



PUBLIC HEARING

THE PURPOSE OF THE PROPOSED ZONING BY-LAW AMENDMENT, BEING BY-LAW 300-7-1, IS TO REZONE THE PROPERTY FROM R1 (SINGLE UNIT DWELLING) TO R2 (TWO UNIT DWELLING), PID#05103080

Monday, March 11, 2019

**Immediately Following Public Hearing on Proposed Local Improvements
30 Honour House Court - Council Chambers**

Members Present: Mayor Ann Seamans

Deputy Mayor Tammy Rampersaud

Councillor John Coughlan

Councillor Jeremy Thorne

Councillor Cecile Cassista

Councillor Andrew LeBlanc

Councillor Wayne Bennett

Staff Present:

C. Smith, CAO

A. Crummey, Town Clerk

D. Richard, Deputy Town Clerk

M. Ouellet, Director of Engineering & Public Works

S. Thomson, Director of Economic Development

T. Finlay, Director of Human Resources

G. Cole, Director of Parks, Recreation and Community Relations

Others:

Kaitlyn Lacelle, Urban Planning

Kevin Neatt, Director of Planning & Development, Clayton Developments

Greg Zwicker, ZZap Consulting Inc.

Regrets:

Councillor Lana Hansen

1. Call to Order

Mayor Seamans called the Public Hearing to order at 7:16 p.m.

2. Public Hearing to consider an amendment to Zoning By-Law 300-7 - Re PID #05103080

The Town Clerk advised that the purpose of the proposed Zoning By-law amendment, being By-law 300-7-1, is to consider rezoning the property from R1 (Single Unit Dwelling) to R2 (Two Unit Dwelling).

The purpose of the rezoning is to develop semi-detached dwellings during the next residential phase of the Fairways project.

3. Public Hearing Procedure and Guidelines (Town Clerk)

The Town Clerk advised that up until 4:30 p.m. today, the Town had received 5 letters in favour of the rezoning and 20 letters of objection. She confirmed that Town Council has received copies of all letters received. For the information of all those present, she briefly explained how this public hearing will be conducted.

- Kaitlyn Lacelle from Urban Planning will provide a presentation explaining the application.
- The applicant, Clayton Development, will make a presentation to Council.
- Mayor Seamans will then call upon each person who submitted comments concerning the application, starting with those in favour and followed by those objecting. Each person will be given the opportunity to speak, if they so desire. No letters will be read aloud unless read by the person who submitted the letter.
- Only one person will be allowed to speak at any given time. Each person speaking will be given a time limit of 10 minutes and are requested to state their name, address and the company they represent if applicable. Please speak directly into the microphone as this hearing is being recorded.
- Following each presenter the applicant will be given an opportunity to respond and if new information is provided, the presenter will be given an opportunity to speak again.
- Also following each presenter Council will be given the opportunity to ask questions for clarification.
- Once everyone who has submitted a written response has had an opportunity to speak, Mayor Seamans will inquire if there is anyone else present who has **anything new** to add to the proceedings.
- When all presentations have been completed, the Mayor shall declare the public hearing to be closed.

- Please note that NO decisions are made during the public hearing. Immediately following the Public Hearing, Council will enter into the Regular Council Meeting. Item 9a) of the agenda and will be the first reading to amend the Zoning By-law. If the first reading of the by-law passes, second and third readings will be conducted at the Regular Council Meeting of April 8th.

4. Presentation by Kaitlyn Lacelle, Urban Planner, Urban Planning Department - City of Moncton

Kaitlyn Lacelle conducted a Power Point presentation. The purpose of the rezoning application is to consider a change from R1 to R2 in order to accommodate the northern extension of Rosebank Crescent and 110 semi-detached dwelling units. The subject property is approximately 20 acres in size and is vacant. It is located within the Fairways development off Pinewood Road. K. Lacelle noted that the southern portion of Rosebank Crescent has been partially developed with single unit dwellings. Under the Community Planning Act notice of the proposed rezoning is required to be given to property owners within a 100 meter radius of the subject property, which was carried out.

She indicated that the applicant hosted a public open house on February 28th which was advertised on social media, the newspaper and through door knockers and 75 people attended. Town staff were also present.

K. Lacelle displayed an image of the updated Master Plan submitted by the applicant. She remarked that in 2011 the subject property along with the overall Fairways project was rezoned to Residential Mix. In accordance with Policy 5.6.3 of the Town's Municipal Plan, large undeveloped Residential Mixed lands must be master planned. In response, the developer submitted a concept plan which contemplates single unit dwellings for the northern portion of Rosebank Crescent. This was not a legislative approval but rather it ensures that subsequent applications are carried out in substantial conformance with the plan. K. Lacelle pointed out that a master planning exercise functions as a guide and vision for the overall development. She noted that based on that the land was zoned to R1 to accommodate single unit dwellings. On the concept plan at that time approximately 65 units were shown; however that was based on larger lots than what is actually required in the R1 zone. Developers always have the option to provide larger lots but they are not obligated to do so. The Zoning By-Law does not and cannot regulate whether a neighbourhood is considered upscale, executive or exclusive.

K. Lacelle indicated that the intention of the secondary planning exercise in 2011 was to guide the overall land use and development of the area but it does not dictate specific details, such as lot sizes. That is done through the Zoning By-Law. Under the

current R1 zoning requirements and based on the minimum lot frontages and lot sizes in that zone, at least 103 single unit dwellings can be built today without a rezoning and without Council's approval.

K. Lacelle reported that since 2011 several phases of the Fairways project have been developed including a mix of land use and housing type in accordance with the overall secondary plan. She noted that the current zoning proposal differs from the original plan in that semi-detached homes are now being proposed for the northern extension of Rosebank Crescent (also known as Phase 2) whereas the initial plan did show single unit dwellings. From a land use perspective this is not a significant change as it remains a low density residential land use and is still compatible with surrounding land uses and the overall neighbourhood concept that was proposed. The rezoning would accommodate a different type of housing but the overall density of this property will not increase significantly. When comparing 103 single unit dwellings that could be built today in the R1 subdivision to the 110 semi-detached dwellings proposed, the density goes from 5.1 units per acre to 5.5 units per acre. She noted that the density is ultimately the same as what it would be today. The total unit count within the overall Fairways development project has also remained comparable - 402 total units were proposed in 2011 compared with 445 units today. K. Lacelle indicated that the current proposal maintains a low density character which is compatible with surrounding land uses and overall neighbourhood concept proposed in 2011 while encouraging a mix of residential topologies which was also proposed back in 2011.

