



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – April 27, 2021

Present:

Darin Lamont	Kendall Mason (Virtually)
Brenda Fowlie	Chrissy Scott, GIS Technologist
Brent Preston	Jennifer Jarvis, Planning Technologist
Darren Bishop	Violet Brown, PAC Secretary
Marc Gosselin	S. Dwight Colbourne, Municipal Planning Officer
John Groden	

1. Call to Order

Darin Lamont called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Moved By Kendall Mason

Seconded By Brenda Fowlie

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 John Groden

That the minutes of the April 13, 2021 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

6.1 5 Esdale Drive - Deferred until May 11, 2021

6.2 28 Pettingill Road - Rear Setback Variance (Tabled from April 13, 2021 Meeting)

Ms. Jennifer Higgins attended seeking approval for a relaxation on the required three (3) metre landscaped buffer zone in the rear yard of 28 Pettingill Road, PID 30220800. She added that the proposed buffer is rip rap versus mulch since mulch is messy, and a hedge along the back about property line about four (4) feet high.

Ms. Jarvis reviewed the application from a Planning Department point of view noting that a new survey was received, a copy of which was shown on the screen for all in attendance, in-person and virtually. The survey identified the elements requested by the PAC at the April 13, 2021 meeting including contour lines along the slope to ensure that the angle is such that landscaped materials would not roll down or slide off the slope, the measurements for the proposed buffer bordering a property which are to be located at least sixty (60) centimetres from the property line, the expanded parking area at the back of the building, etc.

Ms. Higgins noted that there will be a drain that routes the storm water to the sides and out to the front ditches. She added that there is not much run off in the area and that the survey showed the draining plans which were reviewed with the Town's Engineering Department to ensure they were adequate. Mr. Colbourne noted that the additional asphalt could create more water in the area so a slope would be required with the rip rap for proper drainage. He added that there must be a balance between the esthetics and the usefulness of a buffer area.

No one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the Planning Advisory Committee approve the riprap as a landscaping material and approve the buffer as proposed, as a variance to By-law 038 Section 6.(J), for additional parking space on the commercial property of 28 Pettingill Road, PID 30220800, subject to the following terms and conditions:

1. The proposed buffer consists of the following: the first metre of buffer abutting the property line is to consist of hedging as the proposed screening, followed by three decimal four (3.4) metres of rip rap to maintain the bank and prevent erosion, followed by the extended parking space of three decimal zero four (3.04) metres.
2. Request an amendment to the Development Agreement for 28 Pettingill Road, PID 30220800 to Council.

Motion Carried

7. New Business

7.1 40 Bonnell Drive - Side Yard Setback, Foundation Elevation Variances and Waterfront Review.

Mr. Eric Chisholm attended seeking approval to construct a dwelling on the property of 40 Bonnell Drive, PID 30341127. He noted that a Watercourse and Wetland Alteration (WAWA) permit was received from the Department of the Environment for the parent parcel for the land development.

Ms. Jarvis reviewed the application for a twelve decimal zero (12.0) metre Foundation Elevation Variance required from the Town's Zoning By-law 038 Section 6.(F)(1) whereas the finished floor elevation of the first storey must be at least one (1) metre above the final centerline grade of the street. Also, a five decimal seven (5.7) metre variance required from Section 8.(E)(2) whereas when a building lot that is more than four thousand square metres, the main dwelling must be located on the lot such that a minimum side lot line setback of thirty metres is maintained from at least one side lot line. As well, any construction on waterfront property requires a review of the Planning Advisory Committee, or the Municipal Planning Officer as per the Zoning By-law 038, Section 6.(I)(1) or 6.(BB)(1)(a).

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

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Planning Advisory Committee approve the twelve (12) metre Foundation Elevation Variance from Section 6.(F)(1) of the Zoning By-law 038, the five decimal seven (5.7) 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.(BB)(1) of the Zoning By-law 038 for 40 Bonnell Drive, PID 30341127, subject to the following terms and conditions:

1. A site drainage plan be submitted to the Town's Department of Engineering for approval, prior to the issuance of a Building Permit;
2. The preparation of the "Hold Harmless" agreement should be executed prior to approval of the final inspection of the dwelling;
3. A building permit is issued prior to construction; and
4. Any changes or maintenance to the driveway, including the culvert, is the responsibility of the property owner, not the Town of Quispamsis, and a copy of the Department of the Environment Watercourse and Wetland Alteration (WAWA) permit is sent to the town prior to any work.

Motion Carried

7.2 Elmtree Development - Amending Agreement - 258 Hampton Road

Council is seeking the Planning Advisory Committee's input in the proposed amendment to the Section 59 Community Planning Act Agreement that outlined the terms and conditions of the rezoning of the property at 258 Hampton Road, PID 251959, from Single or Two Family Residential (R1) to Multiple Residential (R2), dated July 2020. Mr. Colbourne reviewed the Developer's proposal for the following changes to the project:

- Reduce the original timeline for completion of the project;
- Construct a more energy efficient and safer building by using insulated concrete form material;
- Reduce the total amount of hard surface area by twenty percent;
- Eliminate one of the originally proposed three buildings, (24 unit building), reducing the overall footprint from three buildings to two buildings, and combining the 100 units into two 50 unit buildings;
- Retain the four storey building height and flat rooftop style that aides in reducing shadow impacts;
- Increase the underground parking due to the larger building footprint of the two buildings resulting in added greenspace to the property;
- Include a community room in each building rather than a separate free-standing community room as was originally proposed;
- Construct a single storey onsite storage facility for the residents.

Mr. Jonathan Rasenberg attended virtually noting that the length of building changed but it is still within setbacks, and the Lot is still serviced by Municipal Water and Sewer. The intent is still the same with the number of units, outside gardens and trails, pickle ball court, etc. He added this is the only apartment starting in the Town this year so there should be a ton of interest, it should help the housing market, has great sound protection, and extra storage.

No one attended to speak for or against the item.

Moved By John Groden

Seconded By Darren Bishop

That the Planning Advisory Committee support Council in the decision to amend the Development Agreement for the Elmtree Hill multiple residential apartment development subject to the following:

1. That all ten (10) conditions of the Notice of Decision dated June 16, 2020 are still adhered to.

Motion Carried

It was recognized that the motion made at the meeting was intended for Council. An amended motion was made and seconded by the same Members and voted upon through email. This decision will be ratified at the next PAC Meeting.

7.3 Tentative Subdivision - Fernwood Park Ph 4-B

Mr. Peter Donovan attended seeking approval for a tentative subdivision plan creating sixteen (16) residential building lots in the Single or Two-Family Dwelling Zone (R1).

Mr. Colbourne reviewed the application noting that the lots all meet the requirements of the by-law and that all lots are connected to the Municipal Sanitary Sewer with individual wells for potable water. He stated that there have been three Comprehensive Water Source and Supply Assessments (CWSSA) completed in Fernwood Park Subdivision development since 2009; one that covered the extension of Nightingale Lane and Oriole Lane, and a portion of the remnant parcel of Phase 4, one covering Meadowlark Drive area from Quispamsis Road to that portion of Meadowlark Drive bordering the boundary of Phase 4 limits, and one covering phase 2B and 2C – from approximately Lot 45 to the end of Nightingale Lane. All the CWSSAs were completed by Fundy Engineering and each assessment found sufficient quantity and quality of water to support the level of development in the area. Mr. Colbourne added that the Land of Public Purposes (LPP) was satisfied with Phase 4 along with credits for Phase 1 and 3. The Town has received concerns for water run off into the water shed and to Ritchie Lake and that the Developer is working with the Department of the Environment (DOE) now to ensure rules followed. Another concern noted is that there is only one access to this area with Phase 5 addressing the entrance from Quispamsis Road.

A PAC Member noted that the access of Meadowlark Drive to Quispamsis Road is being used by the dump trucks now and because it is not finished, there is a lot of dirt and mud on the road that becomes a danger to bikers. Mr. Donovan noted that they scrap and sweep the road every day, and also noted that the section of road will be gravelled in the near future with about 40% of the pit gravel already dumped in the area now.

No one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By John Groden

That the Planning Advisory Committee support the Municipal Planning Officer in considering the approval of the Fernwood Park Subdivision Phase 4B Tentative Plan, subject to the following:

1. Approving the proposed street layout and connection;
2. Support the use of the Land for Public Purposes (LPP) land credit established by Phase 4 and Phase 3 to fulfil the LPP requirements for Phase 4-B;
3. A variance from the requirement for CWSSA (Comprehensive Water Supply and Source Analysis) but the submission of an AWSSA provided the report supports the findings of the previous three CWSSAs and there are no items of the concern in the AWSSA that would warrant the completion of a CWSSA;

4. Completion of the extension of Meadowlark Drive to a public street standard and registration of the plan vesting the street to the Town prior to final approvals for Fernwood Phase 4B.
5. Prior to the Dev Office stamping the final plans, notice to the Town the Fernwood Park Phase 4B is not affected by the Cease and Desist Order from the Province.

The following standard conditions will be applied to possible approval of the plan by the Municipal Planning Officer:

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 demonstrate a balanced pre and post-development flows. The plan must provide acceptable solutions for any downstream impacts and shall be submitted to the Department of Environment (DOE) for their review and feedback. The final stormwater management plan is to be reviewed and approved by the Town for construction;
9. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
10. All Local Government Services Easement necessary for the stormwater management or sanitary sewerage service are to be incorporated into the final subdivision plan;
11. Tree clearing shall be restricted to street right-of-ways and easements necessary for the installation of services in accordance with Zoning By-law 038;
12. Standard Developer's Agreements, bonding and subdivision fees will be required;
13. Subdivision filing fees of Three Hundred Dollars (\$300.00) for a ten (10) lot phase;
14. The Tentative Plan will be forwarded to all applicable 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
15. The Tentative Plan will be forwarded to CN Railway as the development is within 300 metres of their property to seek conditions of approval.

Motion Carried

7.4 Maple Ridge Estates Lots - Foundation Elevation Variances

Mr. Rob Viger attended seeking approval for a variance to Foundation Elevation for Lots, lot 21, Lot 22, and Lot 24, in the approved Phase 3B of the Maple Ridge Estates Subdivision.

Jennifer Jarvis reviewed the application with the proposed elevations of the finished floor of Lot 21 at 3 metres below the centerline grade of the street, Lot 22 is proposed to be 4 metres below the center line grade of the street, and Lot 24 is proposed to be 3 metres below the center line grade of the street. Section 6.(F) requires that all new structures foundation be at least one (1) metre above the final centerline grade of the street. Ms. Jarvis noted that the subdivision plan was not registered at the time of the staff report but has been completed so the PID numbers are now available for the PAC decision.

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Planning Advisory Committee approve the one (1) metre, four (4) metre, and three (3) metre Foundation Elevation Variance from Section 6.(F)(1) of the Zoning By-law 038, to Lot 21, Lot 22, and Lot 24 of the approved Maple Ridge Estates Subdivision respectively, 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 dwellings; and
2. A building permit is issued prior to construction.

Motion Carried

It was recognized that the motion made at the meeting was incorrect in the variances required. The Foundation Elevation for Lot 21 will be 3 metres for a variance of 4 metres, Lot 22 will be 4 metres for a variance of 5 metres and Lot 24 is only 1 metre for a variance of 2 metres. The intent of the approval and the conditions remain the same. This decision will be ratified at the next PAC Meeting.

7.5 Tentative Subdivision - Hamlet Peters-Cook

Mr. Jeff Gallant attended seeking approval for a two (2) lot subdivision on a private lane.

Dwight Colbourne reviewed the application for the proposed two lots (Lots 21-1 and 21-2) not fronting a municipal street or road owned by the Crown. The remnant parcel Lot 98-1 will continue to front Kenneth Drive with the current width of 20.0 metres. The proposed access will retain the full 20.0 metres in width as the Developer is proposing to make the access a public street at some point in the future. Ownership of the private lane will be retained by the remnant parcel owner; however, each lot owner will be required to enter into a Hold Harmless Agreement

with the Town. The two lots plus the remnant lot all meet the Zoning By-law. The street name, proposed at Little Bing Lane, is ok with Planning and MSAG.

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 Brent Preston

Seconded By Darren Bishop

That the Planning Advisory Committee support the Development Officer in the approval of the Peters-Cooke Hamlet Subdivision Plan proposing the creation of two (2) residential lots and one (1) remnant lot subject to the following:

1. Approval of the private access as the lots will not front a municipal street;
2. Approval of the proposed name of the private lane (Little Bing Lane) as requested by the Developer;
3. An engineered design for the private lane access and stormwater management plan to the satisfaction of the Town;
4. An on-site septic approval is required by the Provincial Health Act;
5. The execution of a Hold Harmless Agreement to protect the Town, and to make the property and homeowners aware of the responsibilities associated with the private access that does not front a municipal street, and highlights the concerns from the emergency services regarding the importance of unobstructed access;
6. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowners that investment made in construction of the private lane will not be compensated by the Town should the private lane become a public street;
7. Land for Public Purposes obligation to be satisfied through a cash-in-lieu of land payment to the Town in the amount of One Thousand Five Hundred dollars (\$1500);
8. Filing fees in the amount of One Hundred dollars (\$100) to the Town for a subdivision plan of two lots or less;
9. The Final Plan is to be signed by the property owner and applicable Public Utilities for vesting of the proposed Public Utility Easement;
10. The development of the subdivision and the private access must be completed as per all applicable Town By-laws, and policies thereto; and.
11. If there is a third lot proposed, the Developer returns to the Town and the Planning Advisory Committee for approval.

Motion Carried

8. Information Items and/or Discussion

Council Meeting Minutes March 16 and April 6, 2021

Draft Surplus Land Disposal Process Policy

Moved By Brenda Fowlie

Seconded By John Groden

That the Information Items be received and filed.

Motion Carried


9. Adjournment

Moved By Darren Bishop

Seconded By John Groden

Meeting adjourned at 8:32 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY