



Village of New Maryland

Village of New Maryland

Special Session of Council

Wednesday, 08 May 2024
New Maryland Centre – 754 New Maryland Highway
6:30 p.m.

AGENDA

- (1) Call to Order
- (2) Approval of the Agenda
- (3) Declaration(s) of Conflict of Interest
- (4) Public Hearing: Zoning By-law Amendment No. 04-01-2024
Proposed 10-Unit Apartment Building
7 Atkinson Lane (Property Identification Number 75062455)
 - (a) Overview of By-law Amendment Public Consultation Process
 - (b) Documentation
 - (i) Procedure for Public Hearings
 - (ii) Draft Zoning By-law Amendment No. 04-01-2024
 - (iii) Public Notifications
 - (iv) Staff Report to Planning Advisory Committee
 - (v) Correspondence received from the Public
 - (vi) Planning Advisory Committee meeting draft Minutes w/recommendations
 - (vii) Reports and Studies submitted by Applicant
 - (c) Appearances/Presentations: Applicants – Justin Bowers, Bowers Construction
Connor Wallace, Zzap Architecture and Planning
 - (d) Comments
 - (e) Closing Remarks
- (5) Adjournment

Village of New Maryland
Procedural By-Law
By-law No. 50-2021

Appendix "A"
Village of New Maryland
Procedure for Public Hearings

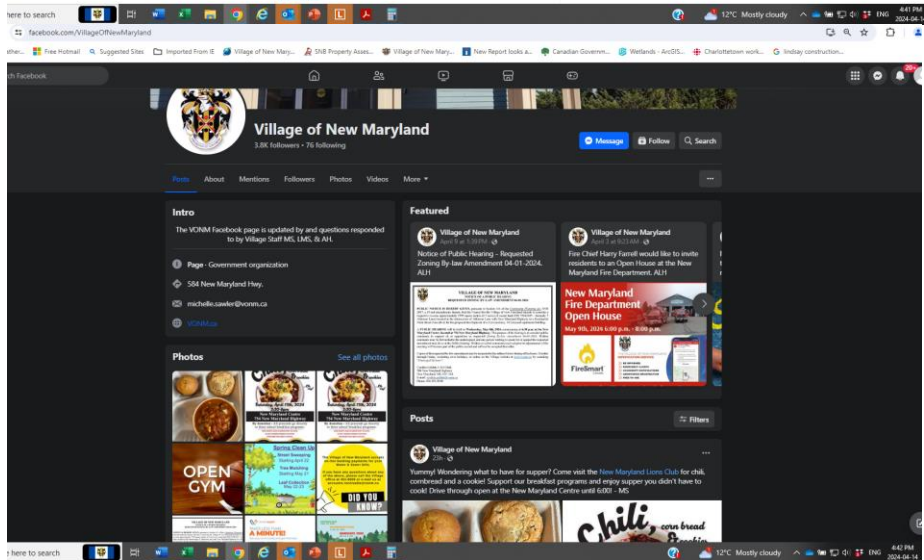
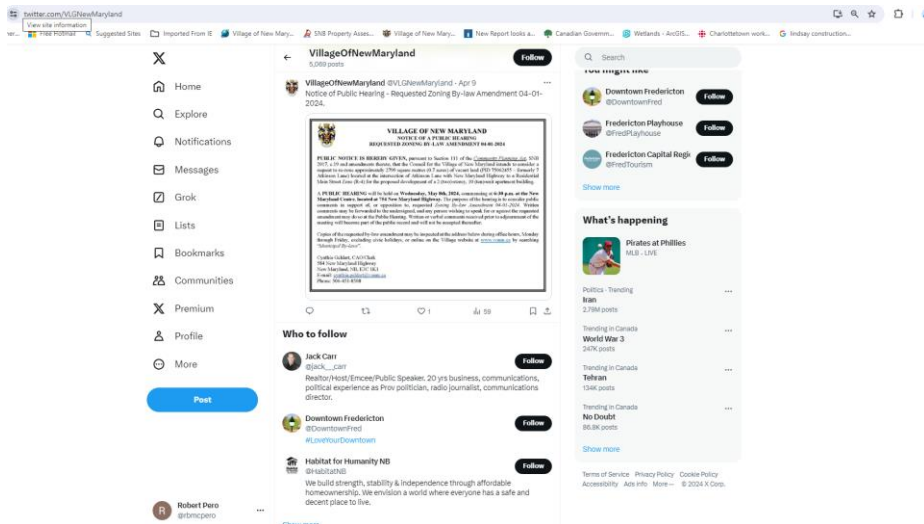
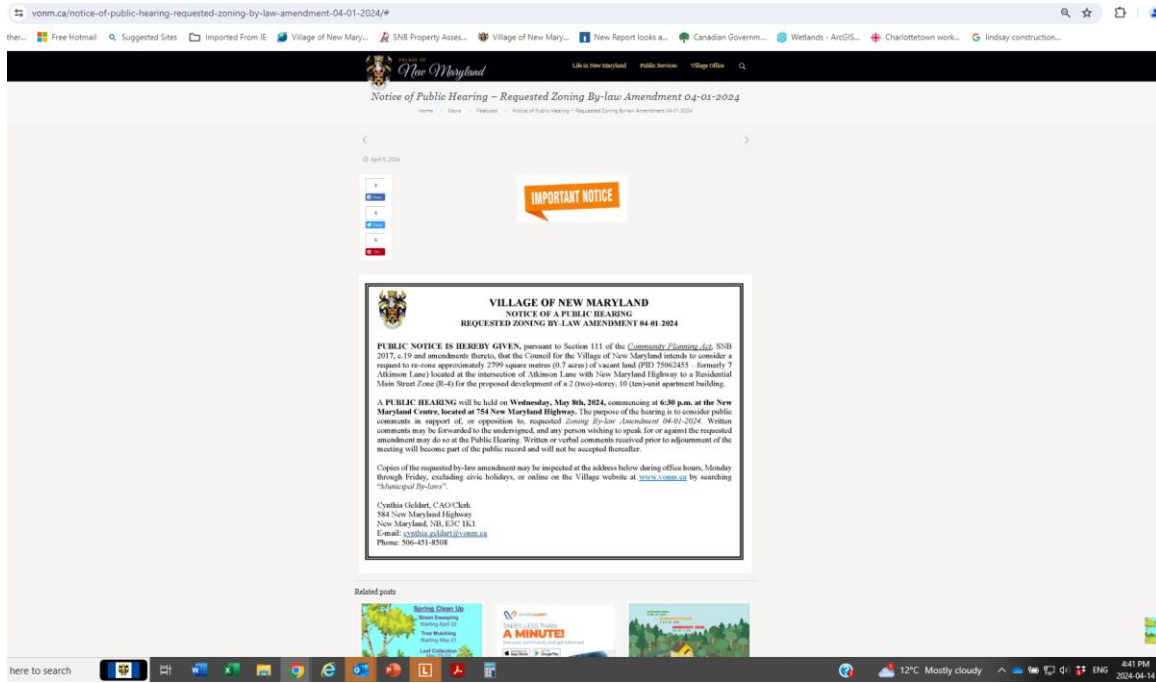
1. Public Notice for a Public Hearing shall be distributed in accordance with provisions in the New Brunswick *Community Planning Act* and the New Brunswick *Local Governance Act*.
2. The Mayor, or his/her designate, shall be the Presiding Officer for the Public Hearing.
3. The Presiding Officer shall read the agenda item, advise of the purpose of the Public Hearing, outline the procedural rules for the hearing and advise if objections or other correspondence has been received. Only information submitted directly to the Village Clerk prior to adjournment of the Public Hearing shall be considered (note: no social media postings shall be submitted or considered).
4. The Village Development Services Department representative will provide: a presentation explaining the agenda item; a summary of the administrative report from staff or Village Consultants; an overview of objections or other correspondence received; and recommendations to Council.
5. The Proponent shall then be called upon to add any further explanation or information in support of the application. Presentations shall be limited to 10 minutes.
6. Members of the public wishing to speak or submit documents in favour of the agenda item will be invited to address Council, state their name, address, and/or the name of the organization being represented, declare their support for the agenda item and provide any further statements for the public record.
7. Members of the public wishing to speak or submit documents in opposition to the agenda item will then be invited to address Council, state their name, address, and/or the name of the organization being represented, declare their opposition to the agenda item and provide any further statements for the public record.
8. The Proponent will be given an opportunity to respond to any noted concerns or requests for clarifications.
9. Members of Council may then pose questions to the Proponent or objectors but shall not enter into a debate.
10. The Presiding Officer then shall call three times for anyone else who wishes to speak in favor of, and then in opposition to, the agenda item. Every person wishing to speak to the agenda item shall be given an opportunity to do so.
11. When all presentations have been completed, the Presiding Officer shall declare the Public Hearing adjourned. Comments and/or information received after adjournment of the Public Hearing shall not be taken into consideration.

Village of New Maryland
Procedural By-Law
By-law No. 50-2021

12. No official action shall be taken at a Public Hearing. Council's official decision on the agenda item may only be made at a future Regular or Special Meeting of Council.
13. All in attendance at the Public Hearing shall conduct themselves in an orderly, fair, respectful, and productive manner.

Revision Date: 18 August 2021

Public Hearing Notification: Community Planning Act section 111 (1)(b)(ii) requires that Council shall publish a notice at least 21 days prior to a Public Hearing by posting on the Village website for the period of time that the notice is required to be published, advising of the intention to adopt a proposed by-law, and the time and place for consideration of objections to the proposed by-law.





Village of New Maryland

584 New Maryland Hwy., New Maryland, NB E3C 1K1
T. 506.451.8508 F. 506.450.1605 www.vonm.ca

VILLAGE OF NEW MARYLAND BY-LAW AMENDMENT NO. 04-01-2024 A BY-LAW TO AMEND THE ZONING BY-LAW

The Council of the Village of New Maryland, under the authority vested in it by the Community Planning Act, and amendment thereto, hereby amends *Village of New Maryland Zoning By-law No. 04-2019* and enacts as follows:

That *Schedule A*, entitled “*Village of New Maryland Zoning Map*,” as attached to *By-law No. 04-2019 “Village of New Maryland Zoning By-law”* is hereby amended as identified on Attachment “A-1” attached to and forming part of this by-law amendment.

The purpose of the amendment is to re-zone lands located at civic address 7 Atkinson Lane, also identified as PID 75062455, from a Residential Zone Two (R-2) to a Residential Main Street Zone (R-4) for the development of a 2 (two)-storey 10 (ten)-unit apartment building, subject to the execution of a development agreement in accordance with the Community Planning Act, supra:

Read First Time:
(By Title Only) _____

Read Second Time:
(By Title Only) _____

Read Third Time:
(In Its Entirety) _____

Read Final Time
(By Title Only) and ENACTED: _____

MAYOR
Judy Wilson-Shee

CAO/CLERK
Cynthia Geldart

Public Notification: Per the intent of the Community Planning Act, and in accordance with Village procedural requirements, written notification is provided to landowners within 100 metres of a property that is subject to consideration of a variance approval by the Planning Advisory Committee, or consideration by Council of a proposed municipal plan or zoning by-law amendment.



Village of New Maryland

584 New Maryland Hwy., New Maryland, NB E3C 1K1
T. 506.451.8508 F. 506.450.1605 www.vonm.ca

27 March 2024

112 New Maryland Hwy.
New Maryland, NB E3C 1H6

Via: Personal Delivery

Dear Resident:

**Re: Planning Advisory Committee Meeting and Public Hearing
Re-Zoning Application – Proposed 10-unit Apartment Building at 7 Atkinson Lane**



I am writing to advise that the Council for the Village of New Maryland is in receipt of a request to amend *Zoning By-law No. 04-2019* to re-zone, from a Residential Zone Two (R-2) to a Residential Main Street Zone (R-4), the approximate 2799 square metre (0.7 acre) vacant property located at the corner of Atkinson Lane and New Maryland Highway.

The Applicant proposes the construction of a 2 (two)-storey, 10 (ten)-unit apartment building at the site, and Council has requested the Village Planning Advisory Committee (PAC) to review and provide recommendations on the proposal.

The purpose of this letter is to inform residents in the immediate area of the subject property that the matter will be discussed at the **Planning Advisory Committee Meeting** scheduled for **Monday, April 8th, 2024**, commencing at 7:00 p.m. at the **Village Office at 584 New Maryland Highway**.

Preliminary Site Plan Concept – 7 Atkinson Lane

Property owners in the vicinity of the subject property are entitled to be informed as to the details of the proposal, and to express any views to PAC in writing, or in person. Staff requests that written correspondence be submitted prior to 12:00 p.m. on Friday, April 5th, 2024, if possible, to allow for distribution in advance of the PAC meeting.

Please note that Village Council will also host a **Public Hearing** to be held on **Wednesday, May 8th, 2024**, commencing at **6:30 p.m.** at the **New Maryland Centre**, located at **754 New Maryland Highway**. The purpose of the hearing is to receive public comments in support of, or opposition to, the related Zoning By-law Amendment 04-01-2024. Any person wishing to speak for or against the proposal may do so at that time.

Further information on the proposal can be found on the Village website at www.vonm.ca under "Proposed By-laws."

If you have any questions or comments to offer concerning the re-zoning review process, please do not hesitate to contact me directly at the Village Office at 451-8508.

Sincerely,

VILLAGE OF NEW MARYLAND

Rob Pero, CET, NBCBO

Building Inspector/Development Officer

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Preliminary Building Concept – 7 Atkinson Lane

Village of New Maryland Website and Social Media Postings posted on April 5, 2024
Public Hearing Package - 7 Atkinson Lane - Requested Zoning By-law Amendment 04-01-2024 - Posted to Village Website 03 May 2024 - 8
Re: Planning Advisory Committee Meeting Package for April 8, 2024 Meeting

The screenshot shows a PDF document with the following agenda items:

- 1. Call to Order:
- 2. Approval of the Agenda:
- 3. Disclosure of Interest:
- 4. Approval of the Minutes:
 - (i) Regular Meeting – 08 January 2024
 - (ii) 05 February 2024 – Meeting Cancelled
 - (iii) 11 March 2024 – Meeting Cancelled
- 5. Business Arising from the Minutes:
 - (i) Notice of Decision – Zoning By-law Amendment 03-01-2023 – 196 Phillips Drive
- 6. Old Business: None
- 7. Reports:
 - (i) Building Permit Report – January 2024
 - (ii) Building Permit Report – February 2024
 - (iii) Building Permit Report – March 2024
- 8. New Business:
 - (i) Zoning By-law Amendment 04-01-2024 – Proposed 10-Unit Apartment Building – 7 Atkinson Lane
 - (ii) Appointment of PAC Members
- 9. Time and Date of Next Meeting:
 - (i) 06 May 2024 @ 7:00 p.m. at Council Chamber
- 10. Adjournment

Posted -

The screenshot shows the 'Municipal By-Laws' page on the Village of New Maryland website. The page lists various by-laws, including:

- Proposed By-Laws
- Re-Zoning Application – 7 Atkinson Lane
- Requested Zoning By-law Amendment No. 04-01-2024 – 7 Atkinson Lane
- Information regarding questions and contact with the Village Clerk.
- A disclaimer stating that the electronic version is unofficial and for convenience only.
- A list of existing by-laws, such as: Planning Advisory Committee By-law No. 01-2021, Municipal Plan By-law 03-2019 and Future Land Use Map, Zoning By-law 04-2019 and Zoning Map (Consolidated January 2024), Building By-law – No. 06-2022, etc.

z:\bylaws & amendments\by-law 4 - zoning\zoning by-law 04-2019\amendment 04-01-2024 (7 atkinson)\5-public hearing\public notifications summary - 04-01-2024 - 24 april 2024.docx

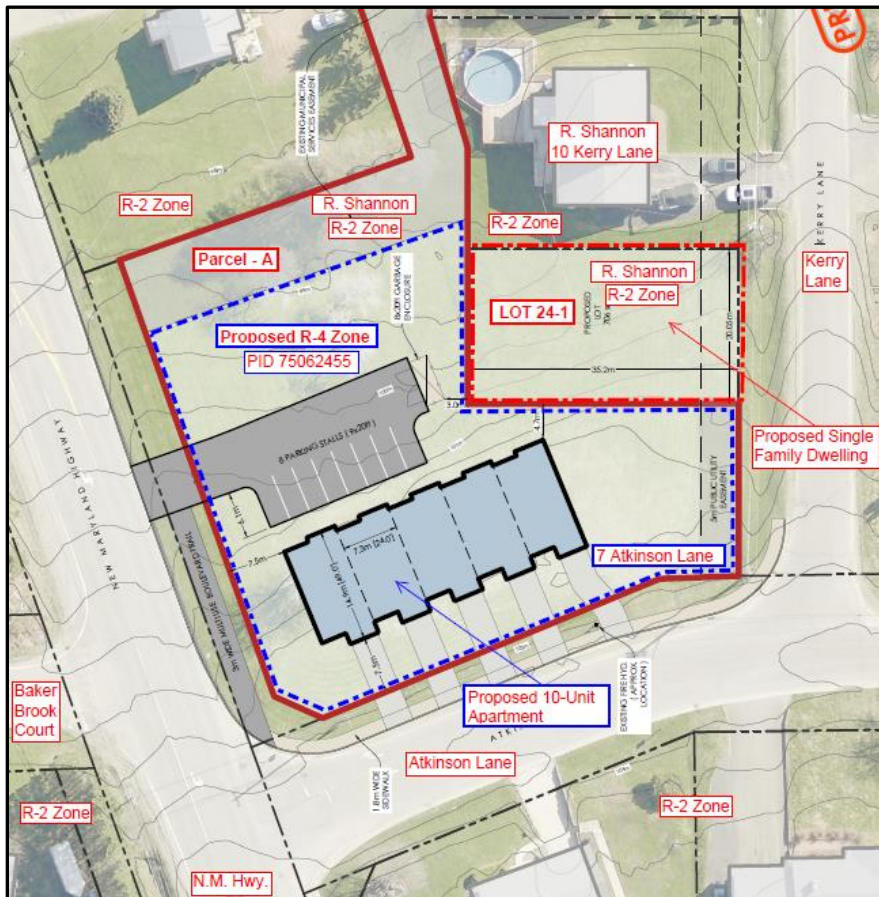


Village of New Maryland

Staff Report

Date: 08 April 2024
From: Rob Pero, Building Inspector/Development Officer
Property: 7 Atkinson Lane (PID 75062455)
Proposal: Requested Zoning By-law Amendment 04-01-2024 - Re-Zone from Residential Zone Two (R-2) to Residential Main Street Zone (R-4) to permit a 10 (ten)-Unit Apartment Building (Infill Development)

To: Planning Advisory Committee
Department: Development Services Department



Applicant: Zzap Consulting Inc., 1 Canal Street, Dartmouth NS, B2Y 2W1

Developer: Bowers Construction NB Inc.
21 Fairway Drive, Unit A, Hanwell, NB, E3C 0M2

Site Location: PID 75062455. Vacant corner lot at the intersection of Atkinson Lane and New Maryland Highway. (See Figure 8)

Neighborhood: Entrance to Springwater Place Subdivision. Surrounded by Residential Zone Two (R-2) of low-rise single-detached dwellings except for a Community Commercial Zone (CC) (Daycare) and a Residential Zone Three (R-3) (Vacant Lot) nearby on the opposite side of New Maryland Highway.

Current Land Use: Currently vacant, cleared parcel. A former two-storey apartment dwelling was demolished in 2015. Parcel A and Lot 24-1 are proposed to be subdivided from PID 75062455 by the current owner, and the remaining land proposed for development as described herein.

Previous Applications: None.

Figure 1- Preliminary Site Plan Concept – 7 Atkinson Lane

Executive Summary:

The applicant is proposing the construction of a low-rise 2 (two)-storey, 10 (ten)-unit apartment building at the site. The proposal requires a zoning amendment from R-2 to R-4.

The preliminary site concept and building design appear to be substantially in alignment with the R-4 Zone standards and no variance approvals by the Planning Advisory Committee are required. Vehicle parking is proposed to be addressed via an attached single-car garage for each of the 5 (five), 2 (two)-storey units each having their own driveway access from Atkinson Lane. A rear parking lot is also proposed for the 5 (five) walkout basement units having access via a driveway from NB Route 101 (New Maryland Highway). The preliminary building design appears to be appropriate to the site context, however, absent from the current site plan are landscaping details to provide visual buffering from the proposed parking lot and adjacent R-2 zoned properties. Further review and consultation with NB Department of Transportation and Infrastructure (NB DTI) will be required by the developer with regard to the proposed driveway access to New Maryland Highway.

In consideration of the objectives outlined in the Village’s Municipal Plan and Age-Friendly Action Plan, and subject to compliance with NB DTI requirements, staff would recommend in support of the proposal subject to terms and conditions.

Application:

On behalf of the developer, Zzap Consulting Inc. has made application for the following to permit construction of a 2 (two)-storey, 10 (ten)-unit apartment building:

- Re-zoning from R-2 to R-4.

Planning Comments:

Proposal:

Roger Shannon is the resident at 10 Kerry Lane and the owner of the vacant subject property located at the intersection of Atkinson Lane and New Maryland Highway. Mr. Shannon proposes the creation of Lot 24-1 for his construction of a new single-family dwelling. The attached tentative subdivision plan for the same is in general conformance with the specified lot standards. Parcel A also shown on the referenced plan is also to be subdivided for administrative consolidation with his property at 10 Kerry Lane.

Mr. Shannon has entered into an agreement with Bowers Construction NB Inc. for their proposed purchase and re-zoning of the remnant vacant land shown on the subdivision plan, and their proposed construction of a 10 (ten)-unit apartment building.

The subject property is currently designated for a residential land use in the Municipal Plan. However, a zoning amendment from Residential Zone Two (R-2) to Residential Main Street Zone (R-4) would be required to permit the overall scale and density of the proposed development on the remnant parcel.

In conjunction with a previous application from Bowers Construction for a 3 (three)-storey apartment building development, neighboring residents in the surrounding low density residential neighborhoods voiced concerns about risks of the loss of privacy due to the proposed apartment building height, potential traffic and ground water impacts, and possible negative impact to nearby property values. In the final analysis, PAC recommended, and Council determined that the referenced proposal should be limited to a 2 (two)-storey building height to preserve compatibility with the surrounding neighborhood context. The referenced concerns about building scale and neighborhood compatibility seem to have been taken into consideration, in part, for the current proposal. Further clarity on other aspects of the proposal (addressed in latter sections of this report) will need to be provided by the applicants.

Relationship to the Municipal Plan:

The Village's Municipal Plan contains several priority and policy statements with respect to encouraging residential land uses with increased density. The Municipal Plan generally encourages medium-density infill development that is compatible and cohesive with existing surrounding neighborhoods and also encourages housing stock that meets the diverse needs of residents with respect to age, income and lifestyle choices. This development proposal could potentially be the first multi-unit residential development to be constructed within the Village and could provide a greater diversity of housing options for existing and future residents.

The Municipal plan states the following in relation to multiple-unit dwellings:

“That the location, design and layout of vehicular and pedestrian access to the site be reviewed by the Village to ensure it is located to, or in close proximity to, arterial or collector streets; that it is on the periphery of low-density neighbourhoods; and that it incorporates high quality exterior building design.”

Since the proposed location of the development is at the junction of Atkinson Lane and the New Maryland Highway, the proposal meets the Municipal Plan objectives quoted above. However, staff believe the neighboring public may have concern on allowing multi-unit residential buildings in such close proximity to a well-established low-density neighbourhood. Further analysis on potential for traffic pattern impacts to Atkinson Lane and New Maryland Highway will also be required.

For lands designated Residential on the Future Land Use Map, higher density uses are only to be permitted as a zone amendment (through Section 59 of the *Community Planning Act*) to the Zoning By-law. Via this mechanism, and the existing R-4 Zone Urban Design Standards, landscape buffering from the adjacent existing residential properties, and other terms and conditions deemed appropriate by Council, can be imposed.

The subject site is adjacent to an envisioned multi-use boulevard trail along New Maryland Highway. Such a feature will serve the Municipal Plan's objectives for trail accessibility, active transportation, improved connectivity to existing commercial or public amenities in the Village and enable the possibility of future trail connectivity to the City of Fredericton. Figure 14, attached herein, illustrates the future vision identified in the Village Trails and Bikeways Master Plan for a 3-metre wide, paved, multi-use boulevard trail proposed for along the New Maryland Highway right-of-way.

To promote enhanced pedestrian connectivity for building tenants and other users, the developer proposes offsite works such as construction of a sidewalk on Atkinson Lane, and the installation of a section of a 3 (three)-metre wide asphalt multi-use trail along New Maryland Highway.

Staff recommend that the 1.8-metre-wide sidewalk proposed for Atkinson Lane be increased to 2.0 metres out of regard for benefits to users and winter snow removal operations.

Relationship to the Zoning By-law:

The current zoning for the property is R-2 which permits a maximum of two (2) dwelling units on a property. Since the property lies within the New Maryland Highway Central Corridor Overlay Zone, the developer therefore requires a rezoning from R-2 to R-4 to accommodate the proposal to construct a multi-unit apartment building and must comply with site and building design criteria specified for the zone.

The Applicant's proposal for the 10 (ten)-unit apartment building concept, as compared to the R-4 Zone standards in Zoning By-law Section 8.7.2 are as follows:

Table 1.0 – 10 (ten)-Unit Apartment Building (PID 75062455) – 7 Atkinson Lane

Standard	Required	Proposed	Variance
Minimum Lot Area	720 m ²	2799 m ²	n/a
Minimum Lot Frontage	24 m	~ 56.9 m	n/a
Minimum Front Yard (facing NM Hwy.)	5.0 m	7.5 m	n/a
Minimum Rear Yard (facing Kerry Lane)	11.0 m	~ 18.5 m	n/a
Minimum Side Yard (Northern direction)	4.0 m	4.7 m	n/a
Minimum Flankage Yard (facing Atkinson Lane)	5.0 m	7.5 m	n/a
Maximum Height (North Façade)	11.0 m	10.05 m	n/a
Maximum Lot Coverage	50%	18.2 %	n/a
Minimum Landscaped Open Space	250 m ²	1,723 m ²	n/a
Required Parking Spaces	13	13	n/a
Barrier-Free Parking Spaces	1	Not Shown	n/a

Building Scale & Unit Density:

The Municipal Plan and Zoning By-law objectives of maintaining sufficient green space buffering from existing homes seems achievable given the scale and design of the building relative to the lot, although no such detail has been provided on the preliminary site plan drawing.

In accordance with site design requirements in the Zoning By-law, a developer is required to install 1 (one) tree for every 50 square metres of the lot area not already dedicated to buildings and hardscapes. Particular focus on landscape buffering details to the benefit of all adjacent properties would be important to better integrate the development to the adjacent low-density residential properties.

Staff recommend that the developer be required to provide, to the satisfaction of the Development Officer, a site landscaping plan to demonstrate compliance with Section 8.7.3 (5)(b) of the Zoning By-law, and that the west façade of the building be revised to comply with the R-4 Zone Urban Design Standards for Apartment Dwellings.

Setbacks:

In reference to Table 1, the Developer’s proposal complies with the specified site and building design standards for an R-4 Zone, and no variance approvals by the Planning Advisory Committee are required.

Off-Street Parking:

The layout of the off-street parking and driveway access for the proposed apartment units are in general compliance with the Zoning By-law. For a 10 (ten)-unit apartment building, the minimum required 13 (thirteen) parking spaces have been incorporated into the building and site design. To this point however, the required single barrier-free parking space has yet to be illustrated on the site plan. Staff believe additional parking spaces should be provided to the benefit of the building tenants.

In recognition of car ownership trends in the community, staff recommend that additional overflow parking spaces be provided within the rear-lot parking area, and that a minimum of 1 (one) barrier-free parking stall be provided per the Zoning By-law requirements.

Section 7.22 (4) (b) of the Zoning By-law states that:

“Where parking lots abut residential uses, a 3-metre-wide landscaped buffer area with appropriate screening of trees, hedges or fences shall be incorporated to the satisfaction of the Planning Advisory Committee”.

The surface parking lot is currently proposed to be located approximately 6 (six)- metres from the eastern property line, which exceeds the minimum 3-metre setback and therefore provides ample room to install a substantial amount of greenspace screening.

The access driveway proposed to connect with New Maryland Highway will require consultation with the New Brunswick Department of Transportation and Infrastructure (NB DTI) and the Village Engineer with regard to the potential for negative impacts to traffic patterns and vehicle turning movements.

Staff recommend that the applicant be required to consult with NB DTI and provide a copy of their written response with regard to the proposed driveway access to New Maryland Highway.

Municipal Servicing Requirements:

Servicing, lot grading and stormwater management are to be provided to the satisfaction of the Village Engineer prior to issuance of a building permit. Water supply and sanitary sewer capacity servicing is currently available for a development of the scale proposed.

The lot grading plan for the property will require a stormwater management plan as per the Village’s Stormwater Policy to mitigate potential impacts to existing municipal infrastructure and neighbouring properties.

There is presently sufficient capacity in Village sanitary sewer collection and treatment system for the proposed scale of development.

Staff recommend that upon any enactment of the requested zoning by-law amendment, and subject to registration of a Section 59 Zoning Agreement, that sufficient municipal water and sanitary sewer capacity shall be allocated and held available for the proposed development for a maximum period of 2 (two) years.

Fire Protection Requirements:

For the given scale of the proposed apartment building, the Village fire department assets and capabilities are sufficient to deliver the required fire protection services for the classification of building. There are municipal fire hydrants located immediately adjacent to each of the North and South corners of the subject property, and 2 (two) additional fire hydrants are located within 80 (eighty) metres of the site. Available water supply and pressures for firefighting purposes will need to be confirmed by the Village Engineer, however.

Staff Recommendation:

Staff is of the opinion that the developer’s proposal speaks to some of the housing and fiscal sustainability objectives for the Village’s Municipal Plan, however, there is some risk of potential compatibility conflict with the existing surrounding low-density neighbourhood. This proposed infill development opportunity could: generate welcome property tax and utility revenues; optimise utilisation of the existing and future municipal infrastructure on New Maryland Highway; cater to the Municipal Plan and Age-Friendly Committee objectives of a greater diversity of housing options for residents; and could be the first development to be constructed in alignment with the Village’s Urban Design Standards and Guidelines.

The referenced proposal seems to present an opportunity to exercise the Village’s administrative flexibility and commitment to enabling new, high value developments that achieve compatibility with its surroundings in the community.

With respect to the application submitted by Zzap Consulting Inc., staff recommend in favor of the requested by-law amendment to re-zone the site from R-2 to R-4, subject to PAC and Council approval of the following terms and conditions for the proposed 10 (ten)-unit apartment building:

- a) The re-zoning of the property to Residential (R-4) be approved subject to a Section 59 Agreement with particular emphasis on site services, storm water management and landscape buffering requirements with the use of deciduous and coniferous plantings which are to be shown on a landscaping plan to the satisfaction of the Development Officer;
- b) The site shall be developed substantially in accordance with Figure 7, to the satisfaction of the Development Officer;
- c) Additional parking stalls to be added to the rear parking lot;
- d) A minimum of 1 (one) barrier-free parking stall to be provided as per the Zoning By-law;
- e) The building exterior designs and finishes shall be in accordance with the Village Zoning By-law for the New Maryland Highway Central Corridor Overlay Zone;
- f) Firefighting and fire protection requirements shall be to the satisfaction of Village Council, Fire Chief and Village Engineer;
- g) Municipal water and sanitary sewer capacity be allocated and held available for the development for a period of 2 (two) years upon any enactment of the requested amendment and subject to registration of a Section 59 Zoning Agreement; and
- h) All construction shall be in accordance with all applicable Village by-laws & policies.

If PAC has any comments or concerns, please don’t hesitate to contact me directly.

Respectfully,

Rob Pero, CET, NBCBO
 Building Inspector/ Development Officer

Attached Figures and Documents:

Figures 2 to 5 – Letter of Intent and Application Form – Zzap Consulting Inc. – 07 March 2024

Figure 6 – Aerial Photo – Vacant Lands at 7 Atkinson Lane

Figure 7 – Preliminary Site Plan Concept Drawing – Zzap Consulting Inc. – 07 March 2024

Figure 8 - Tentative Subdivision Plan - Shannon Subdivision 24-1

Figures 9 to 11 - Application Form – Zzap Consulting Inc. – 07 March 2024

Figures 12 and 13 - Draft Zoning By-law Amendment 04-01-2024 and Attachment ‘A-1’

Figure 14: Cross Section – Proposed Multi-Use Trail along Edge of New Maryland Highway

Preliminary Building Drawings – 10 (ten)- Unit Apartment Building (attached separately)



March 7, 2024

Planning and Development
Village of New Maryland
584 New Maryland Highway
New Maryland, NB
E3C 1K1

Re: Zoning Bylaw Amendment Application: Residential Development at 7 Atkinson Lane, Village of New Maryland, New Brunswick (PID: 75062455)

On behalf of our client, Bowers Construction NB Inc., Zzap Consulting Inc. is pleased to submit this Zoning Bylaw Amendment application for a proposed residential development at 7 Atkinson Lane (PID: 75062455). To support this application submission, the following materials are enclosed:

- Zoning Bylaw Amendment Letter
- Attachment A: Proposed Site Plan and Building Massing Concepts
- Attachment B: Completed Zoning Bylaw Amendment Application Form

1.0 Summary of Development Proposal

Bowers Construction NB Inc. is seeking to rezone the subject property from Residential Zone 2 (R-2) to Residential Main Street Zone 4 (R-4) to construct an apartment building. The proposed development includes a total of ten dwelling units (Attachment A).

The development proposal includes one existing 4538 m² parcel (PID: 75062455). Our client is proposing to subdivide one lot off the existing parcel to create a 706 m² R-2 lot. The remaining 3,832 m² lot would be rezoned to accommodate the 10-unit apartment fronting onto Atkinson Lane. Thirteen parking spaces are proposed; eight located behind the building and would be accessed from New Maryland Highway while the remaining five spaces are enclosed in a garage and accessed from Atkinson Lane. The proposed development is intended to be serviced by municipal water and sanitary service as the subject properties are within the municipal service boundaries.

2.0 Enabling Policy

The subject property is zoned Residential Zone 2 (R-2) within the Village of New Maryland Zoning By-law and designated 'Residential' within the Village's Municipal Plan. Policies 3.3.1 and 3.3.2 of the Plan enables Council to consider Zoning Bylaw amendments for higher density residential uses on lands designated Residential on the



Plan's future land use map, subject to several policy assessment criteria that are noted below. The subject site is so designated and apartment dwellings are permitted in the R-4 Zone.

3.0 Rationale

Multiple-Unit Dwellings

Residential objectives in the Village of New Maryland's Municipal Plan include:

- Encouraging development that utilizes existing water and sewer services,
- Encourage higher density housing in appropriate locations with compatible designs, and
- Encourage housing types that meet the needs of a diverse range of residents with respect to age, income and lifestyle.

To achieve these objectives the plan allows for rezoning of properties within the Residential designation for higher density housing types. The criteria used to assess the appropriateness of multiple-unit developments in the Village is contained in Policies 3.3.2(1), 3.3.2(2) and 14.3.2(1)(a). The below tables provide the response to each of the applicable policies.

Policy No.	Requirement	Applicant Response
3.3.2(1)(a) & (2)(b)	That the lot size, yard requirements, building height, number of units and parking requirements be subject to the conditions outlined in the Zoning Bylaw for the Residential Main Street Zone.	The development proposal substantially complies with the Zoning Bylaw regulations.
3.3.2(1)(d)	The location, design, and layout of vehicular and pedestrian access to the site be reviewed by the Village to ensure it is located adjacent to, or in close proximity to, arterial or collector streets; that it is on the periphery of low-density neighbourhood and that it incorporates high quality exterior building design	Vehicular and pedestrian access is proposed from Atkinson and New Maryland - an arterial street. The site is on a corner location, with frontage on New Maryland Highway. This situates it on the periphery of the adjacent low-density neighbourhood; the buildings will be designed with high quality exterior materials.
3.3.2(2)(c)	The development will not cause capacities of existing municipal services to be exceeded	It is assumed that the servicing capacity at the site will not be exceeded. Should staff require a site servicing plan it can be provided.
3.3.2(2)(d)	The natural features on the site be preserved through tree retention and minimization of soil removal	Efforts will be made to minimize the impact of the soil removal. The site is mainly cleared and there are no significant vegetative features on the site.



3.3.2(2)(e)	That the development be subject to the Design Criteria as outlined in Policy 2.3.5 and the Zoning Bylaw	Should Council consider and advance the rezoning application, it is the applicant's intent to comply with the Zoning Bylaw design requirements.
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Policy No.	Requirement	Applicant Response
14.3.2(1)(a)(i)	The proposal is in conformance with the intent of the municipal plan and with the requirements of other Village Bylaws.	<p>The R-4 zone is a corresponding zone to the "Residential" designation on the Future Land Use Map.</p> <p>Our client's intent is to comply with the Zoning Bylaw regulations.</p> <p>The development provides for a compact housing choice for the residents of New Maryland. The scale of housing proposed is compatible with the surrounding single dwelling neighbourhood context due to its smaller scale and grade-related access. These elements achieve several of the municipal plan's objectives.</p>
14.3.2(1)(a)(iii)(a)	That the proposal is not premature or inappropriate by reason of the financial capability of the village to absorb any costs relating to the development.	Our client does not anticipate any direct financial costs associated with the development to be absorbed by the Village.
14.3.2(1)(a)(iii)(b)	That the proposal is not premature or inappropriate by reason of the adequacy of water and sewer services to accommodate the proposed development.	It is assumed that the servicing capacity at the site will not be exceeded. Should staff require a site servicing plan it can be provided.
14.3.2(1)(a)(iii)(c)	That the proposal is not premature or inappropriate by reason of the adequacy and proximity of school, recreation, and other community facilities.	The Village of New Maryland has one elementary school which is located with 2 kilometres of the site. Multiple day cares, a park and the New Maryland Athletic Park are also within 2 km of the site.

Figure 4 - Letter of Intent – Zzap Consulting Inc. – 07 March 2024



14.3.2(1)(a)(ii)(d)	That the proposal is not premature or inappropriate by reason of the adequacy of street networks in or adjacent to the development.	This site is surrounded by three streets: New Maryland Highway, Atkinson Lane and Kerry Lane. The corner lot location is ideal for this development due to: <ul style="list-style-type: none"> • Ease of access to New Maryland Highway, a major artery in Village’s street network; • Ability to keep traffic generated from the development away from the existing residential neighbourhood.
14.3.2(1)(a)(ii)(e)	That the proposal is not premature or inappropriate by reason of the contamination or watercourses or the creation of erosion or sedimentation.	No known watercourses bisect the site. No known contaminants are present on the site.
14.3.2(1)(a)(ii)(f)	That the proposal is not premature or inappropriate by reason of creating a leap-frog, scattered or ribbon development pattern as opposed to compact development.	This proposal provides an infill development opportunity on an existing lot achieving a compact, ground-based housing typology.

We believe that the proposed development is consistent with applicable planning policies related to apartment housing at specific locations given the above policy review.

Closing

We trust that the enclosed materials satisfy the application requirements, and we look forward to working with Staff, Council and members of the public throughout the application process. Should you have any questions, clarifications or comments regarding this application, please do not hesitate to contact the undersigned.

Sincerely,

Connor Wallace

Connor Wallace, MCIP, LPP
Principal
ZZap Consulting Inc.
connor@zzap.ca
902-266-5481

Figure 5 - Letter of Intent – Zzap Consulting Inc. – 07 March 2024



Figure 6 – Aerial Photo – Vacant Lands at 7 Atkinson Lane

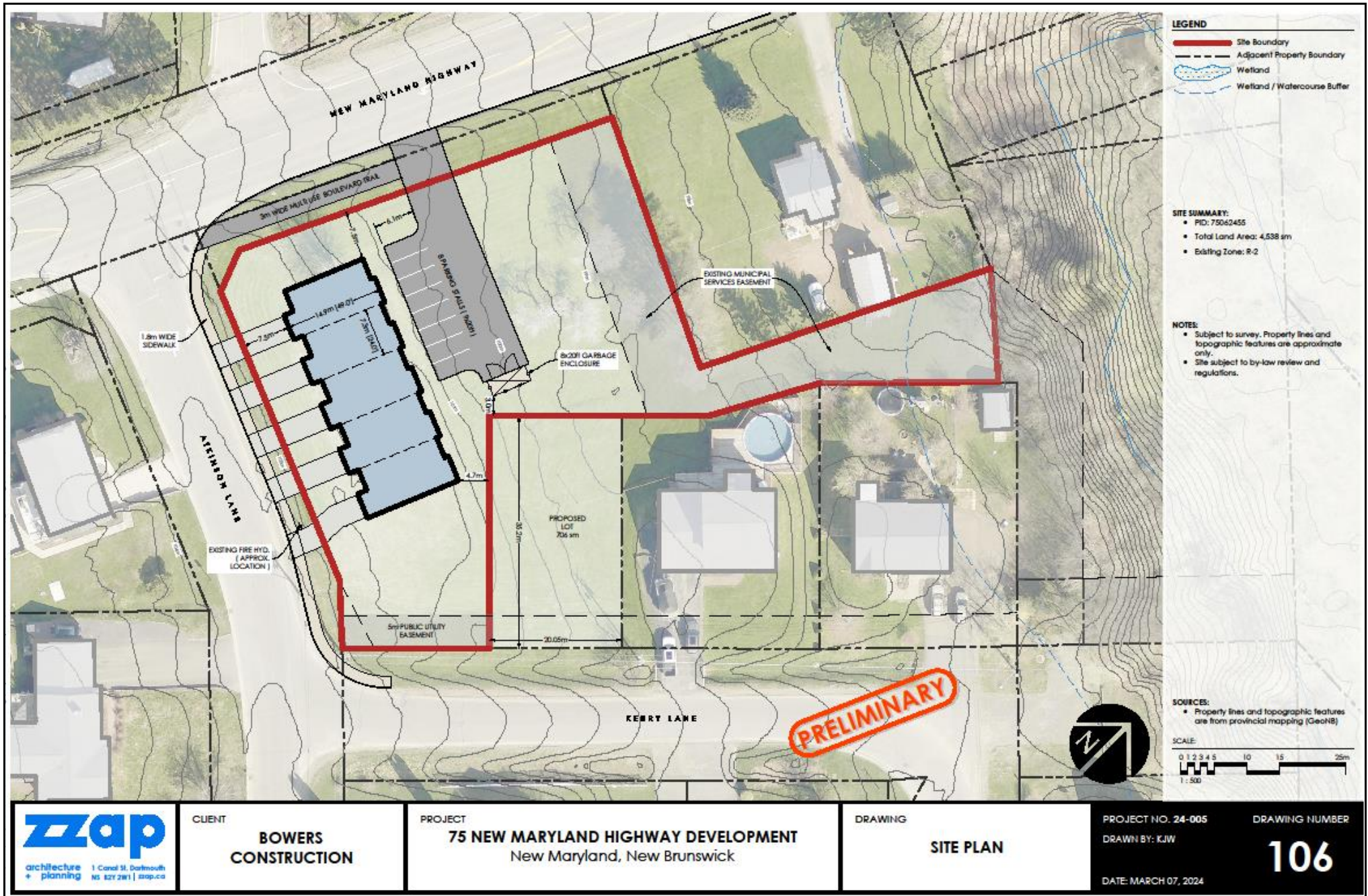


Figure 7 – Preliminary Site Plan Concept Drawing – Zzap Consulting Inc. – 07 March 2024

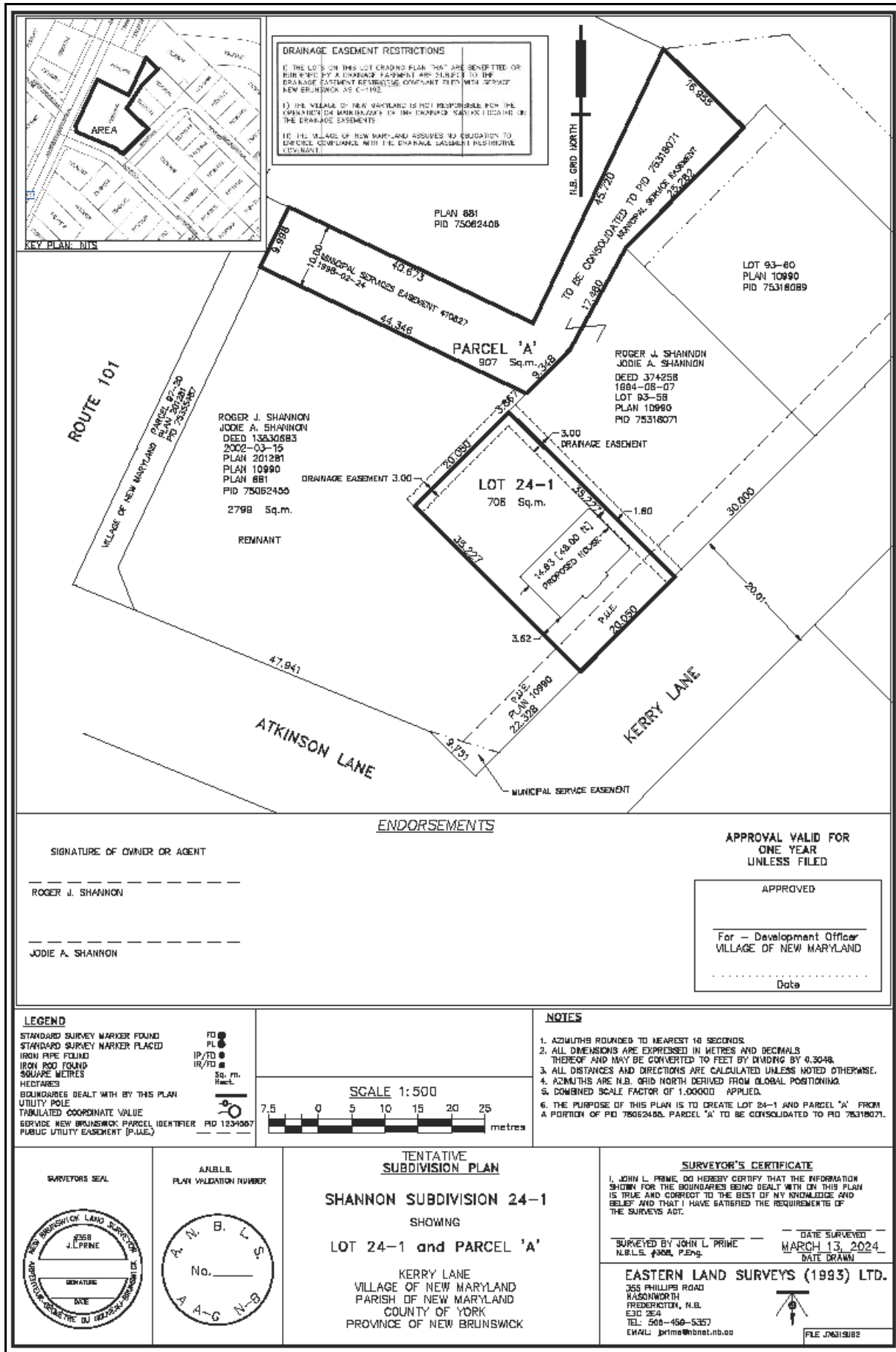


Figure 8 - Tentative Subdivision Plan - Shannon Subdivision 24-1



Village of New Maryland

584 New Maryland Hwy., New Maryland, NB11C 1K1
T. 506.451.8508 F. 506.480.1605 www.vnm.ca

APPLICATION TO AMEND THE ZONING BY-LAW AND/OR THE MUNICIPAL PLAN BY-LAW

I/we hereby submit an application, for an amendment to:

- Zoning Bylaw No. 01
- Municipal Plan No. 03

Please Print or Type:

1. Name of applicant and full mailing address:
 Zzap Consulting Inc. 1 Canal Street, Dartmouth, NS Telephone: 902-266-5481
 B2Y 2W1 Fax: E-mail: connor@zzap.ca

2. Name of registered owner of subject land and full mailing address:
 Roger Shannon Telephone:
 Fax: E-mail:

3. Location and/or street address of land to be re-zoned:
 7 Atkinson Lane PID Number: 75062455

4. Present use of subject land: vacant

5. Proposed use of subject land: Residential Apartment

6. Present zone of subject land: R-2

7. Zone required for proposed use: R-4

8. Present Municipal Plan designation: Residential

9. Proposed Municipal Plan designation: Residential

10. Applicant's reasons for requiring proposed change in Zoning:
See attached letter

(If insufficient space above, please submit separately)

Figure 9 - Application Form – Zzap Consulting Inc. – 07 March 2024

11. List of additional information which MUST be submitted by applicant before the application can be processed (10 copies of each document required.)

(a) Survey prepared by a New Brunswick Land Surveyor, or a plan deemed suitable by the Development Officer, showing:

- i. Applicant's/owner's total land holdings in the immediate area.
- ii. Parcel of land which is the subject to the application and any proposed subdivision of lands.
- iii. The location, size and use of land, easements and existing buildings or structures on the subject property.

(b) Preliminary Site Plan showing all proposed site improvements, parking areas, proposed new construction, changes/expansions to existing buildings, location and size of all the required utility and municipal easements and building setbacks.

(c) Applications involving proposed buildings or modifications to existing buildings shall include a floor plan showing the ground floor area, gross floor area, number of stories and/or units, and the width, length and height of the building.

(d) A letter of intent providing details of the proposal: hours of operation, number of employees, expected traffic generation, and any other relevant information.

(e) Signature of the property owner or attach written permission of the owner.

12. This application must be accompanied by a fee (cash or cheque) made payable to the Village of New Maryland.

<input checked="" type="checkbox"/>	Zoning By-law Amendment	\$1,000
<input type="checkbox"/>	Municipal Plan Amendment	\$1,500
<input type="checkbox"/>	Municipal Plan and Zoning By-law Amendment	\$1,500

13. Receipt #: _____

(Payments may be made by cash, debit or certified cheque payable to the Village of New Maryland)

I, Connor Wallace, of the Municipality of Halifax of the County of Halifax solemnly declare that to the best of my knowledge all above statements are true, and the statements contained in all of the enclosures submitted herewith are true.

Please note: Re-zoning applications are subject to a public hearing of objections. Information included as part of this application may be distributed to the public as part of the public notification process.

See attached Connor Wallace

Signature of Landowner/Date

Signature of Applicant or Agent/Date

TJR

08 March 2024

Development Officer

Received

Notes: (for office use only)

Figure 10 - Application Form – Zzap Consulting Inc. – 07 March 2024

11. List of additional information which MUST be submitted by applicant before the application can be processed (10 copies of each document required.)

(a) Survey prepared by a New Brunswick Land Surveyor, or a plan deemed suitable by the Development Officer, showing:

- i. Applicant's/owner's total land holdings in the immediate area.
- ii. Parcel of land which is the subject to the application and any proposed subdivision of lands.
- iii. The location, size and use of land, easements and existing buildings or structures on the subject property.

(b) Preliminary Site Plan showing all proposed site improvements, parking areas, proposed new construction, changes/expansions to existing buildings, location and size of all the required utility and municipal easements and building setbacks.

(c) Applications involving proposed buildings or modifications to existing buildings shall include a floor plan showing the ground floor area, gross floor area, number of stories and/or units, and the width, length and height of the building.

(d) A letter of intent providing details of the proposal: hours of operation, number of employees, expected traffic generation, and any other relevant information.

(e) Signature of the property owner or attach written permission of the owner.

12. This application must be accompanied by a fee (cash or cheque) made payable to the Village of New Maryland.

<input checked="" type="checkbox"/>	Zoning By-law Amendment	\$1,000
<input type="checkbox"/>	Municipal Plan Amendment	\$1,500
<input type="checkbox"/>	Municipal Plan and Zoning By-law Amendment	\$1,500

13. Receipt #: _____

(Payments may be made by cash, debit or certified cheque payable to the Village of New Maryland)

I, Connor Wallace
Halifax

_____ of the County of Hanifax of the Municipality of _____ declare that to the best of my knowledge all above statements are true, and the statements contained in all of the enclosures submitted herewith are true.

Please note: Re-zoning applications are subject to a public hearing of objections. Information included as part of this application may be distributed to the public as part of the public notification process.

Roger Shannon

Signature of Landowner/Date

[Handwritten Signature]
[Handwritten Date: 5.3.24]

Signature of Applicant or Agent/Date

Development Officer

Received

Notes: (for office use only)

Figure 11 - Application Form – Zzap Consulting Inc. – 07 March 2024



Village of New Maryland

584 New Maryland Hwy., New Maryland, NB E3C 1K1
T. 506.451.8508 F. 506.450.1605 www.vonm.ca

VILLAGE OF NEW MARYLAND BY-LAW AMENDMENT NO. 04-01-2024 A BY-LAW TO AMEND THE ZONING BY-LAW

The Council of the Village of New Maryland, under the authority vested in it by the Community Planning Act, and amendment thereto, hereby amends *Village of New Maryland Zoning By-law No. 04-2019* and enacts as follows:

That *Schedule A*, entitled “*Village of New Maryland Zoning Map*,” as attached to *By-law No. 04-2019 “Village of New Maryland Zoning By-law”* is hereby amended as identified on Attachment “A-1” attached to and forming part of this by-law amendment.

The purpose of the amendment is to re-zone lands located at civic address 7 Atkinson Lane, also identified as PID 75062455, from a Residential Zone Two (R-2) to a Residential Main Street Zone (R-4) for the development of a 2 (two)-storey 10 (ten)-unit apartment building, subject to the execution of a development agreement in accordance with the Community Planning Act, supra:

Read First Time: _____
(By Title Only)

Read Second Time: _____
(By Title Only)

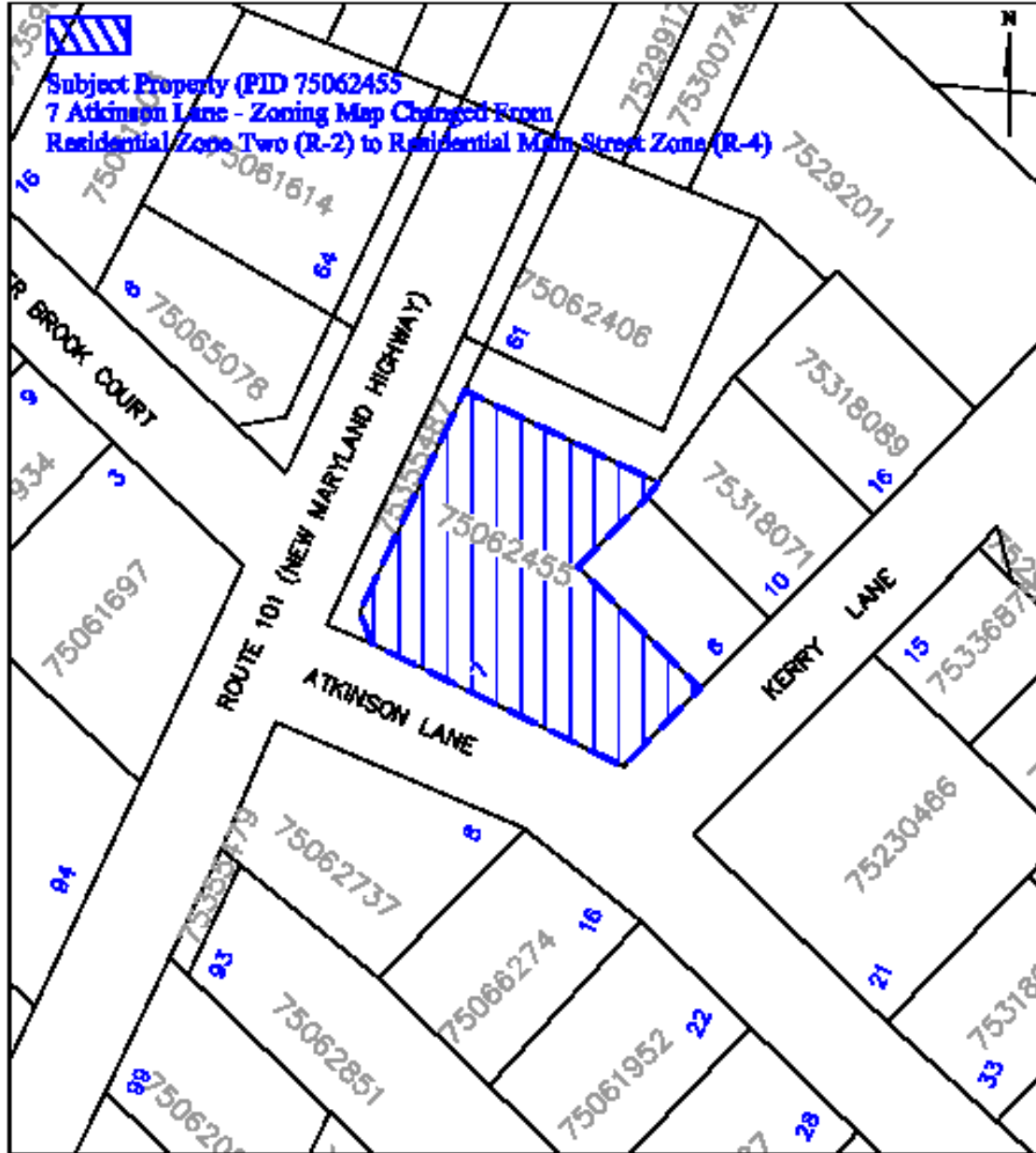
Read Third Time: _____
(In Its Entirety)

Read Final Time
(By Title Only) and ENACTED: _____

MAYOR
Judy Wilson-Shee

CAO/CLERK
Cynthia Geldart

Village of New Maryland Zoning By-Law Amendment No. 04-01-2024 Attachment "A-1"



N.T.B.

MAYOR
Judy Wilson-Shee

DRAFT

CAO/CLERK
Cynthia Geldart

Figure 13 - Draft Zoning By-law Amendment 04-01-2024 - Attachment 'A-1'

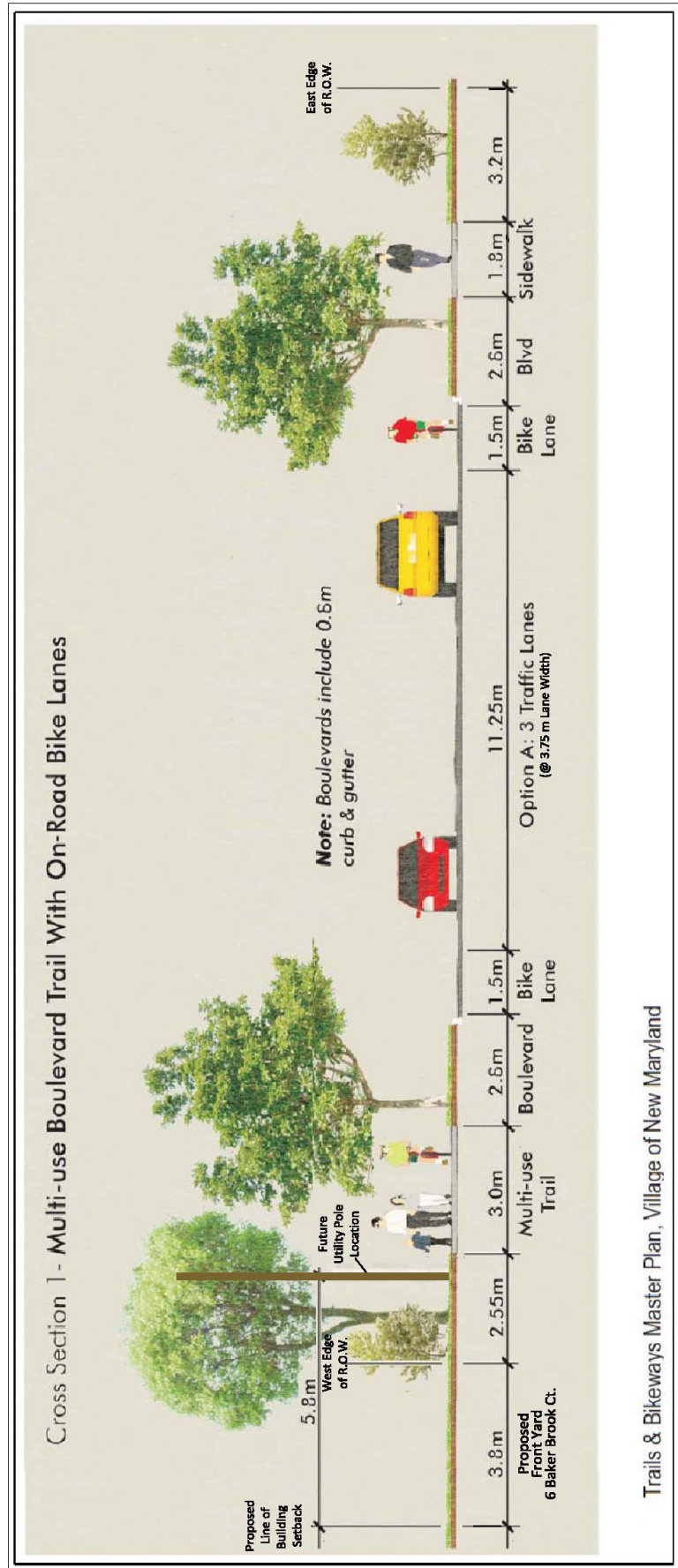


Figure 14: Cross Section – Proposed Multi-Use Trail along Edge of New Maryland Highway

ATKINSON LANE

ISSUED FOR REVIEW 02.15.2024

BOWERS
CONSTRUCTION





GENERAL NOTES:

- DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR WILL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS REQUIRED TO PERFORM THE WORK AND REPORT ANY DISCREPANCIES WITH THE DRAWINGS TO THE ARCHITECT BEFORE COMMENCING WORK.
- THE ARCHITECT BEARS NO RESPONSIBILITY FOR THE INTERPRETATION OF THE DRAWINGS BY THE CONTRACTOR. UPON APPLICATION, GRAPHIC CLARIFICATION OR SUPPLEMENTARY INFORMATION REGARDING THE INTENT OF THE DRAWINGS WILL BE PROVIDED.
- ALL PRINTS AND SPECIFICATIONS RELATED TO THIS PROJECT ARE THE PROPERTY OF ARCHITECT. DESIGN CAN NOT BE REPRODUCED, COPIED, OR USED FOR CONSTRUCTION PURPOSES WITHOUT THE APPROVAL OF THE ARCHITECT IN WRITING.
- CONTRACTOR MUST CONFORM TO ALL APPLICABLE CODES, BY-LAWS, AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
- THE ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL DRAWINGS. IN CASE OF DIFFERENCES BETWEEN CONSULTANT'S DOCUMENTS WITH RESPECT TO QUALITY, SIZE OR SCOPE OF WORK, THE GREATER SHALL APPLY.
- ALL GUARDS & HANDRAILS TO CONFORM TO NATIONAL BUILDING CODE.
- ALL DIMENSIONS SHOWN TO FACE OF STUDO ON EXTERIOR WALLS, & CENTRLINE OF INTERIOR WALLS UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL NOTIFY THE ARCHITECT BEFORE IMPLEMENTATION.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL ON-SITE DIMENSIONS & MEASUREMENTS AND SHALL BECOME THOROUGHLY FAMILIAR WITH THE EXISTING SITE CONDITIONS WHICH AFFECT THE WORK OF THIS PROJECT. NO ALLOWANCE WILL BE MADE FOR FAILURE TO NOTE SITE CONDITIONS.
- ALL AREAS TO BE LEFT IN CLEAN CONDITION AT THE END OF EACH DAY'S WORK.

no.	Description	Date
1	Issued for Review	02.XX.2024



Halifax, NS
 alleron.arch@gmail.com
 902.292.2845

BOWERS CONSTRUCTION

Client: BOWERS CONSTRUCTION

Stamp: True North

Project name: ATKINSON LANE

Project address: FREDERICTON, NB

Drawing title: SOUTH ELEVATION

Scale: 1/4" = 1'-0"

Date: 2024-02-15 5:20:58 PM

Drawn by: CM

Checked by: --

Projects number: 24-05

A300

Arch 24-05



GENERAL NOTES:

1. DRAWINGS ARE NOT TO BE SCALED. CONTRACTOR WILL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS REQUIRED TO PERFORM THE WORK AND REPORT ANY DISCREPANCIES WITH THE DRAWINGS TO THE ARCHITECT BEFORE COMMENCING WORK.
2. THE ARCHITECT BEARS NO RESPONSIBILITY FOR THE INTERPRETATION OF THE DRAWINGS BY THE CONTRACTOR. UPON APPLICATION, GRAPHIC CLARIFICATION OR SUPPLEMENTARY INFORMATION REGARDING THE INTENT OF THE DRAWINGS WILL BE PROVIDED.
3. ALL PRINTS AND SPECIFICATIONS RELATED TO THIS PROJECT ARE THE PROPERTY OF ARCHITECT. DESIGN CAN NOT BE REPRODUCED, COPIED, OR USED FOR CONSTRUCTION PURPOSES WITHOUT THE APPROVAL OF THE ARCHITECT IN WRITING.
4. CONTRACTOR MUST CONFORM TO ALL APPLICABLE CODES, BY-LAWS, AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
5. THE ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL DRAWINGS. IN CASE OF DIFFERENCES BETWEEN CONSULTANT'S DOCUMENTS WITH RESPECT TO QUALITY, SIZES OR SCOPE OF WORK, THE GREATER SHALL APPLY.
6. ALL GUARDS & HANDRAILS TO CONFORM TO NATIONAL BUILDING CODE.
7. ALL DIMENSIONS SHOWN TO FACE OF STUD ON EXTERIOR WALLS, & CENTRLINE OF INTERIOR WALLS UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL ON-SITE DIMENSIONS & MEASUREMENTS AND SHALL BECOME THOROUGHLY FAMILIAR WITH THE EXISTING SITE CONDITIONS WHICH AFFECT THE WORK OF THIS PROJECT. NO ALLOWANCE WILL BE MADE FOR FAILURE TO NOTE SITE CONDITIONS.
10. ALL AREAS TO BE LEFT IN CLEAN CONDITION AT THE END OF EACH DAY'S WORK.

no.	Description	Date
1.	Issued for Review	02.XX.2024



BOWERS CONSTRUCTION

Client: BOWERS CONSTRUCTION

Stamp: True North

Project name: ATKINSON LANE

Project address: FREDERICTON, NB

Drawing title: NORTH ELEVATION

Scale: 1/4" = 1'-0"

Date: 2024-02-15 5:21:21 PM

Drawn by: CM

Checked by: --

Projects number: 24-05

A301

Village of New Maryland
PLANNING ADVISORY COMMITTEE
Minutes of Regular Meeting
Council Chambers – 584 New Maryland Hwy.
08 April 2024

Present: Sam McEwan, Vice-Chair
Mike Pauley
Gillian Ash Richard
Robin Chaplin
Tim Scammell, Councillor

Also Present: Rob Pero, Building Inspector / Development Officer
Ron Stewart

Regrets: Julie Clarke, Chair
Audrey Harper, Administrative Assistant / Recording Secretary

1. Call to Order:

Vice-Chair Sam McEwan called the regular meeting of the Planning Advisory Committee (PAC) to order at 7:01 p.m.

2. Approval of the Agenda:

MOVED BY Gillian Ash Richard and **seconded by** Robin Chaplin to approve the agenda as distributed. **MOTION CARRIED.**

3. Disclosure of Interest: None.

4. Approval of the Minutes:

(i) Regular Meeting – 08 January 2024:

MOVED BY Councillor Tim Scammell and **seconded by** Mike Pauley to approve the minutes of the January 8th, 2024 meeting. **MOTION CARRIED.**

5. Business Arising from the Minutes:

(i) Notice of Decision – Zoning By-law Amendment 03-01-2023 – 196 Phillips Drive:

Rob Pero advised the Committee that a Notice of Decision was sent informing the Applicant of Council’s approval of the requested zoning by-law amendment. Advancement of the project is expected to commence once the Village’s new water treatment plant is operational and expanded water capacity is available in 2025.

6. Old Business: None

7. Reports:

(i) Building Permit Report – January 2024:

Monthly Building Permit Summary	January 2024	January 2023
Total Permits	2	2
Estimated Value of Construction	\$73,000.00	\$40,000.00
Fees Collected	\$569.25	\$330.00

08 April 2024

The Year-to-Date totals ending the month of January 2024 were as follows:

Building Permit Summary YTD	YTD Ending January 2024	YTD Ending January 2023
Total Permits	2	2
Estimated Value of Construction	\$73,000.00	\$40,000.00
Fees Collected	\$569.25	\$330.00

(ii) **Building Permit Report – February 2024:**

Monthly Building Permit Summary	February 2024	February 2023
Total Permits	3	2
Estimated Value of Construction	\$75,000.00	\$76,800.00
Fees Collected	\$603.75	\$598.25

The Year-to-Date totals ending the month of February 2024 were as follows:

Building Permit Summary YTD	YTD Ending February 2024	YTD Ending February 2023
Total Permits	5	4
Estimated Value of Construction	\$148,000.00	\$116,800.00
Fees Collected	\$1,173.00	\$928.25

(ii) **Building Permit Report – March 2024:**

Monthly Building Permit Summary	March 2024	March 2023
Total Permits	4	2
Estimated Value of Construction	\$389,000.00	\$57,000.00
Fees Collected	\$2,914.75	\$453.25

The Year-to-Date totals ending the month of March 2024 were as follows:

Building Permit Summary YTD	YTD Ending March 2024	YTD Ending March 2023
Total Permits	9	6
Estimated Value of Construction	\$537,000.00	\$173,800.00
Fees Collected	\$4,087.75	\$1,381.50

Rob Pero noted that building permit totals for the first quarter of the year illustrated the seasonal trend for the typical level of construction activity over the winter months. The nature of the projects (windows, siding, and general renovations) were typical of past seasonal trends. Worth noting was the permit issued for a new home construction in the Centennial Gardens Subdivision on Boxwood Lane, which contributed to increased year-to-date totals as compared to March 2023.

8. New Business:

(i) **Zoning By-law Amendment 04-01-2024 – Proposed 10-Unit Apartment Building – 7 Atkinson Lane:**

Rob Pero discussed with the Committee that on March 20th, 2024 Council adopted a resolution to formally request PAC's review and recommendations on the application to re-zone 7 Atkinson Lane from a Residential Zone Two (R-2) to a Residential Main Street Zone Four (R-4) to enable the future development of a 2 (two)-storey, 10 (ten)-unit apartment building.

08 April 2024

Per Village policy, property owners within 100-metres of the subject site were provided written notice of the scheduled PAC meeting and the May 8th Public Hearing, details of the re-zoning application, and were advised of the opportunity to submit comments in person, or in writing, for PAC's consideration. Three residents submitted written comments, one of which was also in attendance at the meeting. Although they were encouraged to attend, there was no representation at the meeting on the part of the applicants.

Concerns about the proposed driveway accesses, and the potential impacts the development could pose to traffic dynamics and safety in the general area were the dominant themes expressed in the communications received from the public. The attending resident expressed concern for multiple opportunities for traffic conflicts due to the street and intersection geometry and vehicle speeds on New Maryland Highway, and provided accounts of existing traffic challenges he has observed as a long-standing resident of Baker Brook Court.

Much discussion ensued on various topics, and it was also noted that the preliminary building plans did not yet fully reflect the basement units as being separate from their respective 2-story units.

With respect to proposed Zoning By-law Amendment 04-01-2024, PAC recommended further consideration of matters such as: the merits of relocation of the fire hydrant on Atkinson Lane; the proposed location of a service room within the building; whether relocation of proposed Lot 24-1 would allow for site development flexibility; the appropriateness of five driveways for a development considered as an apartment building; the need for, and the effectiveness of, a no parking zone on Atkinson Lane, and whether school bus stops on Kerry Lane or Atkinson Lane would be impacted. The Committee further recommended that the following also be considered in Council's review of the requested re-zoning and development proposal:

- a) Any such approval of the re-zoning of the property to a Residential Main Street Zone Four (R-4) be subject to a Section 59 Agreement with particular emphasis on site services, storm water management and landscape buffering requirements with the use of deciduous and coniferous plantings which are to be shown on a landscaping plan to the satisfaction of the Development Officer;
- b) The applicant be required to consult with the New Brunswick Department of Transportation and Infrastructure (NB DTI) and provide a copy of their written response with regard to the proposed driveway access to New Maryland Highway;
- c) The applicant be required to submit a qualified consultant's report/traffic study that comments on, and provides solutions to, risks the proposed driveways may pose to traffic dynamics and traffic safety on New Maryland Highway and Atkinson Lane;
- d) The site be developed substantially in accordance with the conceptual site plan, to the satisfaction of Council and the Development Officer;
- e) Additional parking stalls to be added to the rear parking lot for the convenience of tenants and visitors;
- f) A minimum of 1 (one) barrier-free parking stall to be provided as per the Zoning By-law;
- g) The building exterior designs and finishes shall be in accordance with the Village Zoning By-law for the New Maryland Highway Central Corridor Overlay Zone;
- h) Firefighting and fire protection requirements shall be to the satisfaction of Village Council, Fire Chief and Village Engineer;
- i) Municipal water and sanitary sewer capacity be allocated and held available for the development for a period of 2 (two) years upon any enactment of the requested amendment and subject to registration of a Section 59 Zoning Agreement; and,
- j) All construction shall be in accordance with all applicable Village by-laws & policies.

08 April 2024

(ii) **Appointment of PAC Members:**

Rob Pero discussed that the terms of office for PAC members Gillian Ash-Richard, and Councillor Tim Scammell are scheduled to expire in June 2024.

In accordance with the Village's Procedural By-law No. 50, when a vacancy opportunity arises, or when the term of membership of a current committee member is due for renewal, notification shall be posted via the Daily Gleaner and social media advertising of the opportunity for membership on PAC. Residents interested in a membership role, including a current member whose term is about to expire, must submit an application form for Council's consideration.

Rob Pero advised that public notice would soon be posted to advertise the PAC membership opportunity.

8. **Time and Date of Next Meeting:**

06 May 2024 @ 7:00 p.m. at Council Chambers.

10. **Adjournment:**

MOVED BY Mike Pauley to adjourn the meeting at 8:43 p.m. **MOTION CARRIED**

Respectfully submitted,

Rob Pero
Building Inspector / Development Officer

Rob Pero
Building Inspector / Development Officer

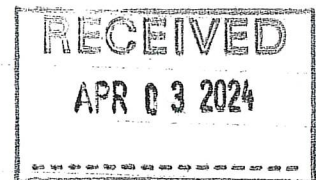
Sam McEwan
Vice-Chairperson

RE: 04-01-2024
7 ATKINSON LANE

To
Planning Advisory Committee

The property at the corner of Atkinson Lane and the New Maryland highway has been a Residential Zone (R2). I believe it should stay that way. Houses are one thing - Apartments are another. Traffic at the corner would be a problem. If that lot can be rezoned what's to prevent others from doing the same thing. Springwater Place is a pleasant, quiet neighborhood. Lets keep it that way.

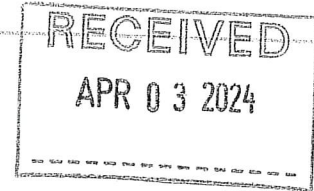
Margaret Durrell
22 Atkinson Lane



Rob Pero

From: Village Office
Sent: April 3, 2024 2:27 PM
To: Rob Pero
Subject: FW: Contact VONM

From: Jotform <noreply@jotform.com>
Sent: Wednesday, April 3, 2024 2:03 PM
To: Village Office <office@vonm.ca>
Subject: Re: Contact VONM



Contact VONM

Name ron stewart
E-mail
Phone Number (E3C 1B4) (506) .)

Message In response to the PAC meeting and public hearing for the proposed 10 unit apt development at 7 Atkinson Lane - we feel this proposed development is NOT reasonable for this location for the following reasons:

1. Proximity of 5 driveways onto Atkinson so close to the Highway corner/stop sign.
2. Proximity of an additional shared driveway access just below the busy intersection.
3. Transport truck & vehicular traffic coming down the hill is too fast for additional congestion in this area.
4. Baker Brook residents already have 4 points to negotiate when turning left into the City. Incoming from the City, outgoing from the Village, Atkinson exiting towards the City, and those turning left into Atkinson. There is little time now to safely exit our Court without added access across the Highway.

We hope these safety concerns will be seriously considered by the Planning advisory Committee for the Monday April 8th

meeting, as well as the Public Hearing in May.

Sincerely,
Ron & Martine Stewart
9 Baker Brook Lane

We feel the additional traffic will pose safety concerns, not only for the surrounding residents, but for all who travel into and out of the Village every day.

You can [edit this submission](#) and [view all your submissions](#) easily.

Rob Pero

From: Village Office
Sent: April 5, 2024 12:19 PM
To: Rob Pero; Audrey Harper
Subject: FW: Contact VONM

From: Jotform <noreply@jotform.com>
Sent: Friday, April 5, 2024 12:12 PM
To: Village Office <office@vonm.ca>
Subject: Re: Contact VONM

Contact VONM

Name Richard Alain

E-mail [REDACTED]

Phone Number [REDACTED]

Message
Regarding the Public Hearing, May8 I strongly believe that the proposed apartment should be served by a single driveway with access only to Atkinson Dr. Ten to 20 vehicles should not be upsetting the regular Highway 101 traffic flow. Those vehicles should be required to feed off the existing roadway.

You can [edit this submission](#) and [view all your submissions](#) easily.

Re: Zoning Bylaw Amendment Application: Residential Development at 7 Atkinson Lane, Village of New Maryland, New Brunswick (PID: 75062455)

The following are my comments and concerns relating to the proposed amendment.

The submission seems to adequately cover all of the zoning bylaw requirements related to the placement of the apartment building and is best assessed by the highly qualified Village of New Maryland staff. However, it does nothing to address the impact of the construction and subsequent operation of the apartment building on the village and more importantly the residents of the Springwater subdivision. The submission mentions the “client” of Bowers Construction and in order to address the impact of this construction and operation, I feel that VoM should request a formal submission from the “client” that addresses the following issues.

1. Who is the “client” and what are their formal qualifications regarding the construction and property management of similar apartment buildings. I assume the client is the registered property owner and landlord.
2. Last year, residents willingly endured the traffic and construction work associated with the Baker Brook improvement because it was a benefit for the entire community. Due to the corner location of the proposed building it is not hard to imagine a similar amount of disruption due to the construction will occur. This is particularly true in the morning hours between 7AM and again in the PM between 4PM and 6. Following construction (in the fall?), the local traffic patterns will be affected by school buses, parents taking their children to local daycares and people waiting to turn onto or from Atkinson Lane. I believe the client should be required to have a formal traffic impact assessment done and submit to VoM and residents for comments. I also believe it would be wise for VoM to have this assessment for potential future liability issues relating to any traffic accidents. I have lived here for 10 years and am becoming increasingly worried about a

severe auto accident at the corner of Atkinson Lane and highway 101 that could result in injuries or worse.

Over the past couple of years there has been a substantial increase in the number of vehicles in the Springwater subdivision with some households having up to 5 and six cars parked in their driveways. Atkinson Lane is now a very busy street with some drivers routinely ignoring the 40 kph speed limit.

3. What will be the expected effect on nearby housing values as a result of the new building? If they increase, nearby house taxes will increase on top of recent increases due to the inflated real estate market. If they decrease, owners will be very upset.
4. Current Springwater home owners take great pride in the appearance of their homes. In my view, the proposed two story apartment building does not complement the current homes. Also, rental apartments tend to have more transitory occupants whose interest in property appearance is of little concern. What measures will the client/landlord have in place to ensure the building remains properly maintained?

It is my position that the client conducts the necessary formal surveys to adequately answer the following questions and then submit it in writing to the VoM and residents review.

1. What are the benefits and drawbacks to the VoM and the residents of Springwater subdivision of this project? Right now, it appears the major beneficiary would be the client.
2. What are the impacts on traffic patterns particularly at the corner of Atkinson Lane and highway 101 during peak weekday hours?
3. What are the projected effects of the project on property values?
4. What assurances will the client/landlord have in place to ensure their property is maintained and that tenants respect local bylaws on noise etc?

Until I have an opportunity to review the above submission from the client/landlord, I am firmly against the rezoning application.

With respect to the upcoming public meeting, I suspect many of the questions from residents will be about the effect of the apartment building on the Springwater subdivision as opposed to the details of how the property placement by-laws are satisfied. It may be wise to consider postponing or scheduling a second meeting until additional information from the client has been obtained.

Feel free to contact me via email if further clarification is required.

Yours truly,
Brian Smith
45 Atkinson Lane

Rob Pero

Subject: FW: Comments on Zoning By-law Amendment 04-01-2024

From: Howard L Slaney <[REDACTED]>
Sent: Saturday, April 20, 2024 8:44 AM
To: Cynthia Geldart <cynthia.geldart@vonm.ca>
Subject: Comments on Zoning By-law Amendment 04-01-2024

Good morning, Cynthia,

I would like to comment on the proposed Zoning By-law Amendment for 7 Atkinson Lane.

I don't feel strongly for or against the proposal. However, young children, animals, and other vehicles do sometimes come into the street suddenly, and surprise drivers. So, it seems to me that it would be much safer to have a single entrance onto Kerry Lane, as opposed to five entrances onto Atkinson Lane, and one onto the highway.

In reviewing the application, I would ask that Council consider the following questions:

1. Do the units on Atkinson Lane have shorter driveways than other residences in the neighborhood?
2. Are the driveways long enough to accommodate a moving truck, or both a car and a delivery truck?
3. Is there a convenient way for movers and delivery trucks to serve the units facing Atkinson Lane from the proposed parking lot?
4. Will street parking be allowed on this section of Atkinson Lane?
5. Is there a way for vehicles to turn around in front of the building, so they wouldn't need to back onto Atkinson Lane when leaving, or back into their driveways from the other side of Atkinson Lane when they arrive?
6. Is there a reason why driveways elsewhere in the Village are not as closely spaced as the ones in this proposal?
7. Will the spacing between driveways cause high snow banks that might make anything or anyone in the last few feet of a driveway invisible to traffic on Atkinson Lane?

Thank you very much,

Howard Slaney

Rob Pero

Subject: FW: Re-zoning on Atkinson Lane

From: Cindy Tulk <[REDACTED]>
Sent: Tuesday, April 9, 2024 4:58 PM
To: Cynthia Geldart <cynthia.geldart@vonm.ca>
Subject: Re-zoning on Atkinson Lane

You don't often get email from [REDACTED]. [Learn why this is important](#)

To the village of New Maryland:

As residents of 160 Atkinson Lane we are very strongly opposed to this re-zoning application. That particular location provides one of the first impressions for people coming into the village of New Maryland. This area has always been single family dwellings consisting of well kept homes, and is a sought- after area. We would be concerned that a 10 unit apartment building would impact the look of the neighborhood and potentially impact the real estate values. This would also create more traffic on what is already a busy intersection. Residents closer to this location would likely be impacted more negatively than we would. We don't think it's fair that people who recently purchased homes in this area could now be subjected to a change of this magnitude. Other, locations in the village could be considered for bringing together high density housing options. This would be a better solution than having a random apartment complex in a mature and established single family home area. We hope you will consider these concerns when making your decision.

Sincerely,
Bill and Cindy Tulk