



**QUISPAMIS PLANNING ADVISORY COMMITTEE**  
**MEETING MINUTES – August 10, 2021**

**Present:**       Darin Lamont                               Kendall Mason  
                  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

**Absent:**        John Groden

**1. Call to Order**

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

**2. Approval of Agenda**

**Moved By**     Darren Bishop

**Seconded By** Marc Gosselin

That the Agenda be approved as written.

**Motion Carried**

**3. Disclosures of Interest**

No disclosures were declared.

**4. Approval of Previous Minutes**

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

**Moved By**     Brent Preston

**Seconded By** Brenda Fowlie

**Motion Carried**

**5. Business Arising from Minutes - Notice of Decisions**

**Moved By**     Brenda Fowlie

**Seconded By** Darren Bishop

That the Notices of Decision of the July 13, 2021, PAC meeting be received and filed.

**Motion Carried**

**6. Unfinished Business (None)**

**7. New Business**

**7.1 20 Meteor Drive - Fence Setback**

Kathleen & Michel van Doorn attended seeking approval to erect fencing with privacy slats along the property lines on three sides on the property of 20 Meteor Drive, PID 30219398, in order to enclose the back yard and provide privacy. They stated that they wanted to keep as much of the property within the fenced yard as possible and noted that it would be a tight fit around the shed if they put the fence 60 cm from the line since the shed is just over one metre from the line. It was noted that the trees on the Town Ortho Image are no longer on the property.

Ms. Jennifer Jarvis reviewed the application to enclose the entire back yard with a 1.8 metre high chain link fence proposed to run the entire length of the rear lot line, a total of thirty-four (34) metres as well as both side yard lot lines, from the rear lot line approximately twenty-three (23) metres, where it then connects to the dwelling. Notice was sent to property owners within 50 metres of the subject property. One correspondence was received from 24 Meteor Drive indicating that they do not wish to have a fence along the common property line with 20 Meteor Drive due to the potential to damage the fence during lawn care maintenance, resulting in the potential for out-of-pocket expenses. The complainant also cited the design of the chain link fence as being undesirable, suggesting that a solid wooden structure would be more suitable for the neighbourhood. Ms. Jarvis stated that staff have no concerns, and this is not a precedence since previous applications have been approved. She added that since one neighbor was concerned, it was recommended that the applicants obtain signature approval from all neighbors, and if the neighbors did not approve, the applicant would have to maintain the 60 cm setback.

Ms. Fowlie stated that upon visiting the property, she noticed the property beside the subject property has lots of firewood stacked on the property and if the fence is 60 cm from their line, the neighbors could end up taking that 60 cm as their property for the wood piles

Mr. Colbourne noted that previous variances granted had a condition that all the construction was on the applicant's property, just inside the property line. He stated that because the Town did not receive any correspondence from several of the neighbors, the Planning Department suggested that the applicants confirm the neighbors received notice and are ok with the plan. Mr. Bishop stated that the Town has already notified the neighbors and the PAC has never asked the applicant to do this previously. It was suggested that a smaller variance of 0.4 metres on the side where the neighbor is located and had concerns might work but the applicant stated he would not have enough room to cut the grass if there was only 0.4m as a setback. Mr. Colbourne suggested that the Town Staff could go to the neighbors to ensure they received the notice, but Mr. Bishop reiterated that the staff sent the

notice and to follow up on these notices sets a precedence that staff does not have time to do. No one attended to speak for or against this application.

**Moved By** Kendall Mason

**Seconded By** Darren Bishop

That the Planning Advisory Committee approve the variance of zero decimal six (0.6) metres from Zoning By-law 038, Section 6.(S)(7) for the setback to the property lines along the properties of civic 24 and 16 Meteor Drive and 35 and 31 Galaxy Drive for a chain link fence to be erected along the common property lines at 20 Meteor Drive, PID 30219398, subject to the following conditions:

1. All property lines are clearly delineated prior to the installation of the fence;
2. All work is to take place on the applicant's property; and
3. A fence permit is obtained prior to any construction.

**Motion Carried**

#### 7.2 277 Model Farm Road - Waterfront Development (slope stabilization)

David Smith attended seeking approval to add rock (rip rap) to stabilize the riverbank and slow down the rate of erosion on 277 Model Farm Road PID 30340988. He noted that the communication from the Department of Environment (DOE) requested a small change in location of the rocks which was explained and redrawn on the site plan and shared with the PAC Members.

Ms. Jarvis reviewed the application to remediate the erosion concern stating that the property is a waterfront property and as such, requires a review of the PAC and a watercourse and wetland alteration (WAWA) permit from the DOE for any form of alteration or disturbance within 30 meters of a watercourse or wetland. Notice was sent to property owners within 100 metres of the subject property and no concerns were received. Staff had no concerns. There were no questions from the PAC Members and no one attended to speak for or against the application.

**Moved By** Marc Gosselin

**Seconded By** Brent Preston

That the Planning Advisory Committee approve the addition of rock along the riverbank abutting 277 Model Farm Road, PID 30340988, subject to the following terms and conditions:

1. A Watercourse and Wetland Alteration (WAWA) Permit is obtained from the Department of Environment and Local Government, prior to the commencement of the proposed works.

**Motion Carried**

### 7.3 15 Pettingill Road - Sign Variances

Stephane Castonguay attended virtually seeking approval for a freestanding sign height variance and a second fascia sign to be located at 15 Pettingill Road, PID 30256226.

Ms. Jarvis reviewed the application and the variances requested from the Sign By-law 036. Section 13.(A)(1) limits the number of fascia signs to one (1) per unit and Section 13.(A)(1)(a)(i) permits a total area equal to zero decimal three (0.3) square metres per lineal metre of store front to which the sign is affixed and is further limited to: (a) eight (8) square metres if non-illuminated, or; (b) four (4) square metres if illuminated. The applicant is seeking zero decimal two (0.2) square metre variance to the total allowable area of fascia sign found on Unit A. Section 13.(A)(3)(e) limits the height of a freestanding sign in a Commercially Zoned property to six (6) metres. The applicant wishes to erect an eight decimal eight (8.8) metre freestanding sign; therefore, a two decimal eight (2.8) metre height variance is required. Section 13.(A)(3)(a) of Sign By-law 036 limits the area of a freestanding sign to zero decimal three (0.3) square metres for each linear metre of frontage on a public street, therefore, a variance of zero decimal eight (0.8) square metres is required to permit the freestanding sign as presented. She noted that staff have concerns for the height as it is the largest in the Pettingill Road area. While others in the Millennium Drive area have been approved, this is setting a precedence for the Pettingill Road area.

Mr. Castonguay noted the height of the free standing sign is valuable for the tenants from all vantage points. He stated that the building is 5.8 metres high (19 feet) and the sign is 8.8 metres high (29 feet) and that they reviewed the location of the sign to ensure other businesses in the area would not be affected for their signage being blocked from sight. It was noted that this sign would tower over the building and that most of the businesses in the area are based on appointments so customers would be coming in without needing the tall sign. Mr. Castonguay noted that another building is going in with more tenants in the expansion and each tenant will have space on the free standing sign, so the height is required to accommodate these panels. Staff was asked if there is an example of another sign with this height in the Pettingill Road area; nothing came to mind but files can be reviewed.

No one attended to speak for or against this application.

**Moved By** Marc Gosselin

**Seconded By** Kendall Mason

That the Planning Advisory Committee table the application for the two decimal eight (2.8) meter height variance to Section 13.(A)(3)(e) for a sign height of eight decimal eight (8.8) metres, and; a zero decimal eight (0.8) square metre variance to Section 13.(A)(3)(a) for a total permitted freestanding sign area of fifteen decimal six (15.6) square metres and ask the applicant to come up with other options of signage and height and to return to the PAC with a rendering of the sign along side

the building for comparison and to review the light pollution from the sign onto the residential areas in the rear

And that the Planning Advisory Committee grant variances to 15 Pettingill Road, PID 30256226 to the following Section of Sign By-law 036: Section 13.(A)(1) to permit one (1) additional fascia sign; a zero decimal two (0.2) square metre variance to Section 13.(A)(1)(a) for a total permitted area of four decimal seven for all fascia signs found at Unit A;

1. A Sign Permit is issued prior to the sign being erected; and
2. The approval is for the supplied drawings and specifications only and any variation shall require further PAC approval.

**Motion Carried** (with one Nay – Brenda Fowlie)

7.4 175 Hampton Road - Discretionary Use (Restaurant)

Pete Richard attended virtually seeking approval for a Take-out Restaurant at Unit 111 of 175 Hampton Road, PID 00243204.

Ms. Jarvis reviewed the application for the proposed unit to contain a kitchen, an office, a staff washroom, and service counter area. There is no seating proposed for sit-down dining, and there are public washroom available. The intent is to operate as a take-out and delivery restaurant only. A future area may be added as a lunch counter for five (5) or six (6) customers and the Planning Advisory Committee would be required to amend the Developers Agreement if the decision for a lunch counter is to proceed in the future. The hours of operation are proposed to be Sunday to Monday, 10:00 am to 1:00 am, extending to a 2:00 am close during the weekends.

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

**Moved By** Brent Preston

**Seconded By** Brenda Fowlie

That the Planning Advisory Committee approve Dominos Restaurant take-out restaurant as a Discretionary Use at Unit 111, 175 Hampton Road, PID 00243204, subject to following terms and conditions:

1. Hours of Operations are not to exceed Monday to Sunday, 10:00 am to 1:00 am, extending to 2:00 am close during the weekends;
2. The applicant enters into a Development Agreement with the Town of Quispamsis; and

3. A building permit is obtained from the Town of Quispamsis prior to construction.

**Motion Carried**

7.5 48 Enterprise Drive - Similar/Compatible Use (Transportation and Storage Business)

Russell MacDonald attended seeking approval for a Transportation Company with Storage Bay, Recreational Vehicle Sales Showroom, Recreational Vehicle Service Area, Offices, and Storage Units as Similar and Compatible Use at 48 Enterprise Drive, PID 30236749.

Ms. Jarvis reviewed the application noting that these activities are conducive to the Light Industrial (LI) Zoned area. The proposal is to subdivide the property into two separate and distinct lots. The first lot would contain one (1) acre and would be sold. The second parcel of land would be one decimal eighty-nine (1.89) acre lot and is proposed to play host to a building that would contain the above mentioned businesses. Storage Units are also proposed to occupy an area on the lot.

Mr. MacDonald stated that there is a customer who wants to rent the building to sell 4-wheelers and similar recreational vehicles and that Test Driving would be permitted on the lot. As for the number of storage units, this needs to be reviewed with Planning and may need to return to PAC once the buffers and easements are determined and the plan is finalized.

Mr. Colbourne questioned the "Recreational Vehicle Service" expected on the property due to the area and sensitivity to the environment such as changing oils, near watercourse. Mr. MacDonald noted the services would be cleaning, changing tires, fixing plastic, brakes, etc., but not full service of oil changes and motor work. Mr. Colbourne stated that motor vehicle work, if proposed, would require containment and separators for oil or other contaminants. Final plans will determine the details required and this will be included in a developers agreement.

Notice of this application was sent to property owners within 100 metres of the subject property. Concerns were received from the Rainbow Court area for the water run off down to this Lot, so the Planning Department suggested a buffer zone be established between the LI and Residential (R1) Zone.

No one attended to speak for or against this application.

**Moved By** Marc Gosselin

**Seconded By** Darren Bishop

That the Planning Advisory Committee grant approval for a Similar or Compatible Use for the operation of a Transportation Company with Storage Bay, Recreational Vehicle Sales Showroom, Recreational Vehicle Service Area, Offices, and Storage Units at 48 Enterprise Drive, PID 30236749, subject to the following conditions:

1. A Subdivision Application be received by the Town and approved prior to development of the Lot;
2. A six (6) metre Public Utility Easement be executed along the most northerly side yard lot line and represented on the approved subdivision plan;
3. A Stormwater Management Plan be submitted to and approved by the Town of Quispamsis, ensuring that stormwater does not impact neighbouring properties;
4. A 15 metre buffer zone, in accordance with Section 6.(J) of Zoning Bylaw 038, is established along the lot lines abutting a Residential Zone;
5. Hours of operation will not exceed 7:00 am to 9:00 pm Monday to Saturday as per the Town's Noise By-law 023;
6. The applicant enters into a Development Agreement with the Town of Quispamsis;
7. Any signage must comply with the Town's Sign By-law; and
8. A building permit is issued prior to construction.

**Motion Carried**

7.6 PropertyStar Inc Subdivision - 419 Hampton Road - Lot Not Fronting a Municipal Street

Mark Hatfield of PropertyStar Inc. attended seeking approval for a Tentative Subdivision Plan proposing the creation of a new residential lot (Lot 501A) by dividing the lot in half and proposing to construct a semi-detached unit on each lot.

Ms. Jarvis reviewed the subdivision plan application that proposes the creation of a residential lot that will not front a municipal street. The applicant has proposed a six (6) metre private right-of-way access along the southern most side lot line, traversing over Lot 501B in favour of Lot 501A, with straightforward driveway access to Lot 501B. She added that this right-of-way access is to service a single lot (Lot 501A) so there is no requirement to name the access; however, the civic number must be posted and visible from Hampton Road as per the Numbering of Buildings By-law. The applicant is proposing to construct a semi-detached unit on each of the resulting lots; each containing a gross area of fifteen hundred and ninety-seven (1597) square metres. The required lot size for a semi-detached dwelling in an R1 Zone with Municipal sewer service and a private well is thirteen hundred and fifty (1350) square metres as per Table 3 of Zoning By-law 038. The proposed Lot 501-A has a Lot width of thirty decimal eighty-five (30.85) metres, whereas a Lot width of thirty-five (35) metres is required, therefore, a four decimal fifteen (4.15) Lot width variance would be required for Lot 501-A. Lot 501-B is proposed to have a Lot width of thirty-one (31) metres, therefore a four (4) metre variance to Section 8.(C)(1) is required for Lot 501-B. Both Lots exceed the Lot

depth requirements of the Zoning B-law, with sixty-six decimal thirty- seven (66.37) metres of depth, whereas the by-law requires thirty decimal eight (38) metres.

Mr. Hatfield noted that he purchased the property of 419 Hampton Road property as it stands now about ten years ago. He will be the owner of both duplexes with each being rented versus distinct ownership and the property will be maintained by PropertyStar Inc.

Rudy and Carol Hogenbirk of 6 Canon Road attended to speak of their concerns for additional wells in the area as well as the amount of the variance. It should be noted that the notice sent to the property owners within 100 metres stated, in error, that the variance required was seven (7) metres.

Debbie Stewart of 415 Hampton Road attended to speak of her opposition to the variance. She provided images of her yard and the adjacent wooded property. The images and her letter were missed in the package on-line but copied for each member prior to the beginning of the meeting. She noted the plan sent out only showed two lots being separated, not the proposed duplexes which she learned after meeting with Town Staff. Although the Site Plan included in the notice to property owners in the area did not reference the proposed buildings and access driveway layout, the letter did indicate that semi-detached units were being proposed for the lots. Ms. Stewart is opposed due to the access abutting her property where trees used to be so she will lose the privacy she is accustomed to. She is also worried about her well water supply and the traffic from four homes, possible eight cars, as well as the noise from all the people. Ms. Stewart also figured her property value will diminish.

It was asked if one well for four homes is sufficient. Mr. Colbourne stated that the Town has these in other situations with duplexes sharing wells, upwards of six homes sharing one well. He further noted that these units are rentals, not distinct ownership, which would have further concerns with sharing a well and the town would have to look at this separately with respect to lot sizes for individual lots. Mr. Hatfield was asked about the access and if any shrubs or trees could be maintained or added. He noted there will be a setback for each lot and each lot will be well maintained as part of the development. It was asked if the property could be flipped so the access is on the upper side adjacent to 425 Hampton Road. Mr. Hatfield stated that this design was the best for storm water management through natural paths as well as the best design for privacy to back yards for the neighbors and the newly proposed units.

It was recognized that correspondences were also received from neighbouring properties stating the necessity to enforce the by-laws as they are presented. While the goal is always to see developments stay within the criteria established in the by-laws, the granting of a variance is established by the Community Planning Act. Based on the Town records, the same or similar variances were applied to the two



properties that have registered complaints about enforcement of rules. Staff have no concerns due to the size of the lots, even though the width is not quite sufficient.

**Moved By** Kendall Mason

**Seconded By** Brent Preston

That the Planning Advisory Committee support the Development Officer in approval of the Propertystar Inc. Subdivision proposing the creation of a new residential lot (Lot 501-A) that does not front a municipal street and proposing to construct a semi-detached unit on each lot, subject to the following conditions:

1. Approval of the private right-of-way to Lot 501-A as the lot will not front a municipal street;
2. In the interest of compliance of the Subdivision and Zoning By-laws, granting of a Lot width variance of four (4) metres to Lot 501-B, and a Lot width variance of four decimal fifteen (4.15) metres to Lot 501-A;
3. The requirement of the property owner to enter to a Hold Harmless Agreement with the Town prior to subdivision plan approval, and prior to the issuing of a Building Permit, regarding construction, maintenance and upkeep of the private access to a lot that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
4. The civic addressing for Lot 501-A must be posted and visible from Hampton Road as per the Numbering of Buildings By-law;
5. A Storm Management Plan be submitted to and approved by the Town of Quispamsis, prior to the issuance of a Building Permit;
6. Land for Public Purposes obligations are met through cash-in-lieu in the amount of Seven Hundred Fifty dollars (\$750);
7. Filing Fees in the amount of One Hundred dollars (\$100) for subdivision plan of two lots or less;
8. The Final Plan is to be signed by the property owners and any applicable Public Utilities; and
9. The development of the subdivision and the private access must be completed as per all applicable Town By-laws, and policies thereto; and
10. Planting of shrubs and trees along the private access to provide a small buffer to the adjacent property of 415 Hampton Road with a planting plan approved by Town staff to remediate any foliage removed as part of the development of the access as per Section 7 of the Subdivision By-law.

**Motion Carried**

7.7 Schooner Point Development (Kings View Phase 19) Tentative Subdivision Plan - Blenheim Court

Peter Donovan of Schooner Point Development Inc. attended seeking approval for the Revised Tentative Plan of Kings View Subdivision Phase 19 with the Revised Street Layout for the Squire Drive Connection (PIDs 172171, 30246102 and 30247670).

Dwight Colbourne reviewed the application noting this is a revision of the tentative plan that was approved by the PAC earlier in the year and the recommendation to review a possible connection to Squire Drive from the Blenheim Court to address traffic concerns, an alternate access to the area, and civic addressing. This revised plan is a result of the Developer and the Developer's Engineering Consultant's consideration. The proposed layout was reviewed by the Town's Engineering Department and was deemed acceptable, provided the reduced width incorporates a storm sewer system and line-of-sight and stopping distance analysis is completed for safety. Mr. Colbourne noted that a portion of Blenheim will have a right-of-way width of 10 metres versus the minimum requirement of 20 metres to address the challenge of the topography as well as the limited locations to place the intersection at Squire Drive. As compensation for the reduced right-of-way width the Developer is proposing to install curb and storm sewer for that portion of the street with the reduced width. It was noted that the street gradient for a portion of Blenheim will exceed 8% given the topography of the area and the grade may extend to 11%. As the PAC can only approve up to 10%, Council will have to approve the 11%. Mr. Colbourne added that Lot width variances are minimal as the lots requiring variances exceed the minimum lot area of 1140 square metres.

Mr. Donovan noted this is the best opportunity to make the connection, and while he is not happy with the additional cost for his Engineering to review and the additional street costs of 60 metres of road, he stated that there is not likely any alternate plan would work better. He asked if the local government easement could be looked at on the front of Squire vs the rear. He also asked about the narrow lot, Lot 164, noting that he has a narrow house plan that would fit the lot if access can be from Squire Drive. He added that there is a sight distance review for this lot to be accessed off Squire Drive and that it was submitted to the Town today and approved.

No one attended to speak for or against this application.

**Moved By** Darren Bishop

**Seconded By** Marc Gosselin

That the Planning Advisory Committee commend the Developer for the extra work to develop a plan to offer an alternate access and support the Municipal Planning Officer in the possible approval of the Kings View Subdivision Phase 19 – Revised Tentative Plan - Revised Street Layout with the Squire Drive Connection (PIDs

172171, 30246102 and 30247670) for Schooner Point Development Inc subject to the following conditions:

1. The granting of Lot Width variances for the following Lots:
  - Lot 161 – 2.00 m
  - Lot 163 – 2.00 m
  - Lot 166 – 1.50 m
  - Lot 167 – 1.50 m
  - Lot 169 – 3.00 m
  - Lot 170 – 3.00 m
  - Lot 171 – 3.00 m
  - Lot 172 – 3.00 m
  - Lot 173 – 3.00 m
1. Lot area variances for Lots 166 and 167 in the amount of 5 sq. metres and 8 sq. metres;
2. A Lot depth variance for Lot 164 with further review required at the Building Permit stage prior to the issuing of a Building Permit;
3. A street right-of-way width variance in the amount of 10 metres from Blenheim Court as it connects with Squire Drive;
4. A street right-of-way intersection separation variance of approximately 10 metres for the intersection distance between Cornelius Drive and Blenheim Court;
5. A street grade to 10%, the maximum that can be granted by the PAC subject to the installation of a storm sewage system; suggestion that Town Council approve the 11% grade.
6. The submission of a Line-of-Sight and Stopping Distance Analysis for the intersection of Blenheim with Squire Drive and driveway access for Lots 166 and 167;
7. Driveway Access to Lot 164 restricted to Blenheim;
8. Land for Public Purposes obligation to be satisfied through dedicated of 1691 square metres of land – those being from PID 252973 and 30268429; and
9. The Stormwater Management Plan be revised to include the storm sewer system for the reduced street right-of-way width as well as review of any portion of the street where the grade is more than 6%, and to address ditches being directed to the Hilcrest Holdings Ltd. property.

The Municipal Planning Officer conditions of approval will include:

1. A Town approved engineered design for the sanitary sewerage system;
2. Final subdivision plan to have additional Local Government Services Easement for stormwater management and sanitary sewerage service;

3. Adherence to the requirements of the Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report regarding water usage and the intended land use;
4. Revisions to the comprehensive Stormwater Management Plan inclusive of engineered design drawings to address the concerns outlined above;
5. Standard Development Agreement, bonding and subdivision fees will be required;
6. Subdivision filing fees in the amount of Three Hundred Twenty dollars (\$340.00) for a fourteen (14) lot phase, which may be adjusted should the final plan have a revised total number of lots; and
7. Confirmation from the public utility companies that the Public Utility Easements as submitted are acceptable.

**Motion Carried**

7.8 Fernwood Park Phase 6 - Tentative Subdivision Plan - Diggle Drive to Meadowlark Drive

Peter Donovan attended seeking approval of the Fernwood Park Phase 6 tentative plan proposing the creation of Thirty-Seven (37) residential building lots in the Single or Two-Family Dwelling Zone (R1).

Mr. Colbourne reviewed the application proposing the creation of Thirty-Seven (37) residential building lots in the Single or Two-Family Dwelling Zone (R1), a public street – Merlin Street; Two Future Streets for access to remnant land; 19,472 square metres of land dedicated for Land for Public; Local Government Services Easements for extension of the municipal sanitary sewage system; and Public Utility Easements for electrical power and telecommunications agencies. Mr. Colbourne added that a portion of Merlin Street will require a three metre right-of-way width variance at the intersection with Meadowlark Drive and that this would be a reasonable variance provided any stormwater concerns can be address in the proposed street right-of-way width. He stated that the Planning Department does have a significant concern with the street intersection at Diggle Drive. As the plan shows, the existing dwelling at 6 Diggle Drive is only 1.91 metres and 2.19 metres from the edge of the street right-of-way and there is a significant elevation drop between the yard area and the road surface. At this stage, there is no information as to the slope ratio which does present a safety concern as well have impacts on the property in terms of quality and possible value. It is the opinion of Planning that the right-of-way width at this location should have been reduced to provide greater setback recognizing the elevation drop, the age of the dwelling, and to lessen the impacts on the property as this is a significant change. It would be reasonable for the developer to establish the minimum right-of-way width required to accommodate the road and stormwater management system. Once the minimum

right-of-way width is established based engineered design, there must be reinstatement of property and a transfer of property to the property owner at 6 Diggle Drive as part of the subdivision process. As the area being transferred would have been street right-of-way, this would not have any impact on the Developer in terms of lot yield and it would be a reasonable approach to mitigate the concerns and impacts on the property at 6 Diggle Drive. Mr. Colbourne noted concerns received for traffic and stated that as with most local streets in the Town, the traffic volumes are relatively low compared with transportation design and classification standards. He further added that the Town has received much communication from the public at large regarding the unacceptable tree clearing and work undertaken on the property where there are significant wet areas and designated wetland areas. The Town became aware of this and in March 2021, the Planning Department served a Zoning Violation Letter on Schooner Point Development Limited regarding the clear cutting beyond that required for reasonable development and the construction of street rights-of-way or other lawful development. In that correspondence, Schooner Point Development was informed that the Town would be seeking compensation for the extensive clear cutting since the undertaking of tree-clearing and moving of soils was a violation of Town's Zoning By-law as well as the Provincial Clean Water Act. Mr. Colbourne stated that it would be reasonable for the PAC to consider offering support to the Development Officer and the Council in requiring the submission of a Tree Planting and Restoration Plan. It was recognized that randomly replanting trees may end up having trees in the way of a desired home construction and homeowners removing them, so the plan would need to be approved prior to the issuance of a Building Permit, and the full plan to be completed prior to final acceptance of the subdivision by the Town. The Land for Public Purpose requirement for this phase as proposed is 7569 sq. metres. The plan proposes the dedication of 19,472 sq. metres of land for LPP for trail development and protection of watershed and wetland areas.

Mr. Donovan noted that the stormwater management plan (STWMP) review from Fernwood Park Phase 3B allowed the water to flow into the LPP area and if this is changed, it would conflict with the Department of Environment (DOE) recent requests. Mr. Colbourne stated that the wetland mapping changes of 2020 by the DOE, changes any previous STWMP and must be approved by the DOE again, and if the DOE has this area as a designated wetland, we must abide by their rules.

**Moved By** Marc Gosselin

**Seconded By** Brent Preston

That the Planning Advisory Committee support the Development Officer, in considering the approval of the Fernwood Park Subdivision Phase 6 Tentative Plan, subject to the following:

1. Approving the proposed street layout and connection;
2. The granting of a 3.0 metre street right-of-way width for Merlin Drive at the intersection with Meadowlark Drive;

3. A reduction in the street right-of-way width at Diggle Drive adjacent to 6 Diggle Drive based on an engineered design that establishes the minimum width required to accommodate the street and public infrastructure, and the excess land from the 20.0 metre width right-of-way as proposed consolidated with the property at 6 Diggle Drive;
4. The remediation of any excavated land adjacent to 6 Diggle Drive to the streetline of the engineered right-of-way, with a finished slope ratio as determined acceptable by the Town's Engineering department;
5. The suitability of the land proposed for LPP and approvals thereof;
6. Extension of the municipal sewage system to provide for future servicing of Lots 18-1, 18-2 and Lot B as shown on the Tentative Plan;
7. Supporting the Development Officer and the Council in requiring the submission of a Tree Planting and Restoration Plan, prior to the issuance of a Building Permit, that will detail how a reasonable number of trees will be replaced as part of the development, and the full plan to be completed prior to final acceptance of the subdivision by the Town. The Tree Planting and Restoration Plan shall cover the whole of PID 174441 and the subdividing thereof;
8. The submission of the Tree Planting and Restoration Plan to the PAC for review and recommendation to the Council, and the Council must accept the plan prior to granting assent of the final plan for any portion of Phase 6 as outlined on the Tentative Plan; and
9. The Developer to submit approvals from the DOE permitting the undertaking of any further work on the subject property, with failure to provide copies of such approval rendering any Tentative approval null and void.

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

1. Professionally engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval;
2. Professionally engineered design drawings for the street network to be submitted to the Town for review and approval;
3. 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 utilizing engineering acceptable best practices. 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;

4. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
5. All Local Government Services Easement necessary for the stormwater management or sanitary sewerage service are to be incorporated into the final subdivision plan;
6. Standard Developer's Agreements, bonding and subdivision fees will be required;
7. Subdivision filing fees in the amount of Five Hundred Seventy Dollars (\$570.00) for a thirty-seven (37) lot phase; and
8. 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.

**Motion Carried**

**8. Information Items and/or Discussion**

Council Meeting Minutes June 15, 2021

**Moved By** Brenda Fowlie

**Seconded By** Kendall Mason

That the Information Items be received and filed.

**Motion Carried**

**9. Adjournment**

**Moved By** Darren Bishop

**Seconded By** Marc Gosselin

Meeting adjourned at 9:30 p.m.

**Respectfully Submitted,**



CHAIRMAN



SECRETARY