



**QUISPAMISIS TOWN COUNCIL
REGULAR MEETING
MINUTES**

**January 16, 2018, 7:00 pm
Council Chambers
Quispamsis Town Hall**

Present:

Present:

Mayor Gary Clark
Deputy Mayor Libby O'Hara
Councillor Lisa Loughery
Councillor Sean Luck
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Pierre Rioux
Councillor Beth Thompson
Deville, Susan; CAO
Kennedy, Aaron; Communications Manager
Losier, Gary; Director of Engineering & Works
McGraw, Jo-Anne; Town Treasurer
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk

1. Approval of Agenda

Moved By Councillor Olsen
Seconded By Councillor Loughery

The Agenda be approved with the addition of the 'Amalgamation Issue' under New Business.

Motion Carried

2. Mayor's Comments (none)

3. Moment of Reflection

Councillor Luck read the Moment of Reflection.

4. Disclosures of Interest

No disclosures were declared.

5. Presentations (none)

6. Public Hearings

6.1 Proposed Municipal Plan By-law No. 054

Presentation by Municipal Planning Officer, Dwight Colbourne

Mr. Colbourne presented an overview of the Municipal Development Plan, comprised of a nine (9) part Planning Document, and three (3) attached Schedules – A) The Plan; B) The Future Land Use Map and C) the Five Year Capital Plan. Highlights of the plan include -

- Establishment of policies and proposals to guide future land use and development in Quispamsis over the next 10 year period, with a mid-term review proposed for 2022 – 2023. It will guide Council, Committees and Staff in the decision making process and day to day operations and enable residents to know the goals and objectives of the Town.
- A 'Living Document' reflective of the trends and needs of the community.
 - Establishing a Municipal Plan Working Group consisting of community representatives, business owners, developers, staff, etc.
- Foundational statements based on Smart Growth Principles – include -
 - Mixed land uses,
 - Range of housing options for all ages and families,
 - Building a sustainable, healthy, vibrant, inclusive and safe community,
 - Walkable neighbourhoods,
 - Livable communities, focused on maintaining and enhancing the natural environment, and fiscal responsibility through sound budgetary practices, transparency and accountability to citizens.

6.1.1 Planning Advisory Committee's Recommendations – A Notice of Decision from PAC expressed the Committee's support of the proposed Municipal Plan with noted questions directed to the Municipal Planning Officer for consideration and incorporation into the proposed Plan.

The following residents spoke to the proposed Municipal Plan By-law No. 054:

Bernard Beukeveld; 15 Lionel Drive –

- Well written document;

- Measurements should be stated in the metric system, (reference to imperial could be noted in brackets); and measurements in all building/development plans should be metric.
- Public Transit – important to retain a public transit service, but should replace large buses with smaller buses to make program more sustainable.
- Riparian Water Rights – With the Kennebecasis River and the Hammond River making up two of the Town's boundary lines, Mr. Beukeveld suggested the Town could provide more education on Riparian Water Rights. Waterfront property owners don't necessarily know, he said, of people's right to move along the shoreline of a waterway. While an owner of land adjacent to a body of water has certain 'riparian rights', which provides them the right of access to the water as a property right, the land between the high and low water marks is owned by the Crown and is considered a public asset for the public to enjoy.

Steve Sanderson, 19 McCarron Drive – Mr. Sanderson spoke to the proposed Municipal Plan By-law No. 34, as highlighted below:

- Disagrees with statement 'to hold the tax rate' stating he has counted 134 places in the proposed document that will cost the Town money to implement – expansion, asset management, water studies, etc.
- Important to have review every five years, and a checklist review every year.
- Important to have focus group of all ages – engage youth, find out what will keep them here;
- Water conservation - 100% of the town's water supply is groundwater.
- Prohibit clear cutting of trees.
- Approves partnership with ESJ for economic development.
- Active Transportation to be done safely – eliminate concrete curb on streets and develop bicycle lanes.
- Increase Street Capital Budget.
- Utilize, as a united voice, the UMNB platform when lobbying Provincial Government – PPP Program, LSD Equalization Grants.
- Quispamsis has one of the youngest populations in Canada