K. Lacelle remarked that since the original Master Plan was developed there has been a growing demand for more diverse housing stock, which is also encouraged in Chapter 5 of the Town's Municipal Plan. She displayed the new concept which seeks to accommodate 110 semi-detached dwellings. The developer is proposing to maintain a 5 meter buffer along the western property line along the rear yards of the new lots proposed. She indicated that no development will be permitted in this area, including accessory structures, and any existing vegetation will be maintained. K. Lacelle noted that this is similar to what was done on the existing Rosebank Crescent to provide screening and privacy between existing residential dwellings and the new homes. This will be added as a condition to the Conditional Zoning Agreement. She noted that any change to this condition or any other of the conditions proposed in the Conditional Zoning agreement would require a new rezoning application including a public hearing and require the approval of Town Council.

K. Lacelle indicated that the applicant is also proposing to retain significant vegetation at the southern property line adjacent to Whitehall Terrace in order to create a significant vegetative green space that would otherwise not be maintained under the current R1 zone. She noted that preserving green space and landscaping is one of the urban design goals within the Town's Municipal Plan for new developments.

K. Lacelle remarked that these areas would remain under private ownership essentially forming part of existing or future lots and that this provision would be added to the Conditional Zoning Agreement to require the lands to remain as a buffer. The smallest buffer is 20 meters wide; the next size is 24 meters wide and the largest is 45 meters wide. She displayed an image which showed that the lots along the western boundary (both sides of Rosebank) would be limited to one storey in height. This condition would be added to the Conditional Zoning Agreement. K. Lacelle remarked that this proposal is significantly less than the 9 meter height restriction which is currently permitted in the R1 zone. She displayed images of the type of product that could be constructed. The largest units proposed are required to have a frontage of at least 14.58 meters (width of lot). She noted that this is almost the same lot frontage of a single unit dwelling in the R1 zone, which are required to have a minimum frontage of 15 meters. Therefore, the impact of having semis there is not significantly different from having single family dwellings.

K. Lacelle noted that the remaining lots would not be restricted to one storey in order to provide flexibility and the ability to respond to market demand as the project develops over time. The R2 zone permits a maximum height of 9 meters. Whether a one storey or two storey product is built the entire development will be subject to design criteria to ensure a high quality product is developed. This criteria would be included in the Conditional Zoning Agreement. Some examples include the use of architectural features such as lintels, porticos, pilasters, and columns, and screening of any utility boxes, use of masonry treatment on the front façade so that it could not be a fully vinyl building. This will further create a high quality product as contemplated in the Town's Municipal Plan.

K. Lacelle indicated that this proposal is consistent with applicable policy in the Town's Municipal Plan. She noted that Chapter 5 describes the increase in proportion of lone parent families and seniors putting pressure on the Town to diversify its housing stock. The plan also intends to protect the character of existing neighbourhoods which are predominately single unit dwellings. Policy 5.1.2 encourages development with smart growth principles by providing housing choices within neighbourhoods. The Municipal Plan provides for design standards for new developments which have been met and exceeded, in some cases, with this proposed concept and helps achieve the balance, consistency and integrity between new development and existing ones.

Policy 5.5.3 of the Municipal Plan enables Council to consider a rezoning to R2 subject to specific criteria which was considered during the development of this concept and the rezoning proposal. It requires the proper siting of buildings, preservation of existing landscape, adequate site grading, high quality and well thought out design and the availability of services.

K. Lacelle remarked that when it comes to dealing with large scale developments, change is inevitable as large tracts of land take a significant amount of time to develop. It is quite normal that they need to adapt to changing markets. What is extremely important is to ensure that the overall intent of the secondary plan for this area is respected and the proposal meets the Municipal Plan's policies and planning principles.

She suggested that from a land use perspective this proposal is a minor change from the overall concept and will still offer a good mix of residential typologies while maintaining a low density residential character and respecting existing residential development.

She indicated, as previously stated, the current R1 zoning would allow approximately 103 single unit dwellings to be constructed today without any approval from Town Council. The current proposal seeks to accommodate 110 semi-detached dwellings. A housing product that is in demand and meets the objectives and policies in the Town's Municipal Plan. This represents a change of 7 additional units.

This rezoning is an opportunity to carefully and thoughtfully design a residential community that is in line with the Town's Municipal Plan.

K. Lacelle reported that 20 letters of objection had been received and 5 in favour. She commented that staff did respond to the objections, where applicable.

She pointed out that when looking at impacts it is imperative that we analyze the increase from what could be there today, which is 103 single unit dwellings versus what is being proposed - 110 semi-detached dwellings. She pointed out that we cannot look at the increase from the current state (which is a vacant lot) because the subject property is zoned for residential development and even though it has been enjoyed as a green space for quite some time it will be developed.

K. Lacelle briefly summarized the written objections which include a concern regarding traffic, noise and privacy; decreased property values; increased density; change from the original concept, buffers, and neighbourhood appeal/character and lot prices.

She reported that the Applicant did complete a traffic study which compared the traffic generation volumes between the plan which shows 65 units and the current proposal of 110 units. The study concluded that the change will yield only a small increase in four two-way trips in the morning and an additional three two-way trips in the afternoon. These added trips are not expected to impact the area roads or intersections.

Property Values

K. Lacelle indicated that staff consulted with Service New Brunswick to determine how property values are assessed. It was explained that values are based on whether people want to live in a neighbourhood and how much people are willing to pay to be there. Elements such as well landscaped yards, houses that are maintained, updated and taken care of as well as pride of ownership all increase property values.

There have been several studies done in the past which have analyzed the common assumption and did not find a negative impact on surrounding property values. Most of these studies looked at even higher density such as apartments and social housing. As previously stated the density is only increasing from 5.15 units per acres to 5.5 units per acre. While there is a very slight increase in density the increase is not even close to double.

The original concept proposed through the secondary plan did contemplate single unit dwellings in this area. However, the change to large semi-detached dwellings maintains the intent of the low density residential neighbourhood and is therefore in substantial conformance with that concept. To put it into perspective, if this proposal was to accommodate a very high density like several apartment buildings or commercial land uses such as retail or restaurant that would be considered substantially different, and Urban Planning would review such an application on those merits. However, in this particular case the land use will still be low density residential even though a different type of housing is proposed.

She pointed out that any disputes regarding existing covenants would be between developer and the residents. The Town does not assume any legal obligations or liabilities in following the rezoning process.

With respect to the buffer within it, any existing vegetation would be retained and the area cannot be used for development. This provides an added buffer that would not normally exist in an R1 subdivision today. Careful consideration was given to ensure that adequate lot depth was provided to accommodate this 5 meter buffer, as well as drainage features such as a swale and a usable backyard. As a right, in a single unit development there would be no added buffer and decks could actually be located 4 meters away from the rear lot line. She suggested that there would actually be less privacy than what the developer is proposing in this application.

Neighbourhood Character

K. Lacelle noted that from a planning perspective complete communities with a variety of housing stock actually increases the quality of a neighbourhood; which is why it is included in the Town's Municipal Plan.

The Town's Zoning By-Law does not and cannot regulate whether a neighbourhood is considered executive or upscale. The Zoning By-Law establishes minimum lot requirements that must be met in each zone for each type of land use. Within those confines it is left up to private land owner or developer how they choose to build and market their products. Through this rezoning Council is able to require design standards and significant green space preservation which would otherwise not be possible under the current R1 zoning. Therefore, it can be argued that the preservation of this green space and the imposition of design standards through rezoning actually increases the neighbourhood character and amenities.

Lot Pricing

The Town does not regulate land cost. It would be strictly between the land owner and the land purchaser.

K. Lacelle remarked that the proposed rezoning was reviewed by the Planning Advisory Committee at its meeting of February 13, 2019 and recommended that Riverview Town Council proceed with the amendment process for Zoning By-Law 300-7-1, subject to the following terms and conditions.

That the Town of Riverview enters into a conditional zoning agreement with Clayton Developments subject, but not limited, to the following terms and conditions if the rezoning process is successfully completed.

All semi-detached dwellings shall generally conform to the following design criteria:

- 1. Architectural detailing including but not limited to lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze and fascia boards shall be incorporated;*
- 2. Architectural treatment shall be continued around the side of the building for corner units;*
- 3. Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping;*
- 4. Any exposed lumber on the front façade shall be painted or stained;*
- 5. Any exposed foundation in excess of 1 metre shall be architecturally detailed, veneered with stone or brick, painted, stucco or an equivalent; and*
- 6. A minimum 50% of the front elevation shall consist of masonry treatment or other similar product.*

That a 5 metre buffer be maintained along the rear lot line of the western property boundary including existing vegetation to be retained and cannot be used for development.

That the site drainage be designed to accommodate the 5 metre buffer referred to in Condition #2.

That notwithstanding Table 11.3 of Zoning By-law 300-7, semi-detached lots on the western property boundary must have a minimum lot frontage of 14.58 metres.

That a treed buffer be maintained between the existing Rosebank Crescent and the extension of Rosebank Crescent as shown on Schedule B (which is the Concept Plan);

That the lots located on the western portion of Rosebank (both sides of the street) be limited to one storey;

That the development be carried out in substantial conformance with the plans and drawings submitted.

K. Lacelle confirmed that if Council proceeds with rezoning and enters into a Conditional Zoning Agreement it would be binding to the land. She further pointed out that any changes to the conditions would require a new zoning application and would require Council's approval to amend any of the conditions contained within the agreement.

Councillor Cassista expressed her concern regarding the buffer as it is mostly made up of spruce trees which will likely die if disturbed if the development proceeds.

K. Lacelle confirmed with Councillor Cassista that the developer would agree to maintain a 5 meter non development buffer, meaning that the existing trees/vegetation within the buffer will remain. Should this vegetation cease to thrive and dies away the developer is not responsible to plant new trees and/or vegetation. She reiterated that the intention of the word "maintain" is meant to demonstrate that nothing else will go into the buffer. The developer is ensuring that a full 5 meter width and that the drainage swale will be outside that area.

K. Lacelle confirmed with Councillor LeBlanc that she would be present at the Regular Council meeting. He indicated that he would hold his questions until that time.

Deputy Mayor Rampersaud commented that she had to focus on separating feeling and emotion from the fact. She wanted to ensure that she understood the facts correctly.

K. Lacelle confirmed with Deputy Mayor Rampersaud that the facts is that 103 single unit homes can be built at that R1 location today and nothing could be done. What is being proposed is 110 semi-detached units with (terms and conditions attached). The traffic study compared the concept plan of 2011 of 65 single unit homes to what is

being proposed 110 semi-detached and that the study suggests that there will only be 4 additional cars at peak times.

K. Lacelle confirmed with Deputy Mayor Rampersaud that if everything stayed the same that right now the houses that exist (along McAllister) a single unit dwelling could be constructed up to 9 meters in height but with the proposed changes on that side and the side facing it across the street (both semis) are to be bungalows.

Deputy Mayor Rampersaud was asked at the Open House whether the developer had considered (on the stretch of road she just referenced and on the opposite side) the possibility of having that stretch single unit homes and the rest mixed.

K. Lacelle indicated that she would defer that question to the developer. However, she did point out that a number of options were considered and it was felt that the proposal being put forward would have less of an impact than having 3 storey singles with ultimately the same lot frontage.

K. Lacelle confirmed with Deputy Mayor Rampersaud that if everything remained status quo there is no requirement in the R1 zone for a buffer. In a normal R1 subdivision the buffer requirement does not exist. She clarified the term "maintaining a buffer" refers in this case to a "no development zone". However, if there is existing vegetation within the buffer it would remain. If the vegetation within the buffer dies it is not the intention of the developer to vegetate this area. It is simply a restrictive buffer whereby the owner could not locate a shed or a pool, which the property owner can do in a regular back yard. K. Lacelle pointed out this is where the restriction comes into play. She reiterated that in a normal R1 subdivision the buffer requirement does not exist in an R1 zone.

K. Lacelle confirmed with Councillor Bennett that a property owner would own the buffer but it would be considered a "no construction area" meaning they would not be permitted to construct, for example, a fence but would be permitted to plant vegetation within it such as trees and shrubs to enhance privacy.

K. Lacelle confirmed with Councillor Bennett that there are additional buffer areas proposed which will be facing Whitehall Terrace. These areas which are 20, 24 and 45 meters are also a no development buffer zone.

5. Presentation by Kevin Neatt, Director of Planning & Design, Clayton Developments

Kevin Neatt, Director Planning and Design, Clayton Developments. He noted that Clayton Developments is part of The Shaw Group and they are well established with over 200 employees within NB.

K. Neatt provided a brief project history which began in approximately 2003. He noted that Clayton Developments commenced working on a project with the Moncton Golf and Country Club which eventually saw the property zoned to Residential Mix. In 2011 - 2012 the property was rezoned and approved as an R3 (multiple residential) zone and it was the beginning of a Master Plan (predominately single family dwellings). He noted at that time the project build out was 4-5 years. K. Neatt reported that in 2016 a downsizing occurred to allow for Summerdale Court as the market told us R2 was the way to proceed with bungalow units. He stated that this was the first introduction into this type of product in the development.

K. Neatt touched on the proposed treed buffers along Whitehall Terrace which are proposed to be 24 m (approximately one lot size); 20 m (66 ft.) and 45 m (well over 100 ft.) in order to create neighbourhood identity. He indicated that Clayton Developments would consider deeding the buffers to the existing single family owner or they would simply retain it as private green space land and essentially be a larger side yard. K. Neatt indicated that these buffers have a specific design function. He was able to commit to Council to make sure that the buffer remains whole and would be addressed through additional replantings, if necessary.

K. Neatt indicated that the buffers support the notion of identifiable neighbourhoods and he displayed samples of the proposed units. He also outlined the rationale behind the two different types of units which was to satisfy a specific need as people are downsizing. K. Neatt pointed out that there is currently a limited ability to do that, and people are finding other locations elsewhere which offer a product that meets a specific need of demographics. He outlined that one level living with the ability to provide 2 bedrooms and a bathroom upstairs in order to accommodate children who come to visit is what is being proposed. Clayton Developments want to be able to meet this need in the market as it is about downsizing and choice.

K. Neatt said that Clayton Developments had started out in 2011 with an emphasis on R1 single family dwellings. Since that time the demographics have changed over the past 9 years. Their analytics are telling them that people are looking for a different type of product which is in limited supply. K. Neatt remarked that what is being proposed is a balanced mix of housing opportunity which provides a market choice. K. Neatt indicated that what Clayton Developments is looking to do is to have people stay in Riverview amongst family, friends and existing support system.

K. Neatt stated that Clayton Development looked at ways of how to integrate this type of housing into the overall existing housing master plan. Through their experience they have learned that key components, such as identifiable neighbourhoods, play an important role. He noted that this can be accomplished through larger green spaces and the creation of signage. He noted that they are trying to create a community within a community. Clayton Developments were sensitive to the bungalows to the

west of Rosebank Crescent, which is important. This type of development is done elsewhere in Atlantic Canada (The Parks in west Bedford) which contains a variation in land uses which creates a complete community all co-existing in the same neighbourhood (single family, town houses and semi-detached) on the same street - value is not an issue. K. Neatt remarked that it is about complete communities,

K. Neatt touched on the social and economic component of the proposal. It is a \$28-\$30 million dollar project to create the 110 units. He indicated that on February 28th there was an opportunity to speak with the public which was a useful exchange. The residents understood the area to be R1 and that is now changing. K. Neatt indicated that it is about the equilibrium you try and find when creating larger scale master plan communities of 80-85 acres. He commented that developing a single street all on its own is a little easier to predict the market. He indicated that over time, markets change and contemporary plans change. They believe the proposal meets the Town's policies and that complete communities are well accepted across Canada.

K. Neatt commented on another concern which had been raised and which was the loss of property value. He suggested that this is a bit of a fallacy which can be seen by other examples in Atlantic Canada where complete communities are well accepted.

He also touched on the notion of a lack of benefit. He suggested that the proposal is a strong benefit to the Town as a whole. It is a demand that is well documented and Clayton Developments wants to be able to meet that demand.

K. Neatt noted that in regard to the loss of privacy (along cross section re McAllister), and he can commit to some additional surplus planting and would be willing to work with the developer.

K. Neatt commented on the traffic concerns. He stated that a Traffic Impact Study was carried out by WSP and Clayton Development could put in traffic calming devices, if deemed necessary by the Town's Engineering staff and/or Council. He pointed out that one of the traffic calming options contained in the report referred to the use of chicanes as a means to help slow down the traffic.

K. Neatt confirmed with Councillor Cassista that he was aware of the Town's Traffic Calming policy and that he would be willing to work with the Town's Engineering department, if traffic calming was deemed necessary.

K. Neatt confirmed with Councillor Cassista that lower section of Rosebank to the west are established bungalow only. He suggested that they could look at select areas, on a case by case basis, if it was an appropriate fit. He noted that the intention is to work with the builder. It would not be their intention to have nothing but two storey semis on the other side of Rosebank.

K. Neatt confirmed with Councillor Cassista the sole intention is to have a bungalow community with one level living. He noted that the two storeys is simply another option and if deemed an issue by Council could be revisited.

K. Neatt confirmed with Councillor Cassista that the bungalows would be a similar product as can be found on Summerdale Court. The units are built according to sale.

K. Neatt confirmed with Deputy Mayor Rampersaud that either a lone parent or a family could also purchase the bungalows not just the aging population. He also confirmed that this type of housing is being sought across the board throughout the Maritimes.

K. Neatt clarified with Councillor Bennett the three different sized buffers and locations. He also confirmed that in terms of comparative pricings the best comparison would be the products found on Summerdale Court which range in price from \$280,000-\$300,000 per side plus what the home owners are doing to customize the interiors of their homes beyond this price point. He suggested that these bungalows are not typically directed at first time home buyers. K. Neatt remarked that other bungalows on the market vary in price from low twos to high ones.

6. Review of Written Submissions on the Proposed Rezoning Application

Mayor Seamans indicated that six letters of support were received from France Hannon, Sally Forster, Marlene Stuart, Pam O'Brien, Steven Beaudet and Richard Cote. She called upon the author of each letter to provide them with an opportunity to speak with no member coming forward.

Mayor Seamans then moved onto the letters of objections. She called upon Matt Price of 202 Rosebank Crescent who conducted a PowerPoint presentation on the impact on the current residents and the impact on Riverview as a whole. He also provided an electronic petition. It should be noted that both submissions were received immediately prior to the public hearing and were not included in the electronic agenda package but would be uploaded within the next day into the agenda on the Town's website. Also should be noted that the Town Clerk requested a copy of the original petition for the Town's records.

M. Price indicated that he felt misled by Clayton Developments as he understood that it would be an extension of McAllister Park. He understood that he had entered into a contract with Clayton Developments through the execution of the Protective Covenants. He noted that even on their current website their promotional material refers to protection to the home owner through the Protective Covenants. Council should be concerned with the message it is sending to future buyers and that Town Council has a responsibility to hold developers accountable to what they are saying to

residents. He appreciates that the Protective Covenant is a legal issue between Clayton Developments and the home owners, but the covenants he signed and agreed to were specifically for "The Fairways", not Phase 1 or subsequent phases. There are also design criteria guidelines in place to ensure a distinctive community is developed with no two alike in close proximity. M. Price questioned how this could be achieved with the construction of the proposed semi-detached dwelling when each side would be identical. He commented on his concerns regarding the deduction to property values and increased traffic. Also there was concern that the staff report did not take into consideration one of the recommendations of the Planning Advisory Committee (50% retirees and 50% single family homes). He noted that one of the problems is that Rosebank was looked at as a street but it is a crescent. He understood that a traffic study was undertaken that looked at "peak" traffic but not the increase to the "general" traffic. M. Price remarked that there is a big difference between the two. One cannot think a development could go from 65 units to 110 units and there not be a traffic impact. He wanted to be very clear while the number of units in the report refers to going from 103 - 110, the number was always 65 units. Sixty-five was the number of single family homes were originally proposed for this development. He pointed out that this was a huge factor in determining where to purchase and construct his family home. They wanted low density and low traffic. The proposed application will create an island of single family homes. M. Price commented the buffer zones are misleading. He illustrated a picture of the proposed buffer which is very sparse versus the actual buffer on paper. He pointed out that everything looks nice but the reality is that it is not that dense.

M. Price referred to a slide in his PowerPoint presentation with respect to comparative prices. He also cited policies contained within the Town's Municipal Plan By-Law.

M. Price concluded by stating that the property owners feel that allowing the rezoning application to go forward and having the property rezoned to R2 would unfairly penalize the residents that have already made significant investment in their home and property. He noted that this change seems completely inconsistent with the core principles of the Town's Master Plan in protecting existing communities. M. Price indicated that it would also send a bad message to future homeowners considering Riverview. If the Town of Riverview does not hold Clayton Developments accountable to its promises, he wondered why anyone would take a chance on a new development in Riverview in the future. He suggested another consideration is that the Fairways is currently the only land available in Riverview for homeowners looking to build an executive style home. If Council rezones this to R2 it will force prospective residents to choose either Moncton or Dieppe. M. Price reminded Council that we are only 4 years into a new development with over 40% of the lots sold. M. Price noted that when he first purchased their land, we were considering waiting for phase 2 to be in the back of

the crescent. Clayton told us it could be 8-10 years before they sold enough of Phase 1 to start the Phase 2. M. Price suggested that this is not a problem of selling land but instead an opportunity for Clayton to sell the land quickly and move onto the next project. M. Price noted that he would also like to submit an electronic petition with over 110 names of local residents adamantly opposed to the rezoning. He urged Council to consider what is in the best interest of the residents and the Town of Riverview.

M. Price confirmed with Councillor Cassista that some of the issues are traffic and change of neighbourhood. He indicated that the primary reason he purchased specifically in The Fairways was less traffic and low density. He previously lived in Carriage Hill and moved because of these issues. He was less concerned with the housing in behind his home but he does have concerns that we will be surrounded by semi-detached units. M. Price noted that he was positioned and it was very clear what type of community we were moving into. He thought we had a legally binding agreement wherein 65 single unit family homes were to be constructed and now that number is proposed to increase to 110 which will significantly increase the traffic.

Deputy Mayor Rampersaud commented that as part of the process Council has not had an opportunity to converse on this matter. Council's role is to listen to the residents and review the facts and thoroughly weigh everything. She noted that one of the facts is that if nothing changes in the development that potentially 103 single family homes could be built there today without doing anything (even though the current residents were shown 65). She indicated that there is no way of knowing how many drivers will be residing in those homes.

M. Price agreed but Council could make the leap that if you doubled amount of units it is going to have a significant increase in the amount of traffic. He suggested that Council should be concerned with the message they are sending to prospective home buyers. What incentive does a prospective home buyer have if they have to be worried about whether they would be scolded because they were the first to purchase in a development? M. Price pointed out that Clayton Developments is a for-profit organization. He suggested that you would not make as much money with 110 squished together homes as you would with 65 well-spaced lots. He stated that the residents who purchased in Phase 1 of the Fairways were told 65 single family homes would be constructed. If the rezoning is approved there is a dangerous precedent to be set.

Deputy Mayor Rampersaud commented that in keeping with the facts there is also no way for Council to determine if the information provided on appraisal values are accurate. She also noted that the suggestion to put single family dwellings on the proposed area to be changed could also be discussed later.

M. Price commented that the back up on this information was also included in the letters of objection which form part of the official record. Also other people tried to purchase homes in Phase 2 and were told by Clayton Development that they were not permitted to do so. He pointed out that this information was included in the letters of objections submitted to Council.

Mayor Seamans called upon Brad MacCallum who was not present.

Beverley (& John) MacIntyre of 218 Rosebank are long-time residents of Riverview who moved away for 11 years and recently moved back to Riverview. She commented on the many positive changes to the community and the area they selected to construct their new home which is minutes away from downtown Moncton, the Moncton Hospital and the Fire Station. The information on The Fairways was not readily available to potential home buyers but she was persistent in her research and discovered it on her own. B. MacIntyre advised that they selected Martell Homes to construct their new home and were told about beautiful buffer behind their property. Yet when construction began of the new homes going in behind their property basically every tree in 15 foot buffer was gone. She noted that this whole experience was within the last 24 months. B. MacIntyre indicated that she is not really sure of the message the Town is sending and from an economic development point of view who is Riverview looking to attract? She was concerned that we are not able to sell/market a prime real estate and that Council may be rushing a decision because the lots are not selling fast enough. B. MacIntyre inquired whether enough was really done to market what we have and whether enough long term thinking had been given.

B. MacIntyre confirmed with Councillor Cassista that she was aware of the other housing stock in the area and had no issue with the homes on Summerdale. She commented that the difference is that a road separates the two developments and it is not impeding on her property. It is not on the same street and that is the difference. B. MacIntyre noted that she is not opposed to a mixed use community.

Jennifer Caravan read the letter she submitted. She noted that likely she is the most recent home constructed on Rosedale. She reported that her family purchased the lot one year ago and suggested that there was no way that Clayton Developments did not know that this was coming at that point. She indicated that they had moved from London, Ontario and researched to find the best place for their custom built executive style forever home. J. Caravan indicated that The Fairways offered the best of both worlds - a community within a community. She reported that they took possession of their new home in August 2018. She stated that at no time were they told that a change was being considered to the concept they were sold on. J. Caravan stressed that it is not what was proposed to her family. She stated that she is now concerned with the value of her home and the ability to sell if the rezoning is

approved. She suggested that Clayton Developments shares an equal opportunity to cultivate good relationships with the communities, and they did not act in good faith by altering the plans. She pointed out that a lot of families bought into the project and were not consulted or even consideration given to those families. J. Caravan suggested that Clayton Developments is showing that they value profit without regard for the community. She urged Council to put the community first.

Derek (Heather) Foster stated that they reside at 14 Spruce Garden Court. He concurred with the excellent points which were made by the residents who had already spoken. He noted that he and his wife were both raised in Riverview, moved away and returned in August 2015. Their search for a new home lead them to Vanessa Court but were told there was a distinct possibility of construction of a multi-purpose use in behind them. Based on this information they chose not to purchase on Vanessa. D. Foster indicated that their search continued and lead them to property on Spruce Garden Court. D. Foster stated that they were made aware that there would be a development behind their home and inquired further. He learned that the development would be single family homes and subsequently based the decision to purchase their new home on this information. D. Foster said the point he is trying to make is that a deal is a deal.

Mayor Seamans called upon Dave & Cathy MacFadyen and Gerry Porter who were not present.

Garry Uhl of 428 McAllister Road provided the members of Council with a history lesson of the project which began with a Public Presentation on April 28, 2003 when this development was originally introduced. He recalled that from day one the VP of Clayton Developments, Mike Hanusiak, stated that the development going in behind them was going to match what was already on McAllister Road (65 lots). He remarked that a Public Hearing was held on March 12, 2012 wherein a zone change was sought (and eventually successfully completed) from R1 to R3. G. Uhl indicated that, once again, he suggested that this wasn't necessary and was told that your area is still R1. He pointed out, once again, Clayton Developments is seeking more changes from the single family R1 Executive Style home to semi-detached. He suggested that in no way that matches our homes as was originally promised from the onset. G. Uhl questioned whether Council was going to stand up for the residents that are living there.

G. Uhl confirmed with Councillor Cassista that he was opposed to rezoning as presented. She was seeking clarification as the letter he submitted was unclear.

Councillor Bennett commented that even though some members of Council are not asking questions they are still listening and care about the community.

Mayor Seamans confirmed that it is Council's position, at this point, to listen to all the information being presented.

Heath Johnson of 167 Rosebank Crescent told that the construction of his new home began in 2017 and they moved in 2018. He commented that although he wanted to purchase a lot in Phase 2, he was advised they were not able to do so and decided to purchase in Phase 1. H. Johnson stated that it is important to think of the strategic plan of the Town of Riverview. He commented how important it is to grow and develop what began on Rosebank. This area is attracting young professionals with families who may consider bringing in businesses and growing the economy. H. Johnson believes that was how this area was being marketed initially. He fears a loss of the economic development goal if the Town does not continue on the path it is on. He pointed out that there are some very successful people living on the street and that more would be enticed to come and live there. H. Johnson indicated that he concurred with the statements made by Mr. Price.

Mayor Seamans called upon Heather Veysey & Kevin Ingham and Jamie Gill who were not present.

Terra (& Johnathan) Newcombe read her letter of objection which recounted the research that went into selecting a community and, more specifically, the property their forever home would be built upon in 2016. She commented that they had researched the covenants which protected their neighbours and the biggest financial investment of their lives. T. Newcombe remarked that they were well aware that they were constructing in Phase 1 and that future phases were coming. They were also aware that future phases included an apartment building closer to Gunningsville Blvd, along with a northern expansion of Rosebank Crescent with a second section of single family homes, and a Southern expansion of duplexes. She recalled that they were shocked and dismayed to learn of the proposed rezoning. She remarked that if rezoned their home would be an island surrounded by duplexes. T. Newcombe stated that this circumstance would have been a deal breaker for their family had they known what was to come. She commented that their quiet street will have double the amount of people and traffic. It is her opinion that the semi-detached homes sold quickly because they are more affordable plus the benefit of being in close proximity to homes of higher value. She believes that this will potentially impact the value of her home. In short she believes they were sold a lie. T. Newcombe would like Clayton Developments to honour the original vision and concept promised to the existing residents of Rosebank.

T. Newcombe confirmed with Councillor Cassista that while they had carried out research on various subdivisions, she was uncertain whether they had reviewed the Town's Zoning By-Law. She noted that her husband had conducted research on his

own but she was uncertain whether he had spoken to any Town staff or that of Urban Planning. She confirmed that they did rely upon the developer who sold them on a quiet single family community.

Mayor Seamans called upon Ken LeBlanc, Pierre Martell, Scott & Jennifer McMullen who had submitted letters of objection but were not present. Dr. Megan Richard was present but noted that her concerns were already raised and did not want a further opportunity to speak.

Mike Thompson of 480 McAllister noted that most of the speakers heard this evening built their homes in the early phase. He is an existing neighbour and will be backing onto the new development. M. Thompson indicated that he and his wife have bought and sold many times over the years in different locations. They never would have purchased a home where duplexes were scattered throughout. M. Thomson disagrees with the developer that it would not affect property values and suggests Council take a closer look at the studies referred to by Clayton Developments. As a home owner his concerns pertain to increased traffic congestion and noise. However his biggest issues are property values and buffers. He indicated that initially he was told that his home would back upon single family homes with a large buffer and large lots and now that is not going to materialize. Instead he will be faced with four and a half families in his backyard (essentially 5 families) which is totally different from what we were promised. In regard to the buffer there is only a scattering of trees and fears that more will fall once development begins. This will leave absolutely no privacy. He feels the proposed change to the development is totally unfair to the residents located along the perimeter of the development (Spruce Garden Court & McAllister Road) that will be impacted by this development. M. Thompson stated that it is totally unfair and it is for these reasons he is here to voice his objections.

Councillor Coughlan confirmed with M. Thompson that if this application does not proceed that Clayton Developments is within its right to construct homes in accordance with the R1 zoning specifications which would mean that there would be no buffer at all as there is no requirement for one in a regular R1 zone - the 16 feet buffer would not be in play.

M. Thompson commented that originally when this whole idea was presented at the open house held at the Moncton Golf and Country Club there were assurances that a buffer would be maintained behind their homes along McAllister Road. If this is not the case then Clayton Developments are changing the rules, yet again.

Mayor Seamans called upon Sean Rollo who had submitted a letter of objection but was not present this evening.

Mayor Seamans inquired whether anyone else who had not already spoken and wished to address Council.

Mark O'Sullivan of 468 McAllister Road has watched the development over the past 12 years. He indicated that he owns three lots on McAllister Road and will be faced with the same situation as Mr. Thompson. That is, five families looking into his backyard. He suggested that Council should not be confused with what it is being considered. He pointed out that it would be a fundamental elemental change in how Riverview is going to be developed. He pointed out that Council would be taking out of the inventory of housing of single family homes and replacing it with duplexes. In his opinion, this would change forever the makeup of our Town, if approved. Clayton Developments is a very fine and worthy company. However, by bringing forth this change it is suggesting that they cannot sell high value homes in the best real estate in Riverview. M. O'Sullivan suggests the problem lies in how to better market their advantages (such as close proximity to the downtown core, the hospitals, and access to the best schools) to potential customers. The demand already exists elsewhere and is being serviced. He cannot emphasize enough that this proposal will change the nature of the Town. He would be happy to go back to the old development because of the families that it would bring. He commented that the proposed application would definitely impact traffic. He recounted a personal business experience many years ago when he sought a similar change in a different community. The municipality pointed to its Municipal Plan which laid out their long term direction, and he was turned down. He had the opportunity to recently visit that community and now, in hindsight, he understands that they made the right decision for their community. M. O'Sullivan concluded by reiterating that what is being contemplated is a fundamental elemental decision and one that requires great care.

Mayor Seamans again called upon the audience to determine if there were others in attendance who had not spoken that wished to do so.

Monique LeBlanc of 210 Rosebank Crescent indicated that her husband, Ken, has submitted a letter of objection but was not able to be present this evening. She reported that they had carefully considered various locations in the Greater Moncton area to construct their forever home. She stated that she is not pleased with the proposal being considered as it was not what was presented to her nor what they signed up for. M. LeBlanc stated that she is not going ahead with enhanced landscaping of her property as she does not believe she would get the value out of it given the proposal. She indicated that she is fortunate to have a trees in behind her home. M. LeBlanc indicated that she is satisfied with the semi-detached on Summerdale Court but does not want that type of building on her street. In fact, she is contemplating selling but she loves it in Riverview and is an active community

volunteer. She really does not want to but she reiterated that the proposed development being considered is not what they signed up for.

Mayor Seamans inquired whether there was any one else that wanted to speak and bring forth new information.

M. Price made a point of clarification. He suggested that M. Thomson was referring to the buffer behind his home on McAllister. He pointed out there are two different types of buffers proposed. One is behind the homes on McAllister Road and the other are the three different sized buffers between Phase 1 and 2. Councillor Coughlan alluded to the fact that the buffer behind the McAllister Road properties could possibly be removed.

Mayor Seamans stated that once all the residents had an opportunity to come forward then the developer would be given another opportunity to respond. Hearing no further requests from the gallery, Mayor Seamans called upon K. Neatt to respond to the questions posed.

K. Neatt indicated that he wanted to provide clarification on some of the items raised. The first being traffic. He stated that Clayton Developments relies upon the professionals to give advice. He suggested that the target market Clayton Developments is looking at addressing suggests that their times of travel are different and the number of persons per household is different. He added that a single family home would likely have 1 or 2 cars (more depending on the age of the children). K. Neatt commented that the traffic study was fair in addressing that notion.

K. Neatt noted that there are essentially two types of buffers. One he referred to as the Neighbourhood buffer (20 meter) to help identify the new neighbourhood. The other he referred to as a "linear" buffer which would be backing onto the existing homes on McAllister Road. He clarified that under the proposed rezoning this linear buffer would be legislated by the Town. The agreement would state that a "5 meter buffer must remain". However, if Clayton Development were to build there today under the current zoning by-law requirements Clayton Developments would not be regulated to keep a buffer area. However, Clayton Developments tries to keep vegetation where possible, and they recognize that some areas are thinner than others, which can happen. In the proposal before Council, they had committed earlier that Clayton Development would be prepared to vegetate where there are large gaps. K. Neatt noted that the Councillor (Coughlan) was correct that there is no legislative requirement to include a buffer today in the regular R1 Zone.

K. Neatt touched on the issue of investment which has changed since 2003 when the project began. The world has changed since 2003 and what Clayton Developments is trying to do is to keep up with it. He commented that is the nature of larger plan

development and you allow for that by defaulting to the Municipal Plan of the municipality. K. Neatt indicated that Clayton Developments and staff believe that the proposal meets the Town's Municipal Plan. Initially they believed in single family homes and invested with a local builder, Martell Homes, on two different lots but it was not a good decision. Clayton Development worked hard to make this plan happen but finally had to have a course correction - a time for a change and thus the proposal before Council.

K. Neatt confirmed with G. Uhl that it was not a reasonable proposition for Clayton Developments to purchase their homes for the current value.

K. Neatt confirmed with M. Thompson that in this instance the buffers serve a specific function in lotting and physical layout. It also serves to provide some sense of identity between neighbourhoods. Clayton Developments believes it is a prudent gesture to provide the buffer along the rear properties of McAllister Road and also to maintain a one storey building backing those properties on McAllister Road.

K. Neatt clarified with Deputy Mayor Rampersaud what Clayton Developments was prepared to offer in relation to the traffic calming, Clayton Developments was pleased to incorporate traffic calming at their expense, if deemed appropriate by Engineering staff and/or Council. He pointed out that there are already engineering principles in place as well as the Town's Traffic Calming Policy and they would be happy to work with Town staff.

K. Neatt noted that Clayton Developments is aware that revegetation is an "ask" of Council and the residents. He confirmed that it is prudent to put something else forward and would be prepared to strengthen the buffer, where required. If there happens to be a gap in the 5 meter buffer stretch they would be happy to replant to a reasonable fashion and could consult an arborist to plant to a reasonable state. However, let there be no misconceptions that would not consist of 30 foot pine trees but rather a few 8 foot pine trees, as that would be reasonable. K. Neatt went on to address the neighbourhood buffers. He indicated that if they started to thin out then it would be reasonable to vegetate as the whole idea was to create this neighbourhood entrance. He suggested that they would vegetate accordingly. However, this would not mean a complete replanting but certainly to vegetate to have a reasonable screening and buffer between those two neighbourhoods.

Deputy Mayor Rampersaud appreciates that Clayton Developments is trying to resolve and accommodate the issues being addressed and she was trying to get a better understanding of what that concrete commitment looked like.

K. Neatt confirmed with Councillor Cassista in that the reference to wider buffers and a privacy fence (as suggested in one of the letters) it would be difficult to do. He

commented on the privacy fence along the rear properties on McAllister Road. He stated that this is not something that he could commit to this evening. He pointed out that there currently exists an NB Power easement and also they are of the opinion that additional vegetation would be more prudent than the privacy fence which may very well damage or disrupt more trees with its installation.

K. Neatt confirmed with Councillor Coughlan that he was not aware of any studies that would indicate any adverse effects to property values in existing homes near the subdivisions being built by Clayton Developments. He indicated that he was not aware of any degradation of values. He referred to the Mixed Use Master Plan, which is approximately 1000 acres being developed over a 15 year period. He suggested that it is all about creating complete communities - a mixed use community.

The Town Clerk confirmed with Councillor Cassista that the letter submitted by Sally Forster formed part of the agenda package and residents were able to view on the agenda on the Town's website.

K. Neatt confirmed with Councillor Bennett that the mixed used community which was illustrated and referenced was constructed at the same time.

K. Neatt welcomed the opportunity to clarify with J. Caravan his comment with respect to Martell Homes. It was not his intention to suggest anything negative about Martell Homes. He pointed out that Clayton Developments had invested in the purchase of two Martell spec homes but were not successful in selling the homes. He confirmed that Martell Homes is an excellent builder simply the market did not cooperate so it was not a good business venture.

Mayor Seamans inquired whether there were further comments.

Jennifer Blais of Goldsboro Avenue indicated that she was present to support her family. She indicated that she had grown up on Goldsboro when it was a dead end street. She pointed out that since it has opened up it is like a drag strip. She spoke from experience that the proposed increase to a mixed use neighbourhood would have an adverse effect. J. Blais suggested that residents should not be fooled into thinking doubling of the housing neighbourhood would not quadruple the traffic. Two cars per double home equals minimum of 4 cars per unit. She noted that extension of Rosebank will be another long straight stretch which equals speeding and safety hazards for the children.

B. MacIntyre inquired as to why other communities have developments that are constructing homes one right after the other yet Riverview does not seem to be able to do so.

Mayor Seamans indicated that this question could only be answered through research to compare the growth between the communities.

M. Price commented that we seem to be trapped in either developing the semis in the Fairways yet there are other areas that they could be built and he referenced the Municipal Plan. He suggested that just because you have a need for semi-detached homes, Council can still say no to put them in the Fairways. It is not one or the other and it is important to make this distinction.

K. Neatt confirmed with T. Newcombe that the homes in Bedford were sold as executive high end homes. She pointed out that Dobson Landing was also trying to grow its town houses not just the Fairways.

Mayor Seamans noted that Council was dealing with the application before it not other land developments.

7. Open up to Comments & Opinions from the Public

Previously addressed. Combined with item 6.

8. Conclude Public Hearing

Mayor Seamans concluded the Public Hearing at 10:00 p.m.