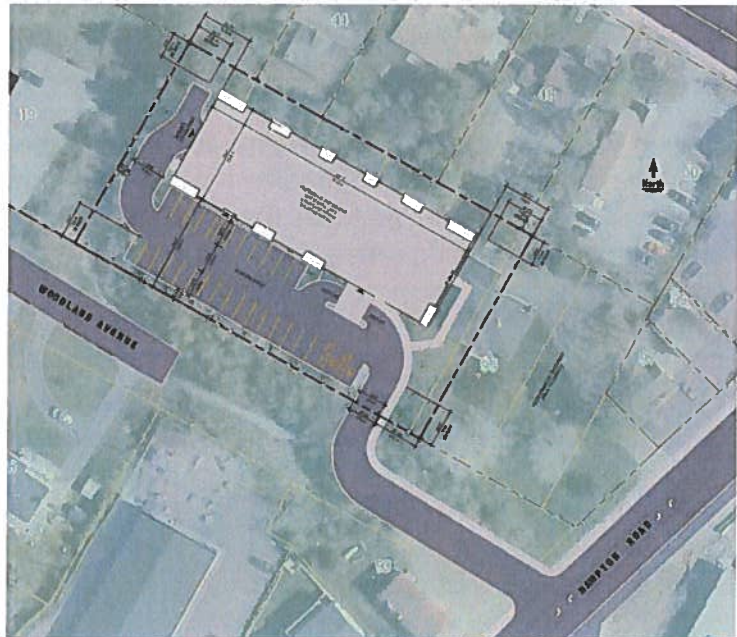
January 27, 2022

Mr. McLean,

Re: 95 Hampton Road - KV Properties- Stormwater Review

Don-More Surveys & Engineering Ltd. (Don-More) has been engaged to perform a high level review of a proposed development at the above address relative to a stormwater management strategy.

We have been provided with a revised conceptual site plan prepared by Spitfire Design Co. dated December 16, 2021 and this review is limited to details shown on this site plan.



Existing Site

The existing site can be characterised as a generally flat area with an existing single family residence in the front area and wooded area in the rear of the site. The existing site sheet drains north to the northern edge of the property away from Hampton Road.

There is a ditch/swale along the western side of Woodland Avenue which discharges to the northern edge of the site where it flows northeast along the rear of the site towards Clark Road and enters a piped storm network.

Stormwater Management Approach

The proposed site plan shows a new driveway leaving Hampton Road and entering the site, and a new building sitting on the northern portion of the site adjacent to the new parking area.

There is some discussion about the driveway changing to an extension of Woodland Avenue, but this would not change the overall approach to stormwater management.

The new site would be designed to perform stormwater management to limit peak flows to pre

development levels. Water draining from the parking areas would be directed to a Stormscepter to provide treatment of water quality. Below are preliminary design ideas for how this will be achieved.

The new building has a flat roof. We would plan to detain water on the roof of the building using flow controllers on the roof drains. Typically we design this system to pond the equivalent of 100mm of water in a 100 year event.

The new parking area would be designed to have a catch basin system which will collect the water and direct it to a Stormscepter, then discharge to the northern side of the property. The parking lot around the catch basins will be graded to create "ponds" at the catch basins and Inlet Control Devices (ICD's) will be installed on the catch basins to limit peak flows into the piped system. This results in water ponding on the parking area in peak rain events.

Following detailed design and once modelling of these two approaches has been completed, if additional measures are required to reduce peak flows we would look at either a traditional stormwater management pond at the northwestern corner of the property, or underground storage under the parking areas.

Closing

We trust this is sufficient for your present needs. Please feel free to contact the undersigned at 506.636.2136 or at at@dmse.ca for any additional information or clarification.

Yours truly,

Don-More Surveys & Engineering Ltd.



Andrew Toole, NBLS, P.Eng.



"Not For Construction"

SUMMER SOLSTICE



DATE: JUNE 21
TIME: 6:00 AM



DATE: JUNE 21
TIME: 12:00 NOON



DATE: JUNE 21
TIME: 4:00 PM

WINTER SOLSTICE



DATE: DECEMBER 21
TIME: 9:00 AM



DATE: DECEMBER 21
TIME: 12:00 NOON



DATE: DECEMBER 21
TIME: 4:00 PM

Sheet	DATE	REV

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ALL REQUIRED PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.

Item #	Description	Date

88 HAMPTON ROAD - 88 UNIT APARTMENT
PROPOSED NEW BUILDING

		SUN ANGLES				AZIMUTH	
		SOLAR NOON	8:30 AM	12:30 PM	4:30 PM	SUNSHINE	SHADE
Summer Solstice	June 21	57°	22:22:00h	83°	91:02°	8:54 °C	6:26 °F
Equinox	March 21 / September 21	45:73° / 42:07°	5:44:00h / 6:57:00h	49:73° / 42:07°	34:49° / 32:56°	9:08 °C	9:20° °F
Winter Solstice	December 21	24:02°	4:28:00h	21:02°	1:36°	8:13 °C	8:126 °F

- NOTES:**
1. All angles based on:
 - Solar noon = 12:00 pm
 - 15° tilt + 4° tilt BEYOND solar noon
 - 1:02 pm, 14° tilt = 11:28 solar noon
 - Daylight Savings Time not considered in
 2. All angles measured from true horizon up to the center
 3. Horizontal angles based on solar north-south, unless to South and north
 4. Exposure set at March 21 and September 21 Varying in a 1-hour period
 5. Shade and shadow diagrams: Based on June 21 and equinox day, 6:00am to 12 am.

spitfire DESIGN CO.
17100 Steeles Avenue, Unit 103
Richmond Hill, Ontario L4B 3N2
Tel: (905) 881-0771 Fax: (905) 712-7710 www.spitfiredesign.com

KV PROPERTIES

APARTMENT
88 Hampton Road Richmond Hill, Ontario

SHADOW STUDY

Date: 3 DEC, 2021
 Drafter: E.S.P.
 Checker: E.C.
 Project: AS-HOT-ED
 Sheet: AX.01 Page: 4/20

EQUINOXES



DATE: MARCH 21
TIME: 8:00 AM



DATE: MARCH 21
TIME: 12:00 NOON



DATE: MARCH 21
TIME: 4:00 PM

EQUINOXES



DATE: SEPTEMBER 21
TIME: 8:00 AM



DATE: SEPTEMBER 21
TIME: 12:00 NOON



DATE: SEPTEMBER 21
TIME: 4:00 PM



"Not For Construction"

REV	DESCRIPTION	DATE

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Rev #	Description	Date

SOLAR ANGLE TABLE

SOLAR HOUR	SUN ANGLE				AZIMUTH	
	1:55 AM	5:30 PM	7:30 PM	9:30 PM	SUN ANGLE	AZIMUTH
Summer Solstice June 21	62°	22:22 DEG	92°	64.88°	81.61° E	8:304° W
Equinox March 21 / September 21	45:21°	5:44 DEG	48:31°	54.88°	8:301° E	9:311° W
Winter Solstice December 21	28:52°	4:38 DEG	21:21°	5:50°	8:123° E	8:328° W

NOTES

1. Sun times based on 1.46m (4.82ft) solar panel. 6:00 AM - 4:30 PM EST. (Note: solar panel is 4.5m x 4.5m) (Note: solar panel is 4.5m x 4.5m) (Note: solar panel is 4.5m x 4.5m)
2. Sun angles measured from the horizontal plane to the sun's rays.
3. Horizontal angles based on solar noon, unless otherwise noted.
4. Equinoxes set at March 21 and September 21 (varying in a 24-hour period).
5. Dates and times are approximate. (Note: for June 21 and September 21, 15:00 EST of day).

KV PROPERTIES

APARTMENT

88 Hampton Road, Westbury, Ontario

SHADOW STUDY

Rev: 1 DEC, 2021

Drawn by: E.C.

Scale: AS NOTED

Sheet: AX 02

Page: 4/05



To: Chair and Members of Rothesay Planning Advisory Committee
From: Brian L. White, MCIP, RPP
Director of Planning and Development Services
Date: Wednesday, December 01, 2021
Subject: Rezoning - 36 Unit Apartment Building – 95 Hampton Road

Applicant/owner:	Brett Taylor, Director	Applicant/owner:	KV Properties Ltd.
Mailing Address:	14 Wiltshire Drive Quispamsis NB E2E 0E9	Mailing Address:	1 Magnolia Lane PO Box 100 Rothesay, NB E2E 3L2
Property Location:	95 Hampton Road	PIDs:	30130314, 30130322, 00242495, 00242495, 00242271, 30130348, 30020051, 30130355
Plan Designation:	Commercial & High Density	Zone:	R1B & Central Commercial
Application For:	36 unit residential apartment building		
Input from Other Sources:			

ORIGIN:

An application from Brett Taylor, Director of KV Properties Ltd. to rezone 5143.5m² (1.27 acres) of land (see Map 1) at 95 Hampton Road and Woodland Avenue from Single Family Residential – Standard Zone [R1B] and Central Commercial to the Multi-Unit Residential Zone [R4] for a 36 unit apartment building subject to the terms of a development agreement.



Figure 1 - Architectural Rendering of Proposed 36 Unit Apartment Building



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Figure 1 - Architectural Rendering of Proposed 36 Unit Apartment Building

BACKGROUND:

The subject parcels (8 separate Parcel Identifier Numbers (PIDs)) of land are designated for both Central Commercial and High Density residential uses (see Map 2). The applicant has a tentative purchase agreement with Mr. Brian Edwards who owns two of the eight properties subject to the land assembly¹. The property has frontage on Hampton Road although access will be via Woodland Avenue, which will be constructed by the developer. Staff note the proposed location of the building occupies the rear portion of the property in order to preserve the Hampton Road frontage for future commercial development.

The proposed building also is setback 5meters from the shared rear property boundary with 42-48 Clark Road. The proposed 5-meter setback does not meet the by-law minimum requirement of a 7.5-meter setback. Staff are reviewing the site plan and building location with the applicant to evaluate alternatives.

The property location is in area that marks the entry into Rothesay’s commercial corridor. The property also fronts on what was known as NB Provincial Highway No.9 the “old Hampton Highway”. Hampton Road is a provincially designated highway and is generally considered as Rothesay’s “main street”.



Figure 2 - Property Location (95 Hampton Road)

In general, Staff support the redevelopment of the property for higher density residential and note the added population to the area will support the existing schools and businesses in area. Also interesting to note that as our population ages and household sizes shrink this form of higher density becomes increasingly the preferred housing option, in that respect the proposed location is well suited to this form of housing.

¹ A land assembly or assemblage is the process of purchasing various smaller, contiguous parcels of property to merge them into one large land parcel or property.



Figure 3 - Proposed Site Plan (36-unit apartment building)

The Municipal Plan By-law 1-20 does contain policy direction (see Policy HDR-4 follows) that would allow Council to consider the application.

The commercial areas in Rothesay are focal points for residents, whether they are shopping or socializing. Council recognizes this function of commercial space as potential opportunity sites where higher density residential may be added as a means of providing people with better access to the Town's services, to reduce sprawl, to permit a livelihood that allows for walkability and less car dependence, and to increase density in and around the Town's commercial areas.

Policy HDR-4 High-density Residential:

COUNCIL SHALL Consider that High-density Residential (R6) development may be appropriate throughout the Commercial Designation², and may consider multi-unit dwellings through the rezoning and development agreement process where such development demonstrates compliance with the following requirements:

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The maximum density does not exceed 100 square metres of land per apartment unit;
- c) Subject lands are adequate in size relative to the intensity and scale of the proposed land development;
- d) The subject lands do not exceed 1 acre in total area (or 40 apartment units);
- e) Underground parking is provided;

² Although the property is not designated Commercial Council can consider amendments to the Zoning By-law on lands that adjoin a different land use designation (see Policy IM-14 Adjoining Designations)

- f) Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.
- g) Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;
- h) Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and
- i) A building design of high quality that is consistent with community values and architectural best practices.

ANALYSIS:

Policy HDR-4 High-density Residential	Staff Comment
Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;	The proposed building has frontage on Hampton Road with access through Woodland Avenue. A traffic impact statement was prepared to determine any additional traffic enhancement or requirements. Staff are still reviewing the traffic study and are considering the possibility of connecting Woodland Avenue through to Hampton Road. No determination regarding Woodland Avenue has been made yet.
The maximum density does not exceed 100 square meters of land per apartment unit;	The 8 properties have a total area of 5143.5m ² (1.27 acres) in area and proposed density at 36 units does not exceed the 100m ² of land per apartment unit. As noted earlier the applicant anticipates future commercial development of the front portion of the site; however, no less than 3600 square meters of the property would need to be allocated for the apartment building. The remaining balance 1,543.5m ² could be retained under its current commercial zoning for future development consideration.
Subject lands are adequate in size relative to the intensity and scale of the proposed land development;	The proposed building would be located in an area containing a variety of uses including commercial (93-101 Hampton Road & 48-50 Clark Road), multi-unit residential (19 Woodland Avenue) and low-density (42-46 Clark Road) residential uses.
The subject lands do not exceed 1 acre in total area (or 40 apartment units);	As noted the entire parcel of land has a total area of 5143.5m ² , which exceeds the (4000m ²) limit on project density however, the project density at 36 units complies with the policy restriction on density. Furthermore, the applicant could easily consolidate the 8 property parcels to comply with plan policy.

<p>Underground parking is provided;</p>	<p>The proposal includes indoor parking on the building's main level and a combination of sheltered and open surface parking.</p>
<p>Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.</p>	<p>The developer is preparing a technical shadow study of the proposed building.</p>
<p>Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;</p>	<p>Staff are still reviewing the developer's traffic impact statement.</p>
<p>Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and</p>	<p>Staff note that because the proposed building would potentially share a property boundary with potentially a future commercial parking lot it will be very important to define property lines with landscaping and fencing such that commercial customers are clear about the private property and do not use the property.</p>
<p>A building design of high quality that is consistent with community values and architectural best practices.</p>	<p>Staff believe that the flat roof modern style of architecture in this mixed-use neighbourhood achieves good design as the scale, bulk and height of the building is appropriate to the existing or desired future character of Hampton Road and surrounding buildings. Staff are however, still reviewing the use of façade colours and materials to potentially mitigate the bright white appearance of the building and perhaps introduce materials that are more natural.</p>
<p>A building design of high quality that is consistent with community values and architectural best practices.</p>	<div data-bbox="813 1423 1409 1822" data-label="Image"> </div> <p>The use of wood siding in combination with other materials can break up the façade's massing and add warmth and texture.</p>

DEVELOPMENT AGREEMENT:

Staff will prepare a development agreement for PAC’s review before proceeding to Council. A development agreement is a contract between Rothesay and the property owners that specify the details and obligations of the individual parties concerning the proposed development. Implementation Policy IM-13 states that Council shall consider development agreement applications pursuant to the relevant policies of the Municipal Plan and consideration of the following:

Implementation Policy IM-13	Staff Review
A. That the proposal is not premature or inappropriate by reason of:	
1) The financial capability of Rothesay to absorb any costs relating to the development;	Staff are still considering options with regard to the creation of driveway on Woodland Avenue or the development of connected public street.
2) The adequacy of municipal wastewater facilities, storm water systems or water distribution systems;	Staff believe that the municipal infrastructure is adequate for the proposed development.
3) The proximity of the proposed development to schools, recreation or other municipal facilities and the capability of these services to satisfy any additional demands;	Staff believe the schools, recreation or other municipal facilities in the neighbourhood are adequate for the proposed development.
4) The adequacy of road networks leading to or within the development; and	Staff are still reviewing the traffic study.
5) The potential for damage or destruction of designated historic buildings and sites.	There are no historic buildings or sites identified within the project’s vicinity.
B. that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
1. Type of use;	The multi-unit residential is a compatible use with the surrounding businesses.
2. Height, bulk and lot coverage of any proposed building;	Staff’s main concern is the proposed reduced rear yard setback of 5m, otherwise the proposed building Height, bulk and lot coverage comply with the by-law.
3. Traffic generation, access to and egress from the site, and parking; open storage; and	Staff are reviewing the traffic study.
4. Signage.	No commercial signage is requested.
C. That the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, proximity to watercourses, or wetlands and lands that are vulnerable to flooding.	The property is poorly drained and therefore not suitable for development of underground parking and therefore the developer has proposed parking on the main level of the building.

KENNEBECASIS VALLEY FIRE DEPARTMENT:

As is required by Municipal Plan Policy FR-7, the KVFD must review proposals for new development projects to ensure that public safety and firefighting concerns are addressed. KV Fire Department are still reviewing the proposed development.

POLLING:

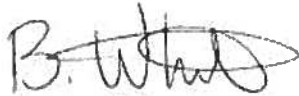
Staff will prepare a polling notification letter to be sent to surrounding property owners.

RECOMMENDATIONS:

Staff recommend the Planning Advisory Committee consider the following MOTION:

- A. PAC HEREBY Tables the rezoning application for 95 Hampton Road pending the receipt of a supplemental staff report containing the following:
 - 1. Additional project details from the applicant;
 - 2. Staff review and recommendation of traffic and access;
 - 3. Polling results;
 - 4. Review by KVFD; and
 - 5. Draft development agreement and rezoning By-law.

Map 1	Property Location Map
Map 2	Future Land Use Designation (Municipal Plan)
Attachment A	Proposed Development Submission from Applicant



Report Prepared by: Brian L. White, MCIP, RPP

Date: Wednesday, December 01, 2021

Map 1
2022April12(95)HamptonWoodlandHearingWEB_070
Property Location



1:600

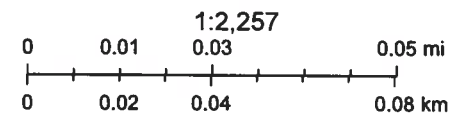
Map 2 Future Land Use Municipal Plan

2022 April 12 (95) Hampton Woods and Heathington



11/25/2021, 1:00:49 PM

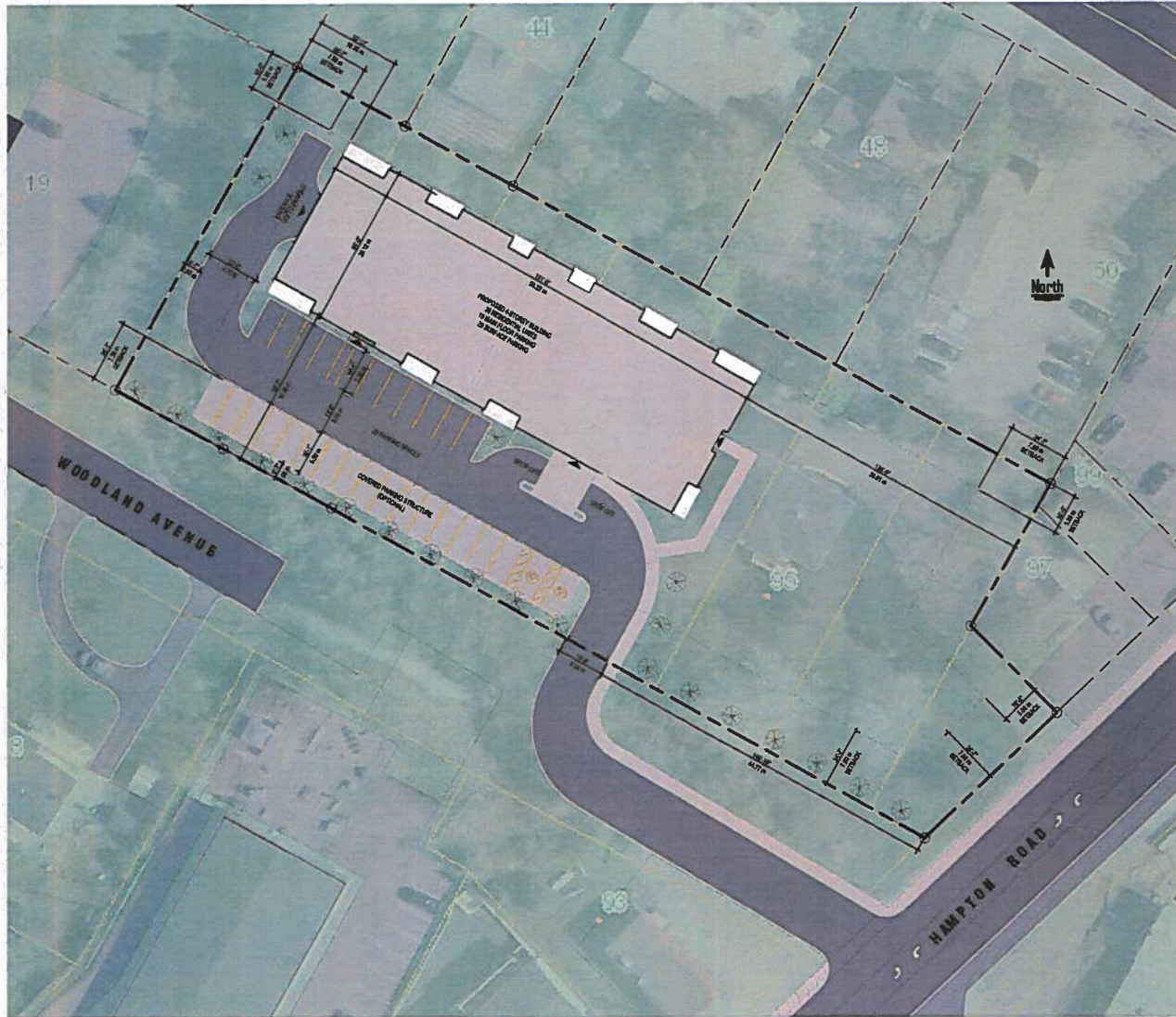
Future Land Use	High Density	Medium Density	Property
Commercial	Institutional	Rothesay Boundary	Civic Address



SCHEMATIC SUMMARY	
Project Name	90 Hampton Road Parkway
Client	90 Hampton Road Parkway
Project No.	2021-01
Scale	1/8" = 1'-0"
Sheet No.	AD.1
Revision	1.0
Author	J. Smith
Check	M. Jones
Drawn	A. Brown
Scale	1/8" = 1'-0"
Sheet No.	AD.1
Revision	1.0
Author	J. Smith
Check	M. Jones
Drawn	A. Brown

Warning: This preliminary schematic site plan is based on the information provided by the client, or based on a public domain. The site plan is a general representation which does not constitute a site, configuration and location of features. The plan is not intended to be used for legal purposes or to establish exact dimensions or areas. Owners of adjacent lots may wish to independently verify the site plan, including existing topography, existing easements, and easements, etc.

SCHEMATIC SUMMARY
1/8" = 1'-0"



SITE PLAN
1/8" = 1'-0"



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Rev #	Description	Date

Architect/Designer

spitfire
DESIGN CO.

11111 Street, Montreal, QC H3E 5E8
Tel: (514) 888-3371 Fax: (514) 888-2717 email: design@spitfiredesign.com

Client	KV PROPERTIES
Project	APARTMENT 90 Hampton Road Parkway, Montreal
Drawing No.	SITE PLAN
Date	10 Mar, 2021
Checked by	D.J.M.
Drawn by	E.C.
Scale	AS NOTED
Sheet	AD.1
Page No.	4000



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Rev.#	Description	Date

As Noted Consultant



Client: **KV PROPERTIES**

Project: **APARTMENT**
88 Hampton Road Railway, Moncton

Drawing Title: **1F-2F**

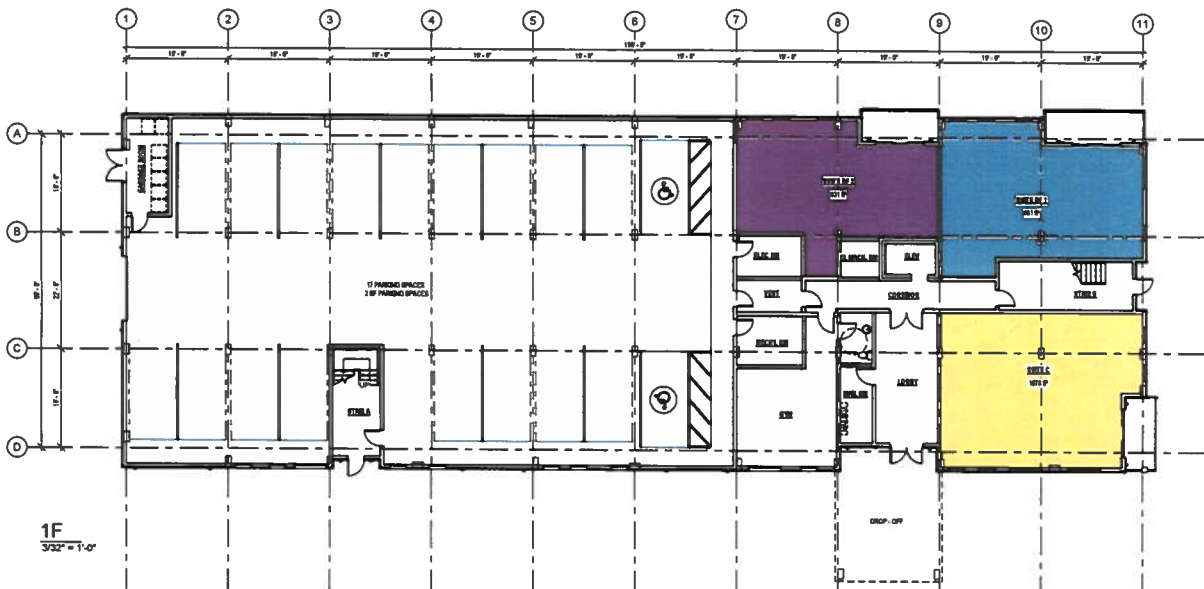
Date: 10 Nov, 2021

Checked by: D.M.

Drawn by: E.C.

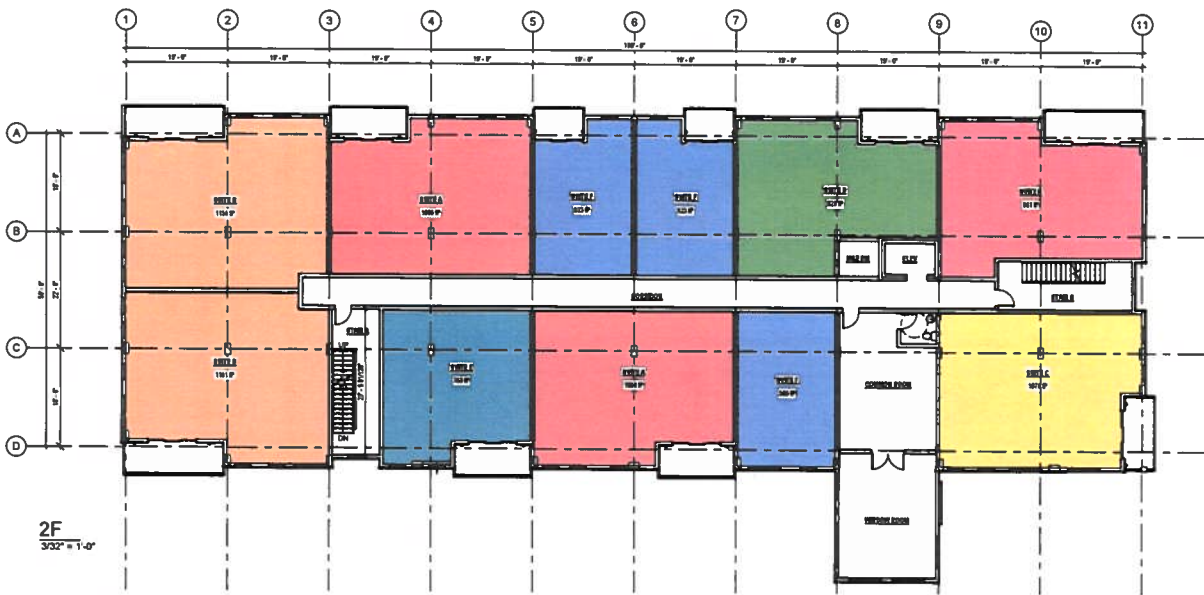
Note: AS NOTED

Sheet: **A2.1** / 1 of 4 4405



SUITE BREAKDOWN			
Name	Comments	Area	Count
SUITE A	TWO BED TWO BATH	1080 SF	4
SUITE B	TWO BED TWO BATH	1165 SF	8
SUITE C	TWO BED ONE BATH	950 SF	11
SUITE D	TWO BED ONE BATH	930 SF	11
SUITE E	TWO BED ONE BATH	1080 SF	4
SUITE F	TWO BED ONE BATH	920 SF	12
SUITE G	ONE BED ONE BATH	770 SF	3
SUITE H	ONE BED ONE BATH	820 SF	7
SUITE I	TWO BED TWO BATH	1040 SF	12
SUITE J	ONE BED ONE BATH	680 SF	3
Grand total 38			

SUITE BREAKDOWN PER FLOOR			
Name	Comments	Area	Count
1F			
SUITE C	TWO BED ONE BATH	950 SF	11
SUITE D	TWO BED ONE BATH	930 SF	11
1F-3			
SUITE A	TWO BED TWO BATH	1080 SF	12
SUITE B	TWO BED TWO BATH	1160 SF	12
SUITE C	TWO BED ONE BATH	1060 SF	11
SUITE D	TWO BED ONE BATH	930 SF	11
SUITE E	ONE BED ONE BATH	770 SF	11
SUITE F	ONE BED ONE BATH	820 SF	12
SUITE G	ONE BED ONE BATH	890 SF	11
2F			
SUITE A	TWO BED TWO BATH	1080 SF	12
SUITE B	TWO BED TWO BATH	1160 SF	12
SUITE C	TWO BED ONE BATH	1060 SF	11
SUITE D	TWO BED ONE BATH	930 SF	11
SUITE E	ONE BED ONE BATH	770 SF	11
SUITE F	ONE BED ONE BATH	820 SF	12
SUITE G	TWO BED TWO BATH	1040 SF	11
SUITE H	ONE BED ONE BATH	680 SF	11
2F-11			
SUITE A	TWO BED TWO BATH	1080 SF	12
SUITE B	TWO BED TWO BATH	1160 SF	12
SUITE C	TWO BED ONE BATH	1060 SF	11
SUITE D	TWO BED ONE BATH	930 SF	11
SUITE E	ONE BED ONE BATH	770 SF	11
SUITE F	ONE BED ONE BATH	820 SF	12
SUITE G	TWO BED TWO BATH	1040 SF	11
SUITE H	ONE BED ONE BATH	680 SF	11
Grand total 248			













Subject: Traffic Memo – Hampton Road Apartments Traffic Impact Statement

June 28, 2021

June 28, 2021

Brett Taylor
KV Properties Limited
1 Magnolia Lane
Rothesay (NB) E2E 3L2

Subject: Traffic Memo – Hampton Road Apartments Traffic Impact Statement
Englobe Ref. 2105853

INTRODUCTION

A new residential development has been proposed at 95 Hampton Road in the Town of Rothesay. The development will consist of a 40-unit apartment building with both underground and service level parking facilities. Access to the site will be facilitated off a new section of Woodland Avenue. This new section of the street will connect onto Hampton Road west of the development site. The new section of Woodland Avenue will end near the development site access and will not connect to the existing section of Woodland Avenue until some point later in the future.

As part of the development approval process, the Town of Rothesay requires that a Traffic Impact Statement (TIS) be completed for this development. The primary concern is how the development will impact traffic along Hampton Road and how the site will be accessed. KV Properties Ltd. has retained Englobe Corp. to complete this TIS. The Study Area for this TIS includes the proposed development site, the new section of Woodland Avenue, the intersection of Hampton Road and Marr Road/Clark Road, as well as the section of Hampton Road between Woodland Avenue and Marr Road/Clark Road, as shown in **Figure 1**. Should all the approvals be granted, it is expected that the proposed development will be fully operational in 2023, therefore 2028 was chosen as the future horizon year for the analysis.

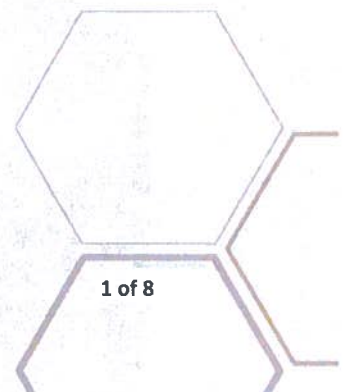


Figure 1 – Study Area



EXISTING CONDITIONS

Streets and Intersections

Hampton Road is a local collector street as well as a provincially designated arterial highway (Route 100). Hampton Road is oriented in the north-south direction and is a primary travel corridor through the Town of Rothesay, providing access to residential, commercial and institutional land uses. Near the development site, Hampton Road carries Annual Average Daily Traffic (AADT) volumes of approximately 10,500 vehicles per day and has one lane of traffic in each direction that are separated by a two-way left turn lane. Hampton Road features sidewalk along both sides of the street.

Woodland Avenue is a local street that extends in the east-west direction. The east end of Woodland Avenue ends approximately 80 m west of Hampton Road. The proposed new section of Woodland Avenue will be aligned with the existing section of the street, however it will not connect through to it. The new section of Woodland Avenue will intersect with Hampton Road at a t-intersection. Stop control will be provided on the Woodland Avenue approach.

The **Hampton Road / Marr Road / Clark Road** intersection is a 4-legged signalized intersection and is located approximately 100 m north of the proposed Woodland Avenue section. The north and south approaches are located on Hampton Road, while the east and west approaches are located on Marr Road and Clark Road, respectively. Crosswalks are present across all approaches.

Traffic Volumes

Peak hour turning movement counts were completed by Englobe in February, 2016 at the intersection of Hampton Road and Marr Road/Clark Road. These data were used to estimate the future traffic volumes along Hampton Road near the proposed development site. The 2016 traffic data are provided in **Appendix A**.

DEVELOPMENT TRAFFIC GENERATION

Trip generation rates for the proposed development were estimated using the ITE TripGen Web-based App, which is based on the 10th Edition of the Institute of Transportation Engineer’s (ITE) *Trip Generation Manual*. The proposed development will consist of a mid-rise residential building with 40 dwelling units, therefore ITE Land Use #221 (Multifamily Housing – Mid-Rise) was used to generate trips for the development. The resulting vehicle trip generation is shown in **Table 1**. It was assumed that all of these trips would be made by motor vehicle as that would represent a conservative approach in estimating traffic generation.

Table 1 – Traffic Generation for Proposed Development

Development	Size	AM Peak Hour			PM Peak Hour			Daily Total
		In	Out	Total	In	Out	Total	
Multifamily Housing - Mid-Rise (ITE Land Use #221)	40 Dwelling Units	3	11	14	11	7	18	218

The development traffic was assigned to the new Hampton Road / Woodland Avenue intersection and the Hampton Road / Marr Road / Clark Road intersection based on the existing traffic distributions along Hampton Road. The 2028 horizon year traffic volumes were estimated by applying an annual growth rate of 1.0 % to the 2016 data and adding the development traffic. The 2028 traffic volumes at the intersections of Hampton Road / Woodland Avenue and Hampton Road / Marr Road / Clark Road with the development in place are shown in **Figure 2**.

Figure 2 – 2028 Traffic Volumes with Development Traffic



LEVEL OF SERVICE ANALYSIS

A Level of Service (LOS) analysis was completed for the 2028 traffic conditions at the new Hampton Road / Woodland Avenue intersection and at the Hampton Road / Marr Road / Clark Road intersection with the proposed residential development in place. The 2028 LOS results for the two intersections with the development in place are summarized as follows:

- In 2028, the Hampton Road / Woodland Avenue intersection would operate efficiently at an overall LOS A during both peak periods. All individual movements would operate at a LOS B or better.
- In 2028, the Hampton Road / Marr Road / Clark Road intersection would operate efficiently at an overall LOS C during both peak periods.
- During the PM peak period, the eastbound left turn and northbound through movements at the Hampton Road / Marr Road / Clark Road intersection would operate at a LOS E with v/c ratios of 0.91 and 1.02, respectively. The 95th percentile queue length at the northbound approach would be approximately 128 m.
- All other individual turning movements would operate at a LOS D or better during both peak periods.

The LOS results indicate that, in 2028 with the additional development traffic, the intersection of Hampton Road and Woodland Avenue will operate efficiently. The intersection of Hampton Road and Marr Road / Clark Road will also operate efficiently overall, with some delay for the northbound through traffic and eastbound left turn traffic during the evening peak period. This is a result of the background traffic growth and not the development traffic, as only 1-2 vehicles were added to these movements from the development. The 95th percentile queue length for northbound through traffic is estimated at 128 metres, which is greater than the distance of 100 metres that will be provided between the Hampton Road / Marr Road / Clark Road intersection and the proposed Woodland Avenue extension.

The LOS results, including average delay, volume to capacity (v/c) ratios, and the 95th percentile queue lengths for the 2028 traffic conditions with the development in place are summarized in **Table 2**. Detailed Synchro analysis outputs are included in **Appendix B**.

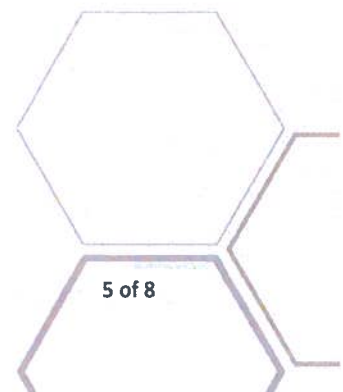




Table 2 – 2028 LOS with Development

Intersection			Overall LOS, Delay (sec/veh)	Turning Movement LOS Average Delay (seconds per vehicle) [Volume to Capacity Ratio (v/c)] 95 th Percentile Queue (m)											
				Eastbound			Westbound			Northbound			Southbound		
North-South Street @ East-West Street	Traffic Control	Time Period		L ←	T ↑	R →	L ←	T ↑	R →	L ←	T ↑	R →	L ←	T ↑	R →
Hampton Road @ Woodland Avenue		AM Peak	LOS A 0.2	B 14.3 [0.03] <1	-	B 14.3 [0.03] <1	Shared	Shared	Shared	A 8.7 [0.00] 0	A 0.0 [0.23] 0	Shared	Shared	A 0.0 [0.35] 0	Shared
		PM Peak	LOS A 0.2	B 14.9 [0.02] <1	-	B 14.9 [0.02] <1	Shared	Shared	Shared	A 8.1 [0.01] <1	A 0.0 [0.32] 0	Shared	Shared	A 0.00 [0.24] 0	Shared
Hampton Road @ Marr Road / Clark Road		AM Peak	LOS C 24.9	C 25.9 [0.46] 33	C 26.8 [0.67] 71	Shared	Shared	D 49.1 [0.81] 66	A 5.4 [0.20] 10	C 24.3 [0.26] 16	D 37.1 [0.79] 74	Shared	C 24.0 [0.38] 37	A 9.3 [0.37] 41	A 2.0 [0.10] 5
		PM Peak	LOS C 34.6	E 76.4 [0.91] 57	C 21.9 [0.45] 46	Shared	Shared	D 36.9 [0.78] 87	A 4.9 [0.39] 15	C 23.1 [0.22] 17	E 74.1 [1.02] 128	Shared	C 23.2 [0.31] 30	A 8.2 [0.27] 30	A 1.7 [0.20] 7

PEDESTRIAN ACCESS

The Study Team completed a review of the existing pedestrian infrastructure near the proposed development site. Hampton Road currently features concrete sidewalk adjacent to the curb along both sides of the street. Crosswalks are provided in all directions at the Hampton Road / Marr Road / Clark Road intersection. It is recommended that a pedestrian connection be provided into the development site from Hampton Road. This could be achieved either by extending sidewalk along the north side of the new section of Woodland Avenue, or by providing a walkway directly to the site from Hampton Road.

The proposed development is located along a KV COMEX transit route. The nearest transit stop is located in front of Rothesay High School, which is approximately 350m from the development site.

DRIVEWAY ACCESS AND PARKING

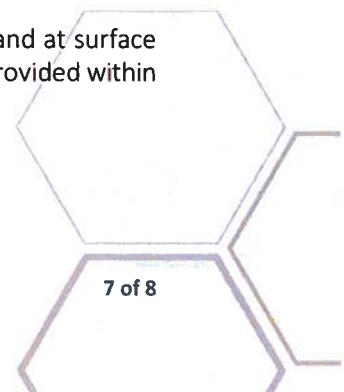
The proposed development will be accessed off a new section of Woodland Avenue. This new section will be located approximately 100 m south of the Hampton Road / Marr Road / Clark Road signalized intersection. This is greater than the minimum corner clearance recommended by the TAC Design Guide, which states that 55 m should be provided between a major signalized intersection and an access road or driveway. It is recommended that the development access off the new section of Woodland Avenue be installed at least 5 m west of Hampton Road in order to adhere to TAC recommendations.

The development’s parking facilities have not yet been established, however it is expected that both underground and surface level parking will be provided. According to the Town of Rothesay Zoning By-Law No. 02-10, the parking requirements for multi-unit residential developments vary between 1.1 to 1.5 parking spaces per unit depending on the number of bedrooms that are provided. Barrier-free parking requirements are determined based on the total number of parking spaces required. **Table 3** summarizes the parking requirements for a 40-unit residential building.

Table 3 – Parking Lot Requirements

Number of Bedrooms per Unit	Spaces Required per Unit	Total Spaces Required	Total Barrier-Free Spaces Required
0 (Bachelor)	1.1	44	2
1 to 2	1.3	52	4
3 +	1.5	60	4

The minimum total number of parking spaces required at the development (underground and at surface level) varies between 44 and 60 spaces depending on the number of bedrooms that will be provided within each residential unit. The minimum number of barrier free spaces varies between 2 and 4.



Subject: Traffic Memo – Hampton Road Apartments Traffic Impact Statement

June 28, 2021

SUMMARY AND RECOMMENDATIONS

In summary, traffic generated by the 40-unit residential development is not expected to cause operational issues to the existing street network. The Hampton Road / Marr Road / Clark Road is expected to continue to operate efficiently during peak periods. During the evening peak period, it is expected that the queue at the south leg of the intersection will extend past the new section of Woodland Avenue, which may result in extra delays for vehicles turning left out of Woodland Avenue.

Pedestrian access to the site is good due to the presence of sidewalks along Hampton Road and crosswalks at the Hampton Road / Marr Road / Clark Road intersection. It is, however, recommended that a walkway into the site from Hampton Road or a sidewalk along the new section of Woodland Avenue be provided to provide direct pedestrian access to the development.

Based on guidance from TAC, it is recommended that a minimum clearance of 5 m be provided between the corner of Woodland Avenue and Hampton Road and the development access. This access will provide access to the development's parking facilities, which, according to the Town's zoning bylaws, must include 44 to 60 parking spaces depending on the number of bedrooms provided within each residential unit.

We trust the enclosed is to your satisfaction. If, however, additional information should be required, please communicate with the undersigned.

Yours very truly,



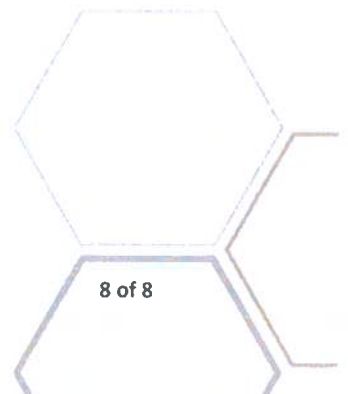
Jill DeMerchant, P.Eng., M.Eng.

Transportation Engineer



Peter Allaby, P.Eng., M.A.Sc.

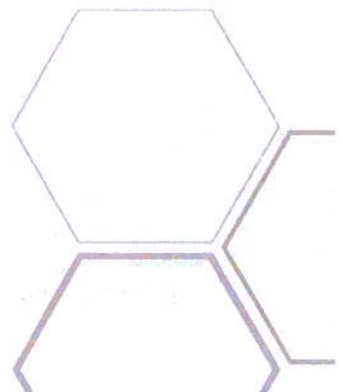
Vice President Operations



Subject: Traffic Memo – Hampton Road Apartments Traffic Impact Statement

June 28, 2021

Appendix A: Traffic Data

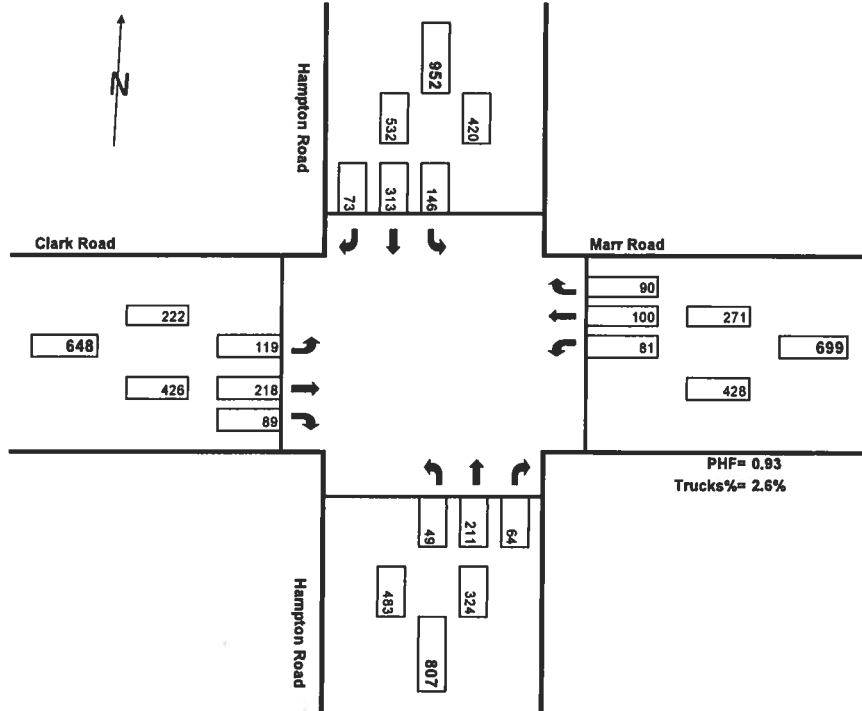


Traffic Count Summary

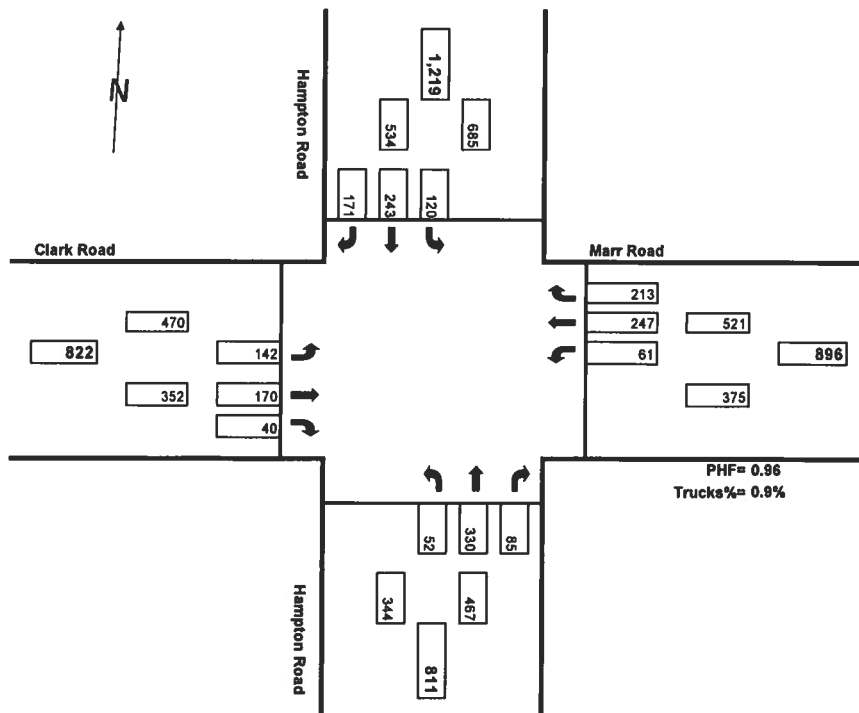
AM and PM Peak Hours

Hampton Road/Marr Road

AM Peak Hour 07:45 - 08:45



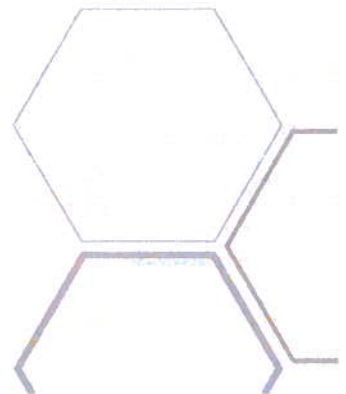
PM Peak Hour 16:15 - 17:15



Subject: Traffic Memo – Hampton Road Apartments Traffic Impact Statement

June 28, 2021

Appendix B: Level of Service Reports



Hampton Road TIS
AM Peak with Development

06-28-2021



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y		Y	Y	Y	
Traffic Volume (veh/h)	4	7	1	365	544	2
Future Volume (Veh/h)	4	7	1	365	544	2
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.93	0.93	0.93	0.93	0.93	0.93
Hourly flow rate (vph)	4	8	1	392	585	2
Pedestrians						
Lane Width (m)						
Walking Speed (m/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage veh						
Upstream signal (m)					131	
pX, platoon unblocked	0.89	0.89	0.89			
vC, conflicting volume	980	586	587			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	915	471	472			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	99	98	100			
cM capacity (veh/h)	270	528	963			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1		
Volume Total	12	1	392	587		
Volume Left	4	1	0	0		
Volume Right	8	0	0	2		
cSH	401	963	1700	1700		
Volume to Capacity	0.03	0.00	0.23	0.35		
Queue Length 95th (m)	0.7	0.0	0.0	0.0		
Control Delay (s)	14.3	8.7	0.0	0.0		
Lane LOS	B	A				
Approach Delay (s)	14.3	0.0		0.0		
Approach LOS	B					
Intersection Summary						
Average Delay			0.2			
Intersection Capacity Utilization			38.8%	ICU Level of Service	A	
Analysis Period (min)			15			

Hampton Road TIS
AM Peak with Development

06-28-2021

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	134	246	100	91	113	101	56	240	73	165	355	82
Future Volume (vph)	134	246	100	91	113	101	56	240	73	165	355	82
Satd. Flow (prot)	1752	1765	0	0	1804	1568	1752	1780	0	1752	1845	1568
Flt Permitted	0.558				0.486		0.535			0.950		
Satd. Flow (perm)	1029	1765	0	0	897	1568	987	1780	0	1752	1845	1568
Satd. Flow (RTOR)		30				109		21				88
Lane Group Flow (vph)	144	373	0	0	220	109	60	336	0	177	382	88
Turn Type	Perm	NA		Perm	NA	Perm	Perm	NA		Prot	NA	Perm
Protected Phases		4			8			2		1	6	
Permitted Phases	4			8		8	2					6
Total Split (s)	25.0	25.0		25.0	25.0	25.0	22.5	22.5		22.5	45.0	45.0
Total Lost Time (s)	4.5	4.5			4.5	4.5	4.5	4.5		4.5	4.5	4.5
Act Effct Green (s)	20.5	20.5			20.5	20.5	15.7	15.7		18.0	38.3	38.3
Actuated g/C Ratio	0.30	0.30			0.30	0.30	0.23	0.23		0.27	0.56	0.56
v/c Ratio	0.46	0.67			0.81	0.20	0.26	0.79		0.38	0.37	0.10
Control Delay	25.9	26.8			49.1	5.4	24.3	37.1		24.0	9.3	2.0
Queue Delay	0.0	0.0			0.0	0.0	0.0	0.0		0.0	0.0	0.0
Total Delay	25.9	26.8			49.1	5.4	24.3	37.1		24.0	9.3	2.0
LOS	C	C			D	A	C	D		C	A	A
Approach Delay		26.5			34.6			35.2			12.3	
Approach LOS		C			C			D			B	
Queue Length 50th (m)	16.1	41.3			28.0	0.0	6.5	39.4		20.0	25.3	0.0
Queue Length 95th (m)	33.1	#71.4			#66.0	10.3	16.1	#74.2		37.2	41.2	5.1
Internal Link Dist (m)		207.1			251.9			107.5			234.5	
Turn Bay Length (m)						50.0				75.0		40.0
Base Capacity (vph)	311	555			271	551	262	488		465	1103	973
Starvation Cap Reductn	0	0			0	0	0	0		0	0	0
Spillback Cap Reductn	0	0			0	0	0	0		0	0	0
Storage Cap Reductn	0	0			0	0	0	0		0	0	0
Reduced v/c Ratio	0.46	0.67			0.81	0.20	0.23	0.69		0.38	0.35	0.09

Intersection Summary

Cycle Length: 70

Actuated Cycle Length: 67.8

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.81

Intersection Signal Delay: 24.9

Intersection LOS: C

Intersection Capacity Utilization 71.2%

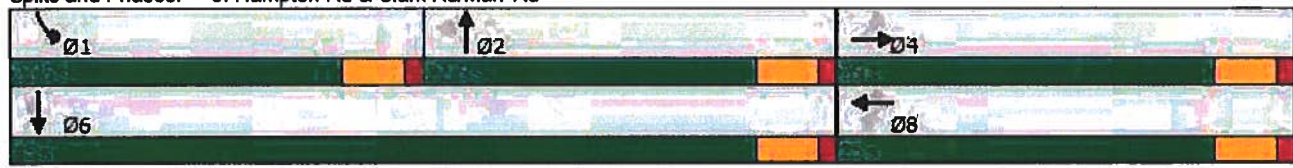
ICU Level of Service C

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 5: Hampton Rd & Clark Rd/Marr Rd



Hampton Road TIS
PM Peak with Development

06-28-2021



Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y		Y	↑	↓	
Traffic Volume (veh/h)	4	3	6	527	388	5
Future Volume (Veh/h)	4	3	6	527	388	5
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.96	0.96	0.96	0.96	0.96	0.96
Hourly flow rate (vph)	4	3	6	549	404	5
Pedestrians						
Lane Width (m)						
Walking Speed (m/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None	None	
Median storage veh						
Upstream signal (m)					131	
pX, platoon unblocked	0.93	0.93	0.93			
vC, conflicting volume	968	406	409			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	929	328	331			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	99	100	99			
cM capacity (veh/h)	277	668	1152			
Direction, Lane #	EB 1	NB 1	NB 2	SB 1		
Volume Total	7	6	549	409		
Volume Left	4	6	0	0		
Volume Right	3	0	0	5		
cSH	369	1152	1700	1700		
Volume to Capacity	0.02	0.01	0.32	0.24		
Queue Length 95th (m)	0.5	0.1	0.0	0.0		
Control Delay (s)	14.9	8.1	0.0	0.0		
Lane LOS	B	A				
Approach Delay (s)	14.9	0.1		0.0		
Approach LOS	B					
Intersection Summary						
Average Delay			0.2			
Intersection Capacity Utilization			37.7%	ICU Level of Service	A	
Analysis Period (min)			15			

Hampton Road TIS
PM Peak with Development

06-28-2021



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗	↖	↖	↗		↖	↗	↖
Traffic Volume (vph)	160	192	46	70	278	240	60	374	97	135	277	193
Future Volume (vph)	160	192	46	70	278	240	60	374	97	135	277	193
Satd. Flow (prot)	1787	1827	0	0	1862	1599	1787	1823	0	1787	1881	1599
Flt Permitted	0.332				0.843		0.583			0.950		
Satd. Flow (perm)	625	1827	0	0	1586	1599	1097	1823	0	1787	1881	1599
Satd. Flow (RTOR)		17				250		18				201
Lane Group Flow (vph)	167	248	0	0	363	250	63	491	0	141	289	201
Turn Type	Perm	NA		Perm	NA	Perm	Perm	NA		Prot	NA	Perm
Protected Phases		4			8			2		1	6	
Permitted Phases	4			8		8	2					6
Total Split (s)	25.0	25.0		25.0	25.0	25.0	22.5	22.5		22.5	45.0	45.0
Total Lost Time (s)	4.5	4.5			4.5	4.5	4.5	4.5		4.5	4.5	4.5
Act Effct Green (s)	20.5	20.5			20.5	20.5	18.0	18.0		18.0	40.5	40.5
Actuated g/C Ratio	0.29	0.29			0.29	0.29	0.26	0.26		0.26	0.58	0.58
v/c Ratio	0.91	0.45			0.78	0.39	0.22	1.02		0.31	0.27	0.20
Control Delay	76.4	21.9			36.9	4.9	23.1	74.1		23.2	8.2	1.7
Queue Delay	0.0	0.0			0.0	0.0	0.0	0.0		0.0	0.0	0.0
Total Delay	76.4	21.9			36.9	4.9	23.1	74.1		23.2	8.2	1.7
LOS	E	C			D	A	C	E		C	A	A
Approach Delay		43.8			23.9			68.3			9.5	
Approach LOS		D			C			E			A	
Queue Length 50th (m)	22.0	25.6			45.5	0.0	6.8	~67.8		15.7	17.8	0.0
Queue Length 95th (m)	#57.4	45.7			#87.1	15.2	16.5	#127.6		30.1	30.2	7.4
Internal Link Dist (m)		207.1			251.9			107.5			234.5	
Turn Bay Length (m)						50.0				75.0		40.0
Base Capacity (vph)	183	547			464	645	282	482		459	1088	1009
Starvation Cap Reductn	0	0			0	0	0	0		0	0	0
Spillback Cap Reductn	0	0			0	0	0	0		0	0	0
Storage Cap Reductn	0	0			0	0	0	0		0	0	0
Reduced v/c Ratio	0.91	0.45			0.78	0.39	0.22	1.02		0.31	0.27	0.20

Intersection Summary

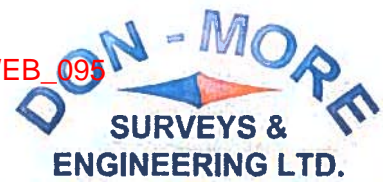
Cycle Length: 70
 Actuated Cycle Length: 70
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.02
 Intersection Signal Delay: 34.6
 Intersection Capacity Utilization 79.5%
 Analysis Period (min) 15
 ~ Volume exceeds capacity, queue is theoretically infinite.
 Queue shown is maximum after two cycles.
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.

Splits and Phases: 5: Hampton Rd & Clark Rd/Marr Rd



506.433.4427 (Sussex)
506.652.1522 (Saint John)
info@dmse.ca
www.dmse.ca

2022 April 12 (95) Hampton Woodland Hearing WEB_095



Ref: 21292-WaterDemands

November 23, 2021

Mr. McLean,

Re: 97 Hampton Road - Water Demands - KV Properties

Don-More Surveys & Engineering Ltd. (Don-More) has been engaged to perform hydrant flow testing and analyse available flows relative to projected demands for a proposed new development located at 97 Hampton Road.

We understand the proposed development is a 4 story building with a footprint of 1165m². There are 36 proposed apartment units.

Using the Fire Underwriters Survey 1999 version, we can calculate the projected firefighting demands for the building. Full calculations are included in Appendix A. From this we see for non-combustible construction a peak demand of 1023gpm, and for limited combustible construction a peak demand of 1159gpm.

We can then calculate the peak domestic demands for the building. 36 residential units create a max hourly demand of 17gpm.

A hydrant flow test was conducted on November 23, 2021. Details of this test are included in schedule B.

Looking at a total combined projected demand of 1176gpm (1159gpm+17gpm), and comparing to the hydrant flow test we see a projected system pressure of about 40psi at peak demand. This is considered acceptable and based on this information we feel the system will support this development.

Closing

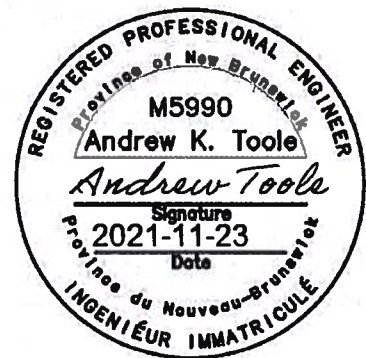
We trust this is sufficient for your present needs. Please feel free to contact the undersigned at 506.636.2136 or at at@dmse.ca for any additional information or clarification.

Yours truly,

Don-More Surveys & Engineering Ltd.

Andrew Toole

Andrew Toole, NBLs, P.Eng.



Appendix A

Projected Flow Calculations

T 506.433.4427
T 506.652.1522

4-60 Maple Avenue, Sussex, NB E4E 2N5
16 Fulton Lane, Saint John, NB E2H 2W4

www.dmse.ca
info@dmse.com

**Fire Flow Calculations
21292- 97 Hampton Road**

From "Fire Underwriters Survey- 1999 Water Supply for Public Fire Protection"

$$F = 220C\sqrt{A}$$

where: F= required fire flow in litres per minute (LPM)
C= Coefficient related to the type of construction
A= Total floor area (m²)

Part 1: Determining an Estimate of Fire Flow

Assuming fire resistive construction (C=0.6)

Note: For fire resistive buildings, consider the two largest adjoining floors plus 50% of each floor immediately above them.

$$A = 2 \times 1040 + (0.5 \times 2 \times 1040) = 3120 \text{ m}^2$$

$$F = 7373.12 \text{ LPM}$$

Part 2: Reduction for Non-Combustible or Limited Combustible

For Non-Combustible (-25%) F= 5529.84 LPM

For Limited Combustible (-15%) F= 6267.15 LPM

Part 3: Reduction for Sprinklers (-30%)

For Non-Combustible F= 3870.89 LPM

For Limited Combustible F= 4387.01 LPM

Range of Demands depending on Non-Combustible vs Limited Combustible:

1022.7 GPM
1159.0 GPM

Note: The are additional reductions related to sprinklers therefore this should be considered a conservative flow rate

Domestic Demand Calculations
21292- 97 Hampton Road

Residential Portion of Building

Units	36 Units
Population	90 Persons (2.5 people/unit)
Site area	N/A m ²

Domestic Demands

Average Daily Demand	410 L/person		
Max daily demand	680 L/person		
Max hourly demand	1025 L/person		
Avg Day	0.427 l/s	25.6 l/min	6.8 Gal/min (US)
Max day	0.708 l/s	42.5 l/min	11.2 Gal/min (US)
Max hour	1.068 l/s	64.1 l/min	16.9 Gal/min (US)

Appendix B

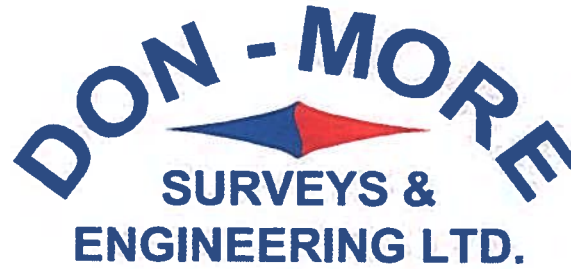
Hydrant Flow Test

T 506.433.4427
T 506.652.1522

4-60 Maple Avenue, Sussex, NB E4E 2N5
16 Fulton Lane, Saint John, NB E2H 2W4

www.dmse.ca
info@dmse.com

Project: KV Properties
Date: November 23, 2021
Location: 97 Hampton Road, Rothesay



System Info:

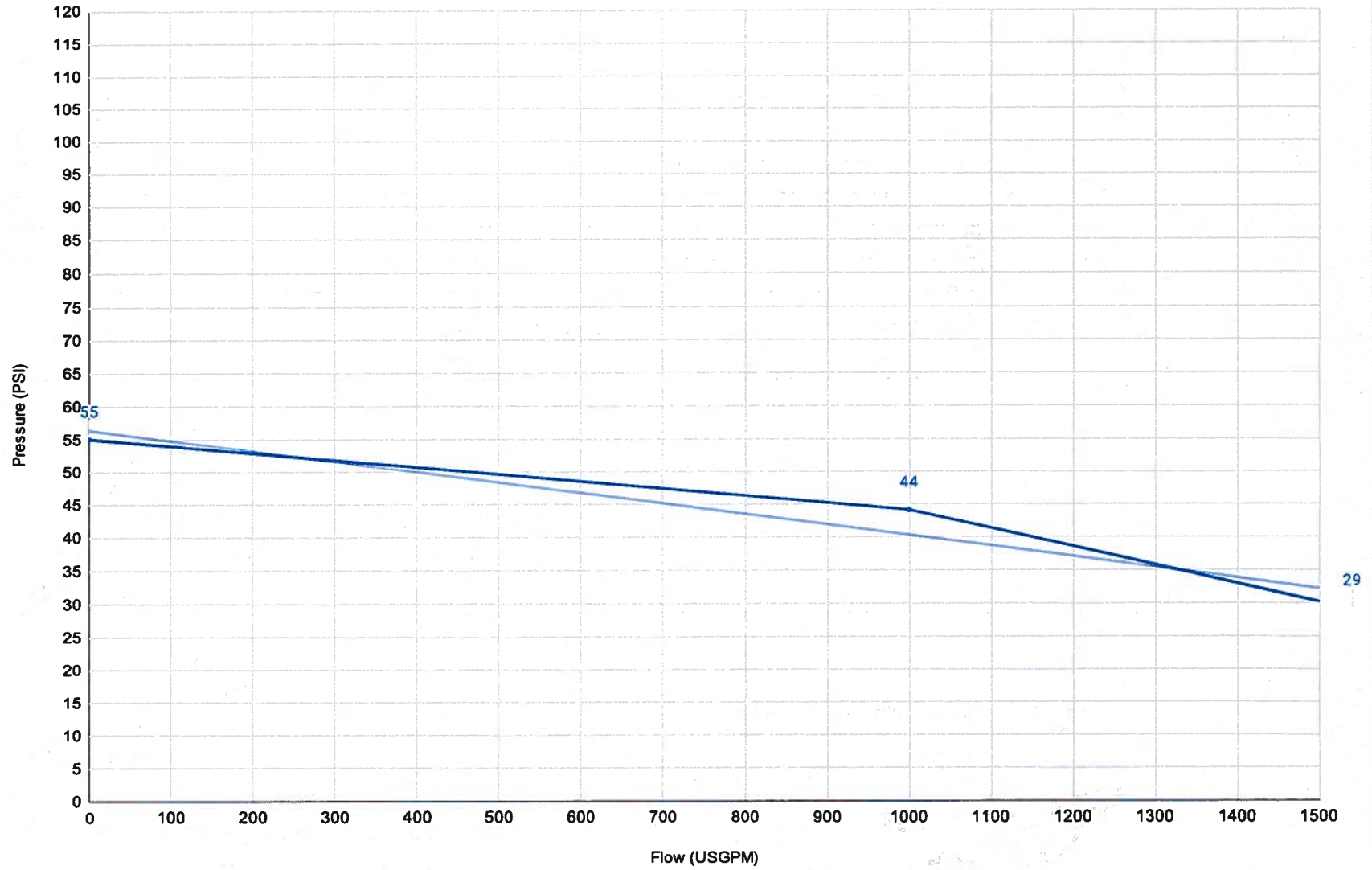
Pipe size: 200mm
Looped: Yes
Notes:

Test Data:

Residual Hydrant: Northeast of Rothesay High School
Flow Hydrant: Intersection of Scott & Hampton Roads
Static pressure: 55 psi
Time of Test: 9:30 AM
Pitot coefficient: 0.88

Test #	# of outlets	Orifice sizes (inches)	Pitot readings (psi)	Equivalent flow (usgpm)	Total flow (usgpm)	Residual Pressure (psi)
0	0			0	0	55
1	1	2.5	37	1000	1000	44
2	2	2.5	22	770	1540	29
3	1	2.5		0	0	
4	2	2.5		0	0	
5	1	2.5		0	0	
6	2	2.5		0	0	

Water Flow Test Summary





95 HAMPTON ROAD PROPOSAL

2022 April 12 (95) Hampton Woodland Hearing WFB_104

36-Unit Apartment Development
Presented by KV Properties Ltd.



KV Properties Ltd.

- KV Properties Ltd specializes in the construction, ownership and management of high-quality retirement focused apartment living.
- We have owned and managed apartment buildings since 2003 and most recently have completed the two phase, 35-unit apartment development at Magnolia Lane.
- We have a proven property management record at the highest level and have a successful track record of completing construction projects efficiently, as planned, and always meeting or exceeding the standards and expectations of the Town By-laws and National Building Codes.
- We are seeking your support in creating the proposed development at 95 Hampton Road.

Magnolia Lane Apartments

LOCATED BETWEEN COCHRAN'S & GUARDIAN DRUGS



2022April12(95)HamptonWoodlandHearingWEB_106



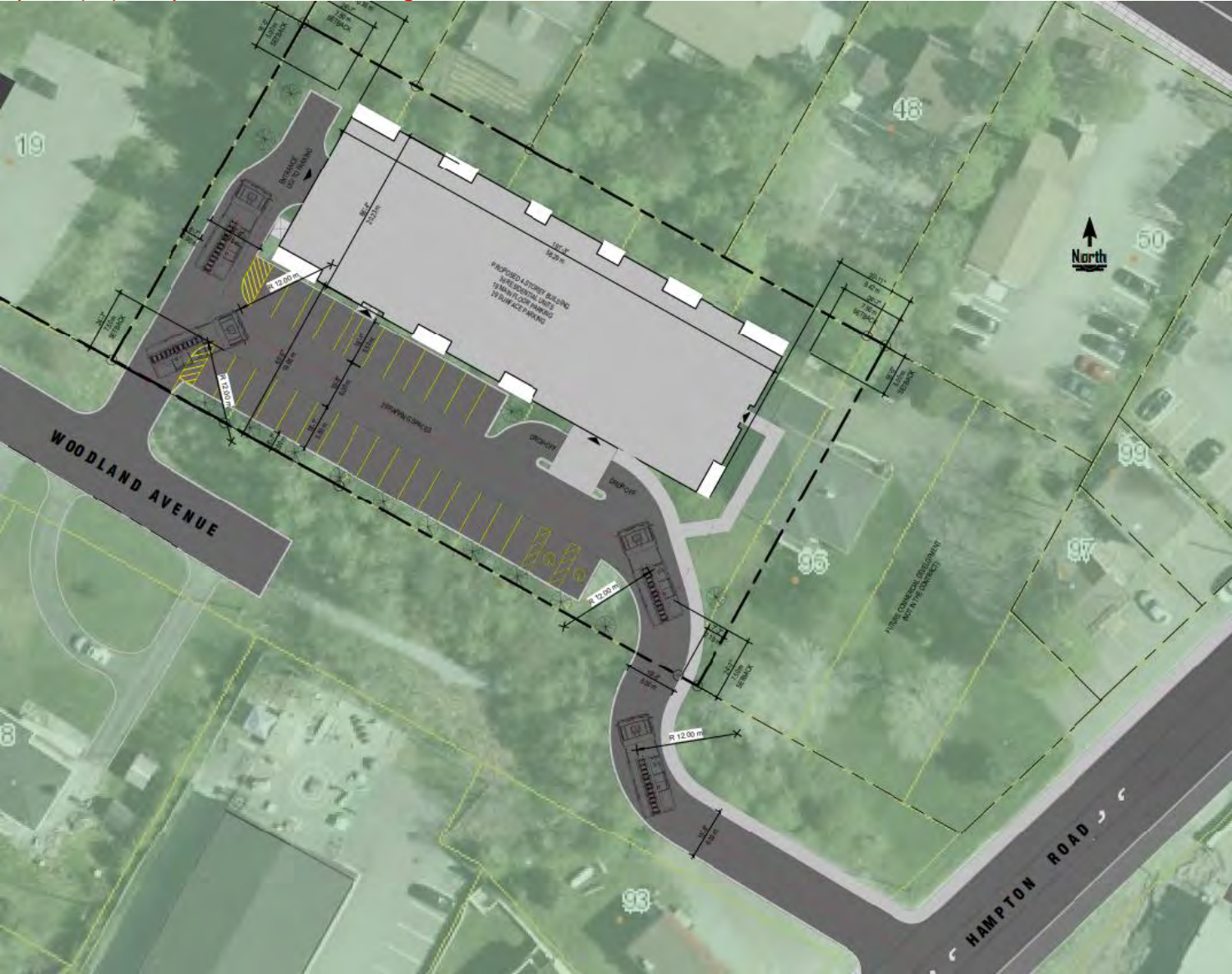
Process to get here

- This project started 1 year ago,
- Due diligence on land suitability for project.
- Confirming suitability for the purpose with Town staff, investigating By-laws, and municipal plans and then developing plans in coordination with the Architectural firm and Town staff
- Site planning, building planning, gathering required documents and studies
- Changes, changes, changes → improvements
 - Originally 6 story, site plan, parking, sheltered outdoor parking, siding appearance/institutional/warmth/massing, commercial goals of town staff and municipal plan, recently adding Woodland Ave

The Result



Current/Proposed Site plan



2022 April 12 (95) Hampton Woodland Hearing WEB_110

Main Floor

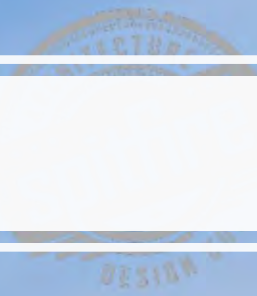


2nd Floor



Features and Amenities

- Elevator
 - Indoor parking
 - Electric vehicle charging stations
 - Storage
 - Fitness center
 - Parcel drop off area
 - Car washing area
- Feature Sunroom
 - Hospitality space with library
 - Building keyless entry
 - Building security
 - Covered pick up and drop off area outside lobby



2022April12(95)HamptonWoodlandHearingWEB_113
Feature Sunroom



Fire Safety

Driveway access
for KVFD
trucks, outlet for
cars at SW corner.

Sprinklered
building
with Stand
Pipe access

Designed to meet
or exceed Building
code, Fire
Code, By-Laws

Consulting results
from KVFD are
included in
the plan.

Storm Water Management

By-Law 2-10 schedule
D

Limitations of building
permit until engineered
plan provided.

Preliminary
Engineering letter, on
site visit, Multiple
design options
available.

With a successful
rezoning, the
Engineered Stormwater
plan will be created as
required

Creating the storm
water plan prematurely
can increase costs.

Traffic Study

Required as part of rezoning application process

Completed by Englobe Engineering company who are traffic experts

Conclusion - "the 40-unit residential development is not expected to cause operational issues to the existing street network"

Magnolia Lane Apartments



35 apartments, 5 tenants with
no vehicle, 0.86 cars/apt



Minimal traffic movements =
minimal traffic impact

Shadow Study

Requirement of rezoning application

Summer solstice, winter solstice and equinox shadow images provided

No concerns identified by Town staff

Existing trees equal or taller than proposed building height

Landscape Plan



New Municipal Plan Project Alignment

Designated high density zoning location

Close proximity to commercial uses

Adjacent to arterial and/or collector streets

Promotes pedestrian connectivity and ease of access for residents

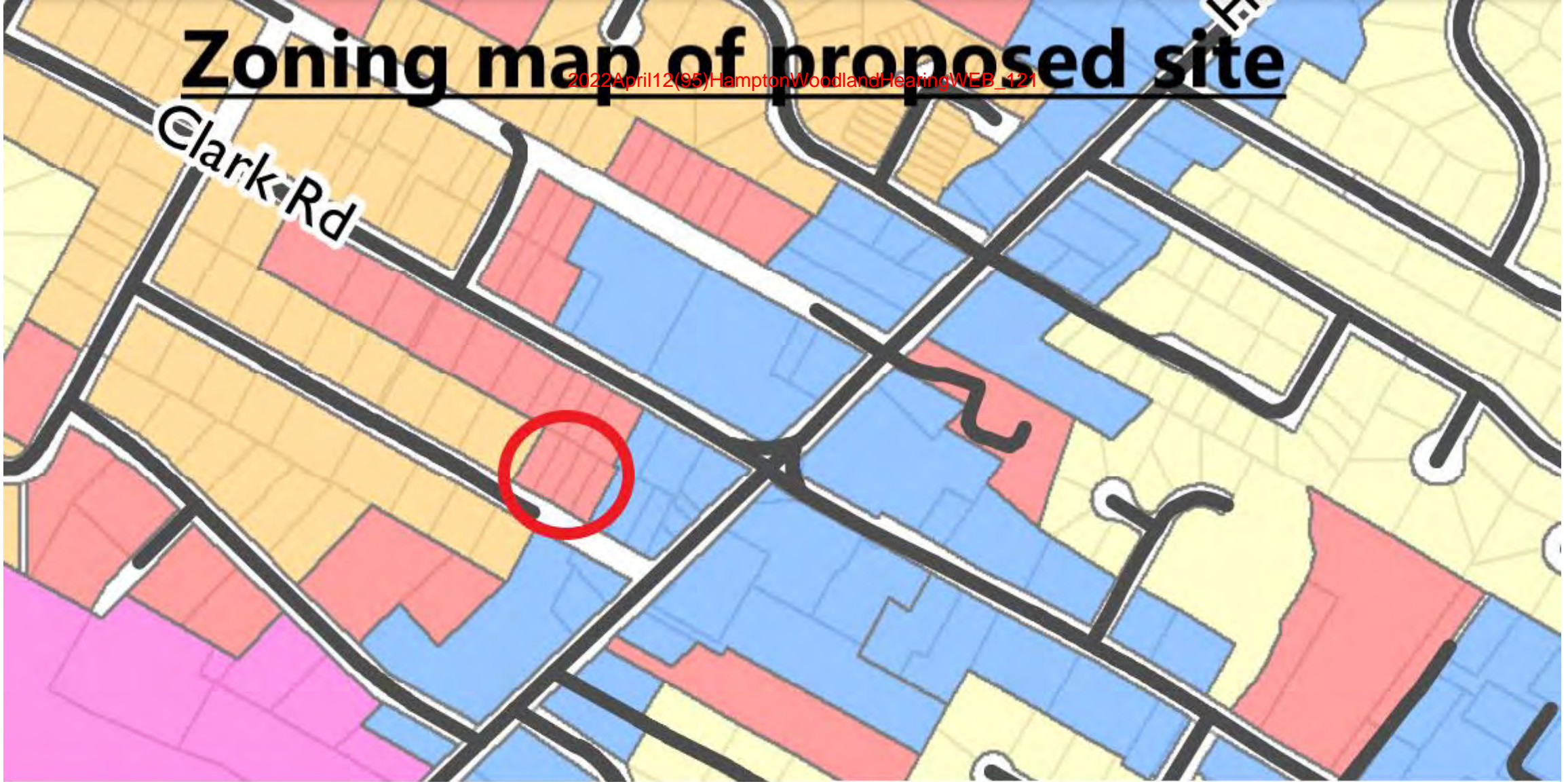
Reduces sprawl and creates a highly walkable neighborhood – creates "total neighborhood"

Promotes social inclusion

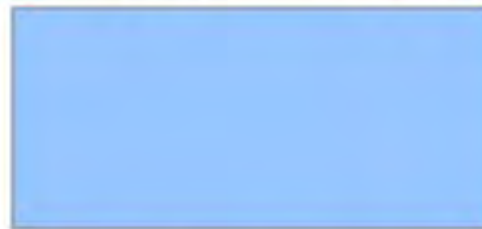
High density offers the most efficient use of utilities and infrastructure

Zoning map of proposed site

2022April12(95)HamptonWoodlandHearingWEB_121



High Density



Commercial

Benefits to the Rothesay Community

Beautiful building enhancing the surrounding landscape

Creating Stronger community in the local area

- Increased support for local business
- Increased security for the area
- Environmental benefits
- High walkability score, reduced driving, new social community development

Financial benefits to Rothesay

- Economies of scale
- Ongoing financial benefits of Municipal Property tax and water and sewer revenue.
- Construction benefits of permits, service connection fees, local workforce opportunities, along with local business engagement and financial benefits from construction

Complete Neighborhood

Adding this development to Rothesay will create a pedestrian friendly neighborhood allowing tenants to enjoy:

- Shopping,
- Dining,
- Business services,
- Transit routes,
- Fitness spaces,
- Coffee shops, and more

Creating a complete neighborhood.



Polling results

2022April12(95)HamptonWoodlandHearingWEB_124

Residents of Woodland Ave object to connecting Woodland Ave to Hampton road.

Traffic concerns (only from residents on Woodland Ave)

Garbage smells and truck noise on collection day

Noise from plowing

Density, shadowing, buffering, run off, walking through yards and decreased home values from this development.

visits



Proposed site plan showing Rothesay Staff proposed connection of Woodland Ave to Hampton road

Support for this development



Letters of support



Identified trend in Municipal plan for higher density demand



Aligned with Municipal plan



Ideal location for this project

What tenants at Magnolia Lane are saying:

- "The location at 95 Hampton Rd would be an excellent location for another apartment building, especially for seniors, with grocery stores, restaurants, pharmacies, etc. all within a short drive or walking distance."
- "Having an apartment complex available to us that KV Properties offered was exactly what we were hoping for once our house sold."
- "We were looking for alternative housing which would give us the freedom to travel and the ability to be within walking distance of amenities that were important to us. It was initially difficult to find this in Rothesay and we had started making plans to move to Halifax. When we learned about the development of building 2 on Magnolia Lane, it checked off all the boxes for us."

What
tenants at
Magnolia
Lane are
saying:

- "The clientele in these two buildings are mature adults and mostly retirees. Many are single people, and some no longer drive. The traffic funnels well onto the Hampton Rd and there is not a noise problem around our buildings."
- "The buildings in our complex are beautifully designed and maintained both inside and out. The grounds are always immaculate and decorated with flowers and shrubs through spring to fall. We feel more apartments like ours on Magnolia Lane would be beneficial to Rothesay."

Closing Comments

I ask you to consider the value and benefits this development will bring to the 50 or 60 new tenants and potentially new residents of Rothesay.

I am asking for your support in approving this development.

THANK YOU
for the opportunity to present
this project

2022 April 12 (95) Hampton Woodland Hearing WEB 131

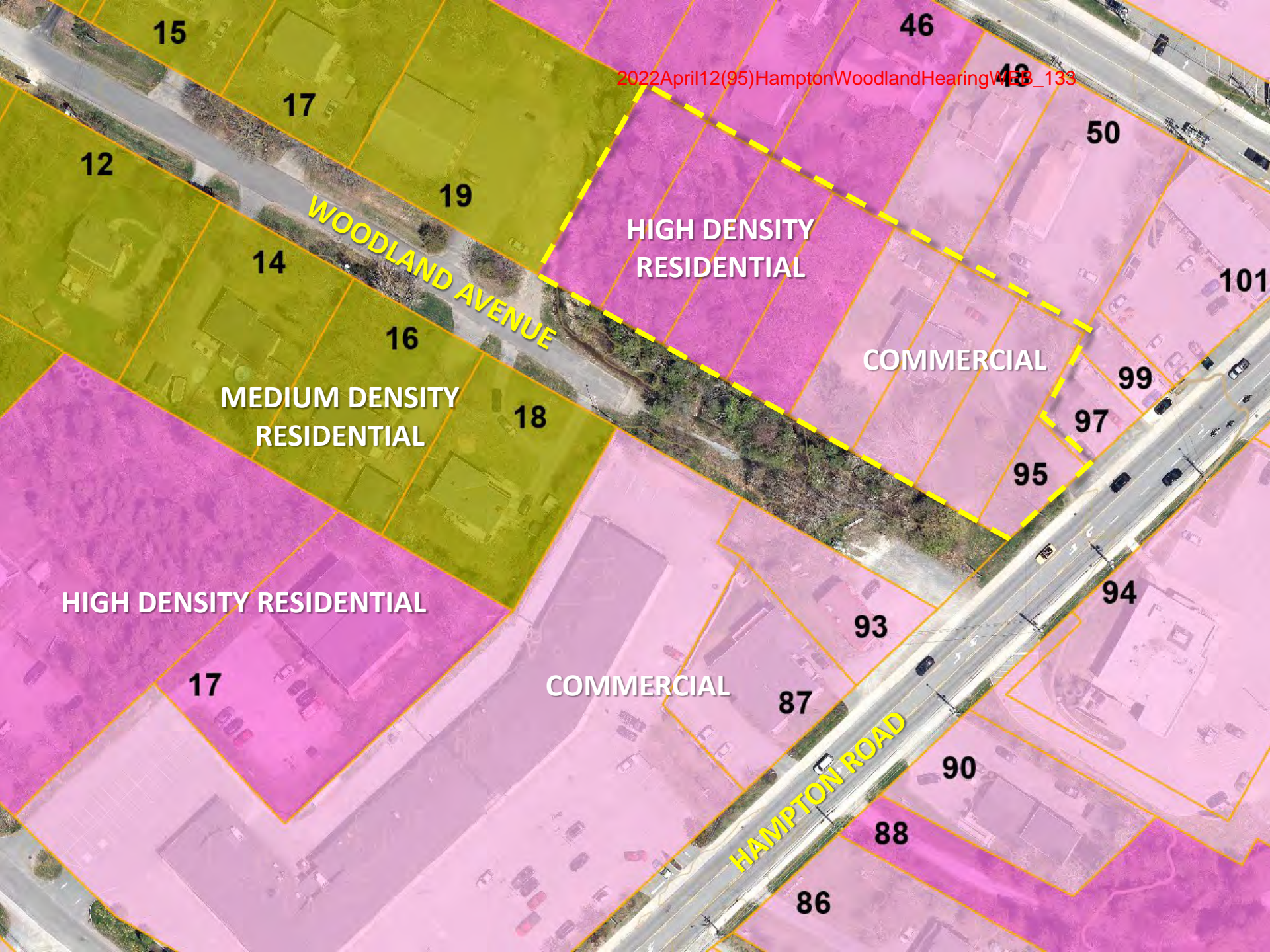
Rezoning – 36 Unit Apartment Building Woodland Avenue/Hampton Road

Application by KV Properties Ltd. to rezone Woodland Avenue/Hampton Road from Single Family Residential- Standard Zone [RIB] to the Multi- Unit Residential Zone [R4] for a 36-unit apartment building.

BACKGROUND:

- i. KV Properties currently owns 8 properties along Woodland Avenue (95 Hampton Road) with a combined area of 5,195.9m² (1.3 acres)
- ii. 36-unit apartment building would require a 3600m² parcel land be consolidated from the holdings.
- iii. The remaining land 1,595.9m² would be consolidated for future commercial use, with its driveway access from Woodland Avenue.

2022April12(95)HamptonWoodlandHearingWeb_133



MEDIUM DENSITY RESIDENTIAL

HIGH DENSITY RESIDENTIAL

COMMERCIAL

HIGH DENSITY RESIDENTIAL

COMMERCIAL

WOODLAND AVENUE

HAMPTON ROAD



2022April12(95)HamptonWoodlandHearingWEB_134

Woodland Avenue

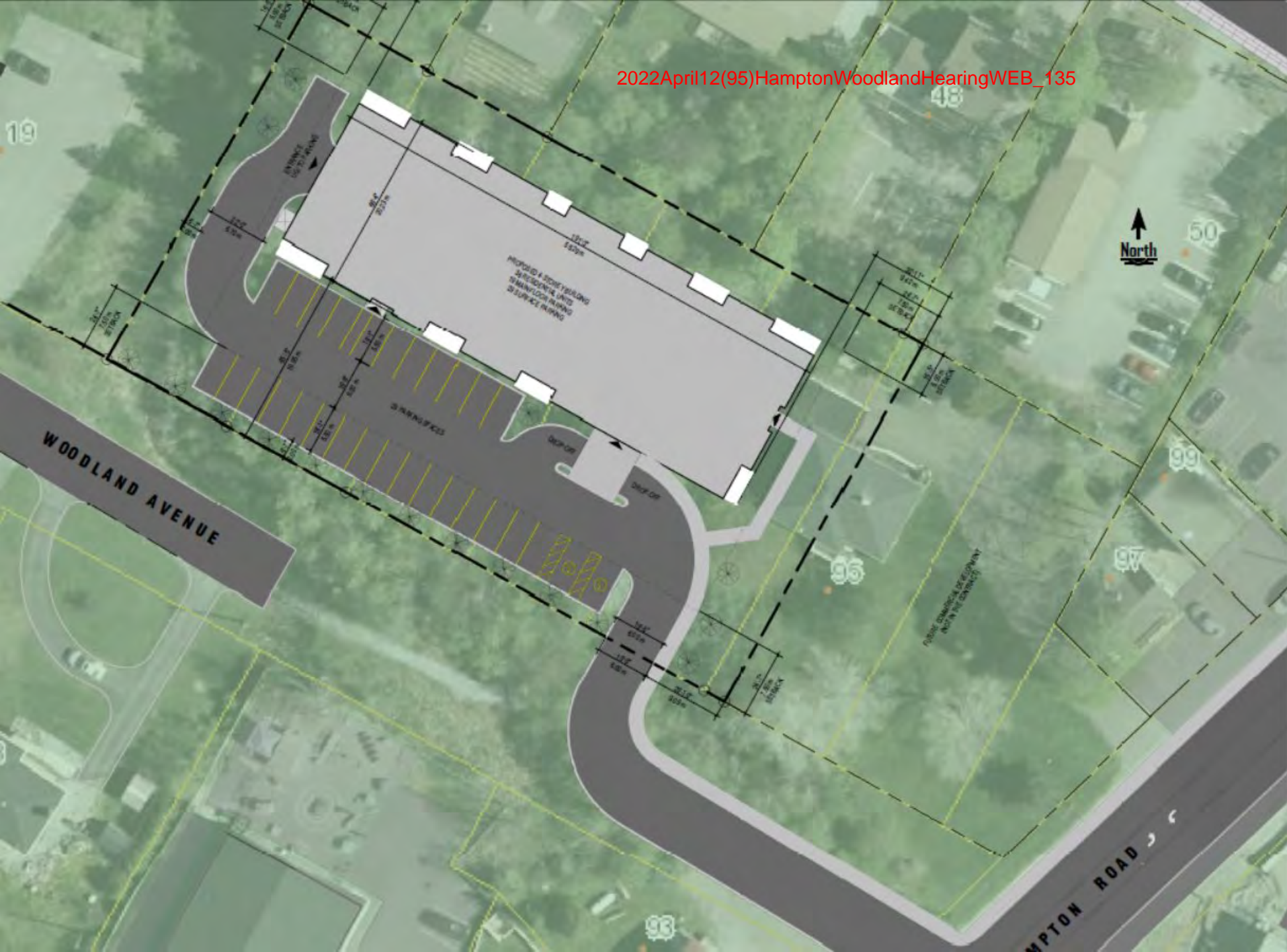
Clark Road

Hampton Road (100)

05/06/2020

© All Pictometry

3600m² parcel of land to be rezoned



FEBRUARY 2022 SITE PLAN

1 Access Point

SUMMER SOLSTICE



DATE: JUNE 21
TIME: 8:00 AM



DATE: JUNE 21
TIME: 12:00 NOON



DATE: JUNE 21
TIME: 4:00 PM

WINTER SOLSTICE



DATE: DECEMBER 21
TIME: 8:00 AM



DATE: DECEMBER 21
TIME: 12:00 NOON



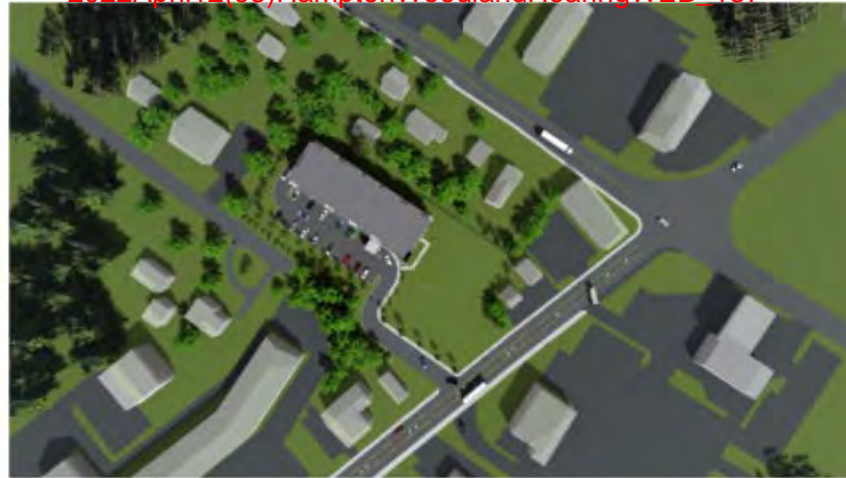
DATE: DECEMBER 21
TIME: 4:00 PM

EQUINOXES

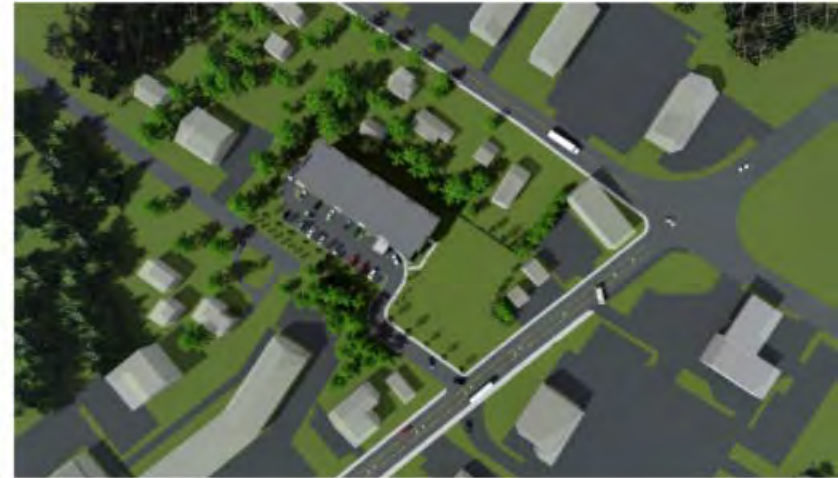
2022April12(95)HamptonWoodlandHearingWEB_137



DATE: MARCH 21
TIME: 8:00 AM



DATE: MARCH 21
TIME: 12:00 NOON



DATE: MARCH 21
TIME: 4:00 PM

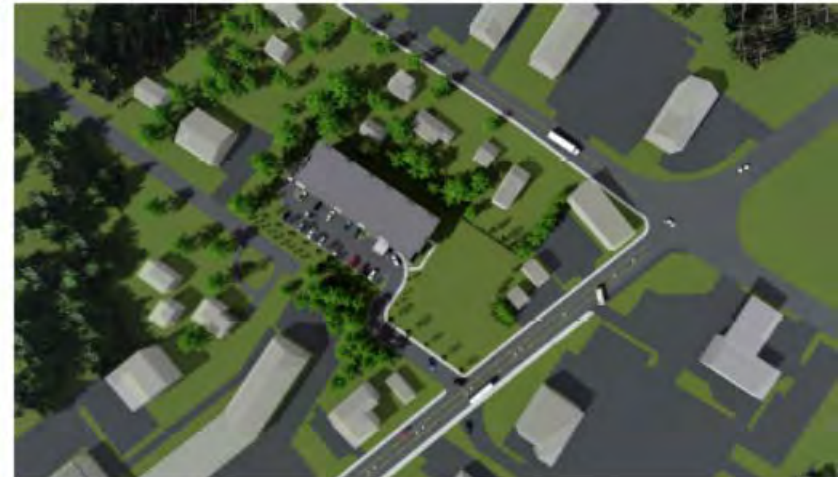
EQUINOXES



DATE: SEPTEMBER 21
TIME: 8:00 AM



DATE: SEPTEMBER 21
TIME: 12:00 NOON



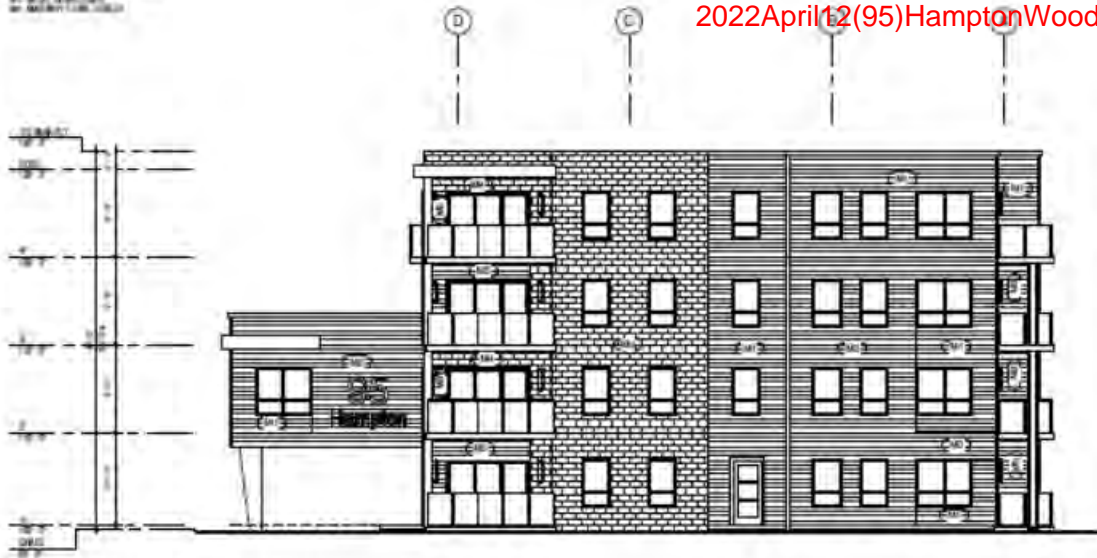
DATE: SEPTEMBER 21
TIME: 4:00 PM





NOTES
1. SEE ALL CONTRACT DOCUMENTS
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
3. ALL FINISHES ARE TO BE AS SHOWN UNLESS NOTED OTHERWISE
4. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT

2022April12(95)HamptonWoodlandHearingWEB_140



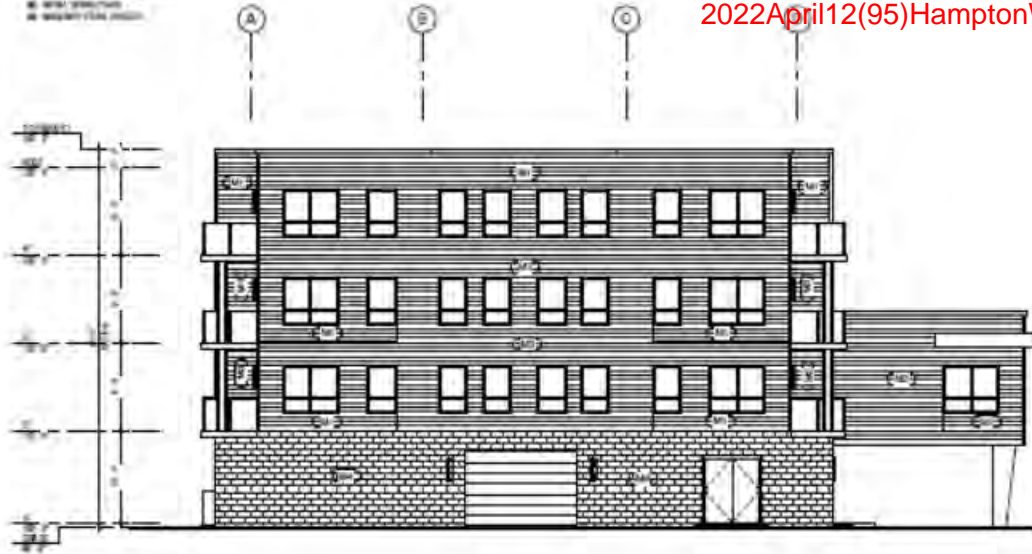
EAST ELEVATION
10' - 1/2"



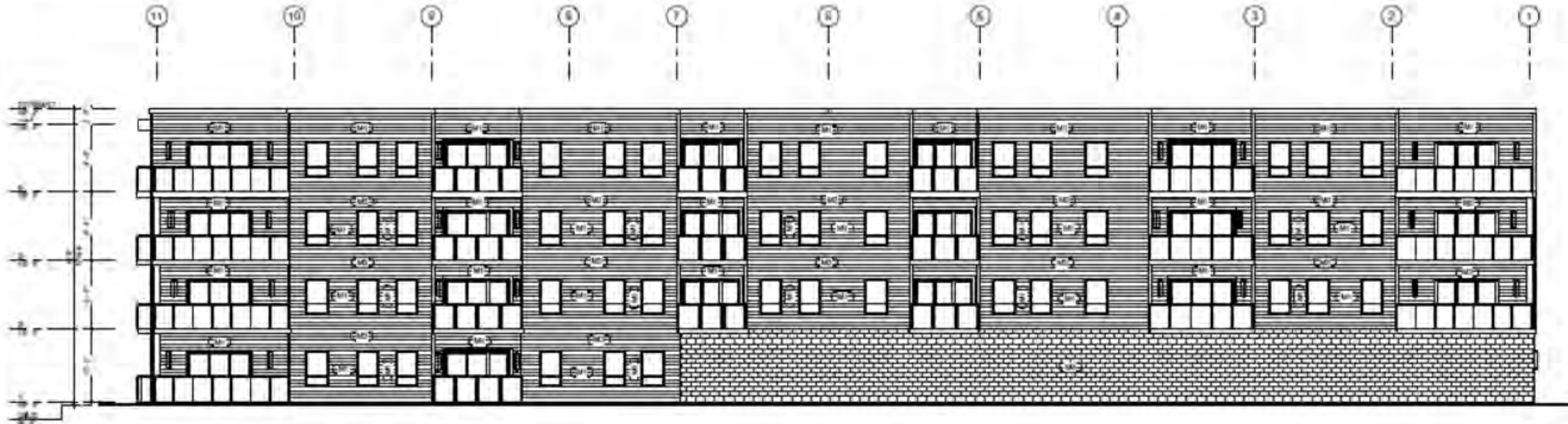
SOUTH ELEVATION
10' - 1/2"

MATERIALS
1. EXTERIOR WALLS: CLAY TILE
2. INTERIOR WALLS: GYP. BOARD
3. FLOORING: POLYURETHANE
4. ROOFING: ASPHALT/FLY
5. PAINT: EXTERIOR: FLUOROPOLYMER
INTERIOR: WATER-BASED

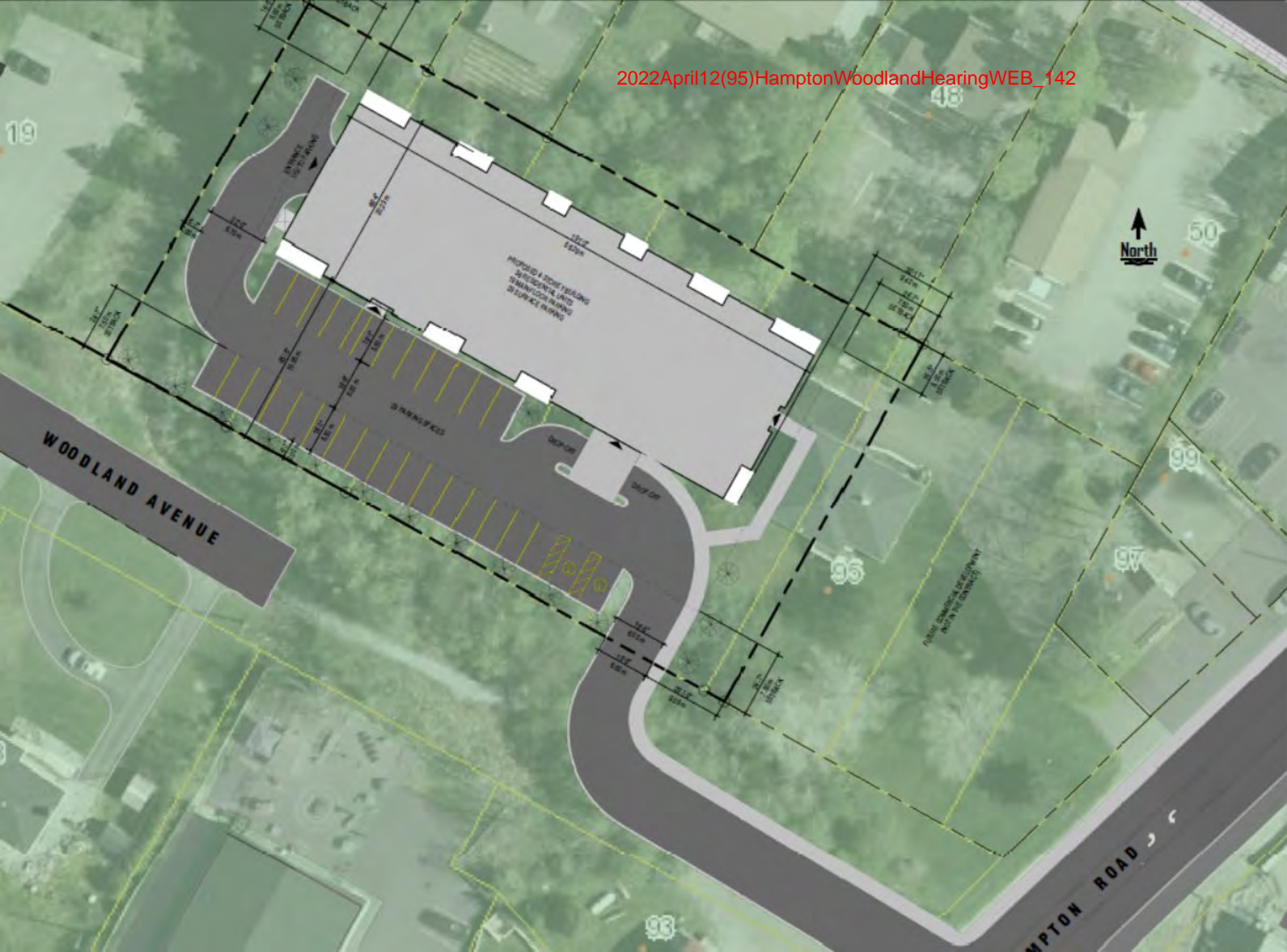
2022April12(95)HamptonWoodlandHearingWEB_141



WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

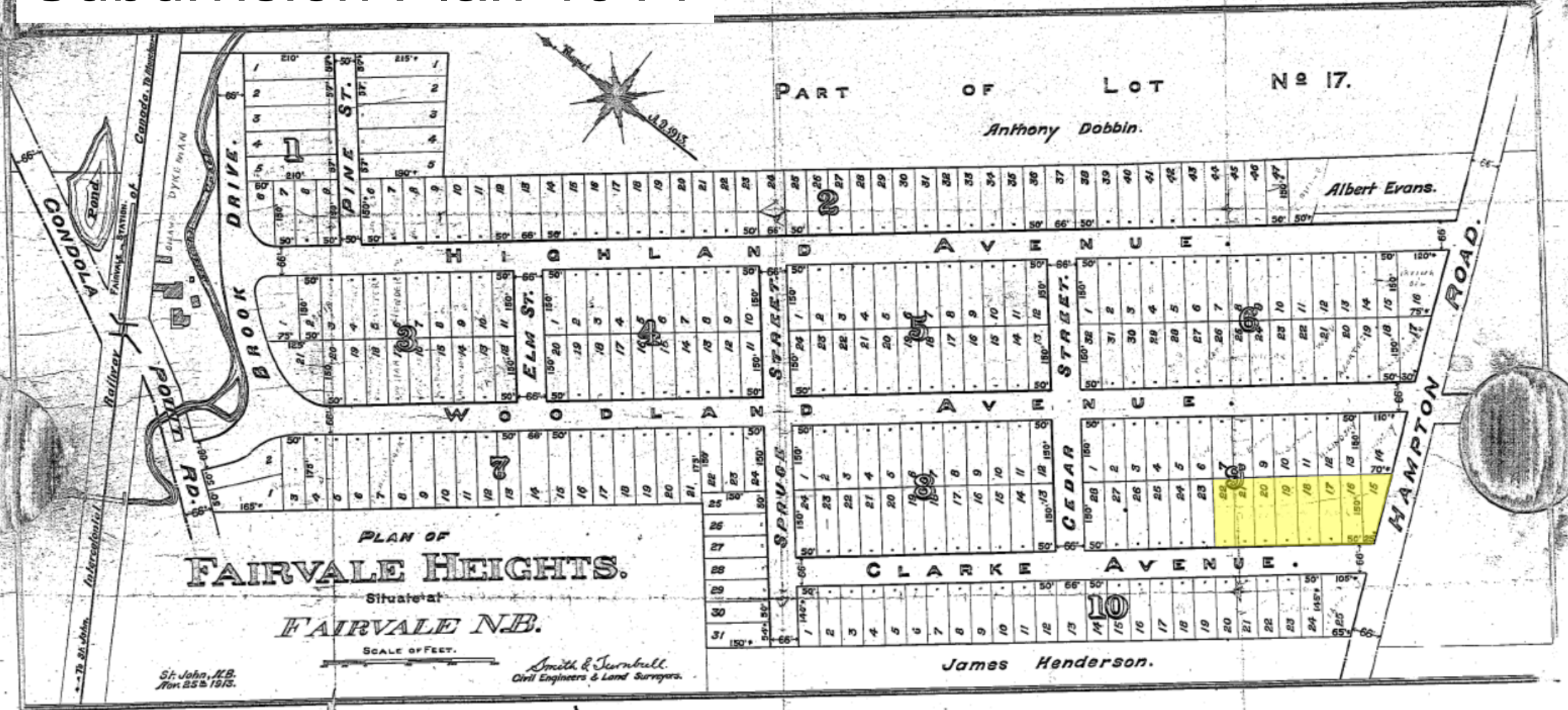


FEBRUARY 2022 SITE PLAN

1 Access Point

Subdivision Plan 1914

2022 April 12 (95) Hampton Woodland Hearing WEB_143



PLAN OF
FAIRVALE HEIGHTS.

Situate at
FAIRVALE NB.

SCALE OF FEET.

Smith & Turnbull.
Civil Engineers & Land Surveyors.

St. John, K.B.
Rev. 25th 1913.

PART OF LOT No 17.
Anthony Dobbin.

Albert Evans.

James Henderson.

LAST BUILDING LOTS ON WOODLAND AVENUE

2022 April 12 (95) Hampton Woodland Hearing WEB_144

- Typical Approach would be to extend WOODLAND AVENUE
- Staff Evaluated extending Woodland Avenue ending in a cul-de-sac but not connecting to Hampton Road
- Length of Existing Woodland (325 meters) exceeds best practices and code
- Extending Woodland Avenue to these lots would make existing problem worse therefore connecting to Hampton Road is the best solution

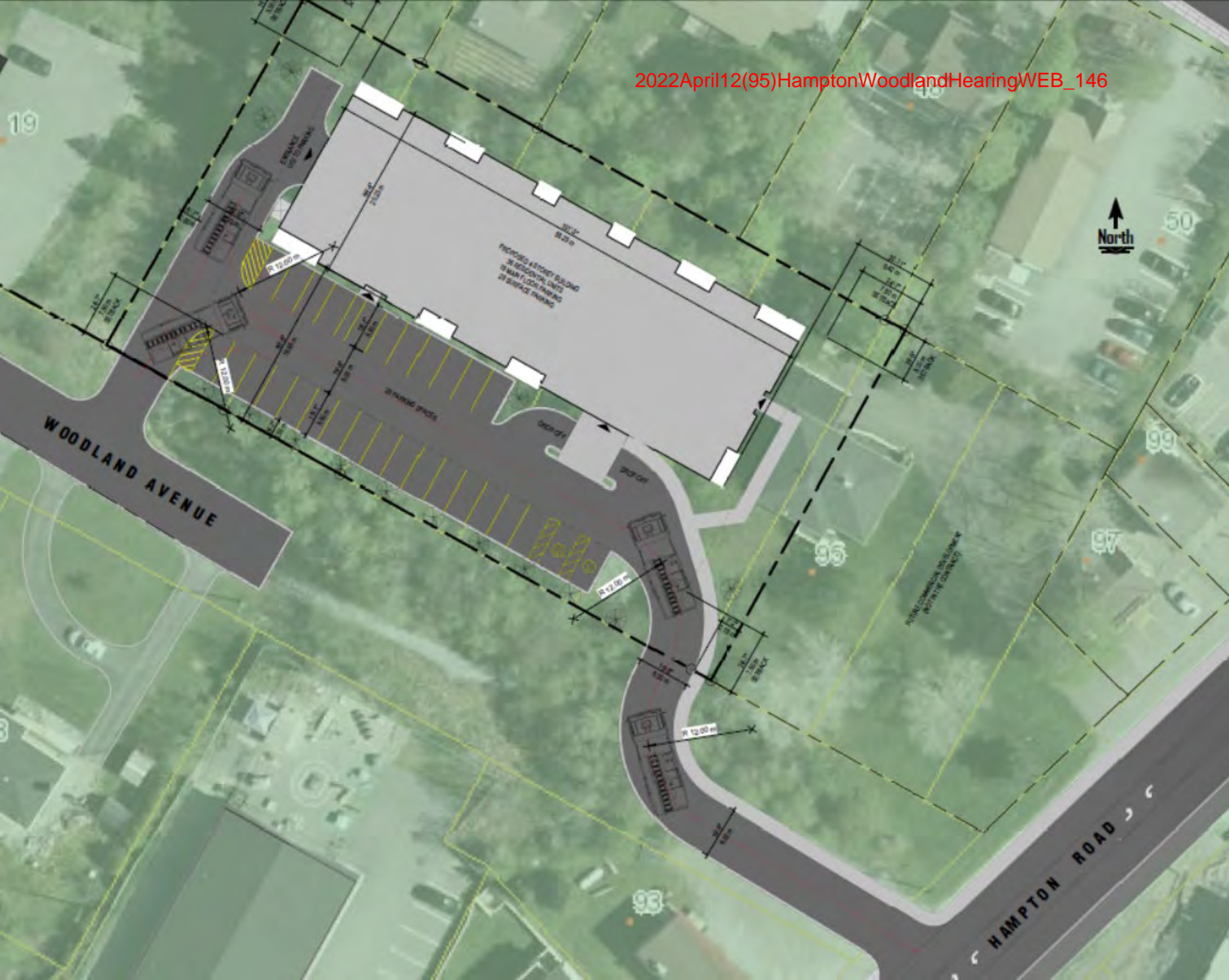
WOODLAND AVENUE

KV Fire Department

- Single driveway access would be very tight in front of the building
- All access blocked during their response
- Consider the requirement for secondary access/exit to Woodland Avenue.

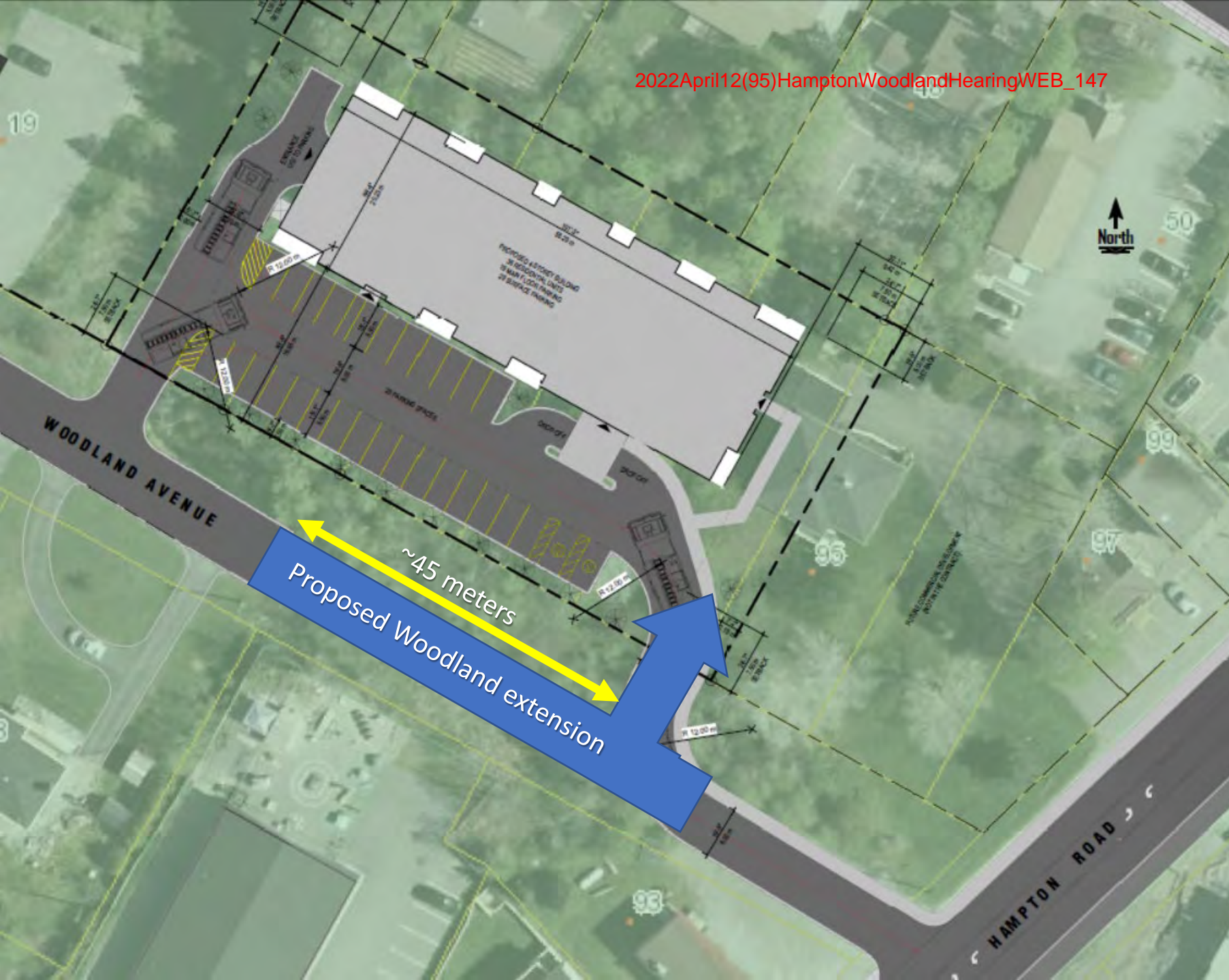
Plan Revisions in response:

1. Added Woodland Avenue access from the rear portion of the parking lot.
2. Main entrance driveway angled to accommodate fire vehicles.



APRIL 2022 SITE PLAN

2 Access Points



APRIL 2022 SITE PLAN

WOODLAND ADDRESS
Two Driveways
No Cul-de-sac

Staff are requiring that Woodland Avenue be connected to Hampton Road.

1. Without a traffic bulb(s) on Woodland Avenue winter maintenance would be very difficult.
2. Vehicles exiting the development through the rear driveway have no ability to get directly to the Hampton Road.
3. The drive aisle for the building has a reduced width of 6m and not the standard 7.5m thereby making two-way traffic through the parking lot difficult.
4. Removes an unplanned dead-ended street which does not meet transportation engineering standards being too long and without a turn-around at the street end;
5. Improves response times for public safety (police, fire, ambulance);
6. Increases efficiency for public works (street cleaning, garbage removal, snow plowing);

Staff have determined that the Woodland Avenue connection to Hampton Road is **"directly necessary for the development"**

Municipal Plan Policy DEVC-1 states

*"Council Shall ... Require that developers pay for 100 percent of the growth-related infrastructure expenses to service development inside the boundaries of their proposal as well as **100 percent of cost of minimum upgrades to local infrastructure that falls outside their project boundaries but is directly necessary for the development.**"*

Rothsay will provide the design engineering for the proposed road connection thereby ensuring the public interest is accurately reflected.

Residential intensification along the Hampton Road commercial area is a specific goal of the Municipal Plan.

Staff support for this proposal is driven by Municipal Plan objectives:

- provide a variety of housing choices;
- utilize the Town's existing public infrastructure (roads, sewer, water, etc.)
- reinforce pedestrian and transit friendly neighbourhoods (5 minute walk to Comex) ; and
- high density along Hampton Road reduces development pressure on existing low-density neighbourhoods.

Mary Jane Banks

From: Ben Tsang
Sent: April 5, 2022 2:59 PM
To: Mary Jane Banks
Subject: Let's Find a Solution! - 95 Hampton Road
Attachments: Petition - 95 Hampton Road.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mary Jane,

Please submit my letter to Town Council and to the PAC of the Town of Rothesay, in regard to the development of 95 Hampton Road.

Dear Honourable Members of Town Council and members of the PAC,

As you are aware, the development of 95 Hampton Road is highly contentious for the residents of Woodland Ave. Please find attached a petition representing nearly every household on the street opposing such a development using or connecting to the existing Woodland Ave.

For the neighbourhood, our main concerns are as follows:

- increased traffic
- decreased safety for our children
- loss of our quiet residential neighbourhood, which is a perk for us
- increased noise pollution

WHY POLL THE RESIDENTS if you are not going to consider our concerns?

I would like to pose some questions/concerns and suggestions.

- Why has the developer not been asked to satisfy all the concerns from FIRE using his property?
- The developer's other property Magnolia Lane, does not have a second exit?
- Can the developer move the parking spaces from the South side of the building (Woodland Ave) and move them to the East side of the building (Hampton Rd), this would create more space for the fire trucks to turn around if necessary.
- Why is the Town of Rothesay insistent in saving the parcel of land near Hampton Rd for commercial use? That land could be used to satisfy all the requirements from the fire department. Thus, not requiring an exit to Woodland Ave, which would satisfy the residents of the neighbourhood.

PAC presentation April 2022 - In response to the slides presented in the PAC meeting in April 2022 with comments to why {AC staff are requiring Woodland Ave be connected to Hampton Rd.

- "Winter maintenance would be very difficult with out a traffic bulb"

- Currently from a resident (point of view) winter maintenance is handled very effectively as is, and I do not know of any difficult situations within the last 5 years of my residence.
-
- "Vehicles exiting the development through the rear driveway have no ability to get directly to Hampton Rd.
 - **That is why I am suggesting using the developers land to satisfy the requirement from the fire department**
 -
- "The drive aisle for the building has a reduced width of 6m"
 - **This can also be satisfied by moving the parking spaces from the south side of the building to the east side, and using the developer's property.**
 -
- "Removes and unplanned dead-ended street, that does not meet transportation standards..."
 - **the community plan referenced is from 1914? Over 100 years old. I think at this point we can consider that plan outdated. Also, Woodland Ave is within the required distance of a dead-end street according the NB minimum standards for subdivision roads and streets**
 -
- "Improves response times for public safety"
 - **are their issues I am unaware of? I think this a subjective point**
 -
- "Increases efficiency for public works"
 - **there are houses on both sides of the street, regardless of if it was open or a dead-end, they would have drive down both sides. I think this is a weak point to make and shouldn't be used to validate a huge decision to open a dead-end street.**

In closing, I would like to express my concern that I do not think a WIN, WIN, WIN solution has been suggested.

- WIN for the Town of Rothesay - get to develop land, and provide housing to residents
- WIN for the developer - gets to develop the land
- WIN for the neighbourhood ??? - all we want is our quiet street.
 - we are asking for you to consider using the developer's property to satisfy all the requirements from FIRE
 - can you make a cul de sac at the end of Woodland Ave to satisfy they only requirement for minimum road standards of NB.

Let's FIND A SOLUTION that everyone can be happy with!

Sincerely
Ben Tsang

Public Hearing
95 Hampton Road
April 12/22



Your Worship & Council,

Please accept this petition for your perusal regarding the rezoning of 95 Hampton Road. As you can see by the signatures, everyone on Woodland Ave is opposed to the use of Woodland for the entrance/exit to this complex as well as the opening of Woodland Ave to the Hampton Road. We ask you take this in serious consideration as you contemplate your decision.

Thank you!

The residents of Woodland Ave, Rothesay

To: The Mayor and Council, Town of Rothesay

2022 April 12 (95) Hampton Woodland Hearing WEB_154

Whereas the Town is considering an application for rezoning the properties identified as 95 Hampton Road and lands off Woodland Ave from single family residential (R1B) to multi-unit residential (R4) for construction of a 36 unit apartment complex;

Whereas there has been discussion at the Planning Advisory Committee level to continue Woodland Ave through to Hampton Rd;

Whereas the existing Woodland Ave is a quiet, dead-end street;

Whereas it is felt the opening of Woodland Ave to the Hampton Road would cause a negative impact upon our street, properties and neighbourhood;

We, the undersigned, wish to express our opposition to the use of Woodland Ave or the opening of Woodland Ave through to the Hampton Rd for this development.

<u>NAME (print)</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>SIGNATURE</u>
C Larry Greer	Woodland Ave	Feb 24/22	Ch Greer
Gail Greer	Woodland Ave	Feb 24/22	Gail Greer
H. Innis McCreedy	Woodland Ave.	Feb 26/22	H. Innis McCreedy
Mary E. McCreedy	Woodland Ave.	Feb 26/22	Mary E. McCreedy
Barbara M. Kierstead	Woodland Ave	Feb 28/22	Barbara M. Kierstead
PHILIP E. KIERSTEAD	WOODLAND AVE	FEB 28/22	Philip E. Kierstead
CHARLES R. HUPPER	WOODLAND AVE.	FEB 28/22	Charles R. Hupper
BELVA G. HUPPER	WOODLAND AVE.	Feb 28/22	Belva G. Hupper
DONALD HAYMAN	WOODLAND AVE	MAR 01/22	Don Hayman
Diane Hayman	WOODLAND AVE	mar 01/22	D Hayman
Brad Whissel	Woodland Ave.	Mar 1/22	Bl Whissel
Kathy Whissel	Woodland Ave	Mar 1/22	K Whissel
Joanne Godfrey	Woodland Avenue.	Mar 3/22	Joanne Godfrey
Ron Hebert	Woodland Avenue	Mar 3/22	Ron Hebert

To: The Mayor and Council, Town of Rothesay

2022 April 12 (95) Hampton Woodland Hearing WEB 155

Whereas the Town is considering an application for rezoning the properties identified as 95 Hampton Road and lands off Woodland Ave from single family residential (R1B) to multi-unit residential (R4) for construction of a 36 unit apartment complex;

Whereas there has been discussion at the Planning Advisory Committee level to continue Woodland Ave through to Hampton Rd;

Whereas the existing Woodland Ave is a quiet, dead-end street;

Whereas it is felt the opening of Woodland Ave to the Hampton Road would cause a negative impact upon our street, properties and neighbourhood;

We, the undersigned, wish to express our opposition to the use of Woodland Ave or the opening of Woodland Ave through to the Hampton Rd for this development.

<u>NAME (print)</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>SIGNATURE</u>
Carolyn Davis	Woodland Ave Rothesay	March 6th	Carolyn Davis
Tom LAURENCE	Woodland Ave Rothesay	MARCH 6th	Tom - Lawrence
Wendy Beshara	woodland Ave Rothesay	March 8 th	Wendy Beshara
Fred Beshara	Woodland Ave Rothesay	March 8th	Fred Beshara
Doug Drisoll	13 Woodland Ave Rothesay	March 8 th	Doug Drisoll
Jim McCLUNE	WOODLAND AVE	MARCH 10 th	Jim McClune
Claudette Anderson McClune	Woodland Ave Rothesay NB	March 10 th	Claudette Anderson McClune
Samantha King	woodland Ave Rothesay NB	March 10 th	Samantha King
Sarah Tsang	Woodland ave Rothesay NB	March 11 th 22	Sarah Tsang
Ben Tsang	Woodland Ave. Rothesay	MAR 12'22	Ben Tsang
Rosemary Bautista	Woodland Ave. Rothesay	Mar. 13/22	Rosemary Bautista
Jonathon Underhill	Woodland Ave. Rothesay	Mar 13/22	Jonathon Underhill
Ashley & Matt	Woodland Ave. Rothesay	March 13/22	Ashley & Matt
Doug Armsstrong	Woodland Ave	March 22/22	Doug Armsstrong
Betty Lee Tsang	Woodland Ave	March 22/22	Betty Lee Tsang

To: The Mayor and Council, Town of Rothesay

2022April12(95)HamptonWoodlandHearingWEB_156

Whereas the Town is considering an application for rezoning the properties identified as 95 Hampton Road and lands off Woodland Ave from single family residential (R1B) to multi-unit residential (R4) for construction of a 36 unit apartment complex;

Whereas there has been discussion at the Planning Advisory Committee level to continue Woodland Ave through to Hampton Rd;

Whereas the existing Woodland Ave is a quiet, dead-end street;

Whereas it is felt the opening of Woodland Ave to the Hampton Road would cause a negative impact upon our street, properties and neighbourhood;

We, the undersigned, wish to express our opposition to the use of Woodland Ave or the opening of Woodland Ave through to the Hampton Rd for this development.

<u>NAME (print)</u>	<u>ADDRESS</u>	<u>DATE</u>	<u>SIGNATURE</u>
Suzanne Hubley	Woodland Ave	March 22	Suzanne Hubley
ROY HUBLEY	Woodland Ave	MARCH 22	Roy Hubley
Trevor Hubley	Woodland Ave	March 22	Trevor Hubley
Jacob McClinton	Woodland Ave	March 22	Jacob McClinton
MuShayla Lank	Woodland Ave	March 22	MuShayla Lank
Saira Kherram	woodland Ave	March 26	Saira Kherram
Mabel Macmillan	S Puce St	April 2	M Macmillan
Audrey Macmillan	S Puce St	April 2	Audrey Macmillan
Andrea Theberge	S Puce St	April 2	Andrea Theberge
Walter Theberge	S Puce St	April 2	Walter Theberge
Brooklyn Theberge	S Puce St	April 2	Brooklyn Theberge

Wednesday, April 6, 2022
RE: Rezoning Application – 95 Hampton Rd

Your Worship & Council,

I plan to speak at the public hearing on April 12 but thought I would express some of our concerns in a letter for your consideration prior to the hearing.

Although we are opposed to the development of such a large building on our street, the major concern we & our neighbours have is with any change to our street that would add traffic and lower safety. It has been noted from your staff that our street does not meet the requirements for a dead-end street for two reasons.

1. The first being it is too long. In the Provincial minimum standards for the construction of sub-division roads and streets it mentions “a cul-de-sac having a maximum length of 365 meters for a public street to be created in New Brunswick.” The measurement of our existing paved section of Woodland Ave is 1100 feet or 335 meters, well within the aforementioned parameters.
2. The second concern is the lack of a traffic bulb at the end of the paved section. Although this has been the situation since before I moved here in 1975 there has never been an issue brought to our attention with respect to the lack of a “bulb”. That being said I am sure the residents would be satisfied to have one installed to meet standards. This is a much easier resolve than the opening of our street to the Hampton Road. The latter would simply create another ‘Scott Ave’ situation. To my knowledge no one has ever conducted a study to determine the amount of “through traffic” that utilizes Scott to avoid the Clark/Hampton intersection. This is what the residents of Woodland are trying to avoid. Our street is narrow with no sidewalks or street lighting & would become a danger for children/pets/and other foot traffic.

One of the goals of the Town is to maintain an updated Municipal Plan for future considerations as the Town grows. Unfortunately most of the residents aren't aware nor do they follow the upgrades to this document. An example was the shock I received in talking with our neighbours when I indicated the recent Municipal Plan shows our entire street identified for future land use as medium density classification. It was the feeling that significant changes such as these should be construed to the land owners prior to being implemented into a by-law. After all, aren't we the legal land owners? As I perused the Municipal Plan, nowhere did I find a discussion about opening Woodland to Hampton. If this is the Municipal Plan used as a guideline, I would think this future goal should have been identified.

As I read the proposed developers agreement I did not see any mention of controlling the open water ditching that currently skirts this property. A few years ago the Town had a plan to pipe this water from Woodland over to the Clark Rd but that got squashed due to a misunderstanding with a property owner. Now would be the time to rectify that. This open ditch currently flows at capacity during heavy rains & sits with stagnate water during the dry times. There is a fear of someone falling in during high water and is a health issue when it sits stagnate.

The current proposed drawings show parking in front of the building facing Woodland. I believe this may be in violation of Town by-laws and also creates a problem for the neighbours directly opposite this area. Headlights & parking lot overhead lighting will be intrusive. If this remains, consideration should be given for turn down lighting for the parking lot and heavy shrubbery to block the headlights.

To summarize, we are not happy with the proposed development but understand the Town feels there is a need for this type of housing. Our main concern is with the thought of opening Woodland up to the Hampton Road. It is felt creating a bulb at the current end of Woodland with an 'emergency access' from the development to Woodland for emergency vehicles (if required) and utilizing the developers land for the main entrance/exit to the Hampton Road would be the only way to satisfy most of the concerns.

Sincerely,

Larry Greer

Woodland Ave

Rothsay

2022April12(95)HamptonWoodlandHearingWEB_159

From: [Mary Jane Banks](#)
To: [Mary Jane Banks](#)
Subject: FW: 95 Hampton Rd Feedback
Date: April 7, 2022 9:29:13 AM

From:
Sent: April 7, 2022 9:18 AM
To: Mary Jane Banks <MaryJaneBanks@rothesay.ca>
Subject: 95 Hampton Rd Feedback

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mary Jane

Please forward my feedback in regards to the development of 95 Hampton Rd.

Dear Rothesay Town Council,

I would like to express my concern for the development of 95 Hampton Rd.

At this time, I do not feel the PAC nor the developer has provided a satisfactory proposal that would provide a compromise for all interests involved.

I feel that it would be important for:

- * the developer to have a plan that uses his property for the entrance and exit to the proposed apartment complex.
- * asking the developer to satisfy the main request from the fire department using property parcels closest to Hampton Rd.
- * the ENTIRE street is opposed to the opening of Woodland Ave to the Hampton Rd, the Town of Rothesay could consider a cul de sac, to meet the requirements of NB road standards
- * the commercial tenant (Habaneros) would see their business greatly impacted, after under-going extensive renovations.
- * the proposal is very contentious, and I feel that there are OTHER SOLUTIONS, that would appease the RESIDENTS, DEVELOPERS and the TOWN of Rothesay.

When you talk to the residents in the neighbourhood, there is a feeling of:

- * **Frustration**
- * **Anxiety**
- * **Anger**
- * **Sadness**
- * **Worry**
- * **Helplessness**

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It seems like no one is willing to listen, and look for another solution!

Let's work together to find a better solution, you asked for our opinion, and we are giving it to you in spades. There was a petition, where the entire street signed against the use of Woodland Ave.

I think this proposal requires a second look, and we think there is another solution that makes everyone happy.

thank you

Sarah Tsang

From: [Mary Jane Banks](#)
To: [Mary Jane Banks](#)
Subject: FW: Town of Rothesay
Date: April 7, 2022 1:51:22 PM

From: Rosemary Bautista
Sent: April 7, 2022 11:01 AM
To: Mary Jane Banks <MaryJaneBanks@rothesay.ca>
Subject: Town of Rothesay

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from my iPhone

To: Mary-Jane Banks, Town Clerk, Town of Rothesay
I would like to give notice that I will be attending the public hearing on Tuesday, April 12, 2022.

Please provide my written objection below to Council.

To: Rothesay Council

I reside at Woodland Avenue and have lived there for 22 years. I have been made aware of the proposed construction of a 36-unit apartment building at the end of Woodland Avenue and the possibility of connecting Woodland Avenue to Hampton Road, making Woodland Avenue a thoroughfare street.

I am writing to object to the connection of Woodland Avenue to Hampton Road. Living on the corner of Woodland Avenue and Spruce Street, I observe how busy this intersection is, especially in the mornings. Children are walking to school and vehicles are driving by on their way to work and dropping kids off to Harry Miller and Rothesay High.

There has been an increase in vehicle traffic on Spruce Street already with the opening up of the street that connects Clark Road with Dobbin Street.

There is a school bus stop at the intersection of Spruce Street and Woodland Avenue. Even though there is a stop sign at that intersection, not all vehicles actually come to a complete stop.

If Woodland Avenue becomes a thoroughfare street, this will result in a major increase in daily vehicle traffic through this intersection, with potentially 30-50 more vehicles from the new apartment building alone, plus any traffic cutting through Woodland Avenue from Hampton Road.

Especially in the mornings, this will cause dangerous conditions for children who have to walk to and from school, and those who wait at the school bus stop at the intersection of Spruce and Woodland. Since there are no sidewalks on Woodland Avenue, pedestrians have to walk directly on the street.

From the documents on the Town's website, I see that the fire department has concerns about the proposed driveway to the new apartment building not meeting the NBC requirements of a 12 m radius and suggests a secondary access/exit to Woodland Avenue – which means connecting Woodland Avenue

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and Hampton Road.

A solution to this would be to move the driveway of the proposed apartment building over to the developer's remaining corner lot on the Hampton Road where there is ample space.

I request that council seriously consider the safety issue at stake and keep Woodland Avenue a quiet, dead-end street.

Sincerely,

Rosemary Bautista

Woodland Avenue

Town of Rothesay Public Meeting



April 12th, 2022

Re: 95 Hampton Road

Donald and Jean Shaw, 1 Magnolia Lane, have no objections to this proposed apartment building.

We know of a number of seniors that are on waiting lists and Real Estate sales persons waiting to sell their homes for them.

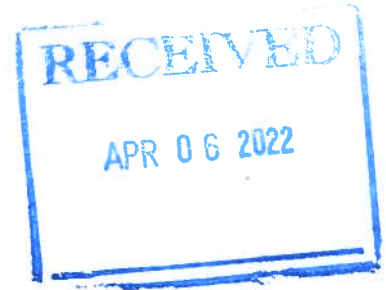
As original Magnolia Lane tenants, who had concerns about 35 units in 2 buildings using one entrance, we are suprised at the lack of traffic concerns. We guess seniors do not go out often.

We consider Brett Taylor to be an excellent landlord, who maintains his properties both inside and out.

With limited seating at Rothesay Town Hall we will relinquish our seats to others.

Thank you for this opportunity to be heard.

Donald and Jean Shaw



April 5, 2022

Town of Rothesay,
Rothesay, NB

I am writing to support the application for approval of an apartment building to be built by KV Properties at 95 Hampton Road.

I am a senior living in an apartment located on Magnolia Lane which is owned by KV Properties. Our building is very well maintained by Brett and Tracey Taylor.

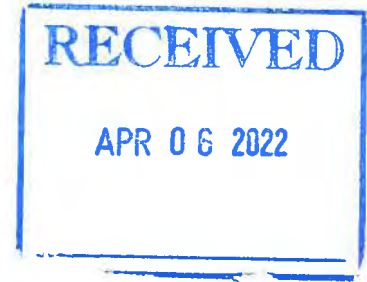
The location at 95 Hampton Road would be an excellent location for another apartment building as it is such a convenient spot especially for seniors. With grocery stores, restaurants, pharmacies, etc. all within a short drive or walking distance.

The addition of this apartment building would be a great asset to this area.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Sylvia Clifford".

Sylvia Clifford



April 12, 2022

To: Mayor and Council
Town of Rothesay

Re: Proposal for New Apartment Building
95 Hampton Road

KV Properties is seeking approval for the construction of a new Apartment Building at 95 Hampton Road, Rothesay NB

We support the construction of a new Apartment Building as the need for such a complex is paramount for the town and its residents. As Seniors we were no longer able to live in our house. Having an apartment complex available to us that KV Properties offered was exactly what we were hoping for once our house sold. We wanted to reside in this area. KV Properties owners Tracy and Brett Taylor are very responsible landlords and property owners. Their current apartments at Magnolia Lane are well constructed and well managed. We are sure that the same can be expected at 95 Hampton Road.

Please accept this letter as our support for this proposal.

Karen and Lawrence Taylor
2 Magnolia Lane
Rothesay NB.

A handwritten signature in blue ink that reads "Karen Taylor". The signature is written in a cursive style with a large, sweeping flourish over the first name.



April 5, 2022

Town of Rothesay
70 Hampton Road
Rothesay, NB E2E 5L5

RE: Proposed Development 95 Hampton Road, 36 Unit Apartment Building

Dear Council

We are residents of 2 Magnolia Lane, a 20-unit apartment building under the ownership and management of KV Properties Ltd. We moved into this building in June, 2020, after selling our home of 20 years in Rothesay, in anticipation of our retirement. We did not want the challenges of maintaining a home any longer as we age, and were looking for alternative housing which would give us the freedom to travel, and the ability to be within walking distance of amenities that were important to us.

It was initially difficult to find this in Rothesay, and we had started making plans to move to Halifax, which would have allowed us to be near our children and grandchildren. When we learned about the development of building 2 on Magnolia Lane, it checked off all the boxes for us in terms of what we were looking for.

To give you some perspective on our experience with living in a urban setting adjacent to commercial businesses, we can say that we enjoy tremendously the location of our residence. We can easily walk within a kilometre or two in any direction to access the amenities we desire, whether for retail or grocery shopping, dining, and fitness facilities. We enjoy supporting our local businesses and not having to travel far for anything we need. Our daily walking routes vary daily. We feel safe crossing the well-marked crosswalks, or using crosswalks at intersections with traffic lights. One thing we were pleasantly surprised with was how quiet the neighbourhood is at night.

Now that COVID restrictions have eased, we are meeting more neighbours at Magnolia Lane and developing a real sense of community, not unlike traditional neighbourhoods.

We believe that Rothesay can benefit from further high-density housing developments, like Magnolia Lane. We are not experts in lauding the benefits of high-density housing, but based on our own experiences, we have embraced it and recommend it highly to anyone seeking similar experiences to ours.

We wish to go on record that we support the development by KV Properties.

Best regards,



Susan Allen



David Allen

Mary Jane Banks

From: Mary Jane Banks
Sent: April 7, 2022 8:46 AM
To: Mary Jane Banks
Subject: FW: New project for KV Properties

From: KV Properties <kvpropertiesltd@gmail.com>
Sent: April 6, 2022 3:59 PM
To: Rothesay Info <rothesay@rothesay.ca>; Mary Jane Banks <MaryJaneBanks@rothesay.ca>
Subject: Fwd: New project for KV Properties

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Hello Mary Jane and the staff who manage this email. Please find below, another letter of support for the proposed development at 95 Hampton road.
Thank you.
Brett

----- Forwarded message -----

From: **Ralph Black**
Date: Mon, Apr 4, 2022 at 9:52 AM
Subject: RE: New project for KV Properties
To: KV Properties <kvpropertiesltd@gmail.com>

Mayor and Council

Town of Rothesay

New Brunswick

We have no objection to the construction of an apartment building at 95 Hampton Road. Just up the road on Magnolia Lane sit Mr. Taylor's other beautiful buildings with manicured grounds, we are proud to call this home.

Again, we support The Taylor's project it will be an asset to the community.

Ralph and Beanne Black

2022April12(95)HamptonWoodlandHearingWEB_168

From: [Mary Jane Banks](mailto:MaryJaneBanks)
To: [Mary Jane Banks](mailto:MaryJaneBanks)
Subject: FW: Proposed New Apartment Complex at 95 Hampton Road
Date: April 7, 2022 8:50:23 AM

From: KV Properties <kvpropertiesltd@gmail.com>
Sent: April 7, 2022 8:13 AM
To: Rothesay Info <rothesay@rothesay.ca>; Mary Jane Banks <MaryJaneBanks@rothesay.ca>
Subject: Fwd: Proposed New Apartment Complex at 95 Hampton Road

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Mary Jane and Bev,
Below is another letter of support for the proposal at 95 Hampton road.

----- Forwarded message -----

From: **Irene Grieve**
Date: Wed, Apr 6, 2022 at 10:39 PM
Subject: Proposed New Apartment Complex at 95 Hampton Road
To: <kvpropertiesltd@gmail.com>

We would like to add our support to the proposed project of building a new apartment complex at 95 Hampton Road by Brett and Tracey Taylor. We are very pleased to be living on Magnolia Lane in Building #2. The buildings in our complex are beautifully designed and maintained both inside and out. The grounds are always immaculate and decorated with flowers and shrubs through spring to fall, and during the winter a professional Company keeps the parking lot open and cleared. The parking areas are well organized and very quiet.

We feel more apartments like our ones on Magnolia Lane would be beneficial to Rothesay and area and would certainly add another tax base to the area, plus offer lovely new homes to people looking for homes in which to live and enjoy their lives in beautiful surroundings, both inside and out, in Rothesay, NB.

Sincerely,
Irene and Richard Grieve
2 Magnolia Lane
Rothesay, NB
E2E 3L2

April 6, 2022

Town of Rothesay, 2022April12(95)HamptonWoodlandHearingWEB_169

I am writing this letter in support of Brett and Tracey Taylor concerning the proposed new apartment at 95 Hampton Rd.

I have been a tenant at 1 Magnolia since 2017 when this building opened. Brett has been a wonderful landlord. He listens to any concerns and comes promptly to assess any problems. He is always pleasant and easy to talk to.

I expect the main concern is for extra traffic on Woodland Ave. There are 35 apartments here and there have been no major traffic problems. The clientele in these two buildings are mature adults and mostly retirees. Many are single people and some no longer drive. The traffic funnels well onto the Hampton Rd. and there is not a noise problem around our buildings..

I feel things would run as smoothly there once the building is up.

Sincerely

Sheila Milburn

RECEIVED

APR 07 2022