Brian Hudson, 31 Merritt Hill Road – Mr. Hudson provided his observations concerning the new Proposed Plan, as highlighted below –

- Change only happens when one is prepared to effect change.
- Strategy is in the budget process; an annual review of municipal operations and accomplishments reflected through expenditures.
- The Park and Ride Comex Service is not the full public transit system he is accustomed to seeing in other municipalities.
- Overall, Mr. Hudson commended the Town for a better Municipal Plan document than what he has seen in the past.

Rick Turner, Hughes Surveys - Mr. Hughes stated, as a local surveyor, he has worked over the years with developers and homeowners, and offered the following observations on the proposed new municipal plan –

- The new plan is more user friendly.
- Big focus on fiscal responsibility.
- Appreciates the concept of a Municipal Plan Working Group whose mandate will be to review the Plan periodically.
- Expressed approval of the secondary housing concept, acknowledging the popularity of the tiny homes and secondary suites that are being adopted across the country. Great opportunity to allow people to stay in their communities.
- Acknowledged the commercial residential mix, common in European communities makes for a vibrant society.

Mayor Clark asked three times if anyone wished to speak further for or against the proposed Municipal Plan By-law No. 54. No one further spoke.

Council Members thanked the Municipal Planning Officer for his quality presentation of a very good, solid Municipal Plan document that will be well supported by the general population over the next decade.

Moved By Councillor Olsen

Seconded By Deputy Mayor O'Hara

First Reading be given to Proposed Municipal Plan By-law No. 54.

Motion Carried

Moved By Councillor Miller

Seconded By Councillor Luck

Second reading be given to Proposed Municipal Plan By-law No. 54.

Motion Carried

6.2 (Dec.5/17) Wash 66 – Portion of PID No. 30256226 off Pettingill Road – Request to Amend Section 39 Developer's Agreement Re Timelines for Carwash Development – Dr. Jeff Sheppard

Dr. Sheppard's application requested Council to amend his Wash 66 developer's agreement to extend the timelines for the development of the car wash. The design plans, he said, have not changed from what Council had previously approved at the February 21, 2017 Regular Meeting. The land purchase was finalized in December 2017, a separate PID No. is anticipated by January 2018

through the subdivision process, with plans to break ground by March - April 2018 to have the car wash operational by the end of September.

6.2.1 Planning Advisory Committee's Recommendation – PAC's Notice of Decision indicated its support of Wash 66's proposed amending agreement to extend the timelines of the previous proposal, subject to the developer making the necessary building permit application to the Town for construction by the end of 2018.

Mayor Clark asked three (3) times if anyone wished to speak for or against the proposed amendment. No one spoke.

Moved By Deputy Mayor O'Hara
Seconded By Councillor Loughery

Council approve the amending Section 39 CPA developer's agreement between Wash 66 Ltd. and the Town of Quispamsis on a portion of PID No. 30256226 in order to extend the timelines of the previous proposal, as noted, subject to the appropriate Parcel Identification Number (PID) being identified in the agreement once it becomes available through the registration of the subdivision plan to create the separate parcel for the car wash facility; and subject to the Developer making the necessary building permit application to the Town for construction completion by the end of 2018.

Motion Carried

6.3 (Dec.5/17) Master Enterprises Ltd. – Hamel Drive Integrated Development – Request to Amend Section 39 Development Agreement

Mr. Rick Turner, Spokesman, Hughes Surveys & Consultants Inc., Representing Shareholders - Andrew Harrigan, Brad Lockhart (In Attendance), Sean Hall (out of town); Current Owner, Murray Carpenter, (In Attendance).

Mr. Turner stated the new shareholders are in the process of purchasing Master Enterprises Ltd.'s previously zoned Integrated Development property from Mr. Murray Carpenter and plan to carry out the development on PID No. 00173732, situated adjacent to Route 119. As a condition of the sale of the company, the proposed new shareholders are seeking the following amendments to the Section 39, CPA agreement:

- extend the timelines for completion of the development;
- to permit the developer to increase the footprint of the multi-residential buildings, increasing the total number of units by 13, (from 96 to 109), 6.74 units per acre;
- to modify the architectural design;
- to increase the number of phases for completion of the whole development from four to five;
- to establish setback variances for the design of some of the garden homes;

- to allow for full street construction to coincide with development phases;
- to incorporate a repayment schedule for an outstanding municipal sewerage levy, and
- to modify the Land for Public Purposes plan.

6.3.1 Planning Advisory Committee's Recommendation – A Notice of Decision from PAC indicated its support of the proposed amendments to Master Enterprises Ltd.'s development agreement as well as approval of a variance of one decimal five (1.5) meters of property line setback so long as the design meets with the current adopted edition of the National Building Code of Canada; with other building location setbacks to be considered under a separate application as the final designs are yet to be submitted to the Town.

6.3.2 Letter Received from Art and Lorraine Scott Re Drainage Concerns off Millican Drive

Mr. Art Scott of 36 Millican Drive – Mr. Scott expanded upon his letter of January 9, 2018, stating his main concerns are -

- Drainage – questioned if the development will affect the water run-off from his property, noting water from both sides of Millican Drive flows between his property at 36 Millican Drive and 38 Millican Drive. The proposed development is situated directly behind his property, which is where the water naturally dispenses, sometimes in massive amounts, from the partially open and closed ditch that runs between the above noted properties. The development plans do not reference this waterway. He questioned if the area will remain an open ditch or be piped, and who will be responsible for its maintenance.
- Trees - requested as many trees as possible remain to provide a sound barrier.
- Suggested Millican Drive be upgraded due to increased traffic from the new development.

Mr. Turner, in his summation, responded to Mr. Scott's concerns stating the site drainage is a focus that will be taken into account as part of the development, which will adequately address Mr. Scott's concerns re the drainage. He noted stormwater management plans were prepared with the original proposal tying in the Millican Drive water discharge into the proposed development's stormwater system, which will include a catch basin. He offered to review the plans with Mr. Scott to show him how they will address his concerns. Trees, he said, will be retained as much as possible, and further, 30 percent of the property will be turned over to the Town as Land for Public Purposes.

Council Members expressed their pleasure that plans are in place to address Mr. Scott's concerns. Construction behind Mr. Scott's property will be in the last phases of the development. Also noted was the need for the Developer to address the stormwater near Brook Street which is already a problem area. Mr. Hughes stated they are looking at creating a dam like affect to catch water effectively in this area.

Moved By Councillor Olsen

Seconded By Councillor Thompson

Council direct the Town Solicitor and the Municipal Planning Officer to incorporate the proposed amendments into a draft amending agreement to be submitted to Council for final approval.

Motion Carried

6.4 (Dec.5/17) A. Malcolm Properties Ltd.'s Rezoning Application – Proposed River View Estates Multi-Residential Development – R1 to R2 – PID NO. 30325906 – 23.3 Acre Property off Merritt Hill and Matthew's Drive (Adam Hoar)

Mr. Hoar noted his proposed rezoning application to rezone the aforementioned land from Single Family Residential (R1) to Multiple Residential (R2) for the purpose of building two – 36 unit apartment buildings has not changed from his presentation of December 5, 2017. The phased development will include a future similar building with expansive areas of natural woodlands to remain with walking trail connections to Matthews Cove and the qplex' existing trail system. He stated these high end, often retirement communities are attractive to people who want to stay in the community but who do not want property maintenance responsibilities and tend to have very little changeover in residency.

6.4.1 Planning Advisory Committee's Recommendation – A Notice of Decision from PAC indicated its support of the proposed River View Estates Multi-Residential Development rezoning from R1 to R2, subject to the following conditions:

1. Compliance with Section 6.(Y) of Zoning By-law No. 038 – submission of a Hydrogeological Report;
2. Submission of a Comprehensive Storm Water Management Plan as designed by a registered professional engineer, and
3. Compliance with Section 6.(R) of Zoning By-law No. 038 regarding Lighting Facilities and Illuminating Devices – lighting to not cause a nuisance or a safety hazard, (downward directed).

6.4.2 Letters Received from Concerned Residents

Mr. & Mrs. James Donnelly, 4 Aaron Avenue – Opposed proposed rezoning due to concerns about sufficient groundwater, blasting and traffic.

Emily Colwell & Ryan Melanson, 17 Matthews Drive – Supports modern buildings likely to attract young working professionals and development of the land to walking trails. However, concerned about increasing traffic on Matthews Drive, noting if plans were made permanent to connect to Meenan's Cove Road, it would completely extinguish their only concern of traffic.

Lena Jarvis, 5 Aaron Avenue – Opposed proposal due to fear of diminishing property values, groundwater supply, and increased traffic.

Jane & David Soper, 620 Gondola Point Road – Suggested these dwellings would be better built closer to town services, conveniences and commercial areas; concerns re sufficient groundwater, traffic flows and future connections, including request if there will be a future connection to the Gondola Point Arterial; and if an environmental impact study has been done.

Mayor Clark invited those wishing to speak for or against the proposed rezoning application to come forward -

Brian Hudson, 31 Merritt Hill

- Recognizes the need for Multiple Residential development, which is in line with the new Municipal Plan.
- Concerns re increasing traffic volumes on Matthews Drive and Merritt Hill Road. He questioned the long term plans with respect to access road, and who will own the road.
- Questioned the plans re where household garbage and recyclable pickup will be noting he has concerns that garbage may blow over the neighbourhood.
- Requested as many trees as possible remain for privacy.
- Feels proposed development is a good mix for Quispamsis.

Michael Murphy, 17 Kane Road –

- While he noted alternative housing is good for the community, he suggested the project would be better served with access off the Gondola Point Arterial and/or Meenan's Cove Road. Kane Road, he said, is not built to handle the increased traffic which will ruin the quiet character of this street.

Jackie Jerkins, 55 Merritt Hill Road

- Concerned re if there is sufficient groundwater to handle the new development, and what the Town intends to do if their wells go dry.

Derek Zwicker, 9 Aaron Avenue –

- Pleased with quality of A. Malcolm Properties' workmanship
- Wants appropriate safeguards in place for surrounding property owners concerning assurances there is sufficient groundwater to support the development.
- Assurances that any blasting will not cause neighbouring homes' foundations to crack.
- Development to include proper treed buffer zones.
- Paving of Matthews Drive due to increased traffic.
- Confirmation that access will be strictly off Merritt Hill and Matthews Drive, and not off Aaron Avenue.

Wayne Crompton, 4 Kane Road –

- Kane Road is too narrow and not built to handle the increased traffic that the proposal will create.
- Poor visibility turning off Kane Road onto the Quispamsis Road.
- Concerned about water, noting his water has run dry once already.
- Glad to see alternative housing being built in the community as many are looking to downsize.

Bernard Beukeveld, 15 Lionel Drive –

- Checks and balances should be put in place for aquifer volume tests, stating when Lionel Drive was being developed, the aquifer tests at the time indicated sufficient water, but down the road, there has since been many of his neighbours who have had to dig deeper wells. Apartment buildings, he feels, should be on municipal water systems.

Mayor Clark asked three times if anyone further wished to speak for or against the proposed rezoning. No further speakers.

The Proponent, Adam Hoar of A. Malcolm Properties, in his summation, addressed concerns expressed by the residents:

- Garbage and recycling materials are all stored inside the building in a garbage room. The garbage truck backs up into the garbage room and empties the bins from inside, so no garbage or recycled materials are stored outside.
- Similar to his recent development, “The Meadows”, in Rothesay, the road leading into the gated apartment complex is private and will be privately maintained.
- Phases 3 and 4 of the project are likely five years out and are market dependent
- Treed buffers are good from 8m to 20 m. He will try to keep as many trees as possible.

Dr. Matt Alexander, Environmental Sciences Manager, Fundy Engineering . advised Council Fundy Engineering has undertaken a Comprehensive Water Supply Source Assessment (CWSSA) for Phase 1 of Riverview Estates. An extensive desk top survey of wells within a 750 radius of the development was done with results consistent with other CWSSA projects they have done in Quispamsis with respect to water quantity and quality. Drillers logs from 53 wells were reviewed and data indicated fractures within bedrock of the area are able to yield sufficient volumes of water to supply single family residences with potable water requirements. On January 8 and 9, 2017, hydraulic testing from a groundwater well was completed for Phase 1, and the report will be completed within the coming weeks. Water quality analyses typically take 2 – 3 weeks, however the desktop survey suggests there are some common groundwater quality exceedances in the area which can be easily remediated using conventional water treatment technologies. A high level review of the hydraulic data collected indicates yields are suitable for the development. Lower consumption rates will be attributed to the installation of low volume fixtures and appliances standard throughout the complex. The similar Meadows Project consumes only ¼ of the water that was expected, noting it is predominately a seniors’ building, and seniors use less water than a typical family. Dr. Alexander stated once the CWSSA is completed, the full report will be submitted to the Town.

In response to queries re Kane Road, the Director of Engineering & Works stated narrower right of way creates a traffic calming effect.

Mr. Hoar stated he is hoping any blasting requirements would be kept to a minimal.

Moved By Councillor Olsen
Seconded By Deputy Mayor O'Hara

Consideration of first reading be given to proposed Zoning By-law Amendment No. 38-25 concerning the rezoning of PID 30325906 from R1 to R2.

Motion Carried

Moved By Councillor Thompson
Seconded By Councillor Rioux

Second reading be given to proposed Zoning By-law Amendment No. 38-25 concerning the rezoning of PID 30325906 from R1 to R2; with consideration of Third and Final reading pending the finalization of a Developer's Agreement.

Motion Carried

7. Minutes of Previous Meetings

7.1 December 19, 2017 - Regular Meeting

Moved By Councillor Miller
Seconded By Deputy Mayor O'Hara

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business(none)

9. Correspondence

9.1 New Local Governance Act and Community Planning Act Announcement and Background Information

Correspondence from Ryan Donaghy, Acting Assistant Deputy Minister of Local Government announced, effective January 1, 2018, the new *Local Governance Act* will replace the *Municipalities Act* and the modernized *Community Planning Act* will replace the former *Community Planning Act*. Links were provided to the new LGA and CPA.

Moved By Councillor Rioux
Seconded By Councillor Loughery

Council receive and file the Memorandum from the Acting Assistant Deputy Minister of the Department of Environment and Local Government, and the

background information, acknowledging that the Province is still working on its draft Guide to these Acts which will be distributed to Municipalities upon completion, as well as the expectation that the Province will be conducting workshops to orientate NB Municipalities on the highlights and impacts of the New Local Governance Act and Community Planning Act.

Motion Carried

- 9.2 The Women for 50% - Request for Financial Support - Letter from Moncton Mayor Dawn Arnold and Grand Bay-Westfield Mayor Grace Losier – The above referenced letter requested a financial donation from the Town to support the *Women for 50%* movement, whose goal is to have 50% female candidates run in the September 24, 2018 Provincial election. To accomplish this they plan to create awareness and encourage women to run as well as to build a sustainable infrastructure to support women who are running in the next provincial election.

Moved By Councillor Miller

Seconded By Councillor Olsen

Mayor Arnold and Mayor Losier be asked to provide further information as to their funding requirements/expenditures for the *Women for 50%* initiative before Council renders a decision.

Motion Carried

10. By-laws

- 10.1 Proposed Sewerage Utility By-law No. 005-17

Proposed Sewerage Utility By-law No. 005-17 was read in its entirety.

Moved By Deputy Mayor O'Hara

Seconded By Councillor Olsen

Third and final Reading be given to Sewerage Utility By-law No. 05-17.

Motion Carried

- 10.2 Proposed Water Utility By-law No. 024-12

Proposed Water Utility By-law No. 024-12 was read in its entirety.

Moved By Councillor Miller

Seconded By Councillor Luck

Third and final Reading be given to Water Utility By-law No. 024-12.

Motion Carried

11. New Business

11.1 Amalgamation Issue

Councillor Olsen referenced the City of Saint John Council's recent motion calling on the Province to investigate and consider amalgamation of the greater Saint John area into one single Saint John Regional Municipality. He acknowledged Quispamsis, since the 1998 amalgamation, has contributed \$8.2 million to the City of Saint John's five regional facilities, (Harbour Station, Imperial Theatre, Saint John Arts Centre, Trade and Convention Centre, and the Aquatic Centre as well as Enterprise Saint John). In addition, Quispamsis has been for many years annual contributors to several Saint John organizations including PRO Kids, Cherry Brook Zoo, Key Industries, UNBSJ, Dalhousie Medicine, the Greater Saint John Field House and the Saint John Theatre Company. Further, Quispamsis has partnered with the City's SJ Transit Commission through the Comex bus system, and over the next year will co-host with the Saint John several high profiled sport tourism events – Canada 55+ Games, Acadian Games, World Under-17 Hockey Tournament and the Skate Canada Nationals. Councillor Olsen concluded his comments by noting Quispamsis already considers itself an active partner with the City of Saint John, and has no appetite whatsoever to amalgamate with the City who has a current tax rate of \$1.79 vs. Quispamsis' \$1.29.

Moved By Councillor Olsen

Seconded By Councillor Loughery

A letter be sent to Premier Gallant informing him of the many contributions Quispamsis has made and continues to make to the City of Saint John since the 1998 amalgamation of the outlying areas, and clearly indicating Quispamsis' position that while it continues to have an interest in regional cooperation, Quispamsis has no appetite whatsoever to amalgamate with the City of Saint John, and the letter be copied to the two MLA's, Blaine Higgs and Doug Crossman; and to the Mayors & Councils of the Towns of Grand Bay-Westfield and Rothesay.

Motion Carried

12. Reports

- 12.1 Royal Canadian Legion - Kennebecasis Branch No. 058 - Letter of Appreciation to qplex Staff
- 12.2 UMNb - 2018 Membership Renewal
- 12.3 Saint John Region Chamber Renewal

- 12.4 Planning Advisory Committee - December 12, 2017 Minutes
- 12.5 Town of Rothesay Re Hampton Road Medians
- 12.6 News Releases Re Cannabis - Growth Plans for Cannabis Industries and Cannabis NB Retail Locations

Moved By Councillor Rioux
Seconded By Councillor Thompson

Reports be received and filed.

Motion Carried

13. Business Arising from Committee of the Whole (none)

14. Adjournment

Moved By Councillor Thompson
Seconded By Councillor Luck

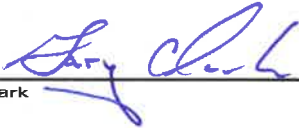
Meeting adjourn.

Motion Carried

Meeting adjourned at 9:50 p.m.

X

Gary Clark
Mayor



X

Catherine P. Snow
Clerk

