

ROTHESAY

PUBLIC HEARING

45 Marr Road & 6 Old Mill Lane
PIDs 00245415 & 00118067
Rothesay Town Hall Common Room
Monday, May 27, 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
TREASURER DOUG MacDONALD
ADMINISTRATIVE ASSISTANT LIZ HAZLETT

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

DIRECTOR OF REC/PARKS (DRP) CHARLES JENSEN

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

1. Call to Order Instructions

Mayor Grant called the meeting to order at 6:00 p.m. and explained the meeting is a continuation of the public hearing 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 an absence at the first public hearing.

MOVED by Counc. McGuire and seconded by Deputy Mayor Alexander the public hearing for 45 Marr Road and 6 Old Mill Lane (PIDs 00245415 & 00118067) be removed from the table.

CARRIED.

Mayor Grant briefly reviewed the procedure for the meeting, listed the documentation, and explained that a decision of Council will not be made this evening.

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
29 January 2024	Public Hearing Minutes
DRAFT	By-law 2-10-38
DRAFT	By-law 2-10-39
DRAFT	Development Agreement

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Appearances/Presentations:

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

Mayor Grant invited Mr. Maloney to give a presentation. Mr. Maloney recapped the proposal, highlighting the following:

- Addresses current housing concerns, record low vacancy rates, and provides housing variety
- Apartment Building
 - o 46 Units
 - o 1100 – 1500 sq. ft.
 - o 1, 2, and 3 bedrooms
 - o 6 Affordable units
 - o 3 Barrier-free units
 - o Underground Parking
 - o Inset Top Floor
 - o Located at the rear of the property, on a downward grade, to reduce visibility and privacy concerns
- Townhouses
 - o 6 Units
 - o 3 bedroom / 2 bath
 - o Seniors and families
 - o 1 Barrier-free unit
 - o Located at front of property to create a neighbourhood feel
- Key Design Choices
 - o Lot is largely gravel now but current greenspace (15-20%) will be increased to 50%
 - A treeline will be used between the apartment building and 4 Old Mill Lane
 - o The apartment building is on the lowest grade of the property to reduce height and maintain privacy
 - o Access is solely through Marr Road to prevent additional traffic on Old Mill Lane
 - o Removal of existing structures and the location of the townhouses will add privacy and sunlight for 43 Marr Road and 4 Old Mill Lane

Mr. Maloney and Andrew Toole of Don-More Surveys & Engineering Ltd. spoke of the stormwater management plan, stating that water is not currently managed on the property and flows onto Old Mill Lane and Robinson Street properties. The new system will use catchment areas and an underground storage tank to collect the majority of the water and create a controlled flow into a new stormwater pipe towards Old Mill Lane, into existing infrastructure, and eventually the river. To address changing climates, the system will be designed to handle a 1 in 100-year storm + 20% (as an extra buffer). There is a designated area to pile snow, inside a catchment zone, so that it can melt into the collection/output system.

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Mayor Grant invited questions from Council.

Answers were provided on the following inquiries:

Anticipated 50% reduction in water runoff for downstream properties – Mr. Toole explained that the 50% reduction in runoff relates to peak flow during intense rainfall events, as opposed to quick showers with negligible runoff. As an example, he compared the system to a bathtub, which controls the flow of water through a pipe, even if buckets of water are suddenly dumped into it. He added adjacent properties will notice a difference and even more so downstream.

Municipal capacity for:

Stormwater – DO McLean confirmed that stormwater upgrades are required, for instance the new pipe towards Old Mill Lane. He spoke of the differences between the 1 in 5-year storm (ex. once a week or every other week) and 1 in 100-year storm (ex. intense rainfall that may occur a few times a year). He brought attention to the flow to Old Mill Lane during a 1 in 5-year storm, noting pre-development flow is 43 liters per second and post-development flow is 41 liters per second – which is roughly the same. He referenced the applicant's upside-down bowl analogy to describe the current runoff – water runs off the property in different directions but ends up in the same outfall location over time. He raised a concern that it has not yet been determined if concentrating all the water into one area that leads to the same outfall is better.

Sanitary Sewer – DO McLean advised staff have requested a condition survey and video inspection but they have not been received at this time. Without this information it is unclear if the 43-year-old (1981) sanitary sewer system on Old Mill Lane—initially installed to service eight homes—will be able to handle an additional 52 more units. He mentioned that the developer has offered a fail-safe which involves pumping the sewage out to Marr Road. This option also requires more information as the system was installed in 2002 and has since had to accommodate significant users, such as the Superstore, and a brewery. He added, instead of a steady flow into the system, pumps run the risk of surcharging an over-capacitated system should an incident occur. Mr. Toole mentioned that the video inspection was completed today, and an initial review found no concerns.

Water – DO McLean reported that a design brief has not been submitted to inform staff how much water the proposal will draw. Without this information, staff cannot determine if the water system has the capacity to handle the proposal. Data has also not been provided on how the sprinkler system will impact the water system and pressure. The location suggests pressure may not be a concern but still requires review.

Traffic and sightlines: Deputy Mayor Alexander mentioned that occupancy cannot be refused based on age, therefore the senior-focused traffic study may not reflect accurate traffic generation. As a senior-targeted project, he asked if the sightline study considered that perhaps sightlines should be adjusted as seniors may have slower reaction times. Mr. Maloney noted he does not think age is considered in sightline studies.

Snow pile area: located on the Stormwater Plan – marked by three trees next to the townhomes.

Underground retention tank: located adjacent to the underground parking entrance. In the event of catastrophic failure, the water would overflow onto the property (parking lot) through greenspace and out to Old Mill Lane.

Application of the stormwater system in other areas: the system has been used in several developments in Sussex as well as one in Saint John.

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

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Mayor Grant invited Town Manager Jarvie to give a presentation.

Town Manager Jarvie highlighted the following:

- A positive recommendation from the Planning Advisory Committee
- The project helps the demand for more housing
- The site is located near municipal services
 - o Aforementioned concerns about capacity would be addressed before a building permit is issued
 - o The applicant is aware further information is required and actively working on it
- Upgrades are required for stormwater management, but the plan is satisfactory
- Traffic will be directed to a collector road, intended to manage high volumes of traffic, and preferable to a neighbourhood street
- Fundamentally staff support the project pending a development agreement and outstanding information requested

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

In response to an inquiry, Town Manager Jarvie advised a recommendation would not be presented to Council until the outstanding information is received.

Mayor Grant called three times for those wishing to speak against the proposal. The following people spoke: Sue Crozier, 43 Marr Road; Nathan Blais, 10 Old Mill Lane; Mike Vienneau, 26 Robinson Street; and Terry McKee, 4 Old Mill Lane.

The individuals spoke of: public notification – the short notice was underhanded and not transparent; the density/size (does not align with neighbouring properties) – should be a gradual transition; prior concerns (January 29th Public Hearing) that remain issues, including traffic, sightlines, stormwater, privacy, sunlight, and risk of well contamination; Town opposition to other applications for similar concerns; traffic safety concerns owing to the short distance between the property and Old Mill Lane entrances; application of the stormwater system in Sussex (not reassuring); the proposal does not align with Municipal Plan interest in using land use planning to maintain the quality of existing neighbourhoods; the property's current Commercial zoning; the possibility of children using adjacent properties as play areas; outdoor garbage areas attracting rodents; unlikelihood of a tree line blocking visibility from Old Mill Lane; misinformation about zoning amongst public; prior activities on the property without consideration of neighbours; and a direct view of three storeys for Old Mill Lane residents regardless of plans.

Mr. Maloney briefly responded to inquiries, noting garbage will be contained inside for the apartment building and outside for the townhomes (centre of property adjacent to townhomes); and there is no plan for a playground as the project is geared towards seniors.

Mayor Grant called three times for those wishing to speak in favour of the proposal. The following people spoke: Bernard Beukeveld, Quispamsis resident; Amy Winchester, Rosedale Avenue; and Erin Tetford, 98 James Renforth Drive. They spoke of: common issues for municipalities regarding a not-in-my-backyard (NIMBY) mindset and its impact on development; status quo cannot continue, there needs to be long-term planning; the need for housing, especially affordable housing; the project can benefit the community as long as it adheres to Town and building requirements; if the property is not developed, issues will remain for neighbouring properties; and development is important as it provides hope for attainable housing for younger generations.

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Mayor Grant invited Mr. Maloney to present final comments.

Mr. Maloney addressed the following:

Privacy – previous aerial photographs demonstrate that privacy will not be an issue. Photographs were shown of a development near Clark Road with four storeys, and a mature tree line that blocks visibility from adjacent properties.

Shadow Study – demonstrates that neighbouring properties will receive more sunlight. The sun’s alignment with Marr Road suggests more shade is not possible. The location of the townhomes was designed to create more privacy for neighbouring properties as well as tenants.

Traffic – Marr Road, as a collector road, has the capacity for additional traffic.

Benefits – The project aligns with the Municipal Plan because it allows residential units next to single family houses as opposed to a commercial development. For instance, it is preferable to a strip mall, gas station, drive-thru, or storage building, and especially a Tim Horton’s and its associated traffic. The project is geared towards seniors so children using neighbouring properties as play areas may not be a concern. It is in a walkable area, provides affordable housing which is desperately needed, will be a secure building, is a project that is as kind to the neighbourhood as possible, and will improve the site overall (from actions of previous owners) and help alleviate existing stormwater concerns.

Mayor Grant thanked all in attendance, and noted the matter will be considered at a future date. It is unclear if the item will be discussed at the June Council meeting, but if so, she mentioned that the regular date has been changed from June 10th to June 17th.

3. Adjournment

The public hearing was adjourned at 7:06 p.m.

Original signed by Mayor
MAYOR

Original signed by Clerk
CLERK