



ROTHESAY
PUBLIC HEARING AGENDA
6:00 p.m.
Monday, May 27, 2024
Common Room, Rothesay Town Hall



Public access to the Live stream will be available online:
[PUBLIC HEARING LIVESTREAM](#)

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

1. CALL TO ORDER Instructions
➤ **REMOVE FROM TABLE**

2. PUBLIC HEARING
Documentation

9 May 2024	Memorandum to Council
8 May 2024	Recommendation from Planning Advisory Committee (PAC)
3 May 2024	Staff Report to PAC

14 May 2024	Notice to residents
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29 January 2024	Public Hearing Minutes
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DRAFT	By-law 2-10-38
DRAFT	By-law 2-10-39
DRAFT	Development Agreement

Appearances/Presentations:

Presentation:	Mike Maloney
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Presentation:	John Jarvie, MCIP RPP, Town Manager Director of Planning/Development Services
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Appearances:	Sue Crozier
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Comments:	(1) Comments from area residents
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3. ADJOURNMENT



ROTHESAY

MEMORANDUM



TO : Mayor Grant and Council
FROM : John Jarvie
DATE : 9 May 2024
RE : 45 Marr Road/6 Old Mill Lane
PIDs 00245415 & 00118067

Recommendation:

It is recommended Council reconvene the public hearing for 45 Marr Road/6 Old Mill Lane (PIDs 00245415 & 00118067) on **Monday, May 27, 2024 at 6:00 p.m.** and notify area residents.

Background

The public hearing was tabled on January 29th:

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).

The May 3rd PAC report attempts to address the key issues raised in the first public hearing and PAC meeting, based on further information and engineering design provided by the developer. Additional graphics are included illustrating the design measures intended to address surface drainage concerns.

Attachments:

8 May 2024 Recommendation from PAC
3 May 2024 Staff Report to PAC with attachments



ROTHESAY MEMORANDUM



TO : Mayor and Council
FROM : Town Clerk Mary Jane Banks
DATE : 8 May 2024
RE : 45 Marr Road & 6 Old Mill Lane (PIDs 00245415 & 00118067)

Background:

The Planning Advisory Committee passed the following motion at its regular meeting on Monday, May 6, 2024:

MOVED by T. Davis and seconded by M. Graham the Planning Advisory Committee recommends approval of the rezoning of 45 Marr Road and 6 Old Mill Lane (PIDs 00245415 & 00118067) from the Single Family Residential R1B zone to the Multi-Unit Residential Zone [R4] subject to an agreement setting out details of the development and conditions related to the approval.

YEA votes recorded from: T. Davis, M. Graham, and C. Vaillancourt

NAY vote recorded from: R. Forte

CARRIED.



To: Chair and Members of Rothesay Planning Advisory Committee
From: John Jarvie, RPP, MCIP
Town Manager
Date: Friday, May 03, 2024
Subject: Rezoning 45 Marr Road/6 Old Mill Lane – (PIDs 00245415 & 00118067)

Applicant:	Mike Maloney	Property Owner:	Patrick Maloney
Mailing Address:	34 Sprucewood Ave Rothesay, N.B. E2E 2H3	Mailing Address:	182 Elliot Road Quispamsis, N.B. E2G 2B8
Property Location:	45 Marr Road/6 Old Mill Lane	PID:	00245415 & 00118067
Plan Designation:	Mixed Residential	Zone:	Single Family Residential R1B
Application For:	Rezoning for a 1 four storey (46 Unit) Apartment Building & 6 Townhouses		
Input from Other Sources:	Operations, KVFD, KRPF, Polling		

ORIGIN

This is the second staff report on an application from Mike Maloney on behalf of Patrick Maloney, to consider rezoning land located off Marr Road and Old Mill Lane (PIDs 00245415 & 00118067) from Single Family Residential [R1B] to Multi-Unit Residential (R4) to allow for the development of a 46-unit apartment building and a 6-Units in the form of townhouses, subject to the terms of a Development Agreement.

BACKGROUND

The initial report was discussed at the January Committee meeting and is attached for reference. Also attached is an excerpt from the minutes of that meeting extracting the discussion on the application. The proposal went to a public hearing on January 29, 2024. Concerns were raised regarding a lack of detail within the submitted drainage plan and Council elected to table the hearing until the proponents brought more information forward. Staff intend to recommend Council reconvene the public hearing on May 27th, 2024.

This report attempts to address the key issues raised first public hearing and PAC meeting based on further information and engineering design provided by the developer. Additional graphics are included illustrating the design measures intended to address surface drainage concerns.

The properties are 8,643.56 square meters (2.14 acres) and currently zoned Single Family - Residential Standard zone (R1B). The property is designated COMMERCIAL in the Future Land Use map. The proposed use as a residential apartment building is not listed as a permitted use within the R1B zone. However, the Municipal Plan By-law 1-20 does contain policy direction (see Policy HDR-4) that would allow Council to consider the application.



Figure 1 – Site plan of Proposed Marr Road Apt. Building and Townhouses.

ANALYSIS:

Polling Results

As standard procedure with all rezoning applications letters were sent to nearby residents to inform them of the application and soliciting their comment or feedback. The results of the PAC polling were included in the original staff report.

Traffic Impacts

CBCL Ltd. Looked at trip generation rates by relying on the *Institute for Transportation Engineers Trip Generation Manual*, which uses empirical data based on the land-use, number of units, and demographics of the proposed development to model vehicular trips in and out of the site after occupancy. Trips during peaks hours during weekday mornings and evenings.

Table 1: ITE Trip Generation Summary

ITE Land Use Code 252 (Senior Adult Housing – Multifamily)							
46	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.20	34%	66%	4	7	11
	PM Peak Hour of Adjacent Street Traffic	0.25	56%	44%	7	6	13
ITE Land Use Code 251 (Senior Adult Housing – Single-Family)							
6	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.24	33%	67%	1	1	2
	PM Peak Hour of Adjacent Street Traffic	0.30	61%	39%	2	1	3

Figure 3 – CBCL Ltd. summary table

Site Distance

During the previous review questions were raised about site distances for traffic leaving the project. Attached is a report from CBCL analyzing the site distances and reporting them as satisfactory.

Sewer and Stormwater

A new stormwater management plan has been reviewed by staff to ensure post-development level will not exceed pre-development levels. The original plan involved a detention pond and a controlled release into the neighbouring storm sewer system capacity of which was not confirmed. The new plan as shown on the Post Development Stormwater Management Plan divides the site surface water into four areas the smaller of which (20%) is largely landscaped and drains primarily to the rear of the site abutting the Robinson Road properties. The storm water analysis indicates 47% of the site drains in that direction at present. Precipitation landing on the paved surface of the site and the building make up two thirds of the area and are captured in a stormwater system with underground storage and controlled release into an upgraded pipe system on Old Mill Lane. The strip of land between the building and the abutting properties on old Mill Lane represents 7% of the total site area drains to these abutting properties.

RECOMMENDATION:

It is recommended the Planning Advisory Committee recommends:

- approval of the rezoning of 45 Marr Road and 6 Old Mill Lane (PIDs# 00245415 & 00118067) from the Single Family Residential R1B zone to the Multi-Unit Residential Zone [R4] subject to an agreement setting out details of the development and conditions related to the approval.

ATTACHMENTS:

Minutes from the January 2nd, 2024 PAC meeting

Original Staff Report including attachments

Attachment 1 Stormwater Review

Attachment 2 Trip Generation Statement

Attachment 3 Polling Results

Preliminary Grading Plan

Plan & Profile Old Mill Lane Storm Sewer

Pre-Development Stormwater Management Plan

Post Development Stormwater Management Plan

Site Distance Assessment – CBCL

Report Prepared by: John Jarvie, RPP, MCIP

Date: Friday, May 03, 2024



ROTHESAY
2024May27 PublicHearing 45MainRd/6OldMillLnFINAL_007
PLANNING ADVISORY COMMITTEE MEETING
Rothesay Town Hall Common Room
Tuesday, January 2, 2024 at 5:30 p.m.



PRESENT: COUNCILLOR DON SHEA, CHAIRPERSON
COUNCILLOR TIFFANY MACKAY FRENCH
KELLY ADAMS
TRACIE BRITTAIN
TYLER DAVIS
RALPH FORTE
MATTHEW GRAHAM, VICE-CHAIRPERSON
CHRISTIANE VAILLANCOURT

TOWN MANAGER JOHN JARVIE
TOWN CLERK MARY JANE BANKS
RECORDING SECRETARY LIZ HAZLETT

The meeting was called to order by Town Manager Jarvie at 5:30 p.m.

1. ELECTION OF OFFICERS

Town Manager Jarvie called three times for nominations from the floor for Chairperson. Counc. Mackay French nominated Counc. Don Shea as Chairperson. There being no other nominations, Counc. Shea was elected Chairperson by acclamation.

Town Manager Jarvie called three times for nominations from the floor for Vice Chairperson. Counc. Shea nominated Matthew Graham. There being no other nominations, Matthew Graham was elected Vice Chairperson by acclamation.

2. APPROVAL OF THE AGENDA

MOVED by Counc. Mackay French and seconded by R. Forte the agenda be approved as circulated.
CARRIED.

3. ADMINISTRATION

3.1 Code of Ethics

All members were asked to review the document, sign the Member Statement and return it to Town Hall.

3.2 Committee Mandate

3.3 2024 Meeting Schedule

MOVED by M. Graham and seconded by T. Brittain the Code of Ethics, Committee Mandate, and 2024 Meeting Schedule be received for information.

CARRIED.

4. ADOPTION OF MINUTES

4.1 Regular Meeting of December 4, 2023

MOVED by R. Forte and seconded by C. Vaillancourt the Minutes of December 4, 2023 be adopted as circulated.

CARRIED.

5. DECLARATION OF CONFLICT OF INTEREST
N/A**6. NEW BUSINESS****6.1 25 Meadow Drive****John Daares**

OWNER:

John Daares

PID:

00232983

PROPOSAL:

Side Yard Setback Variance for Single Family Dwelling

The applicant, John Daares, was in attendance. Town Manager Jarvie advised the request is to permit an attached garage with a living space above and a side-yard setback of 0.91 metres (3ft) – a 4 meter variance is required.

MOVED by Counc. Mackay French and seconded by T. Brittain the Planning Advisory Committee:

- a. Grant a variance from the Rothesay By-law 2-10 to allow for a reduced minor setback of 0.91 metres (3 feet) for a proposed attached two-storey garage.
 - a. Accordingly, the applicant is required to submit the following:
 - i. A Surveyor's **Location Certificate** to confirm compliance with the building's required setbacks, the certificate shall:
 1. Be based on an actual site inspection and measurements;
 2. Verify the siting of the building foundation wall, setback from property boundary(s) for the four corners of the proposed building; and
 3. Be prepared by personnel qualified to practice Land Surveying in New Brunswick.
 4. The Surveyor's **Location Certificate** shall be provided to the Development Officer prior to any back-filling of the foundation excavation.

ON THE QUESTION:

Counc. Mackay French noted she is happy to see three individuals wrote in favour of the proposal. C. Vaillancourt mentioned the 82% variance, and asked if the neighbour next door raised any objections, or if there are any fire related concerns (access). Town Manager Jarvie advised no objections were received, and space still remains on either side of the property. In response to an inquiry, Mr. Daares confirmed that the second floor will be used for a bedroom master suite.

CARRIED.**6.2 45 Marr Road****Mike Maloney**

OWNER:

Patrick Maloney

PID:

00245415 & 00118067

PROPOSAL:

Rezoning (46-unit apt bldg./6-unit Townhomes)

The applicant Mike Maloney and his wife Sheila Golez were in attendance. Town Manager Jarvie advised: the request is to rezone the rear portion of the property from Single Family – Residential (R1B) to Multi-Unit Residential (R4) for an apartment building, and the front portion from R1B to R3 (Attached Residential Zone) for townhomes; the land is designated Commercial in the Municipal Plan which permits high density residential use; the current Zoning By-law is under review for updates, therefore a rezoning process is required; and 45 Marr Road and 6 Old Mill Lane will be reconfigured to form the property.

C. Vaillancourt mentioned that letters were received with concerns regarding polling letters sent during the holiday season – some did not receive the notification until after the deadline for comments; and drainage for water runoff (including melting snow). She asked if rescheduling was an option. Furthermore, she expressed concern that the trip generation study may be misleading. The study focuses on seniors or retirees – which are the target audience for the project – but does not consider that other demographics may apply as tenants. She added traffic congestion in the area is already problematic and is expected to worsen with another nearby project under construction. She asked why the study did not present a “worst case” scenario.

Town Manager Jarvie advised: standard application and polling processes were followed; the Committee can choose to postpone the discussion until February if there is interest; public attendance at tonight’s meeting suggests notification efforts were successful; a detailed design plan for stormwater management is expected, in the meantime the consultant has provided a letter outlining the intended approach; at this point staff have flagged that drainage needs to be addressed/questions should be directed to the developer; and occupancy is at the discretion of the property owner. With respect to traffic, he noted: the study was provided by professional traffic consultants; Marr Road is a collector road, which by definition, is busier than other streets in the community; and as the application process proceeds there will be more information available on the traffic impact.

R. Forte requested clarification on: the purpose of tonight’s discussion – public hearing recommendation or in depth discussion; Policy HDR-4 (b) “the maximum density does not exceed 100 square meters of land per apartment unit”; and Policy HDR-4 (d) “the subject lands do not exceed 1 acre in total area (or 40 apartment units)”.

Town Manager Jarvie explained that a recommendation for a public hearing suggests the application has enough merit to warrant further discussion by the public and Council. To establish this, there are opportunities for the Committee and public to ask questions – to clarify the nature of the project, rather than present opinions – at the Committee level and again at a public hearing. The applicant is also available to explain and answer questions.

Town Manager Jarvie explained that Policy HDR-4 (b) sets the maximum density per square meter of land (100 sq. m. per apartment unit); and (d) 40-units are permitted per acre of land. In this case, the area for the apartment building is roughly 6300 sq. m. (137 sq. m. per unit), which is sufficient for a 46-unit apartment building. He suggested questions related to rationale for the number of buildings/units are better suited for the applicant. In response to an inquiry, it was noted a sign was put on the property to announce the rezoning application; however, it was just installed today.

Mr. Maloney briefly explained the vision for the project, noting it is intended to provide housing in a highly walkable area that allows individuals – like his parents – to remain in the community without the hassles of homeownership. When questioned, Mr. Maloney confirmed the townhomes will be rented, not owner-occupied, and one will be a barrier-free unit.

M. Graham asked if density requirements are the same for apartment buildings and townhomes. Town Manager Jarvie advised different calculations are used which is why there are two zonings proposed R3 (townhomes) and R4 (apartment building). The proposal complies with by-law requirements for each zone.

Counc. Shea mentioned he used to own property on Robinson Street and asked if water runoff will be collected in that area. Mr. Maloney and Mrs. Golez addressed stormwater management, highlighting that they have engaged civil engineers to develop a stormwater management plan. The intent is to control the flow of water (rain and melted snow) by redirecting it to areas where it can be naturally absorbed, or retained until it can be released at a controlled rate into municipal infrastructure on Marr Road. Land preparation for stormwater management must be completed before a foundation is built. It is expected the project will improve the drainage situation related to the property's current state. T. Brittain mentioned that there are stormwater management requirements included in development agreements. Town Manager Jarvie confirmed this, adding that a detailed drainage plan is required, and post-development runoff cannot exceed pre-development conditions.

Mr. Maloney answered Committee inquiries, noting: the apartment building will have mostly 2-bedroom units (sizes have yet to be finalized); there will be 6 affordable units; the project is targeted towards seniors; rent for the affordable units will be 30% below market value; marketing efforts will be explored once the project is approved – for now interest has been spread through word of mouth; the Shadow Study shows the buildings may cast shadows onto neighbouring properties around 8:00 a.m. (March 21-September 21) but only for a short period of time – the 12:00 p.m. image shows the shadows have retreated significantly from the property line; the Shadow Study can be updated to show results in the winter; the tree barrier will be maintained as much as possible to maintain privacy for all properties; property owners, directly behind on Robinson Street, should not be able to see much of the apartment building (and vice versa) owing to long lot depth and significant tree buffers; the proposal complies with by-law requirements for parking; and the project does not include specialized plug-ins for electric vehicles in the underground parking lot.

Members of the public were invited to speak. The following people spoke: Terry McKee, 4 Old Mill Lane; Mike Vienneau, 26 Robinson Street; Nathan Blais, 10 Old Mill Lane; Sue Crozier, 43 Marr Road; Pat Shea, 24 Robinson Street; and Steve Cooper, 11 Old Mill Lane.

The following comments were made: if approved, 4 Old Mill Lane will be fenced in on three sides; the group in attendance tonight was gathered by word of mouth because the polling notice – during the holiday season – was ineffective; other proposals for the property were unsuccessful; a single-family home is preferred; the height of the building will impact privacy for surrounding properties and tenants; drainage is a significant concern, water runoff will increase to surrounding properties which also includes relocated – and melting – snow; and relocated snow is not expected to melt until the spring, owing to minimal sunlight in the winter, which could worsen drainage issues for surrounding properties.

There was a lengthy discussion regarding Mr. Vienneau's concern that snow will be pushed towards his property and the drainage plan will not be sufficient to handle runoff. Mr. Maloney and Mrs. Golez noted as the property owners, snow removal is their responsibility. A contractor will be hired and instructed to relocate snow near the center of the property to melt into designated retention areas, and released into municipal infrastructure at a controlled rate. It was noted a flat roof will also be utilized in the stormwater management plan. Mr. Maloney and Mrs. Golez reiterated that there are no current drainage controls on the property, therefore the proposal is expected to vastly improve the situation by adding retention areas to control runoff, and greenery/vegetation for natural absorption. Mr. Vienneau disagreed, noting he is familiar with drainage through his employment and experience on his property and does not believe the measures will be adequate to prevent impact to his property.

Chairperson Shea called for order. He noted it is unlikely issues will be resolved tonight – the intent for tonight’s meeting is to hear public concerns/comments.

Public comments continued with the following: neighbouring properties will be impacted by shadows, loss of privacy – thin tree buffer and height of buildings (apartment and townhomes), drainage – surrounding properties cannot handle more saturation; shallow wells may be impacted by contaminated runoff from the above-ground parking lot; water runoff is expected to worsen existing conditions; housing is needed but should not impact the quality of life for surrounding properties; and public notification and information availability was lacking.

Counc. Shea stated that the recommendation is that Council schedule a public hearing to provide another opportunity for public comments.

MOVED by T. Brittain and seconded by Counc. Mackay French the Planning Advisory Committee recommends that Council schedule a public hearing to consider the rezoning of 45 Marr Road and 6 Old Mill Lane (PIDs 00245415 & 00118067) from Single Family Residential R1B zone to the Multi-Unit Residential Zone [R4].

ON THE QUESTION:

R. Forte asked if the Committee will have another opportunity to discuss the application before a public hearing. Town Manager Jarvie noted it depends on when the public hearing is scheduled. C. Vaillancourt asked if recommending the public hearing means that the Committee supports the application. Town Manager Jarvie noted it does not. He explained that a recommendation for a public hearing informs Council that there is enough substance to the application to warrant presenting the proposal to Council and the public.

CARRIED.

Town Manager Jarvie acknowledged that the timing of the polling letters was not ideal, but a standard process is used to create balance for developers and the public. He explained the next steps noting the recommendation will be brought to Council, and if a public hearing is scheduled public notification will occur, and the developer will have an opportunity to address the comments raised tonight. Council will discuss setting a date at its next meeting, however, in accordance with the Community Planning Act the earliest the public hearing can be held is January 29th.

Town Clerk Banks advised Council will discuss the matter at its next meeting on January 8th at 7:00 p.m. She noted members of the public can watch the meeting through a livestream or a recording (available the following day). She added the next Committee meeting will be February 5th at 5:30 p.m.

Chairperson Shea thanked Mr. Maloney and Mrs. Golez.

6.3 Dobbin Street**Rick Turner**

OWNER:

A.E. McKay Builders Ltd.; Andrew & Cathy McKay

PID:

30354955 & 30354963

PROPOSAL:

Amendment to Development Agreement (increased density)

The applicant Rick Turner and property owner Andrew McKay were in attendance. Town Manager Jarvie advised: a development agreement was executed in 2015; the land was transferred to a new owner (McKay), but the development agreement is attached to the land; the request is to increase the number of units on Lot 2 (PID 30354955) from 48 units in three buildings to 56 units in a single building and on Lot 3 (PID 30354963) from a 24 unit building to a 29-unit building; the proposal aligns with the need for housing, especially affordable units, and the new Municipal Plan enacted in 2021; and the proposed amendments to the development agreement were included for the Committee's review.

Mr. Turner, of Hughes Surveys & Consultants, stated the staff report clearly shows the intent of the proposal. He noted: the increase in units aligns with the Municipal Plan; the difference is 13 units; the amendments requested still bring the total density below the property's maximum permitted density; the proposal creates an opportunity for more greenspace (three buildings condensed to one, and underground vs. surface parking) thereby improving space for the stormwater management pond; and if approved, the intent is to begin construction as soon as possible.

The Committee inquired about: construction currently underway, Lot 3, options, project timeframe, and access/egress for Dobbin Street. The following responses were provided: construction is currently underway for a 24-unit building on Lot 1 (original agreement) and the road base; the proposed amendments do not impact Lot 1; the proposed change to Lot 3 is within the parameters of the Zoning By-law but still requires an amendment to the development agreement; it is at Council's discretion whether to approve one, none, or all changes proposed; the project completion deadline will likely require an extension to accommodate the changes; the intent is to begin work as soon as possible; when the project is completed Dobbin Street will have two access points; and traffic signals were recently installed on Clark Road which will improve traffic conditions to the entrance near Lennox Drive and Salmon Crescent (sidewalk will also be installed).

R. Forte raised concerns, noting he is uncomfortable with non-committal wording throughout the report, for example "seems consistent", "appears", and "generally complies". He stated Council expects details and due diligence from the Committee. Town Manager Jarvie explained that staff are confident in their understanding of the proposal but the wording is necessary as final designs, for instance for Lot 3, have not been provided.

MOVED by T. Brittain and seconded by Counc. Mackay French the Planning Advisory Committee recommend Council schedule a public hearing to consider amending the development agreement of the Dobbin Street property particularly with respect to Lot 2 (PID 30354955) and Lot 3 (PID 30354963); and Council consider amending the development agreement registered as document 34727207 to increase the total unit count by 13.

ON THE QUESTION:

In response to an inquiry, Town Manager Jarvie noted the two recommendations do not need to be separate as a public hearing would involve both matters.

CARRIED.

Chairperson Shea thanked the applicant and the property owner, and they left the meeting.

ROTHESAY

Planning Advisory Committee
Minutes

2024 May 27 Public Hearing 45 Marr Rd / 6 Old Mill Ln FINAL_013

-7-

2 January 2024

7. OLD BUSINESS

7.1 7 Scott Avenue

Elena Zeifer

OWNER:

Elena and Maxim Zeifer

PID:

00064105

PROPOSAL:

Rezoning R1B to R2

The applicant Elena Zeifer was not in attendance. Town Manager Jarvie advised the application: addresses a need for housing; is consistent with the character of the neighbourhood (proximity to multi-unit residential and commercial); creates a gradual density transition between single-family homes and nearby multi-unit residential properties; and requires no external additions to the building. He informed the Committee that the project must adhere to Building Code and Fire Code requirements to become a 2-unit building. He added there is also a condition that the applicant must provide sufficient parking to prevent on-street parking. He shared that these comments may be brought up at the public hearing on January 15th. C. Vaillancourt mentioned the item was discussed at the last Committee meeting. Town Manager Jarvie noted discussion at the previous meeting revolved around a recommendation for the public hearing.

MOVED by T. Brittain and seconded by Counc. Mackay French the Planning Advisory Committee support the application by Elena Zeifer to rezone 7 Scott Avenue (PID 00064105) from Single-Family Residential – Standard (R1B) to R2 – Two Family Residential for a 2-unit duplex and recommend Council enact By-law 2-10-37.

ON THE QUESTION:

R. Forte asked if the public will be able to comment on the proposal. Town Manager Jarvie advised there will be an opportunity for public comments at the public hearing on January 15th. He referenced a prior question, advising that the property will not be owner-occupied.

NAY vote recorded from M. Graham.

CARRIED.

TABLED ITEMS

N/A

8. CORRESPONDENCE FOR INFORMATION

N/A

9. DATE OF NEXT MEETING(S)

The next meeting will be held on Monday, February 5, 2024.

10. ADJOURNMENT

MOVED by R. Forte and seconded by Counc. Mackay French the meeting be adjourned.

CARRIED.

The meeting adjourned at 7:00 p.m.

CHAIRPERSON

RECORDING SECRETARY



To: Chair and Members of Rothesay Planning Advisory Committee
From: Darcy Hudson
Assistant Development Officer
Date: Thursday, December 28, 2023
Subject: Rezoning 45 Marr Road/6 Old Mill Lane – (PIDs 00245415 & 00118067)

Applicant:	Mike Maloney	Property Owner:	Patrick Maloney
Mailing Address:	34 Sprucewood Ave Rothesay, N.B. E2E 2H3	Mailing Address:	182 Elliot Road Quispamsis, N.B. E2G 2B8
Property Location:	45 Marr Road/6 Old Mill Lane	PID:	00245415 & 00118067
Plan Designation:	Mixed Residential	Zone:	Single Family Residential R1B
Application For:	Rezoning to allow for a 1 four story (46 Unit) Apartment Building & a 6 Unit Townhouse		
Input from Other Sources:	Operations, KVFD, KRPF, Polling		

ORIGIN

An application from Mr. Mike Maloney on behalf of Dr. Patrick Maloney, to consider rezoning land located off Marr Road and Old Mill Lane (PIDs 00245415 & 00118067) from Single Family Residential [R1B] to Multi-Unit Residential (R4) to allow for the development of a 46-unit apartment building and a 6 Unit townhouse subject to the terms of a Development Agreement.

BACKGROUND

The properties are 8,643.56 square meters (2.14 acres) and currently zoned Single Family - Residential Standard zone (R1B). The property is designated COMMERCIAL in the Future Land Use map. The proposed use as a residential apartment building is not listed as a permitted use within the R1B zone. However, the Municipal Plan By-law 1-20 does contain policy direction (see Policy HDR-4 follows) that would allow Council to consider the application.



Figure 1 – Site plan of Proposed Marr Road Apt. Building and Townhouses.

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

COUNCIL SHALL:

Policy HDR-4 High-density Residential:

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

- a) Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;
- b) The maximum density does not exceed 100 square metres of land per apartment unit;
- c) Subject lands are adequate in size relative to the intensity and scale of the proposed land development;
- d) The subject lands do not exceed 1 acre in total area (or 40 apartment units);
- e) Underground parking is provided;
- f) Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.
- g) Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;
- h) Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and
- i) A building design of high quality that is consistent with community values and architectural best practices.



Figure 2 – Property at 45 Marr Road/6 Old Mill Lane

ANALYSIS:

Policy HDR-4 High-density Residential	Staff Comment
Subject lands are adjacent to or in close proximity to collector or arterial streets and transit routes;	The proposed building is located 140 meters from Marr Road. A traffic impact statement is being prepared to determine any additional traffic enhancement or requirements.
The maximum density does not exceed 100 square meters of land per apartment unit;	The property is 8,643.53 square meters in area and proposed density at 46 units does not exceed the 100 square meters of land per apartment unit.
Subject lands are adequate in size relative to the intensity and scale of the proposed land development;	The proposed 4-story building would be located in a mixed-use development area containing single-family residential, High Density Residential, Commercial and Light Industrial uses.
The subject lands do not exceed 1 acre in total area (or 40 apartment units);	The density of 46 units would exceed the 40-apartment unit limit on density. However, the applicant also intends to make use of POLICY R-1 and R-2 that permit Council to consider an increase in density by 2 percent for every apartment unit meeting affordability standards or constructed as an accessible unit. The applicant is proposing affordable and barrier free units and

Policy HDR-4 High-density Residential	Staff Comment
	therefore would be eligible for an increase in density (6 additional units).
Underground parking is provided;	The proposal includes underground parking for 45 vehicles and 18 surface parking spaces for 63 parking spaces. The total number of parking spaces complies with the zoning by-law calculated at 1.25 spaces per apartment unit.
Require the developer provide a technical wind and shadow study, to be completed by a certified professional, to ensure the proposed development does not generate excessive wind or cast a shadow on abutting properties or public road right-of-way that would detract from the quality, enjoyment, or use of the space.	A Shadow Study has been completed and indicates that the shadows will not cast shadows on abutting properties or public road right-of-way that will detract from the quality, enjoyment, or use of space.
Require the developer to complete a traffic impact assessment for the proposed development on the surrounding area completed by a qualified transportation engineer or other technical specialist;	The developer is preparing a traffic impact assessment. Staff intend to review the study by understanding how the apartment building development adheres to good planning principles to ensure safe and equal access to the transportation system by all users, including vehicles of residents and their guests, foot traffic of residents and their guests to and from the building to a public sidewalk or other destination (bank/restaurant), cyclists, and the loading and unloading commercial trucks (garbage, moving vans, delivery vehicles, etc.).
Excellence in site design best practices addressing features such as Crime Prevention through Environmental Design (CPTED) principles, urban design, and high quality landscaping; and	One of the key features of CPTED is the placement of physical features, activities and people in a way that maximizes visibility as a key concept directed toward keeping intruders easily observable, and therefore less likely to commit criminal acts. Features that maximize the visibility of people, parking areas and building entrances are unobstructed doors and windows, pedestrian-friendly sidewalks and streets, front porches and appropriate nighttime lighting.
A building design of high quality that is consistent with community values and architectural best practices.	Good design responds and contributes to the neighbourhood context. Staff review the building design based on the natural and built features of the local neighbourhood, and the relationship and the character they create when combined with the proposed building.

Policy HDR-4 High-density Residential	Staff Comment
	<p>The area has some challenges in that the NB Power infrastructure does not create an attractive view for residents; however, the proposed building will be an attractive enhancement for the area.</p> <p>Staff believe that the proposed building in this mixed-use neighbourhood achieves good design as the scale, bulk and height of the building is appropriate to the existing or desired future character of Marr Road and surrounding buildings.</p>

Polling Results

As standard procedure with all rezoning applications letters were sent to nearby residents to inform them of the application and soliciting their comment or feedback. As of Thursday, December 28, 2023 several emails were received by the Town in opposition to the application. One telephone call was received in support of the application.

RECOMMENDATION:

It is recommended THAT the Planning Advisory Committee:

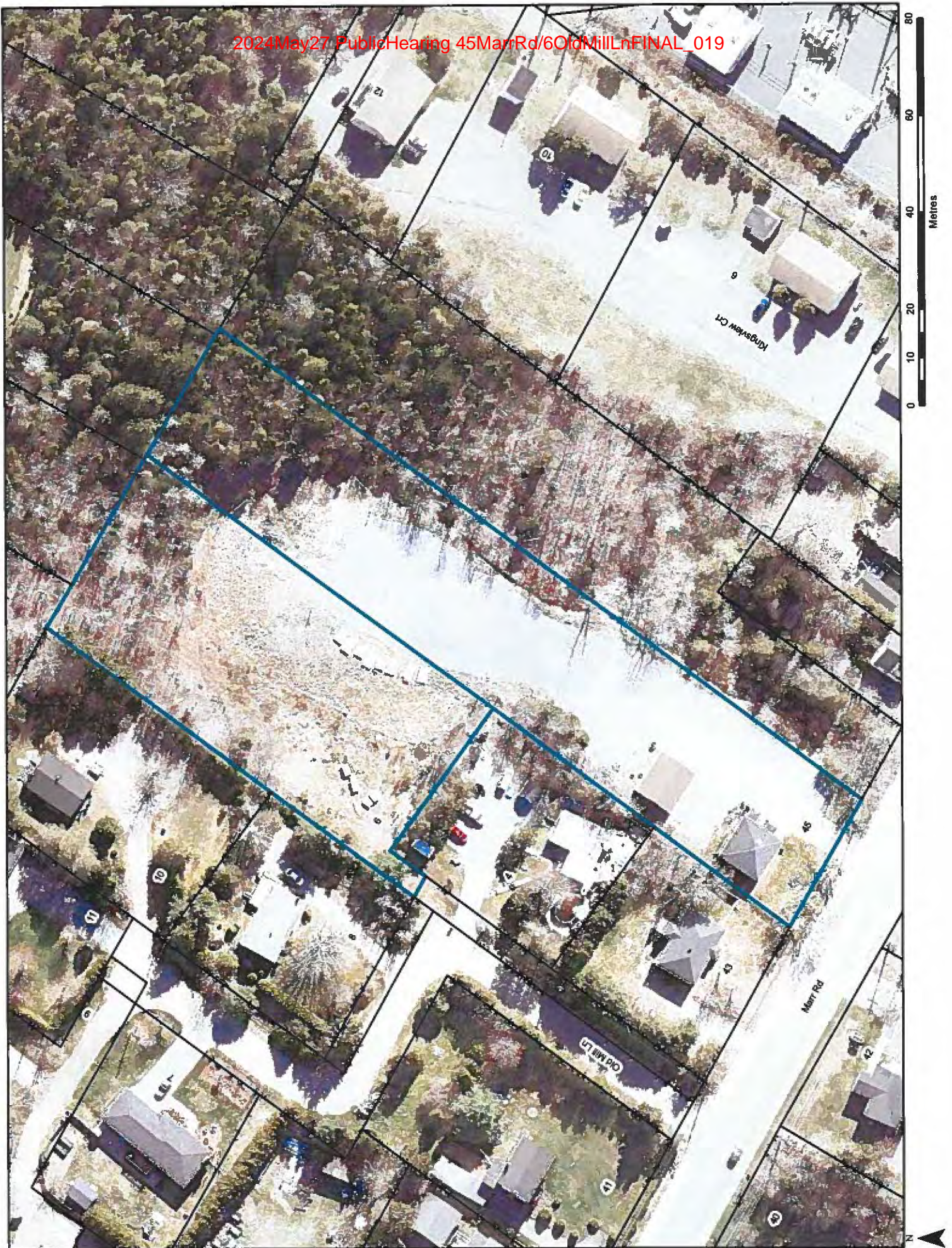
- A. Recommend that Rothesay Council schedule a **PUBLIC HEARING** to consider the rezoning of 45 Marr Road and 6 Old Mill Lane (PIDs# 00245415 & 00118067) from the Single Family Residential R1B zone to the Multi-Unit Residential Zone [R4].

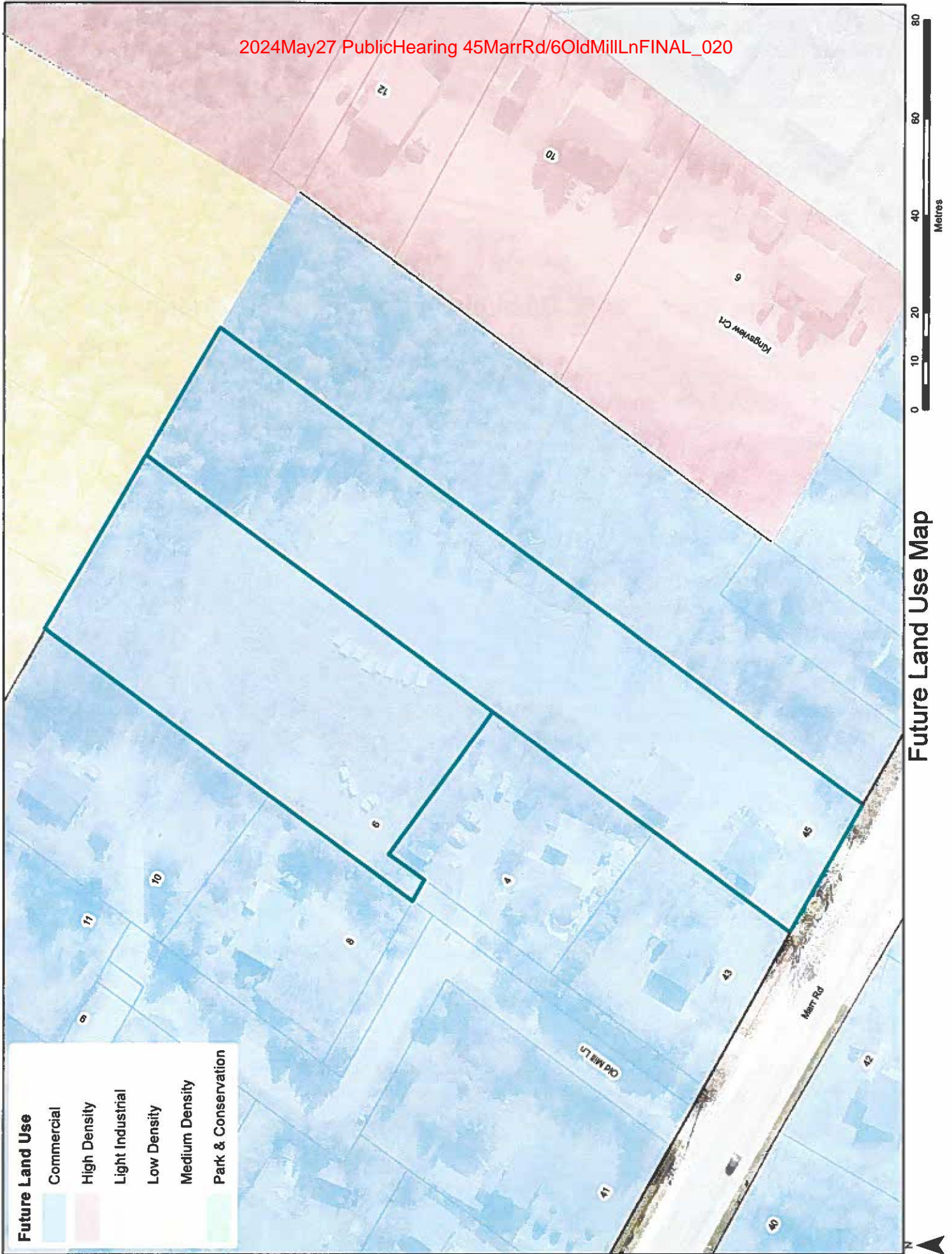
ATTACHMENTS:

- Map 1 Aerial Photo Location Map
- Map 2 Land Use Designation
- Attachment 1 Stormwater Review
- Attachment 2 Trip Generation Statement
- Attachment 3 Polling Results

Darcy Hudson

Report Prepared by: Darcy Hudson, Assistant Development Officer
Date: Thursday, December 28, 2023





Future Land Use Map

Ref: 23387-StormwaterReview

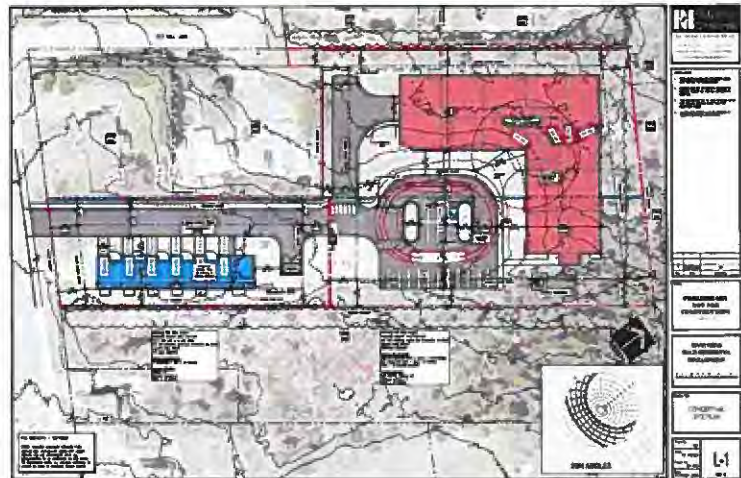
December 6, 2023

Mr. McLean,

Re: 45 Marr Road - Multi-Residential Development - Stormwater Review

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

We have been provided with a conceptual site plan prepared by Polyline Designs dated October, 2023 and this review is limited to details shown on this site plan.



Existing Site

The existing site is composed of two PIDs 00118067 and 00245415. The site is currently occupied by a single family home with a detached garage and a large laydown area towards the rear of the site.

The front portion of the site slopes away from Marr Road and to the west. This portion of the site sheet drains onto the adjacent property to the west.

The rear portion of the site sheet drains to the adjacent properties to the west and north

Stormwater Management Approach

The new site would be designed to perform stormwater management to limit peak flows to pre development levels. Water draining from the parking areas would be directed to a Stormscepter to provide treatment of water quality. Below are preliminary design ideas for how this will be achieved.

The proposed site plan shows townhouses located along the front portion of site. We would likely incorporate a swale along the rear of these to intercept flows from upstream, as well as

collecting the rear portion of the buildings. The street area could be collected in a storm sewer system.

Between the garbage enclosure area and the parking area for the larger building there is an area of undeveloped land. We would likely incorporate a storm pond in this area.

The parking lot would be designed as parking lot ponds by installing ICD's in the catch basins from this area so water ponds in the parking lot for a brief period of time.

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

Flow from the site would be discharged to the existing storm system on Old Mill Lane via the Local Government Services Easement through the adjacent property.

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

Closing

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

Yours truly,

Don-More Surveys & Engineering Ltd.

Andrew Toole

Andrew Toole, NBLS, P.Eng.

December 21, 2023

Mike Maloney, BBA, BPR, CPF
Right Hook PR + Strategic Planning
34 Sprucewood Avenue
Rothesay, NB, E2E 2H3
Email: mike@righthookpr.com

Dear Mr. Maloney:

RE: Trip Generation Statement - 45 Marr Road, Rothesay

Project Understanding

We understand a trip generation statement is required by the town of Rothesay for the proposed residential development located at 45 Marr Road, Rothesay. The development is planned to include one, 46-unit apartment building and six townhouses, for a total of 52 residential units, as illustrated in **Figure 1**, and will be marketed towards seniors/retirees.

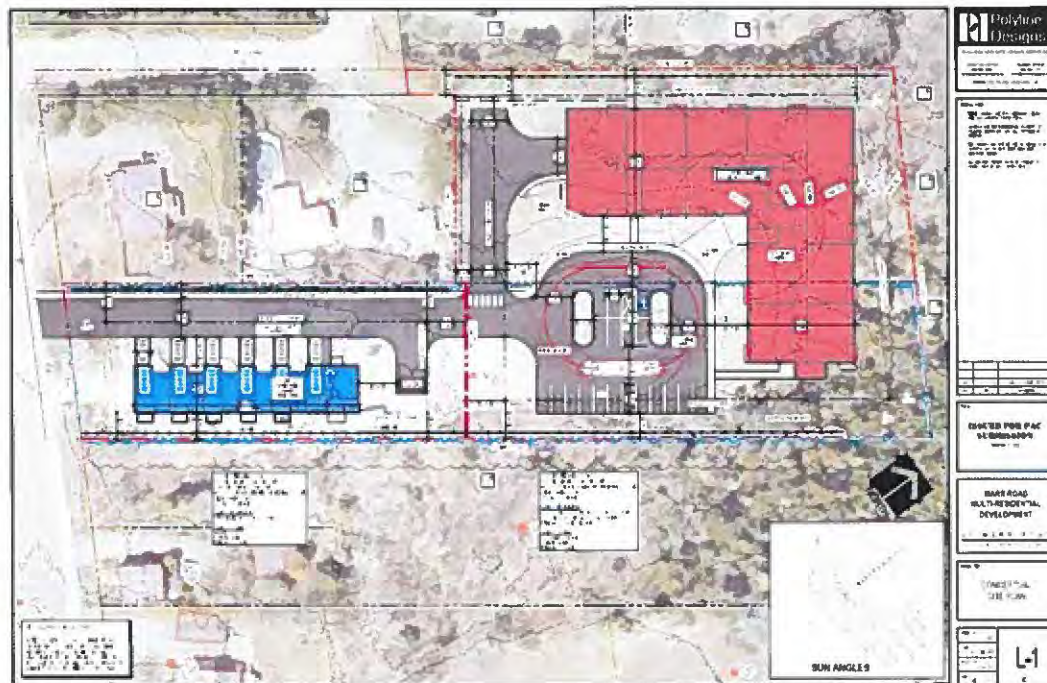


Figure 1: Proposed Site Plan

Trip Generation

To estimate the new morning (AM) and afternoon (PM) peak hour traffic generated by the proposed development, trip generation rates from the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition*, were used. Rates published in this manual are widely accepted by the traffic engineering community, as they are based on empirical data.

Since the proposed development will include both apartment units and townhouses marketed towards an older demographic profile (i.e., seniors/retirees), the following land use codes were selected from ITE's Trip Generation Manual to best reflect the proposed land uses:

- ▶ ITE LU Code 252 for "Senior Adult Housing – Multifamily (Apartment)
- ▶ ITE LU Code 251 for "Senior Adult Housing – Single-Family (Townhouses)

The trip generation rates include all vehicular movements entering and exiting the site. Trip generation rates were reviewed for both the weekday AM and PM peak hours of the adjacent road, as this would represent the peak traffic loading on the adjacent street (i.e., Marr Road). The location setting for "General Urban/Suburban" was selected as it generally reflects the setting of the development site. The estimated numbers of new AM and PM peak hour trips based on the proposed number of dwelling units are summarized in **Table 1**, and a summary of new site trips is provided in **Table 2**.

Table 1: ITE Trip Generation Summary

ITE Land Use Code 252 (Senior Adult Housing – Multifamily)							
46	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.20	34%	66%	4	7	11
	PM Peak Hour of Adjacent Street Traffic	0.25	56%	44%	7	6	13
ITE Land Use Code 251 (Senior Adult Housing – Single-Family)							
6	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.24	33%	67%	1	1	2
	PM Peak Hour of Adjacent Street Traffic	0.30	61%	39%	2	1	3

Mike Maloney
December 21, 2023

Table 2: Summary of New Site Trips

Time Period	Trips In	Trips Out	Total Trips
AM Peak Hour	5	8	13
PM Peak Hour	9	7	16

Based on the trip generation for the proposed site, a total of 13 and 16 new trips are expected during the weekday AM and PM peak hours, respectively.

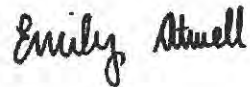
Closing

Thank you for the opportunity to complete this Trip Generation Statement for your proposed development at 45 Marr Road.

We trust this information satisfies your current requirements, but if you have any comments or questions that arise from the review, please reach out to us at your earliest convenience.

Yours very truly,

CBCL Limited



Prepared by:
Emily Atwell, EIT
Transportation EIT & Urban Planner
Direct: (506) 639-6559
E-Mail: eatwell@cbcl.ca



Reviewed by:
Brendan McPhee, M.Sc.E., P.Eng.
Transportation Engineer
Direct: (506) 633-6650
E-Mail: bmcphoe@cbcl.ca

CC: Brian Moreau, P.Eng.

Report No: 232936.00

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Darcy Hudson

From: [REDACTED]
Sent: December 25, 2023 8:49 PM
To: Darcy Hudson
Subject: Fwd: Rezoning Application - 45 Marr Rd / 6 Mill lane

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

Please disregard the first email sent in error.

Mr. Hudson,

My name is [REDACTED] and I live at [REDACTED] in Rothesay with my wife [REDACTED]. I would like to register my opposition to the proposed bylaw change for 45 Marr Rd and 6 Old Mill Lane.

In 1987 we bought this land and built our house in the summer of 1988. The area behind our home is fairly heavily forested with lots of humps and hollows that help control the flow of water which naturally moves downhill. This natural setting, along with landscape work completed in our backyard has worked well at keeping water moving around the house in severe rain events.

This land for the most part, belongs to the home owners on the west side Robinson Street so there's little chance of any changes there.

The issue for me is this land in question.

Several years ago, another development was proposed for this same site. The neighbours were given a satisfactory time frame to respond to this and I'm aware of some, including myself, who opposed. Eventually the application, as I understand it, was denied.

Unfortunately for me, some site work had been done and at some point, a large parking lot was created on this land. The winter plowing pushed all the snow to the back of the lot.

During winter rain storms, usually in February, March and April, the rain, along with added snow melt, flow too fast and in too much volume, for the natural forest land and my initial landscaping to handle. This was a very noticeable change resulting in a wet basement a few times.

In 2019 I removed my back deck and reshaped my backyard to assist with this added water during these very common events. My yard is no longer flat but has a swale running through it and around the house. So be it, if it worked, I would have been happy. Unfortunately, some of the storms still created problems with water running up against my foundation and into the basement through the windows. As a last ditched effort to keep water out of the house, I had the 2 basement windows bricked in, removing all natural light from the basement.

I'm also concerned about the added noise these units will bring to the area. You are talking about adding 52 residential spaces in my backyard. The noise of construction and then, everyday life for those living there will become what we hear in our backyard.

Another point is that there are at least 7 other large units either recently completed, under construction or already approved, within 2kms of this address. Once all are up and running the traffic in the area, which has already had a noticeable increase, will be even worse.

The last point I will make is the apparent strategic timing of all this. I received my letter, that was dated December 19th, on Friday December 22, 2023. The letter advised that submissions had to be received by end of day on Wednesday December 27th. Given the Christmas Holiday that has given people one working day, Wednesday the 27th, to ask any questions of staff or any other research they may want to undertake, and then make their submission. That doesn't even account for the folks who may be away for the holidays unaware of what is happening in their backyard. Interesting.

Respectfully submitted,

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

From

Date: Mon, Dec 25, 2023 at 2:58 PM

Subject: Rezoning Application - 45 Marr Rd / 6 Mill lane

To: <darcyHUDSON@rothesay.ca>

Mr. Hudson,

My name is _____ I live at _____ in Rothesay with my wife _____ could like to register my opposition to the proposed bylaw for the A/N address.

In 1987 we bought this land and built our house in the summer of 1988. The area behind our home is fairly heavily forested with lots of humps and hollows that help control the flow of water which naturally moves down hill. This natural setting, along with landscape work completed in our backyard has worked well at keeping water moving around the house in severe rain events.

Darcy Hudson

From: -
Sent: December 27, 2023 3:55 PM
To: Darcy Hudson
Subject: 45 Marr road

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

Hi I live at 4 Old Mill Lane . I Am rejecting this proposal.

I do not want fenced in on 2 Sides of property.It zoned single family a 6 Old lane and we want that to stay that way or green space . As on the last proposal it was deemed they could put a garage or warehouse on 45 Marr road this project is far more that that .We take 10 to 15 minutes to get onto Marr now in morning. So how a minimum 50 cars going to get to the Marr Road on that blind hill . And there moving driveway closer to crest of hill . There all ready been Deaths an accident there because of it . And the 25 days a year you are totally blinded by the sun coming up that crest of hill . And if the next property add the New apartment buildings on the homestar property.It going to be worst again.

Get Outlook for iO

Darcy Hudson

From:
Sent: December 27, 2023 4:00 PM
To: Darcy Hudson
Cc:
Subject: RE: Rezoning of 45 Marr Rd and 6 Old Mill Lane

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

Attn: Darcy Hudson
Assistant Development Officer

Darcy,

I am writing you at this time to state my objection regarding the proposed development of 45 Marr Rd and 6 Old Mill Lane Rothesay, NB.

Here are some of my concerns:

- We are close to apartments now, this will mean increased noise levels
- Water drainage concerns
- New Apartments and town houses on these parcels of land will definitely mean a significant increased level of traffic
- Marr Road is busy enough now and really can't handle any further traffic
- No Greenspace in this area now, this would eliminate the very little bit we currently have left
- Privacy
- Property values and appearances of property not pleasing to residential living
- Potential for increased Theft or crime activity

Where this rezoning application was requested at an already busy time of year for families and business, it feels like this process is being pushed through quickly and perhaps in a way to avoid the publics opportunity to express their concerns.

I understand a meeting is being held Tuesday January 2nd, 2024, at which time I understand the area residents should be given an opportunity to express their concerns.

Thank You,

8 Old Mill Lane
Rothesay NB
E2E 3K8

Darcy Hudson

From:
Sent: December 27, 2023 3:28 PM
To: Darcy Hudson
Subject: Rezoning on Old Mill -

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

Hi Darcy,

Firstly, thank you for bringing this rezoning application to my attention.

I will start by saying this process appears rushed, as your letter was written on December 19th and was delivered after the 21st. I had checked my mailbox after 5pm that day, and was surprised to find your letter with the timeline in my mail today, Dec 27th after the Christmas holiday.

Having received this letter during the holiday, and being left with very limited time to respond, I can't guarantee that my thoughts will be complete, as I am writing to you from my vehicle outside the mailbox at 3:01pm on December 27th.

My preliminary concerns are as follows:

1. Water - I have a shallow well. The construction of the building may (likely) contaminate the aquifer/reservoir from which we draw our water.

-how can this risk be mitigated or eliminated? I should not carry the financial cost of resolving this issue should it occur.

2. Flooding - Given the proximity of the building to my home, I think it is likely that run off from the roof and parking lot will drive water downhill and against the foundation of my home. The saturation of my yard, as well as my foundation is a concern to me, as I do not have significant issues with water ingress currently. As you know, pavement and steel/shingles do not absorb water. During the Winter and Spring, I have noticed the sewer system struggling to deal with the existing water runoff.

-how can this risk be eliminated or mitigated? So far, I have taken some steps to prevent water ingress to my home and have been successful. However, the construction of such a building will undoubtedly cause issues which may overwhelm my ability to deal with the water. I should not carry the financial burden for dealing with the water issues which may arise as a result of the buildings construction.

3. Privacy - a 5 story building will completely overshadow my home. The plans place the building extremely close to my yard such that it will dwarf the trees I rely on for privacy. As a result, my privacy will be significantly impacted, which will in turn reduce the value of my property.

-what precautions will be taken to preserve the integrity of my yard?

In short, my access to clean, drinkable water may be impacted, my home and yard may sustain damage (primarily from flooding or water flow running down from the apartment building), and my privacy and home security may be impacted as the building will not only be one of the tallest buildings in the town, but will also be a large housing complex.

Darcy Hudson

From:
Sent: December 27, 2023 4:01 PM
To: Darcy Hudson
Subject: Re: Rezoning on Old Mill - 10 Old Mill Lane

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Additionally, theft and vandalism are a concern. Theft and vandalism in the case of increased traffic and visibility.

As well, fire poses a risk in the case of fire from smoke damage or the spread of fire across the boundary of my lot. A medium sized apartment building which was under construction caught fire in Fredericton a few years ago, it was located in a residential area downtown and the heat and smoke damaged nearby homes.

On Wed, Dec 27, 2023 at 3:27 PM,

Hi Darcy,

Firstly, thank you for bringing this rezoning application to my attention.

I will start by saying this process appears rushed, as your letter was written on December 19th and was delivered after the 21st. I had checked my mailbox after 5pm that day, and was surprised to find your letter with the timeline in my mail today, Dec 27th after the Christmas holiday.

Having received this letter during the holiday, and being left with very limited time to respond, I can't guarantee that my thoughts will be complete, as I am writing to you from my vehicle outside the mailbox at 3:01pm on December 27th.

My preliminary concerns are as follows:

1. Water - I have a shallow well. The construction of the building may (likely) contaminate the aquifer/reservoir from which we draw our water.

-how can this risk be mitigated or eliminated? I should not carry the financial cost of resolving this issue should it occur.

2. Flooding - Given the proximity of the building to my home, I think it is likely that run off from the roof and parking lot will drive water downhill and against the foundation of my home. The saturation of my yard, as well as my foundation is a concern to me, as I do not have significant issues with water ingress currently. As you know, pavement and steel/shingles do not absorb water. During the Winter and Spring, I have noticed the sewer system struggling to deal with the existing water runoff.

-how can this risk be eliminated or mitigated? So far, I have taken some steps to prevent water ingress to my home and have been successful. However, the construction of such a building will undoubtedly cause issues which may overwhelm my ability to deal with the water. I should not carry the

Darcy Hudson

From:
Sent: December 27, 2023 11:51 AM
To: Darcy Hudson
Subject: Rezoning Application-45 Marr Road/6 Old Mill Lane

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

Hi Darcy,

I am the owner of the residence on 11 Old Mill Lane which is on a downward slope from the proposed building construction.

My intention is not to oppose new construction or the rights of a landowner but I do have some concerns with this proposed building.

The water run-off and potential for flooding on lower grade properties is of concern to me as is the possible contamination and

functionality of my well. I would like assurance that the existing infrastructure is capable of handling a building project of this scale.

A berm or a raised area of green space in a vertical way may be necessary for proper drainage.

Thank You

Darcy Hudson

From:
Sent: December 27, 2023 2:36 PM
To: Darcy Hudson
Subject: Rezoning...45 Marr, 6 Old Mill.

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

Hi Darcy, I have several concerns about this rezoning application and the subsequent construction activity.

1. Surface water drainage. As the land above my property at 22 Robinson has been developed steadily over the years since I moved in, there has been a significant increase in surface water flooding on my property. This has necessitated landscaping and earth berms to be applied to my property to keep water away from the house. This further conversion of woodland to hard standing will only add to my problems unless serious attention is paid to surface water handling at this new development.

2. Noise. Over the past few years, the noise from the ongoing construction between Robinson and Marr, as well as the apartments on Chapel has been a nuisance which has become more evident since I retired. I can no longer enjoy a peaceful afternoon on my deck due to the construction equipment and activity continuously in progress. This development is closer than any others and needs to be controlled for noise.

3. Population growth. I'm no expert on urban development, but I see an extremely rapid increase in local population and population density in the last few years. I can think of at least 6 major high density projects already completed or in progress, and I am concerned that we do not have the infrastructure in place to deal with this rapid growth. Our police, fire and ambulance services are already very busy, along with all the other social and domestic needs of the community. Thanks for the opportunity to comment. I trust my time has been well spent.

Regards

22 Robinson St.

Sent from my iPad

Darcy Hudson

From: ---
Sent: December 26, 2023 10:25 PM
To: Darcy Hudson
Cc:
Subject: REZONING APPLICATION - 45 MARR ROAD/6OLD MILL LANE

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

Dear Mr. Hudson

My wife and I just received your letter dated on Dec 19, 2023 regarding the rezoning application at 45 Marr Rd & 6 Old Mill Lane.

This email is a response to that letter since I am strongly opposed to this rezoning.

First of all, we live at 26 Robinson St and this rezoning would be directly in my back yard. Since we moved in, approximately 7 years ago, each spring we have experienced a lot of water run off in our back yard because the area in which you are talking about is at a higher elevation than our property. The winter snow and heavy rain falls build up in that area (and the area above it) and because we are slightly below that grade (level), all of that water runs downhill and into my backyard. This is not a slow trickle of water, but it runs quite rapidly for months because there is sooooo much water/snow melting. My home has come close to having my basement flooded a few times because the water could not drain fast enough. Because of this water buildup, I was forced to build up a portion of my backyard in order for the water to run AWAY from my home. My, and my neighbor's, backyard is usually saturated with water for the entire spring and into early summer. It is usually June or July (and sometimes August) before the water has dried up enough to go onto the lawn in my backyard. This water is the result of all of the water which is accumulating in the woods and along that stretch of Marr Rd.

I had to build similar to a "French drain" in order to keep the water from building up between my neighbor and I and to prevent basement flooding.

Now, if you are to build a 46 unit apartment building and a 6 unit Garden home area, I know EXACTLY where all of that snow (and water) will be plowed.....directly into the woods in my backyard. Now I will have even more snow and run off water in my backyard forcing me to do something more in order to keep my basement from flooding.

Secondly, if you are to allow this rezoning and a 46 unit apartment complex to be built, you are forcing an even more dangerous traffic pattern on Marr Rd. The extra traffic that will hit Marr Rd at peak times of the day will be even more dangerous on Marr Rd. May I remind you of where this area is.....it's at the top of a blind hill where oncoming traffic (in both directions) will have trouble seeing the traffic trying to enter Marr Rd.

May I also remind you that the town of Rothesay allowed an apartment complex to be built at the west end of Chapel Rd, which is still under construction but almost completed. When the developer asked for this permit, traffic pattern issues were brought up at that time as well. The developer said that they would install a traffic light at the corner of Marr Rd and Chapel Rd. THIS HAS NOT HAPPENED. I am not looking forward to the extra traffic jams and "close calls" that will occur when the extra traffic from the new unit on Chapel Rd hits this corner. Now, the town of Rothesay is inviting an even more serious safety concern (the extra traffic at 45 Marr Rd). What is the solution, another traffic light, that doesn't exist?

I certainly can understand that the town of Rothesay and all surrounding areas are in a struggle to find housing for MANY individuals and I am certainly onboard with the cause. However, to build a 46 unit complex on one of the busiest streets in Rothesay is NOT the solution. Building the units on another street which is less busy, more room to build, and not causing more flooding to existing properties makes much more sense. The developers are taking advantage of this

area because they can retrieve MAXIMUM rent since it is on a "high traffic area". This makes PERFECT BUSINESS SENSE but NOT AT THE COST OF FLOODING OTHER PROPERTIES AND CREATING A TRAFFIC SAFETY CONCERN.

In my opinion, the town of Rothesay does not have the infrastructure to handle the extra water run off (as my backyard shows) AND you are introducing another serious traffic safety concern by allowing this rezoning to happen.

I look forward to seeing you and others at your town hall meeting on Tuesday January 2, 2024. I promise you, I will be there.

thanks

Darcy Hudson

From:
Sent: December 27, 2023 11:33 PM
To: Darcy Hudson
Cc:
Subject: Rezoning Application - 45 Marr Road / 6 Old Mill Lane

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

Hello Mr. Hudson,

I'm writing in response to the letter that I received this evening for the rezoning application for 45 Marr Road / 6 Old Mill Lane.

I see from the correspondence that concerns were supposed to be submitted to you by 4:00 today (Wednesday, December 27). I know I missed the deadline but I'm reaching out to share my concerns over this rezoning application anyway.

I live at 43 Marr Road. My husband and I purchased our house four years ago and find this residential, single family home area to be relatively quiet, even with the traffic on Marr Road.

We purchased this property because of the proximity to all of our favourite things in Rothesay, but also because of the privacy and green spaces our lot gives us.

This proposal is going to add more volume of noise to this area, as well as take away a lot of the green space(s) we currently enjoy. While the zoning proposal you mailed to us doesn't include the plans from the developer, we are aware that the rendering shows a new driveway placed at 45 Marr Road, immediately adjacent to our property line. Old Mill Lane will presumably need to be widened to handle increased traffic as well, impacting the other side of our property.

We are concerned with what this change will do to our property line, on both sides of our property, not to mention the loss of the two beautiful maple trees that are currently at 45 Marr Road. The landscape will be changed dramatically if this proposal is approved.

The proposed garden homes and apartment complex are going to have these structures towering over top of us, which will greatly impact our privacy. Based on the rendering we have, I assume 46 apartments will require four stories; and the garden homes including lower level garage space will be two or three stories. (Is a four story building in an existing residential area even allowed?)

I would be remiss if I didn't mention the concerns over drainage, water and sewage lines.

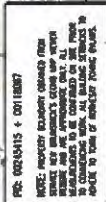
What is their plan for snow removal? Where are the piles of snow going to be on their property? With the garden homes right beside our lot and apartment complex behind - we have concerns about the runoff (water, salt & sand) in the spring.

What will happen to the natural stream that is between 45 and 47 Marr Road? If that stream is interfered with, we may see groundwater moving our way.

How will this impact our property taxes?

And on top of all of that of course, is increased truck traffic, noise and dust & debris associated with a project of this scale.

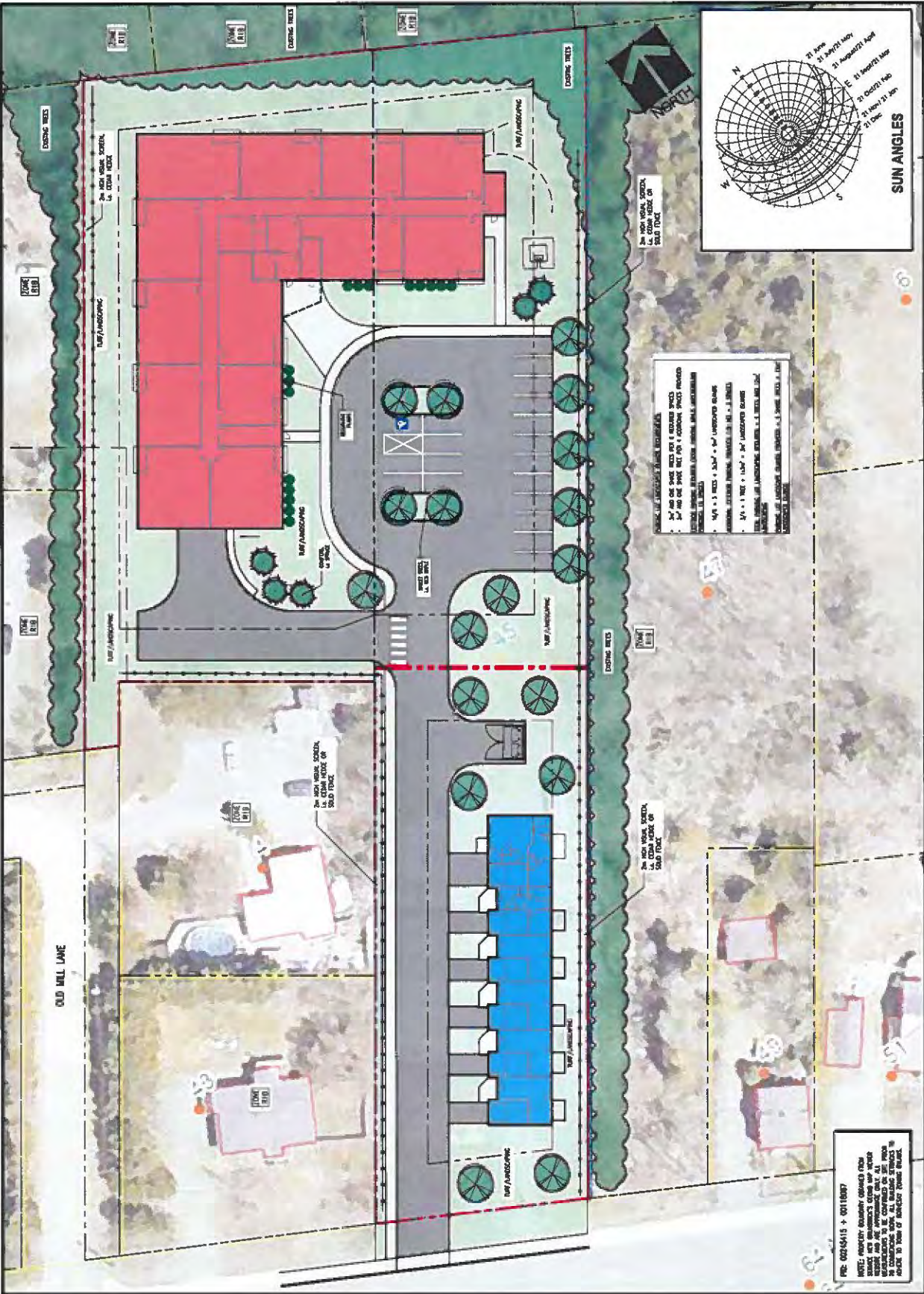
Thank you for forwarding our concerns to the Rothesay Planning Advisory Committee.

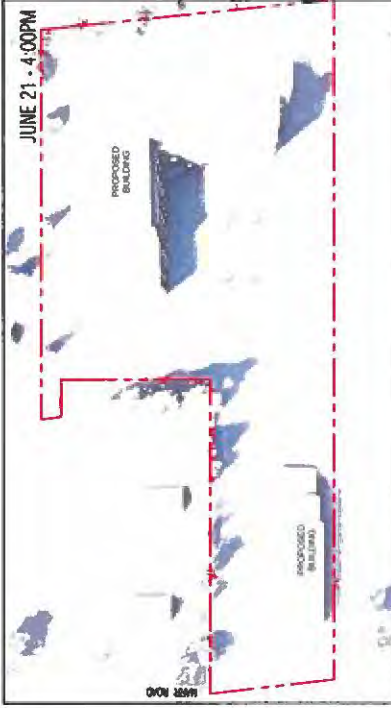
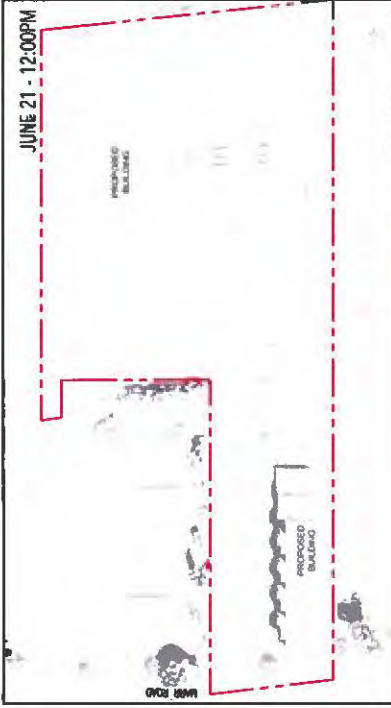
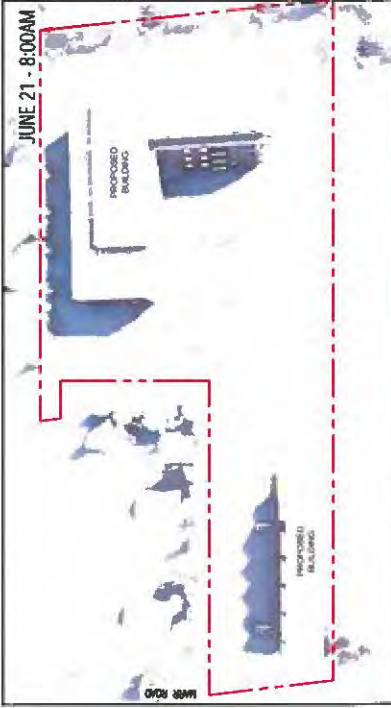
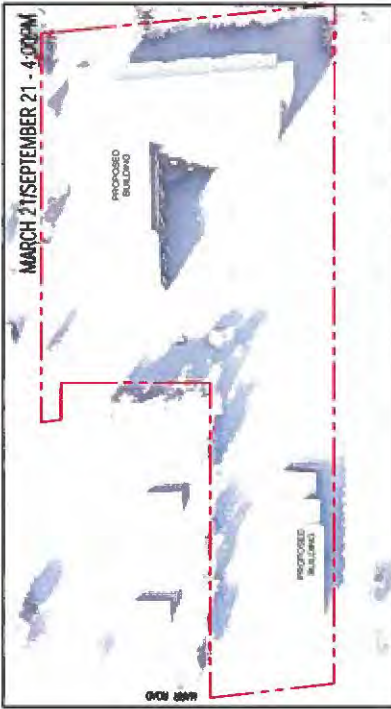
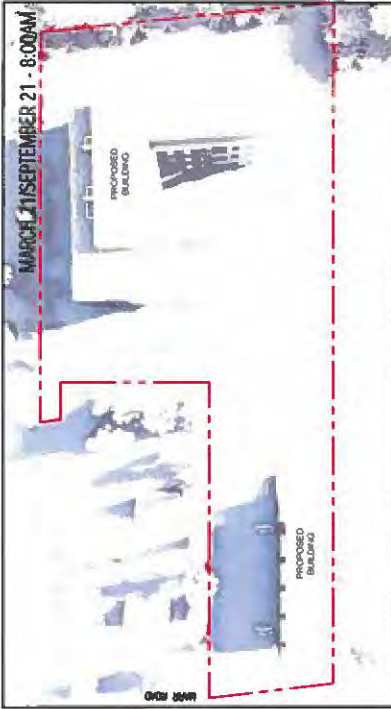


**ISSUED FOR PAC
SUBMISSION**
December 14, 2005

CONCEPTUAL LANDSCAPE PLAN

REV	0	AS20
Z-7		
DATE	DEC 2023	PROJECT NO.
SCALE	AS SHOWN	23-162
BY		





Polyline Designs
BUILDING AND SITE DESIGN SERVICES

ARCHITECT: POLYLINE DESIGNS
1000 S. GATEWAY AVENUE
SUITE 100
MILPITAS, CA 95034
WWW.POLYLINEDESIGNS.COM

BOOK SHEET

1. FIRST IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
2. SECOND IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
3. THIRD IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
4. FOURTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
5. FIFTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
6. SIXTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
7. SEVENTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
8. EIGHTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
9. NINTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.
10. TENTH IMPACT AND PRELIMINARY DESIGN FOR THE PROJECT.

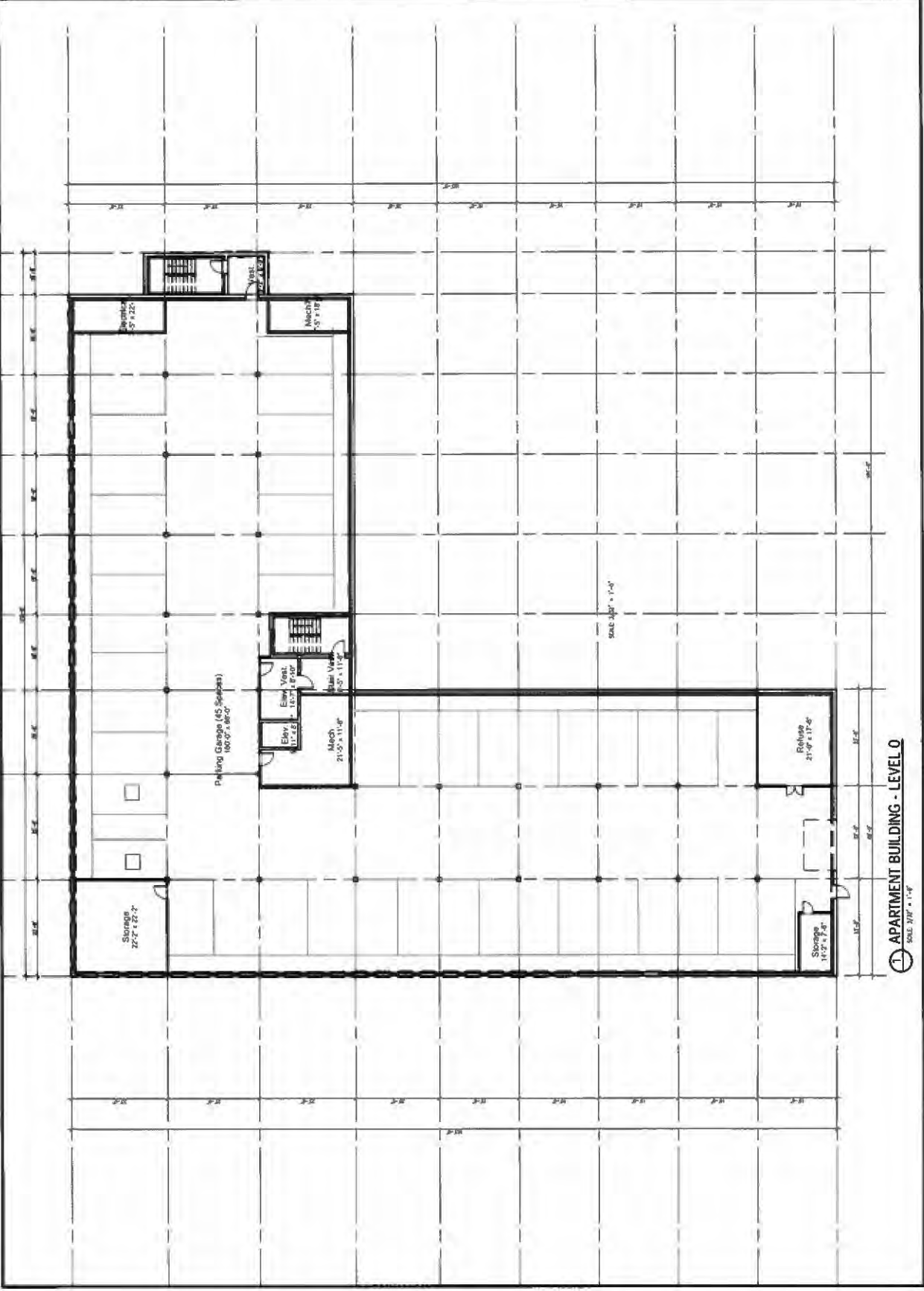
NO.	DATE	DESCRIPTION
1	10/1/2018	PAC SUBMISSION

ISSUED FOR PAC SUBMISSION
Drawing 12-301

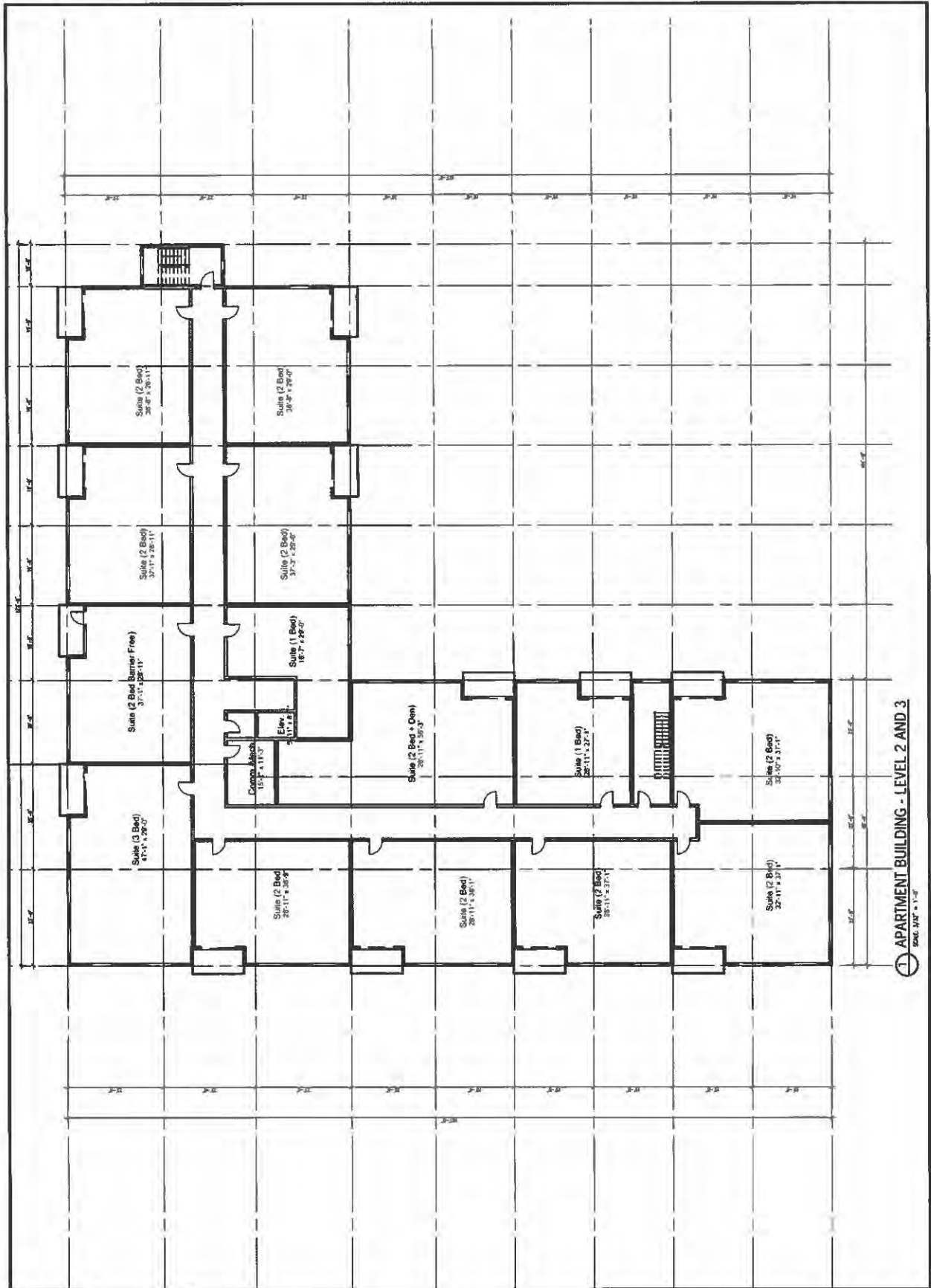
MARR ROAD MULTI-RESIDENTIAL DEVELOPMENT
4.5 MARR ROAD
MILPITAS, NEW BRUNSWICK

4 STOREY 46 UNIT APARTMENT BUILDING

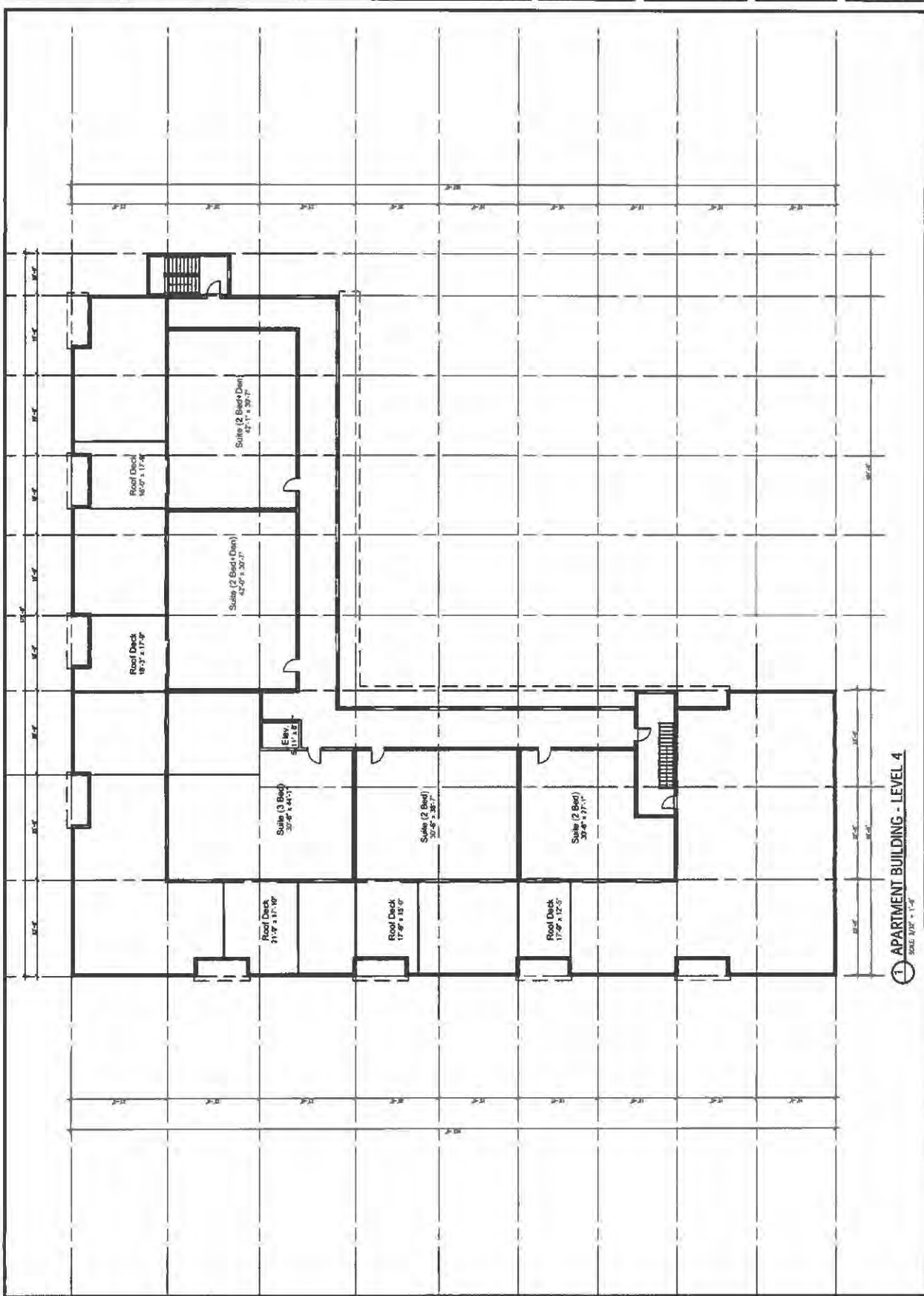
A-1
REV 0
DATE DEC. 2023



1 APARTMENT BUILDING - LEVEL 1
SCALE: 3/8" = 1'-0"



APARTMENT BUILDING - LEVEL 2 AND 3





② APARTMENT BUILDING - NORTH ELEVATION
 SCALE: 3/32" = 1'-0"



① APARTMENT BUILDING - SOUTH ELEVATION
 SCALE: 3/32" = 1'-0"

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BUILDING AND SITE DESIGN SERVICES

ARCHITECT OFFICE
10000 WILLOW AVENUE
SUITE 100
DALLAS, TEXAS 75243
WWW.POLYLINEDESIGNS.COM

2024 May27 PublicHearing 45MarrRd16000MillLnFtWorthTX76114

APARTMENT BUILDING - EAST ELEVATION

SCALE: 1/8" = 1'-0"

ISSUED FOR PAC SUBMISSION

DATE: 10/1/2023

PROJECT: 45 MARR ROAD

MARR ROAD MULTI-RESIDENTIAL DEVELOPMENT

45 MARR ROAD
DALLAS, TEXAS 75243

4 STOREY 46 UNIT APARTMENT BUILDING

A-6

DATE: 10/1/2023



2 APARTMENT BUILDING - EAST ELEVATION

SCALE: 1/8" = 1'-0"



1 APARTMENT BUILDING - WEST ELEVATION

SCALE: 1/8" = 1'-0"

Polyino Designs
 BUILDING AND SITE DESIGN SERVICES
 10000 S. 100th Ave.
 Suite 100
 Kent, WA 98032
 206.851.1111
 www.polyinodesigns.com

- NOTES:**
1. THIS OFFER IS FOR POLYINO DESIGN SERVICES ONLY AND NOT FOR CONSTRUCTION.
 2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KENT AND THE KING COUNTY DEPARTMENT OF PUBLIC UTILITIES.
 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KENT AND THE KING COUNTY DEPARTMENT OF PUBLIC UTILITIES.
 4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KENT AND THE KING COUNTY DEPARTMENT OF PUBLIC UTILITIES.
 5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF KENT AND THE KING COUNTY DEPARTMENT OF PUBLIC UTILITIES.

DATE	10/12/2023
BY	PMC
FOR	PMC
PROJECT	45 MARR ROAD

ISSUED FOR PAC SUBMISSION
 (Submitted to PAC)

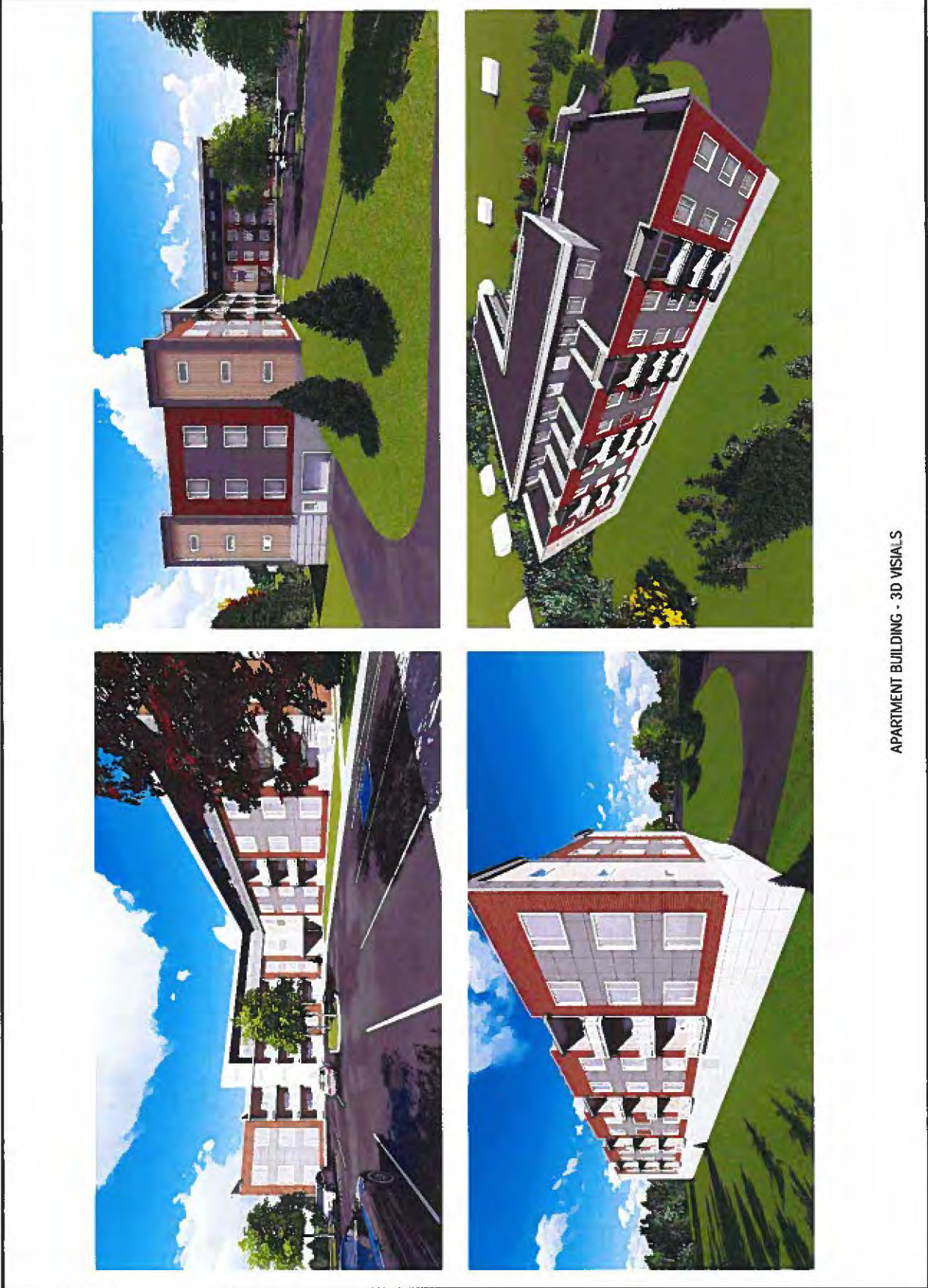
**MARR ROAD
 MULTI-RESIDENTIAL
 DEVELOPMENT**

**45 MARR ROAD
 RESIDENTIAL DEVELOPMENT**

**4 STOREY
 45 UNIT APARTMENT
 BUILDING**

Sheet No.	MD
Scale	AS SHOWN
Project No.	23-162
Date	DEC. 2023

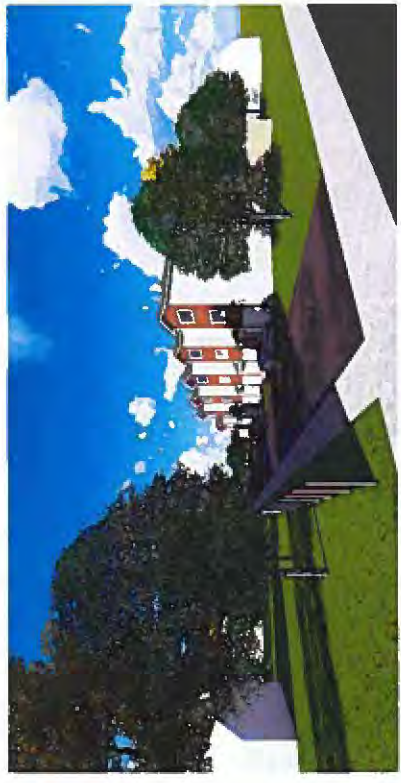
A-7
 REV #



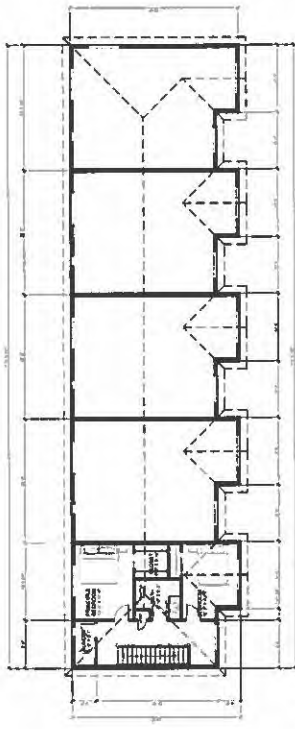
APARTMENT BUILDING - 3D VISUALS



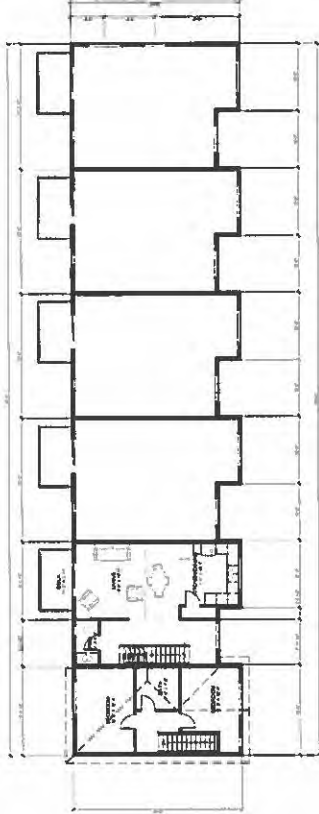
APARTMENT BUILDING - 3D VISUALS



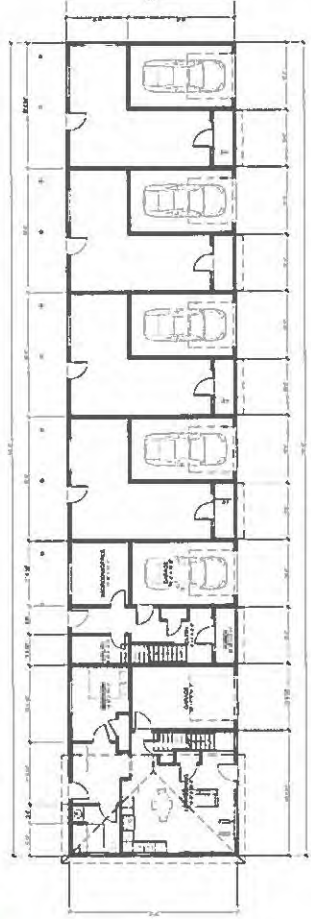
③ TOWNHOUSE - PRELIMINARY THIRD FLOOR PLAN
 SCALE: 1/8" = 1'-0"



② TOWNHOUSE - PRELIMINARY SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



① TOWNHOUSE - PRELIMINARY MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"



Polyline Designs
 BUILDING AND SITE DESIGN SERVICES
 10000 W. 112th Ave., Suite 100
 Greenwood Village, CO 80122
 (303) 751-1122
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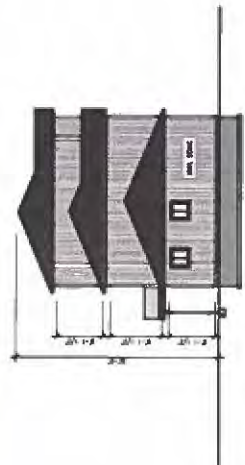
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ISSUED FOR PAC SUBMISSION
 December 12, 2023

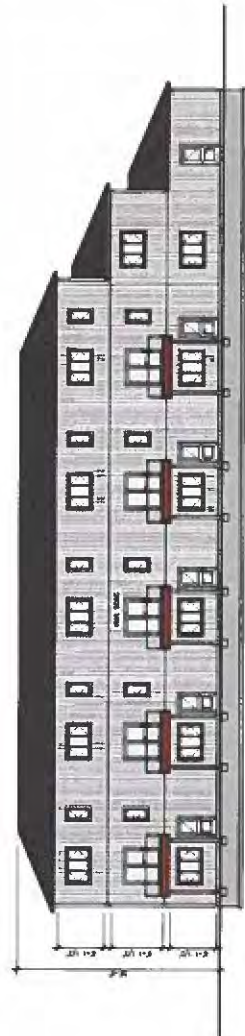
MARR ROAD MULTI-RESIDENTIAL DEVELOPMENT
 455 MARR ROAD
 GREENWOOD VILLAGE, CO 80122

6 UNIT TOWNHOUSE ELEVATIONS

A-10
 REV 0
 Date: DEC. 2023



④ TOWNHOUSE - NORTH ELEVATION
 SCALE: 3/8" = 1'-0"



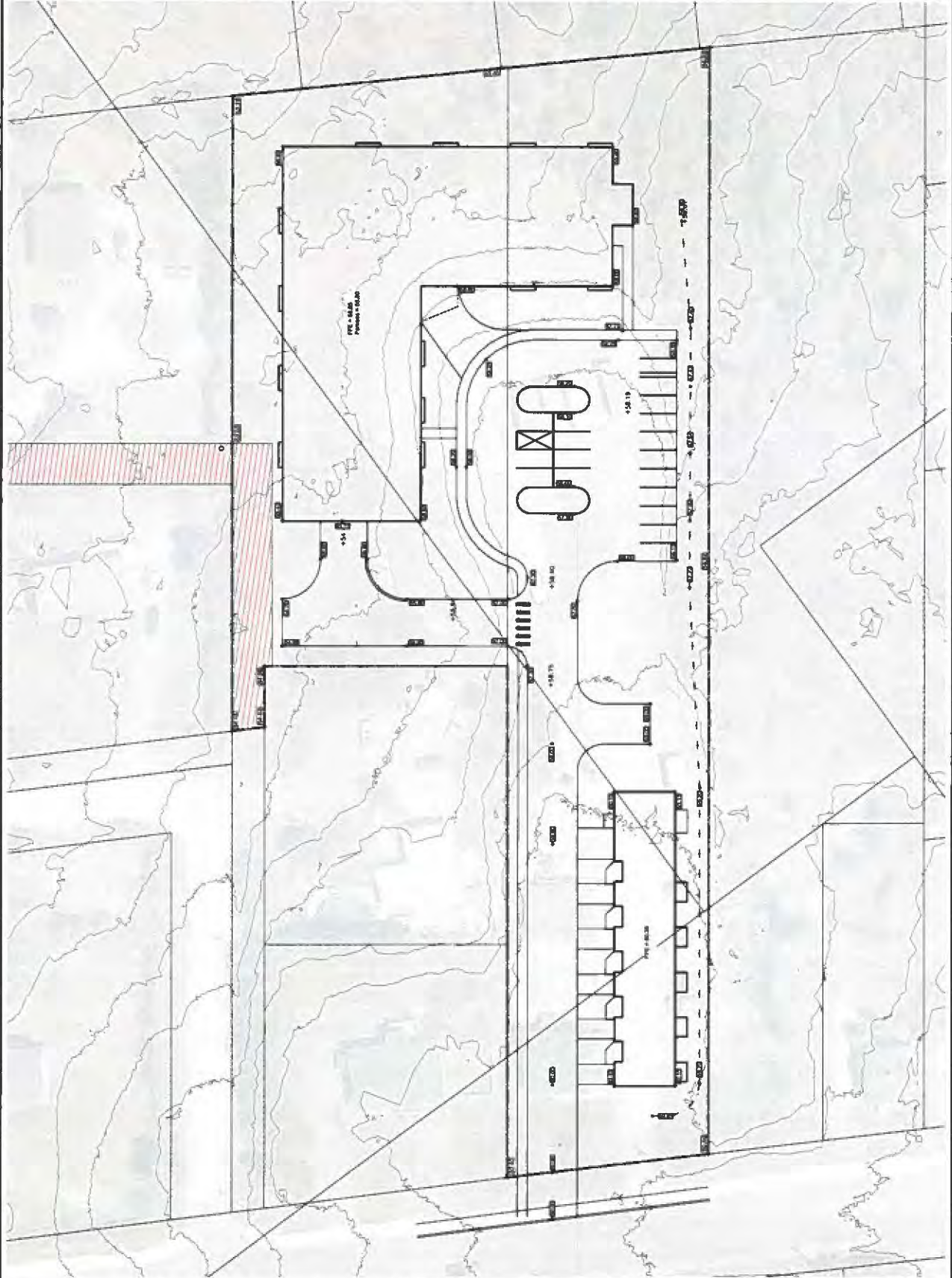
② TOWNHOUSE - EAST ELEVATION
 SCALE: 3/8" = 1'-0"



③ TOWNHOUSE - SOUTH ELEVATION
 SCALE: 3/8" = 1'-0"



① TOWNHOUSE - WEST ELEVATION
 SCALE: 3/8" = 1'-0"



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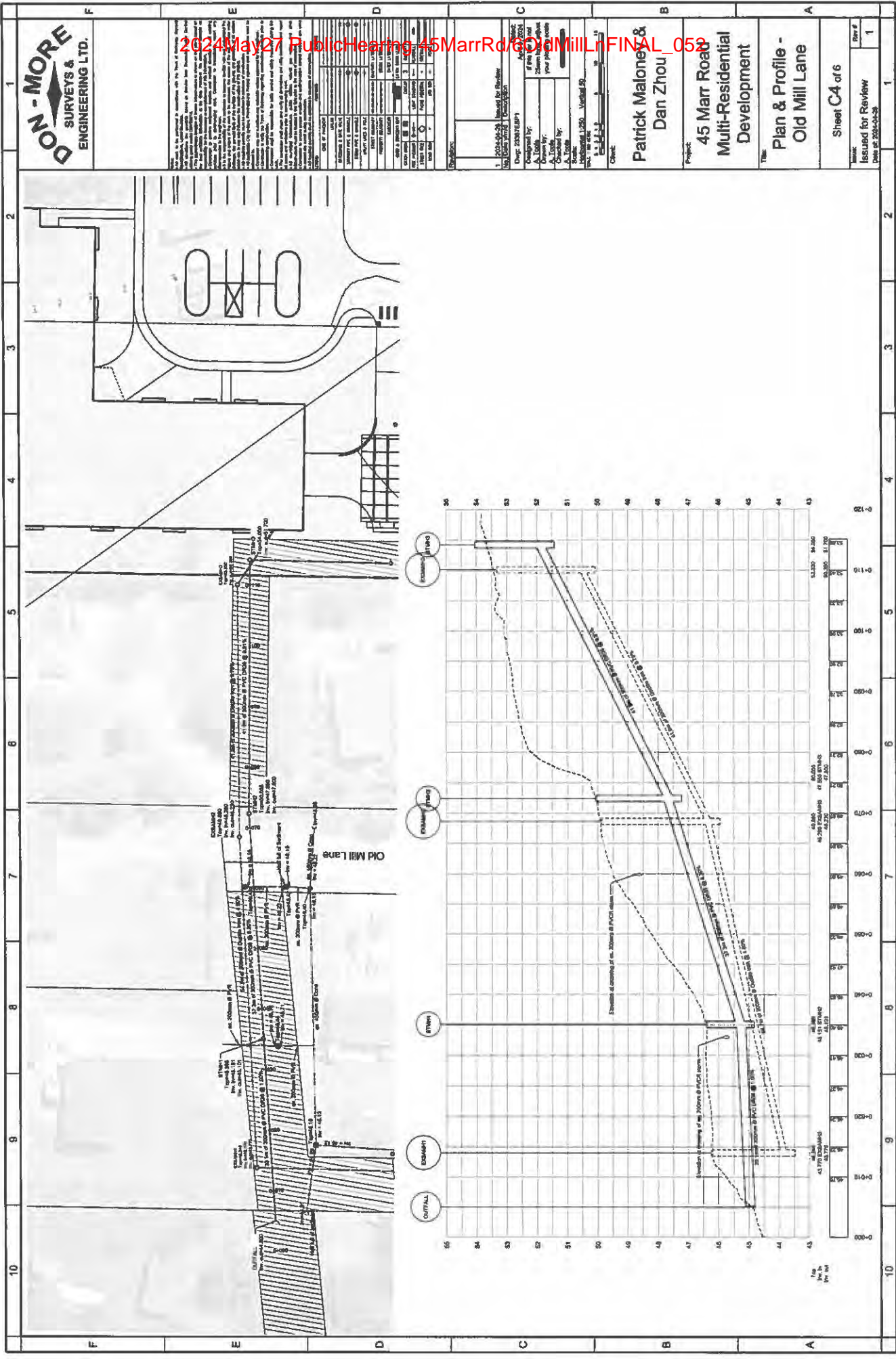
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Stormwater Management Notes

Storm water modeled using HydroCAD V10.00 software, using the USDA National Resources Conservation Service Method (Formal SCS), which complied in accordance with the City of Saint John Storm Drainage Design Criteria Manual, March 7, 2014 version.

- 2.2 and 2.3: 200-year storm distribution used.
- a 100 year return (100)-yr total rainfall: 619mm
- a 5 year return (50)-yr total rainfall: 419mm
- a 1 year return (10)-yr total rainfall: 115mm

4. USGS Water Masters Controller (1:15 average) (normal) condition

5. Unimproved catchment drainage (1:15 average) (normal) condition

6. Unimproved catchment drainage (1:15 average) (normal) condition

Sub Catchment B

Sub Catchment A

mg 875 = 100 mg 400 and 5:1
7 budling vegetarians in bowl
C2 = (400) vegetarians grow potatoes
potatoes are sold

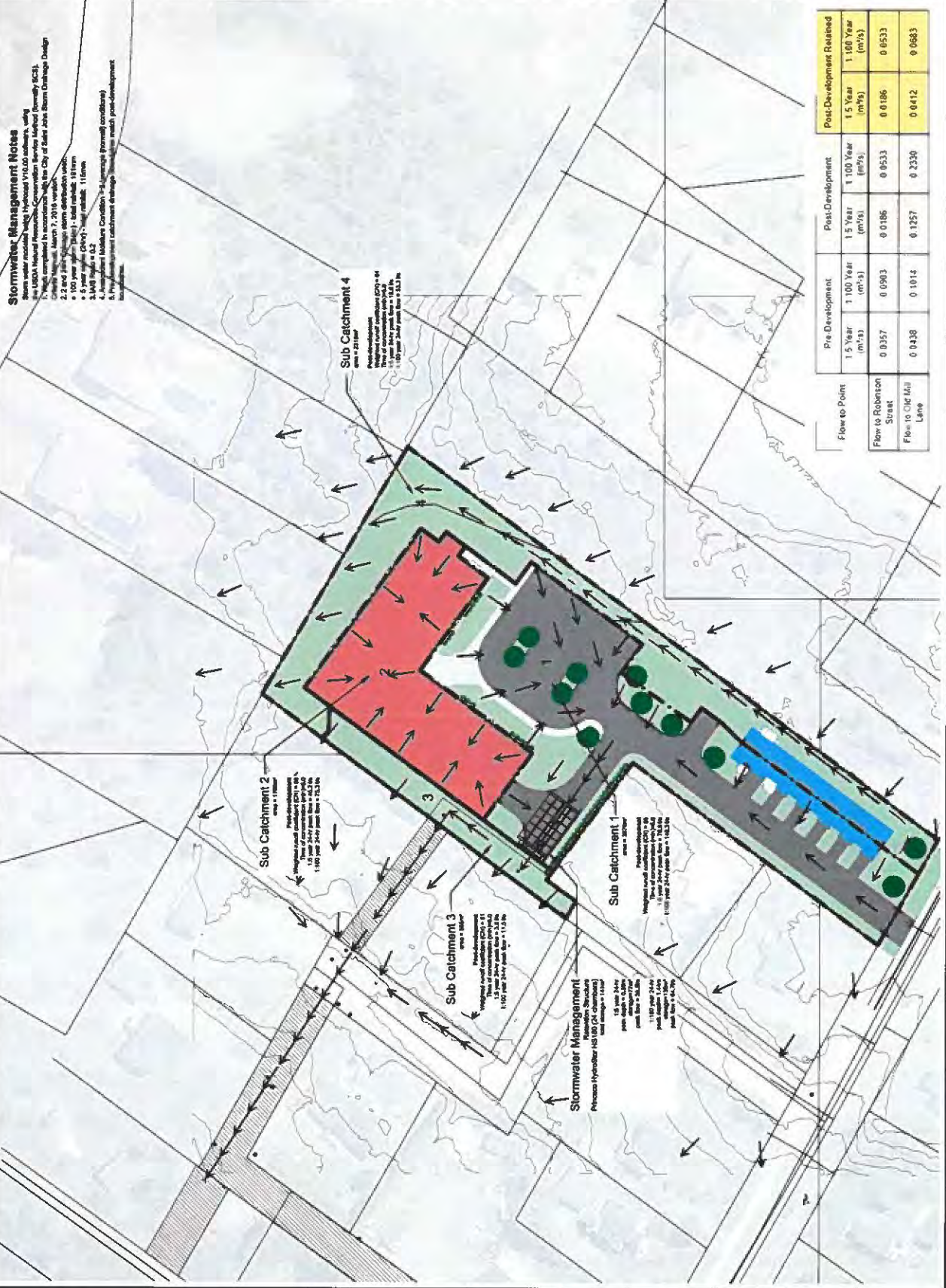
Patrick Maloney &
Dan Zhou

Project: **45 Marr Road
Multi-Residential
Development**

**Pre-Development
Stormwater
Management Plan**

Sheet C5 of 6

Issue#	Issued for Review	Page 8
	Date of 2024-04-26	1



Flow to Point		Pre Development			Post-Development		
		1.5 Year (m³/s)	100 Year (m³/s)	15 Year (m³/s)	1.5 Year (m³/s)	100 Year (m³/s)	15 Year (m³/s)
Flow to Robinson Street		0.0357	0.0903	0.0186	0.0513	0.0186	0.0513
Flow to Old Mill Lane		0.0418	0.1014	0.1257	0.0412	0.2350	0.0683

[illegible]

Sub Catchment 4
area = 231km²

Sub Catchment 2
area = 1 ha

Sub Catchment 3
area = 166km²

Sub Catchment 1-

Stormwater Management
Retention Structure
Pinnacle Hydroflex HS180 (24 chambers)
total storage = 14,100'

February 15, 2024

Mike Maloney, BBA, BPR, CPF
Right Hook PR + Strategic Planning
34 Sprucewood Avenue
Rothesay, NB, E2E 2H3
Email: mike@righthookpr.com

Dear Mr. Maloney:

RE: Sight Distance Assessment – 45 Marr Road, Rothesay

CBCL Limited (CBCL) was engaged to complete a sight distance assessment for a proposed residential development on Marr Road. This letter summarizes our findings from the study.

Project Understanding

We understand a sight distance assessment is required by the town of Rothesay for the proposed residential development to be located at 45 Marr Road in Rothesay, NB. It is planned to include one, 46-unit apartment building and six townhouses, for a total of 52 residential units, as illustrated in **Figure 1**. It will be marketed towards seniors/retirees.

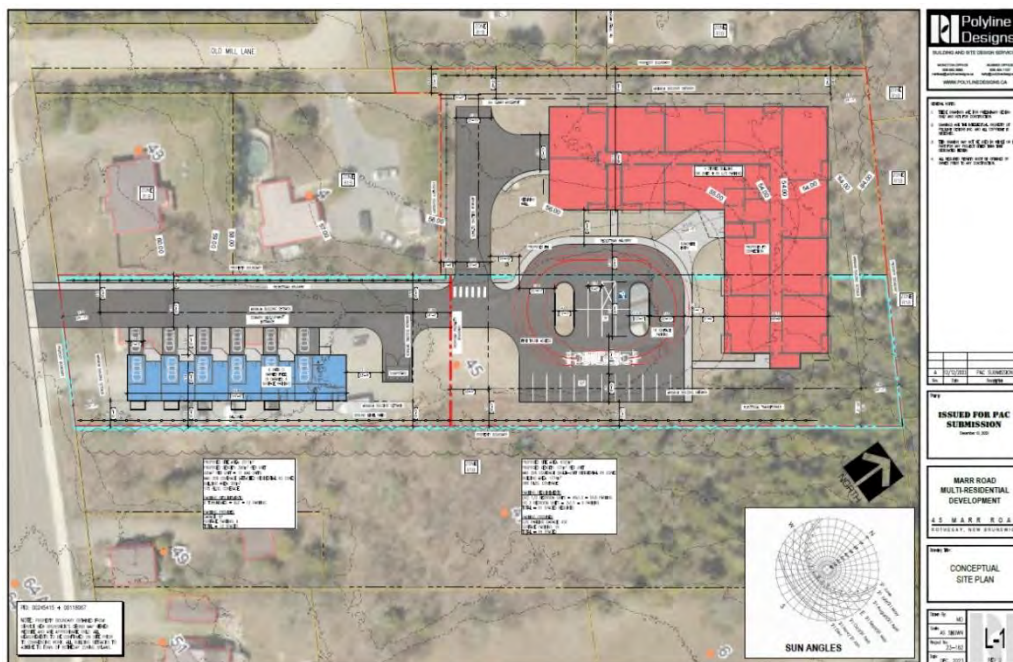


Figure 1: Proposed Site Plan

Sight Distance Assessment

An assessment of both Stopping Sight Distance (SSD) and Intersection Sight Distance (ISD) were completed to determine if there are adequate sight lines for both traffic approaching the proposed site driveway and for a stopped vehicle attempting to turn onto Marr Road from the proposed driveway. SSD and ISD are defined as follows:

- ▶ Stopping Sight Distance (SSD) – is the required distance between an object on the road and an oncoming vehicle, such that the driver can recognize the object and come to an abrupt stop.
- ▶ Intersection Sight Distance (ISD) – is the required distance to the left and right of a stopped vehicle on a minor road (driveway) to recognize oncoming traffic before executing a turning maneuver onto a major road.

Sight Distance Requirement

Guidance for determining sight distance is provided at both a national and provincial level through the following documents:

- ▶ Transportation Association of Canada's (TAC) *Geometric Design Guide for Canadian Roads* (GDG), 2017 Edition - National
- ▶ New Brunswick Department of Transportation and Infrastructure's (NB DTI) *Minimum Standards for the Construction of Subdivision Roads and Streets* (May 2017) - Provincial

The posted speed limit on Marr Road is 50 km/h near the proposed driveway; the corresponding minimum sight distances for SSD and ISD, based on this posted speed limit are:

- ▶ SSD = 65m
- ▶ ISD = 105m for a left turning vehicle
- ▶ ISD = 95m for a right turning vehicle

Available Sight Distance

A site visit was conducted by CBCL on February 6, 2024, to determine the available sight distance for SSD and ISD at the proposed driveway location on Marr Road. In accordance with TAC's *GDG*, the following field parameters were used to conduct the assessment:

- ▶ Driver eye height of 1.05m, located 4.4m from the edge of the nearest travel lane
- ▶ Object height of 0.38m for SSD¹
- ▶ Object height of 1.30m for ISD

¹An object height of 0.38m was conservatively selected as it is the more constraining object height as specified by NB DTI, rather than TAC that permits an object height of 0.60m.

The results of the sight distance assessment are summarized in Table 1.

Table 1: Summary of Sight Distance Evaluation

Sight Distance	Minimum (m)	Available (m)	Result
SSD (Left Turn)	65	67	Sufficient
SSD (Right Turn)	65	119	Sufficient
ISD (Left Turn)	105	136	Sufficient
ISD (Right Turn)	95	153	Sufficient

Based on assessment, **there was no concern identified with sight distances for either approach on Marr Road, as both the minimum SSD and ISD are available at the proposed driveway.**

Closing

Thank you for the opportunity to complete this sight distance assessment for your proposed development at 45 Marr Road.

We trust this information satisfies your current requirements, but if you have any comments or questions that arise from the review, please reach out to us at your earliest convenience.

Yours very truly,

CBCL Limited



Prepared by:
Brendan McPhee, M.Sc.E., P.Eng.
Transportation Engineer
Direct: 506-633-6650 ext. 3236
Email: bmcphee@cbcl.ca



Reviewed by:
Mark MacDonald, P.Eng.
Senior Transportation Engineer
Direct: 902-892-0303 ext. 3408
Email: markmacd@cbcl.ca

Report No: 232936.01

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ROTHESAY



70 Hampton Road
Rothesay, NB
Canada E2E 5L5

T: 506-848-6600
F: 506-848-6677

Rothesay@rothesay.ca
www.rothesay.ca

Tuesday, May 14, 2024

PUBLIC HEARING - REZONING 45 MARR RD & 6 OLD MILL LN

Dear Rothesay Resident,

Council will re-convene the public hearing for **Monday, May 27, 2024 at 6:00 p.m.** at Town Hall to consider rezoning a portion of 45 Marr Road (PID 00245415) from Single Family residential [R1B] to Multi-unit residential [R3] and a portion of 45 Marr Road (PID 00245415) and 6 Old Mill Lane (PID 00118067) from Single Family Residential [R1B] to Multi-unit residential [R4] respectively, to allow for the development of a 46-unit apartment building and a 6 Unit Garden home.

The Town Clerk will accept written objections to the proposed development until May 23, 2024, at 4:00 P.M. These objections will be delivered to Council for the public hearing. To speak at the public hearing, residents should register with the Clerk's office by the same deadline. Please contact the Clerk's office at 848-6664 or Rothesay@rothesay.ca for more information.

The Draft By-laws and Developer's Agreement is available online and can also be reviewed at the Town Office, 70 Hampton Road, Rothesay, NB Monday to Friday 8:15 am – 12 noon and 1:15 – 4:30 pm (closed 12 - 1 pm). The Agenda package for the May 27th public hearing will be available here: <https://www.rothesay.ca/town-hall/agendas/>

Please contact me at 848-6666 with any questions or comments you may have.

Sincerely,

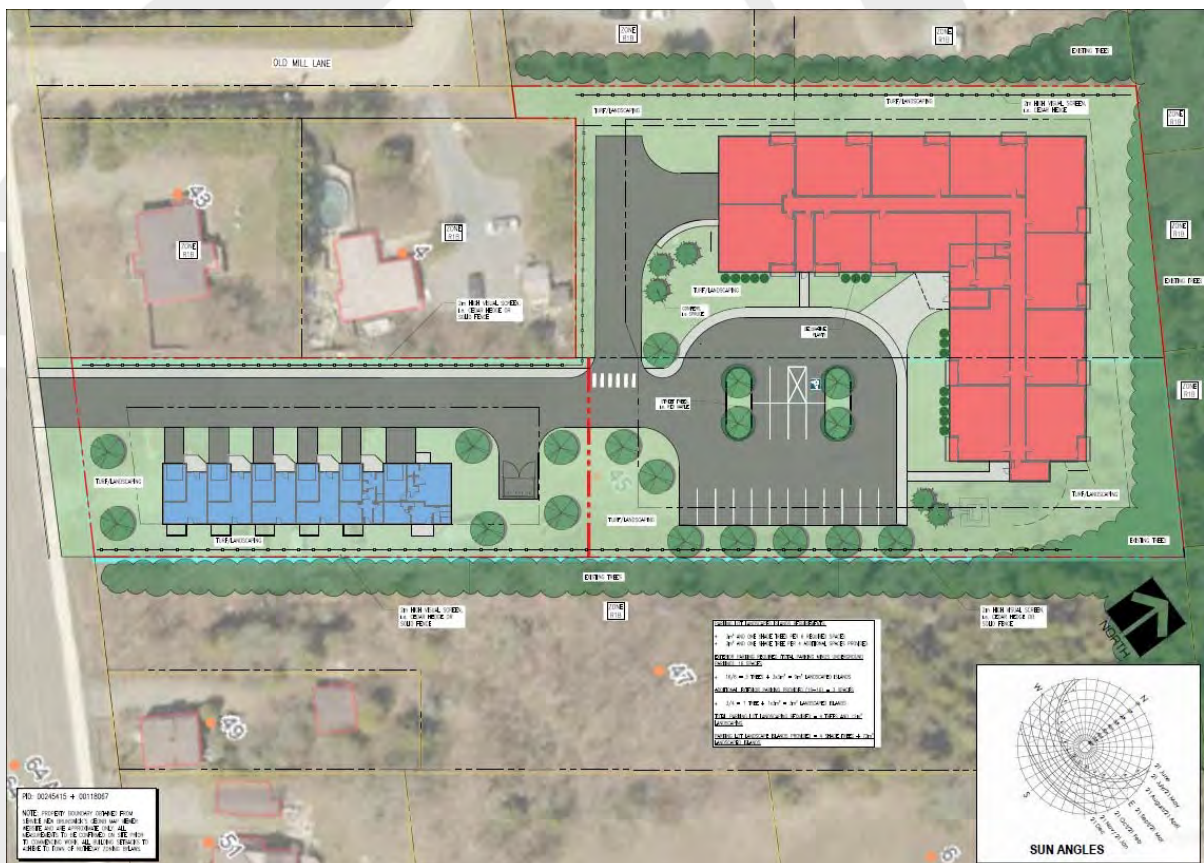
Darcy Hudson
Assistant Development Officer
(darcyhudson@rothesay.ca) 848-6666

Explore our past / Explorez notre passé
Discover your future / Découvrez votre avenir

Grand Bay-Westfield • Quispamsis • Rothesay • St. Martins • Saint John



Proposed Architect and Site Plan of the Apartment Buildings



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ROTHESAY
PUBLIC HEARING
45 Marr Road & 6 Old Mill Lane
PIDs 00245415 & 00118067
Rothsay 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, “Rothesay 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
------------------	---

Appearances/Presentations:

Presentation:	Mike Maloney
Presentation:	John Jarvie, MCIP RPP, Town Manager Director of Planning/Development Services
Appearances:	Nathan Blais

ROTHESAY

Public Hearing – 45 Marr Road
Minutes

29 January 2024

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:
 - o 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
 - o Location of the apartment building and townhomes (layout)
 - o Earmarked for commercial purposes but better suited and more demand for residential use
 - o Municipal services (water/sewer) are available
- The Proposal:
 - o Senior focused
 - o 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
 - o 6-unit townhomes
 - To be rented
 - 1 barrier-free unit
 - Patios in back
 - Neighbourhood feel
- Response to public concerns
 - o Greenspace (50%) – trees, grass, retention pond, improved view from street and sidewalk
 - o 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)
 - o 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

ROTHESAY

Public Hearing – 45 Marr Road
Minutes

-3-

29 January 2024

- 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
 - 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
 - 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

ROTHESAY

Public Hearing – 45 Marr Road
Minutes

-4-

29 January 2024

- 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.

ROTHESAY

Public Hearing – 45 Marr Road
Minutes

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29 January 2024

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 Rotheday 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).

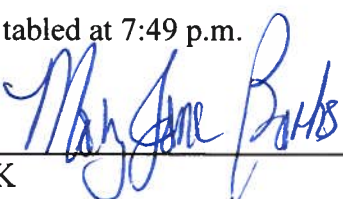
CARRIED.

3. Adjournment

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



MAYOR



CLERK



**BY-LAW 2-10-38
A BY-LAW TO AMEND THE ZONING BY-LAW
(No.2-10 Rothesay)**

The Council of the town of Rothesay, under authority vested in it by the Community Planning Act, S.N.B. Chapter 17, and amendments thereto, hereby amends By-Law 2-10 “Rothesay Zoning By-law” and enacts as follows:

That the shaded area shown on Schedule A, as attached to By-Law 2-10 “ROTHESAY ZONING BY-LAW” is hereby amended, as identified on the attached sketch labelled “Attachment A – Bylaw 2-10-38”.

The purpose of the amendment is to rezone lands located at 45 Marr Road (a portion of PID 00245415) from Single Family Residential – Standard (R1B) to Attached Residential (R3) to allow for the development a six (6) unit residential townhouse development subject to the execution of a Development Agreement in accordance with the Community Planning Act.

FIRST READING BY TITLE :

SECOND READING BY TITLE :

READ IN ENTIRETY :

THIRD READING BY TITLE
AND ENACTED :

MAYOR

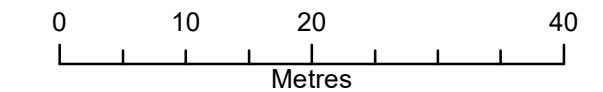
CLERK

Attachment A - Bylaw 2-10-38
2024May27 PublicHearing 45MarrRd/60OldMillLnFINAL_066
A portion of PID 00245415



Buildings

 Residential



The Town of Rothesay does not warrant the accuracy or completeness of the information, text, graphics, links or other items contained within the material.



**BY-LAW 2-10-39
A BY-LAW TO AMEND THE ZONING BY-LAW
(No.2-10 Rothesay)**

The Council of the town of Rothesay, under authority vested in it by the Community Planning Act, S.N.B. Chapter 17, and amendments thereto, hereby amends By-Law 2-10 “Rothesay Zoning By-law” and enacts as follows:

That the shaded area shown on Attachment A, attached to By-Law 2-10 “ROTHESAY ZONING BY-LAW” is hereby amended, as identified on the attached sketch labelled “Attachment A – Bylaw 2-10-39”.

The purpose of the amendment is to rezone lands located at 45 Marr Road (PID 00118067 and a portion of PID 00245415) from Single Family Residential – Standard (R1B) to Multi-Unit Residential (R4) to allow for the development a forty-six (46) unit apartment building development subject to the execution of a Development Agreement in accordance with the Community Planning Act.

FIRST READING BY TITLE :

SECOND READING BY TITLE :

READ IN ENTIRETY :

THIRD READING BY TITLE
AND ENACTED :

MAYOR

CLERK

Attachment A - Bylaw 2-10-39
2024 May 27 Public Hearing 45 Marr Rd / 60 Old Mill Ln FINAL 068
PIDs 00118067 & a portion of 00245415

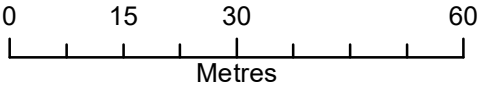


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Buildings

 Residential



The Town of Rothesay does not warrant the accuracy or completeness of the information, text, graphics, links or other items contained within the material.

Rothsay

DEVELOPMENT AGREEMENT

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

Parcel Identifier
of Parcel Burdened
by Agreement: 245415, 118067

Owner of Land Parcels: **Dr. Patrick Maloney Professional Corporation**
Patrick Maloney
Dan Zhou

all of

182 Elliott Road
Quispamsis, NB
E2G 2B8 (Hereinafter called the "Developer")

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

a body corporate under and by virtue of the Local
Governance Act, RSNB 2021, Chapter 18, located
in the County of Kings and Province of New
Brunswick

WHEREAS the Developer is the registered owner of certain lands located
at 45 Marr Road and Old Mill Lane in Rothsay (PID 245415, PID118067) and
which said lands are more particularly described in Schedule A hereto (hereinafter
called the "Lands");

AND WHEREAS the Developer is desirous of entering into an development
agreement to allow for the development of six (6) townhouse and a forty-eight (46)
unit apartment building with underground parking on the Lands as described in
Schedules B through D. (herein after called the "Project")

AND WHEREAS Rothsay Council did, on _____ 2024, authorize the
Mayor and Clerk to enter into a Development Agreement with the Developer to
develop a residential apartment complex on the Lands.

NOW THEREFORE THIS AGREEMENT WITNESSETH that for and in the
consideration of the mutual covenants and agreements herein expressed and
contained, the parties hereto covenant and agree as follows:

1. The Developer agrees that the number of residential units situated on the
Lands shall not exceed forty-six (46) residential apartment units and six (6)
townhouses.

Schedules

2. The Developer agrees to develop the Lands in a manner, which, in the
opinion of the Development Officer, is generally in conformance with the
following Schedules attached to this Agreement:
 - a. Schedule A Legal Description of Parcels
 - b. Schedule B Proposed Site Plan and Location of Buildings
 - c. Schedule C Building Elevations and Renderings (6)
 - d. Schedule D Landscape Plan
 - e. Schedule E Storm Water Management Plan

Site Development

3. The Developer agrees that except as otherwise provided for herein the use
of the Lands shall comply with the requirements of the Rothsay Zoning
By-law and Subdivision By-law, as may be amended from time to time.

4. The Developer agrees to develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with Schedules B, C, D and E.

Tenant Selection

5. The Town and the Developer agree that prior to Final Occupancy the parties SHALL enter into a Memorandum of Understanding (MOU) regarding the preference for the selection of tenants for the affordable housing and Universal Design Barrier-Free Apartments units that reflects a mutual commitment to housing low to moderate income people and persons with disabilities. The intent will be to have a mechanism where the preference for low to moderate income people and persons with disabilities is enabled for the affordable housing units and Universal Design Barrier-Free units. Under no circumstances, will the Developer be limited to marketing the units to the general public to maintain occupancy. This MOU would govern if the proposed project were not under the jurisdiction of a CMHC financing program that supports affordable housing or a provincial program for affordable housing.

Affordable Housing

6. The Developer agrees to maintain for a period of twenty (20) years, adjusted by the Consumer Price Index based upon initial occupancy at the first day of building occupancy, no fewer than eight (8) 'affordable' 2 bedroom apartment units with similar finishes for flooring, trim, bathrooms, paint and kitchen cabinets as the market rental units, with a Base Monthly Rental Rate at or below 30% of the Median Total Income of Lone-Parent economic families in the published 2020 Statistic Canada data, being \$54,400, in Rothesay.
7. The Developer further agrees that once the base rents for the affordable units are established in the first year of occupancy, they shall only be raised by a maximum of the Consumer Price Index (CPI), annual average not seasonally adjusted for Saint John, N.B.
8. The Developer agrees to provide to the Town an annual audit or legal affidavit signed by a licensed member in good standing of the Chartered Professional Accountants of New Brunswick that provides reasonable assurance that the rents of the affordable units comply with this agreement.
9. The Developer agrees to bear all costs associated with the annual audit or legal affidavit referenced in the preceding paragraph (8) above and to fully cooperate with the Town relating to such audit monitoring and evaluation.
10. The Developer agrees that during the full Term of this Agreement, that any failure by the Developer to maintain the affordability provisions as set out in the preceding paragraphs above (6 to 8) or any other violation of any material term of the affordability principles shall constitute a default under this Agreement.
11. The Developer agrees that upon any such default, the Town may demand and the Developer agrees to pay to the Town an amount equal to twice the difference of the actual rent received and the maximum amount of rent permitted under clause 7. The Developer agrees to pay interest on any balance in arrears at the rate of 1.25% percent per month compounded monthly.
12. The Town and the Developer agree to defer monitoring of the affordable housing aspects of this Agreement should the development become subject to a Federal or Provincial recognized affordable housing program that provides governance, regulation and monitoring. Where no such program is in effect, this agreement shall prevail.
13. Rothesay and the Developer agree that nothing contained in this agreement shall make or be construed to make any tenant or resident of

the Project the responsibility of the Town.

Universal Design Barrier-Free Apartments

14. The Developer agrees to construct two (2) apartments utilizing Universal Design principles to achieve an accessible barrier-free standard to the satisfaction of the Development Officer in consultation with the Town's Building Inspector.
15. The Developer agrees that a building occupancy permit shall not be granted by the Town until the requirements set out in the preceding paragraph (14) are substantially completed and approved by the Town.

Architectural Guidelines

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

Storm Water

17. The Developer shall carry out, subject to inspection and approval by Town representatives, the installation of a storm water system as per Schedule E of this agreement. The Developer agrees to accept responsibility for all costs associated with such installation including the following:
 - a. construction, to Town standards, of a storm water system including pipes, fittings, precast sections for manholes and catch basins capable of removing surface water from the entire developed portion of the lands to a predetermined location selected by the Developer's Engineer and approved by the Town Engineer,
 - b. drainage from the underground and surface parking areas shall be directed through a hydrodynamic separator prior to release to the designated outlet from the site approved by the Town,
 - c. topsoil and turf applied to all areas not paved or otherwise hard surfaced.
18. 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.
19. The Developer agrees that all roof leaders, down spouts, and other storm water drains from the building, parking lot and landscape features shall be through an acceptable method of attenuation, approved by the Town Engineer and not directly to the town storm sewer and under no circumstances directed to the town sanitary collection system.
20. 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.

Traffic Signals – Cost Contribution

21. The Developer agrees to pay to the Town upon receipt of an invoice an amount not exceeding twenty percent (20%) of the actual cost incurred and expended by Rothesay for traffic signalization including, curbing,

sidewalks, road widening, traffic lights, poles, controllers, electrical equipment and appurtenances necessary for their installation and initial operation, installed at the intersection of Marr Road and Chapel Road.

22. Rothesay and the Developer agree that the capital cost contribution obligation shall expire in ten (10) years from the date of the execution of this agreement should the Town not proceed with the traffic signalization at the intersection of Marr Road and Chapel Drive.
23. The Town and Developer agree that the design and construction of the intersection and related appurtenances shall be solely determined by the Town.

Water Supply

24. The Developer agrees to connect to the Town's nearest and existing water system at locations to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
25. The Town agrees to supply potable water for the purposes and for those purposes only for a maximum of fifty-two (52) residential dwellings and for minor and accessory purposes incidental thereto and for no other purposes whatsoever.
26. The Developer agrees to pay the Town a fee for each connection of the buildings to the Town water system including sprinkler feed to the Town water system calculated in the manner set out in By-law 1-18, Rothesay Water By-law as amended from time to time, to be paid to the prior to the issuance of the building permits.
27. The Developer agrees that the Town does not guarantee and nothing in this Agreement shall be deemed a guarantee of an uninterrupted supply or of a sufficient or uniform water pressure or a defined quality of water. The Town shall not be liable to the Developer or to any person, firm or corporation for any damage or injury caused by the interruption of the supply of water, the lack of uniform pressure thereof or the quality of water.
28. 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.
29. 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. The size of the meter to be designed by the Developer's consulting engineer and approved by the Town with meter brand and model to be specified by the Town.
30. The Developer agrees that the Town may terminate the Developer's connection to the Town water system in the event that the Town determines that the Developer is drawing water for an unauthorized purpose or for any other use that the Town deems in its absolute discretion or if an invoice for water service is more than 90 days in arrears.
31. The Developer agrees that connection to the Town potable water system including water main and appurtenances 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.
32. The Developer agrees to provide, prior to the occupation of the building, written certification of a Professional Engineer, licensed to practice in New Brunswick that the connection to the Town water system has been satisfactorily completed and constructed in accordance with the Town specifications.

Sanitary Sewer

33. The Developer agrees to connect to the existing sanitary sewer system at locations to be determined by the Town Engineer and utilizing methods of connection approved by the Town Engineer.
34. The Developer agrees to pay the Town a fee for connection to the Town sewer system calculated in the manner set out in By-law 1-15 Rothesay Sewage By-law, as amended from time to time, to be paid to the Town twelve (12) months following the issuance of the building permit.
35. The Developer agrees to carry out subject to inspection and approval by Town representatives, and pay for the entire actual costs of Engineering design, supply, installation, inspection and construction of all service lateral(s) necessary to connect to the existing sanitary sewer system inclusive of all pipes, laterals, fittings, and precast concrete units.
36. 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.
37. The Developer agrees that connection to the Town sanitary sewer system shall be supervised by the Developer's engineer and inspected by the Town Engineer or such other person as is designated by the Town prior to backfilling and shall occur at the sole expense of the Developer.

Retaining Walls

38. 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.
39. The Developer agrees to obtain from the Town a Building Permit for any retaining wall, as required on the Lands, in excess of 1.2 meters in height and that such retaining walls will be designed by a Professional Engineer, licensed to practice in New Brunswick.

Indemnification

40. 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 Five Million Dollars (\$5,000,000.⁰⁰) including a project wrap-up liability policy (with no less than 24 months coverage after project completion). The aforesaid certificate must provide that the coverage 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 as described in this Agreement.

Notice

41. 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 **Dr. Patrick Maloney Professional Corporation, Patrick Maloney & Dan Zhou**, 182 ELLIOTT ROAD, QUISPAMIS, NEW BRUNSWICK, E2G 2B8 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

42. The Developer agrees to be bound by and to act in accordance with the By-laws of the Town as amended from time to time and such other laws and regulations that apply or that may apply in the future to the site and to activities carried out thereon.

Termination

43. The Town reserves the right and the Developer agrees that the Town has the right to terminate this Agreement without compensation to the Developer if the specific proposal has not been completed on or before 31st December 2028 being a date approximately five years from the date of Council's decision to enter into this Agreement. Accordingly, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform to the provisions of the Rothsay Zoning By-law.
44. Notwithstanding the preceding paragraph (42) above, the Parties agree that the development shall be deemed to have commenced if within a period of not less than three (3) months prior to 1 June 2028, the construction of the building foundations has begun and that such construction is deemed by the Development Officer as being continued through to completion as continuously and expeditiously as deemed reasonable.
45. The Developer agrees that should the Town terminate this Agreement the Town may call the Letter of Credit described herein and apply the proceeds to the cost of completing the work or portions thereof as outlined in this Agreement. If there are amounts remaining after the completion of the work in accordance with this Agreement, the remainder of the proceeds shall be returned to the Institution issuing the Letter of Credit. If the proceeds of the Letter of Credit are insufficient to compensate the Town for the costs of completing the work mentioned in this Agreement, the Developer shall promptly on receipt of an invoice pay to the Town the full amount owing as required to complete the work.

Security & Occupancy

46. The Town and Developer agree that Final Occupancy of the proposed building(s), as required in the Building By-law, shall not occur until all conditions above have been met to the satisfaction of the Development Officer and an Occupancy Permit has been issued.
47. Notwithstanding Schedule D and E of this Agreement, the Town agrees that the Occupancy Permit may be issued provided the Developer supplies a security deposit in the amount of one hundred twenty percent (100%) of the estimated cost to complete the required storm water management and landscaping. The security deposit shall comply with the following conditions:
- a. security in the form of an automatically renewing, irrevocable letter of credit issued by a chartered bank to and in favour of the Town;
 - b. the Town may use the security to complete the work as set out in Schedule D and E of this Agreement including landscaping or storm water works not completed within a period not exceeding six (6) months from the date of issuance of the Occupancy Permit;
 - c. all costs exceeding the security necessary to complete the work as set out in Schedule D and E this Agreement shall be reimbursed to the Town on demand; and
 - d. any unused portion of the security shall be returned to the Developer upon certification that the work has been completed and acceptable to the Development Officer.

Failure to Comply

48. The Developer agrees that after sixty (60) days written notice by the Town regarding the failure of the Developer to observe or perform any covenant or condition of this Agreement, then in each such case:

- (a) The Town shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Town may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the Assessment Act;
- (c) The Town may, by resolution of Council, discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and/or
- (d) In addition to the above remedies, the Town reserves the right to pursue any other remediation under the *Community Planning Act*, *Local Governance Act* or Common Law in order to ensure compliance with this Agreement.

Entire Agreement

49. 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

50. 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

51. 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.

LEFT BLANK

IN WITNESS WHEREOF, each of the parties set out below has caused this Agreement, made in duplicate, to be duly executed by its respective, duly authorized officer(s) as of _____, 2024.

Witness: Dr. Patrick Maloney Professional Corporation

Patrick Chistopher Maloney, Director

Patrick C. Maloney

Dan Zhou

Witness: Rothesay:

Nancy E. Grant, Mayor

Mary Jane E. Banks, Clerk

SCHEDULE A

PID: | **118067**
245415

Polyline Designs
BUILDING AND SITE DESIGN SERVICES

MONCTON OFFICE
100 978 3030
moncton@polyline-designs.ca

SUSSEX OFFICE
100 4 41 115
sussex@polyline-designs.ca

WWW.POLYLINEDESIGNS.CA

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4. ALL DIMENSIONS MUST BE GIVEN TO
DIFFER PRIOR TO ANY CONSTRUCTION

Rev.	Date	Description
A	12/12/2023	PAC SUBMISSION

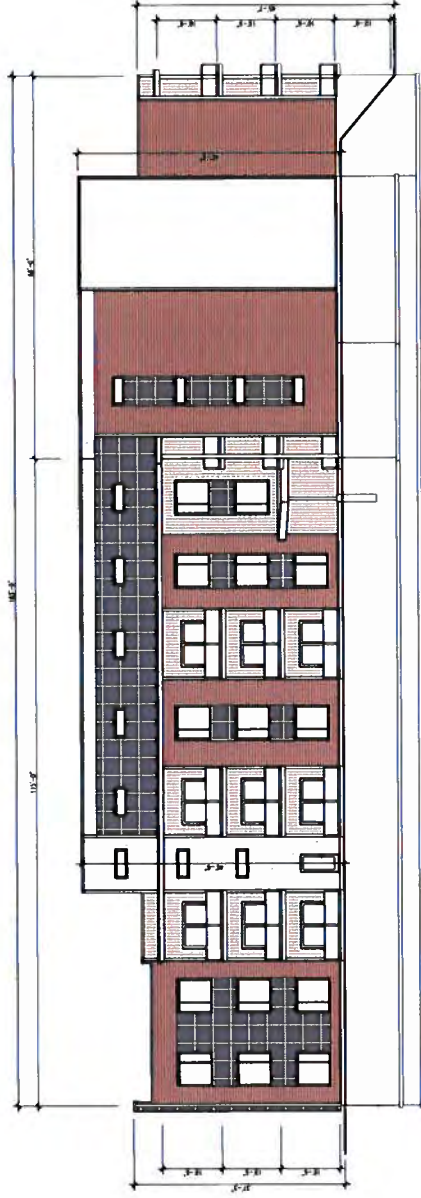


45 MARR ROAD
POINTE-à-PRE, NEW BRUNSWICK

4 STOREY
46 UNIT APARTMENT
BUILDING

Drawn By:	MD
Scale:	AS SHOWN
Project No.:	23-152
Date:	DEC. 2023

SCHEDULE C2



2 APARTMENT BUILDING - EAST ELEVATION
SCALE 1/32" = 1'-0"



1 APARTMENT BUILDING - WEST ELEVATION
SCALE 1/32" = 1'-0"

SCHEDULE C3



APARTMENT BUILDING - 3D VISUALS



Polyline
Designs

BUILDING AND SITE DESIGN SERVICES

INNOVATION OFFICE
1000 W. 10TH AVE.
SUITE 100
DENVER, CO 80202
WWW.POLYLINEDESIGNS.COM

MEETINGS OFFICE
1000 W. 10TH AVE.
SUITE 100
DENVER, CO 80202
WWW.POLYLINEDESIGNS.COM

- DESIGN NOTES
1. THESE DRAWINGS ARE FOR PRELIMINARY DESIGN PURPOSES ONLY. THEY ARE NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF POLYLINE DESIGNS, INC.
 2. THE DESIGNER HAS NOT CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT.
 3. THE DESIGNER HAS NOT CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT. THE DESIGNER HAS CONDUCTED A VISUAL ANALYSIS OF THE PROPOSED DEVELOPMENT.
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Rev.	Date	Description
A	12/17/2023	PRE SUBMISSION

ISSUED FOR PRE SUBMISSION
SUBMISSION
December 17, 2023

MARR ROAD
MULTI-RESIDENTIAL
DEVELOPMENT
45 MARR ROAD
BOSTON, MA 02111

4 STOREY
46 UNIT APARTMENT
BUILDING

Sheet No.
A-7

Scale
AS SHOWN

Project No.
23-152

Date
DEC. 2023

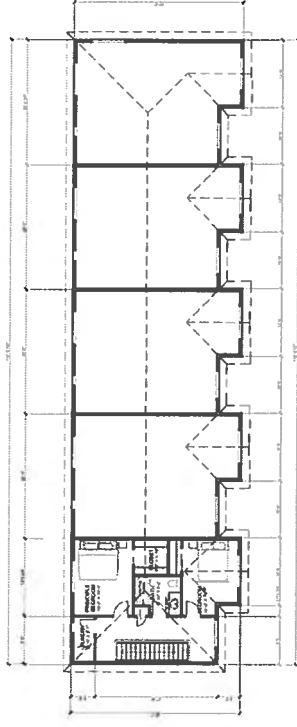
REV 0

SCHEDULE C4

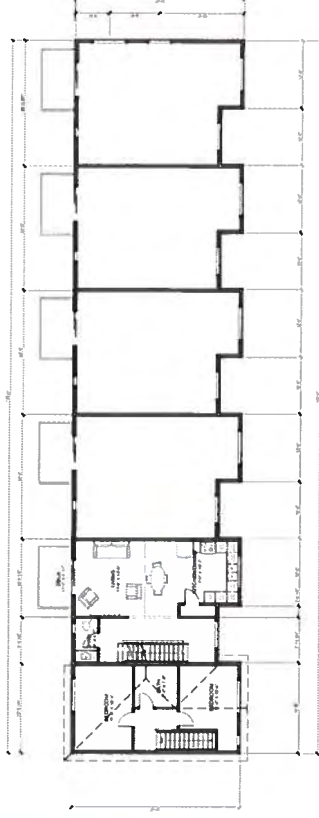


APARTMENT BUILDING - 3D VISUALS

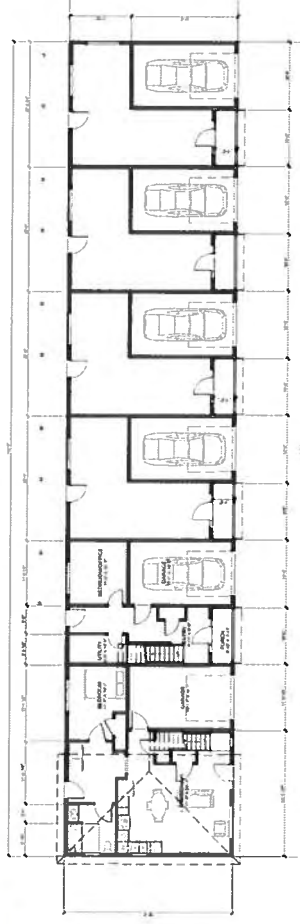
SCHEDULE C5



3 TOWNHOUSE - PRELIMINARY THIRD FLOOR PLAN
SCALE 3/32" = 1'-0"

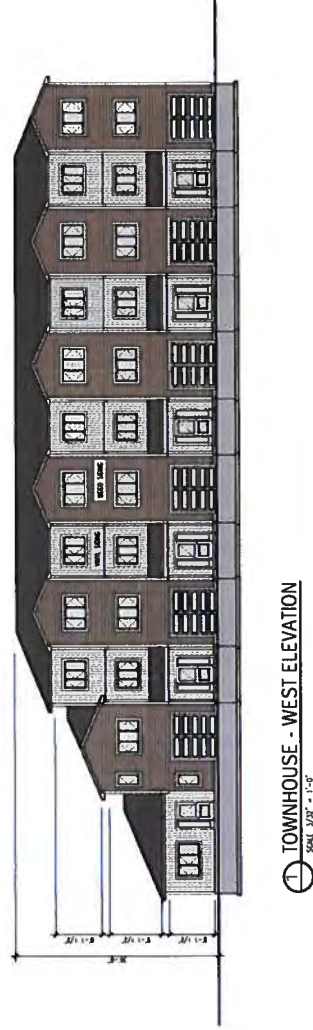
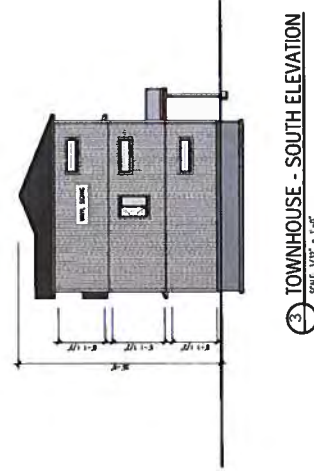
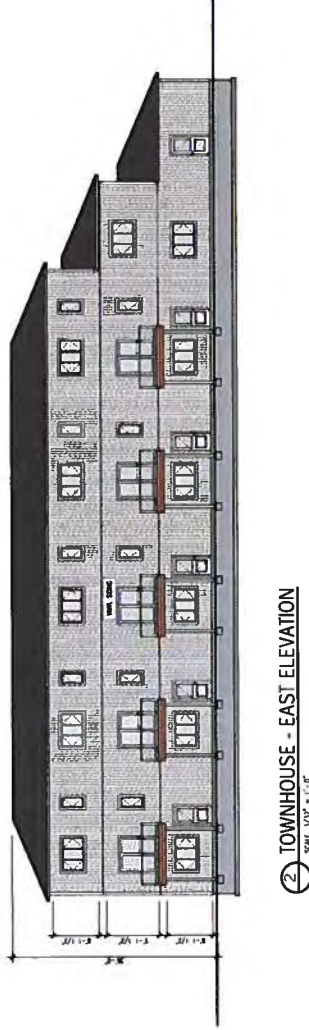
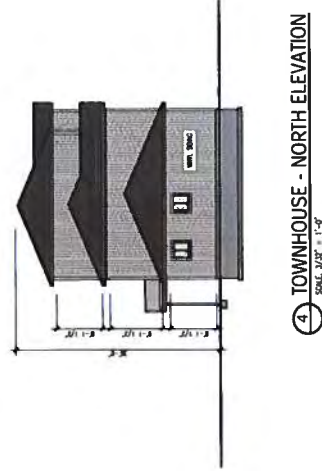


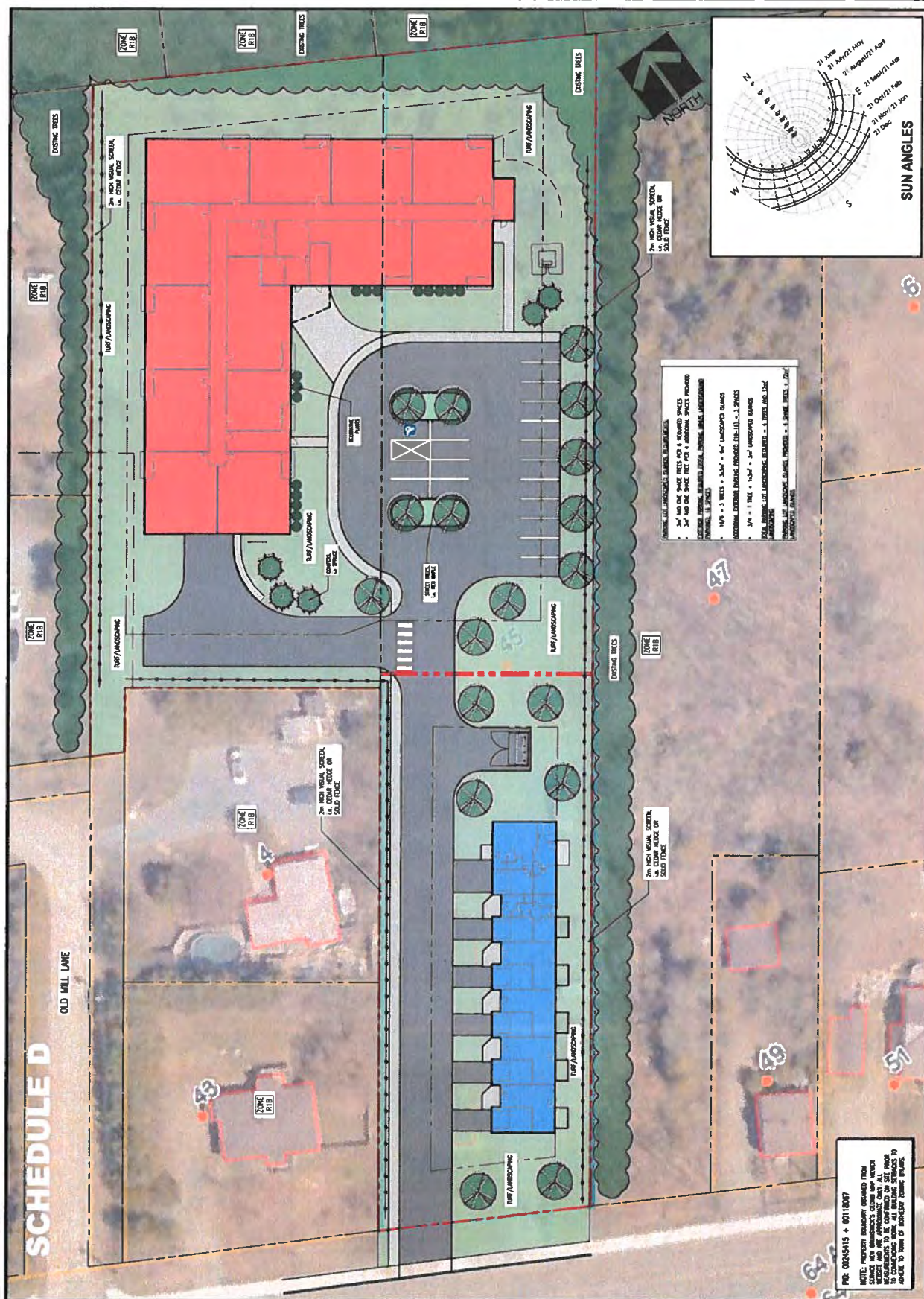
2 TOWNHOUSE - PRELIMINARY SECOND FLOOR PLAN
SCALE 3/32" = 1'-0"



1 TOWNHOUSE - PRELIMINARY MAIN FLOOR PLAN
SCALE 3/32" = 1'-0"

SCHEDULE C6





Stormwater Management Plan (to be added)

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

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

Deponent: Patrick C. Maloney
182 Elliott Road
Quispamsis, NB, E2G 2B8

Office Held by Deponent: **Director**

Corporation: **Dr. Patrick Maloney Professional Corporation**

Place of Execution: Rothesay, Province of New Brunswick.

Date of Execution: _____, 2024

I, **PATRICK C. MALONEY**, 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 "**Patrick Maloney**" 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 _____, 2024)

BEFORE ME:)

Commissioner of Oaths)

PATRICK C. MALONEY

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

*Land Titles Act, S.N.B. 1981, c.L-1.1, s.55*Deponent: **MARY JANE E. BANKS**

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

Office Held by Deponent: Clerk

Corporation: **Rothsay**Other Officer Who Executed the Instrument: **NANCY E. GRANT**

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

Office Held by Other Officer Who Executed the Instrument:

Mayor

Place of Execution: Rothsay, Province of New Brunswick.

Date of Execution: _____, 2024

I, **MARY JANE E. BANKS**, the deponent, make oath and say:

1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
6. That the attached instrument was executed by me and **NANCY E. GRANT**, the other officer specified above, as the officer(s) duly authorized to execute the instrument on behalf of the corporation;
7. The signature "**NANCY E. GRANT**" subscribed to the within instrument is the signature of Nancy E. Grant, who is the Mayor of the town of Rothsay, and the signature "**Mary Jane E. Banks**" subscribed to the within instrument as Clerk is the signature of me and is in the proper handwriting of me, this deponent, and was hereto subscribed pursuant to resolution of the Council of the said Town to and for the uses and purposes therein expressed and contained;
8. The Seal affixed to the foregoing indenture is the official seal of the said Town and was so affixed by order of the Council of the said Town, to and for the uses and purposes therein expressed and contained;
9. That the instrument was executed at the place and on the date specified above;

DECLARED TO at town of
Rothsay, in the County of Kings,)
and Province of New Brunswick,)
This ____ day of _____, 2024)

BEFORE ME:

Commissioner of Oaths_____
MARY JANE E. BANKS

45 Marr Road / 6 Old Mill Lane

2024May27 PublicHearing 45MarrRd/6OldMillLnFINAL_089



New Brunswick vacancy rate hits lowest on record

Fri, Feb 2, 2024

“The vacancy rate for apartments in New Brunswick has reached its lowest on record with only 1.5% of units available for rent, down from 1.9% last year.” – Canada Mortgage and Housing Corporation.

It is the *lowest since CMHC began tracking* the data in 1990.

The shortage has led to **higher prices, worsening an affordability** crisis.



SJ Realtors Coping with Record Low Inventory

Jan 19, 2024

“The market is frozen”. Before the pandemic **1800-2000** houses were on the market, now it’s threatening to fall below **300**.

“You get a call from somebody and 9 times out of 10 there is nothing available, and they say, “There’s nowhere to go? Then I’m not going to sell my house.” – Sutton Group

Apartment Overview

Front - Right



Front / Left



4 Story Building Senior-Focused

- 46 Units
- 1100 - 1500 sq ft
- 1, 2, and 3 bedrooms
- 6 Affordable Units
- 3 Barrier Free Units
- Underground Parking
- Inset Top Floor



Old Mil - Ground



Old Mill - Top





Townhouse Overview

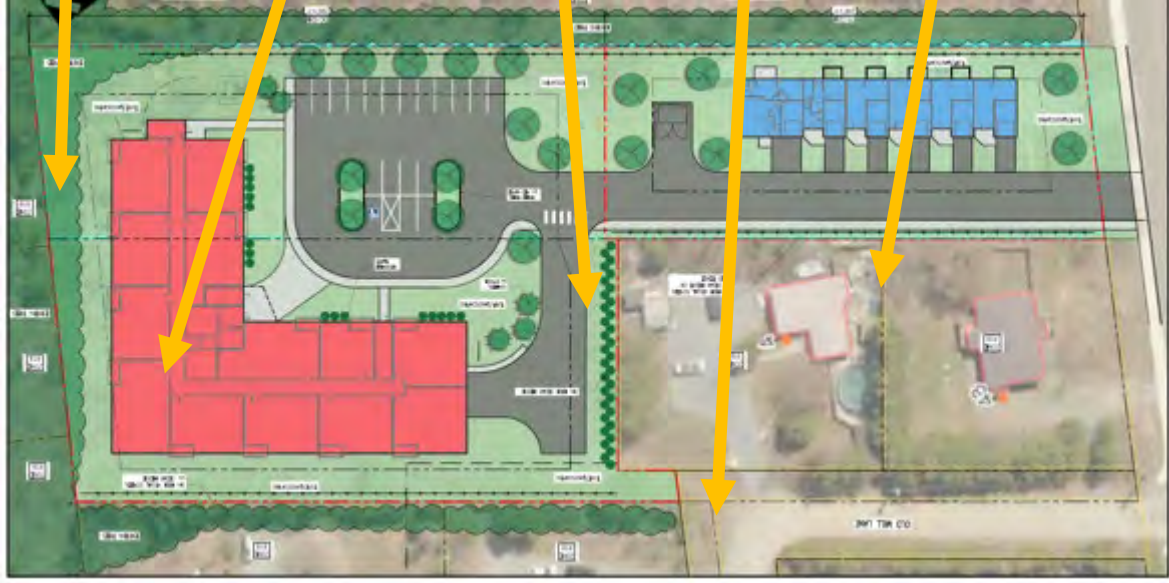


6 Rentable Townhouses

- 3 bed / 2 bath
- Seniors and Families
- 1 Barrier Free Unit



Key Design Choices



50% Green Space

Site maximizes green space while adding improved views from street and sidewalk (4,385m2 green space of 8,790m2 property)

Lower Height

Apartment built on lowest grade of the property to **reduce height** and maintain privacy.

More Trees

Building setback allows for **tree line** between building and 4 Old Mill Lane.

Less Traffic

Building cornered so there is **no access** through Old Mill Lane.

More Sun and Privacy

Townhouses “flipped” to other side of property (and existing structures removed) to add **privacy and sunlight** for 43 Marr Road and 4 Old Mill Lane.



2024May27 PublicHearing 45MarrRd/6OldMillLnFINAL_094

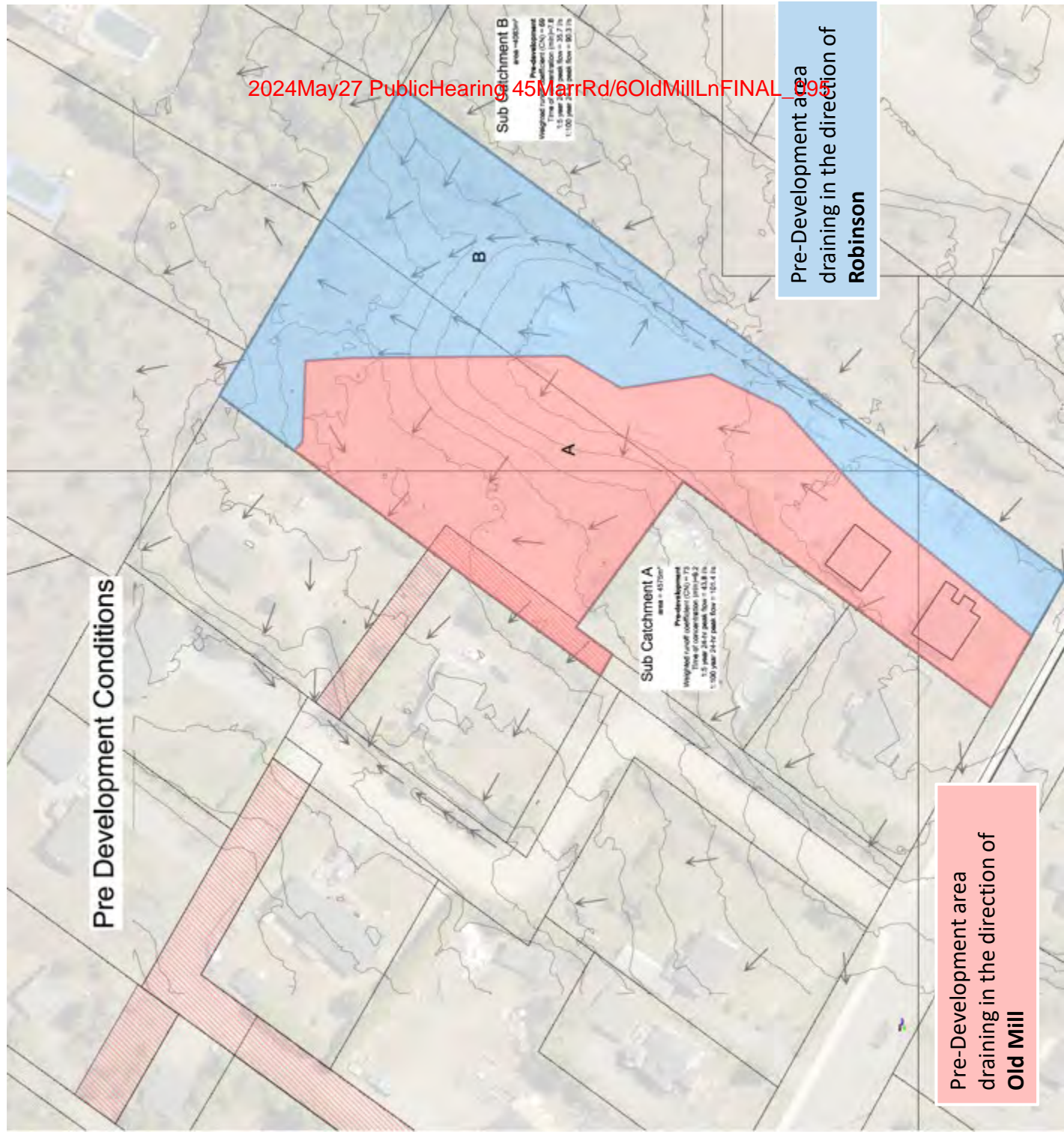
Top floor setback adds **extra layer of privacy** for neighbours while allowing for additional patio space.



Townhouses provide **neighbourhood feel** from street and for surrounding residents.

Current Stormwater

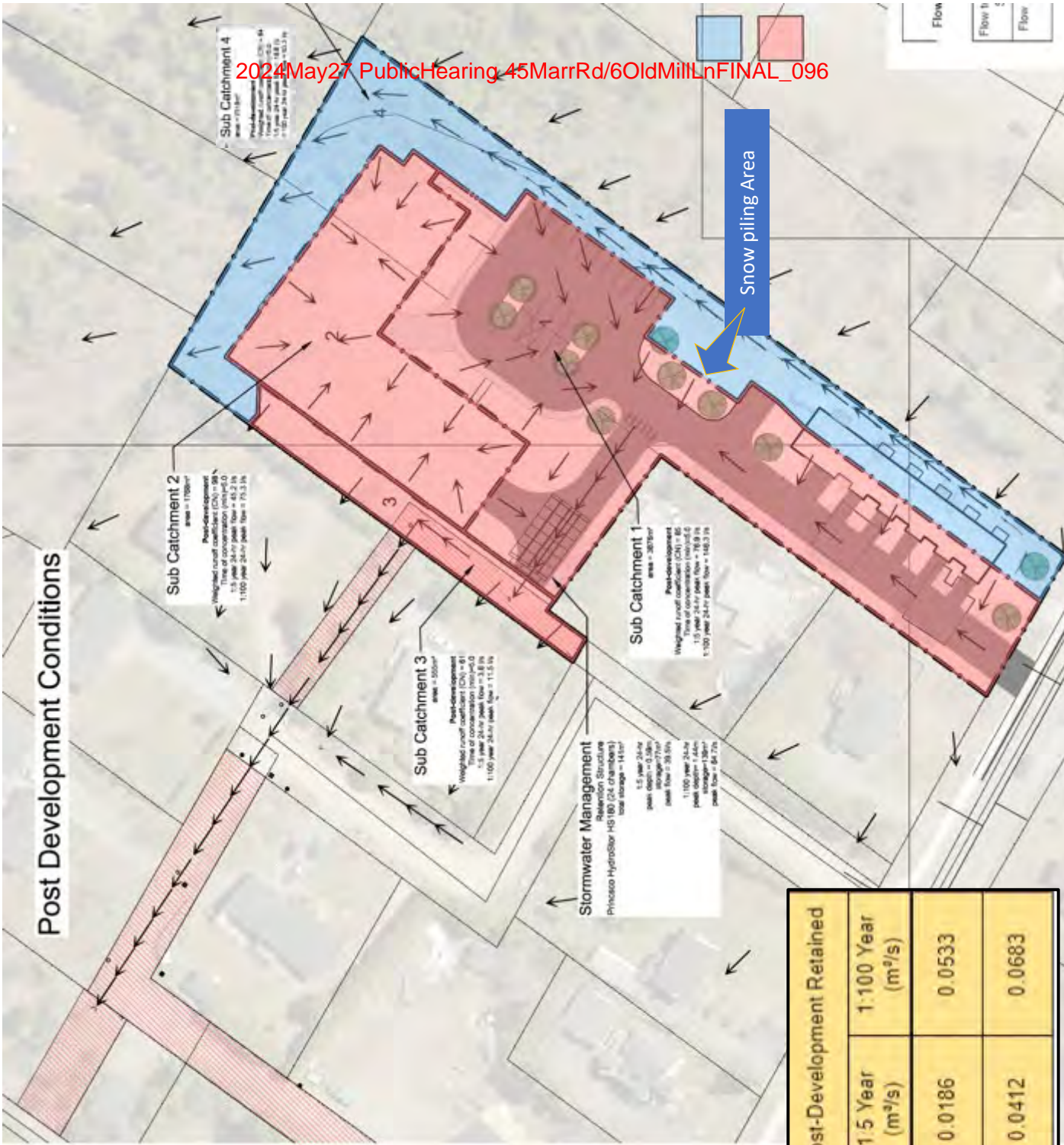
- ZERO PERCENT of water managed
- Water flowing to Old Mill storm water system – but *passes through neighbouring lawns and yards* first
- Roughly half of water flows onto Old Mill properties, while remaining half flows onto Robinson
- Property like an “upside down bowl”



New

Stormwater

- New stormwater system through existing easements
- Catchment Tanks built to handle 1 in 100-year event +20%
- Significantly less water going to adjacent properties
- Additional room for snow melt captured within system



Flow to Point	Pre-Development		Post-Development		Post-Development Retained	
	1:5 Year (m³/s)	1:100 Year (m³/s)	1:5 Year (m³/s)	1:100 Year (m³/s)	1:5 Year (m³/s)	1:100 Year (m³/s)
Flow to Robinson Street	0.0357	0.0903	0.0186	0.0533	0.0186	0.0533
Flow to Old Mill Lane	0.0438	0.1014	0.1257	0.2330	0.0412	0.0683

New Stormwater



Proposed Site





Thank You

Aerial Study

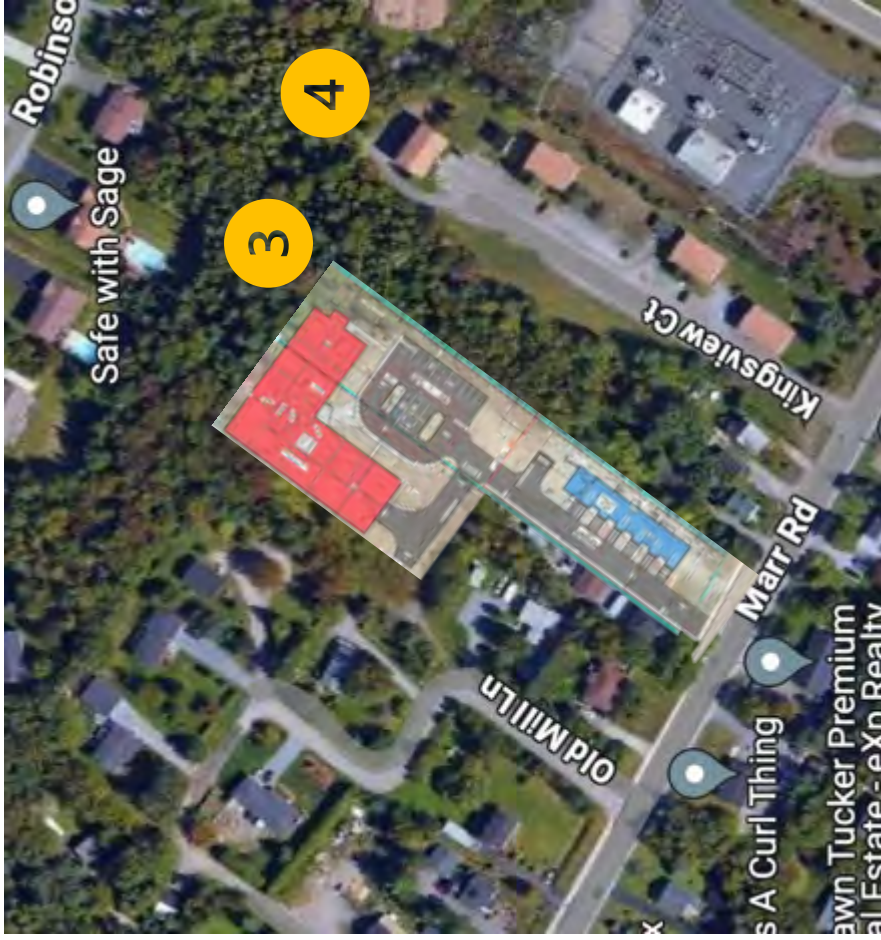


“The images were taken to determine the view that would be obtained from a 4-story apartment building. The aerial images - taken at an altitude of between 40 and 55 feet clearly show the **privacy concerns of nearby residents is unfounded**. Tree and brush cover prevent any direct views of nearby properties.”

- 12 O'clock Drone Services



Aerial Study



2024May27 PublicHearing 45MarrRd/6OldMillLnFINAL 101



Traffic

Table 2: Summary of New Site Trips

Time Period	Trips In	Trips Out	Total Trips
AM Peak Hour	5	8	13
PM Peak Hour	9	7	16

Based on the trip generation for the proposed site, a total of 13 and 16 new trips are expected during the weekday AM and PM peak hours, respectively.

Point of comparison:
Magnolia Lane Apartments (35 units)

Table 1: ITE Trip Generation Summary

ITE Land Use Code 252 (Senior Adult Housing - Multi/Family)							
46	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.20	34%	66%	4	7	11
	PM Peak Hour of Adjacent Street Traffic	0.25	56%	44%	7	6	13
ITE Land Use Code 251 (Senior Adult Housing - Single-Family)							
6	Dwelling Unit	Rate	Inbound	Outbound	Trips In	Trips Out	Total Trips
	AM Peak Hour of Adjacent Street Traffic	0.24	33%	67%	1	1	2
	PM Peak Hour of Adjacent Street Traffic	0.30	61%	39%	2	1	3

MORNING Thursday, Jan 18 8:00-9:00 am		EVENING Tuesday, Jan 23 4:15-5:15 pm	
In	1	In	7
Out	2	Out	8
3 Trips		15 Trips	



Shadows

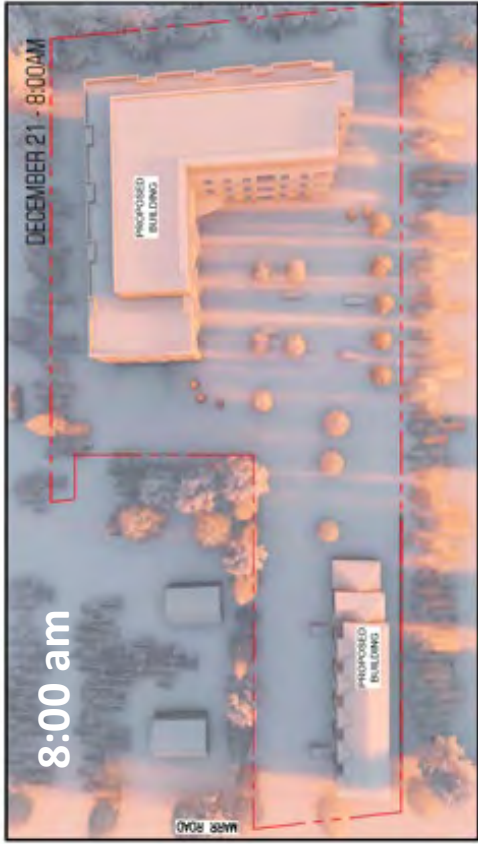


Taken Jan 22, 8:36 am

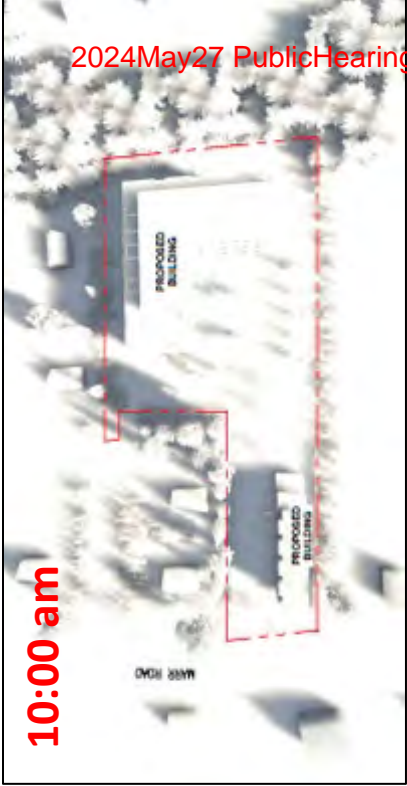


Taken Jan 14, 10:10 am

Existing structures will be removed, providing additional sunlight to 43 Marr Road and 4 Old Mill Lane residences



2024May27 PublicHearing 45MarrRd/6OldMillLnFINAL_103



Similar Development

Clark Road / Gondola Pt. Road





Surrounding Old Mill Properties

Mary Jane Banks

From: Mary Jane Banks
Sent: Friday, May 24, 2024 1:51 PM
To: Mary Jane Banks
Subject: FW: Letter of Opposition to the Rezoning Application for 45 Marr Road | 6 Old Mill Lane

From: Sue Crozier
Sent: Thursday, May 23, 2024 3:27 PM
To: Mary Jane Banks <MaryJaneBanks@rothesay.ca>
Subject: Letter of Opposition to the Rezoning Application for 45 Marr Road | 6 Old Mill Lane

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

Hello,

I'm writing in response to the application for the rezoning of 45 Marr Road / 6 Old Mill Lane.

I live at Marr Road. My husband and I purchased our house four years ago and find this residential, single family home area to be relatively quiet, even with the amount of traffic on Marr Road.

We purchased this property because of the proximity to all of our favourite things in Rothesay, but also because of the privacy and green spaces our lot gives us. Before purchasing this property, we were fortunate enough to own a townhouse in Rothesay and were able to raise our daughter here.

We have been present at the various meetings that have been held over the last several months around this rezoning proposal. None of our concerns have been answered from the initial letter that we submitted to the PAC Committee, to the information that has been shared at these various meetings.

Having worked in economic development for years, I understand the importance of development, but along with that comes location. The location has to match the development. In this proposal, these two elements don't go hand in hand. I have spoken to commercial real estate agents. Their thoughts were that the project scope seems to be overkill for the size of the property.

As a resident who lives right beside this property, we have a long list of concerns, all of which we have mentioned at the various meetings. If this development is allowed to proceed, the impacts to our privacy, volume of noise, additional traffic on a road where sightlines are already an issue, water drainage, green spaces, the loss of the sun for our property, etc. are worrisome.

This proposal is going to add more volume of noise to this area, as well as take away a lot of the green space(s) we currently enjoy. We are concerned with what this change will do to our property line, on both sides of our property, not to mention the loss of the two beautiful maple trees that are currently at 45 Marr Road. The landscape will be changed dramatically if this proposal is approved.

The proposed townhouses and apartment complex are going to have these structures TOWERING over top of us, which will greatly impact our privacy, and will block the sun from hitting our home. We

currently see the loss of sun directly hitting our house now. In the winter, and with the proposed townhouses being a 4 storey, we will see no sun hitting our house in the winter, and will only see a short window of sun hitting our house in the spring/summer. Even now, with the existing single family house beside us, our front yard and a piece of our backyard sees sun in the spring/summer. We are very concerned with ice jamming if this development goes through. As someone who lived in a townhouse for 18 years, I am aware of the height of the structure, and how the sun is impacted by that structure. (The townhouse I lived in was only a 2-storey). I understand the developer has had studies done on this impact, but as someone who has worked from home, I know the exact times we see sun on our property line. We WILL be impacted if this development proceeds.

I would be remiss if I didn't mention the concerns over drainage, water and sewage lines. I understand the developer has stated that there will be 4 water catchment areas on the property. Where are they pulling their storm water numbers from? We all know that we are seeing excessive amounts of water from storms, and we will only continue to see higher accumulation, and usually with only a 48 hour window before seeing another storm come through. Dealing with water in our basement is not something we want to contend with. What impact will this have on our well? All the residents in this area are on wells, and all of us have expressed concerns on this point.

What is their plan for snow removal? With the townhouses right beside our lot and apartment complex behind - we have concerns about the runoff (water, salt & sand) in the spring.

What will happen to the natural stream that is between 45 and 47 Marr Road? If that stream is interfered with, we may see groundwater moving our way.

And on top of all of that of course, is increased truck traffic, noise and dust & debris associated with a project of this scale. Our heat pump is situated on the side of our house where the driveway will go for this development. During the building process, will our heat pump be impacted because of the dust debris?

The developer has commented on how great this development will be in attracting new people to Rothesay, but what about the people who have lived in Rothesay and have raised their families in Rothesay? I hope we matter!!

I think we can all admit that NO ONE wants this type of development in their side or back yard - but when you factor in all the items that the residents in this area have expressed concern over, the only decision that makes sense is to refuse this rezoning application.

You recently rendered a nay vote to the application for a high density apartment complex in the subdivision across from Sobeys. The residents shared the same concerns that we have shared around this rezoning.

The Town of Rothesay ruled years ago around not allowing a rezoning at 45 Marr Road because of the adverse effects this would have on the single family homes in the area, and I'm not sure why those concerns wouldn't still be in play today.

Thank you for forwarding our concerns to Council.

Sue and Vance Crozier