



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – August 13, 2019

Present: Darin Lamont Marc Gosselin
 Brenda Fowlie Violet Brown
 Brent Preston Kendall Mason
 S. Dwight Colbourne

Absent: John Groden
 Darren Bishop

1. Call to Order

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

2. Approval of Agenda

Moved By Brenda Fowlie

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

Moved By Brenda Fowlie

Seconded By Brent Preston

That the minutes of the July 23, 2019 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

- a. 451 Gondola Point Road - Renovation of Garage
- b. 8 Sheraton Avenue - Fence Height
- c. 7 Acron Drive - Fence Height and Setback
- d. 23 Oriole Lane - Accessory Building prior to Dwelling
- e. 471 Model Farm Road - Foundation Elevation

And: 190 Millennium Drive - Apartment Complex (amended due to typographic error in the corporation name)

Moved By Marc Gosselin

Seconded By Brent Preston

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 Fernwood Park Subdivision Phase 4 - Tentative Plan PID 30322069

This item was rescheduled from the July 23, 2019 PAC meeting due to recent challenges with the stormwater drainage in the adjacent subdivision of Fernwood Phase 3-B.

Mr. Pete Donovan attended seeking approval for the subdivision that proposes creating sixteen (16) residential building lots in the Single or Two-Family Dwelling Zone (R1), an extension of Meadowlark Drive – an existing public street, the creation of Nighthawk Drive as a public street, the creation of Public Utility Easements for electrical power and telecommunications agencies, Land for Public Purposes, and a Local Government Services Easement for stormwater management and sanitary sewerage system servicing to an adjacent undeveloped property.

Mr. Donovan noted that Lot 19-36 drops down quickly in elevation so he didn't want to put a road there, so they proposed the easement further up Meadowlark Drive for the sewer connections – between lots 19-79 and 19-80. Mr. Colbourne noted there is a conceptual plan for the adjacent (Ryan) property so it predicts the area will become another subdivision. Mr. Colbourne further noted that if the town does not have this lot flagged as future street or owned by the town to be able to do something, the land becomes locked and unusable. He would like to better understand this development with regards to lot 19-36 and either flag it as future development (his first preference) or LPP or consider this lot may not be suitable for development.

Mr. Colbourne noted all concerns and discussions were in his staff report including the required variance for lot 19-2 – the remnant parcel to be developed, the name of street of Nighthawk being similar to Nightingale, etc. Mr. Donovan noted the names of streets were set when we bought the property, but he is flexible in changing them. Mr. Colbourne said the street name of Nighthawk was looked at in the Master Street Address Guide (MSAG) for a review of similarity of spelling and pronouncing the same. However, the Town also looks at the street names in the Town of Rothesay since they use the same emergency services, and they look at familiarity for parts of names, such as Night. Street names can be looked at during the final stages of this subdivision.

Mr. Colbourne noted that easements are part of the development with the sewage line being brought to the edge of the adjacent property for connections for the next developer. The key thing is to ensure the easement is there at least for the opportunity to connect to the next potential subdivision. Mr. Donovan would like the PAC to suggest the sewer does not have to be connected to the end of his property but just develop the easement and leave the connection to the next potential developer. Mr. Colbourne stated that a manhole could be put at the street site with one pipe extension for lateral. The future owners of the lots on each side of the easement should be aware of potential future work to be done to connect the sewer systems at a later date.

Lot 19-36 could be used for road connect to the Ryan property at some time. Mr. Brian Blaikie, a resident in the audience listening to the subdivision proposal, noted that his opinion would be to offer the LPP be smaller so the property owner doesn't lose his land if a street was to be located at this site.

Notice of this application was sent to property owners in the radius of 100 metres. The Town received a concern for the storm water and sewerage development and run off or sediment going into the Salmon Creek Watershed. No one attended to speak for or against the application.

