



QUISPAMIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES - March 27, 2018, 7:00 pm

Present:

Brenda Fowlie	Brent Preston
Darin Lamont	Darren Bishop
Kendall Mason	S. Dwight Colbourne
	Violet Brown

Absent:

Marc Gosselin
Michael Wowchuk

1. Call to Order

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

2. Approval of Agenda

Moved By Darren Bishop

Seconded By Brent Preston

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 Kendall Mason

That the minutes of the previous 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.

Daycare Facility - 12 Greystone Drive

Liquor License - 10 Millennium Drive

Rezoning - 309 Hampton Road

Motion Carried

6. Unfinished Business

The PAC tabled the decision for a second free-standing sign at 10 Millennium Drive at the December 12, 2017 meeting until the applicant met with each tenant of 8 & 10 Millennium Drive to confirm their signage preference.

The applicant has now rescheduled for April or May.

7. New Business

7.1 Business Expansion (Offices) - 174 Millennium Drive

Dana Douthwright attended seeking approval for the addition of a second floor on the existing business building at 174 Millennium Drive, PID 303011956. Section 4.B of the Development Scheme for Millennium Drive By-law #017 requires that any expansion or exterior alteration be approved by the Planning Advisory Committee.

Ms. Douthwright noted that the space is not for sales staff but for existing administrative office as they are crowded into one office, plus some storage space for office material. The service bays are not included in this application but were in the previous application that PAC approved in 2016. It was asked if the building was constructed in such a way so as to support a second floor and Ms. Douthwright noted that they will need to include extra strength carrying beams to accommodate the second floor as part of the construction.

Mr. Colbourne noted that the property is subject to the Well Field Protection Program and as such, any future development will require approval from the province. Ms. Douthwright noted that she started communications with the Province over a year ago on the WFPP but had not received any responses for any of her correspondences. She said she does not know who to notify, at the provincial level, that there is a proposed expansion and welcomes assistance with information.

No one attended to speak for or against the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC proceed with approval to amend the Developer's Agreement for the property of 174 Millennium Drive, PID 30301956 for the addition of a partial second floor for offices, subject to the following conditions:

1. A site plan is to be provided to the Town for review and approval;
2. Exterior lighting is to be downward directed to mitigate impact to the neighboring properties;
3. Site and building constructed in accordance with plans filed with the Town;
4. All conditions of the previously approved Development remain in effect;
5. Notice from the province that they are aware that the business is expanding and a copy filed with the Town; and
6. The parking to be reviewed for potential expansion into the adjacent lot and any changes are noted in the Developer's Agreement.

Motion Carried

7.2 Home Office - Carpentry Business - 6 Rivercrest Drive

Mr. Dong Ding attended seeking approval for a home business for an office at 6 Rivercrest Drive, PID 30071906 for the purpose of a property upgrading service.

As per Zoning By-law 038 Section 6.(K), the Planning Advisory Committee may permit Home Occupations within a Residential Zone area pursuant to the Section 53(2)(g) of the *Community Planning Act* of New Brunswick.

Mr. Ding was asked about the business of upgrading homes to identify what the business included. He stated that he is signed up for a carpentry course at NBCC where he will learn how to provide woodworking services to customers. He stated that all work is to be done in the customer's home. When asked if he had taken any other courses or had any experience in the field of carpentry, Mr. Ding stated that he is building a green house with a partner, the first of its kind, that may be requested for other customer's interest and this will be part of his business. He stated that the business will include himself but that he will be partnering with another company for workers on bigger projects. As for tools, storage on the property will only consist of hand tools, not business material or lumber to be stored on the property of 6 Rivercrest Drive. Mr. Ding confirmed that there will not be a work shop at his home but just an office.

The concerns that were received by the Town were reviewed. Dwight noted there was a covenant mentioned in one concern and he stated that the Town has no jurisdiction over covenants and that they are the responsibility of the subdivision property owners. It was also noted that the covenant for 6 Rivercrest was pulled from Service New Brunswick for the PAC to review and it did not state that a home business was not permitted.

No one attended to speak for or against the application.

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the PAC proceed with approving the Property Upgrading Service of Ding Dong EcoHome Upgrading Corp as a Home Occupation at 6 Rivercrest Drive, PID 30071906, subject to the following conditions:

1. It shall be secondary to the main residential use of the dwelling;
2. Not more than two-part time persons are engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
3. Should the business expand to require more than two-part time persons, such persons shall not operate at nor travel from the property of 6 Rivercrest Drive;
4. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
5. There shall not be any construction done on the property, all construction work must take place at the customers' properties;
6. No equipment or material used for the business is stored on the property, other than personal tools;
7. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
8. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty-five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters;
9. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted;
10. Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot;
11. There is to be no parking on the street or within Town property; and
12. The PAC approval to operate the business is non-transferable. The approval is solely for the benefit of the property owner named herein. In the event the business is discontinued or the lands are transferred, the said approvals shall terminate.

Motion Carried

7.3 Foxborough Ridge Subdivision - Off Pettingill Road

Gerry Roberts of Kierstead Quigley and Roberts attended, on behalf of Mr. George Queen, seeking approval for the tentative subdivision of Foxborough Ridge, a subdivision proposing to create: Three (3) new public streets; Forty-three (43) Single-Family Residential lots; and 8860 sq. m of Land for Public Purposes.

A review of the tentative subdivision plan was conducted in accordance with the applicable provisions of Zoning By-law 038 and the Subdivision By-law 035 in its entirety. The review found that the proposed lot configuration will not require any variances with respect to lot width, depth or area, but a street length variance will be required for Foxborough Court as it exceeds the maximum length of 183 metres as the Subdivisions By-law. This distance may be increased to two hundred twenty-five (225) metres if approved by the Planning Advisory Committee where there is an emergency vehicular access or pedestrian walkway with a clear travel path of at least three (3) metres in width from or near the head of the turnabout, giving access to an adjacent street. Mr. Colbourne noted that in this case there will be future access to the end of the court via the Land for Public Purposes (LPP) that will connect to pedestrian trail corridor adjacent to the CN Railway line. This trail will be driveable as it will be access to the municipal sewerage system trunk line and is part of the Active Transportation network. He also noted that in terms of access, the development is going to connect to Heritage at some time.

It was asked who is responsible for the connection of Heritage and Windsor and Mr. Colbourne stated that there is a land swap required and then each developer would be required to develop the road in front of their lots and infrastructure services would be required up to their portion. The contours on the plan were noted as being tight, indicated it must be steep in that area. Mr. Roberts stated that the grades are not too bad for the roads there but it was noted that the preliminary street centerline profile indicated there may be a requirement for a street grade variance up to 10% for Windsor Boulevard and Briarwood Court.

It was noted that Mr. Gallant of 166 Pettingill Road was inquiring on potential easements between the lots behind his property so the sewer connections can be made to his property for possible future subdivision of his one lot into three lots. Although the Community Planning Act allows the PAC to ask for easements, this has to be negotiated between the developer and the land owner. Gerry Roberts suggested that if the easements were permitted, that all sewer connections are completed before the lots are sold and landscaping is done on those properties so as to not cause any disturbance for future land owners.

No one else in attendance spoke for or against the application.

Moved By Brent Preston

Seconded By Darren Bishop

That the PAC to grant tentative approval to Foxborough Ridge 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 length variance for Foxborough Court to two hundred twenty-five (225) metres is approved but any changes need to be reviewed by the Planning Advisory Committee;
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 8860 sq. m are to be satisfied through land dedication as proposed on the plan;
8. Driveway access to Lots 1 and 43 are to be off of Foxborough Court;
9. Land Transfer between Woodleigh Development Ltd., the Town of Quispamsis and A.E. McKay Builders Ltd. to be completed prior to final plan approvals;
10. Standard Development Agreement, bonding and subdivision fees will be required;
11. Subdivision filing fees totalling Six Hundred thirty dollars (\$630.00) for a Forty-three (43) lot development;
12. Plans to be properly signed by the necessary utilities and owners; and
13. Prior to final plans and execution of the Developer's Agreement, that discussions of easements for Mr. Gallant's proposed sewer connections to 166 Pettingill Road, are carried out with the property owner and developer.

Motion Carried

7.4 Betteridge Subdivision and Compatible Use (Business) - 12 Emery Street

Gerry Roberts of Kierstead Quigley and Roberts attended on behalf of the buyer, Mr. Steeves, and seller, Mr. Betteridge, who were also both in attendance. He explained the land transfer from one lot to another was for the intended use of additional parking space next to the shop, privacy from neighbors in close proximity, and additional space for plowing during the winter months.

Lot 07-2 (174 Chamberlain Road) was recognized as a Legal Non-Conforming Use and the operation of the well drilling business would fall under a Light Industrial zoning versus the current zone of Rural. Whereas the business has existed and operated from this the location for more than thirty (30) years without issue, the use can be considered compatible with the area. And whereas the Letter of Intent states the acquisition of the land is not an expansion to the building for business purposes or an expansion of the business in general but mainly to increase the space (privacy) between the residential property at 160 Chamberlain Road and Steeves property, it would be reasonable to consider the request under the Compatible provision of Section 3(D)(1) of Zoning By-law 038.

No one attended to speak for or against the application.

Moved By Darren Bishop

Seconded By Brent Preston

To grant approval to the John C. Betteridge Tentative Amending Subdivision Plan for the purposes of creating a Parcel "A" that will be consolidated with Lot 07-1 (PID 30252399) subject to the following terms and conditions, and any others at the PAC may consider fitting:

1. The use of the area identified as Parcel "A" on the Tentative Amending Subdivision Plan be in accordance with the purposes stated in the Letter of Intent to the Town as signed by Michael Steeves being dated February 12, 2018;
2. A 3.0 metre treed or vegetated buffer be retained on Parcel "A" along the common property line with the remainder of Lot 93-1;
3. There shall be no expansion, addition to or structural alteration of the existing garage or the construction or placement of any new buildings with the intent of use for business purposes or activities related thereto on Parcel "A" or the resulting consolidated parcel; and
4. The Final Subdivision Plan to be signed by necessary Property Owner(s).

Motion Carried

7.5 Goldrush Drive Extension - Subdivision

Rick Turner of Hughes Surveys attended, on behalf of Dale Steeves, seeking approval for a tentative subdivision plan for the purpose of creating ten (10) building lots as an extension of Goldrush Drive, Parcel "A" as a remnant parcel, Public Utility Easements, a Municipal Services Easement and Land for Public Purposes.

It was noted that some lots show as wetland on the map and Mr. Turner was asked how the developer would be able to meet all the requirements of Department of Environment. Mr. Turner stated that the developer has already been through strict guidelines and thorough documentation is being adhered to.

As for the correspondence from residents regarding storm water, Mr. Turner noted that the required comprehensive storm water management report will cover off any concerns. The SWM plans will look at the lift station at Brook Street, its capacity, the Atlantic guidelines, downstream impacts, etc. It was also noted that this is a tentative plan that still requires full approval from Town staff.

Mr. Colbourne noted that existing infrastructure lines are the municipality's responsibility but new subdivision infrastructure requires testing, videos and full review from the engineering department prior to the municipality taking over the subdivision.

With regards to the existing potable water tests, Mr. Turner noted that there would be a review as part of the required abbreviated water supply assessment report and that any recommendations from the report could be included on the deeds for future owners.

No one attended to speak for or against the application.

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the PAC grant approval to the Goldrush Drive Extension Tentative Subdivision Plan, for the subdividing and development of PID 248716 and the creation of ten (10) building lots as an extension of Goldrush Drive, subject to the following conditions:

1. A lot width variance of 4.0 metres for Lots, 5, 6 and 7;
2. PAC support for the reduction in the street right-of-way width to 18.0 metres and asphalt driving surface width of 6.0 metres and widen shoulder as per the proposed street cross-section shown on the plan;
3. Approval of the cul-de-sac length;
4. Construction or contribution to the construction of the trail connection to the Saunders Brook trail;

5. Compliance with the conditions of the Technical Review Committee of the Department of Environment and Local Government – correspondence dated July 25, 2016;
6. Confirmation of the Watercourse Alteration Permit requirements for Saunders Brook;
7. Amendment to the Timberlea Estate Phase 3 subdivision plan to designate the Future Street to LPP;
8. Submission of the street centerline profile to determine if street grade variances are required;
9. Submission of a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;
10. Submission of a comprehensive stormwater management plan demonstrating pre and post development balanced flows with no negative downstream impacts;
11. Submission of an engineered design sanitary sewerage system;
12. Acceptance of the proposed LPP with a credit established for the Developer for any future subdivisions, with the existing Municipal Services Easement to be designated as LPP;
13. No further subdividing of Lots 6, 7 and 8 with a note to be added to the plan;
14. The Developer is to enter into a Standard Development Agreement with the Town;
15. Payment of filing fees in the amount of Three Hundred dollars (\$300.00); and
16. Final plans signed by property owners and necessary public utilities.

Motion Carried

7.6 Highlands of Queensbury Subdivision

Rick Turner of Hughes Surveys, attended on behalf of 613086 NB Ltd. (Dale and Judith Steeves) and Queen Construction Ltd. (George Queen), seeking approval for the Highlands of Queensbury subdivision, a development that was approved by the PAC in 2013, 2015 and again in 2016 is now expired. This tentative plan would see the creation of fifty-one (51) residential building lots and two (2) new streets – Galmorgan Drive and Abbeywood Close.

Mr. Turner noted several concerns starting with the flows of water from top of the development on the Vincent Road direction and water presently coming down from the Queensbury Drive direction. He noted the plan will direct all that water to the retention pond recently constructed and that the area in the SWM report is about 40

acres so it will benefit more properties than the ones in the tentative subdivision plan.

With regards to the width of the road and whether the infrastructure could fit the design, the width was established when Queensbury Drive was approved. Mr. Turner noted the plans were looked at to accommodate the 15 metre width, the pavement that can be 6 metres as approved in other streets in the town, and other aspects for traffic calming.

Ms. Mary Hanlon of 115 Queensbury Drive (corner of Foxwood) attended asking about the trail beside her property and anticipating that it is to be developed into a road. It was confirmed that the area is now a road (Foxwood Court) on Service New Brunswick mapping and two lots from this on the other side of her property is another future road access (Galmorgan Drive). Ms. Hanlon also commented on the traffic in the area, noting that there are many children in the subdivision and vehicles travel very fast. She noted the traffic flow studies that were done on Queensbury Drive, and in front of where she lives, and the resulting traffic circles put in, but noted that cars still drive fast between those traffic calming items. Ms. Hanlon asked about green space and Mr. Colbourne reviewed the trail system and connections in the area.

Mr. Colbourne noted that there is no trigger for traffic studies but the Town will be setting a standard in our new By-law that will have studies done on subdivisions as they grow (with the number of lots prior to a required report to be determined). He noted that Vincent Road and Queensbury Drive local collectors and as such are expected to handle higher traffic counts. Sidewalks may be considered on Queensbury but that review will be part of Transportation Master Plan to determine what is required, what is within the budget, the desire of Council, etc. In this plan, with the alternate accesses, some traffic will go one way, some the other, and the town has traffic counters to watch the patterns. Mr. Colbourne also noted that PAC has the authority to request a traffic study now or in future phases.

Corey O'Dell of 8 Foxwood Court asked if the plan has to be constructed in phases sequentially or can they develop any of the numbered phases? Mr. Colbourne stated that the Town has no jurisdiction on this part of a development but will watch for the infrastructure and work with the developer as it progresses. Mr. O'Dell asked how the subdivision will work without a second access if the Developer should start at phase 5 then move to another (instead of 6) and not put the second access in. Mr. Colbourne stated that alternate access would depend on the phases developed, the topography of the entrances and the overall plan with regards to the subdivision standards that need to be adhered to.

Mr. Turner noted that Phase 5 will be the first development started and it is proposed to work sequentially through the phases. He noted that some phases may require variances, road elevations, etc., but those will be addressed as each phase progresses. The economy will determine when it will be developed. As for the

traffic and speed mentioned, Mr. Turner noted that the street will meander through the development and not be straight through like Queensbury Drive so the traffic patterns will be slower.

Mr. Lamont, Chairperson, mentioned to the audience that anyone can send a letter addressed to the Town with regards to the concerns of the speed of vehicles and the number of children in the community.

No one else in attendance spoke for or against the application.

Moved By Kendall Mason

Seconded By Brent Preston

That the PAC grant approval of the Highlands of Queensbury Phases 5 -10 tentative plan subject to the following conditions:

1. The Developer to maintain the proposed phasing for phases 5 - 7 with each phase to be filed and registered as a separate final plan;
2. Lot depth variances from Zoning By-law 038 Section 8(C)(1) be granted for:
 - Lots 44 and 45 under Phase 6;
 - Lots 57, 58 and 59 under Phase 7;
 - Lots 67 under Phase 8;
 - Lots 70 and 71 under Phase 9; and
 - Lots 77, 79, 80, 83, 85, 86, 87 and 88 under Phase 10.
3. The development of Phase 8 is not to commence until such time as the street and municipal infrastructure services (sanitary, storm sewer system, etc.) are constructed to the satisfaction of the Town;
4. Proper engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval prior to any construction for all Phases;
5. Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted and reviewed by the Town prior to final plan approvals and any construction. The report is to be inclusive of Phase 8 as shown the Tentative plan;
6. The Developer to submit to the Town detailed street centreline grade profiles and complete street design details to determine if street design modifications or grade variances are required. If so, they are to be resubmitted to PAC for consideration;
7. Line-of-sight analysis to be conducted along Vincent Road at the intersection with Galmorgan Drive to determine level of compliance with TAC requirements, and if further Traffic Engineering review required prior to final approvals;

8. The street design to incorporate acceptable traffic calming and streetscape features in accordance with the traffic calming policy where deemed necessary by the Town;
9. Comprehensive stormwater management plan to be submitted for Phases 5-10. All local drainage patterns to be determined by the Developer's consultant, and the necessary lot drainage plans and storm sewer design to be completed by Developer's consultants and submitted to the Town for review and approvals prior to any construction. The plan will need to look at how surface drainage along the rear of lots 65 - 67 will be handled as to not directly discharge to lot 57, 78 & 79. If easements are required, they need to be identified in the final stormwater management plan and incorporated into the final subdivision plan for phase 8;
10. The Developer is responsible to obtain any necessary provincial approvals from the Department of Environment for any watercourse alterations or work within sensitive areas;
11. The proposed LPP for Phases 5 – 9 and 10 is acceptable, however, the level of trail development required by the Developer is to be established prior to final plan approvals. Upon final approval and execution of a Developer's Agreement a credit note is to be established for any future development in the Town by 613086 NB Ltd;
12. The LLP requirements for Phase 8 can be fulfilled through an existing land credit for Queen Construction in the amount of 4401 sq. m. The credit was established as a result of the Land for Public Purposes parcel adjacent to Phase 8 on the plan;
13. Street names as submitted are acceptable; no changes are permitted without staff approval;
14. Clearing of the area for construction purposes is to be conducted in accordance with Zoning By-law 038 Section 6(U)(4);
15. Standard Developer's Agreements, bonding, subdivision and filing fees will be required for each phase as they are preparing for development; and
16. Plans to be properly signed by the necessary utilities and owners.

Motion Carried

7.7 Ruscello Place Subdivision

Mr. Rick Turner of Hughes Surveys attended on behalf of 613086 NB Ltd. (Dale and Judith Steeves) seeking approval for a tentative plan for Ruscello Place Subdivision, which would see the creation of eight (8) residential building lots and one (1) new street – Ruscello Place, as an extension of Banshee Court. Tentative approval was granted for this subdivision in 2015 but had expired.

Mr. Turner addressed some concerns that were received as part of the notification sent to property owners in the area. He noted the potable water comments and stated that an assessment is required to ensure that the water is sufficient. As for the Storm Water Management (SWM), he talked about the retention pond and the Land for Public Purposes (LPP) noting that the Developer is putting in more LPP than required and how this could be used for more water retention. He reviewed the Master Enterprises proposal upstream and how that development was asked for water retention also and their work could offer more support for SWM in this particular area. Mr. Turner also reviewed the proposed development across the street and how if berms were created to hold the water and redirect it properly, it could benefit this subject area as well.

It was recognized that it is very wet in that area and the culverts on Brook Street, being approximately five feet in diameter, are dangerous for children.

Mr. Colbourne reviewed the Town's ortho map that shows a blue area where water sits over a 100 year stormwater review. He noted that this plan has concerns for several lots at the back, in particular lot 8, that may flood. With consideration of the proposed retention pond across the highway, the Town needs to consider what development comes first.

Mr. Turner noted that with lot 8, the Developer is looking at adjusting the boundaries with lot 7, building up the lot 8, in order to make it work with the SWM solutions proposed. He showed on map where the retention pond would go, how the water flows and the flat wetland across the road - with new berm suggested to control the flow (from private developer on that lot with financial support from this development). It was recognized that the development across the street is coming back to Town for approval with a proposed development in August perhaps.

It was suggested that a solution to the area be completed prior to any further development. Mr. Turner noted that the existing issues are the responsibility of the municipal at this point, not the developers.

Mr. Colbourne noted that most of the PAC members seem concerned about the SWM as it is depending on other developments in the area and reiterated that the PAC has the authority to table a decision for further information.

Mark Atcheson of 2 Chrysler Crescent addressed the PAC with concerns for water noting that Brook street is a street that was built on a brook. The water level is about 3 feet in all the ditches. He noted Mr. Turner's idea of damming up the water with berms is a great idea but if it lets go, he questioned where it would go. He stated that he has been there over 10 years and the flooding is getting worse, not better.

Mr. Colbourne stated that the Planning Department is pushing for these types of areas to be flagged as wetlands with considerable information required on the SWM. A Developer may be asked and potentially permitted to use smaller lot sizes away from the water in order to compensate for lots not being able to be used.

No one else in attendance spoke for or against the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the decision be tabled for the development of Ruscello Place Subdivision to allow the Consultant and Engineering staff to return with a report on the direction of the SWM plan and how it will assist the existing concerns and how other developments (upstream in particular) can contribute. The potential upstream water retention, the berms, and other SWM plans from other developments are not to be included in the report unless there is certainty that the developments are confirmed to go through and a development date stated.

Motion Carried

7.8 Woodleigh Park Subdivision Phase 28

Gerry Roberts of Kierstead Quigley and Roberts attended on behalf of Mr. George Queen seeking approval for a tentative plan for Woodleigh Park Subdivision, Phase 28, for the creation of thirty-nine (39) residential building lots, to extend Grafton Drive, to extend Sundance Drive, to extend Linda Avenue and to create Westridge Drive as a public street. This plan was approved by the PAC in 2017 and has since expired.

Mr. Roberts noted that the plan was tweaked slightly with lot 9-9 adding the proposed municipal services easement (noted on plans) of approximately 8 metres by 20 metres so as to connect to the existing sewer easement. The road was noted, with the 20 metre wide easement that could potentially connect to the adjacent subdivision and increasing the points of entry. This will need to be agreed upon prior to final plans.

Lawrence McGrath of 47 Queensbury (corner of Westbury) asked questions on brook that runs through the empty lot behind his property, what happens to that water and how is the brook incorporated in the plan. He asked about trees being cut down and Mr. Colbourne noted that trees on personal property should not be touched without permission. Mr. Roberts noted the SWM requirements will address any concerns for water flows and brooks.

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

Moved By Darren Bishop

Seconded By Brent Preston

That the PAC approve the Woodleigh Park Subdivision Phase 28 tentative plan for the thirty-nine (39) lots, subject to the following conditions:

1. Proper engineered design drawings for the sanitary sewer system to be submitted to the Town's Engineering Department for review and approval;

2. Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted to the Town 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, with solutions to address any possible impacts to be reviewed and approved by the Town Engineering Department;
4. Land for Public Purposes to satisfy the required 6302 square metre obligations be finalized prior to final approvals based on PAC recommendations;
5. Any Municipal Services Easement for the stormwater management or sanitary sewerage service components not with public street right-of-ways to be established and incorporated into the Final plan;
6. Submission of street centreline profiles prior to street design to confirm street grades within the permitted eight percent (8%);
7. 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;
8. Standard Developer's Agreements, bonding and subdivision fees will be required;
9. Subdivision filing fees of Five Hundred and Ninety dollars (\$590.00) for a thirty-nine (39) lot phase; and
10. Plans to be properly signed by the necessary utilities and owners.

Motion Carried

7.9 Setbacks & Waterfront - 589 Gondola Point Road

Brad McLaughlin attended on behalf of the owner, Patricia Fullerton, seeking approval for a front yard setback of thirteen decimal five (13.5) metres from Zoning By-law #038, Section 8.(E)(1)(a) and a first floor elevation variance of 0.5 metres from Zoning By-law #038, Section 6.(F) in order to construct a dwelling on the waterfront property of 589 Gondola Point Road, PID 30225941.

Mr. McLaughlin commented on the request from Town Staff for a survey to pinpoint the property pins noting that this is a usual practice with MCL Construction.

As this proposed construction is within thirty (30) meters of a watercourse, prior to the erection of any building or structure PAC must grant approval of the proposed development as per Zoning By-law 038 Section 6(I)(1).

Moved By Darren Bishop

Seconded By Kendall Mason

That the PAC grant approval for a front yard setback of thirteen decimal five (13.5) metres from Zoning By-law #038, Section 8.(E)(1)(a) and a first floor elevation variance of 0.5 metres from Zoning By-law #038, Section 6.(F) in order to construct a dwelling on the waterfront property of 589 Gondola Point Road, PID 30225940 subject to the following conditions:

1. A site plan detailing the final site drainage must be submitted with the building permit application;
2. Construction shall not proceed beyond the foundation footing stage until a licensed surveyor has confirmed the construction to be located on the property.
3. A “Hold Harmless” Agreement is to be executed by the property owner, absolving the Town from any liability associated with water run-off, snow removal concerns and river impacts, with a registered copy to be filed with the Town prior to the issuance of a building permit;
4. The property owner must ensure the Municipal Easement as noted in plan 31730311 is kept clear of construction at all times;
5. Department of Environment approvals are required for waterfront development; and
6. The applicant is to work closely with the neighbours to address drainage issues and the extension of the retaining wall to the adjoining property.

Motion Carried

7.10 River View Estates - Phase 1

Gerry Roberts of Kierstead Quigley and Roberts attended on behalf of A. Malcolm Properties Ltd. for River View Estates Subdivision Phase 1 that requires approval of the PAC as Lot 18-2 does not front a road owned by the Crown or the Town. Access to the lot will be through a Right-of-Way across Lot 18-1.

Mr. Roberts noted that the plan was changed slightly so that there are individual lots for each of the apartments to be built with a lane connected each. The private street could be named and civic numbers can be off that but at this time, the Developer is only looking at access over an easement versus directly off Merritt Hill.

The Private Lane is being proposed as Rising Drive or Rising View Drive and both work well for the gated development. The full development is already approved by Council. Nothing on the approval is changed, same buildings, etc.

No one attended to speak for or against the item.

Moved By Brenda Fowlie

Seconded By Brent Preston

To grant approval to River View Estates Subdivision Phase 1 subject to the following conditions:

1. The name of the private lane to be confirmed against MSAG prior to Final Plan approvals to ensure there are no conflicts or duplication;
2. The property owner to ensure unobstructed access and the terms of conditions that normally are incorporated into a Hold Harmless Agreement be included into the Development Agreement;
3. Land for Public Purposes in the amount of One Thousand Eight Hundred Seventy (1870) sq. metres has been satisfied through the dedication of Land for Public Purposes created through Plan 36911437 (attached hereto for reference);
4. Filing fees in the amount of One Hundred Dollars (\$100.00) to be paid to the Town prior to Final Plan approval; and
5. Plans are to be signed by the appropriate Public Utilities and Property Owner.

Motion Carried

8. Information Items and/or Discussion

Council's approval for A. Malcolm Properties development off Merritt Hill (River View Estates).

Moved By Darren Bishop

That the Information Items be received and filed.

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY