



QUISPAMIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – March 8, 2022

Present:

Darin Lamont	Mark Guest
Brenda Fowlie	Chrissy Scott, GIS Technologist
Brent Preston	Jennifer Jarvis, Planning Technologist
Kendall Mason	Violet Brown, PAC Secretary
Marc Gosselin	S. Dwight Colbourne, Municipal Planning Officer

Absent: Darren Bishop

1. Call to Order

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

2. Approval of Agenda

Moved By Marc Gosselin

Seconded By Brenda Fowlie

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Brent Preston

Seconded By Brenda Fowlie

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 Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business - none

7. New Business

7.1 5 Gilbert Lane - Detached Garage Beyond Frontline of Dwelling

Kevin Richardson attended requesting a location variance for a detached garage on the waterfront property of 5 Gilbert Lane, PID 30341135.

Ms. Jarvis reviewed the application noting a variance to Section 25.(N)(1)(a)(i) of Zoning By-law No. 038 is required to permit an accessory building to be located in front of the front line of the main building on the lot. As well, a review of the Planning Advisory Committee for construction on waterfront property as per the Zoning By-law 038, Section 6.(I)(1) and 6.(BB)(1)(a). She added that a Watercourse and Wetland Alteration (WAWA) permit was issued for the construction of the dwelling that is located between the water and the proposed detached garage. Due to the location of the main dwelling, the garage is best located in front which is approximately 60 metres from the watercourse. Furthermore, the application identified an existing drainage ditch that is present on the lot along the eastern most side lot line. This drainage channel does remove excess water from 5 Gilbert Lane and drains it directly into the Forresters Cove

Notice was sent to property owners within 50 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee approve a variance to Section 25.(O)(1)(a)(i) to allow the development of a detached garage within the front yard of the main building on the waterfront property of 5 Gilbert Lane, PID 30341135, subject to the following terms and conditions:

1. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
2. The detached garage is not to be used for business purposes, self-storage rental, for the keeping of livestock or as a dwelling
3. A building permit is to be issued prior to construction; and
4. A hold harmless agreement between the property owner and the Town is required.

Motion Carried

7.2 15 Khaki Court - Home Occupation

Derek Robertson attended seeking approval for a Home Occupation, a Limousine Service, located at 15 Khaki Court, PID 30343636.

Ms. Jarvis reviewed the application noting that this property is in a rural subdivision, that the proposed basement office is 6% of the overall floor area of the dwelling and the one vehicle will be stored in the attached garage. The proposal is to operate the limousine service by advanced bookings only with no set hours of operation as the service is available 24/7. She added that the one applicant has a Class 2 NB Drivers License and two million liability insurance which covers the driver and passengers.

Notice was sent to property owners within 100 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Marc Gosselin

That the Planning Advisory Committee grant approval for a Home Occupation (Limousine Service) at 15 Khaki Court, PID 30343636, subject to the following conditions:

1. It shall be secondary to the main residential use of the dwelling;
2. Not more than one (1) 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 unless approved by the Building Inspector through the process of a building permit;
6. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
7. Not more than two (2) commercial vehicles used in connection therewith, or not more than two (2) vehicles of any kind bearing a sign in connection therewith is parked on the lot;
8. There is to be no parking on the street or within Town property;
9. The applicant is to ensure compliance with the Kennebecasis Regional Police Force for licensing and registration of a limousine service; 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.

Motion Carried

7.3 Goldrush Drive Extension - Tentative Subdivision Plan

Rick Turner attended on behalf of Ken Prosser of 613086 NB Ltd seeking approval for a tentative subdivision plan creating ten (10) Single Family Dwelling Unit building lots.

Mr. Colbourne reviewed the application of the Goldrush Drive Extension (PID 248716) proposing ten Single Family Dwelling Unit building lots as well as the extension of the existing public street called Goldrush Drive, the creation of a Local Government Services Easement, and the creation of 11,800 sq. metres of Land for Public Purposes. He noted that a 4.0 metre variance will be required for Lots 5, 6 and 7 as the lot width is less than the minimum 30.0 metres at the 7.5 metre line of setback. Also, a reduced right-of-way width of two metres with a widened shoulder on one side from 1.0 metres to 1.5 metres. Mr. Colbourne noted that the previous plan proposed an emergency access at the end cul-de-sac to address the longer cul-de-sac but during the design of the secondary access it was found that the construction would result in encroachment on the wetland area and introduce additional challenges. As a result, the applicant has revised the plan to propose a cul-de-sac length of 223 metres, which is slightly less than the maximum length permitted, a reduction in the total number of lots from eleven to ten lots, and an increase in the total Land for Public Purposes. The LPP in the low area is important for groundwater protection and stormwater management plus it puts the Saunders Brook on Town owned property versus private property.

It was asked if a berm will be constructed around lots 1 and 2 to protect flows from the wetland area and if, during a storm event, will there be flooding on these lots. Mr. Turner said that they are working with the Department of Environment (DOE) and have elevated that area to avoid the flooding. The houses on lots 1-4 will be required to be built at a higher elevation. He added that the same company that owns this property built the retention pond on Pettingill Road and will use the same STWMP practices.

Mr. Brent Moore, with Ms. Stephanie Culliton, of 47 Goldrush Drive attended with concerns of flooding. He asked Mr. Colbourne to show the predictive wetlands on the screen to show where their property sits and how much water flows on their property due to Saunders Brook and drainage. He said that their property is below Yukon and the water comes down the tree line and floods; the culverts cannot keep up with the flow. He stated that as each development occurs, their flooding raises two to three inches and has backed up in the house as well. Mr. Moore added that

the retention pond on Pettingill Road helped but did not significantly improve the situation. Mr. Turner noted that Yukon Drive is a choking point and the elevation increase may assist with the issue. He also noted that the STWM plan will be complied with and while this development will not solve the problem, it will not add to it. It was noted that it would be appropriate for the Town to review the area noted around 47 Goldrush Drive. Mr. Moore was asked to address his concerns directly to the town.

Notice was sent to property owners within 100 metres. No one else attended.

Moved By Kendall Mason

Seconded By Mark Guest

That the Planning Advisory Committee support the Development Office in his decision with the Goldrush Drive Extension Tentative Subdivision Plan for the subdividing and development of PID 248716, the creation of ten (10) Single Family Dwelling Unit building lots; the extension of Goldrush Drive - an existing public street; the creation of a Local Government Services Easement; and the creation of 11,800 sq. metres of Land for Public Purposes 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 18.0m and asphalt driving surface width of 6.0m and widened shoulder as per the proposed street cross-section shown on the plan;
3. Approval of the cul-de-sac length of 223 metres;
4. Construction or contribution to the construction of the trail connection to the Saunders Brook trail requires further review of Engineering and Planning Department prior to the Developer's Agreement being signed;
5. Compliance with the conditions of the Technical Review Committee of the Department of Environment – correspondence dated July 25, 2016, and any amendments or updates to the report since it was completed;
6. Confirmation of the Watercourse Alteration Permit requirement 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 stormwater management plan demonstrating pre and post development balanced flows with no negative downstream impacts;
10. Submission of an engineered design sanitary sewerage system;

11. 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;
12. No further subdividing of Lots 6, 7 and 8 with a note to be added to the plan;
13. The Developer is to enter into a Standard Development Agreement with the Town;
14. Payment of filing fees in the amount of Three Hundred dollars (\$300.00); and
15. Final plans signed by property owners.

Motion Carried

7.4 2 Clarwood Drive - Similar or Compatible Use - Air BNB

Dr. Helen Rees attended seeking approval to permit a residential use in the lower level of 2 Clarwood Drive, PID 00054205.

Ms. Jarvis reviewed the application to operate an Airbnb in the bottom level of the building, having direct street level access from Hampton Road. An Airbnb is a residential rental that provides accommodations on a short-term basis. Dr. Rees said this idea started for her parents who visit from out of the country from June until September, and then lead to the idea of renting out during winter for weeks or months at a time. Ms. Jarvis noted that there is nothing in the current Zoning By-law that governs how properties can be rented, short-term or otherwise and that it is recognized by staff that provisions for short-term rentals are required in the next iteration of the Zoning By-law. Furthermore, Ms. Jarvis added that the Municipal Plan allows for residential/commercial use together in one unit but in this case, the applicant is also asking for relaxation of Section 15.(A) of the Town's Zoning By-law 038 to reverse the location of residential on the bottom and commercial on top.

Notice was sent to property owners within 100 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Planning Advisory Committee approve the addition of a Residential Use in the lower level to allow a Commercial/Residential Use at 2 Clarwood Drive, PID 00054205 as a Compatible Use to this property within the Central Commercial Zone, subject to the following terms and conditions:

1. The residential use must be secondary to the primary commercial use of the main building;

2. The residential use is restricted to 100% of the lower level, no accommodations for short term rental will be permitted in the upper level of the building, where 100% of the Podiatry Clinic is located;
3. The residential use must be connected to the Municipal Sewer System as part of the Building Permit Process and all costs associated with the connection are the responsibility of the property owner. Once connected to the Municipal Sewer System, the residential use will receive a second sewer account billing as per the Town Sewerage By-law 005;
4. The current three (3) metre-wide buffering of the commercial property along the southern most side lot line must be maintained at all times to protect adjacent properties from the commercial uses;
5. Renovations to the building must follow the National Building Code of Canada, current edition;
6. An amendment to the Development Agreement must be made to reflect the uses permitted in the main building and applicable terms and conditions imposed by the PAC; and
7. A Building Permit must be issued prior to any work being commenced.

Motion Carried

7.5 Rte.119 Gondola Point Arterial - Rezoning

Mr. Mark Hatfield of Propertystar Inc. attended with a proposal to develop two parcels along the northside of Route 119.

Mr. Colbourne reviewed the application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 for the Rezoning of PIDs 173765 and 250217 from Single or Two-Family Dwelling (R1) to Highway Commercial (HC). The proposed development will include offices, retail, foodservice establishments, etc. throughout both parcels, which aligns with land uses permitted under the Highway Commercial (HC) zoning. He reviewed the proposal with respect to the Municipal Plan starting with Section 4.12.1 which states that *“any application for highway commercial development outside the designated areas be permitted only by amendment to the Zoning By-law and subject to consideration of the following conditions”*:

1. *That the site has adequate access to arterial or collector streets:* As shown on the Site Plan on screen, access to the development will be through a public street off Route 119 with a future street connection to Phinney Lane. The applicant has obtained approval from the Department of Transportation and Infrastructure (NBDTI) and the proposal includes a Traffic Study completed by the engineering firm Englobe that states Phase 1 is manageable by non-signalized control methods and full development buildout with the connection to Phinney Lane, a signalized

intersection becomes necessary at the Route 119 access point. Questions were asked about an alternate access to the rear of the school located at 398 Hampton Road, but Mr. Colbourne stated that the province owns the school and the arterial highway and all decisions regarding both are under the jurisdiction of the Department of Transportation and Infrastructure and not part of this development.

2. *That the site can be adequately serviced by water and sewer services in accordance with applicable regulations:* Mr. Colbourne explained that the water demands for Phase 1 are anticipated to be less than the daily consumption for a residential dwelling, so onsite wells will be sufficient. Beyond Phase 1, the development will require greater water demands for both domestic and fire suppression services so the Developer will undertake the extension of the municipal water system, which is located approximately three hundred (300) metres from the site, to the area.
3. *That the site is of sufficient size to meet all parking, loading, setback, lot coverage, landscaping and other requirements set out in the Zoning By-law:* At this stage, the Lot Area of three acres allows the building setbacks and parking to be in compliance with the Zoning By-law but this will need to be finalized during building permit phase.
4. *That consideration is given to protection of adjacent residential development by requiring an acceptable vegetated buffer strip:* Mr. Colbourne explained there is sufficient area to provide the necessary buffering between existing lower density residential development and the proposed commercial development. Noting that the hydro lines behind lot 4B-H must stay clear of trees, Planning Staff would suggest a wider buffer with perhaps a full line of trees but this is up the PAC Members. It was noted that the buffer behind Commercial lots on Millennium Drive is fifteen (15) metres.

Mr. Colbourne further explained that as part of a rezoning process, Council seeks the PAC views on an application which will include questions from the PAC Members but not the public. Any concerns or questions are addressed at the Council's Public Hearing of March 15, 2022. Mr. Colbourne added that several concerns had been received from the Clerk that included traffic, noise and light pollution, environment issues regarding Colton Brook, sufficient buffering, quality of life and property value. He addressed these by noting that the only access to the subdivision below and behind the area, with 189 occupied homes and land for further development, is through Monarch Drive and this proposed development will help the traffic flow in that area by offering an alternative access from Phinney Lane direct to the Gondola Point Arterial. With regards to the noise and light pollution, he reviewed the buffer again noting the hydro line that limits the ability to buffering for one property. The concerns for Colton Brook will be addressed through the Department of the Environment and as for property values, they are a jurisdiction of the Province, not the Municipality.

Mr. Hatfield added that they will work with the owners of lot 4B-H to mitigate disturbances as much as possible. He added that increasing the buffer from 7.5

metres to 15 metres is workable. He questioned the condition of returning the lands back to normal if not proceeding within sixty days and Mr. Colbourne explained that this is a standard clause in any development. It protects the town, and the property should the project start and lay stagnant which could create water runoff and issues. This clause in any development agreement ensures the project moves along.

The PAC Members asked questions, including if they could ask for 10 metres of trees. Mr. Colbourne reiterated that 15 metres is the same as Millennium Drive and that it is up to the PAC to determine if this is sufficient. It was also noted that trees cannot be planted within the utility easement. Mr. Hatfield was asked why he chose Highway Commercial over Commercial for this zone change and he stated that there are few Commercial parcels left in the town, most are smaller, and this parcel offers enough room for larger box stores since the opportunity for water and sewer is near. He was asked if the area would be gravel or pavement and he noted that there would be both, complying with the Storm Water Management Plan.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Planning Advisory Committee proceed with supporting Council in the Rezoning application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 for the Rezoning of PIDs 173765 and 250217 from Single or Two-Family Dwelling (R1) to Highway Commercial (HC), subject to the following terms and conditions:

1. The creation of a fifteen (15) metre buffering zone as it relates to the neighboring residential (R1) zones must be shown on the final plans with alternative options to be discussed between the Town and Developer;
2. The Developer must undertake the extension of the municipal water system to the area prior to Phase 2 development;
3. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
4. Street lighting at each entrance to the development shall be installed;
5. Non-signalized control methods, as per the Traffic Analysis Report, must be installed at the Route 119 access point for the Phase 1 level of the development;
6. A signalized intersection at the Route 119 access location must be installed once development of the full buildout and connection to Phinney Lane is underway. The cost of the construction of the signalized intersection will be on the Developer unless the Developer enters into a cost-sharing arrangement made with the Town and/or the province. Details regarding a cost-sharing arrangement shall be noted in the Development Agreement;

7. All building light fixtures and parking lot lights to be downward directed;
8. All materials and equipment ordered on site are the responsibility of the Developer;
9. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
10. The Developer shall undertake to complete the work for each approved phase within a reasonable time period – recognizing the Development Agreement carries a two (2) year time limit;
11. The lands shall be developed in accordance with the Building and Development Plans filed with and approved by the Town for each phase; and
12. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within sixty (60) days.

Motion Carried

7.6 124 Pettingill Road - Rezoning R1 to R2

Mr. Andrew McIntyre attended with an application to rezone PID 00251694 and 30216527 from Single or Two-Family Dwelling (R1) to Terrace Dwelling Residential (R3) – with Distinct Ownership.

Mr. Colbourne introduced the application for an amendment to the Town's Zoning By-law 038 for a proposed terrace style residential development of 44 terrace style dwelling units on 4.7 hectares (11.6 acres) of primarily vacant land while retaining the one single detached dwelling currently at 124 Pettingill Road. Each unit will be distinctly owned while a homeowner's association or corporation will be the governing body for maintenance and upkeep of shared areas and entities. He reviewed the proposal with respect to the Municipal Plan which states that lands would be considered for higher density residential uses (3 units or more) by Council through an amendment process as per Section 59 of the Community Planning Act and subject to the following:

The development be located on, or adjacent to, a designated arterial or collector street, so that higher traffic generated will not pass-through lower density residential streets: Mr. Colbourne explained that the development will be located off the Pettingill Road, a major collector road. A traffic study has been submitted to determine the level of impact the proposed development will have on existing traffic patterns on the Pettingill Road and provide recommendations to alleviate any concerns. He added that the report will include the traffic from the school in the area and considerations to a left turning lane if required. Access to the upper portion of the development from Pettingill was questioned. It was explained that this will

be a cul-de-sac because an entrance would not align well with the existing driveways on adjacent lots and with consideration to a concern for the line-of-site.

1. *The lot size, yard requirements, building height, number of units and parking requirements be subject to the conditions as outlined in the Zoning By-law:* Mr. Colbourne explained that the Zoning By-law provisions with respect to setbacks, building heights, parking, etc., can be satisfied. While minor variance made be required for lot size, the variance would be for lots or portions of the development where there would be no impacts to existing residential properties.
2. *The development will not exceed capacities of existing municipal services:* Mr. Colbourne explained that as per the Fundy Engineering Design Brief, the servicing of the development will be designed as to not adversely impact or exceed the capacities of existing municipal infrastructure.
3. *If the proposed site is not serviced by a municipal water system, then the proponent must undertake a hydrogeological study to demonstrate that the local well yield is of sufficient quality and quantity to support the density of development proposed and existing wells will not be adversely affected by the proposed development:* Mr. Colbourne explained that Municipal water is not available in this area and since the development proposes the creation 44 dwelling units (lots), a Comprehensive Water Source and Supply Assessment (CWSSA) will be required.
4. *There are adequate landscaped buffer areas on the lot periphery to screen the buildings and parking areas from adjacent low density residential development:* Mr. Colbourne explained that a 3-metre landscaped buffer is required between the residential terrace lots and lower density single detached dwellings. The development is proposing to keep the existing natural tree line between the zones. Furthermore, the minimum building setback from the property line along the rear yards of the terrace lots is 9 metres and 6 metres from any sideline.

Mr. Colbourne stated that a Comprehensive Stormwater Management Plan (STWMP) would be required and must include the flows directed through the culverts over the CN property to Ritchie Lake. The plan must achieve a balance of pre-development versus post-development flows. He added that there will be a narrower street width with a walking path outside the driving surface of the road leading into the development. There will be multiple access points from the neighbourhood to the adjacent QR Trail and the development will provide more Land for Public Purposes. He explained that as part of a rezoning process, Council seeks the PAC views on an application which will include questions from the PAC Members but not the public. Any concerns or questions are addressed at the Council's Public Hearing of March 15, 2022. He noted that Council had received, to date, one letter of support for the development and the concerns highlighted were potable water, storm water management, tree removal and buffering; all of which he addressed in his review.

It was noted by the PAC Members that connections to the walking trails is important, without rocks and tree stumps and stilt that have been found on trails near other developments.

Moved By Mark Guest

Seconded By Brenda Fowlie

That the Planning Advisory Committee support Council in the Rezoning of PIDs 00251694 and 30216527 from Single or Two-Family Dwelling (R1) to Terrace Dwelling Residential (R3) with Distinct Ownership, subject to the following terms and conditions:

1. A full comprehensive traffic flow analysis will be required to be submitted;
2. A detailed comprehensive water supply and source assessment (CWSSA) report by a certified professional engineer is to be completed and submitted;
3. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
4. A site design showing the creation of the buffering zone as it relates to the neighboring residential (R1) zones must be approved by the Town prior to construction;
5. Street lighting installation at the entrance to the development is required;
6. All building lights to be downward directed;
7. All materials and equipment ordered on site are the responsibility of the Developer;
8. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
9. The Developer shall undertake to complete the work for each approved phase within a period of two (2) years following approval;
10. The lands shall be developed in accordance with the most recently dated Building and Development Plans filed with and approved by the Town for each phase; and
11. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within one (1) month.

Motion Carried

8. Information Items and/or Discussion

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Moved By Marc Gosselin

Seconded By Brenda Fowlie

That the Information Items be received and filed.

9. Adjournment

Moved By Marc Gosselin

Seconded By Brenda Fowlie

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY