

# ROTHESAY

**PUBLIC HEARING – Highland Avenue & Hillcrest Drive**

(PIDs 00444885, 00444877, 30346308, 30187629)

**Rothesay Town Hall Common Room**

**Monday, April 25, 2022**

**6:30 p.m.**



**PRESENT:** MAYOR NANCY GRANT  
COUNCILLOR HELEN BOYLE  
COUNCILLOR DAVE BROWN  
COUNCILLOR PETER J. LEWIS  
COUNCILLOR BILL McGUIRE  
COUNCILLOR DON SHEA

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE  
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN  
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

**ABSENT:** DEPUTY MAYOR MATT ALEXANDER (*declared conflict of interest*)  
COUNCILLOR TIFFANY MACKAY FRENCH

TREASURER DOUG MacDONALD  
DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN

**PUBLIC HEARING                    40 Unit Apartment Building + 2 Single Family Dwellings**  
**Highland Avenue & Hillcrest Drive**  
**PIDs 00444885, 00444877, 30346308, 30187629**

## **1. Call to Order                    Instructions**

Mayor Grant called the public hearing to order at 6:30 p.m.

Mayor Grant welcomed all in attendance, and noted the following: registration was required to attend the meeting; members of the public are asked to wear masks and remain seated unless they are at the microphone; materials are available to sanitize the microphone between uses; Council members and staff will be masked until seated; and members of the public are asked to state their name and address before speaking – and will each have a ten minute time limit as outlined in the Procedural By-law. She explained the format of the hearing and noted there will be no decision made this evening by Council.

## **2. Public Hearing Documentation**

22 April 2022	Public Notice Memorandum prepared by Town Clerk Banks
29 March 2022	<i>Community Planning Act</i> , Section 111 notice to website
5 April 2022	Recommendation from Planning Advisory Committee
30 April 2022	Staff Report to Planning Advisory Committee
DRAFT	By-law 2-10-31
DRAFT	Development Agreement
3 March 2022	Staff Report to Planning Advisory Committee
4 February 2022	Staff Report to Planning Advisory Committee
30 November 2021	Staff Report to Planning Advisory Committee

## **Appearances/Presentations:**

Presentation: Luke Moffett, Bespoke Residences Inc.  
Presentation: Brian White, MCIP RPP, Director of Planning/Development Services

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Comments: D. Hudson  
L. Malcolm  
J. Brien/D. Lapierre  
M. Desmond  
B. Blissett

Appearances: David Hudson  
Christiane Vaillancourt

Mayor Grant noted the application is to consider rezoning lands located off Highland Avenue and Hillcrest Drive (PIDs 00444885, 00444877, 30346308, 30187629) from the R1A zone to the R4 Multi-Unit Residential Zone for a 41-unit apartment building with two single-family homes, subject to the execution of a Development Agreement, in accordance with the *Community Planning Act*, supra. She listed the documentation and the dates the notice was posted to the website. Council was encouraged to focus on questions regarding clarity of issues rather than advocacy for or against the project.

Mayor Grant spoke of two letters received after the deadline – a resolution of Council is required to consider the correspondence.

**MOVED** by Counc. Lewis and seconded by Counc. Shea Council accept the two letters received after the deadline.

**CARRIED.**

Mayor Grant invited the applicants to give their presentation. Mr. Moffett thanked Council and introduced himself noting he has lived in Rothesay for 20 years – contrary to a claim stating the applicants are “out-of-town” developers. He spoke of acquiring four parcels of land – provincially owned surplus land, a portion of 1 Highland Avenue, and 2 and 4 Hillcrest Drive – for a 41-unit apartment building and two existing homes. The application has been discussed for quite some time and the number of units has changed over the process with the Planning Advisory Committee (PAC). The proposal includes 8 density bonus units for Age Friendly, Affordable, and Net Zero (4) units. Through a local partnership with the Smart Energy Company, the project will introduce Net Zero units to Rothesay. These units will be powered by solar panels, which will be able to tilt for optimal energy collection, on a flat roof also designed for stormwater retention. The sustainable initiative aligns with Municipal Plan objectives and would not be feasible without the project’s eligibility for density bonus units.

Mr. Moffett addressed prior concerns by highlighting the following:

- The consolidated property boundary indents to allow a greater vegetative buffer from 1 Highland Avenue.
- He and Mr. Hall purchased 2 and 4 Hillcrest Drive, renovated the interiors, and rent the homes to tenants that are amenable to the proposed project.
  - The distance between the houses and the proposed apartment building complies with National Building Code requirements and exceeds the distance between the two condominium buildings at 52-54 Hampton Road.
- The location of the apartment building is optimal according to the shadow study
- The project aligns with the Municipal Plan, and is an ideal infill location for affordable and age friendly units based on criteria from the Canada Mortgage and Housing Corporation (CMHC), because of its proximity to various amenities.
- Over 35 signatures of community support was received from seniors, young families, low-to-medium income families, tenants (including tenants of older apartment buildings), real estate professionals – architects, appraisers, agents, and developers, empty nester professionals, neighbouring property owners, and small businesses.

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Mr. Moffett noted significant money was invested to redesign the architecture in response to feedback received from staff and PAC, yet staff still do not support the project.

Mr. Moffett compared the proposal to the adjacent condominium buildings, noting the apartment building is shorter, smaller in size, and the distance from the existing homes is greater than the space between the two condominium buildings. The project was designed based on R4 zone setbacks, requires no variances, and aligns with the R5 zone of the Municipal Plan. With respect to the two existing homes, he said it does not make sense to tear down affordable homes. He acknowledged the exterior may not be aesthetically pleasing to some, but substantial renovations were made to the interiors. Furthermore, the current tenants are aware of, and amenable to, the project. He concluded by requesting Council's support for the proposal.

Mayor Grant thanked Mr. Moffett and invited questions from Council.

Council inquired about: the height of the apartment building – and a comparison to the height of the condominium buildings; rental cost and number of bedrooms for affordable units; driveways; R4 zoning requirements (60% turf landscaping and location of parking); curb appeal; and the rationale for beginning to clear the lot without project approval.

Mr. Moffett responded with the following: the apartment building will be roughly 42-43 feet in height; the roof style is the reason the condominium buildings are taller despite the apartment building having an additional floor; rental costs for affordable units could range from \$1,200 – 1,355 per month depending on municipal, provincial, or federal standards – which may also dictate the number of bedrooms; there are plans for four 1-bedroom units, ten 3-bedroom units, and twenty-seven 2-bedroom/2-bedroom with a den or third bedroom; a driveway off Highland Avenue will lead to aboveground parking, whereas the driveway off Hillcrest Drive will lead to the underground parking garage – the driveways will not be connected; the project complies with R4 (and R5 in the Municipal Plan) zoning requirements; during the process no issues were raised regarding the location of the parking lot; a pool was removed at 2 Hillcrest Drive but the land will be restored; the development agreement includes a landscaping plan that will create curb appeal; and portions of the land were cleared to conduct geotechnical tests required before development of the land.

Mayor Grant invited Brian White, Director of Planning/Development Services (DPDS) to give a presentation. DPDS White spoke of a rise in applications to rezone parcels of land for apartment buildings. This proposal, along with the others, are in areas designated in the Municipal Plan for high density residential use. These areas are in walkable distance to many amenities, schools, and the Town's commercial corridor. Aerial site photos, elevations, and visual representation of the building from Highland Avenue were shown. DPDS White advised visual renderings are not available to show the property from Hillcrest Drive with the two existing homes.

DPDS White relayed that the application received PAC support. Staff, on the other hand, do not support the project because of the minimal distance between the apartment buildings and the existing homes, architectural design, and density. DPDS White elaborated noting the density exceeds the maximum allowable for the property, there is a 70% increase over the adjacent condominium development (condominiums = 15.06 units per acre vs. apartment = 25.15 units per acre) and it goes against best practices for gradual density transitions. The proposal, as it stands, does not reflect the general character of the neighbourhood. Staff would support the application with the following changes: 1. Removing the two single family homes; 2. Reducing the apartment building height to 3 stories; and 3. Revising the building architecture to include a peaked roof design.

Council inquired about the following: optimal distance between the proposed and existing buildings; repositioning of the building if the two homes are removed; density bonus units; optimal number of units per acre; and variances.

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DPDS White responded with the following: the distance between the buildings complies with National Building Code requirements, however single family homes are not a permitted use in R4 zones; the distance does not provide privacy typically associated with single family lots; if the two homes are removed staff would recommend the building be centered more on the property to create a greater vegetative buffer while maintaining a direct pedestrian connection to a sidewalk; the maximum number of units on a property can be exceeded if developers include affordable or accessible units into the design – but only up to 20% of the maximum allowable density; rather than an optimal number of units per acre, staff believe concerns can be mitigated if the developers incorporate the three recommendations; and if the two existing homes remain it would be considered a variance from the Town's Zoning By-law.

Mayor Grant invited registered participants David Hudson and Christiane Vaillancourt to speak.

Mr. Hudson expressed concern regarding the impact to the neighbourhood from the large building, additional traffic, and construction equipment. Mr. Moffett mentioned construction equipment and vehicles will park on the property, as opposed to the road/sidewalk. Counc. Brown asked Mr. Hudson if he would support the project if staff's three recommendations are followed. Mr. Hudson noted he is unsure but assumed, if so, it would reduce the scale of the project.

Ms. Vaillancourt opposed the rezoning, listing the following reasons: a drastic change in density; the scale of the project does not maintain the character of the neighbourhood; increased traffic congestion and associated risks to pedestrians, especially children; impact to property values; the height – which exceeds Zoning By-law requirements (36 feet) and surpasses the height of surrounding single family homes; two storey buildings are preferable and proportionate with surrounding homes; it would impact the quiet quality of life for residents; the location is not in realistic walking distance to amenities, especially in inclement weather; and demand for high density proposals may be unsubstantiated – more modest projects such as duplexes may be more suitable.

Mayor Grant called three times for those wishing to speak against the proposal. The following people spoke: Ken McCullough, 3 Summer Rose Lane; Alexandra Toner, 1 Highland Avenue; Stephen O'Keefe, 59 Hampton Road; Christopher MacDonald, 1 Henderson Park Road; Kim Newhouse, 57 Hampton Road; and Chris Brewer, 6 Hillcrest Drive.

Concerns were raised regarding: traffic generation/pedestrian safety – existing problems on Hampton Road will worsen, especially if approval is granted for other apartment buildings (all within a distance of 1.4 km); an inaccurate representation of peak hours in the traffic study sample; incompatible density with surrounding area; noise and other potential disruptions (garbage and snow removal) to the quiet character of the neighbourhood; impact to municipal water and sewer systems; residents that have moved because of the condominium development; lack of upkeep for apartment buildings; building design (flat roof); lower property values; privacy issues; and biased support from property owners that have relocated, and businesses.

With respect to municipal water and sewer, Director of Operations (DO) Brett McLean advised the capacity of both systems is sufficient to accommodate the development. He added the Town must adhere to specific water pressure requirements for the property; it is then the developer's responsibility to maintain water pressure throughout the levels of the building.

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Mayor Grant called three times for those wishing to speak in favor of the proposal.

The following people spoke: Noreen Russell, 52-54 Hampton Road; Roshanak Banuazizi, 2 Hillcrest Drive (tenant); and Mark Palmer, 9 High Cliff Court.

The following comments were made: similar concerns were raised prior to the condominium development; there is demand for affordable housing (\$850-1600 per month), in walkable distance to amenities, especially with a growing senior population; the project, and location, is desirable for individuals that wish to downsize and stay in Rothesay; a property owner's decision to relocate can be based on multiple factors; measures must be taken, such as traffic improvements, for municipalities to accommodate community growth; newly constructed apartment buildings are preferable to renovated older buildings; existing tenants do not have concerns with the proposed distance between the buildings, privacy, or construction equipment; traffic will increase whether it's single family homes or multi-unit developments; it is fiscally unreasonable to remove the two single family homes; the interior (ex. materials, and sustainable initiatives) matter more than the exterior look of the building; and the flat roof serves a purpose – to accommodate the solar panels.

Mayor Grant invited final comments from the developers.

Mr. Moffett appreciated the comments and different perspectives. He stressed that the project: was designed for an R4 – or R5 in the Municipal Plan – zone; does not require variances; aligns with Municipal Plan objectives; helps address a national housing crisis; is permitted to maintain the two homes under the R5 zone; was redesigned, at a cost, to mirror an example provided by Town staff; has developers that have demonstrated pride of ownership with 2 and 4 Hillcrest Drive; is in walkable distance to amenities (tested by existing tenants and a thirteen year old); engaged traffic engineers utilized by the Town; may lead to minimal traffic delays no worse than other developments (ex. near Quispamsis Elementary School) and likely mitigated by municipal improvements (ex. signalization of the Hampton Road/Grove Avenue intersection); is described as condo-style apartments because the units have similar amenities (ex. laundry, heat pumps, appliances) as condominium units; is less imposing than the condominium buildings; and is supported by a diverse sample of the community.

When questioned, DPDS White clarified R4 zones will transition to R5 zones (Municipal Plan) upon enactment of a new Zoning By-law.

Counc. Brown asked if leases will be on a monthly or yearly schedule. Mr. Moffett advised leases will be on an annual basis but the intent is to maintain long-term tenants.

### 3. Adjournment

**MOVED** by Counc. McGuire and seconded by Counc. Brown the public hearing be adjourned.

**CARRIED.**

The public hearing adjourned at 8:30 p.m.

original signed by Mayor  
MAYOR

original signed by Clerk  
CLERK