Moved By Brenda Fowlie

Seconded By Marc Gosselin

That the PAC support the Municipal Planning Officer in consideration of the Fernwood Park Subdivision Phase 4 Tentative Plan subject to the following conditions:

1. The granting of a nine decimal ninety-five (9.95) metre Lot Width variance for the remnant parcel Lot 19-2;
2. The street name Nighthawk Drive be changed with approval from the Town;
3. Lot 19-36 be excluded from this plan or flagged for future development;
4. The proposed Land for Public Purposes (LPP) land dedication with respect to Lot 19-36 be finalized prior to the Final Plans being stamped;
5. A variance from the requirement for a Comprehensive Water Supply Source Assessment (CWSSA) but the submission of an Abbreviated Water Supply

Source Assessment (AWSSA) provided the report can link the findings of the previous three CWSSA reports;

6. Construction of the drainage channel(s) within the Local Government Services Easement (LGSE) prior to the issuing of Building Permits and approval of Final Plans;
7. The overall street layout and future connections to the adjacent Ryan property be approved by the Town; and
8. The proposed location of the LGSE between lots 19-79 and 19-80 for the purpose of providing sanitary sewerage service to the Ryan property and the installation of a manhole at the street with one extension of pipe for connection of sewer for the future developer.

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

1. Professionally engineered design drawings for the street network to be submitted to the Town for review and approval;
2. 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;
3. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
4. All Local Government Services Easement necessary for the stormwater management or sanitary sewerage service are to be incorporated into the final subdivision plan;
5. 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;
6. Heavy truck traffic accessing the construction site is to utilize the Quispamsis Road access to limit the volume of heavy truck traffic on the narrower portion of the Nightingale Lane. Appropriate traffic signage to be installed along the Quispamsis Road regarding the turning of heavy truck traffic and construction in this area;
7. Standard Developer's Agreements, bonding and subdivision fees will be required;
8. Subdivision filing fees of Three Hundred and Sixty Dollars (\$360.00) for a sixteen (16) lot phase;
9. 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

10. The Tentative Plan will be forward to CN Railway as the development is within 300 metres of their property to seek conditions of approval.

Motion Carried

7.2 Brunswick Nurseries Phase 9 - Tentative Plan

This application was tabled from the July 23, 2019 PAC meeting to offer time for the Planning Department to review the Land for Public Purposes (LPP) obligations.

Mr. Duncan Kelbaugh attended seeking approval for the Brunswick Nurseries Ltd. Subdivision Phase 9 at 308 Model Farm Road, PID 30268163 with a Lot Width Variance on the Remnant Parcel. The variance for the lot width was noted as being either for a future street or future private driveway entrance.

Mr. Colbourne reviewed the LPP with the lot left as 308 Model Farm Road being approximately 2.6 hectares and the overall area being considered for subdivision at approximately 23.5 hectares. He reviewed the old road, previously called the Lamb's Ferry Road, which was a public Right-Of-Way crossing over the lands from 137 Hammond River Road to 387 Model Farm Road. Because this was a public ROW belonging to the province, it was given to the Town, along with all public ROWs many years ago. Mr. Colbourne noted the historical importance of this Right-Of-Way and how the town would like to incorporate this into the plan. Therefore, the Town reviewed options for LPP land dedication versus cash and shared these mapped out possibilities. While these specific options are not necessarily expected as land dedication, an agreement that the LPP requirement would be land at some time for a trail should be considered. Mr. Colbourne noted that this may never be another street but a trail would be beneficial.

The staff report noted that the LPP for Phase 8 was not shown as paid under the records of Mr. Kelbaugh but this was paid under a different name than Duncan and town records show this was cash of \$750 in lieu of land.

Notice of this application was sent to property owners in the radius of 100 metres. There were concerns raised from the residents at 310 Model Farm Road for the development behind their property but it was recognized that this is the remnant parcel that will be reviewed for development at a later date. No one spoke for or against this application.

Moved By Marc Gosselin

Seconded By Kendall Mason

That the PAC grant the lot width variance of twenty-eight decimal zero (28.0) metres for the remnant lot of the Brunswick Nurseries Ltd. Subdivision Tentative Plan for Phase 9, the one (1) lot subdivision at 308 Model Farm Road, PID 30268163, subject to the following condition:

1. LPP requirement is met through land dedication and not through cash-in-lieu, with land dedication being completed through the filing of the subdivision plan or an agreement registered with the property and filed with the Town that would dedicate the lands in principle.

The Municipal Planning Officer will be requiring the standard conditions as part of his approval of the tentative subdivision plan:

1. Subdivision Filing Fees in the amount of One Hundred Dollars (\$100);
2. The tentative plan to be forwarded to Public Utilities providing electrical power and telecommunications for review of and comment on the proposed easement; and
3. Final Subdivision Plan to be signed by necessary Public Utilities and Property Owner(s).

Motion Carried

7.3 280 Hampton Road - Rezoning

Paul Bonnevie of CNS Holdings Inc. attended seeking approval for the Rezoning of 280 Hampton Road (PID 30327753) from Single or Two-Family Dwellings (R1) to Multiple Residential (R2) for the purpose of two 6 Unit Apartment Buildings.

Mr. Bonnevie was asked if he was constructing the same type of building as the existing six-unit for a reason. He said that he didn't want to have a high rise but preferred the smaller building and green space. Since he is connecting the buildings to the Town water and sewerage this summer, as part of Hampton Road expansion, the 2.6 acre property can support a development of twenty to twenty-six units as defined as the Medium Density Zone in the Municipal Plan.

Ms. Judith Dunstan of 13 Pinewood Crescent addressed the PAC Members with a concern for flooding. She noted that she already has issues with flooding on her property, not in her home, and has communicated with the Town. Ms. Dunstan stated that there was a defined brook and pond behind 290 Hampton Road at one time but it is no longer there due to the culvert installed by the Town as part of the storm water management on the trails that run in back of the subject property and out to Pinewood Crescent. She said the water gets dumped onto Mr. Bonnevie's land and then it floods her property during every heavy rain. Ms. Dunstan is not opposing the rezoning but wants a condition to protect the water flow from flooding her property and would like a buffer of trees reinstated.

Mr. Colbourne noted if there is an existing drainage plan, a natural course, the Town does not require an easement to maintain. If a 'stream' is created as part of a Storm Water Management Plan (SWMP) by a developer, then an easement is required. A Developer cannot compound an issue but a Developer is not responsible for existing flows that continue after the development.

Mr. Bonnevie stated that he allowed the Town to cross his property to work on this drainage ditch for the installation of the culvert and again a year later to do more work to connect to the walking trail and reconstruct the ditch. He stated that the Town was not doing work on his property, just accessing the back corner where the water currently lays on his property, and that is not where he plans to develop.

Mr. Colbourne reiterated that the PAC looks at the Land Use and whether is it acceptable for the area. The PAC should look at what influences a development has to adjacent properties and then the PAC may set conditions that go back to Council and as part of the public hearing for rezoning.

Notice of this application was sent to property owners in the radius of 100 metres. A property owner in the area had stopped in the office seeking further information on the site plan and had noted a buffer of trees would be preferred. No one else attended the meeting.

Moved By Kendall Mason

Seconded By Brent Preston

That the Planning Advisory Committee support Council with the application requesting the rezoning of 280 Hampton Road (PID 30327753), from Single or Two-Family Dwellings (R1) to Multiple Residential (R2), for the purpose of constructing two 6-Unit Apartment Building, subject to the following conditions:

1. A Development Agreement will be required in accordance with Section 9 of the Zoning By-law for the Section 59 By-law amendment for Rezoning;
2. The property is connected to the Municipal water and sewer systems for all multi-residential buildings on the lot;
3. All on-site lighting to be directed downward;
4. Provisions for refuse disposal must be screened from public view;
5. All three (3) metre buffering must comply with the Towns By-laws;
6. If any variances are noted on the Final Plan, the applicant must return to PAC for approval;
7. Building permits are issued in accordance with the National Building Code of Canada; and
8. If staff determines the Storm Water Management Plan (SWMP) requires an easement, that the developer provide that easement to the Town for the purpose of maintaining the drainage ditch that was created by the Town.

Motion Carried

7.4 170 Hampton Road - Discretionary Use - Chinese Restaurant

Mr. Zhiyan Wu, with his accountant Brian Blaikie assisting with translations, attended seeking approval for a sit-down Chinese Restaurant at 170 Hampton Road (PID 255232). Mr. Wu clarified that there will not be any serving of alcohol. He stated that the set up will be exactly the same as it is now with no structural change

and no seating changes to the 30 existing seats. The previous Chinese restaurant was there for 20 years without any concerns.

Notice 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 the application.

Moved By Brenda Fowlie

Seconded By Brent Preston

That the PAC proceed with approving the restaurant at 170 Hampton Road (PID 255232) as a Discretionary Use in the Central Commercial Zone, subject to the following condition:

1. The preparation of a Developer's Agreement including any and all amendments from the initial development.

Motion Carried

7.5 174 Hampton Road - Discretionary Use - Japanese Restaurant

Mr. Eunjin Jang and the property owner, Mr. Cheol Goo Shim, attended seeking approval to operate a licensed Sushi/Japanese restaurant as a Discretionary Use in the Central Commercial (CC) Zone of 174 Hampton Road, PID # 244574.

It was also noted that the applicant was seeking approval for an outside seasonal patio at the front of the building which was proposed at twelve (12) feet by eighteen (18) feet and taking up three parking spots. The unit was previously occupied by Shiraz Rugs, the patio is proposed just outside that door. The parking was reviewed due to impacts on parking for the other businesses in the building. Mr. Shim stated that there are 44 lots in total and they share the 24 spots with the property owner at 170 Hampton Road, so each unit has about 6 to 7 spots, not including the gas station as the customers for this unit just use the gas pumping spots. It was recognized that the patio would project out into the parking lot causing a concern for maneuverability for parking and traffic lanes which could become a liability issue. Mr. Colbourne showed the GIS Mapped difference between the parking lot at 184 Hampton Road where a similar seasonal patio was permitted and how the width of that parking lot is approximately fourteen (14) metres wider with an entrance that is about ten (10) metres further away from any patio placed at 174 Hampton Road. It was concluded that the Planning Department does not have sufficient information on this patio to make a decision without full knowledge of all the other businesses and their parking requirements.

Notice 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 the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

As per the Zoning By-law 038, Section 12.(B)(1), the PAC supports a licensed restaurant as a Discretionary Use in the Central Commercial (CC) Zone of 174 Hampton Road, PID # 244574, subject to the following conditions:

1. The decision for the patio deck will not be approved at this time. The PAC requires the property owner or business owner to submit further information, including detailed dimensions of the patio, a site plan showing where the patio is to be located, and a traffic plan with the Town's discretion on an engineered approved traffic plan requirement, and return to PAC for review. This tabled part of the application will be reviewed at another meeting without being subject to a further application fee.
2. The preparation of a Developer's Agreement including any and all amendments from the initial development; and
3. A copy of the Provincial Liquor License to permit the sale of liquor in the establishment is filed with the Town.

Motion Carried

7.6 88 Squire Drive - Fence Setback

Ms. Susan Freeze attended seeking approval for a setback variance for a privacy fence on the property of 88 Squire Drive, PID 30251763. Ms. Freeze clarified that it is a chain link fence that may or may not have the privacy slats added and is proposed for the safety of their children. This will be flush with the front of the garage and go behind the trees that are along the property line. Ms. Freeze noted that they may have to move a few trees (3 or 4) that are close to the property line but hopefully not all of them.

The adjacent neighbor at 92 Squire Drive had concerns for the existing swale between properties. Ms. Freeze noted that they will keep the swale in mind as they do not want any property to flood. She asked if the swale needed to be on her side of the trees or property line. Mr. Colbourne noted that unless there is an easement, it is up to the property owners to maintain the drainage on their lots as a shared responsibility.

Moved By Marc Gosselin

Seconded By Brent Preston

That the PAC grant 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 88 Squire Drive, PID 30251763, 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;
2. A building permit is issued in accordance with the Town's Building By-law #055 prior to any construction; and

3. The swales between the properties are not modified or changed to adversely affect existing drainage.

7.7 2 Edwards Drive - Fence Setback

Rhonda & David Power attended seeking approval for a setback variance for a privacy fence on the property of 2 Edwards Drive, PID 30071641. The proposal is to fence in a portion of the back yard to keep deer out, children and pets safe. It will be connected to the neighbors fence on the property line of one side, staying about 10 feet from property line on the easement side and aligned with the edge of the building.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC grant 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 2 Edwards Drive, PID 30071641, subject to the following terms and conditions:

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

Motion Carried

8. Information Items and/or Discussion

Mr. Colbourne noted that the Province has changed the focus on the Municipal Planning Officers to ensure they are following proper directions. The PAC can grant (not approve) variances but cannot approve subdivisions so the wording of the staff report must change to reflect this. Recommendations for applications should be directed to the Municipal Planning Office and copied to the applicant.

9. Adjournment

Moved By Marc Gosselin

Meeting adjourned at 8:50 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY