



**QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – June 12, 2018**

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

Absent:	Marc Gosselin	Kendall Mason
	Darren Bishop	

1. Call to Order

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

2. Approval of Agenda

Noting that the May 22, 2018 meeting minutes were attached for approval.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Agenda be approved with the correction.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Michael Wowchuk

Seconded By Brent Preston

That the minutes of the May 22, 2018 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Brenda Fowlie

Seconded By Brent Preston

That the Notices of Decision be received and filed.

- Sign Variance - 10 Millennium Drive
- Subdivision - Atlantic Precast Ltd
- Subdivision - Maple Ridge Estates
- Subdivision – Wright, Brian
- Outside Patio - 184 Hampton Road

Motion Carried

6. Unfinished Business

6.1 Multi Residential Apartment - Millennium Drive

This application was originally scheduled for the May 22, 2018 PAC meeting but postponed until this meeting of June 12. It is a proposed use of the lands for the development of an apartment complex as it is similar to the permitted use of hotel whereas Residential Development is not a Permitted or Discretionary Use in the Business Park Commercial (BPC) Zone.

Andrew Dunn of 697800 N.B. Corp has entered into a Development Agreement with Town of Rothesay for the construction of a 36-unit 4 story residential apartment complex on the parcel of land that spans the Town of Quispamsis and Town of Rothesay municipal boundaries. The parking lot is located in the town of Quispamsis and the Sewer will be from the town of Quispamsis and the bulk of the development under the town of Rothesay due to town jurisdiction. Mr. Colbourne reviewed the site plan and municipal map showing both properties.

No one attended to speak for or against this application.

Moved By Michael Wowchuk

Seconded By Brenda Fowlie

To grant approval to the proposed use of the lands for the development of 4-storey 36-unit apartment complex as it is similar to the permitted use of hotel subject to the following terms and conditions:

1. Submission of a landscaping plan to show the location and number of trees and additional greenery to provide a satisfactory level of the screening and mitigate erosion;

2. All lighting to be downward directed and shield as to not impact residential properties
3. Outside storage areas or structures are to be screen by fencing and greenery landscaping.
4. Utility to the building is to be underground in accordance with By-law No. 17;
5. The property owner is to be pay all applicable sanitary sewerage utility fees in accordance with the Town of Quispamsis Utility By-law 005;
6. The Developer is to enter into a Development Agreement for that portion of the development located in Quispamsis, and deposit with the Town securities, in an amount as determined by the Town, to cover the cost of that portion of development located in Quispamsis.

Motion Carried

7. New Business

7.1 Tentative Subdivision - 265 Hampton Road

Michael MacMaster & Laura Magee attended seeking approval to subdivide an existing lot at 265 Hampton Road into two lots, to build a new house with large attached garage and to request permission to use the newly created lot address for business contact.

As per Zoning By-law 038 Section 8.(C)(1) each lot created in the Single or Two-Family Dwelling Zone (R1) serviced by municipal sanitary sewerage must contain a lot width at the line of setback of 30.0 metres. The proposed conceptual subdivision at 265 Hampton Road requires two lot width variances:

1. 5.6 metres for the lot that will contain the existing dwelling (provided all building setbacks can be satisfied);
2. 16.3 metres for the proposed new lot – to contain a new dwelling with attached garage.

Mr. MacMaster noted that the building plans are tentative with respect to garage door locations but stated that the property would be well maintained and would be mostly hidden from the view from the road. There are mature trees on properties on both sides of this lot.

As there were concerns received regarding the potential for a commercial business on the property, Mr. MacMaster stated that he has no intention of running a business in his home and noted that he grew up with business at his parents' home and prefers his home to be just home. He has asked that he use that mailing address to receive communications from his other businesses. Mr. Colbourne reminded the PAC that Home Businesses are permitted in an R1 Zone but it would require PAC application and approval. Mr. MacMaster did note that he likes working on cars, that he and

his children have several plus there are toys such as snowmobiles, which is the reason for the request for such a large attached garage.

The location of driveways was reviewed. The existing driveway is close to the lower end of the existing lot which will be approximately twenty-four metres wide. The proposed entrance to the new lot will be closer to the upper end putting the driveways close to twenty metres apart. With consideration to the Hampton Road being a collector highway, traffic increase would not be a problem.

No one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Brenda Fowlie

To grant approval to the proposed MacMaster Magee Conceptual Subdivision of 265 Hampton Road subject to the following terms and conditions;

1. Lot width variances of 5.6 metres for the existing lot and 16.3 metres for the newly created lot;
2. The existing building located on 265 Hampton must meet all setback requirements with the creation of the new lot;
3. The new lot must be serviced by municipal sanitary sewerage – onsite septic is not permitted;
4. The future property owner (Mr. MacMaster and et. al), if the land is purchased, must enter into a registered agreement with the Town to prohibit Commercial Use of the property except for an approved Home-Based Business in accordance with the Zoning By-law;
5. Appropriate landscape screening and buffering should be incorporated into the landscaping of the new lot to mitigate the impact of the large attached garage on adjacent property owners;
6. Final Subdivision Plan must be submitted to the Town for approval and payment of all applicable fees – a \$100.00 filing fee and \$750.00 for cash-in-lieu of Land for Public Purposes;
7. The Final Subdivision Plan is to be signed by necessary property owners and applicable utilities agencies; and
8. The development of the land shall be conducted in accordance with all applicable Town By-laws, Regulations and/or Policies thereto.

Motion Carried

7.2 Side Yard Setback - 11 Jenkins Drive

Kirk Thompson attended seeking approval for a variance of zero decimal three (0.3) metres from By-Law No. 038 Section 8.(E)(1)(b) in order to construct a six decimal one by six decimal seven (6.1m x 6.7m) addition to his existing dwelling. As per

By-law 038 Section 8.(E)(1)(b)., no building or structure may be placed or altered to be within three (3) metres of a side lot line.

The municipal services easement used for the drainage path of the rear lots on Reflection Lane that extends 1.5 metres from the side lot line was reviewed. The proposed building will be located 1.2 meters from this easement. Mr. Thompson is aware of the easement and noted it will be maintained.

No one attended to speak for or against.

Moved By Brenda Fowlie

Seconded By Michael Wowchuk

That the PAC approve the variance from By-law 038 Section 8.(E)(1)(b) of three hundred (300) millimetres at 11 Jenkins Drive, PID# 30306104, subject to the following condition:

1. Should any construction occur within the easement, the easement must be restored and inspected by the Town's Engineering Department prior to the completion of the final inspection by the Building Inspection Department.

Motion Carried

7.3 Accessory Building prior to Main Dwelling - 425 Gondola Point Road

Ms. Dianne Reynolds attended requesting permission to place an accessory building prior to the main building at 425 Gondola Point Road, PID# 30306104. As per By-law 038 Section 8.(G)(4)., Accessory buildings are not permitted to be located on a lot before the main dwelling is constructed.

Ms. Reynolds was asked if the construction was away from flood lines of 2018. She noted that they have plans to build up the property and that the existing foundation from old house was not flooded and that is what they are using as a foundation for the shed. The building will be in the same line as the neighbors. The shed will be used to store equipment for building the main dwelling and Ms. Reynold noted that with the location being behind where the new house will be, it would be difficult to build the shed after the dwelling is on the lot.

It was recognized that the property does not front on Gondola Point Road but is an existing lot with Right-Of-Way from the road to the river. The property was on a septic system but the connection to Town Sewer has been prepared already.

DC showed flood zones of 2018 on screen at 5.73 metres, noting that the water touched the lower deck that was not attached to the house. Ms. Reynold stated that they are building a sea wall with approval from the province. Mr. Colbourne noted

that the province is recognizing the Town's flood zones and that the Building Inspection Department will review the elevation of the building with respect to this.

No one attended to speak for or against this application.

Moved By Michael Wowchuk

Seconded By Brenda Fowlie

That the PAC approve the variance from By-law 038 Section 8.(G)(4) for an accessory building on a lot prior to the construction of a main building at 425 Gondola Point Road, PID# 30306104, subject to the following terms and conditions:

1. The building shall not be used for a dwelling unit or for the keeping of livestock; and
2. Any development or building on the property should meet the 2018 flood requirements of the Town and the province with regards to the elevation and be approved by the Building Inspection Department.

Motion Carried

7.4 Foundation Elevation Variance - 24 Executive Avenue

Mr. Jonathan Queen attended seeking permission to construct a dwelling with a finished floor elevation of 4.5 metres below the center line of the road at 24 Executive Avenue. As per By-law 038 Section 6.(F)(1)., all new structures must have a finished elevation of 1 metre above the centerline of the road.

Mr. Queen was asked about his plans for water runoff and he noted that they will divert the water around the house on all sides. He stated that each lot is the same in that area and that all have a ditch out front so the swales on the sides will continue down to the ditch. Mr. Colbourne showed the elevation on the screen and noted that the water (100-year storm layered image within GIS) does not show any water in that area. It was noted that with one dwelling, there would be no water creation, but management of existing water around the house.

No one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the PAC approve the variance to By-law 038 Section 6.(F)(1) of five decimal five (5.5) metres at 24 Executive Avenue, PID# 30317564, subject to the following terms and conditions:

1. A “Hold Harmless” agreement is executed by the property owner absolving the Town from any liability associated with water run-off, with a registered copy to be filed with the Town; and
2. A site drainage plan must be submitted and approved by the Building Inspection Department to ensure that surface drainage is being directed away from the structure.

Motion Carried

7.5 Foundation Elevation Variance - Lachlan Court

Ron Scott attended seeking approval for foundation elevation variances on three lots on Lachlan Court. As per By-law 038 Section 6.(F)(1)., all new structures must have a finished elevation of 1 metre above the centerline of the road.

Mr. Scott acknowledge there were footings in place on lot 3 (civic 15) but cement was not poured and would not be poured until approval was received and inspection was done by the Town. Mr. Colbourne noted that placing the forms isn't against the building code but pouring is so there is no violation at this point. Mr. Scott noted that the engineer tells them how far to dig in order to get hard compact ground and in this case, Engineer Consultant suggested building up the lot by approximately one metre. The foundation will be four to six (4 - 6) inches below requirement once built up. He also noted that all lots are storm system and retention pond built to assist with drainage.

No one attended to speak for or against this application.

Moved By Brenda Fowlie

Seconded By Michael Wowchuk

That the PAC approve the variance to By-law 038 Section 6.(F)(1) of zero decimal five (0.5) metres at 7 Lachlan Court, PID# 30328447, 11 Lachlan Court, PID# 30328452, and 15 Lachlan Court, PID# 30328462, subject to the following terms and conditions:

1. A “Hold Harmless” agreement is executed by the property owner absolving the Town from any liability associated with water run-off, with a registered copy to be filed with the Town; and
2. A site drainage plan must be submitted and approved by the Building Inspection Department to ensure that surface drainage is being directed away from the structure.

Motion Carried

7.6 Tentative Subdivision - Fernwood Park Phase 3-B

Mr. Peter Donovan Jr and Josh Legere attended seeking approval for a tentative plan for a ten (10) lot subdivision phase (3-B) as part of a previously approved subdivision plan, Fernwood Park Phase 3, and the extension of a public street called Meadowlark Drive.

Preliminary design drawings have been submitted to the Town and reviewed by the Engineering Department. The review has generated a concern regarding the proposed storm water management plan that would see the construction of a detention pond along the rear of lots 89 – 92, with potential to impact existing lots to the east of Lot 89 as there would be a requirement to create a municipal services easement across these lots for the outlet from the proposed retention pond. The Engineering Department has requested a meeting with the Developer, the Engineering Consultant and Planning to review the proposed storm water management plan to consider alternatives as this will have a significant impact on the existing lots, the overall storm water management in the area, and would create a third retention pond in that area.

Mr. Colbourne noted that the tentative plans presented to the PAC did not show the retention pond and if this is the storm water management plans but not shown on the plan or noted in the Developer's Agreement, it may end up being the responsibility of the Town. He also noted that the storm water management using the retention pond would be the third pond in area and that perhaps other solutions can be looked at. Mr. Donovan noted he has a meeting with the Engineering Department and other staff from the Town scheduled for June 13, 2018.

Moved By Michael Wowchuk

Seconded By Brent Preston

That the Tentative Plan for Fernwood Park Subdivision Phase 3-B be tabled until the Town's Engineering and Planning Departments meet with the Developer and their engineering consultant to review the proposed storm water management plan and address the concerns and potential impacts. Rescheduled for June 26, 2018.

Motion Carried

7.7 Parking Setback - 204 Hampton Road

Ms. Tara Curwin and Mr. Philip Sousa attended seeking approval to redesign a building for a business in the Central Commercial Zoned property that will require a variance to create parking spots beyond the front of the building as per Section 6.(P)(3)(b) of the Zoning By-law 038. As well, a variance is required from Section 12.(G), whereas a minimum of fifty (50) percent of the front yard shall not be landscaped open space. The intention is to operate an administrative business with office space for rent including a boardroom and three offices on one floor and

another three offices on the other floor with several workstations in a common room.

As the floor plans presented to PAC showed offices up and down with a full kitchen and bath, it was asked if there would be living quarters included, thereby have a residential and commercial aspect. Ms. Curwin stated that they kept the full kitchen upstairs and are adding a kitchenette downstairs for the use of staff and customers only and confirmed that the building will not be used as a residence. Therefore, the parking requirements are only for business customers.

The driveway is approximately thirty-seven (37) metres long, on both sides, with twenty-six (26) meters at the back of the building. The site plan shows parking for three spots along the lower side, three spots at the back including one for disabled parking, one along the upper side and seven in the front including an additional disabled parking spot for a total of fourteen spots which is sufficient parking requirements as per the zoning By-law 038, Section 6.(P)(2)(a). Ms. Curwin noted that the parking spots are planned at regular size but some bigger on the side.

Mr. Colbourne noted the drawings presented have limited green space out front of only six feet. Ms. Curwin noted that other features are to be added such as trees and shrubs and that there is greenspace on sides and back. She also noted the drainage plan will definitely not be changed as it works well as currently designed.

Mr. Colbourne noted that the Developer's Agreement will determine time lines of ditching, asphalt on driveway, infrastructure, green space, etc.

No one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Michael Wowchuk

That the PAC approve the variance from Zoning By-law 038 Section 6.(P)(3)(b) to allow parking spaces to be in the front yard setback, and a thirty-eight (38) percent variance from Zoning By-law 038 Section 12.(G) for open green space at 204 Hampton Road, PID 30014377 with the following conditions:

1. A building permit is issued for the additional office space prior to construction;
2. An approved site plan is obtained by the town to ensure existing drainage is not affected;
3. The additional parking area must be asphalt;
4. Each vehicle parking space shall be in accordance with the stall width and length, curb length and minimum driveway as outlined in the Zoning By-law; and
5. The business owner enters into a Developer's Agreement with the Town.

Motion Carried

7.8 Additional Lots - Terrace View Mini Home Park

Ann-Marie Snyder and Robert Noris attended on behalf of Keystone Communities seeking approval for a proposed eight (8) site expansion of the Terrace View Mini-Home Community Development. Ms. Snyder noted that the owner of Terrace View Community is now Hangrove Terrace Partners Limited Partnership. RC Management II Limited is the authorized agent for Hangrove Terrace Partners Limited Partnership and that Keystone Communities is their trade name only.

The proposed eight (8) site expansion of the Terrace View Mini-Home Community development requires the approval of the PAC as Section 11. (G) of the Zoning By-law requires any new development to be subject to a Development Agreement that would contain any terms and conditions the PAC may wish to impose.

The PAC noted the green space with sign out front and asked if this will be lost. Ms. Snyder stated that the sign will stay but some green space will be lots now and that is business growth. She stated that they have only one vacant lot left after having thirty-five vacant lots when they originally bought the property, noting there is a demand for lots. There is a total of 153 sites now and a proposed addition of eight. There are four wells that supply the water, all combined into one well-house for the community.

Mr. Colbourne added that the potable water is regulated by the Province of New Brunswick and the license to operate is valid through March 31, 2020. He also noted that in 2012, the park connected to the Town's sewer instead of sewage lagoon and the capacity is there for more pads.

No one attended to speak for or against this application.

Moved By Michael Wowchuk

Seconded By Brenda Fowlie

That the PAC approve the proposed eight (8) site expansion of the Terrace View Mini-Home Community subject to the following terms and conditions:

1. Execution of an Amending Development Agreement to reflect the change in the site;
2. Submission of sanitary sewerage lateral connection drawings to the Town for review and approval;
3. Sanitary sewerage connections are to be inspected by Town Officials prior to backfilling;
4. Building Permits are to be issued prior to dwelling units being placed on the sites;
5. Security bonding as determined by the Town to be paid at the time of the execution of the amending Development Agreement and to be released at the completion of the expansion; and

6. The property to pay all applicable fees in accordance with Town Utility By-laws.

Motion Carried

8. Information Items and/or Discussion

Council Meeting Minutes Feb 6, April 3 & 17, May 1 2018

Discussions:

With regards to construction of a seawall, should the PAC state the condition of a seawall must be engineered? Mr. Colbourne stated that the National Building Code requires certain conditions and the Building Inspection Department looks at this through the permit application process.

With regards to recommendations in the staff memo, should they read "That the PAC grant approval..." or "Should the PAC approve..."? Mr. Colbourne noted that the staff recommendations are based on research, studies, review by other departments, By-law regulations, etc., and stated that the PAC still has the power to change what staff recommends. It was suggested that the PAC Secretary seek guidance from the Town's legal department in consideration of the perception of residents reading the memos now that these full agendas are posted on the web.

Moved By Brenda Fowlie

That the Information Items be received and filed.

9. Adjournment

Moved By Brent Preston

Meeting adjourned at 8:26 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY