

ROTHESAY

PUBLIC HEARING

45 Marr Road & 6 Old Mill Lane

PIDs 00245415 & 00118067

Rothestay Town Hall Common Room

Monday, January 29, 2024

6:00 p.m.



PRESENT: MAYOR NANCY GRANT
DEPUTY MAYOR MATT ALEXANDER
COUNCILLOR HELEN BOYLE
COUNCILLOR DAVE BROWN
COUNCILLOR BILL McGUIRE

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
DIRECTOR OF OPERATIONS (DO) BRETT McLEAN
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

ABSENT: COUNCILLOR PETER J. LEWIS
COUNCILLOR TIFFANY MACKAY FRENCH (*conflict of interest*)
COUNCILLOR DON SHEA (*conflict of interest*)

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

PUBLIC HEARING **Rezoning – 45 Marr Road & 6 Old Mill Lane**
PIDs 00245415 & 00118067

1. Call to Order Instructions

Mayor Grant called the public hearing to order at 6:01 p.m. and explained the Public Hearing is to consider an amendment to By-law 2-10, “Rothestay Zoning By-law” to consider rezoning the properties located at 45 Marr Road and 6 Old Mill Lane (PIDs 00245415 & 00118067), to allow for the development of a 46-unit apartment building and a 6-unit town home development, subject to enactment of By-law amendments and the terms of a development agreement.

Mayor Grant noted three Council members are absent owing to declared conflicts of interest (2), and a medical issue. She briefly reviewed the procedure for the meeting, and explained a decision of Council will not be made this evening. She listed the documentation and the dates the notice was posted to the website. She clarified that two by-laws are required in order to rezone the property – R4 for the apartment building and R3 for the townhomes.

2. Public Hearing Documentation

10 January 2024	Memorandum prepared by Town Clerk Banks (public notices)
9 January 2024	<i>Community Planning Act</i> , Section 111 notice to website/Town Hall

DRAFT	By-law 2-10-38
DRAFT	By-law 2-10-39
DRAFT	Development Agreement

28 December 2023	Staff Report to Planning Advisory Committee
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Appearances/Presentations:

Presentation: Mike Maloney

Presentation: John Jarvie, MCIP RPP, Town Manager
Director of Planning/Development Services

Appearances: Nathan Blais

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Comments:	In support (1):	Rosedale Avenue
	In opposition (2):	28 Robinson Street
		11 Old Mill Lane

Mayor Grant invited Mr. Maloney to give a presentation. Mr. Maloney highlighted the following:

- The Property:
 - Located on Marr Road in a mix of residential and commercial properties
 - High density residential projects are nearby (both proposed and under construction)
 - Aligns with Municipal Plan
 - Location of the apartment building and townhomes (layout)
 - Earmarked for commercial purposes but better suited and more demand for residential use
 - Municipal services (water/sewer) are available
- The Proposal:
 - Senior focused
 - 46-unit apartment building
 - Mostly 2-bedroom units but 1- and 3-bedroom units also available
 - 8 affordable units
 - 3 barrier-free units
 - Underground parking
 - Inset top floor
 - 6-unit townhomes
 - To be rented
 - 1 barrier-free unit
 - Patios in back
 - Neighbourhood feel
- Response to public concerns
 - Greenspace (50%) – trees, grass, retention pond, improved view from street and sidewalk
 - Visibility/privacy/shade
 - Lower profile for the apartment building (lowest point of the property)
 - Apartment building rotated slightly to permit vegetative buffer, instead of a fence, near 4 Old Mill Lane
 - Townhomes on the other side of the property, and existing structures removed, to improve privacy and sunlight for 43 Marr Road and 4 Old Mill Lane
 - Aerial study – drone photos taken from various angles to demonstrate that trees and vegetation prevent direct views of nearby properties, especially in winter conditions (sparse leaves)
 - Access
 - No access through Old Mill Lane (less traffic)
 - Turnaround space for fire trucks
 - Safe driveway access on Marr Road – no issues brought forth from police review

Andrew Toole of Don-More Surveys & Engineering Ltd. spoke of the stormwater management plan:

- The project will improve existing conditions by collecting, retaining, and releasing water at a controlled rate into the existing route (Marr Road and Old Mill Lane stormwater systems)
 - Analogy of “upside down bowl flipped right-side up”
 - Post-development levels will not exceed pre-development volume and will be released at a controlled rate
 - Plan to utilize implied easements
 - Any downstream issues created by residents on their private property are separate from this project

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- Water captured/stored beneath parking lots, in a holding pond, and the flat apartment roof
 - Water will be retained on the roof for short periods until it is released (10-15 minutes)
- Snow melt captured within the system (designated snow piling areas near apartment building and townhomes)

Mr. Maloney continued by addressing public concerns related to traffic and the shadow study. He reported undertaking a personal traffic count at a similar property (Magnolia Lane apartment building), during peak hours, to compare with the results of the traffic study. He counted 3 trips in the morning and 15 in the evening – which is similar to the traffic study's findings of 13 trips in the morning and 16 trips in the evening. With respect to the shadow study, he explained that removal of the existing buildings on the property will alleviate current shadows for 43 Marr Road and 4 Old Mill Lane. Additionally, findings in the winter months December/January suggest that surrounding properties will all receive sun at the same time. He stated his appreciation for the opportunity to present and for all those in attendance.

Mayor Grant invited questions from Council.

Council acknowledged efforts made to protect privacy with vegetation, and handle stormwater management. However, concerns were raised regarding: lack of a detailed stormwater management plan including the size of holding areas, a mass balance study, and impact on surrounding wells; noise (during construction and after); traffic – it is a dangerous area on Marr Road for sightlines and safety; access for fire trucks around the entire building; responsibility for garbage and snow removal services; environmental risk to greenspace used for snow piles (impact of salt, hydrocarbons, and other contaminants on vegetation); and elevation.

Mr. Maloney and Mr. Toole responded with the following: stormwater sepiers are required and are used to filter sediment and salt contained in surface water runoff (including melting snow); the apartment building will be equipped with a sprinkler system and adheres to the Fire Code but access around the building can be explored if that is Council's wish; access will be through a private laneway and the Town will not be responsible for garbage or snow removal services; snow piles will be sloped to melt back into the stormwater management system on the property; minimal space will be used to capture water on the roof (adequate size but will not impact the top floor); the size of the retention pond will be adequate – sizes may be deceiving as it is dependent upon the topography of the land (larger ponds may be located on slopes); the apartment building will be constructed with a lower profile using the lowest point of the property; and vegetation or fences will be used around the property, not concrete blocks.

When questioned, Mr. Toole briefly explained implied easements and noted they are common.

Mayor Grant thanked Mr. Maloney and Mr. Toole for their presentation.

Mayor Grant invited Town Manager Jarvie to give a presentation.

Town Manager Jarvie highlighted the following:

- A request to rezone from R1B to R3 and R4 (townhomes and an apartment building)
- Aligns with the Municipal Plan
 - o Density is not permitted in the current Zoning By-law, however it is in the process of being updated
- Density bonuses requested for affordable and barrier-free units
 - o Maximum density would be reached for the property
- Kennebecasis Regional Police Force (KRPf) review suggests sightlines are satisfactory
- Marr Road is a collector road thus it is busier than other streets

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- Tenants are more likely to be impacted by traffic than other vehicles
- A recommendation has not been made by the Planning Advisory Committee (PAC) at this time
- The rear and sides of the building are not easily accessible for the Kennebecasis Valley Fire Department
 - o Designated snow pile areas may also be problematic for fire access
 - o Transformer may also need to be relocated
- With respect to stormwater management, staff are concerned potential downstream issues have not been identified
 - o More detailed information is required especially with respect to routes and specific easements either implied or prescriptive
 - o Mitigation measures may be required of the developer should downstream issues be exacerbated by the project

Mayor Grant thanked Town Manager Jarvie and invited questions from Council.

Questions were raised regarding a recommendation from PAC, and options for next steps in order to acquire further information as requested by Council and staff.

Town Manager Jarvie spoke of two options:

1. Adjourn the public hearing and request further information at the next Council meeting, however this eliminates further opportunity for public comments; or
2. Table the public hearing to adjourn at a future date, which permits further public comments.

Council and staff indicated more information is required before the process can proceed. Town Manager Jarvie confirmed that PAC is scheduled to discuss a recommendation at its next meeting.

There was a brief discussion about the CBCL Stormwater Management Report commissioned by the Town. Town Manager Jarvie confirmed the area is discussed in the report, however more investigation is required to understand how the project fits into its findings. DO McLean provided more context to a quote the developer included where he states, “the plan looks solid...”. He explained this was regarding the conceptual plan, but discussions remain ongoing and there have been no resolutions to issues raised at this time.

Mayor Grant called three times for those wishing to speak against the proposal. The following people spoke: Nathan Blais, 10 Old Mill Lane; Sue Crozier, 43 Marr Road; Terry McKee, 4 Old Mill Lane; Mike Vienneau, 26 Robinson Street; Shirley Rolfe, 8 Old Mill Lane; Danielle Blizzard, 28 Robinson Street; and David Cowan, 3 Highbrook Court.

The individuals spoke of: neighbourhood demographics (mix of seniors, retirees, single and dual income), longstanding residents, and assessment values (considered actual affordable homes); high likelihood of building visibility/loss of privacy owing to existing sightlines into neighbouring properties, and visibility of the Chapel Road apartment building from Old Mill Lane; suggested inclusion, in the traffic study, of vehicle generation for other high density projects (recently completed or under construction); the existing character of the neighbourhood (quiet, private, pleasant); Town opposition to prior applications (ex. 2011) citing elevation, stormwater management, a blind knoll, and lack of recourse for residents if something goes awry; individual efforts to protect properties from existing stormwater issues; potential contamination of wells; drainage, privacy, light pollution, snow relocation, shadow, and noise concerns; dangerous access via Marr Road (accidents have occurred); walkability hampered by steep incline/decline, and no shade, benches, or bus stops; a need for more transitional density; and not being convinced existing problems will not be exacerbated by the project.

Mr. Maloney briefly responded to an inquiry, confirming there is a plan for elevators and barrier-free showers as both all ages and senior-friendly amenities. In response to an inquiry, it was confirmed there will be 8 affordable units based on 30% of an average single income.

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

Bernard Beukeveld, Quispamsis resident; and Sheila Golez (Mr. Maloney’s partner) spoke of: seniors having difficulties finding affordable housing outside of the “fog belt”; the need for housing, especially affordable and barrier-free units; changing needs of the community; seniors do not feel “looked after”; occupancy control; the applicants’ shared interest in the community as current residents; community growth enabled by the project; preferable residential use as opposed to the property’s current commercial zoning; and interest in working with the community.

Clarification was provided that the owner of the property is responsible for occupancy, however decisions must adhere to stipulations in the development agreement. Mr. Beukeveld asked if Rothesay residents will be given priority during consideration of tenancy. Town Manager Jarvie advised occupancy is at the discretion of the owner but potential tenants are not excluded based on their area of residence.

Mayor Grant invited Mr. Maloney to present final comments.

Mr. Maloney mentioned the project: is a better fit and more respectful of the community than other opportunities; considers the significant population of seniors; addresses current provincial affordable housing needs; creates housing stock; provides access through Marr Road, instead of Old Mill Lane, for safety reasons; and is a solution for current drainage issues and shadow concerns – nothing will change unless the property is developed. He noted survey lines (orange markers) were established if residents wish to confirm vegetative boundaries in person, and the drone operator is in attendance and can speak to the aerial photos, if there is interest. With respect to traffic, he reiterated that Marr Road is a collector road – a naturally busy street – and through the development agreement a contribution will be made to signalization of the Chapel Road intersection which helps growth of the community. He concluded by stating the project will help traffic, drainage, and housing. He further explained that individuals will be able to relocate from their houses, thereby opening up more housing stock for others. He expressed his appreciation for all in attendance and their comments, noting the intent of the project is to be part of a solution, and he looks forward to further discussions.

Mayor Grant noted Council and staff remain concerned with the lack of a detailed plan for stormwater management – including downstream impacts. She reminded Council of the two options offered by the Town Manager: 1. Adjourn the public hearing (no further public comment); or 2. Table the public hearing to reconvene at a later date (further public comment permitted).

MOVED by Deputy Mayor Alexander and seconded by Counc. McGuire to table the public hearing until a future date when additional information is available and can be presented to Council and the public on such issues as traffic (sightlines) and stormwater management (details on downstream infrastructure).

CARRIED.

3. Adjournment

Mayor Grant thanked all in attendance, and the public hearing was tabled at 7:49 p.m.

_____*Original signed by Mayor*_____
MAYOR

_____*Original signed by Clerk*_____
CLERK