

# ROTHESAY



PUBLIC MEETING AGENDA  
Immediately following a Public Hearing  
(no sooner than 7:30 p.m.)  
**Monday, August 15, 2022**  
Common Room, Rothesay Town Hall



The meeting will be livestreamed and can be viewed at  
[Higginson Avenue Subdivision Livestream](#)

1. **CALL TO ORDER** Instructions  
10 August 2022 Public notice (Town Hall and website)
2. **Presentations**
  - 2.1 Brian White, Director of Planning and Development Services
  - 2.2 Stephen Maltby, MR Investments Inc.

**Documentation:**  
4 August 2022 Memorandum from Planning Advisory Committee  
30 June 2022 Staff Report to Planning Advisory Committee
3. **Submissions**

8 August 2022	Letter from Wiljac Street resident
8 August 2022	Email from Horton Road resident
10 August 2022	Email from Dunedin Road resident
11 August 2022	Email from Valpy Drive resident
11 August 2022	Email from Valpy Drive resident
12 August 2022	Email from area resident
12 August 2022	Email from Burnett Terrace resident
4. **Appearances (In-person/online)**
  - In Person**  
Tom Mueller
  - Online**
5. **Closing Remarks**
6. **Adjournment**



2022 August 15 Higginson Public Meeting Web\_002

# ROTHESAY



## **PUBLIC MEETING Proposed Rothesay Hills Subdivision (Higginson Avenue)**

**MONDAY, AUGUST 15, 2022  
IN PERSON  
ROTHESAY TOWN HALL, 70 HAMPTON ROAD**

***Start Time: Immediately following a public hearing  
and NOT before 7:30 p.m.***

Virtual participation is available through Webex. Please self-register online at  
[Higginson Avenue Subdivision Public Meeting Online registration](#)

The meeting will be livestreamed and can be viewed at  
[Higginson Avenue Subdivision Livestream](#)

Written comments can be submitted to [Rothesay@rothesay.ca](mailto:Rothesay@rothesay.ca) ATTN: Town Clerk  
**UNTIL** Friday, August 12, 2022 at **NOON**.

Online participation registration is available until Monday, August 15 at **NOON**. **\*\***Online participants require a tablet/laptop/computer with a camera and microphone.

The agenda and supporting documentation will be available online, in advance of the meeting: <https://www.rothesay.ca/town-hall/agendas/>

Mary Jane Banks, BComm  
Town Clerk

Background Document:  
[Hillside Secondary Plan \(May 2019\)](#)

# 14 Lot Subdivision – Higginson Avenue

- An application by MR Investments (Stephen Maltby and Ashish Rampal) to subdivide 14 residential lots from a portion of lands owned by their company
- Requires a new public road connection to Higginson Avenue and the provision of sewer and water services for the new lots.



Dunedin

6.14 acres - 14 single family lots

Horton

Higginson





# SUBDIVISION AGREEMENT:

- Rothesay's Subdivision By-law No. 4-10 requires a subdivision agreement specifies the developer's obligations to construct and pay for the infrastructure required.
  - Public streets;
  - Curbing;
  - Sidewalks;
  - Storm water drainage infrastructure;
  - Water and sewer lines; and
  - Streetlights, and street trees



Lot 8  
Block E Plan 1281  
PID 00239750

Lot 6  
3912m<sup>2</sup>

Lot 7  
1588m<sup>2</sup>

Lot 8  
1742m<sup>2</sup>

Lot 9  
1743m<sup>2</sup>

Lot 10  
1743m<sup>2</sup>

Lot 11  
1743m<sup>2</sup>

Mr Investments Inc.  
Document 3877974  
PID 00239632

Dunedin Road

Parcel FS-12  
Plan 28703073  
PID 30272975

ABC Road  
20.000 wide

Parcel FS-12  
Plan 28703073  
PID 30272975

James Frederick  
Connolly  
Pamela Anne Irene  
Connolly  
Document 10837517,  
Volume 1540, Page 46  
Plan 3107/  
PID 00240358

Lot 14  
2837m<sup>2</sup>

Lot 5  
1405m<sup>2</sup>

Lot 3  
1284m<sup>2</sup>

Lot 2  
1367m<sup>2</sup>

Lot 1  
1383m<sup>2</sup>

Lot 12  
1350m<sup>2</sup>

Lot 6  
Plan 1049  
PID 00239715

Lot 4  
1405m<sup>2</sup>

Higginson Avenue  
20.000 wide

Lot 13  
1362m<sup>2</sup>

Mr Investments Inc.  
Document 3877974  
PID 00239632

Lot 11  
Block H Plan 3314  
PID 00240572

Lot 10  
Block H Plan 3314  
PID 00240549

Lot 9  
Block H Plan 3314  
PID 00420257

Lot 8  
Block H Plan 3314  
PID 00420182

Lot 7  
Block H Plan 3314  
PID 00420174

Lot 3  
Block J Plan 3314  
PID 00420166

HORTON ROAD

Higginson Avenue  
20.117 wide Plan 3314  
PID 300342890

- The subdivision application (6.14 acres) for 14 single family lots.
- No Change to Zoning
- New Public Street Extensions
- All Lots fully serviced
- 1 lot (Lot 3) on the proposed plan of subdivision is 13821 square feet and requires a minor variance of 5%
- Subdivision Conforms to 2020 Municipal Plan and 2019 Secondary Plan

# 2019 Rothesay Council approved of the Hillside Secondary Plan to guide future development

2022 August 15 Higginson Public Meeting Web\_008

- the proposed subdivision conforms with the low-density residential intent of the Municipal Plan and the development phasing as indicated in the Hillside Secondary Plan.





OPEN SPACE  
(SPYGLASS HILL)

OPEN SPACE

HILLSIDE  
STUDY

RIVERSIDE  
COUNTRY CLUB

EXISTING TRAIL

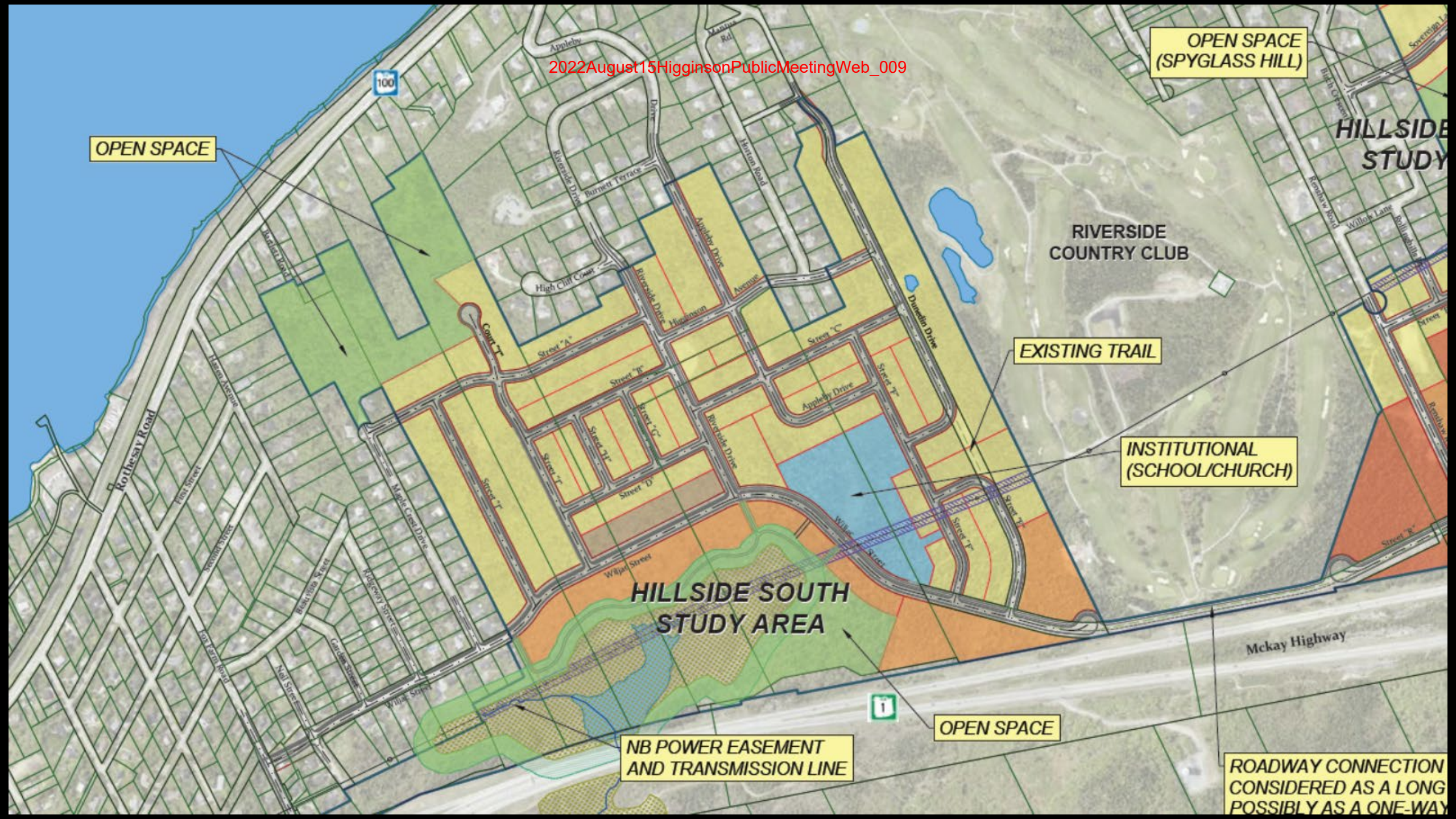
INSTITUTIONAL  
(SCHOOL/CHURCH)

HILLSIDE SOUTH  
STUDY AREA

OPEN SPACE

NB POWER EASEMENT  
AND TRANSMISSION LINE

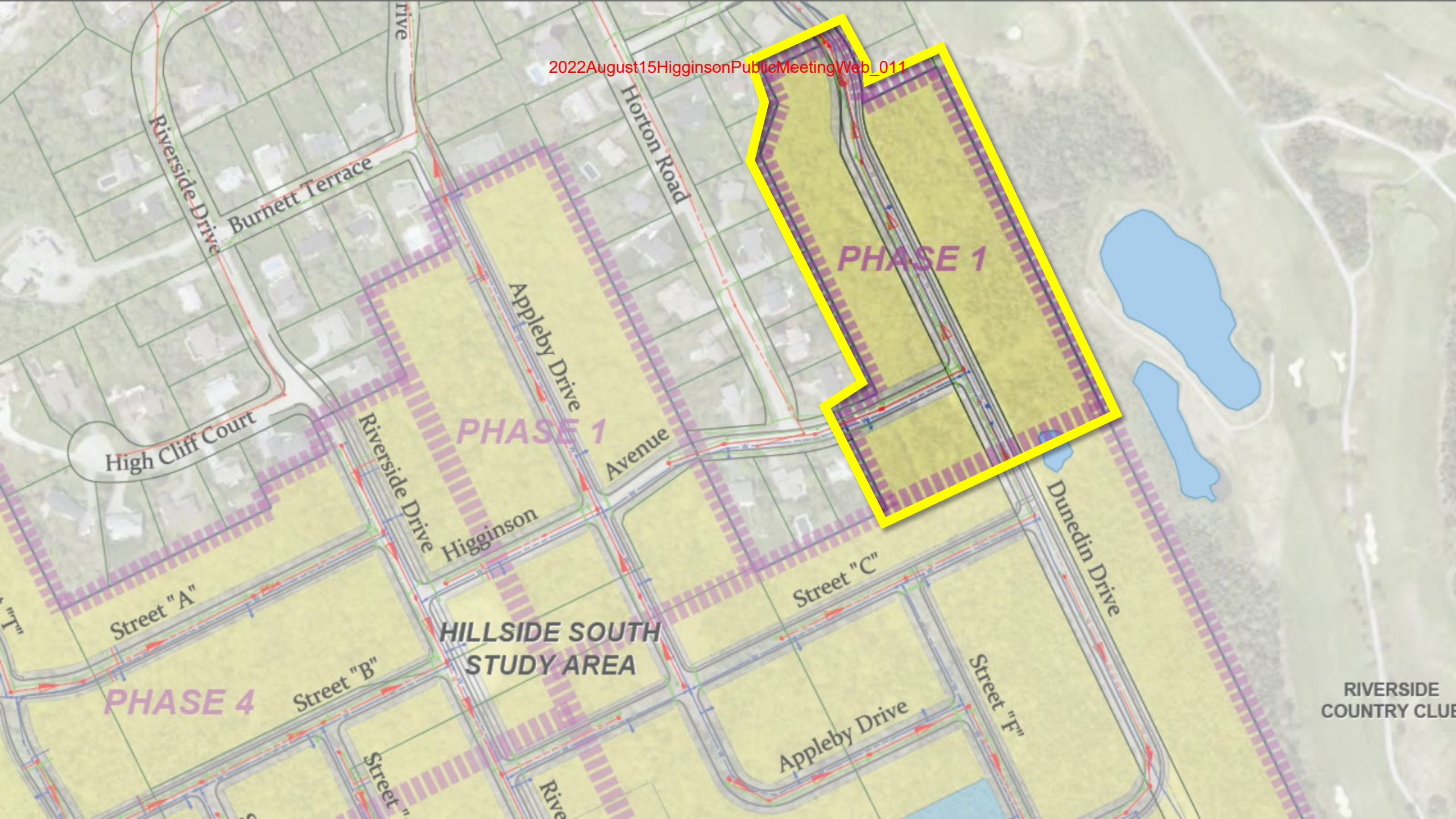
ROADWAY CONNECTION  
CONSIDERED AS A LONG  
POSSIBLY AS A ONE-WAY











PHASE 1

PHASE 1

PHASE 4

HILLSIDE SOUTH  
STUDY AREA

RIVERSIDE  
COUNTRY CLUB



# Development of the Hillside South is planned over 4 phases

- Phase 1 lands:
  - will not require any additional water main work by the Town,
  - will be connected to the existing sanitary sewers on Dunedin Road. no capacity concerns with the existing sanitary sewers.
  - Stormwater detention will be incorporated into the subdivision design reducing post development flows to predevelopment levels.
  - No increase in peak flows from the development entering existing storm systems.

# For Phases 2-4 to proceed,

- an upgrade and extension of Wiljac Street with a connection directly to Fox Farm Road is required.
- Sewage lift stations and water line extensions

HILLSIDE SECONDARY PLAN - 2019  
Proposed Servicing - Hillside South Area

- LEGEND:
- EXISTING PROPERTY LINES
  - PROPOSED RIGHT-OF-WAY
  - STUDY AREA BOUNDARY
  - WATER FEATURES
  - PROVINCIAL SIGNIFICANT WETLAND
  - 30m WATERCOURSE AND WETLAND BUFFER
  - MUNICIPAL SERVICING PHASING BOUNDARY
  - SANITARY SEWER (EXISTING)
  - SANITARY SEWER (PROPOSED)
  - WATER LINE (EXISTING)
  - WATER LINE (PROPOSED)
  - STORM SEWER (EXISTING)
  - STORM SEWER (PROPOSED)



SCALE 1:2500



No Development without Major Collector Road (Wiljac)



HILLSIDE SECONDARY PLAN - 2018  
Proposed Wiljac St. Connection to Fox Farm Road

LEGEND:

- PROPERTY LINES
- STUDY AREA BOUNDARY
- WATER FEATURES
- PROVINCIALY SIGNIFICANT WETLAND
- 30m WATERCOURSE AND WETLAND BUFFER
- PHASING BOUNDARY



2022August15HigginsonPublicMeetingWeb\_015

HILLSIDE SOUTH STUDY AREA

WIDEN FOX FARM ROAD TO PROVIDE A LEFT TURN LANE ONTO WILJAC STREET

PROPERTY REQUIRED FOR EXTENSION OF WILJAC STREET TO FOX FARM ROAD

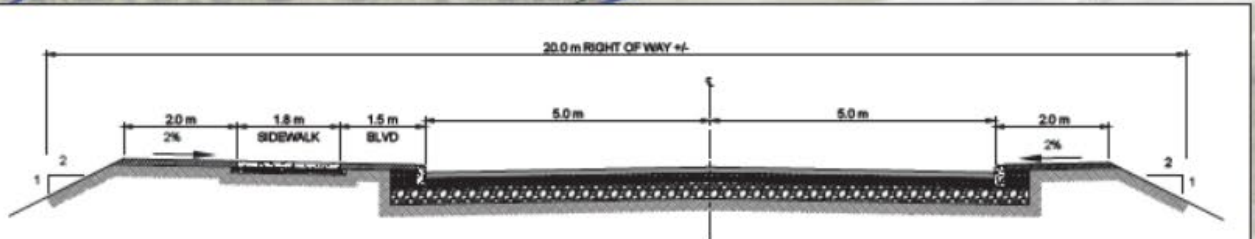
UPGRADE WILJAC STREET TO MATCH NEW CROSS-SECTION INCLUDING NEW SIDEWALK

PROVINCIALY SIGNIFICANT WETLAND

30m WETLAND BUFFER

MCKAY HIGHWAY (ROUTE 1)

MCKAY HIGHWAY (ROUTE 1)



TYPICAL CROSS-SECTION (WILJAC STREET UPGRADE)

# Development Agreement – Construction Access

- *DRAFT CLAUSE – “The Developer and Rothesay agree that the water utility pipeline right-of-way connecting to Grove Avenue “Hillside Trail” shall be used solely for all construction machinery, heavy equipment and related commercial vehicles until such time that the subdivision is substantially complete.”*



# Rothesay's Municipal Plan

## *Policy DEVC-1*

*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.*



- A low-density large lot residential community
- No zoning change
- Subdivision costs are born entirely by the developer.
- The land is suitable for residential homes
- No concerns or hazards for development.

Stephen Maltby

MR Investments Inc.

# Rothesay Hills

## Phase 1 of Hillside South

## THOROUGH & THOUGHTFUL DEVELOPMENT

2010

Rothesay Council said: there are two areas in Rothesay where no development should take place **UNTIL** there is a secondary plan = Hillside South and Hillside North. This directive was reinforced in the 2010 Municipal Plan

2016

A Secondary Plan was initiated: The Hillside Secondary Plan

2019

After three years of public consultation - the Hillside Secondary Plan was approved by Council in May 2019  
At the same time - Phase 1 of Hillside South was also approved for development

Now the Town had a comprehensive framework to guide future development for years to come.



# Rothesay Hills

Phase 1 of Hillside South

## THOROUGH & THOUGHTFUL DEVELOPMENT

2021

New Municipal Plan was enacted as Bylaw 1-20. This new plan fully supports the Secondary Plan

SO, in concert, both the Secondary Plan and the 2021 Municipal Plan reinforce and support the development of Phase 1 of Hillside South

# Rothesay Hills

Phase 1 of Hillside South

## THOROUGH & THOUGHTFUL DEVELOPMENT

2010

Rothesay Council said: there are two areas in Rothesay where no development should take place UNTIL there is a secondary plan = Hillside South and Hillside North. This was reinforced in the 2010 Municipal Plan

2021

New Municipal Bylaw 1-20. This supports the Secondary

SO, in concert, Plan and the 2010 reinforce the development of Hillside South

**MR Investments Inc. has submitted a proposal for development on our land - identified as Phase 1 of Hillside South - EXACTLY as the town staff, council and citizens approved in the Secondary Plan**

Now the town has a comprehensive framework to guide future development for years to come. It's not a piecemeal or patchwork project. Rather this area is the most comprehensively planned development in our Town

# Rothesay Hills

Phase 1 of Hillside South

Residential Zoning = R1B

Minimum required lot size = 1350 m<sup>2</sup>

Average lot size proposed = 1775 m<sup>2</sup>

Maximum # homes allowed = 16

Number of homes proposed = 14

One minor variance = 1284 m<sup>2</sup>\*

\* lot 3 due to cul de sac (<5%)



# Rothesay Hills

## Phase 1 of Hillside South

Residential Zoning = R1B

Minimum required lot size = 1350 m<sup>2</sup>

Average lot size proposed = 1775 m<sup>2</sup>

Maximum # homes allowed = 16

Number of homes proposed = 14

One minor variance = 1284 m<sup>2</sup>\*

\* lot 3 due to de sac (~5%)

The Proposed subdivision, ROTHEsay HILLS:

- ✓ Complies with and is supported by the HILLSIDE SECONDARY PLAN
- ✓ Complies with and is supported by the MUNICIPAL PLAN
- ✓ Is supported and recommended by ROTHEsay TOWN STAFF
- ✓ No Requests for Re-zoning
- ✓ No Requests for major variances
- ✓ Commitment made for LPP
- ✓ Street name has been vetted by Province

# Rothesay Hills

Phase 1 of Hillside South

## The Municipal Plan

- Is a document that sets policies and intent for land use
- Is created using a public process that includes a public hearing
- Once enacted, it is accepted as a guide for ALL OF US
- It belongs to and represents all of the voices of the citizens of Rothesay

Our application is 100% aligned with the policies and intent of the Municipal Plan as well as the comprehensive Secondary Plan



2022 August 15 Higginson Public Meeting Web\_026  
**ROTHESAY**  
**MEMORANDUM**



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TO : Mayor and Council  
FROM : Planning Advisory Committee  
DATE : August 4, 2022  
RE : Higginson Avenue (PID 00239632)

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The Planning Advisory Committee discussed the following motions at its regular meeting on Tuesday, August 2, 2022:

**MOVED** by Counc. Mackay French and seconded by C. Vaillancourt the Planning Advisory Committee recommends Council hold a public meeting for the Higginson Avenue subdivision proposal.

**CARRIED.**

**MOVED** by Counc. Shea and seconded by T. Brittain the Rothesay Planning Advisory Committee recommends that Council authorize the Mayor and Clerk to enter into a Development Agreement as amended with M R Investments Inc. for the development of a 14-lot subdivision on the property identified as (PID 00239632).

**YEA votes recorded from:** Counc. Shea and T. Brittain.

**NAY votes recorded from:** Counc. Mackay French, J. Buchanan, M. Graham, and C. Vaillancourt.

**DEFEATED.**





**To:** Chair and Members of Rothesay Planning Advisory Committee

**From:** Brian L. White, MCIP, RPP  
Director of Planning and Development Services

**Date:** Thursday, June 30, 2022

**Subject:** Subdivision Agreement – 14 Residential Lots off Higginson Avenue

<b>Applicant:</b>	Stephen Maltby	<b>Property Owner:</b>	M R INVESTMENTS INC.
<b>Mailing Address:</b>	16 Arthur Avenue Rothesay, NB E2E 6A7	<b>Mailing Address:</b>	16 Arthur Avenue Rothesay, NB E2E 6A7
<b>Property Location:</b>	Dunedin Road / Higginson Avenue	<b>PID:</b>	00239632
<b>Plan Designation:</b>	Low Density	<b>Zone:</b>	Single Family Residential – Standard (R1B)
<b>Application For:</b>	Subdivision Agreement (14 lots and new public street)		
<b>Input from Other Sources:</b>	Director of Operations, KVFD		

**ORIGIN:**

An application by Stephen Maltby and his business partner Ashish Rampal, to subdivide 14 residential lots from a portion of lands owned by their company M R Investments Inc.. The subject land would require a new public road connection to Higginson Avenue and the provision of sewer and water services for the new lots. (See Attachment A)

**BACKGROUND:**

The subject land (PID 00239632) has a total area of and was formerly an undeveloped portion of the Country Club Heights subdivision dating back to the 1950s.

The subdivision application would see the development of 24,845 square meters (6.14 acres) for 14 single family lots being 15.76% of MR Investments 38.94 acres of land. All but one lot would meet the lot size requirement of 1350 square meters for the R1B zone. Lot 3 on the proposed plan of subdivision is 1284 square meters in area being 5% undersized from the 1350 square meter requirement. Staff are prepared to issue a minor variance at the time of final subdivision to accommodate Lot 3.



Figure 1 - Subject Lands (yellow highlight)

### **SECONDARY PLAN – PHASE 1**

In April of 2019 Rothesay Council gave approval of the Hillside Secondary Plan to guide future development of 450.5 acres of undeveloped lands between Route 1 to the east and Rothesay Road and the Kennebecasis River to the west. The Hillside Planning area encompasses two distinct areas referred to as the Hillside South Study Area and Hillside North Study Area.

The subject lands are in the Hillside South Study Area, which has a total area of 182.1 acres, located south of the Riverside Country Club and accessible via Dunedin Road, Appleby Drive, Horton Road, Wiljac Street, and Maplecrest Drive. Development of the Hillside South is planned over 4 phases. Development in the Hillside South Study Area can begin in the Phase 1 area (see Figure 1) by connecting to Higginson Avenue. These lands are developable without extension of municipal services. The 14 single family homes generate low traffic volumes that are not expected to cause operational or safety issues on the connecting streets.

For Phase 2 to proceed, an upgrade and extension of Wiljac Street will be required as discussed under the Transportation section of the Secondary Plan. This will include the connection of this street directly to Fox Farm Road.

The Hillside Secondary Plan notes the following development issues regarding Phase 1 of the South Study Area:

1. Phase 1 development will not require any additional water main work by the Town,
2. Phase 1 of this development area will be connected to the existing sanitary sewers on Appleby Drive and Dunedin Road. There are no capacity concerns with this phase of the development for the existing sanitary sewers.

3. Phase 1 storm water will need to be directed to the storm sewers on Appleby Drive and Dunedin Road similarly to the sanitary sewer piping. The size and capacity of the existing storm sewers is unknown at this time and this would need to be carefully reviewed before allowing this phase of the development to proceed.

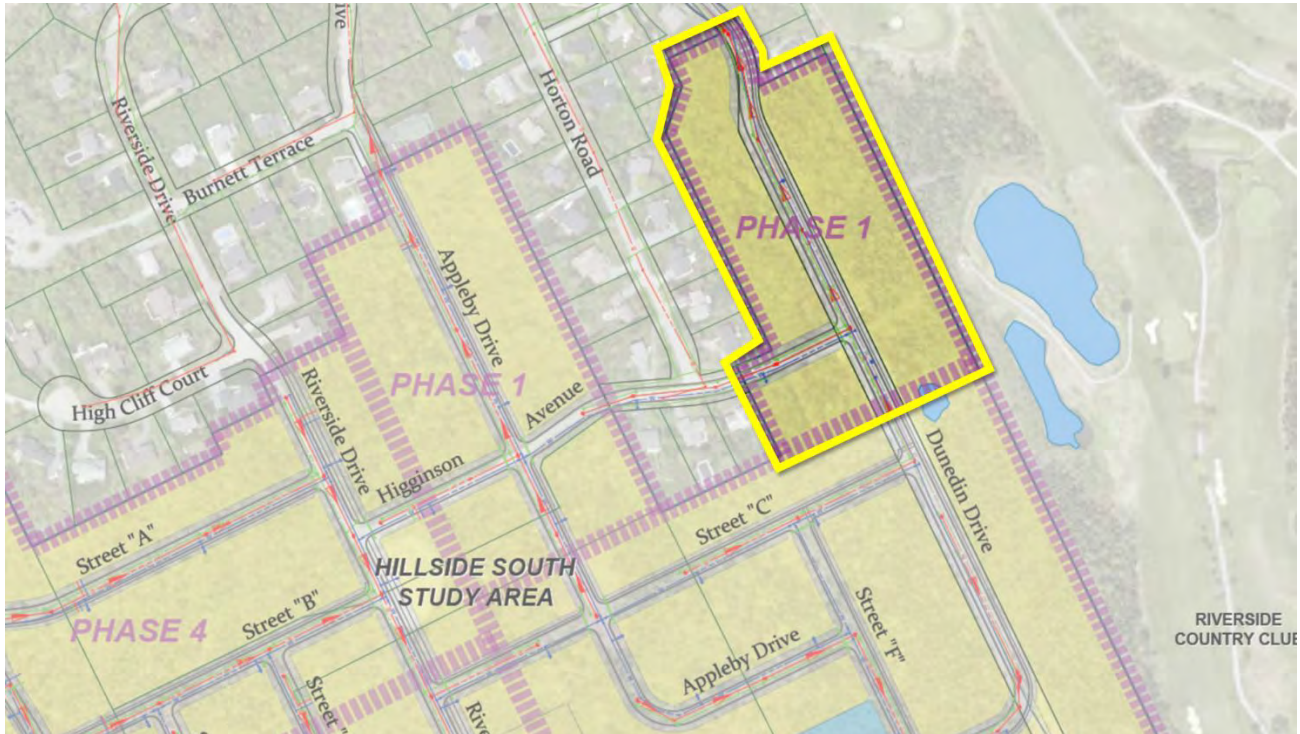


Figure 2 - Phase 1 of Hillside South Secondary Plan (Subject Lands)

4. The proposed development phasing is intended to limit construction traffic on local streets where no upgrades are planned. In the South Planning Area, Phase 1 comprises a relatively small number of residential units and construction traffic on Appleby Drive and Dunedin Road would be of low intensity.

#### **LAND FOR PUBLIC PURPOSES**

Staff are recommending that the Land for Public Purposes (LPP) requirement be deferred until such time that the Developer submits future phases for subdivision approval or that the Town has determined the preferred location of LPP. The Draft subdivision agreement states that Developer owes an amount of LPP no less than 2484.5 square meters being 10% of the area of the 14 lots being subdivided or \$26,832.60 as cash in lieu LPP being 8% of the market value as calculated by the Subdivision By-law formula.

#### **CAPITAL COSTS FUTURE INFRASTRUCTURE**

Rothsay's Municipal Plan states that

*Policy DEVC-1      Developers' Responsibility  
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.*



As previously noted, the development of lots in the Hillside South Study Area can begin in the Phase 1 area without extension of municipal services. Subsequent Phases of development will require the construction of a collector road connection to the Fox Farm Road and municipal infrastructure such as a sewage lift station.

The construction of a collector road and lift station would benefit multiple land owners, and the development costs require a coordinated approach by the owners who stand to benefit from that infrastructure. Ideally the landowners in the Hillside South would form a property development partnership to achieve a common goal, such as the construction of infrastructure and marketing of the new subdivision.

However, if the developer(s) expect the taxpayer to become involved in the "production" of their raw land by constructing a collector road and lift station then a separate process must be put in place that ensures the taxpayer will recoup 100% of those costs. For that reason, the DRAFT subdivision agreement states that "no subdivision approvals shall be granted without the capital costs equal to a proportionate share of the cost for installing municipal infrastructure to service the Hillside South Secondary Plan area inclusive of the subject Lands have been approved by Rothesay Town Council, pursuant to Policy DEVC-1 of Rothesay By-law 1-20."

#### **STREET NAME**

PAC will also note that the subdivision includes a new public street shown on the plan as ROTHESAY HILLS ROAD. The following excerpt from the subdivision bylaw explains the role of the PAC the street in naming process.

##### **7. STREET NAMES AND STREET SIGNAGE**

When new streets are proposed the owner of lands being subdivided shall submit proposed street names to the Planning Advisory Committee for consideration. Street names with spelling or pronunciation similar to existing street names in Rothesay or the immediately surrounding communities shall not be considered acceptable.

The proposed street name ROTHESAY HILLS ROAD was scrutinized by Staff, including KVFD, for civic address name conflicts or for confusion with street names presently in use throughout the Greater Saint John area and Staff determined that no conflicts exist.

#### **SUBDIVISION AGREEMENT:**

Rothesay's Subdivision By-law No. 4-10 requires that the developer provide within the proposed subdivision public streets, curbing, sidewalks, culverts, storm water drainage infrastructure, water and sewer lines, streetlights, and street trees. The by-law also requires that the developer enter into a subdivision agreement with Council that is registered on title and specifies their obligations to construct and pay the cost of the infrastructure required. The agreement (Attachment B) also specifies that a Professional engineer will design the proposed municipal infrastructure (roads, water, sewer, stormwater, etc.) and provide certification that all infrastructure is constructed to Town standards.

#### **POLLING**

Polling was conducted and Staff did receive correspondence from nine residents (see Attachment A). The concerns regarding the proposed subdivision are mainly related to increase traffic from new residents and heavy truck traffic during construction. Many of the issues referenced by residents are addressed by the Secondary Plan report, however, the issue of heavy truck traffic during construction

will require additional consultation with Staff and the developer to create solutions to reduce the impact on existing neighbours.

**SUMMARY**

In review of the proposed subdivision Staff can confirm that the residential nature of the proposal conforms with the low-density residential intent of the Municipal Plan and the development phasing as indicated in the Hillside Secondary Plan. Staff are confident that the proposed development will be a residential community like the existing neighbourhood (Horton and Higginson) and accordingly would not present major land use conflicts. The cost of extending municipal services and for new roads is born entirely by the developer and will not negatively impact on the financial capability of Rothesay to absorb any operational costs relating to the development. Staff are also confident that the subject land is suitable for the proposed use and poses no obvious concerns or hazards for development.


**RECOMMENDATION:**

It is recommended THAT the Planning Advisory Committee:

- a) Recommend that Council authorize the Mayor and Clerk to enter into a Development Agreement with for the development of a 14-lot subdivision on the property identified as (PID 00239632).
- b) Recommend that Council give assent, as per Section 88(2) of the Act, to the creation of public streets with connections to Higginson Avenue and a new public street identified as ABC Street as shown on the MR Investments Ltd. Subdivision tentative plan Drawing No. 21199SDT1-Phase1 for the subdivision of land on the portion of lands identified as (PID 00239632).

**Attachments:**

- Attachment A            Polling Results
- Attachment B            Tentative Plan of Subdivision
- Attachment c            DRAFT Subdivision Agreement



Report Prepared by: Brian L. White, MCIP, RPP  
Date: Thursday, June 30, 2022

**ATTACHMENT A**

**POLLING RESULTS**

VIA EMAIL

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Hello Brian,

I wanted to touch base you with regard to the proposed subdivision for Higginson Avenue. My main concern with any development of the area on top of Dunedin/ Appleby is the additional traffic on these two roadways which are narrow and contain sharp, blind turns.

The specific 14 lot proposal is not a huge concern, but this is clearly just phase one of what I assume will be a much larger build in the future given that MR Investments appears to own a much larger chunk of land in the area.

I would like to see a plan in place for how the town plans to manage traffic flow before approval is provided for any construction to avoid a situation where work is completed in small phases and the next thing you know Dunedin and Appleby have a huge increase in traffic that these roads do not seem to be designed to handle.

My hope would be that part of the plan to develop this area would include an access road at the top of the hill instead of funneling all of the traffic up the existing roadways.

Sincerely,

10 Mantua Rd

VIA EMAIL

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Good afternoon Mr. White

As per your letter dated June 16th for the new subdivision in my neighborhood, I wanted to respond with my comments.

This is the third or fourth such application while I have resided here and while I understand there is a need for development, I hope council or the powers that be will deny this request as well.

The main reason is Dunedin Road is not built for traffic and the hairpin turn is a major issue. Drivers take this turn at speed and meeting another driver coming in the opposite direction, especially in winter, can be very concerning and dangerous.

Over the past year, our neighbourhood has significantly changed with the addition of many young families, and I fear their safety will be put at risk as a result of many more drivers and lack of sidewalks beyond Horton Road. Yes, only 14 households now but this will be only the beginning of development once it starts.

The winter that we experienced heavy snowfall, Irving Oil could not do a heating oil delivery to my house as Horton Road was down to less than one lane. Every winter, many cars cannot drive up Dunedin



and they end up parking their car in the spot directly opposite Dunedin on the Rothesay Road or get stuck at the hairpin.

Finally, and most importantly, development in our area was supposed to be curtailed until a new road running parallel to the highway was built (similar to Millennium Drive) in order to alleviate traffic concerns.

Nothing has changed.

Thank you for considering my comments.

40 Higginson Avenue  
Rothesay, NB

VIA EMAIL

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Good morning Mr. White,

We have a few comments and concerns we would like to share concerning the above development proposal. Firstly, we applaud development in our community if it is done correctly. We realize it not only creates tax revenue, but provides housing opportunities and growth for new families in our community.

Our concerns, as we reside at the bottom of Dunedin are, run off during and after construction. This is a very wet parcel of land. Secondly, access. How will heavy equipment access this area? As mentioned in previous PAC meetings, Dunedin is exceptionally narrow, and often regular size vehicles must use the sidewalk to pass by one another, especially during winter months. So, safety is an issue. Noise another. I can't imagine how long this construction will take and if it proceeds, there will be more per town development plan. So there will not be a time line on this development as such. It will just continue. I suspect Mr. McKay will be on track to begin from the opposite side of Higginson Ave. You can understand our concern. Twelve homes are acceptable, but exceeding this and it's obvious this will happen, is not acceptable to us and creates significant traffic concerns on Dunedin with its ability to handle such traffic. Additional access must be created, not linked to Dunedin to manage traffic flow. Has this been considered and addressed?

Another item to note is the deer situation. As we continue to develop this area, the deer problem will worsen. How do we develop correctly in a time and environmentally safe manner?

We look forward to discussing further and hope our concerns as residents and taxpayers in this beautiful community are heard.

Kind Regards,

2444 Rothesay Road,  
Rothesay, NB, E2H 2K7

VIA EMAIL

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Hi Brian,

My young family and I moved to Rothesay in July 2021 from Edmonton. While I understand the land development strategy has been actively discussed over the last half a decade, I wanted to write my concerns and comments to you as well.

#### Child Safety

My main concern is reduced child safety as a result of a traffic increase arising from the development. Our neighbourhood now has 8 kids under 7 years old living in the last 150 meters of Horton Road with no safety controls (signage, speed bumps), nor do we have any sidewalks. This development adds to this safety risk.

It is my understanding that the Town of Rothesay considers Horton Road to be low traffic volume. The Town might not be factoring the daily vehicle volume from Hillside Trail users nor the volume peaking in the winter with skaters/hockey players parking on Higginson to access the Riverside hole 11 ponds.

#### Electric Utilities

With growing intensity of storms around the world, and in the valley, this new development should feature underground electric service, in my opinion. Perhaps it makes sense to move all of Dunedin and Horton Road to underground service at this time as well.

I also have concerns about the ability of the electrical grid feeder serving Dunedin/Horton to handle an increase in demand. We already seem to have several brown or black-outs and that this development could increase this frequency. I know the above is NB Power's domain, but the town might have influence.

Putting on my business development hat, and perhaps as part of the bigger land development plan, there may be an opportunity for a renewable micro-grid to serve the Hillside region in partnership with NB Power and provincial and federal governments (since it's in my area of expertise, happy to help explore this in more detail if it gets momentum).

#### Skinny Lots might be the wrong strategy along the golf course

I may have misread the map, but it looked like the homes along the golf course were quite small. Perhaps it makes sense for these lots to be bigger "mansion lots". Mansions tend to yield more tax revenue, particularly when coupled with a tiered "mansion's tax" (gaining momentum in Edmonton - <https://globalnews.ca/news/8949218/multi-million-dollar-edmonton-home-mansions-tax/>). Food for thought.

#### Water Quality

I would want to make sure this development, and any further development, did not impact my water well quality.

#### Sewer/ Storm Water System

The sewer and storm water network needs to be able to accommodate any current and future demand.

Thanks for your time and for your engagement of those impacted,

112 Horton Road  
506-271-2979

VIA EMAIL

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Dear Brian,

I am a resident of Dunedin Rd and received your notification dated June 16, 2022, indicating an application had been submitted for a 14-home development off Higginson Avenue.

I am writing to you today to express my concern over the proposed development as laid out on the notice that we received.

If I am correct in interpreting the proposal, the only means of access to these new homes would be by way of Dunedin Rd off Rothesay Rd.

While I have only been a homeowner on Dunedin since 2020, I did have occasion to access the Town of Rothesay Hillside Secondary Plan Final Report dated 2019.

In it, the traffic study on page 19 indicated some 600 cars travelled up and down Dunedin each day. Presumably that number has only grown in the past 3 years.

The addition of yet more traffic on Dunedin would be unsafe for the residents. Pedestrians (as example many school aged children) travel up and down the hill daily (for bus routes).

Also, many walkers, bikers and runners travel up and down Dunedin in order to access the walking trail.

Whereas there is a sidewalk at the bottom section of Dunedin there are no sidewalks beyond the split to Horton. This is a safety hazard with the traffic volumes that traverse the roadways in this area today. Adding more homes (and vehicles resulting) will only add to the safety concerns.

I am not opposed to development; however, I believe Dunedin is not an appropriate access point for any additional traffic volumes planned (today or in the future).

If I am interpreting the Hillside development plan correctly, there are plans to develop a road system across the ridge from Riverside Golf course through to Fox Farm Road.

This development should only proceed once that access has been completed.

Thank you

20 Dunedin Rd

VIA EMAIL

---

105 Horton Rd, Rothesay  
2022-06-29

Re: Subdivision Application (Higginson Avenue)



Dear Mayor Dr. Grant and Council

Our family resides at the intersection of Horton Road and Higginson Ave.

Our neighborhood is beginning to feel like we are forced into a time-loop reminiscent of movie Groundhog Day starring Bill Murray. Together with other neighbors, I presented some concerns at earlier Council meetings and as well as two public meetings. Public concerns obliged the cancelation of similar earlier proposals. Those very same concerns still apply, and frankly we are baffled why our neighborhood is being subjected to unwarranted déjà vu. We are also confounded by the unnecessary and adversarial demeanor of Mr. White when addressing neighborhood concerns.

Let me preface my remarks with the following: No one in the neighborhood is opposed to further development. As a matter of fact, our neighborhood is dissatisfied with the current status quo and welcome further development. What our neighborhood desires is a coherent long-term plan and not a patchwork piecemeal plan as proposed by Brian White. Please allow me to explain.

1 - During my earlier presentations, I explained how Mr. John Jarvie, Rothesay Town Manager, had graciously visited our neighborhood, and personally fielded some of our concerns. At the time, Mr. Jarvie indicated the status quo was already unacceptable and that further development would not proceed, until after the extension of the Millennial Drive feeder road to Fox Farm Drive. Some of you will remember that Mr. Jarvie was present during the several meetings when I voiced my concerns and reminded Mr. Jarvie of his earlier assurances.

2 - In the meantime, non-local traffic accessing the walking trail has already increased traffic on our street - a nexus of Murphy's Law and the Law of Unintended Consequences. We are also concerned that this application represents the thin edge of the wedge: If it is reasonable to allow another 14 (times two or more) cars on our overtaxed street; then later on, another dozen cars should be no problem either, and so on and so on. The point is moot, the status quo is already unacceptable, as Mr. Jarvie indicated earlier.

3 - I draw to your attention that Dunedin Road is so poorly designed, many residents are required to park their cars at the bottom of the hill on Rothesay Road during particularly bad winter storms. I presume the Town of Rothesay has no plans to expand parking at the bottom of the hill. When I brought this concern to the attention of Mr. White, his immediate response was an unfriendly suggestion we should sell our residence and relocate. Such is just one example of unnecessary and regrettable adversarial confrontation to legitimate concerns.

4 - I also desire to draw Council's attention to a non-issue: The intersection of Dunedin and Horton does NOT pose a problem to residents as frequently suggested by Planning and Development Services. Any such suggestion invites a band-aid repair at that one intersection, while ignoring the real problem which exists with the serpentine curves on a very narrow stretch of road along 32-70 Dunedin Road. That is where the real danger lies, a danger which is being conveniently ignored by Planning and Development Services.

Due to poor design of that particular stretch of narrow road, it is particularly difficult to avoid crossing the middle line. On frequent occasion we barely avoided accident when proceeding downhill at less than 10 km/hr as our tire bounced off the curbs or snowbanks which almost thrust our car into the path

of oncoming traffic crossing the middle line. Accidents will be inevitable If construction trucks access Dunedin Rd to construct this subdivision.

During the worst of winter, that corner is a particularly perilous “one way” due to snowbanks. To emphasize Mr. Jarvie’s earlier assurances – a feeder road is required before more traffic can be placed on this road. As a matter of fact, subdivision by-laws in almost every New Brunswick municipality (except Rothesay for some unexplained reason) prohibit subdivision expansion when the slopes of current access roads are equivalent to Dunedin Rd.

5- The subdivision by-laws state that Mr. White can only bring forward proposals that are CONSISTENT with the municipal plan. I ask whether or not this subdivision falls within the secondary planning area - a plan for which, to my knowledge, is still not forthcoming. I remind everyone of the public meeting when Mr. White presented a secondary planning area proposal which was soundly rejected by all present! I repeat - if further subdivision is required – a plan is required – as council already agreed on several occasions. So why are we again repeating history?

Further to Mr. White’s failed secondary plan presentation: it was brought to his attention that the Riverside Country Club had expressed interest in a real estate swap – undeveloped land on a slope, ideal for expensive executive homes with a view of the river in exchange for flatter undeveloped land ideal for golfing. This proposed subdivision is immediately adjacent to the golf course and would be ideal for such an exchange. At that meeting, Mr. White indicated he would investigate the matter further. I just contacted Jason Porter, General Manager who assured me that no such inquiries had been made, some recent rezoning of club land notwithstanding. Yet again, it would appear that Mr. White has clearly made up his own mind, and that yet again, public consultation is a mere pretense as development is to continue without a long-term plan at hand.

Further to the issue of Mr. White’s presentation of the secondary plan – it was a travesty, the most egregious instance being his eloquent proposals for public paths and lookouts from Spyglass Hill, much to the chagrin of the current owner who expressed shock and dismay.

I suggest that all costs incurred with the fabrication of that aborted travesty of a plan should be deducted from the paychecks of anyone who signed off on that laughable sham. I emphasize how yet again – impressions are reinforced that public consultations are a pretense serving as a risible fig leaf for decisions already made in advance without attention to public concerns.

As mentioned already, no one in the neighborhood is opposed to further development as a matter of fact we welcome further development to improve our situation, especially a Millennial Drive feeder road to Fox Farm Drive or at a minimum a connector road to McKay Highway. We only desire that development proceed correctly and after proper study with a long-term plan in mind. At a minimum we would like to hold Mr. Jarvie to his word that no further development shall proceed until the feeder road easing traffic is constructed.

