



**Rothesay Planning Advisory Committee**  
**Regular Meeting Monday, October 3, 2022**  
**Town Hall Common Room**  
**5:30 p.m.**

- 1. Approval of the Agenda**
- 2. Approval of Minutes**
  - 2.1. Regular Meeting of August 2, 2022
- 3. Declaration of Conflict of Interest**
- 4. New Business**
  - 4.1 50 Hampton Road (PID 00255984) – Rezoning (1 apartment building – 27 units)
  - 4.2 School Avenue (PIDs 30146708 & 30146674) – Rezoning & Subdivision Agreement
- 5. Old Business**

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**TABLED ITEMS**

**Tabled February 5, 2018 – *no action at this time***

5.1 Subdivision Approval - 7 Lots off Appleby Drive (PID 30175467)

**Tabled September 8, 2020 – *no action at this time***

5.2 Removal of PAC conditions and variance – 59 Dolan Road (PID 00094938)

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**6. Correspondence for Information**

N/A

**7. Date of Next Meeting**

**PAC Meeting Date**

Monday, November 7, 2022

**Submission Deadline**

October 14, 2022

**Location**

Town Hall

**8. Adjournment**



# ROTHESAY

PLANNING ADVISORY COMMITTEE MEETING  
Rothesay Town Hall Common Room  
Tuesday, August 2, 2022 at 5:30 p.m.



2.1

**DRAFT**

**PRESENT:** TRACIE BRITTAIN, VICE-CHAIRPERSON  
JOHN BUCHANAN  
MATTHEW GRAHAM  
COUNCILLOR TIFFANY MACKAY FRENCH  
COUNCILLOR DON SHEA  
CHRISTIANE VAILLANCOURT

TOWN MANAGER JOHN JARVIE  
TOWN CLERK MARY JANE BANKS  
DIRECTOR OF PLANNING/DEVELOPMENT (DPDS) BRIAN WHITE  
DIRECTOR OF OPERATIONS (DO) BRETT MCLEAN  
RECORDING SECRETARY LIZ HAZLETT

**ABSENT:** ANDREW MCMACKIN, CHAIRPERSON  
KELLY ADAMS

Vice-Chairperson Brittain called the meeting to order at 5:30 p.m.

## 1. APPROVAL OF THE AGENDA

**MOVED** by Counc. Shea and seconded by Counc. Mackay French the agenda be approved with the addition of:

- 29 July 2022 Email from resident RE: Higginson Avenue (*Item 5.3*)
- 2 August 2022 Email from resident RE: Higginson Avenue (*Item 5.3*)

**CARRIED.**

## 2. ADOPTION OF MINUTES

### 2.1 Regular Meeting of July 4, 2022

**MOVED** by C. Vaillancourt and seconded by M. Graham the Minutes of July 4, 2022 be adopted as circulated.

**CARRIED.**

## 3. DECLARATION OF CONFLICT OF INTEREST

Counc. Shea declared a conflict of interest for Item 4.1 110-112 Hampton Road.

Counc. Shea declared a conflict of interest and left the meeting.

## 4. NEW BUSINESS

- 4.1 **110-112 Hampton Road** KEEL Property Holdings Ltd.  
OWNER: 619699 N.B. INC.  
PID: 00242818, 00242826, 30188411  
PROPOSAL: Conditional Use – Restaurant (Drive Through)

A representative of KEEL Property Holdings Ltd., Mark Greatorex, was in attendance. DPDS White advised the request is to permit a restaurant with a drive-through at 110-112 Hampton Road as a Conditional Use.

DPDS White summarized the report, noting: the property is on a corner lot with access to Rosedale Avenue and Hampton Road, situated between a daycare and Cochran's Country Market; the land consists of three parcels zoned Central Commercial – to be consolidated if approval is granted; the proposal meets or exceeds all by-law requirements for parking, drive-through queuing, and landscaping; noise and nuisance concerns are not expected as the restaurant is not licensed, music will not be provided on the patio, and it is located approximately 150 feet from the nearest residential dwelling; and a stormwater management plan – prepared by a professional engineer and reviewed by the Town Engineer – is required for a development permit.

The Committee raised concerns regarding traffic congestion, asphalt (more parking spaces than required), and stormwater runoff (current problematic area).

Brett McLean, the Director of Operations/Town Engineer, acknowledged it is a problematic area, but the developer is required to submit a net-zero stormwater management plan, and there is an opportunity for staff and the developer to discuss details to mitigate traffic concerns. He added, the cost of any improvements required, for instance the widening of Rosedale Avenue – if necessary, would be borne by the developer. In response to an inquiry, DPDS White confirmed these conditions would be included in the development agreement.

Mr. Greatorex addressed traffic flow, parking, and a suggestion to strike an agreement with a neighbouring property for parking. He mentioned most cars will access the property from Hampton Road, which has a middle lane for turning to reduce traffic interruptions. Vehicles will circle the perimeter of the property to access the drive-through, and there is ample parking for restaurant operations, and staff, which lowers the risk of complaints. He added he does not think a neighbouring property owner would be interested in sharing use of their parking lot, as it would not be a mutually beneficial arrangement. When questioned, Mr. Greatorex noted there will be 30 seats in the restaurant, give or take 5 on either side; however, a change in the number of seats would not change the size of the building.

Ralph Forte, 120 Applebee Drive, asked the Committee to consider if drive-throughs should be permitted in this day and age, citing greenhouse gas emissions and health concerns.

M. Graham inquired about the process. DPDS White confirmed, if approved, the process for a development permit would begin, which would ensure landscaping and stormwater management requirements are met. Counc. Mackay French noted, and DPDS White confirmed, the Central Commercial Zone is preferable for restaurants. The intent is to determine if there are any concerns pertaining to restaurant operations – odour, noise, license concerns, hours of operation, etc.

**MOVED** by Counc. Mackay French and seconded by J. Buchanan the Planning Advisory Committee hereby grants Conditional Use approval of a restaurant with a drive-through at 110-112 Hampton Road (PIDs 00242818, 00242826, 30188411).

**NAY vote recorded from C. Vaillancourt.**

**CARRIED.**

Mr. Greatorex left the meeting.

Counc. Shea returned to the meeting.

- 4.2 **154 Hampton Road** Khristie LeBlanc, Manager  
 OWNER: White Bay Enterprises Ltd.  
 PID: 00243162  
 PROPOSAL: Licensed Establishment

The applicant Ms. LeBlanc was not in attendance. DPDS White advised the request is to allow a licensed establishment at 154 Hampton Road as a Conditional Use. He noted the intent is to offer “a glass of wine” to the clients of Cedar Rose Beauty during their appointments. He highlighted the following: the property is zoned Central Commercial which permits licensed establishments as conditional uses; a Special Facility License for 25 persons is required for the business; and staff do not have concerns with the proposed conditional use.

Counc. Shea asked if the Special Facility License will restrict the type of alcohol (wine service only). DPDS White noted he does not believe so, but the Committee can include this as a condition, if desired.

C. Vaillancourt asked if ownership of the business changes, is approval transferrable or would the new owners need to reapply. DPDS White confirmed the approval is attached to the business and the license issued by the Province.

**MOVED** by J. Buchanan and seconded by Counc. Mackay French the Planning Advisory Committee hereby grants Conditional Use approval of a licensed establishment being a Special Facility License for 25 persons or less occupancy at 154 Hampton Road (PID 00243162).

**CARRIED.**

## 5. OLD BUSINESS

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### TABLED ITEMS

**Tabled February 5, 2018 – no action at this time**

5.1 Subdivision Approval - 7 Lots off Appleby Drive (PID 30175467)

**Tabled September 8, 2020 – no action at this time**

5.2 Removal of PAC conditions and variance – 59 Dolan Road (PID 00094938)

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- 5.3 **Higginson Avenue** Stephen Maltby  
 OWNER: M R Investments Inc.  
 PID: 00239632  
 PROPOSAL: Subdivision Agreement – 14 Residential Lots

**Addenda:**

- 29 July 2022 Email from resident RE: Higginson Avenue
- 2 August 2022 Email from resident RE: Higginson Avenue

**MOVED** by M. Graham and seconded by Counc. Shea the Rothesay Planning Advisory Committee remove the application for a subdivision agreement – 14 lots off Higginson Avenue (PID 00239632) from the table.

**CARRIED.**

The applicant Mr. Maltby, and Andrew Toole of Don-More Surveys & Engineering Ltd., were in attendance.

Mr. Maltby gave a presentation, highlighting: a brief overview of the company – which he owns alongside his wife (his family has been Rothesay residents since 2000), and another partner (with plans to move back to Atlantic Canada); a focus to provide quality living spaces (similar to the company's Tranquility Estates project in Quispamsis); thorough and thoughtful development for a comprehensively planned area (Phase 1 of the 2019 Hillside Secondary Plan, and 2020 Municipal Plan); potential use of the land has been scrutinized over many years by staff, Council, and the public; the "Rothesay Hills" proposal complies with the Hillside Secondary Plan, the Municipal Plan, adheres to public feedback received during public consultations for both Plans, is supported by Town staff, and addresses a need for housing; all proposed lots exceed the minimum lot size requirement of 1350 m<sup>2</sup> by roughly 31%, with the exception of Lot #3 which requires a variance of 5% because of the cul-de-sac; 16 lots are permitted but only 14 are proposed; and the benefits of living in Rothesay (safe community, healthy drinking water, access to nature and amenities). Mr. Maltby concluded by addressing concerns in correspondence received from residents. He noted: 14 additional single family homes pose no safety issues regarding traffic volume; heavy construction trucks have successfully travelled on Dunedin Road during construction of the existing homes, and a more recent development; an option is being explored to utilize the Hillside Trail for construction vehicles during development; the development will connect to the existing municipal services; water run-off poses no concerns to existing residences as indicated in the Stormwater Review by Mr. Toole; the proposal aligns with the Town's Secondary Plan and Municipal Plan; and Phase 1 of development has already been approved in the Secondary Plan – and all subsequent phases will require a collector road and other infrastructure such as a sewage lift station in order to proceed. He confirmed his interest is in working with the Town and its residents to create a development of value to the community.

The Committee inquired about: insufficient frontage for lots abutting the cul-de-sac, Parcel FS-12, use of the Hillside Trail for construction vehicles, a water stream on the property, blasting, stormwater detention methods, road condition (Dunedin Road), and timeline for completion.

DPDS White advised a special formula is used to calculate the frontage on lots abutting cul-de-sacs, but all proposed frontages comply with by-law requirements. Mr. Maltby added, landscaping will be utilized to detract from the additional pavement of the cul-de-sac. When questioned, DPDS White clarified, it is a preliminary subdivision plan – the configuration of some lots may change. DPDS White also noted Parcel FS-12 is land owned by the Town.

Mr. Maltby explained there was a conversation with Town staff about use of the Hillside Trail for construction vehicles. The idea was proposed as a means to mitigate construction traffic concerns on Dunedin Road. The intent is that the trail would be closed to the public during construction hours and reopen evenings and weekends.

Mr. Toole clarified, the water stream on the property is likely a storm sewer outfall – and not a watercourse – which will be addressed in the stormwater management plan.

Mr. Maltby noted, at this time, it is unclear if blasting will be necessary.

Mr. Toole advised options are being explored for stormwater detention methods, including underground storage.

Mr. Maltby addressed concerns regarding the condition of Dunedin Road. He reiterated that a new home was constructed recently, which required construction vehicles to travel up and down Dunedin Road with no issues. He provided another example of a new build on Allison Drive suggesting there are similar concerns for this road in terms of slope, width, and lack of sidewalks. He stressed that construction is a regular occurrence and there are measures in place to ensure it is done in a safe and effective manner – adding that it is usually monitored by the Town. Counc. Mackay French contended that Allison Drive is a straight route with less traffic than the winding route of Dunedin Road.

Mr. Maltby stated he expects the timeline for completion to be 3-4 years.

DPDS White clarified that the proposal is for a subdivision agreement, not a rezoning application. Points of interest with subdivision agreements are new streets, curbs, sidewalks, connections to municipal infrastructure, streetlights, trees, etc. He gave a presentation, summarizing the staff report:

- Proposal is for 14 lots on 6.14 acres of land with primary access from Higginson Avenue
- Lot 3 requires a 5% variance in lot size
- New public street extension
- Lots fully serviced (municipal water and sewer)
- Proposal conforms with the 2019 Secondary Plan and the 2020 Municipal Plan
- The subject land is part of Phase 1 of the 2019 Secondary Plan – municipal infrastructure connections are available, and proposal aligns with density planning
  - Phases 2-4 of the Secondary Plan cannot proceed without the extension of Wiljac Street as a collector road, and the extension of municipal services
- No capacity concerns with existing sanitary sewer system
- A net-zero stormwater management plan is required
- Upon review by emergency responders there are no conflicts with the proposed street name “Rothsay Hills Road”
- Costs for extending municipal services and for new roads will be borne by the developer
- The subject land is suitable for the proposed use

DPDS White concluded by sharing a draft clause which can be included in the subdivision agreement regarding construction access:

*“The Developer and Rothsay 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.”*

Should the Committee be amenable to inclusion of the draft clause, the proposed recommendation will be revised to recommend entering into an agreement, *as amended*.

The Committee made the following comments: there is another parcel of land in Phase 1 of the Secondary Plan that could be developed at the same time (different landowner); residents claim they were informed no development would occur until the extension of Wiljac Street; and a suggestion to pave the Hillside Trail for a permanent solution to traffic concerns, or improve the condition of Dunedin Road.



DPDS White advised the Secondary Plan, was approved by Council, and identifies the plan for each phase.

DO McLean clarified, the Hillside Trail was not initially designed as a trail, but rather as a utility access road and built to construction road standards. The trail would not be paved and remain available for use to the public outside of construction hours. He spoke to the condition of Dunedin Road, noting the grade cannot be changed, sidewalks were constructed in 2009 but met with public opposition, and widening the road would have implications for private driveways.

Counc. Mackay French proposed a public meeting be held. She mentioned new information was received regarding use of the Hillside Trail for construction vehicles.

**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.

**ON THE QUESTION:**

There was a brief discussion regarding procedure. When questioned, DPDS White confirmed it is at the Committee's discretion whether to discuss the proposed recommendations or table them pending the public meeting.

**CARRIED.**

Town Manager Jarvie clarified that it will be a decision of Council whether to hold a public meeting. He added the meeting will not be a meeting of the Planning Advisory Committee (PAC). Regular PAC meetings, such as this one, are open to the public.

Vice-Chairperson Brittain invited comments from the public. The following people spoke: Tom Mueller, 105 Horton Road; Bill Stratton, 50 Higginson Avenue; Catherine and Paul Emile Chiasson, 136 Horton Road; Terry Stilwell, 126 Wiljac Street; Greg Redford, 42 Horton Road; Pat McGill, 29 Horton Road; and Linda Lord, 16 Valpy Drive.

The following comments were made: there is a watercourse on the property; there is interest in maintaining Rothesay as a suburban bedroom community and retreat for all ages; residents are supportive of development as long as it is considerate of the existing community; more information is required to make an informed decision on the proposal (the schematic is inadequate); there is frustration with the lack of transparency and due process; road infrastructure in the area is unsustainable especially with the introduction of additional traffic; primary obligations should be to taxpayers rather than developers; follow through on Town interests expressed during public consultation for the Secondary Plan is lacking (ex. acquisition of Spyglass Hill land, and deferring development until completion of the Wiljac Street extension); approval of the Secondary Plan despite public opposition; support for a public meeting; a suggestion for the extension of Dunedin Road rather than a cul-de-sac; concerns of residents remain unaddressed especially with respect to road condition (Dunedin Road, Horton Road, Appleby Drive); Appleby Drive could be connected to the area as a part of the other Phase 1 potential development; the extension of Wiljac Street would introduce significant traffic to the area (likely redirected from Rothesay Road); municipal infrastructure may not be able to handle additional capacity (some residents have experienced back-ups); the importance of safety especially for young children in the area; and Rothesay staff visit the area presumably to address utility concerns.

DO McLean addressed concerns with respect to extensions of Dunedin Road and Appleby Drive, the presence of Rothesay staff in the area, and capacity concerns for municipal services. He noted: an extension of Dunedin Road could occur but has not because of public opposition; a connection to Appleby Drive is not proposed in this application; Town staff visit the area as part of regular maintenance operations to relieve water pressure from the water system (potable water) – this task does not pertain to the municipal stormwater system; and there is no evidence to suggest municipal services cannot handle additional capacity from the additional 14 lots. He offered that back-up issues on private properties may be a result of improper or cross connections, foundation cracks, or roof leaders with an internal connection. He reiterated that run-off will be managed through a net-zero stormwater management plan – where post-development run-off will not exceed pre-development conditions.

M. Graham raised safety concerns about temporarily repurposing the Hillside Trail for a construction route. He warned there are multiple offshoots for individuals to access the trail from the Spyglass Hill area. DO McLean advised temporary closure of the trail would be publicized by the Town. He reiterated the origin of the trail which began as a utility corridor, and noted the trail would remain available to the public during evenings and weekends. M. Graham stated he finds use of a trail for construction vehicles a conflicting alternative to a road.

C. Vaillancourt asked if the Hillside Trail can accommodate two-way traffic, and the rationale for deferring the Land for Public Purposes (LPP). DO McLean advised the width of the Hillside Trail is roughly 4 meters; however two-way traffic is not anticipated as it will only be utilized by one company. DPDS White explained the required amount of LPP, or cash in lieu of LPP, was calculated but deferred to ensure the land received is complementary to development of the Secondary Plan (ex. land for a walking trail to connect to the institutionally zoned property).

There was a brief discussion regarding how to proceed.

**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.**

There was discussion regarding procedure. The Committee deemed a vote on the second recommendation unnecessary since the first recommendation was defeated.

In response to an inquiry, DPDS White confirmed, in accordance with Town by-laws, the cost of improvements to Town infrastructure, for the purpose of development, will be borne by developers (ex. Wiljac Street extension). He added there is a formula based on acreage that will determine how the project will be cost-shared by developers.

## **6. CORRESPONDENCE FOR INFORMATION**

**N/A**



**7. DATE OF NEXT MEETING(S)**

The next meeting will be held on **TUESDAY, September 6, 2022.**

**8. ADJOURNMENT**

**MOVED** by Counc. Mackay French and seconded by C. Vaillancourt the meeting be adjourned.  
**CARRIED.**

The meeting adjourned at 7:40 p.m.

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CHAIRPERSON

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RECORDING SECRETARY



**To:** Chair and Members of Rothesay Planning Advisory Committee  
**From:** Brian L. White, MCIP, RPP  
Director of Planning and Development Services  
**Date:** Wednesday, September 28, 2022  
**Subject:** Rezoning 50 Hampton Road – Apartment Building

<b>Applicant:</b>	Andrew McKay	<b>Property Owner:</b>	Glynn Johnston
<b>Mailing Address:</b>	308 Model Farm Road Quispamsis, NB E2G 1L8	<b>Mailing Address:</b>	50 Hampton Road Rothesay, NB E2E 5L2
<b>Property Location:</b>	50 Hampton Road	<b>PID:</b>	00255984
<b>Plan Designation:</b>	High Density Residential	<b>Zone:</b>	R1A – Single Family
<b>Application For:</b>	Rezoning (1 apartment building – 27 units)		
<b>Input from Other Sources:</b>	Operations, KVFD		

#### ORIGIN:

An application from Mr. Andrew McKay to develop a three story 27-unit apartment building at 50 Hampton Road. The subject property has a total area of 4,360.09 square meters (1.1 acres) and is zoned Single Family Residential – Large Serviced Zone [R1A]. The property is also designated for future high density residential land uses.

The subject land abuts the “Central Park” condominium development off Hillcrest Avenue and the parking lot of the Arthur Miller Turf Sport Fields. The property also fronts on Hampton Road a provincially designated highway (Route 100) which is generally considered to be Rothesay’s “main street”.



Figure 1 – Site Location (50 Hampton Road)

### **AMENDMENT (REZONING) PROCESS:**

The application is to rezone the subject property to the R-4 Multi-Unit Residential Zone to permit a multi-unit apartment building by development agreement. The typical procedure for a rezoning is that Council receive from PAC a recommendation to hold a Public Hearing and that both the rezoning (by-law amendment) and the development agreement be prepared in advance of the public hearing. PAC recommendation to Council is also influenced by public feedback received through the polling process. Staff have not yet conducted the polling of neighbours, prepared the by-law amendment or the development agreement.

In general, Staff support the redevelopment of the property (50 Hampton Road) for higher density residential and note the added population to the area will support the existing churches, schools and businesses in area. Staff also note that this form of higher density is increasingly the preferred housing option for an ageing population and smaller household sizes. For these reasons Staff believe the proposed location is well suited to this form of housing.

### **BACKGROUND**

The property is currently zoned single family residential (R1A) and designated for HIGH DENSITY residential uses. The designation of High Density residential means that Council can consider zoning the property to the High Density residential (R4) zone.



**Figure 2 – Municipal Plan Designation High Density Residential – Property Outlined**





**Figure 3 - Site Plan Proposed Apartment Building**

The Municipal Plan has designated high-density residential areas near commercial uses, and arterial and/or collector streets. The primary rationale to locate high-density residential land uses in these areas is to promote pedestrian connectivity and convenient access to services for residents.



**Figure 4 - Rendering of Proposed Apartment Building**

**DEVELOPMENT AGREEMENT:**

Staff will prepare a development agreement for PAC's review before proceeding to Council. A development agreement is a contract between Rothesay and the property owners that specify the details and obligations of the individual parties concerning the proposed development. Implementation Policy IM-13 states that Council shall consider development agreement applications pursuant to the relevant policies of the Municipal Plan (See Policies HDR-4, R-1, and R-2) and consideration of the following:

<b>Implementation Policy IM-13</b>	<b>Staff Review</b>
<b>A. That the proposal is not premature or inappropriate by reason of:</b>	
<b>1) The financial capability of Rothesay to absorb any costs relating to the development;</b>	Rothesay does not anticipate any costs to born by the Town directly related to this development.
<b>2) The adequacy of municipal wastewater facilities, storm water systems or water distribution systems;</b>	Staff believe that the municipal infrastructure is adequate for the proposed development.
<b>3) The proximity of the proposed development to schools, recreation or other municipal facilities and the capability of these services to satisfy any additional demands;</b>	Staff believe the community and municipal facilities are adequate for the proposed development.
<b>4) The adequacy of road networks leading to or within the development; and</b>	<p>The building has direct access to Hampton Road and the developer submitted a traffic impact statement that notes low traffic volumes that will be generated by the proposed development will have a negligible impact on the flow of traffic along Hampton Road.</p> <p>Staff are however, concerned that while the proposed site has good pedestrian accessibility, there will be an increasing desire for residents to cross the Hampton Road to walk to the services at or near the Rothesay Common. Staff are reviewing potential solutions and cost allocations that may attributed to the developer.</p>
<b>5) The potential for damage or destruction of designated historic buildings and sites.</b>	There are no historic buildings or sites identified within the project's vicinity.
<b>B. that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</b>	
<b>1. Type of use;</b>	The high-density residential use at this location represents a "book end" for high density land uses in the area.
	The multi-unit residential building is located along Hampton Road a major transportation corridor and provides a good mid-rise residential project which is compatible with the surrounding residential properties.



2. Height, bulk and lot coverage of any proposed building;	Staff believe the building is appropriate to the location. The peaked roof architecture and 3 story height of the building combined with the volume and lot coverage would not conflict with nearby land uses.
3. Traffic generation, access to and egress from the site, and parking; open storage; and	Staff are satisfied with the site plan and access to the public road. The proposed access spacing from Henderson Park Road and the Arthur Miller Fields access follows or exceeds the TAC minimum requirements and will not impact traffic operations along Hampton Road.
4. Signage.	No commercial signage is requested.
C. That the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, proximity to watercourses, or wetlands and lands that are vulnerable to flooding.	The site is suitable for development and will be subject to geotechnical approval during the building permit approval process,

#### **KENNEBECASIS VALLEY FIRE DEPARTMENT:**

KV Fire Department reviewed the application site plan and have no initial concerns, noting that the site plan shows good overall access. The Department did have questions regarding municipal fire hydrant flow rate and location is for that area. Staff are reviewing question to determine if a new hydrant would need to be installed.

#### **POLLING:**

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

#### **RECOMMENDATION:**

Staff recommend the Planning Advisory Committee consider the following MOTION:

PAC HEREBY tables the rezoning application for a multi-unit apartment building located at 50 Hampton Road pending the receipt of a supplemental staff report containing the following:

1. Polling results;
2. Draft Development Agreement; and
3. Draft Rezoning By-law.



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

Date: Wednesday, September 28, 2022

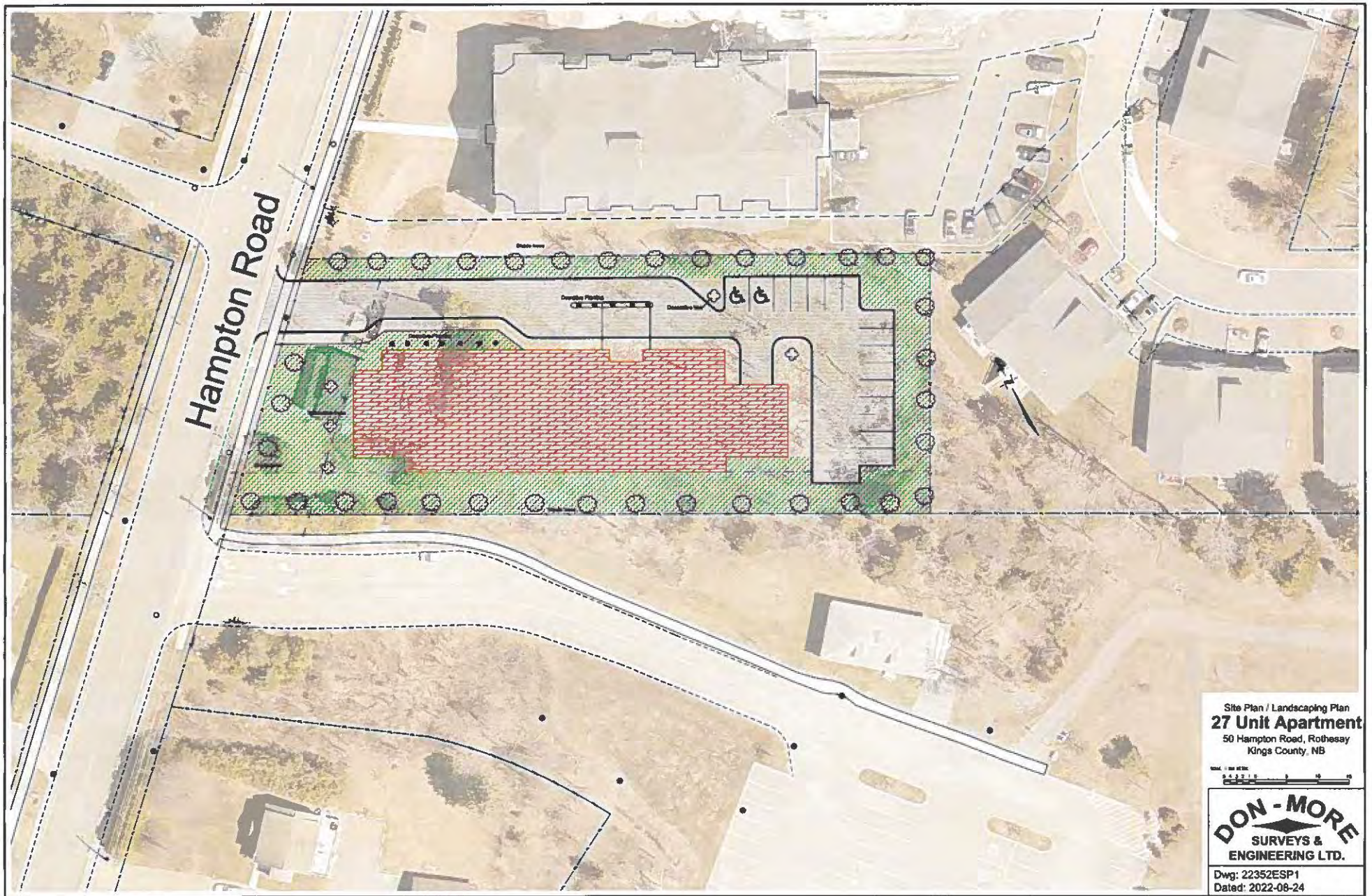
#### **ATTACHMENTS**

Attachment A      Application Submission & Traffic Impact Statement

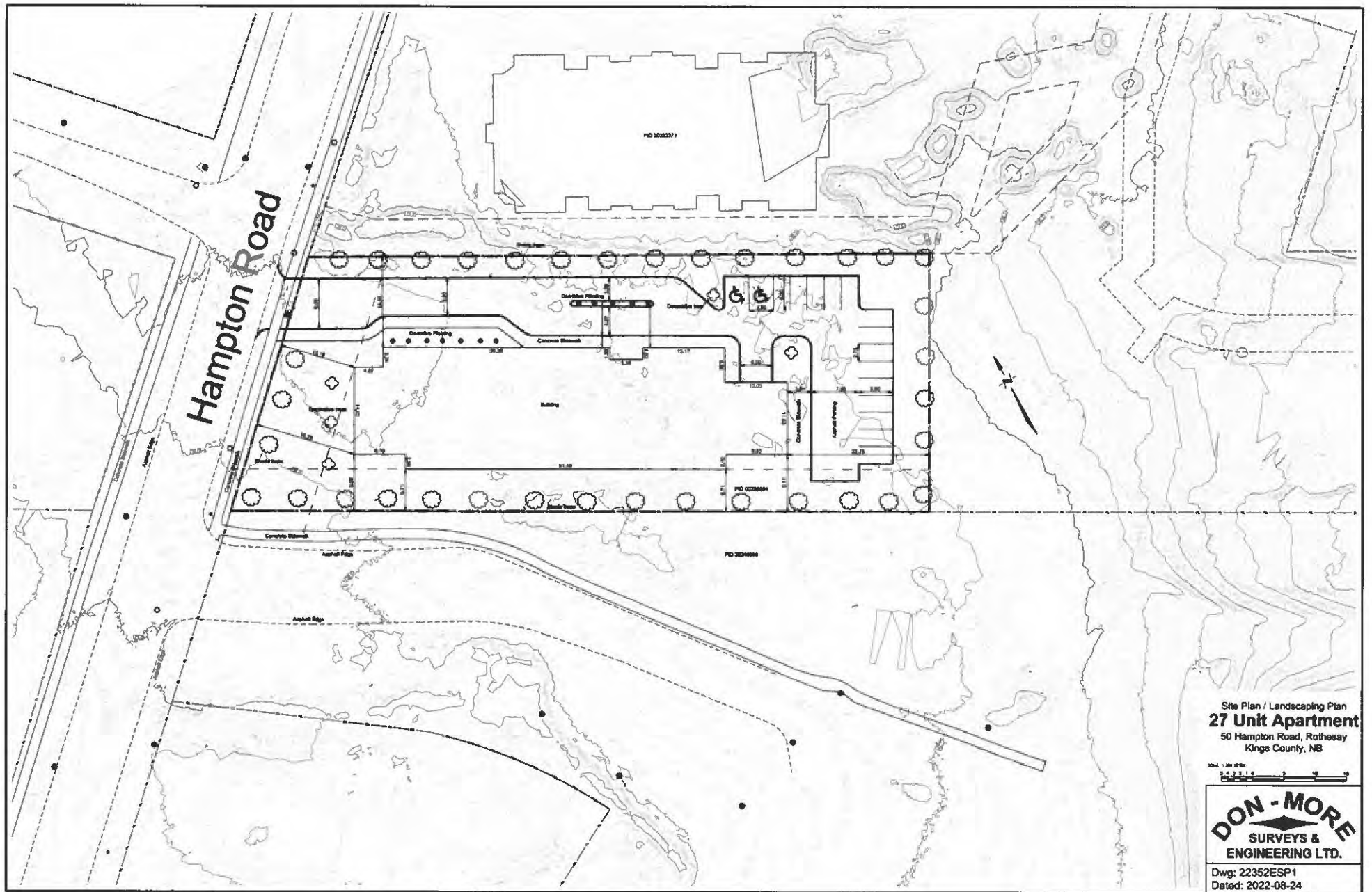












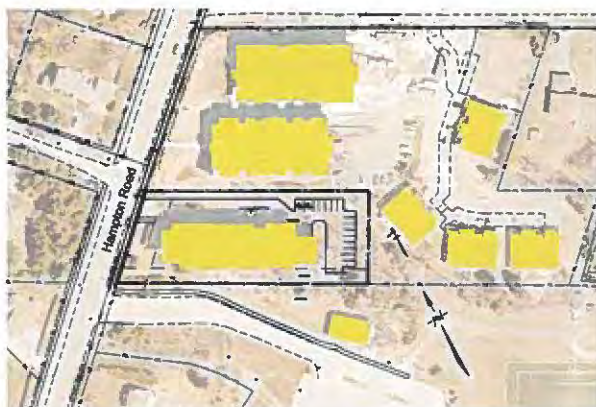
March 21  
September 21  
8:00



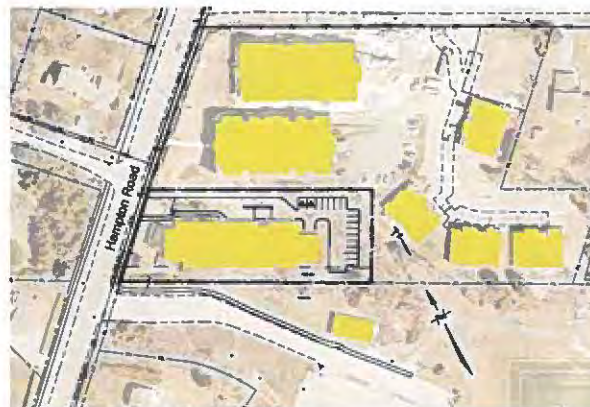
June 21 - 8:00



March 21  
September 21  
12:00



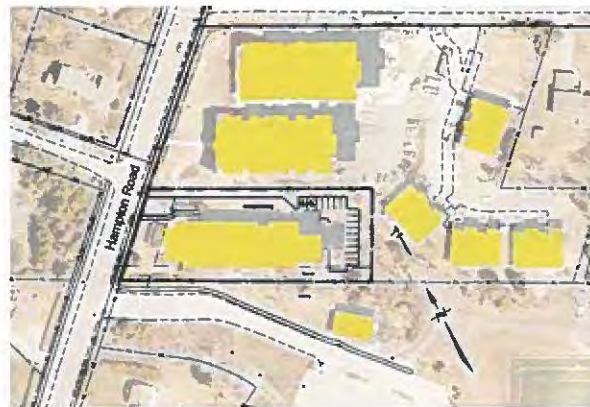
June 21 - 12:00



March 21  
September 21  
16:00



June 21 - 16:00



Shadow Study  
**27 Unit Apartment**  
50 Hampton Road, Rothessay  
Kings County, NB



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

Dwg: 22352ESP1  
Dated: 2022-09-20



506.433.4427 (Sussex)  
506.652.1522 (Saint John)  
[info@dmse.ca](mailto:info@dmse.ca)  
[www.dmse.ca](http://www.dmse.ca)



August 25, 2022

Brian White  
Town of Rothesay,  
70 Hampton Road,  
Rothesay, NB E2E 5Y2

VIA E-Mail: [BrianWhite@rothesay.ca](mailto:BrianWhite@rothesay.ca)

**Re: 22352ESP1 - 50 Hampton Road - PID 00255984**

This property is currently a single family home adjacent to the entrance to the Arthur Miller Fields on the south, and a condominium development on the north.

The applicant would like to rezone the property to allow the creation of a new 27 unit building complete with underground parking. The construction standards and finishes of the new building would be very similar to those of the existing condominium building.

The development would be accessed by a private driveway from Hampton Road.

The new building would be serviced with municipal sanitary and water. A detailed analysis of the existing sanitary and water systems has not been undertaken at this point, but this development would access the new infrastructure installed by the developer as part of the upgrades to allow the two 24 unit buildings adjacent to this development.

The new site would be designed to perform stormwater management to limit peak flows to pre development levels. Water draining from the parking areas would be directed to a hydrodynamic separator to provide treatment of water quality. Storage of stormwater would be provided to offset peak flows to pre-development levels.

**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.

September 1, 2022

**Andrew McKay**  
380 Model Farm Road  
Quispamsis, NB, E2G 1L8

**Subject: Traffic Impact Study for 50 Hampton Road**  
Englobe reference: 02207894.000

Englobe Corp. was retained to prepare a Traffic Impact Study for the development of a new 27-unit apartment building at 50 Hampton Road in Rothesay, NB. The site plan for the development is included in Appendix A. The scope of work for this TIS included estimating the traffic generated by the development, assessing the impact of this traffic on Hampton Road, reviewing pedestrian access into the development, and assessing the proposed access location. The study area is illustrated in Figure 1.

**Figure 1: Study Area**





2028 was used as the analysis year for this study to provide a 5-year horizon past construction in 2023.

## 1 Road Characteristics

The proposed access will connect the development to Hampton Road. Hampton Road is a 2-lane collector roadway with a posted speed limit of 50 km/h in the area of the development. The roadway is generally straight and level and features sidewalk and bike lanes on both sides of the roadway near the proposed access driveway.

## 2 Traffic Data

Traffic data previously collected at the intersections of Hampton Road/Hillcrest Drive (2016) and Hampton Road/Highland Avenue (2021) were used to determine background traffic volumes on Hampton Road near the proposed access. The 2021 data were adjusted for traffic effects of COVID-19 at the time and balanced with the 2016 data. An annual growth factor of 1% was applied to grow the 2016 and 2021 data to the anticipated 2028 volumes. These anticipated 2028 traffic volumes are illustrated in Figure 2.

Figure 2: 2028 Background Traffic Volumes



## 3 Development Trip Generation and Impact Assessment

Development traffic was estimated using the ITE Trip Generation Manual 10<sup>th</sup> Edition (via ITE TripGen Web-Based App). The proposed development classifies as Multifamily Housing - Mid-Rise (ITE #221).



Table 1 summarizes the trips that would be anticipated entering/exiting the development during the AM peak period, PM peak period, and daily.

**Table 1: Traffic Generation for the Proposed Development**

Development	# of Dwellings	AM Peak			PM Peak			Daily		
		In	Out	Total	In	Out	Total	In	Out	Total
Multifamily Housing (Mid-Rise) (ITE 221)	27	2	7	9	8	5	13	73	73	146

These development traffic volumes were added to the network based on the proportion of traffic flow entering/exiting Hillcrest Drive from the 2016 traffic count, which also leads to a predominantly residential area. Figure 3 shows the development traffic volumes (turning movements) alongside the anticipated 2028 background volumes (thru movements).

**Figure 3: 2028 Traffic Volumes with Development**



The low traffic volumes that will be generated by the proposed development will have a negligible impact on the flow of traffic along Hampton Road. The level of service at the proposed access driveway will be comparable to, or better than, that of the intersection of Hampton Road/Hillcrest Drive, which notably has minor road stop control and no added turn lanes. Hampton Road also has sufficient capacity to handle the daily volumes that will be added by the proposed development.

## 4 Pedestrian Access Review

Hampton Road has sidewalk on both sides near the proposed development, and the proposed site plan (Appendix A) shows sidewalk connecting the main entrance and parking lot of the development to the existing sidewalk infrastructure. There are no pedestrian destinations immediately across from the proposed development, and the existing crosswalks at Highland Avenue (to the north) and Church Avenue (to the south) provide reasonable crossing opportunities towards the most likely pedestrian destinations that would require crossing Hampton Road in each direction. In summary, **the proposed site has good pedestrian accessibility and we would not recommend any additional measures be implemented.**

## 5 Access Driveway Review

Our team reviewed the location of the proposed access driveway against the locations of Henderson Park Road and the Arthur Miller Fields access.

### 5.1 Henderson Park Road

The slight offset along Hampton Road between the proposed access location and Henderson Park Road can create turning conflicts that are not ideal for traffic operation; however, the Geometric Design Guide for Canadian Roads, published by the Transportation Association of Canada (TAC) states that “if one or both of the driveways are low volume, [the spatial relationship between driveways on opposite sides of the road] does not impact traffic operations.” In this case both the proposed access driveway and Henderson Park Road, which is functionally a laneway to 4 single-detached homes, have low traffic volumes and, therefore, their spacing does not impact traffic operations according to TAC. Further, “thru movements” between Henderson Park Road and the proposed access would be extremely infrequent, which limits some of the traffic conflicts that can occur with offset accesses.

### 5.2 Arthur Miller Fields Access

The space between the Arthur Miller Fields Access and the proposed access driveway is approximately 29 m. TAC recommends a minimum spacing of 1.0 to 3.0 m between driveways depending on the type of access on collector roads, which this proposed layout will substantially exceed.

## 6 Summary

In summary, this TIS found that:

- The low traffic volumes that will be generated by the proposed development will have a negligible impact on the flow of traffic along Hampton Road;
- The proposed site has good pedestrian accessibility and we would not recommend any additional measures be implemented; and
- The proposed access spacing from Henderson Park Road and the Arthur Miller Fields access follow or exceed TAC minimum requirements and will not impact traffic operations along Hampton Road.



If you have any questions about the analysis contained in this report, please feel free to contact us.

Yours very truly,

Englobe Corp.



Andrew Northmore, Ph.D., P.Eng., RSP1  
Transportation Engineer



Jill DeMerchant, M.Eng., P.Eng.  
Traffic Engineer | Project Manager



## APPENDICES

Appendix A      Site Plan

## Revisions and publications log

REVISION No.	DATE	DESCRIPTION
0A	September 1, 2022	Preliminary version published for comments
1A	September 1, 2022	Final Version

## Distribution

1 original + 1 copy + 1 PDF copy

Mr. Andrew McKay

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# Appendix A Site Plan



**eNGLOBE**





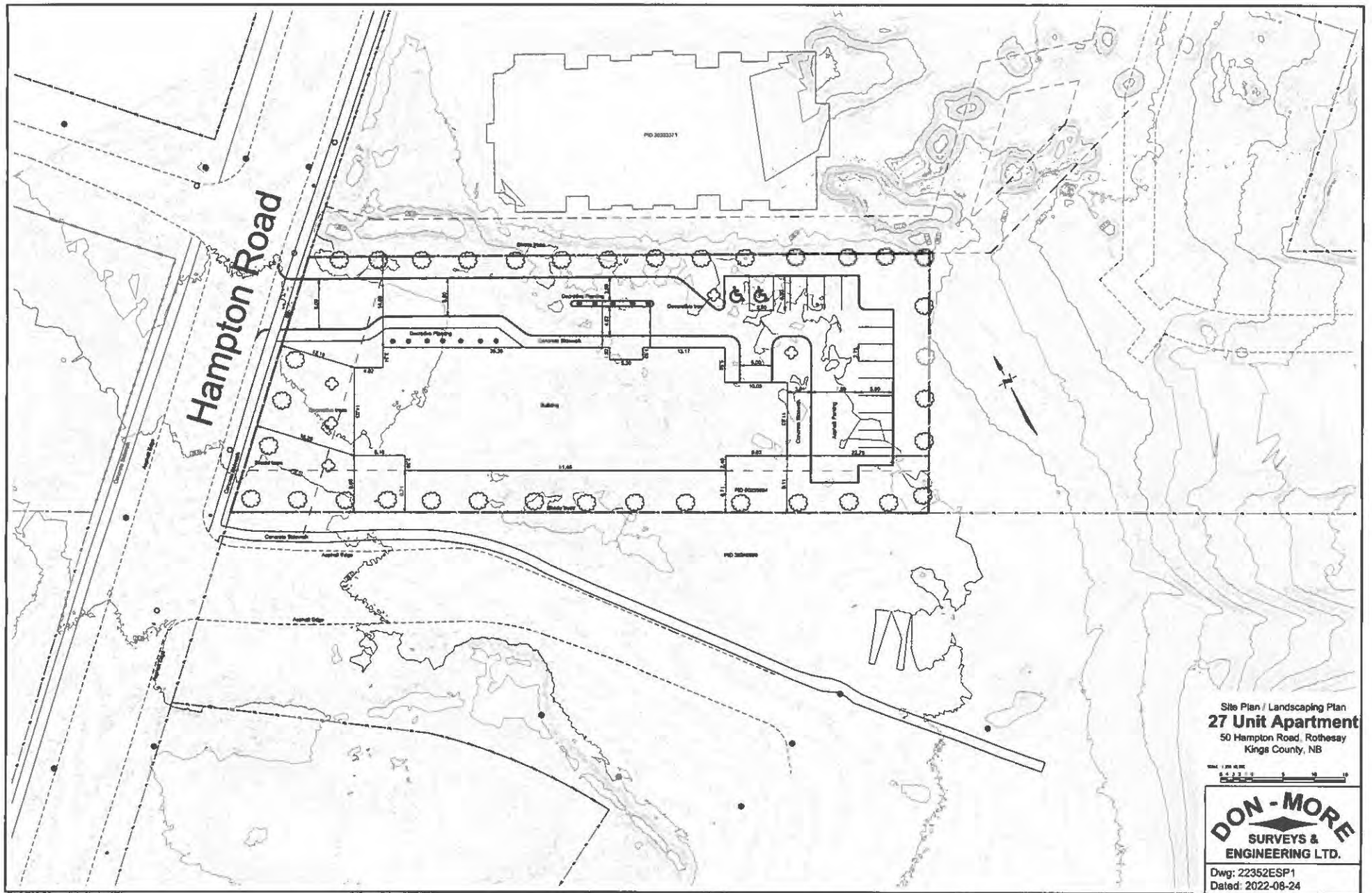
Site Plan / Landscaping Plan  
**27 Unit Apartment**  
50 Hampton Road, Rothesay  
Kings County, NB

SCALE: 1" = 20' 0" N.T.S.  
0 10 20 30

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

Dwg: 22352ESP1  
Dated: 2022-08-24







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

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

**Date:** Thursday, September 29, 2022

**Subject:** Rezoning & Subdivision Agreement – School Avenue

<b>Applicant:</b>	Stephen Maltby	<b>Property Owner:</b>	MR 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>	School Avenue/Kaitlyn Street	<b>PID:</b>	30146708, 30146674
<b>Plan Designation:</b>	Medium Density	<b>Zone:</b>	Single Family Residential – Standard (R1B)
<b>Application For:</b>	Rezoning & Subdivision Agreement		
<b>Input from Other Sources:</b>	Director of Operations		

**ORIGIN:**

An application by Stephen Maltby and his business partner Ashish Rampal, to develop a mixed density residential community from lands owned by their company M R Investments Inc.. The subject land would require the extension of public roads (School Avenue and Kaitlyn Street) and the provision of sewer and water services for the new lots. (See Attachment A)



Figure 1 - Subject Lands (yellow highlight)



**BACKGROUND:**

The subject land (PIDs 30146708 and 30146674) have a total area of 29,527 square meters (7.3 acres). The land is zoned R1B single family and would yield 22 lots based solely on land area. The proposed subdivision application would see the development of 36 residential units planned as 11 small lot single family homes and 25 townhomes (5 tri-plexes, 1 four-plex, and one row of 6 townhomes).

The land is designated for medium density residential uses which includes semi-detached, attached, and clustered units. Medium density residential dwellings typically have a small front and back yard or share a common green area. The relative affordability of these dwellings make them excellent starter homes for young persons and families, but also offer older residents the ability to downsize. While these dwellings are smaller than traditional single-family detached homes, the advantage is less maintenance is required. Furthermore, the desirable qualities of social mixing and supportive neighbourhood interactions associated with the low-density residential areas are also found in medium density neighbourhoods.

Staff note that the development project will be fully serviced by connecting into existing utilities; and there are no capacity concerns with this the development for potable water or existing sanitary sewers.



Figure 2 – Proposed Residential Community (School Avenue / Kaitlyn Street)



Staff are still reviewing the site plan with specific attention to the location of proposed buildings close to or near the existing underground utility easements. If the site plan requires amendments Staff will provide PAC with a revised plan.

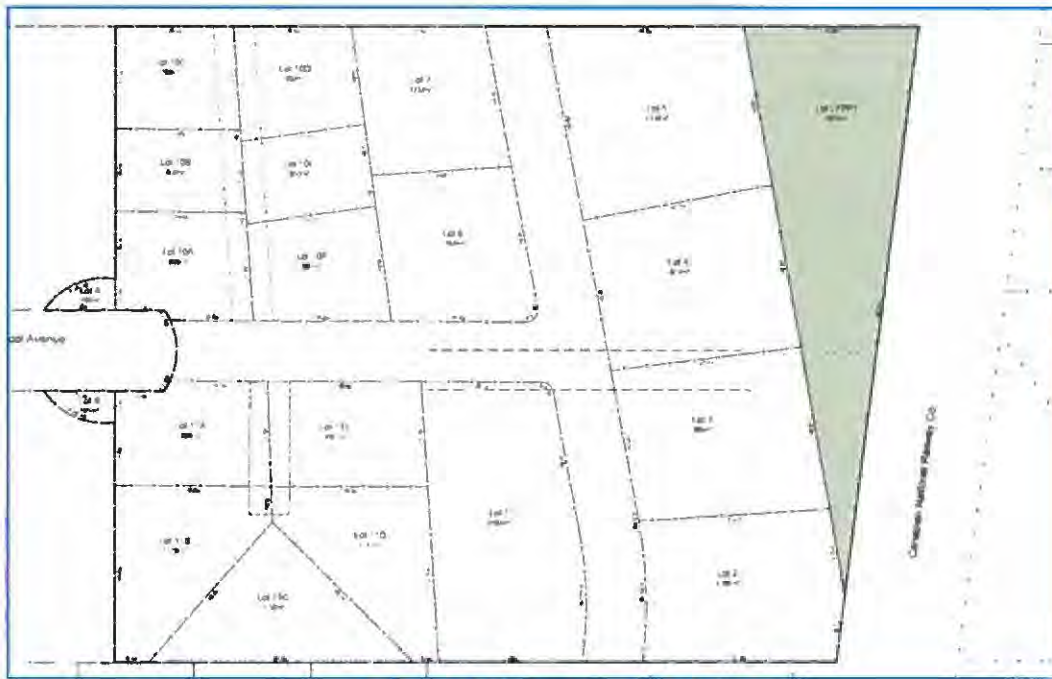


Figure 3 - Subject Property Sewer (red) and Water (blue) Access

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

The developer is requesting that the Town accept 3075 square meters of Land for Public Purposes (LPP) as shown on Figure 4. The amount of LPP being proposed is greater than 10% of the area of the entire land (29,527 square meters) being subdivided as required by the Subdivision By-law.





**Figure 4 - Proposed 3075 sq.meters of LPP (Green)**

Staff believe the location of the LPP will help facilitate the development of a permanent recreational trail connection along the CN rail tracks through to the Quispamsis trail network.

## STREET NAMES

No new names are proposed, the subdivision will extend existing public streets and for that reason they will continue to use the names School Avenue and Kaitlyn Street accordingly.

**KENNEBECASIS VALLEY FIRE DEPARTMENT:**

As is required by Municipal Plan **Policy FR-7**, the KVFD must review proposals for new development projects to ensure that public safety and firefighting concerns are addressed. KV Fire Department conducted a review of the subdivision and have no concerns regarding the street layout.

**SUBDIVISION AGREEMENT:**

Rothersay'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. Staff will prepare an agreement that 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.

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.



**POLLING**

Polling will be conducted with all residents of School Avenue and Kaitlyn Street and the results will be returned to PAC.

**SUMMARY**

In review of the proposed subdivision Staff can confirm that the residential nature of the proposal conforms with the medium-density residential intent of the Municipal Plan. Staff are convinced that the proposed development will be a complimentary residential community to the existing neighbourhood (School Avenue and Kaitlyn Street) and accordingly would not present major land use conflicts.

**RECOMMENDATION:**

Staff recommend the Planning Advisory Committee consider the following MOTION:

PAC hereby TABLES the rezoning and subdivision application from MR. Investments Ltd. for lands off School Avenue and Kaitlyn Street (PIDs 30146708, 30146674) pending the receipt of a supplemental staff report containing the following:

1. Polling results;
2. Draft Subdivision Agreement; and
3. Draft Rezoning By-law.

**Attachments:**

Attachment A          Subdivision Application Tentative Plan



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

Date: Thursday, September 29, 2022









Sketch Showing  
**Mr Investments**  
**Subdivision**  
Town of Rothesay  
Kings County, NB



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

Dwg: 22182ESP1  
Dated: 2022-05-19



Sketch Showing  
**Mr Investments  
Subdivision**  
Town of Rothesay  
Kings County, NB

Scale: 1:20,000

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

Dwg: 22192ESP1  
Dated: 2022-05-19









**ROTHESAY**  
**BY-LAW NO. 1- 06**  
**Schedule A**



**COMMITTEE MEMBER CLAIM FOR HONORARIUM**

**Name of Committee Member:** \_\_\_\_\_

**Name of Committee:** \_\_\_\_\_

**Date/Time of Committee Meeting:** \_\_\_\_\_

**Date Claim Made:** \_\_\_\_\_

\_\_\_\_\_  
**Signature – Committee Member**

\_\_\_\_\_  
**OFFICE USE**

**Date Claim Received:** \_\_\_\_\_

**Verification of Attendance (initial):** \_\_\_\_\_

**Method of Verification:** \_\_\_\_\_

**Claim Amount:**     \$ \_\_\_\_\_     **Approved** \_\_\_\_\_ **Not Approved** \_\_\_\_\_

**Cheque issued:** \_\_\_\_\_     **Cheque #:** \_\_\_\_\_

**Authorizing Signature:**  
**(Treasurer or Clerk)** \_\_\_\_\_