

5. Business Arising from Minutes - Notice of Decisions

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 204 Hampton Road - Sign Variances

Ms. Tara Curwin, of the Curwin Business Centre, attended seeking approval for a Digital Display Sign at 204 Hampton Road, PID 30014377. Any sign that contains any animated, rotating, or oscillating electrical components, must obtain a variance from the Sign By-law 036, Section 3.E.(5). Any sign which devotes more than thirty percent (30%) of its advertising surface to manual or automatic changeable copy must obtain a variance from the Sign By-law 036, Section 3.E.(6). The location is proposed at approximately zero decimal six (0.6) metres from the property line and as such, requires a setback variance of one decimal four (1.4) metres from Section 13.A.(3)(a) of the same By-law. The distance between the ground and the sign is zero decimal five (0.5) metres and as such requires a variance of one decimal five (1.5) metres for sight clearance from Section 13.A.(3)(d).

Ms. Brenda Fowlie noted that this sign looks like a TV, not like the signs at the library or qplex but more like McDonalds with images and wording. Ms. Curwin noted it was the same technology, just depends on the programing. Ms. Fowlie also noted that the 2018 approval for the development was not finished yet, in particular the landscaping and paving. Ms. Curwin stated that the paving job has been quoted but the contractor suggested to wait until after the sign is installed to avoid cutting into the asphalt and then let the ground resettle. She also noted that there has been lots of water damage this year and the contractor said the water and wet grounds will likely postpone the paving until next Summer. The ground is not super compactable so it will need some material for compaction then let sit a year. Ms. Curwin stated that the landscaping is going to be finished soon. She thought the lawn was installed as per the development approval and that there would be just a cleanup once the sign is in with some flower boxes around the sign posts. She added that she has approval to clean up the bottom of the lot beside her as it looks like it belongs with her property.

Mr. Colbourne noted that the Development Agreement is still outstanding so the Planning Advisory Committee can request that the outstanding items are to be completed as part of this variance.

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

Moved By Brent Preston

Seconded By Darren Bishop

That the Planning Advisory Committee approve the variance from the Sign By-law 036, Section 3.E.(5) for a digital display, the variance from the Sign By-law 036, Section 3.E.(6) for the sign to have more than thirty percent (30%) of its advertising surface changeable copy, the variance from the Sign By-law 036, Section 13.A.(3)(a) of one decimal four (1.4) metres for the setback from the front property line, and the variance from the Sign By-law 036, Section 13.A.(3)(d) of zero decimal five (0.5) metres for the clearance distance between the ground and the sign for a Digital Display Sign at 204 Hampton Road, PID 30014377, subject to the following terms and conditions:

1. The display shall not display any colors or flashes that may be interpreted as Traffic Control Devices as defined in the Motor Vehicle Act;
2. The sign and its supporting structure shall at all times be maintained in a safe condition and the site of the sign shall be maintained free of weeds, debris and rubbish;
3. The sign shall be maintained in a readable and clean condition;
4. If complaints are received for the display brightness after dark, the property owner may be asked to have the displayed timed in such a manner as to shut off or dim down;
5. A sign permit is obtained prior to the sign being erected and digitally displayed; and
6. A Developer's Agreement is to commence immediately and include the landscaping and paving to be completed by October 15, 2021.

Motion Carried - Voting was done individually and verbally.

7.2 199 Hampton Road - Sign Variance

Mr. Jean-Marc Poirier, President of Great Canadian Dollar Store, attended seeking approval for a new fascia sign on the front of the building at 199 Hampton Road, PID 249805. The proposed sign requires a size variance of forty-three (43) square metres from the Sign By-law 036, Section 13.A.(1)a.1)(b) due to the fact that the sign lettering will be illuminated and as such, is only permitted to be four (4) square metres.

Mr. Poirier noted that the previous sign extended along the frontage of the building along the fascia from window to window and was granted a 21.2 sq. metre area variance and a 2.0 metre height variance in 2006 and it was illuminated. The new sign has channel letters are lit up as is the red in the back section (Maple Leaf) as a new design logo. He added that this building is the home of the Nation wide head office, want to improve the look with the new signage . Mr. Bishop asked for confirmation that the rest of the sign, along the edge past the middle logo is to be removed? Mr. Poirier confirmed that this is a smaller sign.

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

Moved By Darren Bishop

Seconded By Marc Gosselin

The Planning Advisory Committee approve the variance of thirty-nine (39) sq. metres from the Sign By-law 036, Section 13.A.(1)a.1)(b) for an illuminated fascia sign at 199 Hampton Road (PID 249805), subject to the following terms and conditions:

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

Motion Carried - Voting was done individually and verbally.

7.3 112 Sherwood Drive - Fence Setback

Tony and Tracey Maas attended seeking approval to erect fencing in the front yard at 112 Sherwood Drive, PID 00445189. Mr. Maas noted that the fence is for privacy and requested at 6' high (1.8 metres) because the crown of the road is higher so anything less would still have people looking in. Also, the current hedge is in dire shape due to the deer denuding it from the ground up to about 5 or 6 feet and it does not look like it will survive. The plan is to remove the entire edge and replace with fencing which will be more attractive. Ms. Fowlie noted that she drove to the property to review the application and noted there are more deer in this neighborhood than any she has travelled in the Town. Mr. Preston asked if the smaller hedge was staying. Mr. Maas stated that all of the cedar hedging is being removed and is being replaced with shrubs not fencing.

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

Moved By Marc Gosselin

Seconded By Brenda Fowlie

That the Planning Advisory Committee approve the height variance of one decimal zero (1.0) metre from the Town's By-law 038, Section 6.(S)(7)(2), for the installation of a chain link fence to be located on the Allan-a-Dale Lane side of the

property of 112 Sherwood Drive, PID 00445189 subject to the following terms and conditions:

1. A permit is issued before the fence is installed; and
2. The setback of zero decimal six (0.6) metres from the property line is adhered to for the location of the fence.

Motion Carried - Voting was done individually and verbally.

7.4 15 Knight Street - Oversize Detached Garage

Mr. Todd Lewis attended seeking approval to construct a nine decimal one (9.1) metre by eleven decimal zero (11.0) metre (100.1 square metre) detached garage on the property of 15 Knight Street, PID 30185151. The site plan shows the detached garage is compliant with all setbacks. The distance from the garage to the side property line is 5 metres, the front of the garage will be in line with, not beyond, the front of the house, the distance to the dwelling is over 7 metres and the distance to the rear property line is over 36 metres.

Notice was sent to property owners within 100 metres of property. It was recognized that the only concern was a drainage concern from the neighbor adjacent to the side yard. Mr. Lewis stated that the foundation company is going to make the left hand side a higher wall of concrete, more expensive but better work to ensure proper drainage when less fill is brought in. Mr. Lewis is also putting in a swale on that side of the property to ensure the water does not go on his neighbor's property.

No one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Marc Gosselin

That the Planning Advisory Committee approve the size variance of thirty-seven decimal one (37.1) square metres from By-law 038, Section 8.(G)(1)(c), to construct a nine decimal one (9.1) metre by eleven decimal zero (11.0) metre (100.1 square metre) detached garage on the property of 15 Knight Street, PID 30185151, subject to the following terms and conditions:

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

Motion Carried - Voting was done individually and verbally.

7.5 80 Millennium Drive - Temporary Use - Topsoil Mix and Screen before Removal

Mr. Colbourne noted that the staff report covered the applications for both 80 Millennium Drive (Big Rock Properties) and Serenity Heights as the activities occurring at the locations are connected. Mr. Colbourne noted that several variances were being requested. For Big Rock Properties, a Temporary Use under the authority given to the PAC through the Community Planning Act and Zoning By-law 038 Section 3.(B), requesting approval to mix existing excess topsoil on the site of 80 Millennium Drive, PID 00173435 with other off-site materials being extracted from Serenity Heights Subdivision near 71 Stock Farm Road, PID 253203 to create both a stockpile of quality topsoil to be stored in the rear portion of the property for future landscaping and a quantity of premixed excess topsoil to be removed from the site for other developments. For 71 Stock Farm Road (Serenity Heights), a variance from Zoning By-law 038 Section 6.(T)(2), for approval to remove excess topsoil other than that required for grading and landscaping of the development of the subdivision.

Mr. Mark Hatfield for Serenity Heights and Mr. Rick Brown for Big Rock Properties attended. Mr. Hatfield spoke first, noting the staff report stated that complaints were filed with the Town from residents of Stock Farm Road regarding the stripping of topsoil and the excavation and transport of soils from the area being developed as the Serenity Heights Subdivision but he said there was not any of that done except for soil removed during road construction. He added that while Serenity Heights is presently under construction, there has been no contact from the Town regarding stripping soils so the Town is going by what was being said by residents. Mr. Hatfield stated that the mixing of soils was not in the definition of a pit or quarry. He added that Mr. Brown's property of 80 Millennium Drive has soil that is sour so it needs to be mixed with better soil which will be from the excess from the road construction at Serenity Heights, mixed with some lime and then removed from 80 Millennium drive for sale and other use. Mr. Hatfield reiterated that the soil removed from Serenity is not stripped, just excess from development. He stated that he met with a group of Granite Drive residents to address their concerns, led by Ms. McVicar, and came to collaborative approach in order to finish this project. He added that it doesn't make sense financially to truck soil all over the place to mix and screen.

Mr. Rick Brown stated that there was a massive pile of extra soil and this was an opportunity to have it taken away. He noted that when they originally started the development there was a bog on the left hand side of the property and a hill on the right hand side. He said there was a great deal of work to excavate and move the bog, cut down the hill to make engineered fill for the bog side and then trucking everything back to have access to the area.

Ms. Fowlie asked Mr. Brown for the timeframe for remainder of the five buildings to end the project. Mr. Brown stated that the third building was scheduled for this summer but Covid-19 and the subsequent lost rent, delayed the development next

year with the assumption that the next buildings would be one a year after that. Ms. Fowlie asked for clarification that this timeline represents five years before all the buildings are done and the soil is removed and fully landscaped. Mr. Brown stated that they could remove much of the excess soil then level out what is needed for the rest of the development and put it behind the building supply store where the residents would see it. He noted that the timeline discussed with residents was when the soil screening and removal was to finish, not when the development will be finished.

Mr. Hatfield noted that as per the application request, they were expecting to complete this work over a period of approximately 6 weeks; July 15, 2020 to September 4, 2020 where the Loader and Screener would be on site. He added that it would not mean screening every day but likely 8 to 15 solid days of screening to finish that job but they need to bring in better soil to mix and prepare the soil for sale.

Ms. Fowlie asked how many truck loads they planned on bringing in to the Millennium Drive site and how many they planned on taking out. Mr. Brown said he has enough on site for his development so the excess topsoil will be for sale. What has been mixed so far was Homestar's part of our agreement. Mr. Hatfield stated that the soil at 80 Millennium Drive that has not been mixed yet, it is not saleable. He added that some of the soil already mixed and removed from 80 Millennium Drive (60 to 70% of the soil) will belong to Homestar and used on other properties such as Lot 9 on Stock Farm Road and then Lot 8 will be next and then Lot 1 will be next for building permits. He added that topsoil will be needed for those lots plus other Homestar customers that wish to purchase topsoil. Ms. Fowlie asked if the topsoil that is advertised on Homestar's Facebook was for topsoil from Millennium and when Mr. Hatfield said it was, she stated that this makes it a commercial adventure. Mr. Preston asked where in the Town are these activities permitted. Mr. Colbourne stated that the mixing, or screening and processing activities would be what you find in a pit or quarry and added that it is different if you are screening on site to be used for landscaping purposes on the site you are developing. Mr. Colbourne's questions and concerns were for once this soil is mixed, where is it stockpiled. When sales are requested, where are the trucks going to get this soil? Will it be stock piled on Millennium Drive where truck will continually come and go, or at Serenity Heights which is near the Hammond River where environmental issues need to be addressed, or to the Homestar Elliott Road location is the Developer's Agreement permits it there. Mr. Hatfield stated that as he learned here tonight, the product cannot stay at Big Rock so it will have to be moved to other locations in the Town where arrangements have been made. Serenity Heights needs about 50 to 75 loads for this year, and while it is not a good business plan to move it to another spot once mixed just for sale, he will relocate it to these other locations he made arrangements with but he stated he would rather leave it at Big Rock until it is sold. Mr. Brown said there is 1.5 to 2 acres of land at 80 Millennium Drive where the soil could be leveled out and left there. Mr.

Colbourne noted that stock piling or stock spreading of soil is not a land use that was approved or associated with the development; processing and selling of topsoil is not permitted on that site. Doing a few weeks of mixing and removing soil is one thing to ask but now there are plans being discussed to keep the soil on location and continue the sale of soils.

Mr. Preston asked Mr. Hatfield how much is stock piled now on Serenity. Mr. Hatfield noted that the pile was just split into two piles and is about 300 loads. For Big Rock Properties, they are looking to bring 20 loads to mix. The remaining 280 loads has to be mixed, adding fertilizer if needed, with plans to screen on the property to put back on the site as developed. Mr. Brown stated that most of the soil that was already screened is gone, if Mark is bringing in 20 more loads, that would equate to 200 or 300 loads of prepared topsoil for sale. Mr. Hatfield noted that this screening has been taking place at 80 Millennium Drive over the last two years with another company but this year Homestar purchased a \$100,000 piece of equipment and hired someone to operate it without knowing this needed approval since it had been done in the past. Mr. Brown said that the screening should be finished by mid-September, if approved, but weather dependent it could be done sooner. He asked if the Committee would consider approval for this until September, and then if there is still a huge pile, they could just take it away at that point.

Mr. Lamont asked if there was anyone in attendance to speak for or against the application. Mr. Allan Guay of 64 Stock Farm Road spoke to the letter he provided to the Town as a response to the notice sent by the PAC Secretary for Serenity Heights. He felt that the soil that is stockpiled on Serenity Heights is not just from the road as he calculated about 150 or more loads were dragged off the adjacent hillside, where there is now about a four foot decline in that hill, and the soil was dragged across to the lot being built on now but certainly not just from the road construction. Mr. Hatfield noted the soil taken off the hillside was used for the lot that was being developed (Lot 8) as they had to bring in soil before receiving approval for the septic field and to improve the water flows in the right direction as part of the foundation grading. Mr. Guay stated that it seems like the majority of the acreage has had soil removed and piled and the piles look to be more than what will ever be needed for the Serenity Heights development. He added that much of the work is done on Saturdays and Sundays and since this is an Ecological area, someone needs to pay attention to ensure the area is looked after. Stripping the soil as it has been done, does not show a lot of sensitivity for the environment as there is sediment running into the river now, an issue that needs to be considered before a decision is made. Mr. Guay noted that every rain, minor or not, brings sediment to the pool and river. He added that the original development was approved based on environmental conditions that are not being met. The process of mixing and selling soil should be moved to a commercial area, not the Stock Farm Road area since this is not permitted in the By-law. Mr. Guay commented that he was not sure how this much work was done thus far without the Town enforcing the rules

and reminding the developer of the development agreement. He asked how much soil is limited and how long will this go on and noted that we need to move what is currently piled there and then focus on the development that was proposed, not stripping soil and trees to get soil to sell as a money maker as this goes against what was previously approved. Mr. Guay reiterated that this is a subdivision in the middle of a watercourse, one of the few spots that still have salmon in New Brunswick. He asked that the timeline and hours be reviewed, and the development not start at 5:30 a.m. and work until 9:30 p.m. and not to work on Sundays.

Next to speak were Jim and Catherine Nabor of 10 Granite Drive along with Omie & Monic MacVicar of 12 Granite Drive. Ms. MacVicar noted that when they met with Mark Hatfield to discuss the work being done, storing topsoil was never part of the agreement. She asked Mr. Colbourne who is responsible for ensuring they keep to the timelines if approved this evening and if they are not compliant, who do the residents contact. Ms. MacVicar also asked if the 15 days of work is spread over an eight week period, but they are not finished the job, how does the Developer obtain approval for an extension. Would they have to return to the Planning Advisory Committee, the residents or the Town Staff?

Mr. Hatfield spoke to the hours and noted that the operator of the screening equipment can only work Saturday, Sunday, Monday, and Tuesday due to Covid and babysitting available. He noted the plan is not to bring any new material in to the area, we haven't yet and don't plan to. There have been several visits from the Environment during this development and they have been pleased with the straw bales and sediment control and pond that we are creating. There was an inspector there today with Fisheries and Oceans and they found no wrongdoing and no sediment. Mr. Hatfield said he prepares before an expected rain as per the requirements of the Department of Fisheries and Oceans so when they call, the development is already preparing for protection. With regards to Lot 8, Mr. Hatfield said they left a buffer all around the Lot to protect the river. The drainage ditch catches everything before it hits the river and we watch that constantly. The water going to the river is sifted through the bales of hay. As for Big Rock Properties, Mr. Hatfield noted that there will not be much left by September. Mr. Hatfield stated that he can work with Mr. Guay on this sediment concern to review the procedures. Mr. Guay stated that he followed the bloom up to the source, where muddy water is running down where the turning centre is and where the water was originally flowing in the brook. He suggested that Mr. Hatfield should have put in a culvert to allow the brook to continue to flow because rerouting the brook is causing issues. Mr. Guay also asked if this brook was identified on the WAWA permit. Mr. Colbourne asked if this discussion could be identified at another time as it is off topic from the current application.

Mr. Gosselin asked Ms. MacVicar if the residents were 100% happy with the letter proposals along with what they heard tonight. Ms. MacVicar stated that they understand the decision is the responsibility of the PAC but added that they wanted

to tell the Developer what they were willing to accept. She added that they drafted the letter before meeting with Mr. Hatfield, and decided that instead of just opposing the development, they would negotiate with all parties (5 property owners and Mr. Hatfield) and all those who copied the letters were well aligned. She said their conditions were clear with regards to the time frame, the suggestion of adding a berm at the edge of their properties, the request to pretty up the trail, etc. Mr. Omni McVicar stated that the only item that Mr. Hatfield could not align with was the end of trail that doesn't go anywhere, noting that the by-law obligations should be considered sooner than later. He added that since Homestar is in the landscaping business that perhaps they could make the trail look better by adding a berm and maybe some trees.

Ms. Fowlie asked why the residents felt they needed to come to an agreement to let something happen when it is not within the by-laws; the Town by-laws dictate what is approved on the land and this is an illegal operation at this location. Mr. McVicar agreed that this operation is noncompliance and stated that they contacted the Town in early June but the Town only put up a blockade to the trail. He said the Town did not stop the trucks, nor address the several large pieces of equipment and the screener that can all be seen from Granite Drive, until the noise complaints came in, so they met with Mark to try and make the operation a little less annoying. Mr. Colbourne noted that there is still a Development Agreement in place for this property with proposals of more buildings going on. During a development, sometimes the Town is unclear as to what the work is being done on site and whether this is part of the agreement. This screening and processing of topsoil is not what was proposed as the development of the property.

Ms. Cindy Hampton of 89 Stock Farm Road spoke to the Serenity Heights proposal. Ms. Hampton stated that she put her concerns and objections in a letter that she shared with the neighborhood to obtain the support of 19 other property owners. She said that the objection was about the soil coming in and going out for sale and that they understand the soil was to be used on site because the development approval stated this. She noted that all of the trees were removed from one of the first lots developed so far which was not supposed to happen as the original approval stated clear-cutting is strictly prohibited and the tree cutting be limited to only those necessary for the installation of the roadway and the lots remain treed until such time as Building Permits are issued for construction of the dwellings. Ms. Hampton asked how the Town ensures this is not going to continue. The address of 95 Stock Farm Road noted in the letter to residents has been used as an access point and is used by four-wheelers but this is not part of the approved phases and the residents do not want this to become a road for trucking at this time. Ms. Hampton stated that resident cannot leave their windows open due to the dust and noise from the trucks at all hours of the day. She also addressed the concerns for erosion and proper flow of existing watercourses.

Mr. Colbourne reiterated that there are two applications that were covered in the one staff report but two locations. He added that Serenity Heights is under a

tentative approval from PAC, all the conditions are in place as is the by-law which states the soil being removed can only be done with approval from the PAC. We recognize that this is a sensitive area and all work must be done in a sensitive manner. With Big Rock Properties at 80 Millennium Drive, the by-law states that soil can be removed but not mixed, screened and sold on-site.

Ms. Fowlie stated that she would make a motion to deny the application but asked for assistance in reading the conditions put forth in the staff report. Before the motion could be read, Mr. Preston asked for clarification on the concerns of the timelines for screening at 80 Millennium Drive. He noted that the applicant asked for 8 weeks but stated tonight that 15 days of work were involved. He asked if the period of time for screening was completed by July 31st or similar time frame, would that be more acceptable or would that still be going against a temporary use definition. Mr. Colbourne explained the definition of a Temporary Use from the Town's Zoning By-law 038 and reviewed comments from his staff report that recognized the soil currently on site, the concern for the stock pile, and concerns for creating an area where trucks were proposing to come and go to pick up top soil. Mr. Colbourne added that if the request is to process everything currently on site for a few days and leave nothing on site unless it is needed for the remaining development, and not to stock pile for continued sales, then the Town can enforce this.

Mr. Lamont asked for clarification on the Motion that Ms. Fowlie started to make, and she agreed to withdraw her motion if the timeline was set for a more temporary time frame.

Moved By Darren Bishop

Seconded By Brenda Fowlie

That the Planning Advisory Committee grant a Temporary Use Drive for soil screening and processing at 80 Millennium Drive, PID 173435, subject to the following conditions:

1. The screening and processing work is to be completed by August 7, 2020;
2. The process to include the delivery of a maximum of twenty (20) loads of topsoil from Serenity Heights Subdivision to be used to mixed with the existing soil on the lot so the soil can be made appropriate for sale;
3. Water is to be used for spraying the area to control the dust;
4. Arrange the soil piles and adjust placement of the screening process to the far end of the property;
5. The soil to remain for Big Rock Properties Development is leveled at the end of the term, not left in piles;
6. All soil that will not be required for remaining development at 80 Millennium Drive to be removed by August 7th;

7. Minimize the noise of emptying trucks by asking for less shaking and pounding as they dump the contents, perhaps soften the tail of the truck backs;
8. Hours of operation to be Monday to Friday 8:00 a.m. to 5:00 p.m.;
9. Mr. Rick Brown and Mr. Mark Hatfield to coordinate with the property owners in the area and work on the trail so that the landscaping aligns with the Town's By-law between the two zones of Residential and Commercial; not necessarily asking for a berm to be installed but to neaten up and clean up the area so there is a nice walking trail at the location;
10. As of July 31, 2020, if the soil is not 66% to 75% screened and removed, Mr. Mark Hatfield may request a meeting with the Town Staff and residents in the area of 80 Millennium Drive to see if he can work beyond the hours of Monday to Friday 8:00 a.m. to 5:00 p.m, but still keep within the Noise By-law, so as to ensure the job is fully completed by August 7, 2020.

Motion Carried - Voting was done individually and verbally.

7.6 Serenity Heights - Stripping of Topsoil

Mr. Lamont reviewed the points discussed in the combined review of 80 Millennium Drive and Serenity Heights that are specifically related to Serenity Heights soil removal.

Mr. Mark Hatfield corrected the letter of application to say that he will not be bringing in any soil to the location of Serenity Heights for the purpose of mixing but he will be bringing in soil to screen on site for use on the development.

Mr. Colbourne reviewed the Zoning By-law again with regards to the excess soil; which means soil that is remaining after the lawful construction of roads or infrastructure or the building of a house under a subdivision approval, if excess is then available, then the PAC can grant approval to remove it. Mr. Colbourne noted that at this point, the development is not complete so soil cannot be determined as excess soil. He reiterated that one cannot clear cut trees in order to strip soil for sale prior to the approvals for the subdivision and lots. Even though a developer is operating within the by-law for the subdivision, he cannot remove the soil without approval from the PAC. Mr. Colbourne added that Homestar is permitted to screen the soil on Serenity Heights for use on the development but he is not permitted to bring in soil to import, mix, screen and remove - this production of top soil is not compliant with the by-law. If there is excess, you can ask for approval to remove it, only.

Mr. Gerry MacMillan of 69 Stock Farm Road asked for clarification on the application because Mr. Hatfield's letter included mixing existing topsoil with other soil being brought in from other sites for sale and removal. He stated that excess topsoil approval should only be for one year and asked for the duration of

this phase of the subdivision and then the next phase. He asked if the plans were to strip the soil and prepare the lots before they are sold so as to determine if the stockpile of soil doesn't sit for years after the road is developed. Mr. Hatfield stated that the sale of lots is based on the demand of the economy. He added that they will screen the soil as needed, keep a pile for each lot as needed and sell to other property owners as needed. The pile will continue as a moving target, large as lots developed, smaller as they sell and require landscaping. Mr. MacMillan asked if sediment control done properly and Mr. Hatfield replied that it was and that he will look into Mr. Guay's concerns tomorrow. Mr. Hatfield added that the negotiated hours of 8:00 a.m. to 5:00 p.m. mentioned earlier in the meeting was for 80 Millennium Drive and that the development at Serenity Heights will be compliant with the Noise By-law hours.

Moved By Brenda Fowlie
Seconded By Kendall Mason

That the Planning Advisory Committee grant approval for Homestar Inc. to remove twenty (20) truck loads of topsoil from the property of Serenity Heights for mixing, screening and processing this soil at 80 Millennium Drive and then to follow his Development Agreement with regards to the subdivision subject to the following conditions:

1. Permission is for screening and removing only the excess soil as part of the subdivision development and Developer's Agreement; and
2. No materials are permitted to be brought into the area of Serenity Heights from other sites.

Motion Carried - Voting was done individually and verbally.

8. Information Items and/or Discussion

Mr. Colbourne reviewed the letter received from Mrs. Phyllis Hart of Valleyview Drive, addressed to the PAC, with concerns for the control the Town has over the developing areas. Mr. Colbourne noted that the Town is responsible for enforcement of the by-laws and not the PAC Members.

Moved By Darren Bishop
Seconded By Brent Preston

That the PAC Secretary send a response to the email to acknowledge receipt of the correspondence and recognize the concerns, and to note that enforcement is through the town staff.

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 10:08 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY