

6. Unfinished Business

7. New Business

7.1 18 Summer Court - Lot Width Variance

This application has been pulled. The applicant has decided to connect to the Municipal Water System which changes the lot width and size requirements so that they no longer require a variance.

7.2 5 Esdale Drive - Lot Width Variance

John and Tanya McKellar attended the meeting seeking approval for a 4.5 metre Lot Width Variance to permit the construction of a Secondary Dwelling Unit, similar to a Semi-detached Dwelling at 5 Esdale Drive, PID 30027668. Mr. McKellar noted that they reviewed the concerns sent in from the PAC Secretary's notice to property owners and recognized the need to work through the concerns with his neighbors.

Mr. Colbourne noted that due to concerns received from property owners in the area, a location survey was requested to confirm the accuracy of property lines as well as encroachments of parking and accessory structures into adjacent properties. The survey was received on February 23, 2021 and the PAC Secretary noted that it was not sent to the PAC members as it was mid afternoon on the day of the meeting when it was received and late afternoon when it was reviewed by the Planning Staff therefore not enough time for the PAC Members to review. Mr. Colbourne showed the property survey on the shared screen with the highlighted property lines, setbacks and measurements. It was noted that a shed is required to be 1.5 meters from the property line and the rear yard shed is over the property line by 0.12 metre. The front yard shed is not permitted in that location and it also encroaches on the property to the west. The fence is required to be 60 cm from property line, yet it is shown over the line in several spots as well as being within the Town easement. Mr. Colbourne stated that the PAC doesn't necessarily have to deal with these at this time, but it becomes an enforcement issue and more difficult to deal with after the fact. He also added that the survey indicated concerns for the distance from the corner of the proposed new addition and the shed with further concerns for proximity if the applicant was to move the shed to correct the encroachment. Mr. Colbourne noted that at this time, the Town has not been able to determine if these items received permits or approvals for their setbacks.

Mr. Gosselin asked if the proposed development would be in compliance with the Zoning By-law, even if there are other items were not in compliance. He added that he would like to have more time to review the plan in detail and recognized

that some construction locations or lack of permits may require PAC approval. Ms. Fowlie noted that the neighbors have valid concerns with the number of people parking on the street and she asked why the applicants stated in their letter that they did not think the variance was required as well as why they proceeded to begin construction without a permit. Mr. Preston asked about the plans that were part of the package and asked if this was going to be a third apartment since Service New Brunswick (SNB) acknowledges that there is an apartment in the main dwelling since 2017. He also asked if the lot occupancy was compliant with consideration for the addition as well as all the existing structures. Mr. Colbourne stated he didn't know if SNB classified the apartment as the garage that was renovated into living quarters or if there was another dwelling unit within the main building. He added that if further clarification is required for the apartment, that the Town can visit the property or seek clarification from SNB and as for the Lot Occupancy and other setback concerns, further review is required and this all needs to be established prior to any further approval for this renovation.

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee defer this application until the Town staff completes the following:

1. A full review of the location survey that was delivered to the Town on February 23, 2021, by Town Staff and by the PAC Members, to determine if the 540 square metre addition requires variances;
2. Town staff to confirm if the apartment registered with SNB is the existing in-law suite that was created in what was previously the attached garage and a Town staff inspection is done to confirm the number of dwelling units;
3. A Town staff inspection is done to confirm if all structures on the property are compliant to the Town's Zoning By-law 038 with respect to Setbacks and Lot Occupancy and an agreement is made between the Town and the Applicants for a time-line for compliance; and
4. The Town staff to collect additional information pertaining to the operation of a Home Occupation at 5 Esdale Drive, PID 30027668.

Motion Carried

7.3 80 Millennium Drive - Liquor License

Jason Porter attended the meeting seeking approval for a Special Facility Liquor License for the Riverside Country Club Golf Simulators, located in Unit 301 at 80 Millennium Drive, PID 173435. Mr. Porter read through the concerns received from the PAC Secretary's notice. As for the consumption of liquor for golfers only he stated that this is true and in compliance with the liquor license. There will not be a patio as the license is for inside the building only. There will not be any

speakers outside and no music played. As for the concern for the outdoor use of cannabis, Jason stated that this is illegal so it will not be happening. Lastly, he addressed the concern for noise adding that this is not a bar or pub and the operation has a strict guideline for golfers and limited amount of people.

Mr. Petkau of 47 Concorde Crescent attended the virtual meeting and stated that he received answers for his concerns, so he had nothing more to add. No one else attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Darren Bishop

That the Planning Advisory Committee approve the Discretionary Use of a liquor license for the Riverside Country Club's Golf Simulator located in the Big Rock Plaza, 80 Millennium Drive, Unit 301, in accordance with the Municipal Plan By-law 054, Section 7.2.1 and through its powers granted through Section 3.D of the Zoning By-law 038, subject to following terms and conditions:

1. It is recognized as a Compatible Use with the existing use of a recreational facility;
2. It is and shall remain incidental to the main use of the property;
3. Hours of Operations for alcohol consumption must be tied to the hours of the Riverside Country Club's Golf Simulator located at 80 Millennium Drive;
4. Alcohol is not to be served or consumed outside of Unit 301;
5. The owner/operator must obtain liquor license permits from the Province of New Brunswick;
6. No external speakers be added to the operation; and
7. The operator enter into an agreement with the Town.

Motion Carried

7.4 Queensbury Heights Phase 14

Mr. Bill Brooks (Developer) and Mr. Gerry Roberts (Surveyor) attended the meeting seeking approval for a Tentative Subdivision Plan for twenty-three (23) residential lots in the Single or Two-Family Dwelling Zone (R1), with the extension of the public street called Montana Drive, a Public Utility Easements, and Land for Public Purposes (LPP).

Mr. Roberts stated that he could answer any technical questions and Mr. Brooks could speak to other concerns. He reviewed the LPP and Storm Water Management Plans (STWMP) noting that they were all reviewed in 2013 with the Planning Department.

Mr. Gosselin asked about the traffic concern received from the PAC Secretary's notice. Mr. Colbourne noted that Auburn Way was the only entrance but this phase will offer another access through Selkirk Drive. The connections are limited but all plans are reviewed for emergency access and future phases. Traffic increase is expected but the overall area shows other entrances will be added in the future phases. Mr. Preston asked if the southern lots shown on the plan would be done first. Mr. Roberts noted that there are several lots down there that were already on the previous plan that will be looked at but reiterated this next phase will be planned out to Selkirk Drive. Gerry also noted the plan is being sent to CN and the STWMP will be done prior to it being sent to as the developer is nearly ready to proceed. Mr. Colbourne noted the Community Planning Act (CPA) outlines the external agencies that the Planning Department must send plans to and that these agencies have fourteen (14) days to respond; if they don't respond within that time frame, it is considered they have no concerns.

No one called in to the virtual meeting to speak for or against the application.

Moved By John Groden

Seconded By Darren Bishop

That the Planning Advisory Committee support the Municipal Planning Officer in considering approval of the Queensbury Heights Phase 14 Tentative Plan, with the following recommendations:

1. The acceptance of the street layout and design for Phase 14, including the request for the Future Street portion of the remnant Hillcrest Holdings Ltd. parcel abutting Lot 22-H;
2. Acceptance of the proposed LPP land in Phase 14 for protection of the drainage channel within the proposed development area;
3. The requirement of the Developer to obtain approval from the provincial Department of the Environment (DOE) as it relates to construction within the wetland area and the thirty (30) metre buffer; and
4. The granting of lot width variances for Lots 9-H, 5-I and 6-I.

The Municipal Planning Officer conditions of approval will include:

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-development and post-development flows. The plan must provide

acceptable solutions for any downstream impacts and be submitted to the Department of Environment (DOE) for their review and feedback;

4. The Tentative Plan and Stormwater Management Plan will be forwarded to CN Railway for review, feedback and approval as the development is within 300 metres of their property;
5. The final Stormwater Management Plan is to be reviewed and approved by the Town before construction;
6. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
7. All Local Government Services Easements that are necessary for the stormwater management or sanitary sewerage service are to be drawn on the final subdivision plan;
8. The restriction of tree-clearing to street right-of-way and easements necessary for the installation of services per the Zoning By-law 038;
9. A Standard Developer's Agreement, bonding and subdivision fees will be required;
10. Subdivision filing fees of Forty Hundred and Thirty Dollars (\$430.00) for a twenty-three (23) lot phase;
11. The Tentative Plan is to be sent to Public Utilities providing electrical power and telecommunication services for review and comments on the proposed Public Utility Easements for incorporation into the final subdivision plan; and
12. The development of Phase 14 is completed per the requirements and conditions of applicable Town By-laws, policies, and regulations thereto.

Motion Carried

8. Information Items and/or Discussion

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Ms. Fowlie mentioned the staff report by Mr. Losier, Director of Engineering and Works, that was in the Council Minutes that praised the work of the staff from the Planning and PAC Departments and seconded all the good work that they do.

Moved By Marc Gosselin

Seconded By John Groden

That the Information items be received and filed.

Motion Carried


9. Adjournment

Moved By Darren Bishop

Seconded By Brenda Fowle

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

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CHAIRMAN

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SECRETARY