

5. Business Arising from Minutes - Notice of Decisions

247 Hampton Road - Home Business

Moved By Brent Preston

Seconded By Marc Gosselin

That the Notice of Decision be received and filed.

Motion Carried

6. Unfinished Business

None

7. New Business

7.1 15 Pettingill Road - Dental Clinic

Mr. Bob McLaughlin of MCL Construction attended through video conferences on behalf Mr. Ron Buckley who was also in attendance. Mr. McLaughlin identified himself with a numeric code given to only him by the PAC Secretary and spoke to the proposed Dental Clinic at 15 Pettingill Road, the corner of Greenwood Drive and Pettingill Road and portion of PID 30256226. The proposed dental clinic will have three (3) dentists working across ten (10) patient rooms. Supporting the three dentists will be four (4) dental hygienist, four (4) dental assistants and four (4) administrative staff. The hours operation will Monday to Thursday 7:30 am - 5:00 pm and Friday 8:00 am - 4:00 pm.

Mr. Colbourne noted to the PAC Members that this is being considered as a Compatible Use in Central Commercial Zone. This land use is comparable to that at 29 Pettingill Road but smaller than the orthodontics clinic at 208 Hampton Road. The Zoning By-law 038 does not provide for a Dental Clinic as a Permitted or Discretionary Use in the Central Commercial Zone. However, precedents have been established on the Pettingill Road as well in the Central Commercial Zone on the Hampton Road that supports the proposed land use at this location.

The walking trail location on this property was reviewed. Mr. Colbourne noted that the Town would like to re-establish the walking path from the Oakville Acres retention pond to the Pettingill Road that was removed when the carwash was built at 7 Pettingill Road. He stated that the Town has had numerous requests to re-establish this path and that the Community Services would like to see this as well. It was asked if the trail could connect to Greenwood, along the back of the property. Mr. Colbourne asked the property owner for options, noting that it would be preferable to connect to Pettingill Road.

It was asked if the variance stands, how much green space will be available on the property. Mr. Colbourne stated that the building setbacks shown on the site plan

exceed the requirements of fifteen (15) meters from the Pettingill Road, seven decimal five (7.5) meters from Greenwood Drive, within six (6) meters of a side lot line; and within seven decimal five (7.5) meters of the rear lot line. It was noted that if the variance in the front is granted, there would be two (2) metres of greenspace not including the right-of-way and the Zoning By-law 038 requires landscaping in the front yard to be not less than fifty (50) percent as per Section 12(G). Mr. Colbourne stated that this area of Pettingill Road has many properties that have been developed with the parking in the front. Also noted was the greenspace on the property overall, including the desire for Land for Public Purposes (LPP) to be for the trail, could be compensation for the approval of having the building brought forward. It was stated that the site distance might be worse if the building was set back further up Greenwood Drive than proposed. Mr. McLaughlin stated that moving the building back a bit might cause issues with run off and the proposed driveway location.

It was recognized that the application and staff report noted a portion of lot would be used, that of PID 30256226, since the lot will be separated before the building is constructed. This proposal is only for the portion that will be used for the dental clinic.

This application was sent out to property owners within 100 metres, no responses were received. The Chairperson asked three times if there was anyone on the lines that wished to speak for or against. No one spoke.

Moved By Darren Bishop

Seconded By Kendall Mason

That the PAC approve the proposed Dental Clinic as a Compatible Use with business offices, retail services and daycare centres in the Zone, subject to the following conditions:

1. The PAC grants a variance for parking in the front yard setback;
2. The PAC granting a variance for the front yard setback being less than fifty percent (50%) greenspace;
3. The building being connected to municipal sanitary sewerage as per a design approved by the Town's Utility department;
4. Submission of a written report confirming the location of the driveway access on Greenwood Drive complies with Zoning By-law 038 Section 6.(P)(3)(e)(iii) – safe location of points of ingress and egress;
5. Stormwater and surface drainage management must not overwhelm existing municipal infrastructure and drainage swales must be designed based on the anticipated flows. Swale design details are to be shown on the site plan and submitted to the Town;
6. Land is dedicated for Land for Public Purposes from PID 30256226 as compensation for the PAC granting of the request variances for reduced

greenspace in the front yard area and for the LPP obligation for the future subdivision of the lot as indicated by the site plan (Lot 20-1);

7. The exterior design and cladding shall be in keeping with the residential appearance of the area;
8. The site is landscaped to the satisfactory of the Town;
9. The execution of a standard Development Agreement;
10. A Building Permit is issued by the Town for the building construction; and
11. The development is completed in accordance with all applicable Town By-laws, and policies thereto.

Motion Carried with each PAC Member voting verbally.

7.2 John & Shauna Scott Tentative Subdivision Plan

Mr. John Scott attended virtually seeking approval on the John & Shauna Scott Subdivision, a tentative plan proposing the creation of nine (9) building lots (eight (8) new and one remnant) off Bernard Court and Melanie Drive, a Public Utility Easements for electrical power and telecommunications agencies, a Local Government Services Easements, a Private Service Easement in Favor of Lot 20-8; and an access easement in favor of Lot 20-2.

A preliminary review of the plan indicated variances are required from the Town of Quispamsis Zoning By-law 038, Section 8.(C) for the lot width, and a variance required to the Town's By-Law 038, Section 6.(N)(1) for lots that do not abut or front on a public street.

It was asked if the proposed access to lots 20-2 and 20-3 would be through an easement or would this be a Lane developed to Town standards. Mr. Scott confirmed that Lot 20-3 would own the land and there would be a Right-of-Way (ROW) over the land for access to Lot 20-2. His Engineering Consultants and the Town Engineering Department will be consulted for proper development, including paving of this access. The Town's policy not to grant small access roads that are not constructed to Town's standards was discussed. Mr. Colbourne stated that this proposal is not a private lane but a shared driveway, that accesses no more than two building lots. The Town concerns begin when the lane accesses three or more lots. At this time, our by-laws do not prevent these lanes, but the new by-law may prohibit lanes for three or more lots. The variance for lot width on Lot 20-3 (a flag lot that fronts Bernard Court) was noted as being required due to the fact that the access point is only as wide as the driveway and not the required thirty (30) metres at the seven decimal five (7.5) metres setback. The lot area was noted as being sufficient, just the configuration with the narrow access points in the driveway is why the width variance is required. Lot 20-2 has no access at all to the municipal

road, with the only access through the proposed ROW, therefore this lot needs the variance for a lot not fronting a municipal street.

Mr. Scott was asked about the long term plans for Lot 20-9, the remnant lot that his dwelling resides on and he stated that this may always stay that size. He stated that the land that backs onto the proposed lots or 20-2 and 20-3, or the existing lots of 5-K and 86-1 may some day be extensions of those lots, but this has not been determined yet. It was recognized that there was a previous tentative plan proposed about 20 years ago that accessed twelve (12) lots from a cul-de-sac but much has changed.

The proposed detention pond location was reviewed. Mr. Colbourne showed this on the presenter's screen (between 20-3, 20-4, 20-9 and 20-5, and noted that this proposal has been reviewed by the Engineering Department with replies already sent back to the Developer on some details that still need to be worked out. This is not a retention pond sitting on a lot but a Storm Water Management Plan (SWMP) through easements that allows the Town to maintain without owning it. Restrictions will be developed as to what goes in those easements such as sheds or other buildings not being permitted.

Notices were sent out to property owners within 100 metres of the proposed subdivision and several correspondences were received and became part of the PAC review package. All those who sent in correspondences were invited to the virtual meeting. The PAC Secretary opened the microphones to the attendees one at a time.

Mr. Robert Neal of 16 Rivercrest Drive asked about the source of electrical power and whether it would be underground or overhead. Mr. Scott responded that the proposal is to include covenants, similar to one of the two covenants on Bernard Court, with conditions requiring underground power. Mr. Neal referenced the letters he sent in and asked if the Town had the ability or authority to ask new developers to contribute to the cost of infrastructure that was installed by other developers and to which the new developers are connecting into. Mr. Colbourne responded to say that at this time the Town of Quispamsis does not have a by-law that addresses developer contributions to infrastructure that was previously installed but there is a provision in the subdivision by-law that may be utilized and he is working with the Town's Legal Department for clarification. Mr. Neal's last comment was that the existing homes on Bernard Court are assessed between \$450,000 to \$750,000 and wondered why the Town would allow small lot development, with variances for road frontage, that may undermine the existing subdivision.

Mr. Chris Creaghan of 20 Bernard Court spoke next and referenced his submitted questions regarding covenants, noting that he feels it is important to have covenants but had just learned that they are managed by the Developer not the Town. Mr. Creaghan asked about the well water capacity noting that there was a well test done when Bernard Court was done, asked about extending the Municipal Water and

asked how the Town confirms there is sufficient supply. He also asked about the water runoff and drainage and is looking to the Town to ensure water doesn't run over the road and onto his property. Mr. Colbourne responded by referencing the staff report and the Subdivision By-law requirements. With regards to the potable water, the goal is always to connect to municipal water if possible as it is controlled with testing, quality, understanding of supply, etc. The default would be to connect to a municipal system if possible but the infrastructure in this area is maxed out and Council is not looking to invest in expansion at this time. The Subdivision By-law states that a 10 - 24 lot development requires an abbreviated water supply source study done by a Qualified Engineer. This is a nine (9) lot development but there is room for more so this will require the abbreviated water supply source study. Mr. Colbourne added that a development of a subdivision with twenty-five (25) lots or more requires a comprehensive water supply source study which includes drilling two wells. Mr. Colbourne noted that Mr. Andrew Toole of Don-More Surveys and Engineering Ltd., has completed a Storm Water Management Plan (SWMP) already, with the Town seeking pre and post balance of net zero, based on a 1 to 100 year event, and indicate how the water is released. The plan received has been approved by the Town as being achievable. Mr. Toole added that the retention structure is a long swale along the new lots with a pond and slow release along a channel to the ditch and stated that this SWMP should reduce the water flow that is there today.

Mr. Derek Koval of 27 Bernard Court spoke noting that some of his concerns and questions had already been answered. He stated that so long as the lots conform to the by-law or close to that by-law requirements and appear to mirror the size of the first 3 lots on Bernard Court, and the water supply is sufficient, he is supportive of the subdivision development.

Mr. Ian Mullett of 23 Bernard Court spoke noting that some of his concerns and questions had already been answered as well. He noted his biggest concern is the retention pond or swale because water is a big issue now. Mr. Toole explained the location of the retention area and the description of the system, that of a riprap and rock lined ditch that will carry the water from the pond to a controlled release through pipes to Bernard Court ditch. Mr. Mullett also noted that potable water should be a concern and current residents should have some guarantee. As for variances for lots not fronting a street, this could become an issue if the owners of Lot 20-3 decide to keep the owners of Lot 20-2 from using the Right-of-Way.

Mr. Michael Walton of 23 Bernard Court spoke regarding his concerns and letter submitted. He noted that the Retention pond is new information heard tonight but there are issues with the management of water from the other lots on Bernard Court and asked what the Engineering Departments suggest for this. Mr. Toole noted that the retention pond is designed only to capture the water flow from the backs of new lots. The plan is not to stop the runoff but match the pre-existing flows so that the development does not make it worse. The plan is only collecting any water that may change, not what was created and developed in the past. The pond was

designed based on the 100 year plan, plus an allowance for a little more overflow. He confirmed that the water will still flow where it does now, but the system will slow it down. Mr. Walton talked of the washouts down to Gondola Point Road that had happened in the past, and how the SWM plan is for only the top half of the development plan, but the concern continues for the road that still floods and freezes over. Mr. Toole reiterated that Bernard Court should become better through this work because the ditches will be dug out and cleaned in preparation for sewer whereas now, they are filled with sediment. He also noted that the undeveloped land above the ditch is filled with vegetation that is not maintained now, whereas the new lot owners will be maintaining the developed land and ditches on their property. Mr. Walton noted the proposed lot sizes compared to those existing on Bernard Court saying that the house size should be similar. He stated that the Lot variances would favor smaller homes, with consideration to the swale and easement on some properties limiting the build size. Mr. Colbourne stated that the lot sizes proposed are within the by-law, that they all meet the 1140 square metre area requirements and in fact, some of the lots are larger. He reiterated that the variances are not for lot area and the buildable area is sufficient.

Ms. Reta Dunlop, with Angus King of 478 Gondola Point Road spoke on their concerns for the storm sewer open ditch that was supposed to be covered storm system as per the previous development approval. Mr. Colbourne stated that as per the Town's Subdivision By-law, the preferred system is of open ditching versus piping. A storm water system could be closed by the developer if desired for aesthetics or on an individual bases if approved by the Town. However, the Town of Quispamsis is a water based community, so it is preferable to direct the water to recharge back to the ground for potable use. Ms. Dunlop stated that the current run off from Melanie Drive is through a brook on their property that goes all the way to the river. She said it flows very heavy in the Spring and erodes some of their property. She asked if there was a way for the water runoff to be rerouted away from their property. When asked whether this was a natural brook that was in place before Melanie Drive and Bernard Court, Ms. Dunlop stated the water always flowed that way but got worse after the previous development. She confirmed that there is a culvert at the corner of Melanie Drive, where it turns into Bernard Court, that directs water towards their property. Mr. Toole stated that he recognized this drainage path, and the culvert that was installed in 2007, in his review and the SWMP ensures that nothing more flowed through this culvert and area. His design did not include re-routing the water that is already flowing in one direction. Mr. Colbourne stated that if this was a natural draining path prior to any development, that management of the water flow would be reviewed at the time that 478 Gondola Point Road was to be developed.

Mr. John Scott was asked to come back on-line again. He reiterated that during the previous development, the ditches were open and now they fill up and don't drain well and this plan will have the ditches redone during the development. He

mentioned that some of the lots on Bernard Court only have about 40% of usable or buildable land due to steep grades but the lots proposed today are 100% usable. When asked about the sections of land on Lot 20-9 between the rear of the lots on Rivercrest Drive and the new proposed lots, Mr. Scott said he is waiting for confirmation of interest from the property owners on Rivercrest Drive and that this would not become another lot for sale.

Mr. Lamont asked three times if there was anyone else in attendance, virtually, that wished to speak for or against the application. The PAC Secretary had unmuted the microphones but no one else asked to speak.

Moved By John Groden
Seconded By Brenda Fowlie

That the Planning Advisory Committee support the Municipal Planning Officer, in considering approval of the John & Shauna Scott Subdivision Tentative Plan, with recommendations concerning the following:

1. Variances from the Town of Quispamsis Zoning By-law 038, Section 8.(C) for the lot widths as follows:
 - a. a twenty (20) metre variance for Lot 20-3;
 - b. one (1) metre variance for Lot 20-8; and
 - c. a twenty-three (23) metre variance for Lot 20-9
 - d. approve the access of lot 20-2 over 20-3
2. Variances from the Town's Zoning By-Law #038, Section 6.(N)(1) for Lots 20-2 and 20-3 that do not abut or front on a public street;
3. The acceptance of the street layout and design as shown on the plan;
4. The PAC supports cash-in-lieu in the amount of Six Thousand Dollars (\$6000) or if the desire to see land dedication; and
5. There shall be no further subdivision of Lot 20-9 for the purposes of a building lot, but portions of the lot may be separated for land that may be added to existing lots on Rivercrest (lots 86-1 or 5-K) or the rear of lots 20-2 or 20-3.

The Municipal Planning Officer conditions of approval will include:

6. Abbreviated water supply assessment study;
7. Final plans to show the ROW over 20-3 for 20-2;
8. Professionally engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval;
9. Professionally engineered design drawings for the street access to be submitted to the Town for review and approval;

10. 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 demonstrate a balanced pre-development and post-development flows. The plan must provide acceptable solutions for any downstream impacts;
11. The final Stormwater Management Plan is to be reviewed and approved by the Town before construction;
12. All Local Government Services Easement necessary for the stormwater management or sanitary sewerage service are to be drawn on the final subdivision plan;
13. Standard Developer's Agreements, bonding and subdivision fees will be required;
14. Subdivision filing fees of Two Hundred and Eighty Dollars (\$280.00) for an eight (8) lot phase;
15. The Tentative Plan 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; and
16. The development of this subdivision is completed per the requirements and conditions of applicable Town By-laws, policies and regulations thereto.

Motion Carried with each Member voting individually.

8. Information Items and/or Discussion

February 18, 2020 Council Meeting

Moved By Marc Gosselin

Seconded By Brenda Fowle

That the Information Items be received and filed.

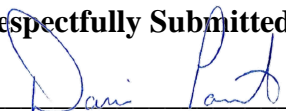
Motion Carried

9. Adjournment

Moved By Darren Bishop

That the PAC Meeting be adjourned at 9:35 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY