



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – April 12, 2022

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| Present: | Darren Bishop | Mark Guest |
| | Darin Lamont (Virtual) | Chrissy Scott, GIS Technologist |
| | Brenda Fowlie | Jennifer Jarvis, Planning Technologist |
| | Brent Preston | Violet Brown, PAC Secretary |
| | Kendall Mason (Virtual) | S. Dwight Colbourne, Municipal Planning Officer |
| | Marc Gosselin | |

1. Call to Order

Due to the Chairperson Darin Lamont attending virtually, Darren Bishop stepped into the position of Chairperson in order to operate the audio system and called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Moved By Marc Gosselin

Seconded By Kendall Mason

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Brent Preston

Seconded By Brenda Fowlie

That the minutes of the previous PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Darren Bishop

Seconded By Mark Guest

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 8 Pleasant Avenue - Foundation Elevation Variance

Steven Tibbetts attended requesting approval for a Foundation Elevation Variance for 8 Pleasant Avenue, PID 30016034.

Ms. Jarvis introduced the application noting that as per Section 6.(F) of Zoning By-law 038, the finished floor elevation of the first storey is to be at least one (1) metre above the centerline grade of the street. The proposed elevation of the finished floor of the first storey is to be level with the centerline grade of the street, therefore, a one (1) metre variance is required.

Mr. Tibbetts stated that they would like to build something on one level and added that this is the best spot for drainage.

Moved By Mark Guest

Seconded By Brent Preston

That the Planning Advisory Committee grant the one (1) metre Foundation Elevation Variance to Section 6.(F)(1) of the Zoning By-law 038, for 8 Pleasant Avenue, PID 0016034, subject to the following terms and conditions:

1. The preparation of the "Hold Harmless" agreement should be executed prior to approval of the final inspection of the dwelling; and
2. A building permit is issued prior to construction.

Motion Carried

7.2 46 Bonnell Drive - Foundation Elevation Variance and Waterfront Review

Wayne Walker attended requesting approval for construction on a lot bordering the waterfront, a variance to Foundation Elevation, and a side yard Variance for 46 Bonnell Drive, PID 30341127.

Mr. Bishop read the required variances of the finished floor elevation of the first storey is to be at least one (1) metre above the centerline grade of the street as per Section 6.(F)(1) of Zoning By-law 038, the main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained as per Section 25.(F)(3) of Zoning By-law 038, and as a Waterfront Development, in accordance with Section 6.(BB)(1) of By-law 038, no alteration of existing buildings or land shall occur on any property bordering a watercourse without first requesting and being granted approval by the Planning Advisory Committee.

Notice was sent to property owners within 50 metres, no concerns were received, and no one attended to speak for or against the application.

Moved By Darin Lamont

Seconded By Kendall Mason

That the Planning Advisory Committee grant the three decimal three (3.3) metre Foundation Elevation Variance from Section 6.(F)(1) of the Zoning By-law 038, a seventeen decimal eight (17.8) decimal meter variance from Section 25.(F)(3) of Zoning By-law 038 for the Side Yard Setback, and to support construction on the Waterfront Lot as per Section 6.(I)(1) and 6.(BB)(1) of Zoning By-law No. 038 for 46 Bonnell Drive, PID 30341119, subject to the following terms and conditions:

1. The preparation of the “Hold Harmless” agreement shall be executed prior to approval of the final inspection of the dwelling; and
2. A building permit is issued prior to any construction.

Motion Carried

7.3 50 Grafton Drive - Detached Garage Setback Variance

Gerard Gaudet attended requesting approval for a five decimal zero (5.0) metre side yard setback to permit the construction of a detached garage at 50 Grafton Drive, PID 30222285.

Ms. Jarvis introduced the application to construct a seven decimal three (7.3) metre by six decimal seven (6.7) metre detached garage such that the setback to the property line will be two decimal five (2.5) metres on the side that faces Branch Crescent. The lot is a corner lot and the second driveway access proposed to be a long Branch Crescent, is approximately forty (40) metres from the nearest intersection; as such, staff do not have any concerns with the location regarding sight lines at the intersection of Branch Crescent and Grafton Drive. Ms. Jarvis also noted that if the lot was not a corner lot, the required setback would be three (3) metres.

Notice was sent to property owners within 50 metres, no concerns were received, and no one attended to speak for or against the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the Planning Advisory Committee grant the five decimal zero (5.0) metre side yard setback variance from the Town’s Zoning By-law 038, Section 8.(G)(1)(b)(i), to allow for the construction of a seven decimal three (7.3) metre by six decimal seven (6.7) metre detached garage at 50 Grafton Drive, PID 30222285, subject to the following terms and conditions:

1. The side lot line is clearly defined prior to construction; if the property pins are not identifiable, a professional surveyor licensed by the Province of New Brunswick must be hired to locate and mark the property line to ensure accurate setbacks;
2. A building permit is obtained prior to any construction;
3. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
4. The detached garage is not to be used for business purposes, for the keeping of livestock or as a dwelling.

Motion Carried

7.4 31 Leighfield Drive - Side Yard Setback

Kemal Debly attended requesting approval to construct a dwelling requiring a nine decimal four (9.4) metre variance from Section 25.(F)(3), and for not having a side setback of 30 metres from at least one side of the main dwelling at 31 Leighfield Drive, 30347496.

Ms. Jarvis introduced the application noting the lot width is fifty-five (55) metres, the proposed dwelling unit is twenty-five (25) metres in length, therefore, it is not possible to provide a 30-metre setback from at least one (1) side lot line.

Mr. Debly noted the site plan was designed for the best drainage by centering the building and that they will be sure to comply with well and septic field separation.

Notice was sent to property owners within 50 metres, no concerns were received, and no one attended to speak for or against the application.

Moved By Marc Gosselin

Seconded By Brent Preston

That the Planning Advisory Committee grant the nine decimal four (9.4) metre Side Yard Setback from Section 25.(F)(3) of Zoning By-law No. 038 for 31 Leighfield Drive, PID 30347496, subject to the following terms and conditions:

1. A drainage plan be submitted, identifying how excess water will be managed on site, to the satisfaction of the Building Inspector, prior to the issuance of a building permit; and
2. A building permit is issued prior to construction.

Motion Carried

7.5 175 Palmer Brook Road - Similar or Compatible Use - Auto Sales

Neal Wyman attended requesting approval for the operation of a small vehicle sales establishment 175 Palmer Brook Road, PID 30216733 and 30202477.

Darren Bishop read the variances required as per By-law 038 Section 3.(D)(1), that a small car sales establishment in Light Industrial Zone is being considered as a Similar or Compatible to a Use permitted in the By-law. Furthermore, and a Variance to Section 6.(P)(3)(b) to allow parking in the front yard setback

Mr. Wyman was asked if the previously approved landscaping was on the same lot as the auto sales and if it will be in operation. He stated that the landscaping operation is on hold, that it didn't happen last year due to covid, but may start up at another time. Meanwhile, a client wishes to use the elevated area just to the right of where the landscaping supplies would be, for a small car sales operation. When it was stated that the lot is busy, he noted that the existing businesses include the Red Roof Heavy Duty Service Repair, Wyman Enterprises, Maritime Bus, Southern NB Tire, and CMV Towing but there is still lots of room. Mr. Colbourne stated that this is a permitted use for that area and the Zoning By-law states that in a Light Industrial (LI) Zone you can have multiple uses on the property. He added that many of the businesses have been addressed through the PAC over the years.

Notice was sent to property owners within 100 metres; no concerns were received, and no one attended to speak for or against the application.

Moved By Darin Lamont

Seconded By Kendall Mason

That the Planning Advisory Committee approves the operation of Vehicle Sales as a Similar and Compatible Use and a Variance to Section 6.(P)(3)(b) of Zoning By-law 038, to permit parking within the required front yard setback on the property of 175 Palmer Brook Road, PID 30202477, and PID 30216733, subject to the following terms and conditions:

1. The Dealership must comply with all Provincial regulations and conditions as may be set by the *Motor Vehicle Act*;
2. The inventory of vehicles displayed for sale on the lot shall not exceed twelve (12) vehicles at any one time;
3. All maintenance or repairs to the inventory of vehicles is to be performed off site; no servicing of vehicles is permitted on site;
4. Hours of operation will fall between 7:00 a.m. and 9:00 p.m. as permitted times;
5. All signage will comply with the Towns Sign By-law No. 036; and
6. The existing Developer's Agreement is amended to address all businesses on site.

Motion Carried

7.6 Rezoning - Cargo Road - Bare Land Condominium Development

Council received an application requesting the rezoning of PID 00231928 from Rural (RU) to Multiple Residential (R2) and is asking the Planning Advisory Committee for their written reviews.

Mr. Colbourne noted that the description of this application was copied from a subdivision application but as per the full details attached, the application is a rezoning application for a proposed Bare-Land Condominium residential development on the lands identified by PID 00231928 (referred to as Maple Ridge Estates Condo). The proposal is for 19 dwelling units on 8.1 hectares (19.9 acres) of the 13 hectares (32.1 acres) total lot area of PID 00231928. The Eco-friendly buildings and amenities aim to reduce the neighborhoods carbon footprint. The development will be a condominium style ownership, with each dwelling unit, and the land on which they directly occupy, distinctly owned with a condominium corporation owning the shared areas, the access from the public street and infrastructure servicing the units. The condominium will be registered with the province and subject to the provincial Condominium Act and regulations. This means the Developer, in collaboration with the provincial Manager of Condominiums must establish a Condominium By-law for the development that will govern the operation of the condominium corporation and ensure the upkeep and maintenance of shared areas and entities, as well as maintaining a standard of upkeep for the distinctly owned properties. He added that the density is the same, the lots are just clustered versus spread out and the areas not developed will be common land.

Andrew Toole attended on behalf of Rob Viger and explained that while there one lot of 20 acres, each lot becomes its own PID to create 19 units plus one common land parcel, using the entire parcel. The declaration will clearly define the phases and number of lots, with no changes permitted once approved. Regarding the septic system, he stated that there will be two phases and two systems that will go to a common system that will be put in at the beginning, and each subsequent phase will add another system to the main systems which will be inspected every year. The reserve fund will be evaluated for any maintenance year over year and the Condominium Act ensures funds are there. Generally, the Corporation is responsible for everything outside the building which includes maintenance on windows & roofs, road maintenance and snow removal, plus any well water issues and there will likely be four or five shared wells. Any internal painting will be on the individual owners but everything else is looked after by the Corporation.

Notice was not sent out by the PAC Secretary as this is done through the Clerk's office as part of a Rezoning Process.

Moved By Mark Guest

Seconded By Brent Preston

That the Planning Advisory Committee support Council in the Rezoning of an 8.1 hectare (19.9 acre) portion of the 13 hectare (32.1 acre) total lot area of PID 00231928 from Rural (Ru) or Multiple Residential (R2) for a Bare-Land Condominium Development, subject to the following terms and conditions:

1. Cargo Road must be constructed to a Public street standard;
2. The private lane ways are to be designed as per the National Building Code to ensure sufficient access to all units by emergency service personnel;
3. The development must be registered with the Province as a Condominium Development under the Condominium Act;
4. The Onsite Sewage Disposal system must be designed by a professional engineer as per the New Brunswick Technical Guidelines for On-site Sewage Disposal Systems and Department of Public Safety;
5. The completion of a Comprehensive Water Source and Supply Assessment and undergo screening as it relates to the completion of Environmental Impact Assessment;
6. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
7. Street lighting installation at the entrance to the development shall be installed;
8. All building lights to be downward directed;
9. All materials and equipment ordered on site are the responsibility of the Developer;
10. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
11. The lands shall be developed in accordance with the most recently dated Building and Development Plans filed with and approved by the Town for each phase;
12. The total number of units is nineteen (19) units for that portion being proposed for Condominium Development;
13. A review of the LPP credit is to be undertaken prior to final plan approvals to ensure LPP obligations as it relates to the proposed development is found to be in compliance with the Subdivision By-law. If additional LPP requirements need to be satisfied, the Developer is to submit a proposal to the PAC for review prior to final subdivision plan approval by the Council; and
14. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within sixty (60) days.

Motion Carried

7.7 Chestnut Property - Tentative Subdivision Plan

Andrew Toole attended on behalf of Brandon Cleghorn requesting approval for a Tentative Plan for two Lots Not Fronting a Municipal Street (PIDs 230748, 253344 and 30054340).

Mr. Colbourne reviewed the application of a plan proposing the creation of two new residential lots (Lot 22-1 and 22-2) containing existing homes presently located at 75 and 111 Hammond River Road. The intent of the subdivision is to provide new lot boundaries for 75 and 111 Hammond River Road and consolidate the remnant parcels, under land titles system, for future development. He added that since the plan proposes the creation of a residential lot not fronting a municipal street or road owned by the Crown (Lot 22-2), the PAC must approve the access as being sufficient and acceptable. (Section 5A Subdivision By-law 035 and Section 6.N Section 038).

Moved By Kendall Mason

Seconded By Darin Lamont

That the Planning Advisory Committee support the Development Officer in his decision of the Chestnut Property Subdivision subject to the following conditions of approval:

1. Approval of the access for Lot 22-2 for a lot that will not front a municipal street;
2. A change in civic number for 75 Hammond River Road (Lot 22-1) to 105 Hammond River Road;
3. The execution of a Hold Harmless Agreement for Lot 22-2 to protect the Town and to make the property owners aware of the responsibilities associated with the private driveway that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
4. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the property owner that investment made in construction of the driveway will not be recovered in the event the access is upgraded to municipal public street standard in the future;
5. Land for Public Purposes obligations to be met through the land dedication at a future date with development of the consolidated remnant parcel;
6. The final plan will not be approved until the remnant parcels being identified by PIDs 00230748, 30054340 and 00253344 are brought into Land Titles and consolidated; and
7. Filing Fees in the amount of One Hundred Dollars (\$100) for a subdivision plan of a two-lot subdivision.

Motion Carried

7.8 Executive Acres Phase 9 - Tentative Subdivision Plan

Gerry Roberts and Bruce Robinson attended requesting approval for a Tentative Subdivision Plan on PID 30033264 proposing the creation of eight (8) Single and Two-Family Dwellings (R1) lots, one (1) public street, Public Utilities Easement, and Land for Public Purposes.

Ms. Jarvis reviewed the application noting that the eight (8) building lots all meet or exceed the minimum lot requirements as highlighted in Table 3 of Zoning By-law No. 038. The proposed new street will be built to municipal standards, will be twenty (20) metres wide and will extend three-hundred and four decimal thirty-one (304.31) metres and will provide access to the lands found abutting the subject property to the north for future development. She added that there is one decimal thirty-seven (1.37) hectares being set aside as Land for Public Purpose. While the area is a wet area on the Town's GIS, this land has not been identified on Provincial wetland mapping, but the Municipal Officer may request the Department of Natural Resources be engaged in delineating the lands. Mr. Roberts stated that the plan was to create a retention pond in the LPP area to assist in the Storm Water Management.

Ms. Jarvis added that staff has concerns regarding the proximity of the driveway of 66 Rockefeller Drive and the proposed entrance to Carlingford Drive since Section 6.(P)(6)(b) of Zoning By-law No 038 states that all driveways shall be located no closer than eleven (11) metres from the intersection. Mr. Robinson noted that the proposed street was surveyed, and property pins were in place long before adjacent property was purchased, and the second driveway was installed. He spoke with the adjacent property owner who offered to remove the driveway and landscape the area. Mr. Robinson offered access from the new street if desired which the property owner may at some time.

Notice was sent to property owners within 100 metres, no concerns were received, and no one attended to speak for or against the application.

Moved By Marc Gosselin

Seconded By Brent Preston

That the Planning Advisory Committee support the Municipal Planning Officer in considering approval of the Executive Acres Tentative Plan, a plan proposing the creation of eight (8) Single and Two-Family Dwellings (R1) lots, one (1) public street, Public Utilities Easement, and Land for Public Purposes, on PID 30033264 subject to the following terms and conditions:

1. The acceptance of the proposed street name: Carlingford Drive;
2. Approval of the LPP as presented on the Tentative Plan or, recommend options to satisfy the LPP requirement.

The Municipal Planning Officer conditions of approval will include:

1. Submission of a professionally engineered street design in accordance with the Town Subdivision Specification's and Guidelines, and approval by the Town prior to construction;
2. Submission of an onsite septic report from a qualified professional completed in accordance with the Public Health Act of New Brunswick demonstrating the property can support the level of development proposed;
3. Submission of an Abbreviated Water Source and Supply Assessment (Hydrogeological Report) as prepared by a qualified registered professional engineer demonstrating that there is water of sufficient quantity and quality to support the proposed level of development;
4. Submission of a Stormwater Management Plan and a Lot Grading Plan as designed by a qualified professional engineer licensed to practice in the Province of New Brunswick. The plan must demonstrate balanced pre-development and post-development flows.
5. The final Stormwater Management Plan is to be reviewed and approved by the Town prior to construction;
6. Any Local Government Services Easements necessary for the stormwater management are to be drawn on the final subdivision plan;
7. The Tentative Plan is sent to Public Utilities providing electrical power and telecommunication services for review and comments on the proposed Public Utility Easements for incorporation into the final subdivision plan;
8. Standard Developer's Agreements, bonding and subdivision fees will be required;
9. Subdivision filing fees of Two Hundred and eighty Dollars (\$280.00) for the proposed eight lots; and
10. The development of the Executive Acres Subdivision is completed per the requirements and conditions of applicable Town By-laws, policies, and regulations thereto.

Motion Carried

7.9 Queensbury Heights - Tentative Subdivision Plan

Gerry Roberts attended with Bill Brooks requesting approval for a tentative subdivision plan proposing the creation of nineteen (19) residential building lots in the Single or Two-Family Dwelling Zone (R1), the extension of Montana Drive with a connection to Selkirk Drive providing a second access to the area, Public Utility Easements for electrical power and telecommunications agencies, and 3123 sq. metres of Land for Public Purposes.

Mr. Colbourne reviewed the application noting that as per the Subdivision By-law 035, review and recommendation for approval is required from the PAC where streets are being created or LPP is being proposed or variances are required. Whereas 5-I and 6-I do not meet the lot width of 30.0 metres, lot width variances of 2.11 m and 2.07 m, respectively, are required those lots. All other lots comply the minimum lot requirements for the R1 zone as per Zoning By-law 038.

To not prejudice future development of the Christa Carpenter property, the Development Office is recommending that the Future Street shown on the plan be vested as a public street as part of this subdivision and bring the public street the rear of lot 1-J rather than leaving a portion of the lot not serviced by Montana Drive. The sanitary sewerage system will be a gravity-flow system connected to the line located in the Municipal Services Easement adjacent to Lot 23-H. A service stub currently exists to which this development can connect; however, the consulting engineering is reviewing the design to address possible surcharging if the system was connected to the existing servicing stub from the manhole. This will be addressed through the engineering department prior to final subdivision plan approval. Mr. Colbourne stated that the PAC approval is based on the Community Planning Act and not necessarily the concern for the sewer upgrade. A review of the trail condition in the development noted that it is pretty good and Mr. Brooks said he walks it every day and that it has been recently worked on.

Notice sent to property owners within 100 metres and there were two concerns received. The first for the Sanitary lift station upgrade and the fact that this project has been going on for nearly a year now, and one that was opposed to the development due to concerns for traffic and constant construction noise.

Moved By Mark Guest

Seconded By Darin Lamont

That the Planning Advisory Committee support the Municipal Planning Officer in his consideration of the Queensbury Heights Phase 14B, a Tentative Plan proposing the creation of nineteen (19) residential building lots, the extension of Montana Drive, Public Utility Easements, and 3123 square metres of Land for Public Purposes, subject to the following terms and conditions:

1. The acceptance of the street layout and design for Phase 14B, making the Future Street adjacent to Lot 1-J a Public Street thus providing public street access to the Christa Carpenter property and ensuring Lot 1-J as public street access on both street lines.
2. Acceptance of proposed LPP land in Phase 14B for protection of the drainage channel within the proposed development area.
3. PIDs 30002869 and 30025419 to be consolidated prior to final plan approval or LPP-4 extended to include PID 30002869;

4. The requirement of the Developer to obtain approval from the provincial Department of the Environment (DOE) as it relates to construction within the wetland area and the 30-metre buffer;
5. The granting of lot width variances for Lots 5-I and 6-I.

The Municipal Planning Officer conditions of approval will include:

6. Professionally engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval;
7. Professionally engineered design drawings for the street network to be submitted to the Town for review and approval;
8. Submission of a Comprehensive Stormwater Management Plan and a Lot Grading Plan as designed by a qualified professional engineer licensed to practice in the Province of New Brunswick. The plan must prove a balanced pre-development and post-development flows. The plan must provide acceptable solutions for any downstream impacts and be submitted to the Department of Environment (DOE) for their review and feedback;
9. The Tentative Plan and Stormwater Management Plan will be forwarded to CN Railway for review, feedback and approval as the development is within 300 metres of their property;
10. The final Stormwater Management Plan to be reviewed and approved by the Town before construction;
11. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
12. All Local Government Services Easements that are necessary for the stormwater management or sanitary sewerage service are to be on the final subdivision plan;
13. The restriction of tree-clearing to street right-of-ways and easements necessary for the installation of services per the Zoning By-law 038;
14. Standard Developer's Agreements, bonding and subdivision fees will be required;
15. Subdivision filing fees of Three Hundred and Ninety Dollars (\$390.00) for a nineteen (19) lot phase;
16. The Tentative Plan to be sent to Public Utilities supplying electrical power and telecommunication services for review and comments on the proposed Public Utility Easements for incorporation into the final subdivision plan; and
17. The development of Phase 14B is completed per the requirements and conditions of applicable Town By-laws, policies, and regulations thereto.

Motion Carried

7.10 184 Hampton Road - Revised Hours of Operation - Ratify Amended Notice of Decision

Moved By Marc Gosselin

Seconded By Brent Preston

That the email poll approving a time change to the hours of operation for Pizza Salvatore take-out at 184 Hampton Road, PID 00249797 be amended from 10:00 a.m. to 2:00 a.m. to the new hours of 10:00 a.m. to 3:00 a.m. to match the Corporate Standards be ratified as approved and an amended Notice of Decision be sent to the applicant.

Motion Carried

8. Information Items and/or Discussion

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Moved By Brenda Fowlie

Seconded By Brent Preston

That the Information Items be received and filed.

Motion Carried

9. Adjournment

Moved By Darin Lamont


Seconded By Marc Gosselin

Meeting adjourned at 8:35 p.m.

Motion Carried

Respectfully Submitted,


CHAIRMAN


SECRETARY