

Village of New Maryland
PUBLIC HEARING MINUTES
Municipal Plan By-Law Amendment No. 03-02-2019 and
Zoning By-Law Amendment 04-02-2019
Council Chamber – 584 New Maryland Highway
25 September 2019

Present:

Judy Wilson-Shee, Mayor	Gerry Maher
Alex Scholten, Deputy Mayor	Brock Hossack
Gisèle McCaie-Burke, Councillor	Shelley Cameron
Paul LeBlanc, Councillor	Bonnie Delaney
Mike Pope, Councillor	
Tim Scammell, Councillor	
Cynthia Geldart, Clerk/CAO	
Karen Taylor, Assistant Clerk	
Michelle Sawler, Recreation Coordinator	
Scott Sparks, Treasurer	
Rockland Miller, Public Works Supervisor	
Rob Pero, Building Inspector/Development Officer	
Kyle Arsenault, Assistant Building Inspector/Development Officer	

1. Call to Order/Welcome/Opening Comments:

Mayor Judy Wilson-Shee introduced herself and called the Public Hearing to order at 6:30 p.m.

The Mayor welcomed everyone to the Public Hearing regarding proposed Municipal Plan By-Law Amendment No. 03-02-2019 and Zoning By-Law Amendment 04-02-2019.

She commented that the purpose of the Hearing was not to engage in debate on the topic, but rather to provide residents an opportunity to express any views they may have on the proposed rezoning of a 5-acre parcel of land at 492 New Maryland Highway from a Community Commercial Zone to a Business Park Zone. She communicated that staff were also in attendance to provide further clarifications about the specifics of the proposal to construct a Municipal Public Works and Recreation Operations Building at the site. The Mayor advised that Council would fully consider any verbal comments, or written correspondence received previously, in their further deliberations on the proposed amendments.

The Mayor then invited Kyle Arsenault, the Village Assistant Building Inspector and Development Officer, to guide the remaining agenda for the session.

2. Introductions:

Kyle Arsenault thanked Mayor Wilson-Shee for her opening comments and advised all in attendance that he would be facilitating the agenda for the Hearing.

3. Overview of By-Law Amendment and Public Consultation Process:

Kyle Arsenault began by providing a brief explanation of the public consultation process for the proposed by-law amendments.

He explained that the Municipal Plan By-Law sets out the general long-range policy framework for future land use within the Village, whereas the Zoning By-Law is the administrative tool that ensures the Municipal Plan policies are adhered to on a day-to-day basis and that development or re-development occurs in an orderly fashion.

He added that the Municipal Plan and Zoning By-Laws are reviewed regularly to ensure relevancy to the needs and the vision for the municipality, and to ensure consistency with Provincial legislation. Amendments to the Municipal Plan and Zoning By-Laws can also be initiated as a result of a review process or may be requested in support of a proposed development that fits with municipal growth and development objectives.

It was noted that public engagement and consultation is required by provincial legislation and by Village policy whenever Municipal Plan or Zoning By-Law amendments are being considered.

The re-zoning application process was summarised as follows:

- Staff conducts an initial review of the application and consults with Council on the merits of setting dates, via a resolution of Council, to host a Public Presentation to announce and explain any proposed Municipal Plan Amendments, and to schedule a Public Hearing to receive public comments on proposed Municipal Plan and/or Zoning By-Law amendments;
- Public notification of Village residents is conducted by mailing notices to landowners within 100-metres of the subject property. Also, notices are posted on the Village website, social media accounts and signage is posted on the Village community bulletin board sign at the entrance to the Village;
- Upon completion of the Public Presentation, there is a legislated 30-day waiting period before hosting a Public Hearing to allow residents to submit written or verbal feedback on the proposed amendments;
- Upon completion of the Public Hearing, and after having received recommendations from the Village Planning Advisory Committee, Council may then decide whether to proceed with the necessary readings of Council to enact the proposed amendment(s);
- Municipal Plan and Zoning By-Law amendments may also be subject to specific terms and conditions as deemed necessary by Council.

4. Review of Proposed Amendment to the Municipal Plan and Zoning By-law:

i) Proposed By-Law Amendment 03-02-2019 and 04-02-2019 to Re-zone 492 New Maryland Highway (PID 75534834) from a Community Commercial (CC) Zone to a Business Park (BP) Zone:

Kyle Arsenault explained that the proposed amendment to the Municipal Plan Future Land Use Map, and a corresponding amendment to the Zoning By-law Map, relates to the proposed re-zoning of a five-acre property at 492 New Maryland Highway (PID 75534834). The amendments would change the zoning from the existing Community Commercial Zone to a Business Park Zone.

He noted that the Public Presentation for the referenced amendments was held previously on the evening of August 21st, 2019. He reviewed the contents of the information package provided to residents in attendance, which he explained was the same information posted to the Village website as part of the public notification process. The information included a copy of the advertisements for the Public Hearing, the draft Municipal Plan and Zoning By-Law Amendment documents, images of the Village website pages where the information had been posted, and further background information on the proposed building design and site development concept.

Kyle Arsenault explained that on September 9th, 2019, the Village Planning Advisory Committee reviewed variance requests regarding the proposed development of a municipal public works and recreation operations building at the subject site. The Committee approved a requested 10-metre variance to deem the existing 20-metre lot frontage dimension as being acceptable, on the basis of it being an existing condition and there being no impact with respect to vehicle access to the larger portions of the parcel to the west.

Owners of an adjacent property that were in attendance expressed concern with respect to the proposed site landscaping. They suggested that additional landscape buffering in the form of tree or hedge plantings should be installed along the northeast edge of the site to buffer the potential visual and noise aspects of the development. They noted that the existing buffer of mature trees and undergrowth along the edge of the Centennial Heights Subdivision could be subject to future removal by NB Power, or impacted by storm events. The owners had also commented that the Village should respect its own by-law requirements with respect to paving of the driveway access.

Kyle noted that, after a lengthy discussion, the Committee also approved a requested variance allowing relief from the requirement to pave the existing 150-metre long gravel driveway that provides access to the subject site and to the adjacent self-storage facility owned by others. The Committee recommended however that staff and Council should monitor the condition of the existing gravel access driveway closely when in use and install pavement if proven to be necessary for any reason.

In relation to the proposed re-zoning of the property, the Planning Advisory Committee recommended approval of the by-law amendments to re-zone the site from a Community Commercial Zone (CC) to a Business Park Zone (BP).

Kyle advised that to date, only one written comment from the public had been received in relation to the proposed Municipal Plan and Zoning By-Law amendment. The e-mail received from NB Power, a nearby property owner, noted no objection to the proposal, and a copy was distributed to Council. Staff advised that the New Brunswick Department of Transportation and Infrastructure had been provided the preliminary site development concept with a request for comment, but as of that time, no reply had been received.

ii) Background Information – Proposed Municipal Public Works and Recreation Operations Building:

Kyle Arsenault then summarized the background information relating to the proposed re-zoning and the preliminary site development concept being considered. He explained that the Village Public Works and Recreation Departments have identified to Council the need for a building that would provide a central location to store equipment, parts and tools, and provide a heated space for staff to perform equipment maintenance. He also noted that, in consultation with staff and the Village engineering and planning consultants, a portion of the property at 492 New Maryland Highway had been determined to be the preferred location for such a facility.

Kyle reviewed the provided maps that illustrated the proposed zoning changes and discussed the preliminary site plan showing the development concept being considered for the property. He explained that the by-law amendments propose the re-designation of the site from a Community Commercial to a Business Park Zone, which would enable the future construction of a municipal public works and recreation operations building. He highlighted some of the site plan details such as the proposed building location, the existing driveway access and the preliminary site grading design to capture and attenuate storm water runoff for the site.

5. Question/Answer and Public Comments Session:

Kyle Arsenault then opened the floor to questions or public comments after qualifying that the purpose of the hearing was for the public to express their comments in support of or objection to the proposal, but not to engage in debate on the matter. He also noted that Village staff were in attendance to receive any questions from the public.

Brock Hossack: Mr. Hossack commented that the buffering of the site from adjacent residential uses was important to limit the visual and noise impacts from back up beepers/alarms of trucks and equipment frequenting the site. He also expressed that the increased volume and type of traffic the access driveway would be subjected to would cause it to degrade over time. For that reason, and to demonstrate that the Village is living up to its own documented standards, he expressed his opinion that the access driveway should be paved. He suggested that the placement of re-claimed asphalt may be a cost-effective alternative.

Kyle Arsenault: Kyle asked if there were any further questions or comments. Hearing none, he then asked the Mayor to complete the formalities of the public input segment and to provide some closing comments prior to adjourning the Public Hearing.

Mayor Wilson-Shee: The Mayor called three times for any further comments in favor of the proposed amendments. Hearing none after each call, the Mayor then called three times for public comments in opposition to the proposed amendments, to which none were offered by those in attendance.

6. Closing Comments and Adjournment – Mayor Judy Wilson-Shee:

Mayor Wilson-Shee concluded the Public Hearing by thanking the residents for their attendance. She explained that public notification and consultation are inherent to the By-Law amendment process to ensure residents have an opportunity to be informed, and to have a mechanism to express their input on land use approvals that are requested of Council.

Mayor Wilson-Shee advised that the Public Hearing is the final step in the public consultation process and that Council would give full consideration to the input received from the public. She stated that Council would assess the desirability of the proposal with particular regard for municipal policy, assessed need, and potential impact on the community prior to considering third and final readings to enact the proposed amendments.

Mayor Wilson-Shee expressed her gratitude for residents participating in the public review process and suggested that if anyone had remaining questions about the ongoing status of the by-law amendment process, or about the preliminary site development concept, that they should contact either Kyle Arsenault or Rob Pero, the Village Building Inspector and Development Officer, at any time.

Mayor Wilson-Shee called for a motion to adjourn the Public Hearing.

Moved by Deputy Mayor Alex Scholten and **seconded by** Councillor Tim Scammell to adjourn the Public Hearing.

The session adjourned at 6:47 p.m.

Respectfully submitted,

Kyle Arsenault,
Assistant Building Inspector / Development Officer

Judy Wilson-Shee
Mayor

Cynthia Geldart
CAO/Clerk