We petition Mayor and Council to please consider our concerns before making what we would consider a premature and ill-advised decision to proceed with the proposed development. We further request that no piecemeal – patchwork proposals be considered now or in future, until the public is presented a long-term plan which addresses concerns – especially current untenable traffic and safety concerns.

This missive is already too long and has not addressed all concerns, such as Mr. White's remarkable vacillating and contradictory explanations why an overhead pass between exits 133 and 111 is not feasible. With this letter, we also give notice that we would like to verbally present our concerns at the next public meeting of the Rothesay Planning Advisory Committee at 5:30 pm on Monday July 4th, at Rothesay Town Hall.

I thank you for your patience and for your indulgence.

**VIA EMAIL**

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Dear Mr. White,

Thank you for the information concerning the proposed subdivision off of Higginson Avenue. We have a few questions/ concerns to address.

- 1). We are concerned about potential changes to the water table from this development. There have been issues in this area with wells going dry over the last few years. Although the proposed subdivision will be on municipal water, construction blasting and digging will affect the water table. What assurances and compensation is the developer prepared to offer in the case of well water changes (both water volume and quality of the water)?
- 2). Is there a plan to repair Horton, Dunedin and Higginson roadways from degradation due to the heavy truck traffic during the subdivision's development?
- 3). There are some streams on this property. Does the construction plan have an outline of how these are to be dealt with?

Thank you for your consideration in these matters.

Regards,

(121 Dunedin Rd)

**VIA EMAIL**

---

Dear Brian

Thank you for the opportunity to forward considerations and concerns regarding the proposed development off of Higginson Avenue. As a resident of the area, I do have a couple of questions.

How will this particular development be accessed? You mentioned a few years back when Jen Wood and I met with you at the Town Hall that both Dunedin and Appleby were not originally graded properly nor created to code and were too steep to be considered for the Fox Farm development and am wondering if the Town will be developing Hillside Trail as the access point to this land or has your opinion now changed and if so, why?



Also, may you please take the time to explain the Town's technical concern at the corner of Dunedin and Mantua? The Town's staff visit this site on a frequent basis and go underground to monitor what I assume to be an active underwater river system. I am sure you'll agree that this is concerning and should be made transparent and should additional development further up the hill impact this drainage system the surrounding residents should be made aware of the risks.

Thoughtful development takes time, and we are fortunate to have neighbouring towns that have grown rapidly and made over-development mistakes from which the Town of Rothesay may benefit and learn.

Thank you again,

16 Valpy Drive

**VIA EMAIL**

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To The Town of Rothesay PAC Committee and Brian White,

Unfortunately, we have been out of town and only recently received the letter concerning development behind Horton Road joining Dunedin and Higginson Avenues. I am submitting this letter now as the turnaround time indicated in your letter was very short.

I strongly disagree with this proposal to the development of the subdivision. I am attaching a letter that several residents in this area wrote and presented in the winter of 2018. While some of the issues in the letter have been addressed (mainly the town plan), the main obstacle to development has not been addressed, that being the dangerous and substandard Dunedin Rd.

We have argued on at least two previous occasions that no further development should be considered until the collector road is built between Grove Avenue and Fox Farm Rd. To increase traffic on the existing road is unacceptable and will most certainly add further danger to an already dangerous road.

I would be pleased to meet with the committee on July 4th to re explain the safety issues.

Thank you,

136 Horton Rd

**ATTACHED LETTER AS FOLLOWS:**

January 26, 2018

Dear Mr. Brian White,

We received your letter dated January 16, 2018 regarding a revised application from A.E. McKay Builders Ltd. to subdivide a portion of their lands to allow for seven new single family home lots and a public road connection to Higginson Avenue.

We do not support the revised application. While the application has changed, our concerns, the validity of the application and the lack of due process have not.

Paragraph 14.2.1 of the Rothesay Municipal Plan 2010 (by-law 1-10) (the “Municipal Plan”) provides that “Several areas in Rothesay should only be developed once a secondary plan is in place. These include the undeveloped area between the Riverside Country Club and Rothesay-Netherwood School, the area southwest of the Club and northeast of Maplecrest Drive, on the northeastern boundary of the municipality and the area southeast of the Mackay Highway which is considered a longer-term area for development.” Paragraph 14.2.3(a) of the Municipal Plan goes on to state that “Council will undertake secondary planning in the areas of the community as designated on Schedule G”. Finally, Paragraph 14.2.3 (c) states “Council will ensure that secondary planning addresses zoning, road networks, municipal water, sewer and storm sewer systems, third party utilities, pedestrian networks, buffering and recreation needs.”

The current proposal has a portion of the connecting road that is within the Secondary Planning Area.

During a Planning Advisory Committee (PAC) meeting on December 2, 2015 when discussing the previous 16 lot proposal, you made two very important points:

1) You explained that the mapping method used to illustrate Schedule G is a technique referred to as a “bubble” diagram or map. You stated that “the rounded smooth edges of the bubbles are used to represent a rough sense of geography”. During the meeting you argued that because of this, it could be interpreted that none of the previous 16 lot proposal were within the Secondary Planning Area.

If this is the case, using the same logic, one could also argue that 100% of the lots and road within this new application are within the Secondary Planning Area.

2) You also stated that “The fundamental purpose of Schedule G is that council should take a cautious, phased approach to development requests.”

Do you believe that recommending a development that purposely attempts to skirt the Secondary Planning Area in Schedule G is consistent with your obligations as the Development Officer for Rothesay not to approve a subdivision plan unless it is consistent with the Municipal Plan (see Paragraph 11.1 of the Rothesay Subdivision By-law No. 4-10)?

At the December 14, 2015 council meeting, the previous 16 lot subdivision was tabled due to concerns that we were putting the cart before the horse by approving a development before a Secondary Plan was complete (it was already included in the 2016 budget).

It must also be noted that at this same meeting some of our residents raised safety concerns. We addressed the issue of narrow, winding roads with no sidewalks on Appleby, Horton and Higginson Roads. The dangerous intersection at Horton and Dunedin was also highlighted. In the past two years, nothing has been done to address these concerns. Therefore, the increased traffic caused during and after the completion of the construction of additional homes will only add to the safety concerns on these roads for pedestrians and motorists alike.

Furthermore, at the December 14th, 2015 meeting, concerns regarding the high concentration of rock in the area and the probable need for blasting to build the MacKay homes were discussed. Without the appropriate environmental studies this blasting may result in negative effects on both the quality and

quantity of the ground water that the existing homes enjoy in their well water. While the new homes will be connected to town water, the existing homes will not have the same access to town water without hefty personal costs. In addition, there was concern about water runoff for the homes located below the new development.

Following this meeting, a firm was hired and an open house was held in which hundreds of Rothesay residents attended to voice their opinions. According to the most recent council minutes, \$52,000 (31% of budgeted amount) has been spent on the Secondary Plan, and the status remains “Concepts being developed”. This has been the same status since June 2016. Why has there been no progress on this study?

In a letter from Mr. McKay to yourself dated October 20th, 2017 (from the November 14, 2017 council kit), Mr. McKay wrote “As you are aware we purchased this land over two years ago and at that time the Town was considering its options for its secondary planning zone which incorporate the bulk of land and other surrounding properties. This study was not finalized and we understand an alternate approval will be undertaken by the Town” What is the “alternate approval” that Mr. McKay is referring to and why has this not been disclosed to the public?

We remain frustrated by the lack of transparency and the lack of due process regarding this proposed development.

While we support development, it must be done responsibly. It should be done in accordance to our Municipal Plan and it should be done in a “cautious, phased approach” given the area that it is within.

We encourage the Town and Council to finish the Secondary Plan so that we can develop this area in accordance to the plan.

Best regards,

Concerned Residents of Country Club Heights and Appleby Drive



Fw: LAST MINUTE - public feedback (Subdivision application) MeetingWeb\_042

Liz Hazlett <lizhazlett@rothesay.ca>

Thu 6/30/2022 2:53 PM

To: **ADDENDUM (received past deadline)**

- Liz Hazlett <lizhazlett@rothesay.ca>

**Subject: Higginson Ave Subdivision Application**

I am writing from 128 Dunedin Rd. We have spoke before, as a result of my response to the Town of Rothesay Master Plan presentation from a few years ago.

I have received the notification of the proposed development on Higginson.

My concerns from years ago stand and are listed below.... these developments require thought and planning:

1) Sending any sort of construction vehicles up and down Dunedin Rd. is just NOT safe.  
We are a "one-way in, one-way out" road. Our road is exceptionally steep, with several blind corners, it is narrow, and does not have sidewalks. In addition, Dunedin / Horton it is home to many families, many young families. There is no shortage of walkers, bikes, scooters, basketball, etc.... Moving trucks and delivery trucks struggle to manoeuvre. School buses do not travel the hill. Snow plows often required chains on their tires through the winter.

When I spoke with you directly a few years ago, you personally made it clear, that based on today's construction code, Dunedin would actually not exist. You also stated that the top of Dunedin would NOT be developed until an access at the top of the hill was created for safety and logistical reasons. You stated that the access would have to come from either Fox Farm, or from Grove. The original plan to develop the hill from the "top down" makes a lot of logistical sense for all existing homes from the Rothesay Rd. to Hillside and should be respected and enforced.

2) Traffic flow on to Rothesay Rd. particularly during commuter hours (7-9am, 4-6pm) -  
This needs to be a consideration for all development on the hill. We all struggle to make left hand turns when trying to leave our neighbourhoods during peak traffic hours. Making a left hand turn on the Rothesay Rd. is near impossible and often dangerous especially as we have a "blind knoll" to our left at the bottom of the hill. Adding more population / cars to our hill is only going to make it more difficult for us to leave our street....back to the "one-way in, one-way out" issue. This issue also points back to the need for access to be created off of the top of Fox Farm or the Top of Grove before this kind of development can happen.

3) I would like to know if an Environmental Impact Assessment and Water Flow Assessment has been completed. There is a lot of water where the new lots are set to appear. I certainly want assurances that environmental regulations are being respected and that the water flow is addressed in such a way so that those of us who live downhill from this development do not wind up with water in our basements or "rivers: running down our roads. These "rivers" can quickly turn into very icy and dangerous patches in the winter.

4) The lots should be larger and more in line with the aesthetic of the existing homes in this neighborhood. My biggest fear is that we will see a similar development to what McKay did off of Gibbon Rd....Lots where trees are "clear-cut" and big homes are jammed in on relatively small lots, and there are no sidewalks. What protects the residents from a similar development happening at the top of our hill?

5) I would like to know if anything is being done to address the eventual loss of the Hillside Trail. I recognize that Hillside is a road in the "master plan." I do, however, feel that town planners need to account for how much residents value trails for walking and biking. I would like to see a plan to replace what is currently the Hillside Trail and in the interim, I would like assurances that there will be some sort of access to the Hillside trail from Dunedin / Higginson.

6) The plan for the top of Dunedin is not clear from the drawing. Does the road connect all the way through or does it "dead end" before what appears to be a court?

Beyond this development, as a Rothesay resident, I have some other concerns as it relates to any and all development that will drive more population....

Adding population density to any part of Rothesay requires some thought and planning as it relates to the roadways and infrastructure. Rothesay Rd. Is becoming busy. It is not well maintained, is becoming increasingly congested and unsafe for cyclists. The intersection at ForeFitness is precarious at best, particularly during school drop-off and pick-up hours. When you hit Marr Rd. after 3pm...you cannot get through the Marr Rd. light without facing a long line-up. Quite simply, I am not convinced that the Town is really ready for increasing the population. You have to earn the right to grow...you need the infrastructure and the traffic planning in place first.

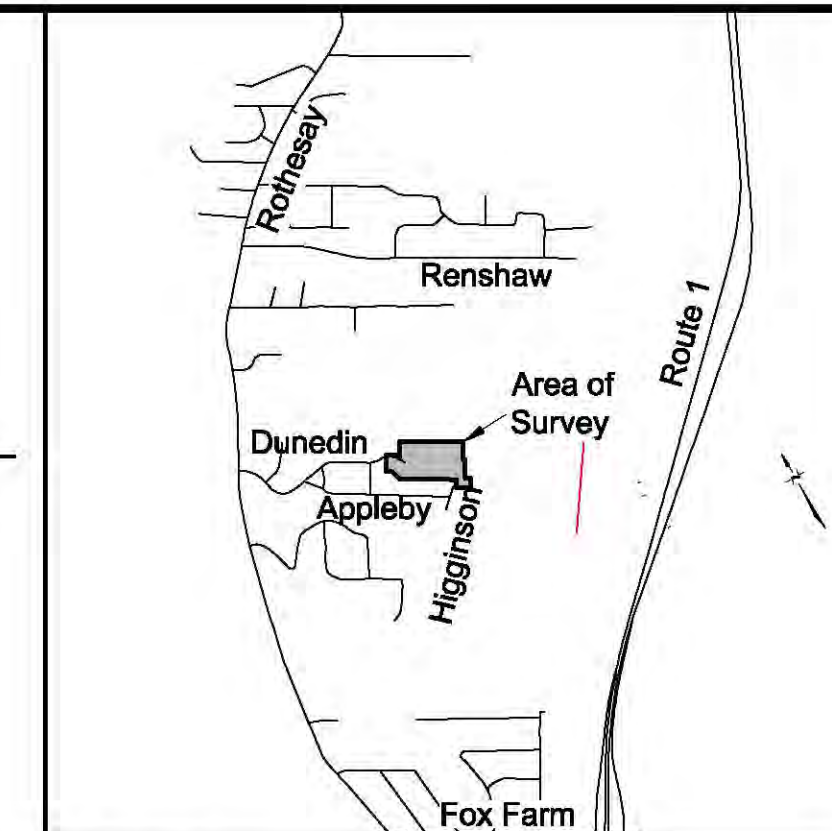
We bought our home in Rothesay (not Quispamsis) for several reasons. We loved the aesthetic, the space, the mature trees, the large lots, the simple traffic flow. We also love the trails, and the lifestyle it provides. If you drive around the new developments in Quispamsis, they have had to put in place a multitude of traffic barriers in many configurations to manage traffic and slow drivers down...pylons in ever changing configurations, traffic circles, rumble strips and speed bumps are all in use due to poor planning.

I am not against development. I am against development that is not well planned, where vision is lacking, and that does not respect existing residents. While some may argue that new development will drive property values up, I would argue the opposite.. To the Town of Rothesay...you need to figure out what you want to be when you grow up...what towns you want to emulate, what lifestyle you want to provide residents and what services / infrastructure your residents value now and / or will value in years to come and ensure that developments are done safely, respectfully and are in line with the vision.



Approvals

The Riverside Country Club  
Document 21558540  
PID 30233407



Key Plan  
Scale = 1:25,000

Legend

- ⊙ SMS - Standard survey marker set
- ⊙ SMF - Standard survey marker found
- ⊙ CALC - Calculated point
- RIB - Round iron bar found
- SQIB - Square iron bar found
- IP - Iron pipe found
- N Tabulated coordinate reference
- ▬ Lands dealt with by this plan
- ▨ Public Utility Easement

Notes

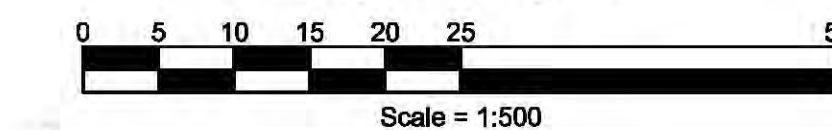
1. All computations performed and coordinates shown are based on the NB stereographic double projection and the NAD83(CSRS) ellipsoid as realized by Service New Brunswick's Active Control System.
2. All distances shown are in meters and are grid distances calculated using a combined scale factor utilizing geoid model HT2.0.
3. All directions are NB grid azimuths established using GNSS.
4. Document and plan numbers referred to are those of the land titles or county registry office.
5. Certification is not made as to legal title, being the domain of a lawyer, nor to the zoning & setback bylaws or regulations, being the domain of a development officer.
6. Certification is not made as to covenants set out in the document(s) and the location of any underground services and/or fixtures permanent or otherwise.
7. Peripheral information and adjacent owner information was derived from SNB records.

Purpose of Plan

- To create 14 new residential lots.
- To create 2 Public Streets, Rothesay Hills Road and Higginson Avenue.
- To create Public Utility Easements (PUE)

Subdivision Plan

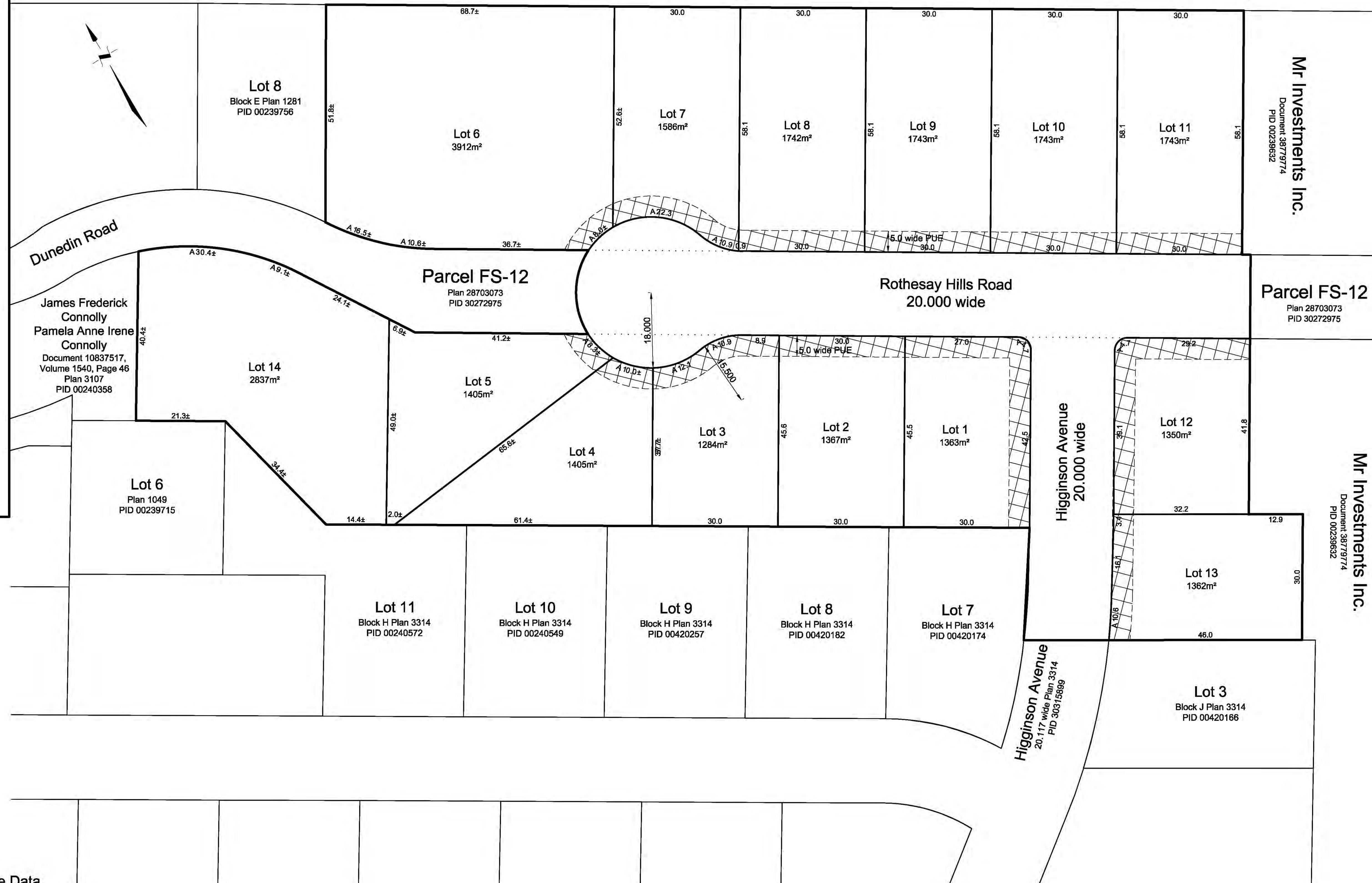
**MR**  
**Investments Inc.**  
Higginson Avenue, Rothesay  
Kings County, NB



Dated:  
June 28, 2022

**TENTATIVE**  
Andrew K. Toole, N.B.L.S. # 379

Dwg: 21199SDT1-Phase1



Mr Investments Inc.  
Document 38779774  
PID 00239632

Parcel FS-12  
Plan 28703073  
PID 30272975

Mr Investments Inc.  
Document 38779774  
PID 00239632

Title Data  
PID 00239632  
Owner: MR Investments Inc.  
Document: 38779774  
Registered: 2019-01-31

Title Data  
PID 30282975  
Owner: Rothesay  
Document: 28702984  
Registered: May 12, 2010

Signature of Owners

Signature of Owners

Stephen Maltby, President  
For: MR Investments Inc.

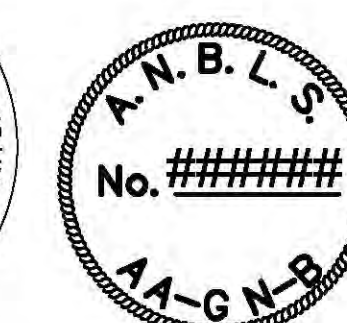
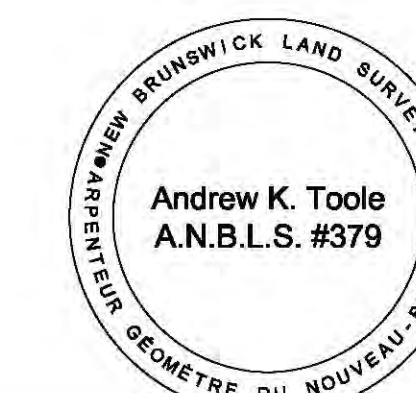
ABC, Position  
For: The Town of Rothesay

Public Streets

These streets vest in the Municipality of Rothesay pursuant to Section 88(6)(a) of the Community Planning Act.

Public Utility Easements

Pursuant to Section 5 of "Designated Easements" Regulation 2021-83 and Section 88(7)(b) of the Community Planning Act the Public Utility Easements on the plan vest in the New Brunswick Power Corporation, Bell Canada, and Rogers Communications Inc. with the filing of this plan.





Ref: 21199-StormwaterReview

June 28, 2022

Mr. McLean,

## **Re: Rothesay Hills - MR Investments - Stormwater Review**

Don-More Surveys & Engineering Ltd. (Don-More) has been engaged to perform a high level review of a proposed development located east of Dunedin Road and north of Higginson Avenue adjacent to the Riverside Country Club relative to a stormwater management strategy.

This review is primarily related to a concern raised in the Secondary Plan related to the exiting storm sewers on Dunedin Road, and if there is adequate capacity to allow additional flows into this system.

### **Existing Site**

The site extends from the end of Dunedin Road east about 300 meters. Dunedin Road transitions from an asphalt street to a gravel access to an existing residence located adjacent to this development.

The existing site generally slopes north towards the Riverside Country Club with the majority of the site draining onto the Country Club, and flowing east towards the Highway and entering the Renforth Bog watershed. Only a very small portion of the site drains west and enters the Kennebecasis River watershed. (a portion of Lot 14 only).

### **Stormwater Management Approach**

Through the detailed design process, existing drainage paths will be respected with post development flows being directed to the same location as pre development flows. Stormwater detention will be incorporated into the design reducing post development flows to pre development levels.

This has the impact that the peak flows from the development entering the existing Dunedin Road storm system will remain to be only a very small portion of the development and there will be no increase in peak flows from the development entering this system.

## 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](mailto:at@dmse.ca) for any additional information or clarification.

Yours truly,

Don-More Surveys & Engineering Ltd.

*Andrew Toole*

Andrew Toole, NBLs, P.Eng.

## Rothesay

### DEVELOPMENT AGREEMENT

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

Parcel Identifiers  
of Parcels Burdened  
by Agreement:

00239632

Owner of Land Parcels:

**MR Investments Inc.**  
16 Arthur Avenue  
Rothesay, NB  
E2E 6A7 (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  
Municipalities Act, RSNB 1973, Chapter M-22,  
located in the County of Kings and Province of New  
Brunswick

**WHEREAS** the Developer is the registered owner of certain lands located off Dunedin Road and Higginson Avenue PID 00239632 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 extension of public roads and the development of a subdivision containing not more than fourteen (14) lots for fourteen (14) single family dwellings on the Lands as described in Schedule A.

**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 number of Lots situated on the Lands indicated on Schedule A shall not exceed fourteen (14) lots.
2. The Developer agrees that the number of residential dwellings situated on the Lands indicated on Schedule A shall not exceed fourteen (14) single family dwellings.
3. The Developer agrees to submit for approval by the Town, prior to commencing any work on the subdivision, the following plans, each meeting the requirements in accordance with the minimum requirements, standards and specifications as prescribed in the Standard Specifications for Developers of Rothesay Subdivision By-law No. 4-10;
  - i. Plan of Subdivision prepared by a person registered to practice land surveying in the Province of New Brunswick;
  - ii. a letter of engagement from the project engineer retained by the Developer to design the proposed works, along with engineering design drawings for all municipal services as specified herein; and
4. The Developer agrees that the Building Inspector shall not issue a building permit to the Developer for work directly connected with the development of the Lands, nor shall the Developer be entitled to such a permit unless and until the Developer deposits with the Town an Irrevocable Letter of Credit from a Canadian Chartered Financial Institution or other security acceptable to the Town:



- a) Valued at 50% of the cost of construction to execute the work approved by the Engineer pursuant to this agreement; and
- b) Containing a provision that upon the expiration of a thirty-six (36) month term it be renewed and extended (with appropriate amendments to reduce the sum to an amount sufficient to recover the remaining work) from year to year until such time as the Town has accepted "final completion" of the work mentioned in this agreement, by resolution of the Town Council.

### Schedules

5. 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 Plan of Subdivision

### Subdivision

6. The Developer agrees that no subdivision approvals shall be granted without the capital costs equal to a proportionate share of the cost for installing municipal infrastructure to service the Hillside South Secondary Plan area inclusive of the subject Lands have been approved by Rothesay Town Council, pursuant to Policy DEVC-1 of Rothesay By-law 1-20.
7. The Developer agrees that all Lots shall meet the requirements of the Single Family Residential – Standard Zone [R1B] as described in the Rothesay Zoning By-law No. 2-10.
8. The Town and Developer agree that the Development Officer may, at their discretion, consider a reduction in the total number of Lots and the resulting applicable and necessary changes to Schedule B as non-substantive and generally in conformance with this Agreement.
9. The Developer agrees, that except as otherwise provided for herein, the development, subdivision and 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.

### Land for Public Purposes

10. The Town and Developer agree to defer the requirement for Land for Public Purposes (LPP) until such time that the Developer submits future phases for subdivision approval and the Town has determined the preferred location of LPP.
11. Furthermore, the Town and Developer agree that an amount no less than **2484.5 square meters** being 10% of the area of the 14 lots being subdivided or **\$26,832.60** as cash in lieu LPP being 8% of the market value as calculated by by-law shall form a debit owing on the lands.

### Site Development

12. The Developer agrees to develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with Schedule B.
13. The Developer agrees to not commence clearing of trees, excavation of topsoil or blasting activities in association with the construction of the subdivision until the Town has provided final approval of the subdivision design as determined by the Development Officer, in consultation with the Town's Engineer.

14. The Developer agrees that driveways for each developed Lot shall conform as follows:

- a) All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
- b) Every developed Lot shall have one (1) permanent driveway lighting fixture that shall as follows:
  - i. provide illumination of the primary driveway entrance to the public street right of way;
  - ii. be supplied from the property's electrical system;
  - iii. automatically switch on there is insufficient daylight;
  - iv. be located not closer than 1.5 meters to the paved driveway edge and not closer than 2 meters to the public street right of way boundary; and
  - v. be installed by the Developer and maintained by the successive lot owner(s) their successors and assigns, in a manner to ensure continuous operation during nighttime hours.

15. The Developer agrees that all proposed new public utility distribution infrastructure (including electricity, telecommunications and internet lines) installed in and for the purpose of supplying service to the subdivision shall be installed underground, exclusive of existing above ground public utilities.

### **Municipal Streets**

16. The Developer shall carry out, subject to inspection and approval by Town 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 the Town;
- c. fine grading of streets to profiles approved by the Town;
- d. hard surfacing of the streets as shown on the plan to Town specifications; sub-grade standards, compaction and finish as approved by the Town Engineer, in writing, before final hard surfacing may be installed;
- e. constructing the roads as shown on the plan and complete the connection to the Higginson Avenue as shown on Schedule B;
- f. supply and maintenance of for a period of one (1) year the topsoil, sod, landscaping and the planting of street trees calculated as one tree for each 10 meters measured along the linear centre line of the public street right of way, planted in location(s) approved by the Town and where such trees are as follows:
  - (a) 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 the Town.
- g. engineering design and inspection of those works referred to in clauses b), c) d), e) and f) of this section.

17. The Developer agrees to provide, upon completion of Part (13), 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.

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

19. The Town reserves the right to assign public street names, notwithstanding

that the names may not correspond with those shown on Schedule A.

20. 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 the completed works are accepted by the Town.
21. The Developer agrees that it will not commence construction of any dwelling and no building permit will be issued by the Town for any such dwelling until such time as the street, which provides the normal access, to each dwelling, has been constructed to Town standards as specified by the Town and is ready for hard surfacing at least beyond the point which shall be used as the normal entrance of the driveway to service such dwelling.
22. The Developer agrees to restore all disturbed areas of the public street and public street right of way to the satisfaction of the Town Engineer following installation of the required municipal services.

### **Storm Water**

23. The Developer shall carry out, subject to inspection and approval by Town representatives, and pay for the entire actual costs of the installation of a storm water system. The Developer agrees to accept responsibility for all costs associated with 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, to a predetermined location selected by the Developer's Engineer and approved by the Town Engineer, from the entire developed portion of the lands as well as topsoil and hydro-seeding of shoulders of roadways.
24. 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.
25. The Developer agrees that all roof leaders, down spouts, and other storm water drains from all proposed dwelling shall not be directed or otherwise connected or discharged to the Town's storm water or sanitary collection system.
26. The Developer agrees that the storm water drainage from all dwellings shall not be discharged:
  - a. directly onto the ground surface within one meter of a proposed dwelling;
  - b. within 1.5 m of an adjacent property boundary;
  - c. to a location where discharged water has the potential to adversely impact the stability of a side yard or rear yard slope or a portion of the property where there exists a risk of instability or slope failure; or
  - d. to a location or in such a manner that the discharge water causes or has the potential to cause nuisance, hazard or damage to adjacent dwellings or structures.
27. 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.

### **Water Supply**

28. 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.
29. The Town agrees to supply potable water for the purposes and for those purposes only for a maximum of seven (7) single family residential dwellings and for minor and accessory purposes incidental thereto and for no other purposes whatsoever.
  30. The Developer agrees to pay the Town a connection fee for each residential unit to the Town water system calculated in the manner set out by By-law as amended from time to time, to be paid to the Town on issuance of each building permit.
  31. The Developer agrees that the Town does not guarantee and nothing in this Agreement shall be deemed to be 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.
  32. 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.
  33. 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.
  34. 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.
  35. The Developer agrees to provide, prior to the occupation of any buildings or portions thereof, written certification of a Professional Engineer, licensed to practice in New Brunswick that the connection of service laterals and the connection to the existing town water system has been satisfactorily completed and constructed in accordance with the Town specifications.

### **Sanitary Sewer**

36. The Developer agrees to connect to the existing and nearest sanitary sewer system at a point to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
37. The Developer agrees to pay the Town a connection fee for each residential unit to the Town sewer system calculated in the manner set out by By-law as amended from time to time, to be paid to the Town on issuance of each building permit.
38. The Developer agrees to carry out subject to inspection and approval by Town representatives, and pay for the entire actual costs of the following:
  - a. 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.
39. 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.
40. The Developer agrees that all connections 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**

41. 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.
42. The Developer agrees to obtain from the Town a Building Permit for any retaining wall, as required on the Lands, more than 1.2 meters in height and that such retaining walls will be designed by a Professional Engineer, licensed to practice in New Brunswick.

### **Indemnification**

43. 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.<sup>00</sup>). 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 aforesaid 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**

44. 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 **MR INVESTMENTS INC.**, 16 Arthur Avenue, Rothesay, New Brunswick, E2E 6A7 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**

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

### **Termination**

46. 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 commenced 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 with the provisions of the Rothesay Zoning By-law.
47. Notwithstanding Part 45 (above), the Parties agree that 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 public street and 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.

48. 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 the 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**

49. The Developer expressly agrees and understands that notwithstanding any provision of the Town's Building By-laws or any statutory by-law or regulatory provision to the contrary, the Building Inspector shall not issue a building permit to the Developer for work directly connected with the development of the Lands, nor shall the Developer be entitled to such a permit unless and until the Developer deposits with the Town an Irrevocable Letter of Credit from a Canadian Chartered Financial Institution or other security acceptable to the Town; and
- a. Valued at 50% of the cost of construction to execute the work approved by the Engineer pursuant to this agreement; and
  - b. Containing a provision that upon the expiration of a thirty-six (36) month term it be renewed and extended (with appropriate amendments to reduce the sum to an amount sufficient to recover the remaining work) from year to year until such time as the Town has accepted "final completion" of the work mentioned in this agreement, by resolution of the Town Council.

### **Failure to Comply**

50. The Developer agrees that after 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 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**

51. 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**

52. 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**

53. 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 HEREOF** the parties have duly executed these presents the day and year first above written.

Date: \_\_\_\_\_, 2022

Witness:

MR Investments Inc.

\_\_\_\_\_

Director

Witness:

Rothesay:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Clerk

**SCHEDULE A**

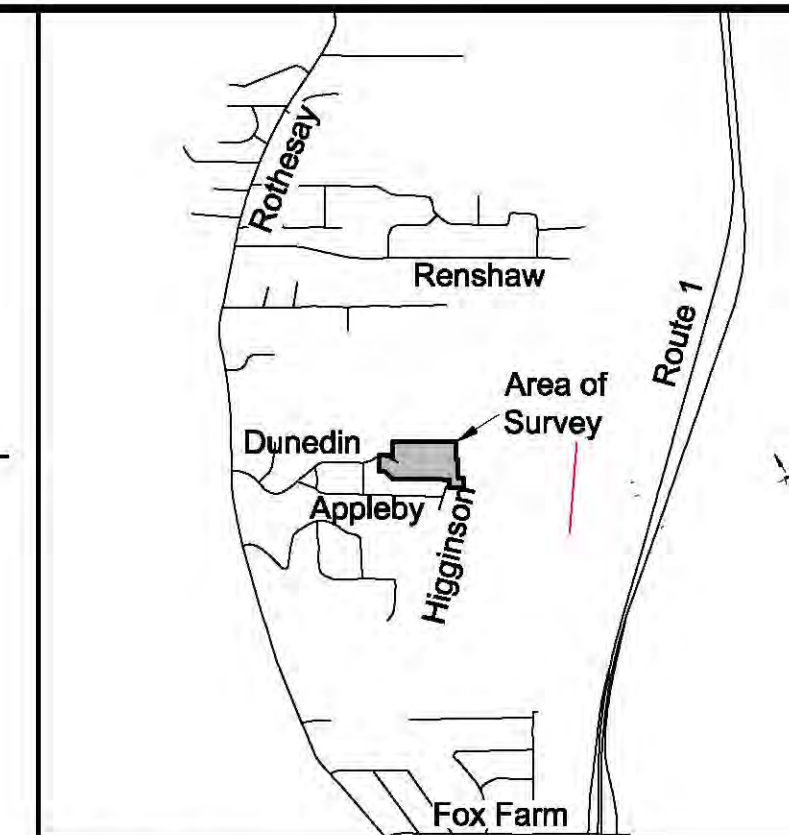
PID 00239632

DRAFT AGREEMENT



Approvals

The Riverside Country Club  
Document 21558540  
PID 30233407



Key Plan  
Scale = 1:25,000

Legend

- ⊙ SMS - Standard survey marker set
- ⊙ SMF - Standard survey marker found
- ⊙ CALC - Calculated point
- RIB - Round iron bar found
- SQIB - Square iron bar found
- IP - Iron pipe found
- N Tabulated coordinate reference
- ▬ Lands dealt with by this plan
- ▨ Public Utility Easement

Notes

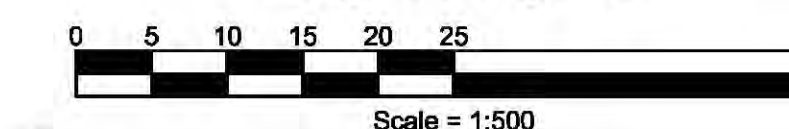
1. All computations performed and coordinates shown are based on the NB stereographic double projection and the NAD83(CSRS) ellipsoid as realized by Service New Brunswick's Active Control System.
2. All distances shown are in meters and are grid distances calculated using a combined scale factor utilizing geoid model HT2.0.
3. All directions are NB grid azimuths established using GNSS.
4. Document and plan numbers referred to are those of the land titles or county registry office.
5. Certification is not made as to legal title, being the domain of a lawyer, nor to the zoning & setback bylaws or regulations, being the domain of a development officer.
6. Certification is not made as to covenants set out in the document(s) and the location of any underground services and/or fixtures permanent or otherwise.
7. Peripheral information and adjacent owner information was derived from SNB records.

Purpose of Plan

- To create 14 new residential lots.
- To create 2 Public Streets, Rothesay Hills Road and Higginson Avenue.
- To create Public Utility Easements (PUE)

Subdivision Plan

**MR**  
**Investments Inc.**  
Higginson Avenue, Rothesay  
Kings County, NB



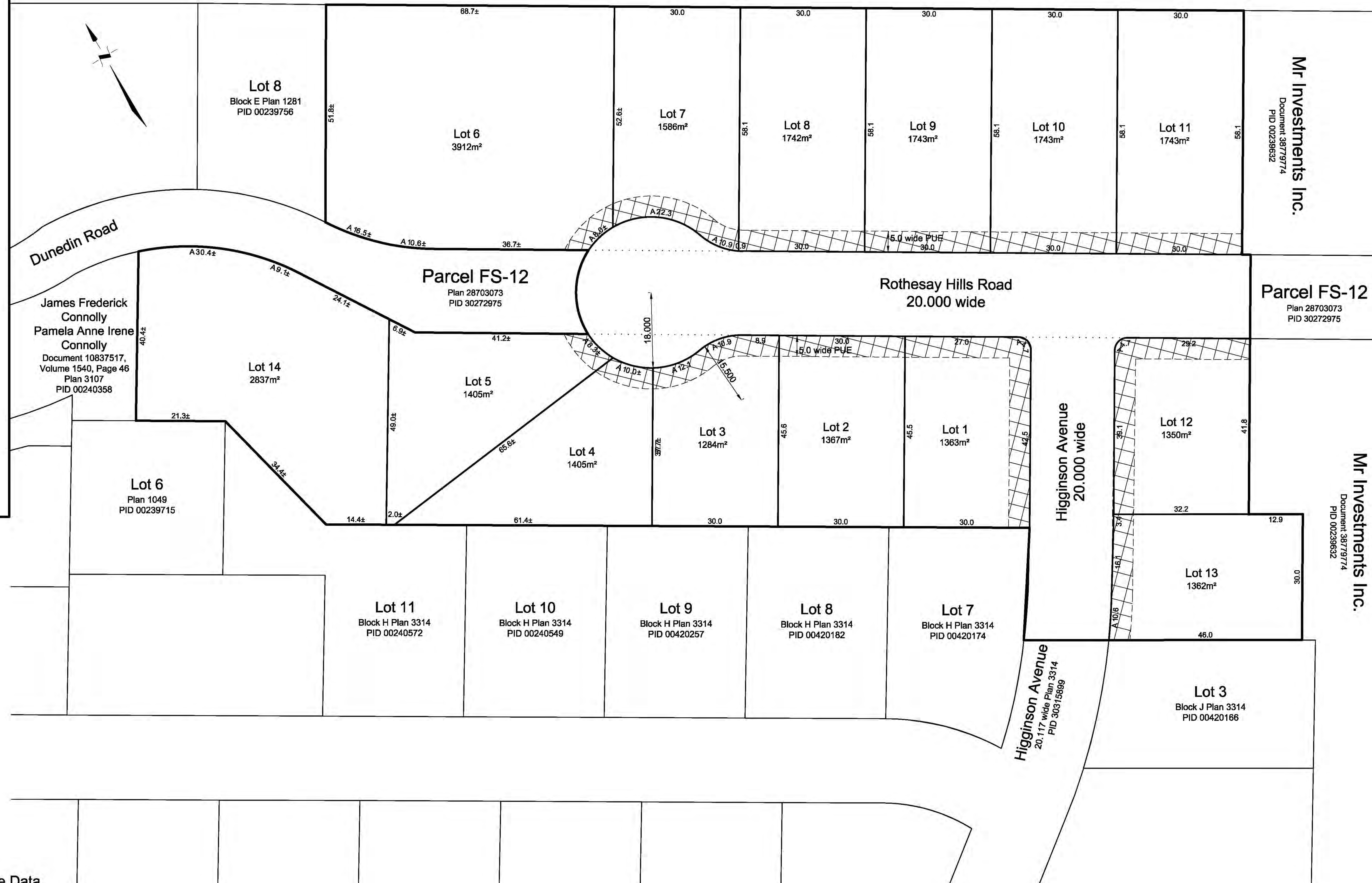
**DON - MORE**  
**SURVEYS & ENGINEERING LTD.**

Dated:  
June 28, 2022

**TENTATIVE**

Andrew K. Toole, N.B.L.S. # 379

Dwg: 21199SDT1-Phase1



Mr Investments Inc.  
Document 38779774  
PID 00239632

Parcel FS-12  
Plan 28703073  
PID 30272975

Mr Investments Inc.  
Document 38779774  
PID 00239632

James Frederick Connolly  
Pamela Anne Irene Connolly  
Document 10837517,  
Volume 1540, Page 46  
Plan 3107  
PID 00240358

Title Data  
PID 00239632  
Owner: MR Investments Inc.  
Document: 38779774  
Registered: 2019-01-31

Title Data  
PID 30282975  
Owner: Rothesay  
Document: 28702984  
Registered: May 12, 2010

Signature of Owners

Signature of Owners

Stephen Maltby, President  
For: MR Investments Inc.

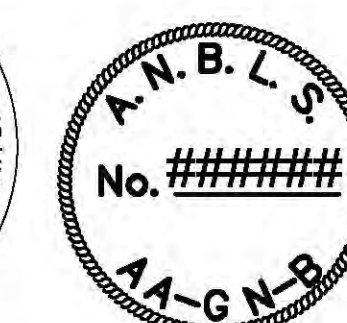
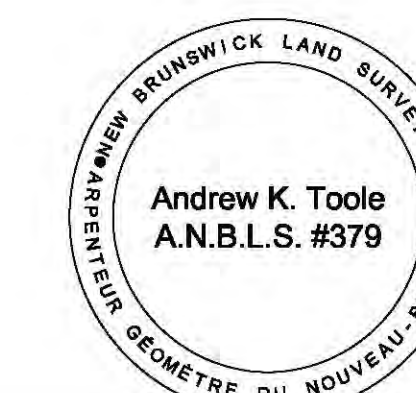
ABC, Position  
For: The Town of Rothesay

Public Streets

These streets vest in the Municipality of Rothesay pursuant to Section 88(6)(a) of the Community Planning Act.

Public Utility Easements

Pursuant to Section 5 of "Designated Easements" Regulation 2021-83 and Section 88(7)(b) of the Community Planning Act the Public Utility Easements on the plan vest in the New Brunswick Power Corporation, Bell Canada, and Rogers Communications Inc. with the filing of this plan.





Form 45

**AFFIDAVIT OF CORPORATE EXECUTION**

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

Deponent: Stephen Maltby  
16 Arthur Avenue  
Rothesay, NB E2E 6A7

Office Held by Deponent: **Director**

Corporation: MR Investments Inc.

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: \_\_\_\_\_, 2022.

I, **Stephen Maltby**, 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 "**Stephen Maltby**" 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 )

\_\_\_\_\_  
Stephen Maltby

Form 45

**AFFIDAVIT OF CORPORATE EXECUTION**

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

Deponent: Ashish Rampal  
16 Arthur Avenue  
Rothesay, NB E2E 6A7

Office Held by Deponent: **Director**

Corporation: MR Investments Inc.

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: \_\_\_\_\_, 2022.

I, **Ashish Rampal**, 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 as the officer(s) duly authorized to execute the instrument on behalf of the Corporation;
7. the signature "**Ashish Rampal**" subscribed to the within instrument is the signature of me and is in the proper handwriting of me, this deponent.
8. 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;
9. 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 )

\_\_\_\_\_  
Ashish Rampal

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;
10. 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;
11. 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;
12. 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;
13. 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



August 8<sup>th</sup>, 2022

Dear Council Members,

My name is . I am a citizen of Rothesay, and I have resided at Horton Rd. for the past 6 years.

I am writing to offer you feedback on the proposal to enter into a sub-division agreement with MR Investments Inc. (Stephen Maltby and partner), to develop 14 lots at the top of Horton and Dunedin Rds. – the “Higginson Avenue Subdivision” as it is referred to on your agenda.

Please, first let me enumerate some of the facts of the situation.

A. **Town Development Staff** indicated at the August 2<sup>nd</sup> PAC meeting the following:

1. The “Higginson Avenue Subdivision” has been designated a **PHASE I** development area.
2. In addition to the 14 lots of the Higginson Avenue Subdivision plan, there is **another PHASE I** designated parcel of land at the top of Appleby Dr., owned by A.E. MacKay, of approximately the same size and likely to accommodate at least as many lots.
3. Designated **PHASE I** development lands, according to Town Development Staff, can be developed “**without any upgrades to infrastructure or roads.**”
4. Importantly, Town Development Staff indicated at the August 2<sup>nd</sup> PAC meeting the development of **both PHASE I** designated parcels **would utilize Horton Rd.** for access because “**Appleby Rd. cannot support the heavy equipment traffic used in development.**”

B. **MR Investments Inc.,**

1. Mr. Maltby, indicated in his presentation to PAC August 2<sup>nd</sup> that the timeline for the development of the lots at the top of Dunedin and Hortons Rds. is **3 - 4 years.**

C. **The Residents of Horton, Dunedin, and Appleby Rds.** have been consistent in their feedback to Town Development Staff and previous Town Councils concerning development of these areas:

1. Local residents are not necessarily opposed to development of the lands mentioned above.
2. **However,** the current road infrastructure on Horton, Dunedin, and Appleby Rds. **cannot support** the additional traffic of heavy equipment nor the additional traffic of 25-50 cars from new residents.
3. Without any upgrades to the existing road infrastructure, allowing heavy equipment and new resident traffic, on Horton, Dunedin, and Appleby Rds., would create a **very unsafe situation** for the existing (and new) residents.
4. This feedback has been provided to Town Development Staff and previous Town Councils numerous times over the years, but certainly since 2016 when I became involved in the conversation with the Town on this issue.

I would like to bring to your attention to the following, as well:

1. There are now **20-25 children**, either school aged or soon to be school aged, living on Horton and Dunedin Rds.; **half of them are 10 years of age or younger**.
2. The existing sidewalk on Dunedin Rd. does not extend for the full length of Dunedin Rd., and **there are no sidewalks along Horton Rd., where most of the 20-25 children live**.
3. Our children need to be able to walk up/down Horton and Dunedin Rds. safely, including to access the school bus, which stops at the bottom of Dunedin Rd., where it meets Rothesay Rd.
4. The bus pickup/drop off overlaps with the time of day when heavy equipment will be transiting up and down Horton Rd. to accommodate the development plans for upwards of 30 lots.
5. This is a very unsafe situation, to allow **more vehicle traffic, including heavy equipment around many children with no sidewalks**.
6. This would not be a short lived inconvenience, this would be a fixed feature of the neighborhood.

To conclude, Town Council has several alternatives available to it to address the above concerns.

Let me address just one alternative, here: MR Investments Inc. indicated at the recent PAC meeting an openness to “working with local residents to address their issues.” Perhaps this is a sincere offer, but it almost certainly comes with limitations imposed by the developer’s financial and other considerations.

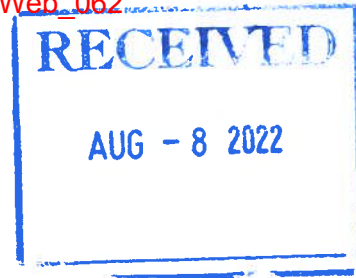
Furthermore, it is not at all clear to me that addressing these concerns can be outsourced to developers, let alone a single developer, in this case. The remedies seem too costly for a single developer to bear on their own.

Having said this, it is certainly the case, in my opinion, that allowing development of these areas, without remedying the traffic and safety issues that arise, in particular by routing new development and new resident traffic up/down Horton Rd., **invites a very unsafe situation and exposes our children to potentially tragic accidents**.

This is unacceptable to the residents of Horton, Dunedin, and Appleby Rds. We have indicated it numerous times now.

I would urge this Town Council, and future ones, to **not allow development of these areas** until these safety issues have been resolved in a transparent manner that respects the concerns of affected residents.

Thank you,



August 4, 2022

Mayor Grant & Council  
Town of Rothesay

Dear Mayor Grant and Council:

At the PAC meeting of Tuesday, August 2, 2022 there was new information regarding the subdivision approval of 14 residential lots off Higginson Avenue, specifically using the waking trail for construction vehicles. It was stated that this trail off Grove Avenue was constructed to specification which would allow vehicular traffic including heavy dump trucks and other heavy construction equipment. This would therefore eliminate the wear and tear of this heavy equipment on Dunedin, Horton Road and Higginson Avenue.

The information also reiterated the conversion of Wiljac Street from a quiet dead end residential street to a collector road. At a previous public meeting at Riverside Golf Club a number of years ago it was estimated that the average car count of Wiljac Street would eventually be that of Rothesay Road. A car count at that time was 8200/day. If minimal growth is added since that count was taken we could easily see 10,000 cars per day on this residential street. This is not acceptable for a myriad of reasons, i.e. traffic exiting Maplecrest Drive, RidgewaySt, Garden Street, and Neil Street onto a collector road.

May we respectfully request council and staff explore any and all alternatives for traffic from the undeveloped land on the secondary municipal plan accessing the McKay Highway other than Wiljac Street to Fox Farm Road.

Example: Move the walking trail elsewhere and upgrade existing construction road to Grove Avenue. Construct an on-ramp to MacKay Highway before Wiljac and Fox Farm Roads. Explore provincial and /or federal funding.

Since development is just beginning this is an ideal time to solve the issue of getting traffic from the Allison Drive and Dunedin Road study areas to the MacKay Highway, other than converting Wiljac Street from a quiet residential street to a collector highway.

Respectfully Submitted,

126 Wiljac Street

2022August15HigginsonPublicMeetingWeb\_063

**From:** [Nancy Grant](#)  
**To:** [John Jarvie](#); [Mary Jane Banks](#)  
**Subject:** Fwd: Dunedin / Horton / Higginson Development Proposal  
**Date:** August 11, 2022 9:15:46 AM

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Dr. Nancy Grant  
Mayor

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**From:**  
**Sent:** Wednesday, August 10, 2022 10:14 PM  
**To:** Nancy Grant <NancyGrant@rothesay.ca>; Matthew Alexander <MatthewAlexander@rothesay.ca>; Tiffany Mackay French <TiffanyMackayFrench@rothesay.ca>; Bill McGuire <BillMcGuire@rothesay.ca>; Dave Brown <davebrown@rothesay.ca>; Helen Boyle <helenboyle@rothesay.ca>; Peter Lewis <PeterLewis@rothesay.ca>; Don Shea <DonShea@rothesay.ca>  
**Cc:**  
**Subject:** Dunedin / Horton / Higginson Development Proposal

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My name is \_\_\_\_\_ and I live at \_\_\_\_\_ Dunedin Rd. I have lived on Dunedin Rd. since 2018, however I grew up in Rothesay, daughter to \_\_\_\_\_. I will always consider Rothesay “home.”

I have attended both the most recent PAC meeting (August 2, 2022) and the Town Council Meeting this past week. We will not be able to attend the next meeting on Monday August 15th. For that reason, I am sending along my most recent feedback and thoughts.

There are three key pieces of information that remain at the top of my list of concerns with respect to the development of Phase 1 of the Municipal Plan and the associated M R Investments Development Plan:

1) Town Communication with Residents over the past 4 years - I spoke to Brian White by phone on Tuesday Dec 11, 2018 after the initial Renforth Public Meeting regarding the draft Municipal (Secondary Hillside) plan. The objective of our phone call was to address my concerns with the Hillside Plan as outlined in my email response (dated Nov 21, 2018) to the Mayor and Town Council. Mr. White explained to me that current construction code would not support the development of what currently exists as Dunedin Rd. In addition, he stated that the top of Dunedin Rd. would **not** be developed until an access from the top of the hill



was created for safety and logistical reasons. He stated that the access would have to come from either Fox Farm, or from Grove Avenue. Given the information he provided and my personal evaluation of the "patch work" of land owners who attended the Renforth Public Session, my conclusion was that I need not continue to pursue the matter...Construction at the top of our hill was many years away, and would be triggered only with the availability of an access road. I admittedly disengaged based on the information provided. Unfortunately, there were no obvious triggers for me to reengage prior to the approval of the Municipal Plan, and in particular the approval of the Phase 1 Development.

What is new and significant information within the last two weeks was noted by Councillor Don Shea in the most recent PAC meeting. According to Mr. Shea, I was not the only resident who was told that development would not happen at the top of Dunedin Rd. without an access road from above.

While Dunedin and Horton roads certainly have not been altered, something has shifted in the Town's evaluation of Dunedin and Horton from a safety and construction traffic viability perspective. Unfortunately, I did not follow the Town meetings, nor the PAC meetings after 2018 so I cannot speak to how the approval for Phase 1 Development came to be. It is unfortunate that the Dunedin / Horton Rd. residents were not proactively informed by the Town that the Phase 1 possibility was back on the table, particularly given that we were responding (or more accurately not responding) based on Mr. White's earlier conflicting information.

I want to make it clear that I now understand that it is the resident's responsibility to follow monthly Town Meeting Agendas. I also recognize that planning constraints and opportunities can change over time. Please know that in hindsight, I would have been more engaged in the on-going development of the Master / Municipal / Secondary Hillside planning process had I known it was heading in the direction that it was.

2) The possibility of having **TWO** simultaneous Phase 1 development projects totalling approximately 30 new homes has the potential have very significant negative impacts on current residents over several years. Contrary to Mr Maltby's assessment at the PAC meeting that the new home build at Dunedin (which is closer to the bottom of the hill) "caused no issues," I feel that there were issues. There were several instances where I had to wait for a truck to manoeuvre before I could pass or exit / enter our neighbourhood...sometimes for as long as 20 minutes. We also stopped using our bikes on the hill for a period of time as there was a lot of dirt, rocks / sand, construction debris that made bikes dangerous. Of note, we did not complain either to the new owners or the Town. We simply accepted the inconveniences as we knew they were short lived. However, this was **one** home being built, on an existing road and on an existing lot. The prospect of having 14-29 homes (Phase 1) with supporting lot preparation and road work happening over several years is a very different scenario and one that I do not think current residents should have to live with. I am confident that all Town Councillors can empathize with the concern that comes with the prospect of such significant construction given the geography of our residential neighbourhood.

3) Sending any sort of construction vehicles, and any sort of volume of vehicles up and down Dunedin / Horton Rd. is just NOT safe. We are a "one-way in, one-way out" road. Our road is exceptionally steep, heavily treed, with several blind corners. It is narrow, and only has a short piece of sidewalk. It is a not a fun piece of road to have to navigate in the winter. Most

residents are very familiar with driving our 4-wheel drive vehicles into snow banks on the decent to reduce speed or prevent sliding into Rothesay Rd. traffic. Our small stretch of sidewalk often completely disappears under snow banks. In addition, Dunedin / Horton Rd. is home to many young families. There is no shortage of walkers, bikes, scooters, basketball games, and pets, etc...in our roads on a daily basis. Many of us chose to buy homes in this neighbourhood for this very reason...we have families and wanted to live in a quiet, protected neighbourhood.

In closing, I want to speak briefly to how I am currently feeling. It is not typical in these types of discussions to acknowledge “feelings” however, for what it is worth, I do want to share my current perception. While I know that the Town Mayor and Staff are following the appropriate protocols and I am not questioning the process that has been followed, I cannot help but feel as though I have recently been invited to engage in a friendly game, only to arrive with the best of intentions and find out that I was an hour too late for the match, and that I had lost... meanwhile my opponent had spent the last 3 years training, had mastered all of the rules and required skills (of which I still have no knowledge of), had rounded up the best team, and got the correct memo on the start time for the game.

The Secondary / Municipal plan has been officially been worked and approved over the past 3 years (Covid notably occupying 2 of them), and despite considering myself a stakeholder and quite possibly one of the first to be impacted by its implementation, I had no knowledge of this effort beyond the initial 2018 meeting at Renforth. As a community, we now have no ability to contribute to a plan that has already been approved. While as a Town Council, you have no requirement to proactively communicate with residents (my understanding is that the responsibility lies with the residents to stay informed as to Town Meeting Agendas), I do think that some reflection on what is “required” vs. what is “right” when it comes to communication is warranted. I have yet to speak to any local Rothesay residents beyond our close community who are in fact aware of the development plans that have been approved by this Town Council. I suspect going forward, you will continue to face residents who feel equally concerned and blind-sided. Mr. Alexander...I suspect you were on to something when you suggested that the link to the Municipal Plan be posted in a more prominent location.

I would like thank you in advance for reviewing my thoughts and concerns. For your reference, below is my original email regarding the M R Investment Development Project, dated June 29th.

sent to PAC Dated June 29th, 2022

I am writing from Dunedin Rd. We have spoke before, as a result of my response to the Town of Rothesay Master Plan presentation from a few years ago.

I have received the notification of the proposed development on Higginson.

My concerns from years ago stand and are listed below.... These developments require thought and planning:

1) Sending any sort of construction vehicles up and down Dunedin Rd. is just NOT safe. We are a “one-way in, one-way out” road. Our road is exceptionally steep, with several blind corners, it is narrow, and does not have sidewalks. In addition, Dunedin / Horton it is home to many families, many young families. There is no shortage of walkers, bikes, scooters, basketball, etc.... Moving trucks and delivery trucks struggle to manoeuvre. School buses do not travel the hill. Snow plows often required chains on their tires through the winter.

When I spoke with you directly a few years ago, you personally made it clear, that based on today’s construction code, Dunedin would actually not exist. You also stated that the top of Dunedin would NOT be developed until an access at the top of the hill was created for safety and logistical reasons. You stated that the access would have to come from either Fox Farm, or from Grove. The original plan to develop the hill from the “top down” makes a lot of logistical sense for all existing homes from the Rothesay Rd. to Hillside and should be respected and enforced.

2) Traffic flow on to Rothesay Rd. particularly during commuter hours (7-9am, 4-6pm) - This needs to be a consideration for all development on the hill. We all struggle to make left hand turns when trying to leave our neighbourhoods during peak traffic hours. Making a left hand turn on the Rothesay Rd. is near impossible and often dangerous especially as we have a “blind knoll” to our left at the bottom of the hill. Adding more population / cars to our hill is only going to make it more difficult for us to leave our street....Back to the “one-way in, one-way out” issue. This issue also points back to the need for access to be created off of the top of Fox Farm or the Top of Grove before this kind of development can happen.

3) I would like to know if an Environmental Impact Assessment and Water Flow Assessment has been completed. There is a lot of water where the new lots are set to appear. I certainly want assurances that environmental regulations are being respected and that the water flow is addressed in such a way so that those of us who live downhill from this development do not wind up with water in our basements or “rivers: running down our roads. These “rivers” can quickly turn into very icy and dangerous patches in the winter.

4) The lots should be larger and more in line with the aesthetic of the existing homes in this neighbourhood. My biggest fear is that we will see a similar development to what McKay did off of Gibbon Rd (Summer Haven development)...Lots where trees are “clear-cut” and big homes are jammed in on relatively small lots, and there are no sidewalks. What protects the residents from a similar development happening at the top of our hill?

5) I would like to know if anything is being done to address the eventual loss of the Hillside Trail. I recognize that Hillside is a road in the “master plan.” I do, however, feel that town planners need to account for how much residents value trails for walking and biking. I would like to see a plan to replace what is currently the Hillside Trail and in the interim, I would like assurances that there will be some sort of access to the Hillside trail from Dunedin / Higginson.

6) The plan for the top of Dunedin is not clear from the drawing. Does the road connect all



the way through or does it "dead end" before what appears to be a court?

Beyond this development, as a Rothesay resident, I have some other concerns as it relates to any and all development that will drive more population....

Adding population density to any part of Rothesay requires some thought and planning as it relates to the roadways and infrastructure. Rothesay Rd. Is becoming busy. It is not well maintained, is becoming increasingly congested and unsafe for cyclists. The intersection at ForeFitness is precarious at best, particularly during school drop-off and pick-up hours. When you hit Marr Rd. after 3pm...you cannot get through the Marr Rd. light without facing a long line-up. Quite simply, I am not convinced that the Town is really ready for increasing the population. You have to earn the right to grow...you need the infrastructure and the traffic planning in place first.

We bought our home in Rothesay (not Quispamsis) for several reasons. We loved the aesthetic, the space, the mature trees, the large lots, the simple traffic flow. We also love the trails, and the lifestyle it provides. If you drive around the new developments in Quispamsis, they have had to put in place a multitude of traffic barriers in many configurations to manage traffic and slow drivers down...pylons in ever changing configurations, traffic circles, rumble strips and speed bumps are all in use due to poor planning.

I am not against development. I am against development that is not well planned, where vision is lacking, and that does not respect existing residents. While some may argue that new development will drive property values up, I would argue the opposite. To the Town of Rothesay...you need to figure out what you want to be when you grow up...what towns you want to emulate, what lifestyle you want to provide residents and what services / infrastructure your residents value now and / or will value in years to come and ensure that developments are done safely, respectfully and are in line with the vision.

2022August15HigginsonPublicMeetingWeb\_068

**From:** [Nancy Grant](#)  
**To:** [John Jarvie](#); [Mary Jane Banks](#)  
**Subject:** Fwd: Higginson Development-Additional Questions  
**Date:** August 11, 2022 12:12:42 PM

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Dr. Nancy Grant  
Mayor

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**From:**  
**Sent:** Thursday, August 11, 2022 11:37:36 AM  
**To:** Nancy Grant <NancyGrant@rothesay.ca>; Matthew Alexander <MatthewAlexander@rothesay.ca>; Tiffany Mackay French <TiffanyMackayFrench@rothesay.ca>; Bill McGuire <BillMcGuire@rothesay.ca>; Dave Brown <davebrown@rothesay.ca>; Helen Boyle <helenboyle@rothesay.ca>; Peter Lewis <PeterLewis@rothesay.ca>; Don Shea <DonShea@rothesay.ca>  
**Cc:** Brian White <BrianWhite@rothesay.ca>  
**Subject:** Higginson Development-Additional Questions

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My name is \_\_\_\_\_ and my husband, \_\_\_\_\_, and our family live at \_\_\_\_\_ Valpy Drive. We moved here in December 2016 and have loved living in Rothesay for all of the reasons that you are all passionately involved in The Town's careful stewardship.

I am writing today about the proposed development on Higginson and have additional concerns some of which have been addressed earlier with Brian White (back in 2019 and a few weeks back) .

Brian agreed with me that Dunedin is not a viable option for construction vehicles to support (due to grade and its winding roads) the development of the proposed 14 houses and potentially the additional homes at the top of Appleby, therefore he agreed with me that the Hillside Trail (which was built as a road to support the entire development phases along with Wiljack) be used for this purpose. I do not believe Brian's thoughts have changed on this matter at this time.

Back in 2019 I had asked Brian if The Town was planning on looking in to buried power lines for all of the Phases. He had mentioned it would be costly but I personally feel with our increasing power outages during windy storms think it is something that should be addressed at the front-end of any planned development up on our hills. Big or Small. This is an

opportunity to be at the leading edge of change. Has this been widely discussed?

Has the Riverside Golf and Country Club and its members been consulted? And if so, whom did The Town speak with at The Club? They would be considered stakeholders in Phase One.

Furthermore, as the proposed Phase One developments (Higginson and eventually Appleby) are on a hill, have erosion and sediment studies been completed? I am aware that current local developers are having challenges with this in other local municipalities and with the nature of this work being completed on a hill with neighbours living below is, I am sure you can appreciate, a concern to our both our collective properties and our wells. This is not one new home, this is 29.

Has the Town aggressively vetted all and any builders who plan to build in any of the phases? Both financially and operationally? I was fortunate to have the opportunity to speak with staff from the Province of NB - Environmental Division at work this morning and ask questions surrounding this plan and was alarmed to discover that one of the proposed builders for Phase One has a history of project mis-management that specifically includes erosion and sediment concerns surrounding hillside-type development. This should concern all of us and Council.

These Town meetings discussing (not one drive-thru restaurant or the liquor license of a hair salon but a massive and intrusive development) have been scheduled in quick succession and during prime vacation time, leaving many residents out of the sessions and giving stakeholders very little time to review documentation and respond in a fair and informed manner. The Builder was afforded more time. Also, passing the municipal plan during Covid after what I witnessed to be a passionate crowd at the Renforth meeting in 2018 seems suspicious. I did not see any resident support of any phased development there at all. You must appreciate that to the residents who attended that meeting this all feels calculated and has left us at a disadvantage.

As stewards of this land and with this amazing opportunity to thoughtfully develop this area it is incumbent upon The Town to ensure all phases are carefully thought out and executed to standards that will be the envy of small towns across our Valley, the Province and Canada.

Thank you in advance for your time and consideration,



2022August15HigginsonPublicMeetingWeb\_070

**From:**  
**To:** [Nancy Grant](#); [Matthew Alexander](#); [Tiffany Mackay French](#); [Bill McGuire](#); [Dave Brown](#); [Helen Boyle](#); [Peter Lewis](#); [Don Shea](#)  
**Cc:** [Brian White](#); [Mary Jane Banks](#)  
**Subject:** Dunedin / Horton / Higginson Development  
**Date:** August 11, 2022 1:07:59 PM

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My name is \_\_\_\_\_ and my wife \_\_\_\_\_ and \_\_\_\_\_ live at Valpy Drive (basically the connecting street for Dunedin Rd and Horton Road). We moved to Rothesay from Toronto in 2016 and proudly call Rothesay our home due to its green space, friendly neighbourhood and peacefulness.

In all honesty we have not been as close to the progression of the approval of this Dunedin/Horton/Higginson development proposal as we would like to have been mostly because we were unaware of the process but my wife attended the Renforth Public meeting in 2018, the PAC meeting on August 2, 2022 and we both attended the recent Town Council meeting that transpired this past week.

I am writing to inform the council that I (along with my wife) are against the approval of the MR Investments Development plan and its application to redevelop the property at the top of Dunedin Road in Rothesay. We, like many if not all of our neighbours in the community who are in the know about this application, moved to Rothesay and in particular this neighbourhood, to get away from more developed areas (such as our local community in Toronto) and, in our opinion, poorly developed areas such as Quispamsis. We are not against development, per say, but we are against this project for many reasons, as are many other residents of the community.

A project of this magnitude will have significant impacts on many aspects of our community. These impacts will not be to Dunedin / Horton alone. The surrounding neighbourhoods will be impacted as well. While the developer has been vague about the number of trucks that will be moving through the area on a single day, the physical impact of these tractor trailers on our roads and quality of life due to extra traffic are not the only concerns.

The change in permeable coverage will adversely impact the environment by: 1) damaging or destroying the habitats of migrating birds, threatened or endangered species and other native flora and fauna, 2) adding additional strain and potential damage to the water tables that most homes in the community rely on for their water source in the form of wells and 3) increasing the risk for water and erosion runoff. I have not seen an environmental assessment for this proposed application but would surmise that numerous concerns would be identified and require further review. Already in this community one does not see neighbours watering their lawns due to limitations on our well water system. The proposed development and its construction could displace an already fragile water table.

Additionally, a Phase 1 development of this size has the potential to over extend the public roads and safety organizations here in Rothesay. Have you also considered the additional fire, police and emergency medical services responses that would need to accompany this development? Have you considered the strain on the existing infrastructure including the added volume of traffic on Rothesay Road that already is

in need of significant repair. Has council taken the time to drive up Dunedin Road and to experience the significant steepness to see and experience firsthand how narrow Dunedin and Horton roads are or see how serpentine and dangerous the streets can be with their blind corners? Now imagine putting dump trucks running up and down them all day for years, doubling or worse the volume of traffic with the roads filled with people on a walk, their pets, wildlife, snowbanks and frozen water runoff but no sidewalks to provide safety and refuge. Does council realize that Dunedin Road is so poorly designed, many residents are required to park their cars at the bottom of the hill on Rothesay Road during particularly bad winter storms. Anecdotally, in our family alone we had to trade-in a two-year old front-wheel drive van for the same make and model van but that was four-wheel drive to navigate the uphill climb and any descent.

Just as importantly as the environmental and safety concerns, I have serious concerns regarding the Council itself. The Council's job is to work in the best interest of the community. It is not to make decisions based on one's own personal wants and desires. Imagine you lived in this community and had these concerns that I raise and that my fellow neighbours have raised in the numerous letters that have been written and received by you that do not support this development – wouldn't you want to be listened to and wouldn't you have the better perspective of the impact of this proposed development rather than reading about it and relying on a glossy pitchbook drafted by a developer who has only one motivation - to build his homes and to reap the financial benefits without living with the implications?

Finally - one area that I would like to focus on in my letter - the communication by the town and the developer regarding this development. In the Town Council meeting last Monday there were many references to the outreach to the stakeholders to make the approval process as transparent and inclusive as possible.

Offering stakeholders 10 minutes to address a potential lifetime impact on their lives seems not only unfair but it only underlines the lack of good faith and transparency of this process. You, as men and women elected to the Council, are supposed to represent this community and if you are not prepared to listen to the concerns of your neighbours then you have no business being in your position. This has been and is seen as a process that is ramming a development, one that has not been fully vetted, down the throats of the community that you support and if this project moves forward, those of you who vote in favor will forever leave a stain on our community. There has been what appears to be a deliberate lack of transparency across the board and the changing of the town council viewpoint and focus on speed rather than outcome on this proposed development, and how it was done, is very concerning.

- setting up a PAC and then disregarding their recommendations;
- hosting the Renforth Public meeting only to then disregard their concerns;
- requesting and receiving letters from the community only to then disregard their concerns and lack of support for the development;
- lack of canvassing of stakeholders. Moving from Toronto we were unaware of the process and so were our neighbours, that we bore the responsibility to regularly review Town Hall meeting agendas. Our experience and after discussions with neighbours, their expectation was that the city or town mailed paper notifications and updates on proposed developments that impacted neighbourhoods. Does Council know that aside from the residential community not

## 2022August15HigginsonPublicMeetingWeb\_072

being formally and transparently canvassed that Riverside Golf Club is also unaware of the status of this proposed development with the developer having disregarded and not showed up to 4 arranged meetings? Seems like an important stakeholder in this process considering the proposed developments border both sides of the golf course;

- conflicting messaging whereby Brian White had communicated to certain neighbours that the current construction code would not support the development of what currently exists as Dunedin Road. In addition, he stated that the top of Dunedin Road would not be developed until an access from the top of the hill was created for safety and logistical reasons;

- what changed for the Council? The sceptic in me says that as long as its not in your backyard then the Council made a decision and disregarded the input, thoughts and concerns of the community it serves. The optimist in me says its not too late and perhaps Council can bring some aspect of transparency to the process and speak for 10 minutes and explain to an open house of members of the affected community why this application is moving forward and why the concerns of the community are falling on deaf ears.

I hope that the council will listen to the community members and re-evaluate this proposal. It isn't too late to rescind any approvals. Please work with the residents to preserve our small-town and neighbourly atmosphere and please listen to our concerns that can contribute to a better plan moving forward.

I would like to thank you for reviewing my thoughts and concerns.

2022August15HigginsonPublicMeetingWeb\_073

**From:**  
**To:** [Rothesay Info](#)  
**Subject:** Proposed Rothesay Hills Subdivision (Higginson Avenue)  
**Date:** August 12, 2022 10:49:01 AM

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ATTN: Town Clerk

Given the history and complexity of development issues surrounding the area in question, it was my understanding any development plan would be put on hold until such time as a collector road was in place. The existing single access to Dunedin and Horton Road is inadequate for the current number of homes served, An increase in traffic volume will create an additional burden on an already serious problem. This places safety at the forefront in regards to an overused infrastructure. The winter months alone make driving and the ability to access Dunedin and Horton Road very difficult. The latter being a common sight with numerous cars parked alongside Rothesay Road.



## 2022August15HigginsonPublicMeetingWeb\_074

**From:**  
**To:** [Nancy Grant](#); [Matthew Alexander](#); [Tiffany Mackay French](#); [Bill McGuire](#); [Dave Brown](#); [Helen Boyle](#); [Peter Lewis](#); [Don Shea](#)  
**Cc:** [Mary Jane Banks](#); [John Jarvie](#)  
**Subject:** MR Investments Higginson Drive Proposed Project  
**Date:** August 12, 2022 11:45:43 AM

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August 12, 2022

Mayor Grant & Members of Rothesay Council

I have just become aware of this proposed project from reading the PAC information in the August Council kit and will not be able to attend the public meeting on August 15<sup>th</sup>. There are several areas of the information given where I have concerns or questions:

### 1. Non extension of Dunedin Road

It would appear that 11 of the 14 proposed lots are on what would be considered an extension of Dunedin Road yet the project is being called the Higginson Avenue project where 3 lots are located. At the August 2<sup>nd</sup> PAC meeting, DO MacLean made the comment that an extension of Dunedin Road could occur but "but has not because of public opposition". I do not recall seeing this opposition being documented in the material presented and since Dunedin Road is the most direct path for this development why was a decision to direct the traffic onto Horton Road where probably 30 homes will be affected by the traffic instead of maybe 10 on Dunedin? Directing the additional traffic to Horton includes a steep Hill and stop sign where Horton intersects with Dunedin. What is the methodology that staff used to factor this opposition into their original recommendation to PAC and who made this somewhat arbitrary decision?

### 2. Hillside Trail

Mr. Maly in his presentation stated that moving construction vehicles on Dunedin Road would not cause any issues. Mr. Maly also explained to PAC that town staff volunteered to shut down the "Hillside Trail" for 3-4 years (except evenings & weekends) and use it for the construction equipment to access the development. This trail has been widely used by the public for 10 years and the town has encouraged its use for recreation purposes by spreading crushed stone on it, grooming it in winter, putting in a portable washroom etc. I don't believe it was constructed for the use of heavy vehicles and in fact one of the wooden bridges had to be replaced a couple of years ago from the use of walkers, bicycles and town pickup truck.

When the waterline was built, one of the requirements of the NB Department of Environment was that the section from the MacKay Highway to Dunedin had to be restored somewhat to its original state due to the wetland nature of most of it. As I met with the Minister, Hon. Margaret Ann Blaney and the Department Director for the Saint John area. The purpose of the meeting was to set out the positive health benefits of retaining it as it was(is) and Ms. Blaney agreed. So in fact this section of the waterline was specifically retained for a recreation trail, not a service road etc.

### 3. Storm Water

The PAC minutes refer to a comment by DO MacLean that there is no “evidence “ that the existing stormwater system would not handle additional capacity. On page 3 of Director White’s memo to PAC on the project states at the top of page 3 “The capacity of the existing storm sewers is unknown at this time”. Should stormwater capacity not be quantified before the phase 1 development goes ahead and tied into the stormwater management study for this project and future parts of the Phase 1 development?

### 4. Costs to Developer for Existing Water and Sewer Servicing

The water and sewer line to service this proposed development was part of a some \$8,000,000 project 10-12 years ago for which Rothesay taxpayers are probably still repaying the debt. I don’t see any reference to charging the developer a portion of these costs which I believe is town policy.

### 5. Other Comments

Rothesay Council may need to periodically consider how new development takes place in Rothesay as an attempt is made to meet the need for additional housing. It must be kept in mind that developers are businesses whose main objective is to maximize profits and while there is nothing wrong with that, developments should not come at a cost of altering the character of neighborhoods or saddling future taxpayers with project shortcomings-think the \$1,500,000 Oakville Acre retention pond. Existing homeowners are the least informed of development projects until the last minute and after the developer has dialogued with town representatives for several months in some cases.

There is always the argument that it creates new revenue for the town however this also typically leads to additional expenditures and it would be hard to find examples of municipalities-including Rothesay, where additional developments lead to lower property tax bills for all.

Cc. Andrew MacMackin, Chair PAC