



**QUISPAMISIS PLANNING ADVISORY COMMITTEE  
MEETING MINUTES – January 29, 2019**

This meeting was rescheduled from January 22, 2019 due to road conditions on that evening.

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

Absent:                   Darren Bishop

**1. Call to Order**

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

**2. Approval of Agenda**

Mr. Lamont recommended the agenda be changed so that item 7.3, the Betts Subdivision Tentative Plan, be moved before the Micro-Cultivation 7.2 item due to the number of persons attending with interest in the 7.2 item. The applicants were in agreement.

**Moved By**   Brent Preston  
**Seconded By** Kendall Mason

That the Agenda be approved with the change in order.

**Motion Carried**

**3. Disclosures of Interest**

No disclosures were declared.

**4. Approval of Previous Minutes**

**Moved By**   Brenda Fowlie  
**Seconded By** Marc Gosselin

That the minutes of the January 8, 2019 PAC meeting be received and filed.

**Motion Carried**

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

123 Robin Hood Lane - Home Occupation  
351 Hampton Road - Developer's Amended Agreement  
281 Hampton Road - Similar Use to Home Occupation  
309 Hampton Road - Setback  
33 Bernard Court - Setback

**Moved By** Brent Preston  
**Seconded By** Michael Wowchuk

That the Notices of Decision be received and filed.

**Motion Carried**

**6. Unfinished Business**

None

**7. New Business**

**7.1 Compatible Use - 929 Hampton Road**

Mr. Michael Ruggles of Harris Rebar attended with Mr. Derek Dobson of Leisure Times Sales Ltd. seeking approval for a Similar or Compatible Use to the existing Highway Commercial Zoned property of 929 Hampton Road, PID 30178727. The proposed use is for an outdoor fabrication plant of rebar (reinforced steel) that will be delivered to the site in sixty (60) foot lengths, cut or bent for specific design requirements and then packaged for resale. This business is currently operating in Saint John, NB with a staff of eight (8) in office and eight (8) in shop. The entire company is moving out to Quispamsis and hopes to increase the staff to twelve (12) in the shop area. There are no changes proposed to the existing building but there is proposed development on the upper back corner behind the existing office for the setup of an outdoor rebar fabrication plant and an upgrade to the access roads to this area from the existing service gates. The plans include an excavated area to set grades to allow for the installation of two (2) gantry cranes (approximately nine (9) metres in height) which will be supported on a concrete grade beam rail system. Full proposed setup details included.

With respect to noise, Mr. Ruggles reviewed the noise assessment report which indicated the average noise level is 86dB (decibels). For comparison, the noise level of being five (5) metres away from a busy street is approximately 80dB. Based on the distances obtained from the Town's GIS Mapping System, the nearest dwelling is located approximately 215 metres away. Mr. Ruggles confirmed that staff will continue to wear hearing protection during operations.

As the Hammond River is within 150 metres of the proposed operation, PAC asked about possible runoff from the site. Mr. Ruggles indicated that while the operations are in an outdoor environment, the fabrication operations have a minimal environmental footprint and the by-products generated from these rebar operations include mill scale (steel dust) is recycled. The area for cutting will be on concrete pads so nothing will leach into the ground.

Mr. Colbourne explained that while the initial review of the application considered a potential Similar to or Compatible with Use within the Highway Commercial zone, further review of additional information received, and in keeping with the intent of the Zoning By-law, the Town staff is proposing that the PAC consider the application under the Temporary use provisions that will permit the operation until such time as the property can be rezoned or a Notwithstanding Clause can be added to the Zoning By-law to recognize this operation as a permitted use for this property.

No one attended to speak for or against this item.

**Moved By** Marc Gosselin

**Seconded By** Brent Preston

That the PAC permit Harris Rebar, a Division of Harris Steel Group Inc., to engage in the fabrication and placing of concrete reinforcing steel (rebar) on the property of 929 Hampton Road, PID 30178727, as a Temporary Use, subject to the following terms and conditions:

1. The property owner(s) and the business operator(s) enter into a Developer's Agreement with the Town;
2. The property, or portion thereof, be rezoned to Light Industrial Zone or a Notwithstanding Clause is added to the Zoning By-law recognizing the use as a Permitted Use at this location; and
3. Where environmental impacts such as excessive noise or surface water runoffs cause undue impact on adjacent properties, all operations shall cease until such time as the impacts are mitigated and any damage is rectified to the satisfaction of the authority having jurisdiction.

### **Motion Carried**

#### 7.2 Tentative Subdivision Plan - Wayne & Noreen Betts Phase 3

Gerry Roberts of Kierstead Quigley and Roberts Ltd. attended on behalf of Wayne and Noreen Betts, seeking approval for the Wayne W. and Noreen F. Betts Tentative Subdivision Plan Phase 3 for the creation of five (5) residential building lots and a public street off Kenneth Drive.

Mr. Colbourne noted that a lot width variance would be required for lot 18-9 if the street entrance was not moved over towards lot 18-8, clarifying that this was not reviewed in the staff report. The options are to move the street access or grant the variance for lot 18-9. As well, the remnant parcel will require a lot width variance if the access is not marked as a future street. Mr. Colbourne recommended that the future street is marked on the plan while granting a Right-Of-Way to Mr. & Mrs. Betts for access to this remnant lot. This future street will connect to several major size parcels of land for future development.

**Moved By** Kendall Mason

**Seconded By** Brenda Fowlie

To grant approval to the Wayne W. and Noreen F. Betts Subdivision Phase 3 for the creation of five (5) residential building lots and a public street off Kenneth Drive, subject to the following terms and conditions:

1. A lot width variance of 4.5 to 5 metres is approved for lot 18-9;
2. A lot width variance of 34 metres is approved for the remnant parcel;
3. The future street is marked on the final plan with a Right-Of-Way between lots 18-8 and 18-9 granting access to the remnant lot for Mr. & Mrs. Betts;
4. Submission of a professionally engineered street design in accordance with the Town Subdivision Specifications and Guidelines, and approval by the Town prior to construction;
5. Submission of an onsite septic report from a qualified professional completed in accordance with the Public Health Act of New Brunswick demonstrating the property can support the level of development proposed.
6. Submission of a Comprehensive Water Source and Supply Assessment (Hydrogeological Report) as prepared by a qualified registered professional engineer demonstrating that there is water of sufficient quantity and quality to support the proposed level of development;
7. Submission of a comprehensive Storm Water Management Plan, completed by a qualified registered professional engineer, that demonstrates and incorporates engineering best practices to achieve a Net Zero resultant in pre and post development flows and includes the Protected Drainage and Recharge Area;
8. LPP obligations to be reviewed with the Developer and the Town's Engineering, Planning and Community Services department prior to final plan approval and land obligations to be incorporated into the Final Plan;
9. Filing fees totaling Two Hundred Fifty Dollars (\$250) for a subdivision plan creating five (5) lots;
10. The Final Plan is to be signed by the Property Owner(s) and any applicable Public Utilities; and

11. The Development is to be completed in accordance with all Town By-laws, Regulations and/or Policies thereto.

**Motion Carried**

7.3 Micro Cultivation - 19 McMahon Lane

Mr. Chris Greenlaw and Mr. William McMahon attended seeking approval for the Micro-Cultivation of Cannabis at 19 McMahon Lane, PID 30299929 as being Similar to or Compatible with the Agricultural Use in the Rural (RU) Zone.

Mr. Chris Greenlaw addressed some questions from staff and concerns from the property owners notified in the area. He stated the filtration system will filter the air three (3) times. Once through a pre-filter, then through a HEPA filter, then finally through a VOC filter that removes organic compounds. These units are specifically designed for this purpose and are commonly used in dispensaries that are located in shopping malls to ensure odors from the dispensary are not detected in neighboring stores. Health Canada's pre-inspection of the facility will ensure any odor removing equipment meets their regulations. The use, storage and disposal of any controlled substance is strictly controlled by Health Canada. All products will undergo thorough lab testing to ensure that only the products that meet Health Canadas specifications are sold.

The building, a 1400 square foot construction previously used as a sawmill, will be converted and will meet Health Canada's specifications with regards to building materials and security. The security of the Micro-Cultivation Facility will include fencing, no windows, as well as a steel door and frame with locking mechanisms that meet Health Canadas requirements. A Micro-Cultivation Facility does not require video surveillance for licensing but Mr. Greenlaw stated that they will be installing video surveillance to add further security. Any changes to the building will be done with an approved building permit. Any changes to the size of the operation will be based on profitability and approvals of Health Canada and the Town of Quispamsis.

Mr. Greenlaw previously provided copies of legal documents, signed by the appropriate property owners of the land, that granted legal right-of-way to the subject property and building. He noted that this operation will not have a store front and will not have customers. The selling of cannabis in New Brunswick is regulated by the provincial government with recreational products sold only by Cannabis NB and medical cannabis products sold only at Medical Marijuana Dispensaries. Mr. McMahon stated that the traffic would be solely related to the number of employees which is four family members (two of which live on the private lane) and one consultant for start-up, the delivery of source materials with the collection of products estimated at one secure vehicle eight times per year, and occasional spot check by Health Canada. He noted that there would be little

difference to the visitors coming to the two properties at the end of the private lane and far less than the sixty or so visitors they have at annual celebratory dinners.

With respect to the concern for property values, Mr. Greenlaw reviewed the comments from the staff report which stated that property tax assessments are usually based on recent sales of comparable properties in the area. With homeowners permitted to grow up to four marijuana plants per household and without limitations on plant size, real-estate agents and homeowners are more worried for the humid conditions required to cultivate marijuana plants causing water damage, mold, fungus and structural issues that could affect the value of a home more so than the concern for other properties in the neighborhood. The Federal Cannabis Act is relatively still in the infancy stage and there are still a lot of unanswered questions about how cannabis legalization may impact property values. Mr. Greenlaw noted that the use of cannabis was legalized by the Federal Government on October 17, 2018 and therefore, the criminal aspect has been eliminated. He further explained his experience when the Town was putting in a walking trail behind his property. He feared loss of privacy, lowered property value, etc., due to the unknown outcome of this change and concerns for his property. Once the trail was completed, he realized there was little change to his property value and in fact, the property next door sold shortly after the trail was completed and the owner received full value for the dwelling sold. Mr. Greenlaw noted that while this was not a micro-cultivation, it was similar in the fear of the unknown. He also noted that the sawmill was on the property and in operation when many homes were being constructed and there were no concerns for this business even though it was noisier and busier.

When asked about the power to the building for lighting and ventilation, Mr. Greenlaw stated that no extra power is required at this time and the Private Lane is a Right-Of-Way which permits NB Power access should further work be necessary. He reviewed the amount of lights required, the number of hours they would be running at specific wattage. He also noted that fans for filtering may add a little power consumption but not over the limit received at the building.

With respect to the questions on disposal of waste and waste water, Mr. Greenlaw stated that there will not be a need for washrooms in the facility as there is one located in farmhouse where two of the four staff live, and the other two are family who visit regularly. Hand sanitizers can be used prior to gloves and Health Canada will monitor all equipment inside and outside, waste water, pesticides, fertilizers, etc. through regular testing. As for the water consumption, he stated that this will equate to approximately a half bathtub full per day and the water will come from the well shared with the farm house. The hydroponics system uses clay palettes to hold the plants in position with the water below and they will be sterilized between plant growth. Health Canada will approve all products used for cleaning the clay palettes, and the disposal thereof.

Ms. Brenda Phinney of 16 McMahan Lane spoke on the Right-Of-Way, stating that she is the property owner of the land in which the right-of-way goes through. With regards to lights on the private lane, she stated that there is one dusk to dawn light and it is on her private property and she pays for it. Ms. Phinney stated that everyone drives by her house to get to the other two dwellings and the property in question and that because it is a dirt road, there is dust all the time. She noted that the sawmill is not near the home at 19 McMahan Lane but about 500 feet away. Ms. Phinney fears her property value will go down because no one wants this type of operation in their back yard.

Mr. Darrell Brown of 105 Elliot Rd spoke on the rural lifestyle of this area. He stated that there is an existing problem with high speeds on the Elliot Road and apparently the police can't get people to slow down. He also stated that there are four-wheelers on the road at all times causing ruts in the road. Mr. Brown felt that these problems should be fixed first before this application goes forward.

Mr. Greenlaw responded to these concerns noting that the only change in traffic would be, on average, one van sized climate-controlled secure vehicle every eight to ten weeks and occasional inspection vehicle. He said that he could not address the concerns for the speeding issue but stated one extra vehicle won't likely change that. As for the dust control concern, the traffic being only one more vehicle added to the road flow would be no different than an extra friend visiting each weekend. Mr. McMahon noted that the maintenance of the road is shared with each person looking after the section closest to their main dwelling.

Mr. Colbourne reviewed the application with respect to the land usage, that of an agricultural use, and noted that the Municipality is not approving the license for the cannabis cultivation as that is not in the Town's jurisdiction but up to the provincial and federal governments. The PAC is looking at Land Use only, noting that the definition in the Zoning By-law for "Agricultural" is "any use of land for the purpose of the commercial production of crops or the keeping or raising livestock" and also noting that the Town's Zoning By-law doesn't differentiate between inside and outside cultivation. Mr. Colbourne noted that even if the PAC approves the agricultural use, the government may not approve the micro-cultivation facility at this location. He noted that the sawmill is on its own parcel of land from the Farm House and that it has access off public street (via ROW) which is in keeping with Section 24.(A) of the Town's Zoning By-law. Mr. Colbourne further noted that if someone wanted to start a business with hydroponics for tomatoes or other plants, that they would also be required to seek approval from the PAC as inside agriculture is not clearly defined in the existing Zoning By-law but the Agricultural definition will be reviewed during the upcoming amendment of this by-law.

There were no other persons in attendance that spoke for or against the application. The concerns received as part of the notice to property owners in the 100-metre

radius of the subject property were part of the PAC package and addressed through the applicant's review.

**Moved By** Michael Wowchuk

**Seconded By** Brenda Fowlie

That the PAC permit the Micro-Cultivation Facility for Cannabis on the property of 19 McMahan Lane, PID 30299929 as being Similar to an Agricultural Use in the Rural (RU) Zone subject to the following terms and conditions:

1. The license is obtained from the appropriate authorities having jurisdiction in accordance with Federal Cannabis Act and Regulations and a copy submitted to the Town;
2. Copies of any change or renewals in the License must be delivered to the Town of Quispamsis for their files;
3. Any expansion to the facility or operation must be approved by the Town;
4. Building permits are issued for the renovations of the building and installations of the chain link security fence;
5. A detailed site plan is submitted that shows appropriate parking and any changes to the actual site to support the proposed operation which includes exterior lighting, changes to drainage patterns on the lot, access locations, etc.;
6. A waste water management plan is approved by the Planning Department of the Town; and
7. The property owner(s) and business owner(s) enter into a Developer Agreement with the Town.

**Motion Carried**

#### 7.4 Proposed Zoning By-law Amendment - Schedule of Fees

Council has referred the proposed fee schedule for Planning and Development Services to the Planning Advisory Committee for its written views as a proposed amendment to the Town's Zoning By-law. Mr. Colbourne noted that a review was commenced in accordance with the proposal of Council established in Section 9.9.1 of the Municipal Plan By-law 054 and the goal was to determine if the fees being charged were reflective of the level of effort and resources required to provide the service. It was asked why the PAC Application Fee increased from \$50 to \$300 and Mr. Colbourne noted that the fee of \$50 does not always cover the cost of stamps for the notifications sent out let alone the staff time. This is a legislative process and if the cost is not covered by the application fee, other tax payers are basically paying for one person's request. The price of \$300 is still lower than Moncton, Fredericton, Riverview, etc., and many of these municipalities do not send out notices.



The cost of an application for a Temporary Use dropped because the Community Planning Act states that a temporary use is only permitted for one year and not renewed year over year as it once was. The cost of the application is the same as a PAC application and during the year following any approval, the applicant must start another application process such as a Rezoning.

**Moved By** Marc Gosselin  
**Seconded By** Kendall Mason

To support Council in the amendment to the Town's Zoning By-law 038 with the changes to the Planning and Development Services Fee Schedule as outlined.

**Motion Carried**

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

Council Meeting Minutes - December 18, 2018

**Moved By** Brent Preston  
**Seconded By** Kendall Mason

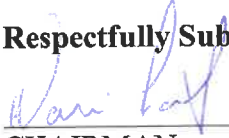
That the Information Items be received and filed.

**Motion Carried**

**9. Adjournment**

**Moved By** Brenda Fowlie  
Meeting adjourned at 8:20 p.m.

**Respectfully Submitted,**

  
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CHAIRMAN

  
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SECRETARY