

PLANNING ADVISORY COMMITTEE
MINUTES – June 27, 2017

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on June 27, 2017 at 7:00 p.m.

In attendance: Bob McLaughlin
 Carolyn LeBlanc
 Darren Bishop
 Jean Place
 Kendall Mason
 Marc Gosselin
 S. Dwight Colbourne, P.Tech, Municipal Planning Officer
 Violet Brown, Secretary

Absent: Darin Lamont

1. Call to Order

Bob McLaughlin called the meeting to order at 7:00 p.m.

2. Approval of the Agenda

MOVED BY: Marc Gosselin

SECONDED BY: Darren Bishop

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None.

4. Review of Previous Meeting Minutes

MOVED BY: Carolyn LeBlanc

SECONDED BY: Kendall Mason

That the Minutes of the June 13, 2017 PAC meeting be received and filed.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes:

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
<i>Front Setback for Deck</i>	<i>Zoning By-law 038, Section 8.(E)(1)(a)</i>	<i>562 Gondola Point Road, PID 248997</i>
<i>Fence Height Variance</i>	<i>By-law 038, Section 6.(S)(3)(a)</i>	<i>16 Meteor Drive, PID 30219380</i>
<i>Fence Setback Variance</i>	<i>By-law 038, Section 6.(S)(7)</i>	<i>47 Hazelton Drive - PID 30212229</i>

MOVED BY: Darren Bishop
 SECONDED BY: Marc Gosselin

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

1. Fence Setback and Waterfront Review - 16 Forrester's Road, PID 452300

Mr. Kevin Doiron attending seeking approval to erect sections of a wooden fence to be located on a portion of the side property line at 16 Forrester’s Road, PID 452300. In order to obtain a fence permit, a variance of zero decimal five (0.5) metres is required from Section 6.(S)(7) of the Town’s By-law 038 whereas the fence is not to be located within zero decimal six (0.6) metres of the property line.

The PAC reviewed this application at the June 13, 2017 meeting and tabled the decision until the next meeting of June 27, 2017 to allow time for the below options to be researched by Mr. Doiron and reviewed with the property owner of 18 Forrester's Road.

Mr. Doiron agreed to research option 1, that of having the posts installed with steel screwed anchors that extend below the frost line. This allows all the work to be done on the applicant's property. Option 2 of post holes drilled with an auger device was also noted as having all the work done on the applicant's property but may also affect post location if large rocks are encountered. The original proposal, option 3, of using an excavator as noted by Mr. Doiron was the best solution for positioning of posts and post strength. With this option, the PAC has asked that a written approval, or email, is obtained from the property owner of 18 Forrester's Road, Mr. Walkin, since some soil from the digging may encroach upon his property. Mr. Doiron offered, if he received approval for this option, to do extra work between the properties around the fence area to improve the rough landscaping of the neighbor's property.

As a previous correspondence was received from Mr. Lawrence Walkin who did not want the fence to be erected between the properties, and the PAC wanted a written notice of acceptance from Mr. Walkin for the fence to be erected if using the excavation method, both Mr. Doiron and Mrs. Brown, PAC Secretary, communicated via email with him. On Tuesday, June 27, 2017, Mr. Walkin replied to the emails with negotiations and stated that he may be in favor of Scenario 3 if all the conditions below apply:

1. It's the best looking option from my property.

2. If it's allowed by the town to remove the dead tree down to the stump (assuming that Kevin is willing to also remove the stump). Then Kevin would have to add some soil as removing the stump will take it below ground.
3. If Kevin fills the hole on my side (that was described in his email) and makes it look even.
4. Kevin removes rocks on my side (that was described in his email) and he sends me the picture.

MOVED BY: Marc Gosselin
 SECONDED BY: Kendall Mason

That the PAC approve the variance from Zoning By-law 038, Section 6.(S)(7) of 45 centimetres (0.5m), for a fence in the side yard of 170 centimeters in height at the waterfront property of 16 Forrester’s Road, PID 452300, subject to the following conditions:

1. Any soil or other material that gets deposited onto the adjacent property during the installation of the fence must be cleaned up by the property owner of 16 Forrester's Road at his cost;
2. A final confirmation of approval is received from the property owner of 18 Forrester's Road; and
3. The conditions below that were agreed upon by the property owners of 16 and 18 Forrester's Road are adhered to:
 - i. use the excavator to smooth the transition between properties around the fence area;
 - ii. remove the large rocks on both properties around the fence area;
 - iii. remove the dead tree (not the stump) beside the lower deck of 18 Forrester's Road; and
 - iv. fill the existing hole near the lower deck of 18 Forrester's Road.

CARRIED UNANIMOUSLY

7. New Business

#	Variance Requested	By-Law Section	Address
a)	Day Care Facility	By-law 038 Section 6.(L)(2)	213 Pettingill Road, PID 253187
b)	Pylon Sign Size Variance	By-law 036 Section 13.(3)d & e	80 Millennium Drive; PID 173435
c)	Tentative Subdivision Plan – Fernwood- Phase 2	By-law 035	Extension of Nightingale Lane
d)	Tentative Subdivision Plan – Heritage Estates	By-law 035	Heritage Way Off Pettingill Road
e)	Tentative Subdivision Plan – Hillside Estates	By-law 035	Lachlan Court off Vincent Road
f)	Tentative Subdivision Plan – Kingsview –Phase 20	By-law 035	Perry Court off Carlton Drive
g)	Road Elevation Variance	By-law 035	Ambassador Drive Extension
h)	Amend Developer's Agreement	Section 39 Community Planning Act	215 Pettingill Road

a) Day Care Facility, 213 Pettingill Road, PID 253187

Mr. Troy Arsenault attending seeking approval to operate a day care, the Origins Natural Learning Childcare, under the current R1 zoning with services for a maximum of fifteen (15) children as a Discretionary Use at 213 Pettingill Road, PID 253187. In order to operate a day care business without a main residential use, it will require a variance from Section 6.(L)(2) whereas the by-law states that the Day Care Facility shall be secondary to the main residential use and that the owner/operator shall reside at the property and a Developer's Agreement is entered into with the Town.

The intention is to eventually rezone the property and operate a 60-space Afterschool Care Program and a half day Preschool Program. Mr. Colbourne stated that when the proposed location is reviewed against the provisions of Section (L)(3), it would be reasonable to consider this an appropriate location for the proposed childcare facility as it is in the neighbourhood of other institutional facilities, that of Quispmais Middle School, Chris Saunders Memorial Elementary School and École des Pionniers and three Churches, that of Grace Valley Church, St. Marks Catholic Church and St. Augustines Anglican Church. While in the process of rezoning, the applicants are seeking permission to operate a smaller daycare under the Discretionary Use noted above.

Mr. Colbourne noted that there is a provision with Section 6L(2) of the Zoning By-law that states a Day Care facility shall be located a minimum distance of four hundred (400) meters from another Day Care facility. There is a Day Care facility at École des Pionniers however that facility serves the francophone community only as such there is an exception to application of that provision in this case.

Notice was sent to residents within 100 metres of the property. A daughter to the property owner, as well as one of the executors of the property attended the meeting to observe the process. The daughter spoke to the application stating that she thought this was an ideal location for this program and hoped that the applicant is successful in their zoning change request as she felt it would be a dream place for the children.

There were no further questions to the applicant and no one else asked to speak for or against the application.

MOVED BY: Carolyn LeBlanc

SECONDED BY: Jean Place

That the PAC grant approval from By-law 038 Section 6.(L)(2) to operate a day care facility as a Discretionary Use at the property of 213 Pettingill Road, PID 253187 with this as the main use of the building and without the owner/operator residing on the property subject to the following conditions:

1. The operator of the Day Care Facility shall enter into an agreement with the Town;
2. The maximum number of children shall not exceed fifteen (15);
3. The Day Care Facility shall be limited to the detached dwelling unit;
4. All signage shall comply with the Sign By-law for the zone in which the Day Care Facility is located;
5. The submission of building plans to the Building Inspection Department and permits obtained for any necessary changes unless waived by the Building Inspector;

6. The Day Care Facility shall not be occupied until the operator provides the Building Inspector with evidence that the premises meets all applicable building and fire code requirements;
7. The driveway is widened to ensure two lanes are available for vehicle movement and a little clearing is done at the access area of Pettingill Road to ensure visibility of the road and driveway;
8. On-site parking shall be provided for one (1) space per employee and one (1) space per five (5) children;
9. The Day Care Facility complies with all Provincial regulations under the Family Services Act of New Brunswick

CARRIED UNANIMOUSLY

b) Sign Size, 80 Millennium Drive, PID

Mr. Rick Brown of Big Rock Plaza attended the meeting seeking approval for a freestanding sign to be located at 80 Millennium Drive, PID 173435. In order to obtain a permit, a variance of one decimal five (1.5) metres is required from Section 13.(3)e. whereas one free-standing ground sign shall have a maximum height of six (6) metres. While it was noted in the notification to property owners in the area that a variance of one (1) metre was required from the Sign By-law No. 036, Section 13.(3)d for the clearance under the sign, Mr. Colbourne clarified that this was not required due to the fact that the sign's location is far enough back from the property line to not require this clearance.

Notice was sent to residents within 100 metres of the property. There was one concern received from Mr. Jones who stated that the size of the sign at the neighboring property should be sufficient for 80 Millennium Drive sign. Mr. Jones also commented on what he believes are deficiencies in the development and while these were shared with staff, they may not reflect on the current sign variance request. Mr. Colbourne concluded that most of the deficiencies that Mr. Jones listed were not the responsibility of Big Rock Plaza but the responsibility of the Town of Quispamsis and he will follow up with the appropriate departments.

No one attended to speak for or against the application.

MOVED BY: Kendall Mason

SECONDED BY: Darren Bishop

That the PAC grant approval for a one decimal five (1.5) metre height variance from Section 13.(3)e of the Sign By-law No. 036 for the freestanding sign on the property of 80 Millennium Drive, PID 173435 subject to the following condition:

1. The approval is for the supplied drawings and specifications only and any variation in size shall required PAC approval.

CARRIED UNANIMOUSLY

c) Tentative Subdivision Plan – Fernwood Park Phase 2-B

Mr. Gerry Roberts of Kierstead, Quigley and Roberts attended the meeting on behalf of the Developer Mr. Bill Brooks of Brooks Homes Ltd. seeking approval for Fernwood Park Phase 2-B Tentative Subdivision Plan (PID 30322051), a tentative subdivision plan proposing:

- the creation of thirteen (13) new single family building lots;
- the extension of Nightingale Lane – a public street;
- the creation of a portion the Meadowlark Drive public street right-of-way;
- the creation of one (1) Municipal Services Easements (MSE) for storm water management, and
- 21,000 sq. metres (2.1 hectares) of Land for Public Purposes (LPP-3).

Mr. Roberts asked for clarification on notice to CN and Mr. Colbourne clarified that it is the responsibility of the Developer to contact CN and obtain their guidelines for setback and water flows around the area of thirty (30) metres of their rails.

Mr. Colbourne stated that the Developer is only responsible for a reasonable base on the trail portion, a cut and grub, and the Town will complete the trail.

MOVED BY: Darren Bishop
SECONDED BY: Kendall Mason

That the PAC approve the Tentative Subdivision Plan for Fernwood Park Subdivision Phase 2-B, proposing the creation of thirteen (13) lots, an extension to Nightingale Lane, a portion of Meadowlark Drive, a Municipal Services Easement and LPP subject to the following conditions:

1. Proper professionally engineered and stamped design drawings for the sanitary sewer system to be submitted to the Town's Engineering Department for review and approval;
2. Submission of a Comprehensive Water Source and Supply Assessment (CWSSA) report to Town as completed by a qualified professional engineer licensed to practice in the Province of New Brunswick prior to final approvals;
3. A Stormwater Management Plan and the submission of a Lot Grading Plan that clearly demonstrates acceptable stormwater management and surface drainage control practices. The plan must provide acceptable solutions for any downstream impacts as designed by a registered professional engineer licensed to practice in the Province of New Brunswick. The plan must be reviewed and approved by the Town prior to any construction;
4. Land For Public Purposes as shown on the tentative plan is acceptable and shall be incorporated into the Final plan for this phase;
5. The Developer shall develop trail access to the LPP area to the Pedestrian Trail standard established by the Community Services Department as part of the subdivision development work;
6. Any Municipal Services Easement(s) required for storm water management to be established and incorporated into the Final plan;
7. Submission of street centreline profiles prior to street design to confirm street grades within the permitted eight percent (8%);

8. With the exception of clearing of a lot associated with a Building Permit, tree clearing shall be restricted to street right-of-ways and easements necessary for the installation of services;
9. Approvals from the Department of Environment (DOE), regarding development adjacent to a wetland and watercourse is to be submitted to the Town in writing;
10. Submission of the Subdivision Plan and Engineered Storm Water Management Plan to CN Railway for their review and comments;
11. A Developer’s Agreement shall be entered into with the Town and Security Bonding as established by the Engineering Department shall be deposited with the Town;
12. Subdivision filing fees in the amount of Three Hundred Thirty dollars (\$330.00) for the thirteen (13) lot phase;
13. Plans to be properly signed by the necessary Public Utilities and Property Owner(s); and
14. The alternate access of Quispamsis Road be utilized for heavy truck traffic.

CARRIED UNANIMOUSLY

d) Heritage Estates Subdivision, PID 30295703

Mr. Joe Bent of A.E. McKay Builders Ltd attended the meeting seeking approval for Heritage Estates Subdivision, a Tentative Plan for twenty-five (25) new residential building lots with two (2) new public streets and Land for Public Purposes off the Pettingill Road at PID 30295703.

Mr. Bent noted that the previous approval for this subdivision had expired yet some of the work was already completed. He reviewed the first portion of expected lots to be completed but reiterated that all 25 are being approved this time. Mr. Bent noted that the plan was to have the final subdivision plan reviewed by Council at the July 18, 2017 Council Meeting.

Notice was sent to residents within 100 metres of the property. While there were concerns received when this was sent out in 2016 for the street connection of Heritage Way to Pettingill Road, no concerns were received this time and no one attended to speak for or against the application.

MOVED BY: Jean Place
 SECONDED BY: Carolyn LeBlanc

That the PAC grant tentative subdivision approval to Heritage Estates Subdivision subject to the following conditions:

1. Submission of engineered street design so as to confirm the street centreline grades and profile for compliance with the Subdivision By-law;
2. Street right-of-way width variance of 3.0m for Heritage Way to assist with the reduction the street grades;
3. Submission of engineered design drawings for the sanitary sewerage system to the Town for review and approval, with any alternate Municipal Service Easements to be clearly identified prior to final plan approval;
4. Submission of a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;

5. Submission of a comprehensive Stormwater Management Plan inclusive of engineered design drawings of the proposed stormwater management system and a lot grading plan. The Stormwater Management Plan must identify any areas where easements are required and these are to be incorporated into the final subdivision plan prior to final approval. The stormwater management plan is to be submitted to CN for review and comment prior to final plan approvals;
6. Stormwater Management Plan to look at downstream impacts on the CN railway infrastructure and capacity of existing culverts to handle the projected flows;
7. LPP requirements in the amount of 6130 sq. m as proposed on the plan are acceptable;
8. Driveway access to Lot 1 is off Heritage Way;
9. Land Transfer arrangements between A. E. McKay Builders Ltd. and Woodleigh Development Ltd. regarding the Lots 5 and 6 be completed prior to final plan approvals;
10. Standard Development Agreement, bonding and subdivision fees will be required;
11. Subdivision filing fees totalling Four Hundred Fifty dollars (\$450.00) for a Twenty-Five (25) lot development; and
12. Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

e) Hillside Estates Subdivision, PID

Mr. Gerry Roberts of Kierstead, Quigley and Roberts attended the meeting on behalf of the Developer Mr. Ron Scott of R.J. Scott Homes Ltd., seeking approval for a tentative subdivision plan proposing the creation of:

- twelve (12) residential building lots in the Single or Two Family Dwelling Zone;
- Lachlan Court – a public street; and
- 4740 sq. metres of Land for Public Purposes
- With a 1.5% increase in the street grade for Lachlan Court

It was noted that this subdivision was previously approved by the Planning Advisory Committee in 2016 but had expired. Mr. Colbourne noted that a renewal of an approval is not offered in the Community Planning Act and as such, when an approval has expired, it is as if it never existed and the request must start again as a new application.

MOVED BY: Carolyn LeBlanc

SECONDED BY: Marc Gosselin

That the PAC grant approval to the Hillside Estates Tentative Subdivision Plan of twelve (12) residential building lots, the creation of Lachlan Court – a public street, and the creation of 4740 sq. metres of Land for Public Purposes with a one decimal five percent (1.5%) increase in the street grade for Lachlan Court, subject to the following conditions:

1. Design drawings for the sanitary sewer to be submitted to the Town, reviewed and approved by the Engineering department prior to final approvals (completed);
2. Submission of an Abbreviated Source and Supply Water Assessment (CWSSA) from the a qualified professional (completed);

3. A Comprehensive Stormwater Management Plan submitted for this area showing stormwater collection with the subdivision and conveyance into the detention area, and a conceptual lot grading plan (completed);
4. Land for Public Purposes requirements are to be met through land dedication and trail preparation construction. This can be through the LPP land bank proposed by the Developer, provided it is acceptable to Mayor and Council;
5. Street and services must be constructed to municipal standards;
6. Standard Development Agreements, bonding and subdivision fees will be required;
7. Subdivision filing fees in the amount of Three Hundred and Twenty Dollars (\$320.00) for a twelve (12) lot subdivision;
8. The street name Lachlan Court is acceptable; and
9. Plans to be properly signed by the necessary Public Utilities and Land Owner(s).

CARRIED UNANIMOUSLY

f) Kings View Phase 20 Subdivision, PID 30324917

Mr. Gerry Roberts of Kierstead, Quigley and Roberts attended the meeting with the Developer Mr. Stephen Camick of J K E Quality Homes Inc. seeking approval for Kings View Phase 20 tentative subdivision plan proposing to create:

- One (1) new public street – Perry Court
- Thirteen (13) Single-Family Residential lots with all lots fronting the proposed Perry Court;
- 459 sq. m of Land for Public Purposes to create pedestrian walkway from end of Perry Court and future extension of Carlton Drive; and
- The extension of the sanitary sewerage line to connect with the Kings Way Collector system

Notification was sent to all property within 100 metres of the subject property and concerns have been expressed for traffic at the intersection of Route 119 and Squire Drive and the potential need for signalized intersection. This area was studied in 2014 by the engineering consulting firm exp as part of an overall study of the all the intersections and traffic flows along Gondola Point Arterial. The study found that while the intersection does have fluctuations in level of service, it did not warrant a signalized intersection at that time. However, the report did recommend that once the two new schools are in operation, a further study should be conducted. Mr. Colbourne stated that the Engineering Department will revisit the traffic study with regards to the remaining land that can be developed because this study, or any subsequent required work, should not be the responsibility of one developer but of the overall development.

No Cut Zone: Under Phase 13 of the Kings View development the lots backing onto Route 119 retained a 7.5m not cut area to provide a noise buffer between the arterial. It is the recommendation of the staff that this No Cut Zone be retained along the rear of Lots 179 – 185.

MOVED BY: Kendall Mason

SECONDED BY: Darren Bishop

That the PAC grant tentative subdivision approval to Kings View Subdivision Phase 20 subject to the following conditions (noting that some are already completed):

1. Submission of street centreline profile for Perry Court;
2. Submission of engineered design drawings for the sanitary sewerage system to the Town for review and approval; (Completed)
3. Submission of an Abbreviated Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;
4. Submission of a comprehensive Stormwater Management Plan inclusive of engineered design drawings of the proposed stormwater management system and a lot grading plan. The Stormwater Management Plan must identify any areas where easements are required and these are to be incorporated into the final subdivision plan prior to final approval; (Completed)
5. A review of the LPP width to ensure it is capable of handling a pedestrian trail as well as the storm water drainage;
6. The Developer may be required to perform additional ditching along the Municipal Easements on the Langard Ltd. and Hillcrest Holdings properties to direct water to a natural drainage stream or area or the Department of Transportation and Infrastructure Route 119 right-of-way;
7. LPP requirements in the amount of 2301.5 sq.m are to be reviewed by the Planning Department and the Community Services Department and a final approval from PAC to be obtained through an email poll before Council's approval;
8. A 7.5 metre No Cut Zone to be retained and delineated on the Final Plan along the rear of Lots 179-185;
9. Standard Development Agreement and placement of bonding as determined by the engineering department will be required;
10. Subdivision filing fees in the amount of Three Hundred Thirty dollars (\$330.00) for a thirteen (13) lot phase; and
11. Plans to be properly signed by the necessary Public Utilities and Property Owner(s).

CARRIED UNANIMOUSLY

g) Ambassador Drive Road Elevation, PID

As part of the 2017 Street Upgrades Project, the extension of Ambassador Drive to Quispamsis Road was approved. With consideration to the driveway elevation of 22 Ambassador Drive and a tie-in to the crown of Quispamsis Road, the road elevation profile will be 9.37% which requires approval by PAC as it is greater than the allowable 8%. It was recognized that this project has been on the books for years.

MOVED BY: Marc Gosselin

SECONDED BY: Carolyn LeBlanc

That PAC approve the 1.37% road elevation variance for the extension of Ambassador Drive.

CARRIED UNANIMOUSLY

h) Amend Section 39 CPA Developer’s Agreement to Relocate Access to the Telecommunications Tower – 213 – 215 Pettingill Road, PID 30194740

The ROGERS telecommunications tower located at 215 Pettingill Road (adjacent to the Quispamsis Middle School) is presently accessed over a right-of-way over the driveway to 213 Pettingill Road – the estate of the late George McAfee. ROGERS has been requested by the property owners, trustees of the George McAfee Estate, to relocate the access to the tower. ROGERS is now seeking approval to gain a more direct access to tower by constructing a driveway at the end of Pembroke Lane – a local public street located in the Winfield Hills Subdivision.

It was noted by Mr. Colbourne that the proposed location and layout for the new driveway access may require a slight change prior to final approvals to ensure there is ample room for snow storage at the end of the street. A relocation of the driveway to one side rather than off the center of the street would provide more room for snow.

MOVED BY: Carolyn LeBlanc
 SECONDED BY: Darren Bishop

That PAC support Council in the decision to change the ROGERS Communications Inc Developer's Agreement of 215 Pettingill Road (PID 30194740) for the purpose of relocating the access to the tower property from the existing 213 Pettingill Road right-of-way to the end of Pembroke Lane.

CARRIED UNANIMOUSLY

8. Information Items

Review/discussion of PAC Policy with regards to On-Site Inspections.

It was recognized that the ArcGIS Software may assist the PAC Members in reviewing applications as it includes all Municipal infrastructure, parcel specifications and other information not available in print format. This and Google Earth 3D images will be available on the PAC Ipads shortly to assist in reviewing each PAC application.

Council minutes for April 18, May 2 & 16, 2017 and Council's decision on Market Street name change and Special Facility License for 515 Hampton Road.

9. Adjournment

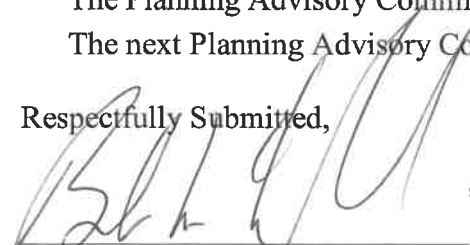
MOVED BY: Darren Bishop

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 8:30 p.m.

The next Planning Advisory Committee meeting is scheduled for July 11, 2017.

Respectfully Submitted,



CHAIRMAN



SECRETARY