

5. Business Arising from Minutes - Notice of Decisions

Moved By Brent Preston

Seconded By John Groden

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 16 Forrester's Road - Accessory Building Height and Setback Variances

Mr. Kevin Doiron attended seeking approval to construct an accessory building beyond the front line of the main dwelling on the waterfront property of 16 Forrester's Road, PID 452300.

Ms. Fowlie asked about the proposed location of the front yard versus the back yard. Mr. Doiron noted that this is a waterfront property and that they have been having flooding issues with high levels of the flood taking over two-thirds of his back yard property. He stated that the water comes to the edge of the garden shown on the screen and that they typically have to sandbag ten feet from the house which leaves little room for an accessory building. He added that there is a walkout exit at the back of the house that they are unable to change and it sits about one metre about high level. Mr. Doiron stated that over the last few years they have had thousands of dollars in damage so they would prefer not to have more risk of loss in the back yard. Ms. Fowlie stated that she drove to the property to look at the proposed location and it appears the applicant has pride in his property due to the existing property maintenance.

Notification was sent to property owners within 100 metres of property. Mr. Wilkins, the property owner of 18 Forrester's Road, corresponded that he is concerned for potential loss of the view of his house from the road and for water run off around. It was his intention to attend the virtual meeting to further discuss his concerns but since he is a remote landlord living in the USA, he mistakenly logged into the virtual application at 7:00 p.m. in his time zone.

The PAC Secretary also noted the property owner of 6 Sunny Lane, Ms. Robinson, corresponded concerns for her view of the river and planned to attend the meeting but she was not in attendance. No one spoke for or against the application.

Moved By John Groden

Seconded By Kendall Mason

That the Planning Advisory Committee approve the variance of zero decimal ninety-two (0.92) metres from the Town's By-law 038, Section 8.(G)(2)(a) for the height and the variance from Section 8.(G)(2)(b)(i) from the Town's By-law 038 for the location beyond the front line of the main dwelling in order to construct a three decimal sixty-five by four decimal eighty-eight (3.65 x 4.88) metre accessory building on the waterfront property of 16 Forrester's Road, PID 452300, subject to the following terms and conditions:

1. The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
2. The building shall not be used as a dwelling or for the keeping of livestock; and
3. A building permit is issued prior to construction.

Motion Carried – Voting was done individually and verbally.

7.2 127 Queensbury Drive - Accessory Building Size Variance

Ms. Megan McLaughlin attended seeking approval to construct an accessory building requiring a size variance for use as a pool house at 127 Queensbury, PID 30250120.

Mr. Mason asked about the intent of purchasing the property in back as noted in the staff report. Ms. McLaughlin stated that the pool house will be on the front lot only and the subdivision plans for that lot behind her were delivered to the Town this week. Mr. Colbourne confirmed the plans were received and noted there were no concerns with approving this application prior to the amalgamation of the lots as all setbacks were compliant to the Town's Zoning By-law 038.

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

Moved By Kendall Mason

Seconded By John Groden

That the Planning Advisory Committee approve the variance of twenty one decimal six (21.6) square meters from the Town's By-law 038, Section 8.(G)(2)(c) in order to construct a four decimal nine by nine decimal one (4.9 x 9.1) metre accessory building on the property of 127 Queensbury, PID 30250120, subject to the following terms and conditions:

1. The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
2. The building shall not be used as a dwelling or for the keeping of livestock; and
3. A building permit is issued prior to construction.

Motion Carried – Voting was done individually and verbally.

7.3 44 Westminster Drive - Fence Height Variance

Mr. Hans Klohn attended seeking approval to erect privacy fencing with a height of two decimal forty-four (2.44) metres in the side yards, plus, a chain link fencing to be erected along the property line of the rear yard at 44 Westminster Drive; PID 30319040.

Mr. Klohn noted the fence will be the standard height of one decimal eight (1.8) metres board on board with a zero decimal six (0.6) metre lattice extension on top of the fence for the sides. He added that he has letters from both side property owners stating that they have no objections. The chain link on the back is proposed at the property line because of the embankment and the preferred location to be at the top of that versus on the side of the embankment itself. Mr. Klohn referenced the comments from the neighbors at the rear of his property and stated that they will be sure not to damage any shrubs or trees of the neighboring property. Ms. Fowlie confirmed with Mr. Colbourne that if they had a pool the fence could be 2.5 metres (8 feet) high and asked if the same rules apply for a hot tub. Mr. Colbourne noted that the Town's By-laws do not cover hot tubs but it is a valid concern so he has no issues with approving this variance and feels it should be granted for this reason of having a hot tub on the property. Mr. Colbourne added that the Town's By-laws may be revised in the future to include hot tubs with pool regulations.

Mr. Congwi Cui of 15 Devonshire sent in correspondences asking that there is no additional part to be attached to the chain link fence and that any significant change to the chain link fence, including type, appearance, height, and long term addition should be mutually agreed upon by owners of both properties in written. Mr. Cui attended the meeting to reiterate his comments. Mr. Klohn stated he may add some slats for privacy, but the fence would be within the permitted height.

Notice was sent to property owners within 100 metres of the subject property. Once other similar concern was received but no one else attended to speak for or against the application.

Moved By John Groden

Seconded By Kendall Mason

That the Planning Advisory Committee approve the variance of zero decimal sixty-four (0.64) metres from the Town's Zoning By-law 038, Section 6.(S)(3)(a) for the fence height for privacy fencing on the side yards and the variance of zero decimal six (0.6) metres from Section 6.(S)(7) of the same by-law for a chain link fencing to be located just inside the property line at the rear of 44 Westminster Drive, PID 30319040, subject to the following terms and conditions:

1. The setback of zero decimal six (0.6) metres from the property line is adhered to for the location of the fence on the side yards;

2. All construction work, including fence post holes, is to be done on the applicant's property with clear and accurate account of the property lines for the rear; and
3. A building permit is issued in accordance with the Town's Building By-law 055 prior to the construction of the fence.

Motion Carried – Voting was done individually and verbally.

7.4 14 Squire Drive - Detached Garage Size Variance

Mr. Peter Martin attended seeking approval to construct a seven decimal three by nine decimal one (7.3 x 9.1) meter garage to be used to store vehicles and the applicant's boat at 14 Squire Drive, PID 30192405. It was noted that 14 Squire Drive is located on the corner lot of Squire Drive and Carlton Drive. While the Carlton Drive side of the applicant's property is access to a private lane that leads to Kingsway Care Centre and no throughway traffic, it will still be reviewed as a street. As such, the lot has two 'front yards'. As per Section 8.(G)(1)(b)(i) of the Town's By-law 038, no accessory building or structure used as a detached garage may be placed so that any part is in front of the front of the main building on the lot. It was also noted that there are two accessory buildings on the lot as shown on the Town's GIS Maps. Mr. Martin confirmed that one of the existing accessory buildings was already removed.

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

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee approve the variance of three decimal four (3.4) square meters from the Town's By-law 038, Section 8.(G)(1)(c) and the variance from Section 6.(O) of the Town's Zoning By-law 038 for the location beyond the front line of the main dwelling, in order to construct a seven decimal three by nine decimal one (7.3 x 9.1) meter garage on the property of 14 Squire, PID 30192405, subject to the following terms and conditions:

1. One of the two existing accessory buildings be removed from the property;
2. The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
3. The proposed garage is not to be used for a dwelling unit or for the keeping of livestock or as a home business; and
4. A building permit is issued prior to construction.

Motion Carried – Voting was done individually and verbally.

7.5 200 Vincent Road - Fence Setback Variance

Ms. Santina Cipolla attended seeking approval to erect fencing just inside the property lines on three sides of the rear yard on the property of 200 Vincent Road, PID 30297741.

Mr. Bishop noted the main concerns for fences to be along the property line is for the ability to do maintenance from one side as all work to fences must be done on the applicant's property.

Ms. Fowlie asked about the back yard and whether it was fully enclosing so that entrance to the rear yard from would only be from the house. Ms. Cipolla noted there will be a gate to allow entrance into the rear yard.

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

Moved By Kendall Mason

Seconded By John Groden

That the Planning Advisory Committee approve the setback variance of approximately zero decimal six (0.6) metres from Section 6.(S)(7) of the Zoning By-law 038 for a fence on 200 Vincent Road, PID 30297741, subject to the following terms and conditions:

1. All construction work, including fence post holes, is to be done on the applicant's property with clear and accurate account of the property lines; and
2. A building permit is issued in accordance with the Town's Building By-law 055 prior to any construction.

Motion Carried – Voting was done individually and verbally.

7.6 175 Hampton Road - Sign Size Variance

Ms. Alana Gormley of Quick Signs in Toronto attended on behalf of St. Louis Bar & Grill, seeking approval for a new fascia sign on the front of the building at 175 Hampton Road, Unit 114, PID 243204.

The new signage for St. Louis Bar & Grill is proposed at 6.973 metres in length by 1.746 metres high for a total area of 12.17 square metres. Ms. Gormley noted that only the lettering is lit, not the arrow and that the sign fits well on the new fascia that was constructed recently for the entire mall. Mr. Colbourne showed images of the existing sign of Jungle Jims, that was previously on the building, stating that this looked longer and narrower. He stated that if the sign took up the entire fascia there may be a concern.

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

Moved By Brent Preston

Seconded By John Groden

That the Planning Advisory Committee approve the size variance of eight decimal one (8.17) square metres from the Sign By-law 036, Section 13.A.(1)a.1)(b) for the construction of a 6.973 metre by 1.746 metre illuminated sign to be erected on the canopy fascia, subject to the following terms and conditions:

1. A sign permit is issued prior to the installation of the sign; and
2. No further signage is permitted to be installed on the Unit 114.

Motion Carried – Voting was done individually and verbally.

7.7 83 Flagstone Drive - Dwelling Height Variance

Thomas and Ashley Owens attended seeking approval for a one decimal zero six (1.06) metre height variance for a new house on the property of 83 Flagstone Drive, PID 30257703.

Mr. Bishop noted that this is a common request due to the layout of the property and due to the design with walkout basements. Ms. Fowlie noted that the house will not stand out in the neighborhood as the variance is minor and only due to layout.

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

Moved By John Groden

Seconded By Kendall Mason

That the Planning Advisory Committee approve the one decimal zero six (1.06) metre height variance for a new house on the property of 83 Flagstone Drive, PID 30257703, subject to the following condition:

1. A building permit is issued prior to construction.

Motion Carried – Voting was done individually and verbally.

7.8 193 Pettingill Road - Discretionary Use - Daycare in INST Zone

Ms. Jennifer Arsenault, of the Woods Early Education Corp. (The Woods) – Early Learning Childcare Facility (Daycare), attended seeking approval for the construction of a new centre to operate as Origins Academy and provide early learning service to 120 children at 193 Pettingill Road. The 4.5 hectares (11.1 acres) of property at 193 Pettingill Road is zoned Institutional, and currently is the location of an afterschool childcare facility called The Woods. The property was recently subdivided into 3 parcels having access off the Pettingill Road – as recently approved by the PAC.

Mr. Colbourne noted that the staff report mentioned the retention pond and discussions were had between Ms. Arsenault and her Engineer regarding the concerns of the Department of Health upon a recent inspection. Mr. Colbourne noted that when the inspection was done, there was water in the pond but subsequently it was determined that the pond was not constructed to the design and since then has been repaired and no longer has water standing. Mr. Colbourne stated that he is more than confident that the new design will cover any concerns and that the Town will look at all concerns for these ponds in the future including the need for requirements of non-asphalt parking area that may reduce the need for the pond in the first place. He confirmed that this is not going to hold up any approval from a planning perspective or the Storm Water Management perspective. Mr. Colbourne added that there will be further review by the Town before the development is finalized. He also stated that the overall site plan shows much detail and care has been given in the development. It meets all terms and conditions of the zoning by-law with regards to green space, parking, access that is being worked on at this time, etc. Mr. Mason asked if the pond is fenced which he agreed is not always pretty, but it would keep kids out. Mr. Colbourne noted that if the structure (pond) does not have any standing water it would not require fencing. With proper development of the pond, water should be released from the pond within minutes of the downfall if the design is correct. Mr. Mason noted that sediment can build up over time if it is not maintained properly. Mr. Colbourne noted that heavier shot rock is used at the top of these ponds to help avoid sediment.

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

Moved By Kendall Mason

Seconded By John Groden

That the Planning Advisory Committee approve the Early Learning Childcare Centre at 193 Pettingill Road providing service to 120 children subject to compliance with the conditions of Section 6.(L)(3) of the Town's Zoning By-law 038, and the following conditions:

1. The Owner/Operator obtains appropriate licensing from the Province of New Brunswick;
2. A Building Permit is issued by the Town;
3. The centre complies with requirements of the Provincial Fire Marshalls office;
4. The owner/operator enter into a Development Agreement with the Town;
5. A sanitary sewerage permit is issued by the Town as per the Sewerage Utility By-law; and
6. The development is completed and operates in accordance with all the Town By-laws and Provincial Acts, and applicable policies thereto.

Motion Carried – Voting was done individually and verbally.

7.9 9 Riverfront Crescent - Attached Garage Setback Variance and Waterfront Review

Mr. Robert Boyce, Architect and Mr. Danny Dobson, Owner, attending seeking approval to construct an attached garage and other renovations on the waterfront property of 9 Riverfront Crescent, PID 30150635. The proposal is to add a new three car garage in front of the existing garage which will be constructed with a portion of the new garage within the required 15 metre setback by almost five metres. The proposed alterations also include a small addition at the front entry, a small addition at the rear, and a new deck that will replace the existing, and a swimming pool that would be within the watercourse setback of 30 metres. Mr. Boyce noted that a small accessory building that was in the setback will be removed as part of the development.

Mr. Colbourne noted the Department of Transportation (DOT) setback, explain that the DOT owns the 50 metre wide arterial and while the addition may not be in the ROW, it is within the 15 metre setback from the edge of the ROW. As the property is owned by the province, the Municipality requires their approval before issuing a building permit for construction in the setback area. Mr. Colbourne added that there is a significant drop off in that area which may indicate there is not intention of widening the road at any time, but the DOT still requires to approve the development. Mr. Boyce noted that they will obtain the approval from DOT and obtain a Watercourse and Wetland Alteration (WAWA) permit.

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

Moved By Brent Preston

Seconded By John Groden

That the Planning Advisory Committee approve the construction of an attached garage and other renovations on the waterfront property of 9 Riverfront Crescent, PID 30150635, subject to the following terms and conditions:

1. Prior to issuance of a building permit, a permit is received from the Department of Environment and Local Government if work is to take place within 30 metres of the watercourse;
2. Prior to issuance of a building permit, approval is received from the Department of Transportation for any construction within the 15 metre setback of the DOT Right-of-Way; and
3. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition.

Motion Carried – Voting was done individually and verbally.

7.10 15 Cargo Road - Lot Not Fronting a Municipal Street

This application will not require the PAC review. With a corrected site plan showing access direct from Corduroy Road, a building permit can be issued.

7.11 Tentative Subdivision Plan - MPSF Developments - Cavalletti Lane

Mr. Rick Turner, of Hughes Surveys & Consultants Inc attended along with Mr. Forgeron of MPSF Developments Inc., seeking approval for a tentative subdivision Plan – Lot 20-1, as a Lot Not Fronting a Municipal Street (PID 30268163).

Mr. Turner noted that her reviewed the staff report with Mr. Forgeron and had no issues with the proposed terms and conditions. He added that the Hold Harmless Agreement will also include covenants against the property relating to a private lane. Mr. Forgeron will do whatever is required and will ensure the new owner will be well informed of the Lane and the Storm Water Management Plans. Mr. Forgeron noted that Mr. Turner represented him well and he will ensure all the requirements are amended to for the Town.

Mr. Colbourne noted the Land for Public Purposes (LPP) that was covered in the staff report as well as the lane way previously created at the time of the original subdivision. He added that Mr. Forgeron was aware of the LPP requirements.

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

Moved By John Groden

Seconded By Kendall Mason

That the Planning Advisory Committee support the Development Officer in the approval of the MPSF Inc. Subdivision subject to the following terms and conditions:

1. Approval of the private access for Lot 20-1 for a Lot that will not front a municipal street;
2. An on-site septic approval is required by the Provincial Health Act;
3. Potable water supply and service through privately-owned drilled well;
4. A Hold Harmless Agreement to protect the Town, and to make the property and homeowners 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;
5. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowner that investment made in construction of the driveway will not be recovered if it is destroyed during construction of a public street to municipal standards;

6. A Stormwater and Drainage Management plan is to be submitted at the time of Building Permit Application stage and shall include a lot grading plan for Lot 20-1;
7. LPP obligations are met through the land dedication at a future date for the construction of a pedestrian trail to connect the old Lambs Ferry Road with Model Farm Road or the general location thereto;
8. Filing Fees in the amount of One Hundred Dollars (\$100) for a subdivision plan of a single lot;
9. The Final Plan is to be signed by the property owners and any applicable Public Utilities; and
10. The development of Lot 20-1 must comply with all applicable Town By-laws and policies thereto.

Motion Carried – Voting was done individually and verbally.

7.12 Tentative Subdivision Plan - Serenity Heights Phase 2 - Stock Farm Road

Mr. Mark Hatfield of Property Star Inc. attended with Mr. Gerry Roberts of Keirstead Quigley and Roberts Ltd. seeking approval for the Tentative Subdivision Plan of Serenity Heights Phase 2. Mr. Hatfield stated that he was surprised by the staff report suggesting the subdivision be denied and that he would have preferred having a conversation with staff to ensure everything was completed as required or communicated to do so.

Mr. Colbourne stated that he was away on vacation for almost two weeks and when he returned, he addressed this application as it sat in the cue and by the time he reviewed this application, the PAC meeting was immediate. Mr. Colbourne further reviewed that the Serenity Subdivision Plan originally came through as one large subdivision but subsequently came back in smaller phases. He noted the Town's Zoning By-law and the Community Planning Act (CPA) both reference the size of a subdivision and whether it is reasonable that a development will proceed as it is tentatively planned. Mr. Colbourne noted that Serenity Heights Phase 1 is still not registered with Service New Brunswick, has not received the Accent of Council and there is no Developer's Agreement completed. He added that Lot 10 is not accessible so as presented, this plan cannot be approved. Mr. Colbourne spoke with the surveyor regarding Lot 10 and suggested changes that could be made for approval. If Lot 10 is included in the Phase 1 and that is sent to Council next week, then the Town would proceed with the Developers Agreement. Once development is moving forward, the next phase should follow. Mr. Colbourne reiterated that this is a sensitive area and granting an approval of a development on this size carries concerns for all of the grubbing and disruption of the land which includes concerns for run off into the Hammond River. The time frame and the sensitive area together make this decision for denial.

Mr. Hatfield asked for clarification on cutting the centre line for the roads, and permission for grubbing, etc. Mr. Colbourne stated, as per the Zoning By-law, any more than one (1) metre of excavation cannot be done without a permit for excavation or an approved tentative plan.

Mr. Hatfield stated that the theory is to ensure the drainage ditches, especially Ditch 1 for the most concern, are completed so that the lands do not flood into the river and the other lots are not affected. He felt it was easier to approach all of the Storm Water Management Plan (SWMP) development for ease and time and while he is willing to come back with a smaller phased subdivision, he still wants to construct all of the ditches first in order to mitigate the flooding concerns.. He added that he was unaware that this had not gone to Council yet and was unaware that he was required to do anything further on this aspect. On the development status, he said they just finished the first house, putting plans together for another house this week plus his own will begin soon. Realizing how long everything takes for approval, he said he wants to look toward the future so as to keep the staff of 100 employees busy. Lots 2, 3, 11, 12, and 13 are now advertised for sale.

Mr. Roberts spoke about the final subdivision plan noting he prefers to show the full development so the staff and the PAC can look for any concerns overall. The overall concert is important but understands it is probably better to present smaller phases; also, less expensive to the developer who must pay taxes on individual PID numbers. Depending on the economy, this development may not happen immediately but every year it needs a review as per the CPA and the expiry term. He added that having the overall concept approved is important even if phases are created for actual development. He further added that with concerns from the residents and the Hammond River Angling Association (HRAA), creating the ditches before winter is a good idea for protection of the area.

Mr. Colbourne stated that this phase should be denied. He understands what Mr. Hatfield and Mr. Roberts are saying, as well as their Engineering Consultants with regards to the SWMP features, and he is not against any developer professionally but we need to look at the overall design and the overall drainage on the overall concept with respect to the sensitive area. Mr. Colbourne put the SWMP documents on the screen and asked why Calming Court appears to be cutting right though the waterflow on the Town's GIS Mapping System. Mr. Hatfield stated that those flows are not exactly accurate on the Maps, but the Surveyor and Engineer have marked them on the SWMP Plan. Mr. Roberts confirmed that the GIS Mapping System drainage viewing tool was likely not available when the plan was designed in 2017 but the flows were reviewed for the SWMP. Mr. Colbourne showed a different subdivision going to Council which indicated protective areas for drainage and stated that this is what the Town would prefer to see on any subdivision plan near a watercourse.

Mr. Colbourne suggested that if the Engineer who previously designed this plan, the Engineer who is working on this now, the staff, and the Developer all meet. we will be better prepared.

Moved By Brent Preston

Seconded By John Groden

That the Planning Advisory Committee table the decision for the Tentative Subdivision Plan of Serenity Heights Phase 2 until the Developer and the Surveyor and the Town Staff meet to review the overall design and tentative plan as submitted.

Motion Carried – Voting was done individually and verbally.

On the question, Mr. Bishop asked if there was anyone who wished to speak for or against the application. Ms. Brown noted that Ms. Cindy Hampton had corresponded that she wished to attend the meeting and was on the computer but did not have a microphone. It appeared that a caller tried to connect into the virtual meeting application, but no one spoke. Ms. Hampton was the only person who responded to the notice that was sent to property owners within 100 metres of the subject property.

8. Information Items and/or Discussion

Council Meeting Minutes - May 19, 2020

Moved By Brenda Fowlie

Seconded By Brent Preston

That the Information Items be received and filed.

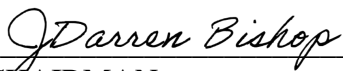
Motion Carried

9. Adjournment

Moved By Brenda Fowlie

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY