

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – March 28, 2017**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on March 28, 2017 at 7:00 p.m.

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

Absent:             Jean Place  
                          Marc Gosselin

**1. Call to Order**

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

**2. Approval of the Agenda noting the change that item 6.(a) was no longer pending.**

MOVED BY:             Darin Lamont  
SECONDED BY:         Kendall Mason  
  
CARRIED UNANIMOUSLY

**3. Disclosure of Interest on Agenda Items**

None.

**4. Review of Previous Meeting Minutes**

MOVED BY:             Carolyn LeBlanc  
SECONDED BY:         Darren Bishop

*That the Minutes of the March 14, 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>Tentative Subdivision Plan: Woodleigh Park Phase 28</i>	<i>By-law 035</i>	<i>Off Queensbury Dr; 39 lots</i>
<i>Tentative Subdivision Plan; street design – LTS Ltd. Development</i>	<i>By-law 035</i>	<i>16 Gondola Point Arterial</i>

MOVED BY: Darin Lamont  
 SECONDED BY: Darren Bishop

*That the Notices of Decision be received and filed.*

CARRIED UNANIMOUSLY

**6. Unfinished Business**

**a) Tentative Subdivision Plan – Country View Estates 7C**

Mr. Peter Donovan Junior attended seeking an update on the Tentative Subdivision Plan of Country View Estates 7C, a thirteen (13) Single or Two Family Residential Lot plan at the end of Flagstone Drive – PID 30297097. Peter noted that he had a meeting with Doug Hartford of Dillon Consulting Limited and a letter identifying the outstanding deficiencies for the Cobblestone Waste Water Pumping Station (WWPS) along with the probable costs to correct each item was prepared and sent to the Town Staff as per the PAC recommendations. Dwight Colbourne reviewed the report with the Engineering Department and after a discussion with the town staff, suggested the application return to PAC and seek tentative approval subject to all the work on the WWPS being complete prior to the issuing of any building permits for the phase of Country View Estates. Dwight noted that there is bonding in place to cover the \$46,400 cost of completion of the deficiencies but the Town agreed that it is more reasonable to proceed in this manner, with Mr. Peter Donovan Junior agreeing to complete the work on the WWPS, versus claiming on the bond to complete the work by a different developer.

Mr. Peter Donovan Junior stated that he agrees with this approach and that after going over everything with Doug Hartford, was comfortable that he is able to get the pump station up and running and the deficiencies completed.

MOVED BY: Darin Lamont  
 SECONDED BY: Kendall Mason

That the PAC grant the approval of the Tentative Subdivision for Country View Estates Phase 7C subject to the following conditions:

- 1) All work is completed on the Waste Water Pumping Station inclusive of the items listed in the report created by Dillon Consulting Limited, dated March 27, 2017;
- 2) Proper design drawings for the sanitary sewer system to be submitted to the Town for review and approval prior to any construction;
- 3) Comprehensive Water Supply Source Assessment report to be submitted and reviewed by

the Town prior to final approvals and any construction;

- 4) Road grade variances from Subdivision By-law No. 035, Section 8(B)(1) of three decimal eight two (3.82%);
- 5) Stormwater management plan to be submitted for this phase. Local drainage patterns, 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 Developer’s consultant must address any downstream impacts;
- 6) Land for Public Purposes for this phase can be met through the land bank credit established through the creation of the LPP parcel off the Chamberlain Road (PID 30292684);
- 7) Standard Developer’s agreements, bonding and subdivision fees will be required;
- 8) Subdivision filing fees of \$330.00 for a thirteen lot phase; and
- 9) Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

**b) Still Pending: Tentative Subdivision Plan: Foxborough Ridge**

**c) Rezoning By-law Amendment – Notwithstanding Use for License Dining Room Establishing in a Rural Zone**

Mr. Jesse Vergen, Owner and Operator of the Smoking Pig BBQ, attended the PAC meeting seeking a Notwithstanding Clause Zoning By-law Amendment to permit a licensed dining facility to operate in the Rural Zone located at 515 Hampton Road (PID 30023584). This would permit the BBQ to broaden their menu by offering beer service as part of the Smoking Pig BBQ food menu, with the takeout restaurant continuing as an incidental food service to the main use on the property, the Junction Golf Driving Range.

PAC supported the proposed the amendment at the March 14, 2017 meeting but provided no terms or consideration regarding the use of land for the proposed operation. Mr. Colbourne noted several terms and conditions that may be included and a discussion was held on each.

Mr. Colbourne also noted that as part of the new Municipal Plan, the Town is proposing to change this property to Highway Commercial and at this time, considers Mr. Vergen's application an intermediate step to permit a liquor license whereas a restaurant is a permitted use of a Highway Commercial Zone and a licensed dining facility is a Discretionary Use of the Highway Commercial Zone.

The regulations of liquor distribution was reviewed with the inquiry on where liquor is permitted to be sold or consumed; ie: in the seating area only or anywhere on the property including at the driving range. It was noted that the PAC is only responsible for supporting, or not supporting, the zoning change request and that the Provincial Government is responsible for regulating the liquor license aspect which would indicate where the liquor is permitted. Mr. Vergen stated that he has already contacted the liquor licensing board and the property was reviewed as potentially obtaining the license with the assumption that anyone participating in the driving range could purchase liquor from the Smoking Pig take-out and

consume such as the driving range location. Mr. Vergen stated that there was no intention of changing the hours of operation; currently advertising on the Smoking Pig website as operating from June to September, Wednesday through Sunday, 11:30 a.m. until 8:00 p.m. The Developer's Agreement for the Golf Driving Range indicates that the operation of the facility shall not operate after 10:00 p.m.

Mr. Hatfield, a resident and local entrepreneur, spoke to the application stating that he approved of the zoning change and thought the addition of a liquor license to the existing business was good for the community and residents.

MOVED BY: Darren Bishop  
 SECONDED BY: Carolyn LeBlanc

That the Planning Advisory Committee (PAC) support the Notwithstanding Clause Zoning By-law Amendment to permit a licensed dining facility to operate in the Rural Zone located at 515 Hampton Road (PID 30023584) subject to the following conditions:

1. An amendment is made to the original Developer's Agreement to include the Smoking Pig Take-Out as in Incidental Use to the main use of the Golf Driving Range Facility on the property;
2. Hours of Operations to continue as advertised, that of 11:30 a.m. until 8:00 p.m., and not to exceed the hours of operation of the driving range as indicated in the original Developer's Agreement;
3. The seating numbers, currently stated as patio seating for eighteen (18) people, shall not be increased without approval of the PAC;
4. Any change to the proposed liquor license, which is limited to thirty (30) persons or less, must be approved by the PAC;
5. The operation remains as a patio style dining and any changes will require approval of the PAC;
6. All conditions previously noted by the PAC and documented on the original Developer's Agreement remain in effect.

CARRIED UNANIMOUSLY

**7. New Business**

#	Variance Requested	By-Law Section	Address
a)	Home Business – Eye Lash Extensions	By-law 038, Section 6BB	15 Concorde Crescent; PID 30193478
b)	Fence Height	By-law 038, Section 6.(S)(s)	250 Hampton Rd; PID 253922
c)	Tentative Subdivision Plan – Hatfield, Mark G	By-law 035	Stock Farm Road
d)	Tentative Subdivision Plan – Serenity Heights Phase 1	By-law 035	Stock Farm Road
e)	Review of the roles and responsibilities of the PAC Members; open discussion.		

**a) Home Business – Eye Lash Extensions – 15 Concorde Crescent; PID 30193478**

Ms. Christine Coffey attending the PAC meeting seeking approval for a Home Occupation of eyelash extensions, called *Lashes for Days*, at 15 Concorde Drive, PID 30193478.

Ms. Coffey responded to the question on increased traffic by noting that the operating hours noted in her application, that of 9:00 a.m. to 9:00 p.m. Sunday to Saturday, were offered as such in order to accommodate clients but the set hours will likely differ day-to-day with most appointments being done during regular workweek hours. Due to the nature of the service, no more than two clients will be on site at one time. The driveway is capable of accommodating 6+ vehicles and will be the only area used for parking for both home occupants and business clientele.

Notice was sent to all property owners within 100 metres of the proposed development. The only correspondence received was questioning the traffic. No concerns were received and no one attended to speak for or against the application.

MOVED BY: Carolyn LeBlanc

SECONDED BY: Darin Lamont

That the PAC grant approval for a Home Occupation of *Lashes for Days* at 15 Concorde Drive, PID 30193478, with the following conditions:

- 1) It shall be secondary to the main residential use of the dwelling;
- 2) Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
- 3) It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
- 4) 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;
- 5) 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 therein;
- 6) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- 7) No equipment or material used therein is stored other than in the dwelling unit;
- 8) 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;
- 9) There is to be no parking on the street or within Town property; and
- 10) 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.

CARRIED UNANIMOUSLY

**b) Fence Height – 250 Hampton Rd; PID 253922**

Ms. Joan Bulmer attended the meeting seeking approval for a height variance for a fence located in the front yard of a dwelling at 250 Hampton Road, PID 253922. As per Zoning By-law 038, Section 6.(S)(2), the maximum height of a fence in the front yard shall be 75 centimetres (2.5 feet) in height.

Ms. Bulmer indicated her intention was for a 180 centimetre (six foot) high board on board constructed fence to increase her privacy and reduce the noise from the main road. She stated that she intended to create some landscaping on both sides and build the fence approximately ten (10) feet from the sidewalk.

It was recognized by the PAC Members that this request is the first of its kind in that no other property on the main roads such as the Hampton Road, the Vincent Road, the Quispamsis Road, etc. have any fences in the front yard that exceed the allowable height. If a six foot fence is approved, it sets a precedence that could potentially end up with many homes on this or other main roads having a walled-up look to the property. The concern is that the current regulations of streetscape design would be compromised. The PAC members asked Ms. Bulmer if she looked at other options such as trees, hedges, shorter fences or if she talked to professional landscapers to seek other options. Ms. Bulmer indicated that she will be doing all the landscaping herself and didn't feel that the options of trees would offer privacy fast enough and hedges would only offer the deer more food. She stated her preference was for a solid wooden fence.

One concern was submitted by a resident in relation to the precedent this may set along the road. As this is a major arterial and the height increase is a significant increase over that permitted by the by-law, PAC should be prudent when considering this variance and, should this be approved, be very clear as to the contributing factors in order to limit the precedent this may set. The resident that sent in the concern indicated that they would find a hedge of the same height acceptable. The correspondence from the concerned resident also highlighted the potential problem of graffiti this may pose. The Town has faced a continuing graffiti problem on pump stations and community mailboxes.

Notice was sent to all property owners within 100 metres of the property in question. No other concerns were received.

No PAC Member was willing to make a motion for or against the application for the height variance. The Chairperson asked Ms. Bulmer if she could perhaps show the committee some pictures of what she was proposing so that they could see what the fence may look like at the property as they were having a difficult time accepting the idea of granting a variance that is almost three times the permitted height and one that was never approved previously. When Ms. Bulmer said she would look into this, a motion was made to table the decision until such time as further details were offered.

MOVED BY:                 Darin Lamont  
SECONDED BY:             Kendall Mason

That the PAC table the decision for a height variance for a fence located in the front yard of a dwelling at 250 Hampton Road, PID 253922 until the applicant can show the PAC how the solid fence would look when placed on the property as proposed.

CARRIED UNANIMOUSLY

**c) Tentative Subdivision Plan – Mark G. Hatfield – One lot – Stock Farm Road**

Mr. Gerald Roberts was in attendance with Mark Hatfield seeking approval for a tentative subdivision plan creating one lot with a lot width variance required on the Stock Farm Road (PID 253203).

The development is in a Rural (RU) Zone as such Section 25. K. of Zoning By-law 038 is used to guide the lot dimensions for compliance. This section states that lots must have minimum lot sizes of 4000 square metres, a minimum frontage of 54 metres and minimum depth of 38 metres. The lot contains more than sufficient area at 3.32 hectares and a depth of 208 metres but the lot width at the setback is less than the minimum 54.0m as there is a further subdividing of the remnant parcel including the creation of a public street. The width of the proposed Lot 1 is being reduced to provide the best suitable location for the future street.

As the tentative plan shows, the southern property line contains a flare section (7.0m in length) – this is proposed to be north side of the future street right-of-way. By reducing the width of Lot 1 it locates the future intersection with the Stock Farm Road within the most suitable area to provide sufficient line of sight distance as based on a Sight Distance Analysis completed by Mr. Peter Allaby, P.Eng. – a Lead Transportation Engineer with Crandall Engineering.

Notice was sent to all property owners within 100 metres of the subject property. Concerns were expressed regarding future development of the remnant parcel but not specifically regarding the creation of Lot 1.

MOVED BY:                 Darin Lamont  
SECONDED BY:             Darren Bishop

That the PAC grant approval to the Mark G. Hatfield Tentative Subdivision Plan with the approval of the seven (7) metre width variance for lot 1 subject to the following conditions:

1. Submission of On-Site Septic approval in accordance with the Public Health Act;
2. Lot 1 is to be serviced by an onsite drill well for potable water;
3. Submission of a Source and Supply Water Assessment may be required with development of the remnant parcel or further subdividing of Lot 1;
4. A Site Drainage Plan for residential construction on Lot 1 will be required as part of the Building Permit Application process. Furthermore, the parcel shall be included in any design of any Comprehensive Stormwater Management Plan for development of the remnant parcel or further subdividing of Lot 1;
5. Land for Public Purposes requirement in the amount of 3320 sq. metres is to be deferred and fulfilled with development of the remnant parcel;
6. Subdivision filing fees in the amount of One Hundred Dollars (\$100.00) for a subdivision of less than two (2) lot;
7. Subdivision plans must be submitted to the Department of the Environment and the Department of Fisheries and Oceans for their comments and recommendations; and
8. Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

**d) Tentative Subdivision Plan – Serenity Heights – Stock Farm Road**

Mr. Gerald Roberts was in attendance with Mark Hatfield seeking approval for a tentative subdivision plan called Serenity Heights Subdivision, a five (5) Lot Residential Subdivision on Stock Farm Road (PID 253203). The development proposes the creation of five (5) residential lots, a new public street called Motivation Avenue and a strip of Land for Public Purposes land to provide access to the Hammond River.

As all of the proposed lots contain more than 4000 sq. metres, Section 25.(F) of Zoning By-law 038 states that the main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained. This will need to be reviewed as part of the Building Permit application process. Dwelling placement that does not meet this requirement will require a variance as granted by the PAC.

The proposed LPP provides access to the river, which is a desire of Council as per the Municipal Plan; however the proposal does not provide for much area adjacent to river. Including some land area would make this proposal more functional to the future residents of the subdivision and to build that sense of community within this subdivision development. It would be advantageous to provide some area along the river for the enjoyment of the whole community.

Notification of the proposed development was sent to the Hammond River Angling Association (HRAA) and they have expressed concerns. Ms. Leigh Robertson attended on behalf of the HRAA and stated that they are not in opposition to this development but they must abide by their mandate to ensure that the development plans are environmentally sound and that they will mitigate impacts to the environment. Ms. Robertson asked about the required permits such as the Wetland And Watercourse Alteration Permit (WAWA).

The HRAA is concerned for the impact to the Atlantic salmon population in the Hammond River which is facing an endangered protection listing under the Species at Risk Act. From a Fisheries Act/ Habitat perspective, the HRAA will also consider inquiring with DFO on whether the proponent needs to complete the self-assessment tool which is supposed to give project proponents the ability to determine the nature and extent of potential impacts to fish habitat from planned project works.

Ms Robertson asked if the Provincial LiDAR maps be considered for the development of the project to provide helpful tools in identifying areas on site prone to slumpage, erosion, and runoff. As the property is located directly upstream of a site of significant erosion for the Hammond River, these concerns are raised to prevent further erosion at the “Crowley’s pool” banks which could eventually pose a risk to the Stock Farm Road.

Furthermore, the HRAA has recently completed a hydro-geomorphic site assessment of the area and would like to see this data incorporated into the designs and has offered to provide the report to the town and the developer for their consideration.

Other questions asked if property owners would be given a joint or shared path to access the river, or multiple access routes; will property owners be allowed to cut down trees for sight lines to the river, etc.



Ms. Brenda Pitman of the Stock Farm Road attending asking about the Town's intention of upgrading the Stock Farm Road once an additional thirty (30) homes are built in the area. Further concerns were noted on the condition of the road and the speed of travelers (auto and cyclers) by Ms. Colleen Guay, by Ms. Cindy Hampton and Ms. Gabriella O'Reilly; all residents on the Stock Farm Road. It was recognized that the PAC does not review road conditions and that the complaints should be directed to Council and the Engineering Department. Mr. Colbourne reviewed the twenty-five (25) year street upgrading plans and the process behind the decisions on what roads are repaired or replaced and when. He also reviewed the new Transportation Master Plan that will look at the areas of development with regards to traffic volume, infrastructure, etc.

Ms. Pitman noted the size of existing lots along Stock Farm Road, many of which are only  $\frac{1}{4}$  or  $\frac{1}{3}$  of an acre, and asked about the potential housing positions of the lots that will now back on to these smaller lots. Mr. Hatfield noted that the lots proposed in the Serenity Heights will all be at least one acre in size as that is the requirement for individual septic systems today but the positioning of dwellings will be up to the new owner of each lot.

Mr. Colbourne reviewed the staff memo, paragraph by paragraph, and explained how each section of the Subdivision By-law is examined in relationship to a subdivision proposal. He also showed the audience an image of the property with the natural water flow and drainage lines and noted that developers are encouraged to use these in their plans. Mr. Hatfield stated that his intention is to use these natural flows and had worked around them so that they are between individual lots and not through the middle of any property to be sold. Mr. Colbourne then explained the next steps for a subdivision process, that of Council Assent, Financial Bonding to the Town, etc.

A request was made by Ms. O'Reilly and Mr. MacMillan for notification to property owners in the vicinity to increase from 100 metres to 300 metres and asked if the staff memos could be sent to these residents. The PAC Policy is guided by the Provincial Community Planning Act and as such, has provided for more than sufficient notices. As for the staff memos, it was noted that they are open to the public once they were reviewed at the PAC meeting and if anyone wishes to receive a copy, they can contact the PAC Secretary.

It was recognized by a PAC Member that this subdivision plan exceeds much of the expectations of the Town by-laws and that the plans are to improve the existing area through development and clean up of areas that are currently used for garbage dumps. He noted that Mr. Hatfield's plans include ensuring the river system is maintained and the proper information is being sent to the environmental and other departments as required.

MOVED BY: Darren Bishop  
SECONDED BY: Darin Lamont

That the PAC grant approval to the Serenity Heights Phase 1 Tentative Subdivision Plan subject to the following conditions:

1. Submission of a street design to the satisfaction of the Town as designed by a registered professional engineer license to practice in New Brunswick;
2. Submission of a street centerline profile prepared by a professional surveyor prior to construction of any streets to determine if a street grade variance is required;
3. PAC's approval of the street name Motivation Avenue;

4. The street shall incorporate a temporary turn-around area as shown the subdivision plan and constructed to a granular base to provide a satisfactory turnaround area and support snowplowing operations;
5. Submission of On-Site Septic System Report prepared by a qualified professional in accordance with the Public Health Act;
6. Submission of an Abbreviated Source and Supply Water Assessment or a Comprehensive Source and Supply Water Assessment (Hydrogeological Report) prepared by a qualified professional engineer;
7. Submission and approval by the Town of a Comprehensive Stormwater Management Plan (including Conceptual Lot Grading Plans) submitted for full development of Serenity Heights (PID 253203) demonstrating how storm water and surface drainage will be managed and discharged. The plan shall incorporate mitigating measures to protect the Hammond River from significant sedimentation and poor quality storm water run-off;
8. The proposed full subdivision build out must be submitted to the Department of the Environment and the Department of Fisheries and Oceans for their comments and recommendations that may need to be incorporated into the SWMP;
9. Land for Public Purposes requirement in the amount of 5793 square metres is to be met through LPP land dedication. The proposed LLP be further reviewed and further consideration be given to providing more land along the river and the LPP be reflective of any recommendations from the Storm Water Management Plan;
10. Clear-cutting is strictly prohibited and the tree cutting be limited to only those necessary for the installation of the roadway and the lots remain treed until such time as Building Permits are issued for construction of the dwellings;
11. Deed Covenants for the residential properties created through this and subsequent subdivisions of the land (PID 253203) recognize the importance of the natural tree growth with respect to storm water management and the preservation of as many trees as possible on the lots in the interest of protecting the river;
12. Standard Development Agreements, bonding and subdivision fees will be required;
13. Subdivision filing fees in the amount of Two Hundred Fifty Dollars (\$250.00) for a five (5) lot subdivision; and
14. Plans to be properly signed by the necessary Public Utilities and property owners.

#### **e) PAC Roles and Responsibilities**

An open discussion was held on the roles and responsibilities of the Planning Advisory Committee Members with respect to different applications. The staff memo and the recommendations section in particular are to be recognized as possible conditions only and not as the only requirements of the approval or denial. The PAC Members are to review each application on its own through the documentation in the package put together by the Secretary, by visiting the property of the applicant, by evaluating the affects to the applicant, the public and community, and by research if they feel the information is insufficient. Mr. Colbourne stated that there may be some challenges with decisions as the new Municipal Plan is introduced and with this, new rules and regulations. Mr. Colbourne also stated that questions are welcomed and encouraged as part of the process.

**8. Information Items**

None

**9. Adjournment**

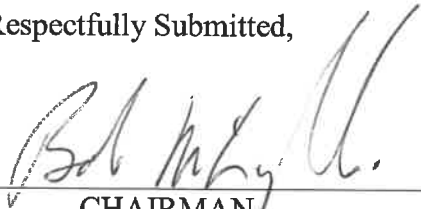
MOVED BY:                   Darin Lamont

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 8:48 p.m.

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

Respectfully Submitted,

  
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CHAIRMAN

  
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SECRETARY