



**QUISPAMISIS PLANNING ADVISORY COMMITTEE**  
**MEETING MINUTES – July 24, 2018**

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

**1. Call to Order**

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

**2. Approval of Agenda**

**Moved By** Brent Preston

**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 June 26, 2018 PAC meeting be received and filed.

**Motion Carried**

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

- 42 Shornecliff Drive - Fence Setback
- 81 Peat Drive - Accessory Building Setback
- 157 Palmer Brook Road - Amended Developer's Agreement
- 525 Hampton Road - Mobile Car Wash
- 10-12 Diggle Drive - subdivision of lots

**Moved By** Darren Bishop

**Seconded By** Brenda Fowlie

That the Notices of Decision be received and filed.

**Motion Carried**

## **6. Unfinished Business**

### **6.1 Fernwood Park Phase 3-B**

This application was tabled at the June 12, 2018 PAC meeting until the Town met with the Developer to review the Storm Water Management (SWM) plans.

Peter Donovan attended seeking approval for a Tentative Plan for Fernwood Park Subdivision Phase 3-B, ten (10) residential building lots in the Single or Two-Family zone (R1), and an extension of Meadowlark Drive. Mr. O'Brien of Brunswick Engineering was in attendance to answer questions on the Storm Water Management Plan (SWMP) at Mr. Colbourne's request so the PAC Members have an understanding of the thorough review required.

Mr. O'Brien reviewed the plans for the subdivision and indicated items visible on the Town GIS ortho on the big screen. He noted the next phase and the potential retention ponds, existing and future. Mr. O'Brien said that he met with Town staff to review eliminating a pond since it was found that there were too many in the area. Mr. O'Brien noted that once Nightingale Lane is finished, a pond could be created in the areas that cannot be serviced by gravity and this potential pond could be used for water retention this phase plus several future phases. The town would have control on the design and pay for the pond but get reimbursed by the developers of each phase.

The GIS showed the water/blue area caused from the hill in back; the water is on the level area.

Mr. Colbourne noted that the Town is not into creating SWM ponds but there could be a levee on future properties in the areas affected. He noted that the potential pond location where Brunswick Engineering suggested is designated as a future street extension. Mr. Colbourne asked Mr. O'Brien questions on the pond design

such as how the pond would look, if it could be designed so as to keep existing topography to let the water flow in/out as it does now. Also, who looks after researching designs, the Town, the current owner or future developer? As Mr. Donovan owns property in the area, it was asked how he plans to get the existing storm water directed to the pond. Dwight further asked on the route of the water, how long before the pond is required, and if the water flow channels could be created and be sufficient enough prior to the pond being fully developed. Dwight noted that at this stage, all questions may not be answered but that the existing tentative plan doesn't have to be tabled or denied until the retention SWMP is completed. He noted that a condition should be included to review the SWMP and retention ponds further. It was recognized that once a subdivision is approved turned over to the Town, any retention pond within becomes the Town's responsibility for maintenance.

Mr. O'Brien noted that keeping pond natural is a definite option and explained how it could work. However, he stated that space is needed and if you tried to grow too many trees in there, the space would be eliminated and as such, would not work properly. He said a lidar survey shows a 1% grade down to the wetland, with a bit of water lying where the two streets will match (Meadowlark & Nighthawk).

Mr. Colbourne asked Mr. O'Brien his opinion on the timeline for the pond to be completed. Mr. O'Brien stated that there is quite a bit of water going towards there now but the Town could look at phasing the pond project starting with this phase and correcting the water heading there now from the top left corner of the area (behind Meadowlark Drive). As for the access, it depends on where the pond is to be located and that is based on the road design of Nightingale Lane. Once the last infrastructure is put in for Nightingale Lane, the last manhole will need to be moved. The one property not owned by Mr. Donovan (47 Nightingale) has already been spoken too by Mr. Donovan and they are willing to work with the Developer on the plan which may include easements or LPP.

It was asked if any sections of this whole area are designated wetland. Mr. Colbourne showed the plan on screen noting it has the wetland on the right side and explained the layers of the Town's GIS Maps, including the Predicted Wet Areas that are pretty accurate and how the Town looks at water flows for properties and road maintenance with these images.

No one else attended to speak for or against this application.

**Moved By** Kendall Mason

**Seconded By** Michael Wowchuk

That the PAC approve the Tentative Plan for Fernwood Park Subdivision Phase 3B, the ten (10) residential building lots in the Single or Two-Family zone (R1), and an extension of Meadowlark Drive subject to the following conditions:

1. Approval is granted for frontage variances of three (3) metres each for lots 92 and 93;
2. Proper engineered design drawings for the sanitary sewer system to be submitted to the Town for review;
3. Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted to the Town prior to final approvals;
4. Submission of a comprehensive Storm Water 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 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 storm water management plan is to be reviewed and approved by the Town for construction;
5. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
6. Proper engineered design drawings for the storm sewer system and any open channels to be submitted to the Town for review;
7. Land for Public Purposes obligations to be satisfy through the tentative plan and through the use of the 6233 sq. metre LLP land bank credit from Fernwood Phase 1 development.
8. Any Municipal Services Easement necessary for the storm water management plan are to be incorporated into the final subdivision plan;
9. Submission of street centreline profiles prior to street design to confirm street grades within the permitted eight percent (8%);
10. Street names as submitted are acceptable;
11. Tree clearing shall be restricted to street right-of-ways and easements necessary for the installation of services;
12. Heavy truck traffic accessing the construction site are to utilize the Quispamsis Road and not Nightingale;
13. Standard Developer's Agreements, bonding and subdivision fees will be required;
14. Subdivision filing fees of Three Hundred dollars (\$300.00) for a ten (10) lot phase; and
15. Plans to be properly signed by the necessary utilities and owners.

**Motion Carried**

6.2 Tentative Subdivision - Queensbury Heights Phase 12

Raymond Carpenter attended seeking approval for a tentative plan for Queensbury Heights Subdivision, Phase 12, which would create six (6) new building lots as an extension of Olbie Glen. This was tabled at the June 26, 2018 meeting when the applicant did not attend. Mr. Carpenter noted that he was asking for the same approval that the PAC granted in 2015 and questioned why the recommendation

from staff was for a Comprehensive Water Supply Source Assessment versus an abbreviate report since the report in 2005 should be sufficient considering there are only so many more lots he proposes - up to Linda Avenue - then he will sell the rest of the land to someone else. Mr. Colbourne noted that if this area was not covered under the initial Hydrogeological work completed for Phase 6 of the Queensbury Heights Subdivision, these new lots will be subject to a new study. As there is a significant potential for the creation of more than 25 lots beyond this phase, and the Developer appears to be proceeding with smaller phases, the Developer must engage the services of a qualified Hydrogeological Consultant to prepare a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) for the Town prior to final approvals. The submission of this report is a requirement in accordance with the Subdivision By-law and must be provided prior to final plan approvals. If the study finds any cause for concern regarding the existence of sufficient quality and quantity of groundwater to support the proposed and future development, final approvals would be withheld until such concerns are satisfactorily addressed.

It was noted that since some of the infrastructure was completed three years ago, the Town would require a flushing and video of the system to ensure everything is still in working order.

No one attended to speak for or against this application.

**Moved By** Michael Wowchuk

**Seconded By** Brent Preston

That the PAC grant approval for the tentative plan for Queensbury Heights Subdivision, Phase 12, which would create six (6) new building lots as an extension of Olbie Glen, subject to the following conditions:

1. Proper design drawings for the sanitary sewer system to be submitted to the Town for review and approval prior to any construction;
2. If the Comprehensive Water Supply Source Assessment report, that was completed by a qualified Hydrogeological Consultant in 2005, does not include the current phase and all its land, is no longer valid, or is not sufficient, a Comprehensive Water Supply Source Assessment (Hydrogeological Report) covering Phase 12 and the remnant parcel (PID 62687) is to be submitted and reviewed by the Town prior to final plan approvals and building permits issued;
3. Overall LPP plan to fulfil LPP obligations is completed and agreed upon by both the Developer and the Town prior to final approvals;
4. Stormwater management plan to be submitted must address all local drainage patterns and any downstream impacts with the lot drainage plans and storm sewer system design to be completed by Developer's consultant and submitted to the Town for review and approvals prior to any construction;

5. The Final Subdivision to include a six decimal zero (6.0) metre wide easement along the rear property line of Lots 21-D to 23-D;
6. Standard Developer's Agreements, Security bonding and subdivision fees will be required;
7. Subdivision filing fees in the amount of two hundred sixty dollars (\$260.00) for a six (6) lot phase;
8. The Christa Carpenter Subdivision Plans and the Hillcrest Holdings Subdivision Plans and subsequent agreements for the LPP exchange used for the Cedar Grove Collector are signed;
9. Final Plans to be properly signed by the necessary property owners and Public Utility agencies prior to submission to the Town for final approvals; and
10. The development of the lots in this phase shall be conducted in accordance with applicable Town By-laws, Regulations and Policies thereto.

### **Motion Carried**

#### **6.3 Wright Subdivision - End of Misty Cove Lane**

Brian Wright attended seeking approval for Wright Subdivision Phase 1 – an extension of Misty Cove Lane (as a Private Street) on PID 30294052 for Two Lots Not Fronting a Municipal Street.

This application was reviewed on May 22, 2018 where PAC tabled the decision until a public street can be investigated with possible cost sharing and potentially introducing a property levy for all property owners whose property abuts the right-of-way.

Mr. Wright told town staff that he spoke to each of the property owners that use the Right-of-Way granted to them from either the Misty Cove Lane end or the Meenans Cove Road end. Other than Mr. Kenneth Wilson, who owns the lot across from the proposed subdivision, no one wishes to see the access become a public street.

Mr. Wilson spoke to town staff and stated that he would like to see a public street, or public turnaround that private lanes could extend from. He stated his intention is to build a private home on 489 Misty Cove Lane and would like to have services such as garbage pick up, power and internet accessible. Mr. Wilson also stated that he may subdivide the 5.7 acre lot into several lots for his children. He was told that a subdivision would not be permitted if the access is from a private lane or private right-of-way.

One of the discussions at the May 22, 2018 PAC meeting was the household garbage pick up for those property owners that are now, and proposed to be, accessed from the end of Misty Cove Lane. Mr. Wright, the property owner of the entire parcel of land, including the right-of-way, spoke to Fero – the current Waste Management Service Provider for the Town of Quispamsis. Mr. Wright agreed to construct an eight-foot by eight-foot pad to be located at the end (corner) of the lot

near the end of the Misty Cove Lane. Mr. Michael Carroll, the Saint John Branch Manager for Fero replied with the following: "I would have no issues with servicing the garbage at the end of the street... If you get approval for this then please share design with me prior it being built."

Mr. Colbourne noted to PAC that they can add a condition to approve the pad plan as well and mentioned several By-laws that can assist in management for garbage. There was a previous concern for people turning into the driveway prior to where the private portion of the road would begin. Mr. Colbourne stated that this lane is Mr. Wright's property, any people not having access would be trespassing and the same rule applies to people turning in other people's driveways. Brian noted that there is a sign stating "private lane" at both ends of the lane.

No one attended to speak for or against.

**Moved By** Brent Preston

**Seconded By** Brenda Fowlie

To grant approval for the tentative Wright Subdivision Phase 1 plan for two lots not fronting a municipal street and an extension of Misty Cove Lane (as a Private Street) on PID 30294052, subject to the following terms and conditions:

1. The private access constructed to a standard satisfactory to the Town based on an engineered design that ensures a minimum driving surface with of 6.0 metres, appropriate storm water management (ex. ditches) and a granular base;
2. The design is to be submitted to the Town for approval prior to construction;
3. An eight foot by eight foot (8 by 8) pad (located on the lot 18-1) is constructed at the end of Misty Cove Lane where garbage can be being picked up for property owners accessing the private right-of-way;
4. Any further subdividing of the remnant parcel PID 30294052 shall require the private access identified as Misty Cove Lane (private street) on the plan to be upgraded to a municipal public street;
5. The property owner is to enter into 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;
6. A Hold Harmless Agreement to incorporate a clause whereby it is recognized that investment made in construction of the private access will not be recovered if it is destroyed during construction of a public street to municipal standards and the owner further agrees to maintain the access to a reasonable standard satisfactory to the Town until such time as the private access becomes a public street;
7. 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 prior to a issuing of a Building Permit;

8. The property owners are responsible for all cost associated with drilling, installation, testing and maintenance of the private well system;
9. LPP obligations to be meet through the payment of One Thousand Five Hundred Dollars (\$1500) in lieu of land dedication;
10. Filing Fees totalling One Hundred Dollars (\$100) for a subdivision plan of two lots or less;
11. The Final Plan is to be signed by the Property Owner(s) and any applicable Public Utilities; and
12. The Development is to be completed in accordance with all Town By-laws, Regulations and/or Policies thereto.

**Motion Carried**

**7. New Business**

**7.1 142 Queensbury Drive - Fence Setback**

Gillian Rose and Rob Key attended seeking approval to connect fencing to an existing fence on the adjacent property to 142 Queensbury Drive. Ms. Rose noted that the request for the variance along the back is no longer required now that they understand the lot and confirmed they can get around the trees. They are proposing attaching the front/back of the side sections to the neighbors. The fence is located zero decimal six (0.6) metres from the property line of 138 Queensbury Drive. In order to obtain a fence permit for the joining sections along the side of the property at 142 Queensbury Drive, PID 30296735, a variance of zero decimal six (0.6) metres is required from Section 6.(S)(7) of the Town's By-law 038. Both the applicant and the adjacent neighbor have signed variance applications with the Town for approval.

No one attended to speak for or against.

**Moved By** Brenda Fowlie

**Seconded By** Marc Gosselin

That the PAC approve the variance of zero decimal six (0.6) metres from Zoning By-law 038, Section 6.(S)(7) for the property lines along the side yard that border 142 Queensbury Drive, subject to the following conditions:

1. All work is to take place on the applicant's property; and
2. A fence permit is obtained prior to any construction.

**Motion Carried**



7.2 Haldor (1972) Ltd. Subdivision - Parkside Drive

Andrew Toole attended on behalf of Haldor (1972 Ltd.) seeking approval for subdivision plans for realignment of their land lot boundaries to ensure a mini-home sites are within the boundaries of their land designated for that use and for future administrative consolidation with main parcel of Mobile Home Park. Haldor is also looking to create Lot 18-1 as a future building lot. The Lot does front a public street (Parkside Road) and does meet the minimum lot size requirement of 1140 sq. metres if it serviced by municipal or a communal sewerage system. A connection to the municipal or a communal sanitary sewerage system has not been installed to the lot. While the lot is just under the minimum lot size for an onsite septic system it is recommended that this lot only be considered a building lot with a connection to a sanitary system as it is situated less than 30.0 metres from a system.

No one attended to speak for or against.

**Moved By** Michael Wowchuk

**Seconded By** Brent Preston

To grant approval to the Haldor (1972) Lot 18-1 Subdivision Plan subject to the following terms and conditions:

1. Parcels A – F must be consolidated with PID 00250159 or incorporated into the adjacent properties and are not intended to be separate building lots;
2. Lot 18-1 will only be considered a building lot once a connection to the communal sanitary sewerage system is provided to the lot to the satisfaction of the Town;
3. Potable Water servicing to Lot 18-1 must be through a drilled well or connection to a communal water system;
4. Filing fees in the amount of One Hundred dollars (\$100.00) must be paid to the Town;
5. Land for Public Purposes fees in the amount of Seven Hundred Fifty dollars (\$750.00) must be paid to the Town; and
6. The Final Subdivision Plan must be signed by necessary Property Owners and Public Utility agencies.

**Motion Carried**

7.3 135 Palmer Brook Road - Development near Watercourse

Rick Turner (and Ken Prosser) attended seeking approval for a development at 135 Palmer Brook Road, PID 30240188, a property that contains a watercourse.

Mr. Turner noted the recommendation that stated a treed buffer zone of fifteen (15) meters shall be established and maintained by the developer and the change to include the wording "properties adjacent to residential". Mr. Colbourne noted the

by-law requirement and showed the property on screen and the adjacent residential lots in the back are requiring the buffer. Mr. Turner noted that this particular area is actually an environmentally protected area so the buffer is much larger than 15 metres.

The Developer has identified the proposed parking area in front of the lot as being gravel although it will likely be top coated with a limestone surface. They are not proposing pavement as a measure to help with the runoff calculations. The amount of landscaping is less than 50% as the Developer is working in accordance with the Watercourse and Wetland Alteration (WAWA) Permit (on file with the Town) which placed limitations on the boundary and extent of developable area on the site.

Mr. Turner noted that there is an access to the property from Palmer Brook Road now that is being used, but an application has been sent to the province and a copy of the approval will be sent to the town.

**Moved By** Kendall Mason

**Seconded By** Darren Bishop

That the PAC approve the Construction of a Service Garage as a Development at 135 Palmer Brook Road, PID 30240188, subject to the following terms and conditions:

1. A variance from Zoning By-law 038 Section 6.P(3)(b) permitting parking within the front yard setback area;
2. A variance from Section 18.(I)(1) requiring a minimum of fifty (50) percent of the front yard of the lot shall be landscaped open space;
3. Submission of appropriate approvals from the Department of the Environment and Local Government;
4. The building design and construction is to be completed in accordance with Section 18.(C) of the Zoning By-law 038;
5. Where adjacent to residential properties, a treed buffer zone of fifteen (15) meters shall be established and maintained by the developer;
6. The storage of hazardous or environment dangerous materials shall be not be permitted at the facility given the close proximity to the Palmer Brook watershed;
7. Approval from the Department of Transportation and Infrastructure (DTI) for access onto Palmer Brook Road is received and a copy to the Town prior to construction; and
8. The Developer is to enter into a Development Agreement with the Town.

**Motion Carried**

7.4 46 Shornecliff Drive - Fence Setback

Alan Gerrard attended seeking approval to erect fencing sections on the property of 46 Shornecliff Drive in order to connect to the neighbors fencing of 42 Shornecliff Drive who recently obtained approval to erect fencing on the property line. It was noted that the fence isn't going over onto the next property, just to the line where the neighbors' fence is constructed.

No one attended to speak for or against.

**Moved By** Darren Bishop

**Seconded By** Marc Gosselin

That the PAC approve the variance of zero decimal six (0.6) metres from Zoning By-law 038, Section 6.(S)(7) for fencing sections to be erected for the purpose of connecting the fence on 46 Shornecliff Drive, PID 30253728 to the adjacent fence at 42 Shornecliff Drive.

**Motion Carried**

7.5 224 Hampton Road -Zoning Change

Mr. Colbourne reviewed an application received by Council for consideration of a Municipal Plan By-law Amendment and Rezoning of the property at 224 Hampton Road, PID 251825 for the construction of a two-storey commercial office building.

It was noted that a new plan will be submitted to the town following a meeting with Mr. Colbourne and the applicant where Dwight made suggested changes to the design in order to meet the Zoning By-law such as setback of the building, height, etc. Mr. Colbourne calculated that variances should not be required as the lot can accommodate the requirements. It was asked if the Ranch Avenue entrance met the regulation of eleven metres from the intersection. Mr. Colbourne checked on the screen for measurement, stated it may be close but PAC can set a condition to change this. At this time, PAC is just reviewing this application as consideration to support to Council for the zone change. If the final plan shows required variances, it will be required to return to PAC.

**Moved By** Marc Gosselin

**Seconded By** Brent Preston

That the PAC support Council with the Municipal Plan By-law Amendment and Rezoning of the property at 224 Hampton Road, PID 251825 for the construction of a two-storey commercial office building subject to the following conditions:

1. The access to Ranch Avenue is the required eleven (11) metres from the intersection; and

2. The final plan meets all zoning by-laws with respect to setbacks, height, buffering, downward lighting, waste management behind building/screened, etc.

**Motion Carried**

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

**Moved By** Brent Preston

That the Information Items be received and filed.

**Motion Carried**

**9. Adjournment**

**Moved By** Darren Bishop

Meeting adjourned at 8:45 p.m.

**Respectfully Submitted,**



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CHAIRMAN



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SECRETARY