



PUBLIC HEARING REPORT

Subject : Amendments to the Conditional Rezoning Agreement for Dobson Landing

File Number : 25-0263

Meeting Date: June-09-25

From : Sam Gerrand, Planner

GENERAL INFORMATION

Applicant: Jean-Michel Allain

Landowner : Mattie Capital Inc

Proposal: The applicant is requesting a change to the Dobson Landing Conditional Zoning Agreement. The purpose of these changes are to allow the development of 6 new lots for townhouse development and change the location of a stormwater detention pond.

SITE INFORMATION

Location: -, Town of Riverview

PID: 00662668, 05111927

Lot Size: 2.4 hectares

Current Use: Vacant

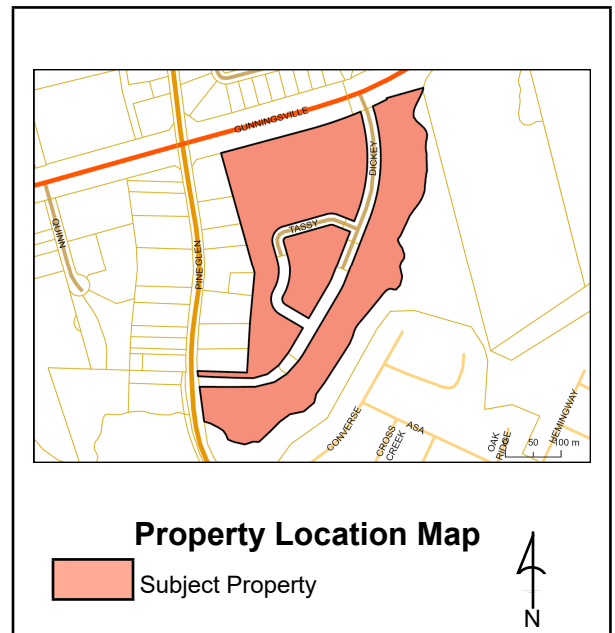
Zoning: RM and R1-C

Future Land Use: Residential

Surrounding Use & Zoning: Residential, Industrial and parkland

Municipal Servicing: Municipal services are available along Dickey Boulevard

Access/Egress: Access is provided along Dickey Boulevard



Policies

STATEMENTS OF PUBLIC INTEREST

New by-laws must comply with the provisions of the Community Planning Act of New Brunswick and the Regulations under that Act, including that by-laws are consistent with the Statement of Public Interest Regulation. The following statements of public interest are most relevant to the current application.

SP.1 Promote efficient development and land use patterns that are in the best interests of the Province, local governments and residents of the Province in the long-term.

SP.2 Promote a range of housing options such as size, type, density and design throughout communities.

FH.2 Promote land use and development in areas other than flood and natural hazard areas.

FH.3 Promote land use and development that are not expected to increase the impacts on safety and costs associated with flooding and natural hazards.

MUNICIPAL PLAN

Policy 5.1.6 It shall be the intention of Council, in considering demographic changes, to provide for a range of housing types and densities by the establishment of a sufficient range and number of residential designations and zones. As a general guideline, the following densities shall apply:

(b) Medium Density within the RM – Residential Mix Zone: may consist of townhouses, row houses, apartments and other housing combinations and forms where density generally does not exceed 15 units per acre; and

(c) High Density within the R3 – Multiple Unit Dwelling Zone: may consist of any form or combination of medium density developments or other housing forms or combinations where density generally exceeds 15 units per acre, but no more than 30 units per acre.

(d) Notwithstanding (c), it shall be the intention of Council to permit density beyond 30 units per acre in certain areas of the Town where underground or at grade parking lots are proposed. These areas are located along or in proximity of major arterials or major intersections, adjacent to major commercial nodes and are well separated from low density areas, such as single unit and two-unit dwelling zones

Regulations

The original zoning of the subject area was RM – Residential Mix. A significant portion of the area will remain this zone. As part of the original request in 2015, a new zone, R1-C, Single Unit Dwelling Compact, was created to allow the development of residential lots with reduced width. Certain provisions have been built into the zoning by-law to establish standards related to this type of development. The development will need to comply with all standards laid out in the zoning by-law except for those specifically addressed in the conditional zoning agreement.

A draft CZA is attached for Council's review. The proposed conditions are, for the most part, the same as those in the original CZA. The changes include updating the site plan which development will need to proceed in conformity with. The updated site plan is attached to this report.

Discussion

The subject area (south of Gunningsville Boulevard, comprising of Dickey Blvd and Tassy Crescent) was re-designated and rezoned in 2015 subject to a conditional zoning agreement (CZA) to permit the development of a mixed-use neighbourhood with a mix of commercial buildings, multi-unit residential buildings, townhouses, and compact single-unit dwelling lots. This agreement was updated in 2020 to adjust the number of proposed residential units as well as the timeline to complete the build, but it has maintained the original intent of the 2015 proposal in terms of the mix and scale of land uses in the neighborhood.

Though much of the neighborhood has been built out since this time, the third phase of the project along the southern portion of Dickey Boulevard remains undeveloped. Within this third phase, the developer is now requesting that Council approve a change to the current CZA to allow the relocation of a stormwater pond and reconfiguration of residential lots to facilitate 6 new lots for townhouse development.

While the general concept being presented is still in line with what was proposed in 2015, the developer is proposing some changes. First, the applicant proposes to change the configuration of lots within phase 3 to reduce the number of compact single dwelling units and increase the number of townhouse units. This will result in a net increase of 9 units within Phase 3 of the development. Second, the stormwater detention pond is proposed to shift from its original location on the corner of Dickey Blvd and Pine Glen Rd to a new location behind the residential lots that face Dickey Blvd, near to Mill Creek.

The changes in residential units since 2015 are further summarized in the table below:

2015	2020	2025
5 commercial buildings with communal parking	2 commercial buildings with frontage on Gunningsville Blvd.	No change proposed
35 single-unit dwellings on 40' wide compact lots Total = 35 units	7 existing + 24 single-unit dwellings on 42'-46' wide compact lots Total = 31 units	10 existing + 16 single unit dwellings on 42'-46' wide compact lots Total = 26 units
64 units in semi-detached and townhouse dwellings Total 64 units	4 existing + 62 units in semi-detached and townhouse dwellings Total 66 units	58 existing + 22 proposed in semi detached and townhouse dwellings Total 80 units
156 units across three multi-unit buildings with underground and above ground parking Total 156 units	244 units across three multi-unit buildings (4-5 storeys) with underground and above ground parking Total 244 units	48 existing + proposed multiple unit buildings on R3 zoned portion of lot Total 244 units
Overall = 255	Overall = 341	Overall = 350

The main intention of this application is to reconfigure proposed lots to allow the development of additional townhouse units. The portion of the site where these changes are considered is zoned RM, and both a single dwelling unit and a townhouse are a permitted use of that zone. The developer proposes to change the configuration of lots within phase 3 from 2 townhouse lots (6 units), 1 semi-detached lot (2 units), and 9 compact single dwelling units to 6 townhouse lots (22 units) and 4 compact single dwelling units for a net increase of 9 residential units. Together with the 4 compact single dwelling units, the proposed changes would permit a total of 26 units in Phase 3 of the development. This results in 10.7 units/acre within Phase 3, which is within the Municipal Plan policy that requires RM development to have a density of 15 units/acre or less (Policy 5.1.6).

In addition to shifting some of the compact single unit dwelling lots to townhouse lots, another important change is the relocation of the stormwater detention pond towards Mill Creek. By moving the pond to this new location, more frontage becomes available along Dickey Boulevard for the new townhouse lots. The proposed location for the stormwater pond is just outside 30m from the edge of Mill Creek. This meets the setback requirements of the Riverview Zoning Bylaw to protect a 30m corridor along Mill Creek, but landscaping and ground disturbance work would be required within the 15-30m corridor of Mill Creek. While this work within 30m of Mill Creek would not be considered development, it would require a provincial environmental approval under the Watercourse and Wetland Alteration Regulation (commonly called WAWA permit). The proposal includes a 10m wide Local Government Services Easement with a 4m wide gravel road to ensure that

the Town can still access the stormwater pond for maintenance. Town of Riverview Engineering has confirmed that this access meets their needs for future maintenance of the pond.

The stormwater pond would be vested to the Town with the registration of a subdivision plan, however, stormwater management systems are not considered Lands For Public Purpose (LFPP) as they do not provide amenity space for the public, such as a park. During the original approval of the subdivision plan, the applicant dedicated 29,830m² of land as LFPP, about 25% of the 119,273m² area in the subdivision at the time. The change to LFPP proposed today is for a 480m² area which is not a large enough area to reduce the total dedication of LFPP below the required 10% threshold. This means that cash in lieu of LFPP is not required for the application because the Dobson Landing Subdivision meets the requirement of the Subdivision By-law for at least 10% of the area exclusive of roads to be dedicated as LFPP. Regardless, a change to LFPP is still proposed and this requires assent from Council as there has been a change from what was proposed and approved by Council in 2015.

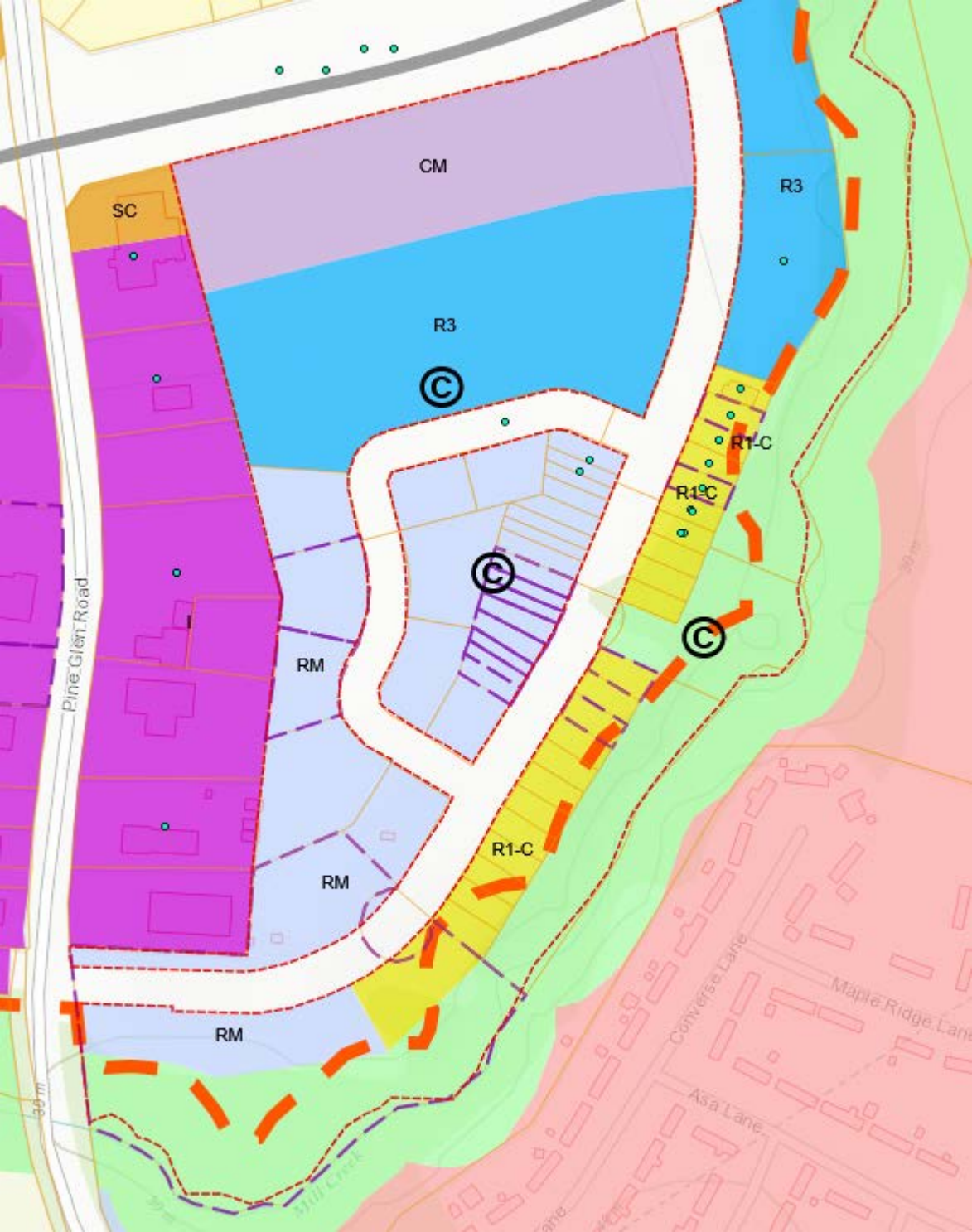
Additionally, the developer has requested an alteration to a condition of the agreement that requires a 4m wide landscaped median to be provided in the center of the Dickey Boulevard right-of-way. Due to limited space for snow removal on more compact R1-C lots, this landscaped median was secured to provide space for snow storage during heavy snowfall events. The median has been constructed along Dickey Boulevard as the street has been developed, but there is one unbuilt section of the median remaining within Phase 3. Town of Riverview Engineering and Public Works was contacted, and they confirmed that it is desirable for the median to be provided as originally planned. Removing the median would result in a traffic separation device (the median) being located on a corner, which could pose safety concerns. Planning staff are supportive of this recommendation and have maintained the original condition of the CZA which requires the median to be provided within Phase 3.

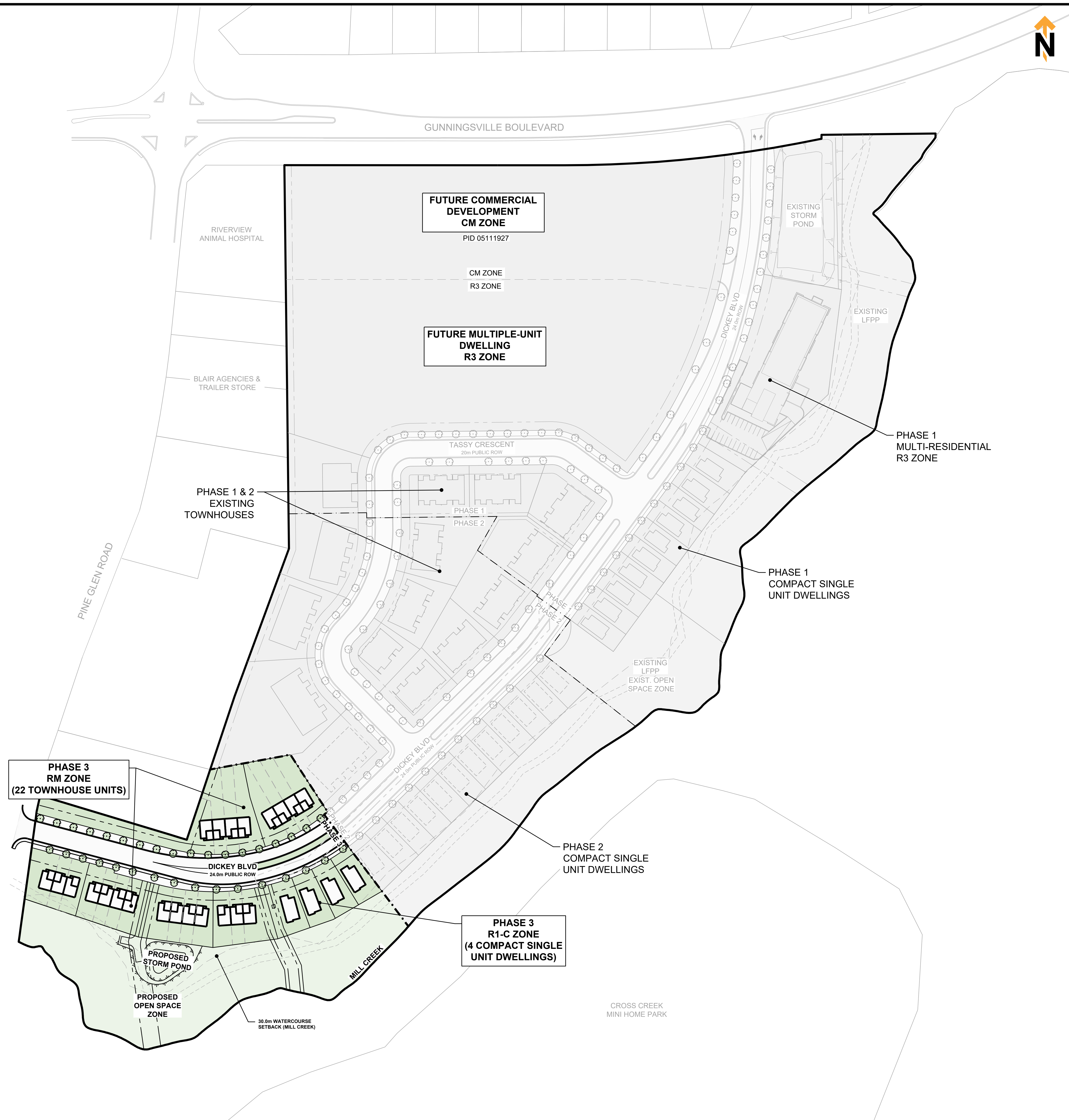
Finally, as a housekeeping item, it is suggested that the current CZA be removed from the lots that have been built out over the last 10 years and are now owned by residents of the subdivision. As the conditions of the CZA relate to the development of Dobson Landing, it is no longer required to impose these conditions on lots that have been developed and sold to homeowners.

Council Action

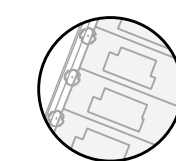

The *Community Planning Act* requires that Council hold a Public Hearing to provide the public the opportunity to speak for or against a proposal.

Public Hearing notification requirements under the *Act* have been fulfilled.





MASTER PLAN (PHASE 3)
1:2000

-  PHASES 1 & 2
EXISTING DEVELOPMENT
-  PHASE 3
PROPOSED DEVELOPMENT

0	REZONING APPLICATION	2025-03-17
No.	DESCRIPTION	YYMMDD

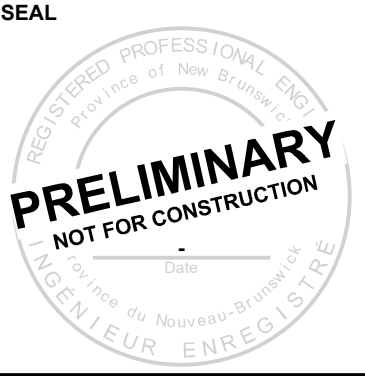
CIVIL CONSULTANT



PROJECT TITLE
DOBSON LANDING SUBDIVISION
UNIT 1 PHASE 3
DICKEY BOULEVARD, RIVERVIEW, NB

DRAWING TITLE
MASTER PLAN (PHASE 3)

SCALE

	DESIGNED BY	CHECKED BY
	J.D.	J.D.
	DRAWN BY	CHECKED BY
	J.D.	J.D.
DOCUMENT ISSUED FOR		
REZONING		
DATE ISSUED		
2025-03-17		
REVISION	DRAWING NUMBER	
0	C-101	



KEY PLAN

LEGEND

ITEM	
STANDARD SURVEY MARKER PLACED	⊙
STANDARD SURVEY MARKER FOUND	⊙
CALCULATED COORDINATE POINT	○
IRON PIPE FOUND	●
IRON BAR FOUND	●
SCRIBED WOODEN SURVEYOR'S POST	⊠
SQUARE IRON BAR FOUND	⊠
WOODEN SURVEYOR POST FOUND	⊠
NB GRID MONUMENT	⊠
TRAVERSE CONTROL POINT	⊠
LAND DEALT WITH BY THIS PLAN BOUNDED THUS	—————
LOT LINE	—————
PROPOSED LOT LINE	-----
EASEMENT	-----
PROPOSED EASEMENT	-----
UTILITY POLE	⊙
GUY WIRE	→
LIGHT STANDARD	⊙
OVERHEAD UTILITY LINE	—O/H—
UNDERGROUND UTILITY LINE	—U/G—
GAS LINE	—GAS—
CURB STOP	⊙
FENCE	—
TREES	⊙
TREE LINE	—
MARSH	⊙
WATER WELL	⊙
ORDINARY HIGH WATER MARK	—OHWM—
NEW BRUNSWICK HIGH PRECISION MONUMENT	N.B. H.P.N.

AMENDING SUBDIVISION PLAN
DOBSON LANDING SUBDIVISION
UNIT 1, PHASE 3
AMENDING PLAN ####

OWNER
MATTIE CAPITAL INCORPORATED

BOULEVARD DICKEY BOULEVARD
TOWN OF RIVERVIEW
PARISH OF COVERDALE
COUNTY OF ALBERT
PROVINCE OF NEW BRUNSWICK

SCALE
0 5 10 15 20 25
1:500 (A1)

CONSULTANT

JRD ENGINEERING LTD. | info@jrdeng.ca
30 GORDON ST., SUITE 101 | MONCTON, NB E1C 1L8

DRAWN BY M.D.	CHECKED BY -	DRAWING DESCRIPTION TENTATIVE SD SKETCH
-------------------------	------------------------	---



I certify that this instrument
is registered or filed in the
Albert
County Registry Office,
New Brunswick

J'atteste que cet instrument est
enregistré ou déposé au bureau
de l'enregistrement du comté de
Albert
Nouveau-Brunswick

2020-10-01 11:43:36 40526528
date/date time/heure number/numéro
Elaine Oudette
Registrar-Conservateur

BY-LAW No. 300-7-3

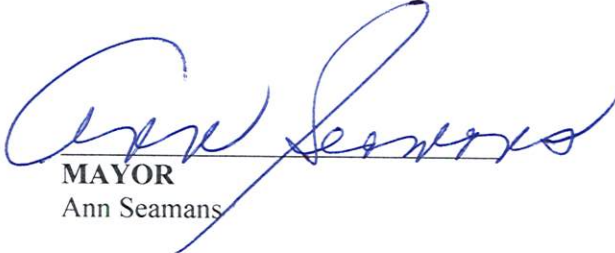
**A BY-LAW TO AMEND THE
TOWN OF RIVERVIEW ZONING BY-LAW**

BE IT ENACTED by the Town Council of the Town of Riverview as follows:

The Town of Riverview Zoning By-Law, being By-Law No. 300-7, ordained and passed on October 22, 2018 and filed in the Albert County Registry Office on January 16, 2019 as number 38741691, is hereby amended as follows:

1. Schedule A, being the Town of Riverview Zoning Map, is amended as shown on the map dated February 18, 2020, attached hereto as Schedule A-3, subject to terms and conditions established under Section 59(1)(b) of the *Community Planning Act*.

ENACTED this 10th day of August, A.D. 2020.


MAYOR
Ann Seamans


TOWN CLERK
Annette Crummey

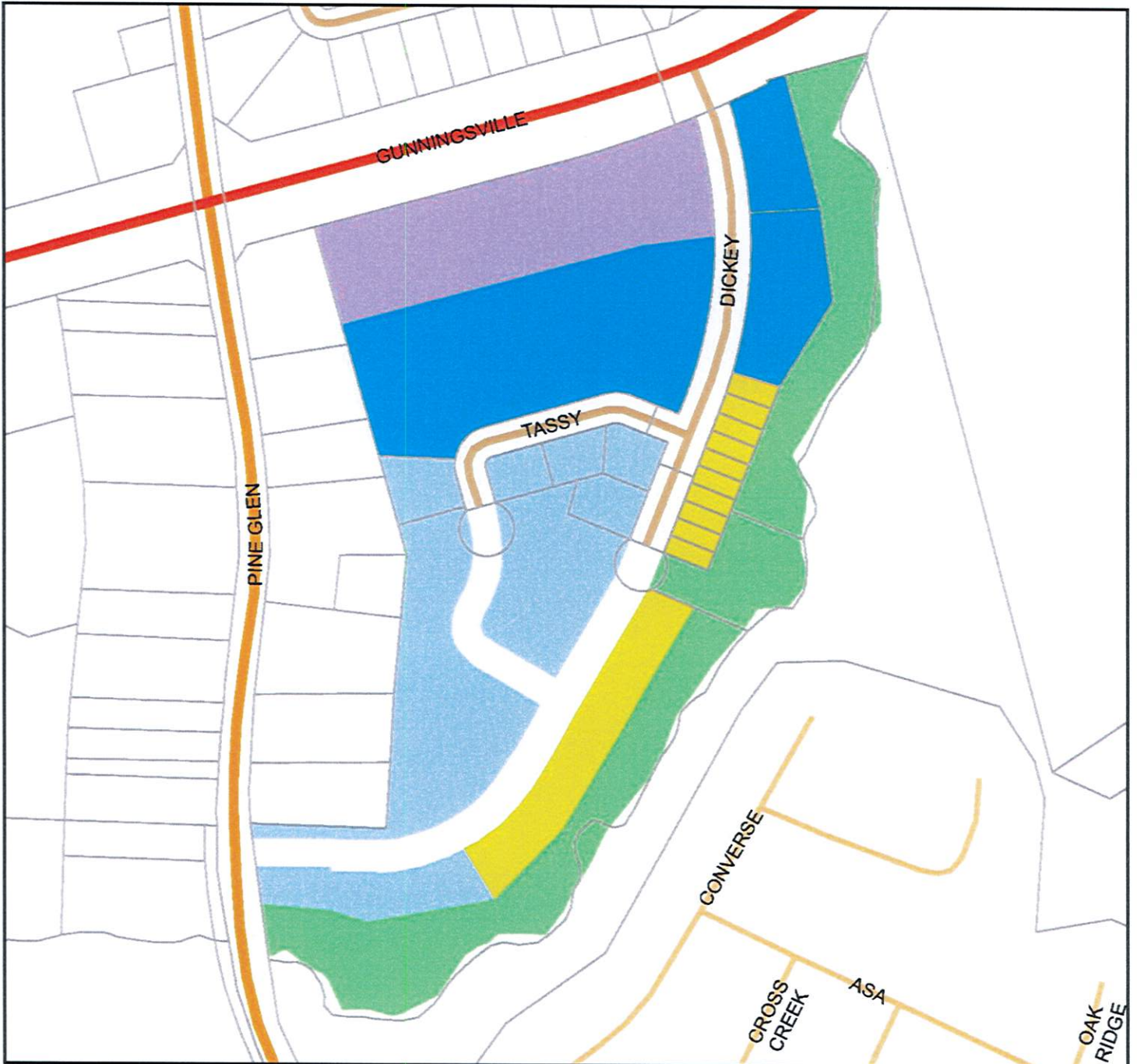
First Reading April 14, 2020
Second Reading August 10, 2020
Third Reading August 10, 2020








Schedule A-3

Town of Riverview ZONING MAP

Date: 2020-02-18



Legend

- | | |
|---|---|
|  R1-C - Single Unit Dwelling (Compact) |  CM - Commercial Mix |
|  R3 - Multiple Unit Dwelling |  OS - Open Space |
|  RM - Residential Mix | |



0 50 100 200 m

THIS AGREEMENT MADE THIS 14 DAY OF AUGUST, 2020

BETWEEN: THE TOWN OF RIVERVIEW, a municipal corporation,
incorporated under the Legislative Assembly of the Province of New Brunswick
and located at 30 Honour House Court, Riverview, County of Albert, Province
of New Brunswick, E1B 3Y9,

hereinafter called the "Town" Of the First Part;

-and-

MATTIE CAPITAL INC., 103 Ochterloney Street, Dartmouth, Nova Scotia,
B2Y 1C7,

hereinafter called the "Owner" Of the Second Part

WHEREAS the Owner applied in 2014 to rezone the lands identified on Schedule A-3 to "CM" Commercial Mix, "RM – Residential Mix, "R3" – Multiple Unit Residential, "R1-C" – Single Unit Dwelling with compact lots, and "OS" – Open Space, said application having been accepted by Riverview Town Council as Amending Zoning By-law 300-6-5 and registered in the Albert County Registry Office on January 16, 2015 under registry number 34552662 subject to the conditions outlined in the Conditional Zoning Agreement registered in the Albert County Registry Office on January 16, 2015 under registry number 34552795;

WHEREAS said agreement expired on January 16, 2019, and the Owner has applied, and the Planning Advisory Committee has recommended, to re-establish the zoning as shown on Schedule A-3 to permit the development of a mixed-use neighbourhood subject to the provisions contained in section 59 of the *Community Planning Act*, and subject to certain terms and conditions herein set forth;

NOW THEREFORE in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Owner's Covenants

The Owner covenants and agrees to develop the lands in compliance with the following terms and conditions:

- a) Driveways shall be limited to a maximum width of 4m within the street right-of way;
- b) A 2m high opaque wood fence shall be constructed between the Residential Mix zoned properties and the Industrial zoned properties along Pine Glen Road and that such fence be constructed concurrent to that phase of the residential development;
- c) That the upper edges of the stormwater ponds include landscaping treatments consisting of trees and shrubs;
- d) The developer will assume the costs and responsibility of the required on and off-site improvements as per the recommendations of the traffic impact study prepared by GRIFFIN transportation group Inc (September 2014);

- e) That work shall commence on one of the multi-unit buildings as well as one of the commercial buildings no later than five years from the date this agreement comes into effect, otherwise this agreement shall be cancelled and the zoning of those properties left undeveloped shall revert to the Residential Mix (RM) zone;
- f) That planting of street trees shall comply with the Street Tree By-law No. 700-80;
- g) Notwithstanding subsection 91(1)(b) and the Maximum Height provision in Table 11.3(a) of the Zoning By-law, the Planning Advisory Committee may consider 5 story multiple unit residential buildings within the R3 (Multiple Unit Dwelling) Zone subject to Terms and Conditions provided they respect all other design requirements that relate to R3 buildings being located next to R1-C Zone properties and maintain a building separation of 30 metres from the property line of any abutting single unit dwelling property;
- h) Sidewalks shall be required on one side of all streets within the subdivision;
- i) That the Owner enter into a cost sharing agreement for the 4 metre wide curbed and landscaped median (eg., naturalized/tall grasses & ornamental trees) within the 24 metre wide boulevard right-of-way and that the final landscape design and costs be dealt with as part of the Subdivision Agreement;
- j) The development shall be carried out in general conformance with the plans and drawings submitted. It is understood that the arrangement of buildings, lots, streets and lands within the concept plan are general in nature and their final location will be determined through the subdivision and building permit process;
- k) Notwithstanding subsection 80(b) of the Zoning By-law, the Planning Advisory Committee may consider reasonable variances for accessory buildings and structures between 15 and 30 metres of the Mill Creek watercourse setback.

2. The Town's Covenants

The Town covenants with the Owner as follows:

- a) That the Town will undertake to carry out all necessary procedures to ensure that modifications to the zoning map shall conform with the attached Schedule A-3 subject to the terms herein contained and for the purposes stated herein; and
- b) That the Town enter into a cost sharing agreement for the 4 metre wide curbed and landscaped median (eg., naturalized/tall grasses & ornamental trees) within the 24 metre wide boulevard right-of-way and that the final landscape design and costs be dealt with as part of the Subdivision Agreement.

3. Notices

Any notices under this agreement shall be sufficiently given by personal delivery by registered mail, postage prepaid, and mailed in a Canadian Post Office, addressed:

Owner	Town
MATTIE CAPITAL INC. 103 OCHTERLONEY STREET DARTMOUTH, NS B2Y 1C7	TOWN OF RIVERVIEW ATTN: TOWN CLERK 30 HONOUR HOUSE COURT RIVERVIEW, NB E1B 3Y9

4. The Owner acknowledges and agrees that notwithstanding anything contained herein, the approval of the Town to the amendment to the zoning of the land is wholly conditional upon compliance by the Owner with the terms and conditions herein, and further shall be of no effect until the zoning amendment is perfected pursuant to subsection 59(2) of the *Community Planning Act* of New Brunswick.

5. Successors


THIS AGREEMENT enures to the benefit of, and binds the parties hereto, their heirs, successors and assigns.

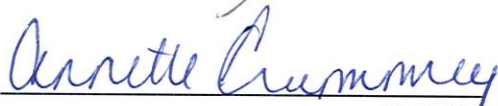
IN WITNESS WHEREOF the Town and the Owner have caused their authorized officers and themselves to execute this agreement and to affix their seals, the day and year first above written;

SIGNED, SEALED AND DELIVERED


THE TOWN OF RIVERVIEW




MAYOR


CLERK


OWNER


MATTIE CAPITAL INC.
DEAN HARTMAN

AFFIDAVIT OF CORPORATE EXECUTION

Deponent:	Dean Hartman 103 Ochterloney Street Dartmouth, NS B2Y 1C7
Office Held by Deponent:	Secretary
Corporation:	Mattie Capital Incorporated
Place of Execution:	Moncton, New Brunswick
Date of Execution:	August 12, 2020

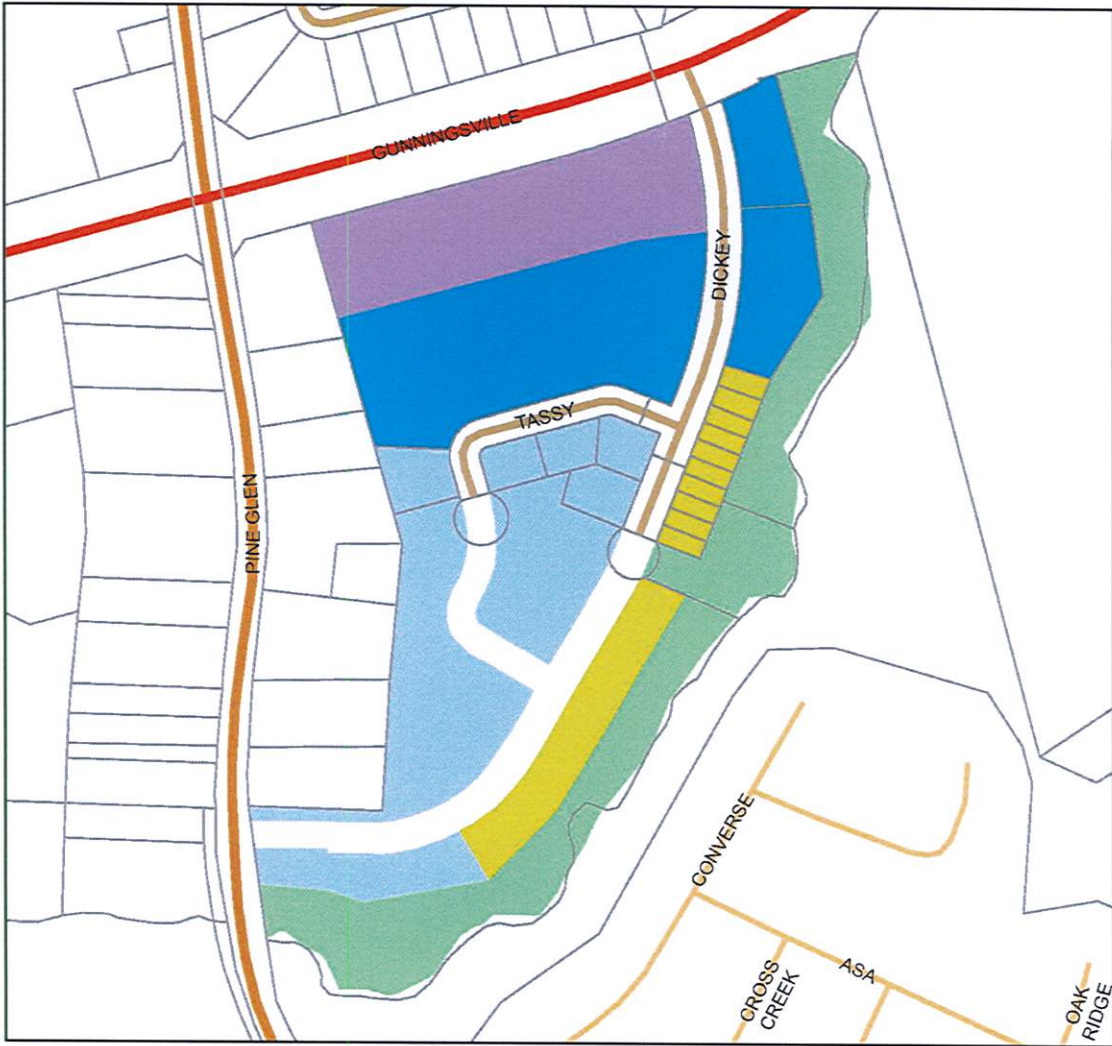
1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the attached instrument was executed by me as the officer duly authorized to execute the instrument on behalf of the corporation;
3. That the seal of the corporation was affixed to the instrument by order of the Board of Directors of the corporation;
4. That the instrument was executed at the place and on the date specified above; and
5. That the ownership of a share of the corporation does not entitle the owner thereof to occupy the parcel described in the attached instrument as a marital home.


Shawn R. Dempsey
A Commissioner of Oaths
Being a Solicitor






)
)
)
)
)
)
)


) Dean Hartman
)
)

Schedule A-3
Town of Riverview
ZONING MAP
Date: 2020-02-18



Legend

- | | |
|---|---|
|  R1-C - Single Unit Dwelling (Compact) |  CM - Commercial Mix |
|  R3 - Multiple Unit Dwelling |  OS - Open Space |
|  RM - Residential Mix | |

0 50 100 200 m



Form 45

AFFIDAVIT OF CORPORATE EXECUTION
Land Titles Act, S.N.B. 1981, c.L-1.1, s.55

Deponent: Annette Crummey
30 Honour House Court
Riverview, NB
E1B 3Y9

Office Held by
Deponent: Town Clerk

Corporation: Town of Riverview

Other Officer Who Executed the
Instrument: Ann Seamans
30 Honour House Court
Riverview, NB
E1B 3Y9

Office Held by Other Officer Who Executed the
Instrument: Mayor

Place of Execution: Riverview, New Brunswick

Date of Execution: August 26, 2020.

I, 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 and the other officer specified above as the officers duly authorized to execute the instrument on behalf of the corporation;
3. That the seal of the corporation was affixed to the instrument by order of the Board of Directors of the corporation;
4. That the instrument was executed at the place and on the date specified above;
5. That the ownership of a share of the corporation does entitle the owner thereof to occupy the parcel described in the attached instrument as a marital home.

SWORN TO at Riverview,
New Brunswick
on August 26 2020,
before me:



DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022

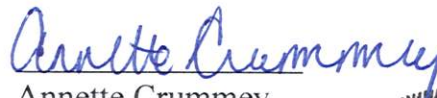
)
)
)
) Annette Crummey



TOWN OF RIVERVIEW

CERTIFICATION

I, **ANNETTE CRUMMEY**, Town Clerk of the Town of Riverview do hereby certify that the attached copy of the Town of Riverview By-Law 300-7-3, A By-Law to Amend The Town of Riverview Zoning By-Law 300-7, which was duly enacted after being read three (3) separate times; sealed with the corporate seal of the Town of Riverview; signed by the Town Clerk and the Mayor; that it was ordained and passed on the 10th day of August, 2020.



Annette Crummey
Town Clerk



SWORN to at the Town of Riverview, in the County of Albert and Province of New Brunswick, this 18 day of

 Sept. 1, 2020.

BEFORE ME:



DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022



TOWN OF RIVERVIEW

SOLEMN DECLARATION

I, **Annette Crummey**, of the Town of Riverview, in the County of Albert and Province of New Brunswick, Town Clerk, **DO SOLEMNLY DECLARE:**

1. **THAT** I am the Town Clerk of the Town of Riverview, a municipal corporation, and have personal knowledge of the facts herein declared.
2. **THAT** the requirements of Sections 25, 110, & 111 of the Community Planning Act have been complied with in respect to By-Law 300-7-3, A By-Law to Amend The Town of Riverview Zoning By-Law 300-7, which was passed by the Riverview Town Council on August 10, 2020.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Evidence Act.

Annette Crummey
TOWN CLERK

DECLARED before me at the Town of Riverview in the County of Albert and Province of New Brunswick, this 18th day of September, 2020.

BEFORE ME:

[Signature]



DENYSE C. RICHARD
MY COMMISSION OF
OATHS EXPIRES
DEC 31 2022