



### Motion Carried

## **6. Unfinished Business**

### **6.1 5 Esdale Drive - Lot Width Variance (Tabled from February 23, 2021)**

Mr. Colbourne reviewed the notes from the visit by himself and Ms. Jarvis to the McKellar property on Monday, March 1, 2021. He stated that the staff viewed the outside of the property and the inside of the converted garage, known as unit 5B. He said they were not permitted in the entire house to see if there were any additional dwelling units due to covid restrictions and the renter being a nurse. He added that there are still items to be addressed with structures on the outside and while it is up to the PAC to decide what to do, staff recommends deferring this application until all items become compliant.

Ms. McKellar noted that she sent two videos of the house to the PAC Secretary, showing the inside the main dwelling of 5 Esdale Drive and the 5B unit indicating that there were no business operations happening on the property. She also sent in a copy of nurse's paystub to prove she works as a nurse stating this was the reason why they cannot allow anyone into that part of the building. Ms. McKellar also stated that she sent in proof of the businesses operating at 123 Hazen Street, that of a building management company and the Altimate Home Solutions (AHS). She added that she does the bookkeeping for the 668054 NB Ltd company, adding that nothing comes to the home. Mr. McKellar added that all business activity for AHS is from Saint John or Moncton, nothing in this home and no clients for any business comes to that home at 5 Esdale Drive.

Ms. McKellar said she talked to the surveyor who will plot where the fence and accessory buildings could be moved to on the property, but they will need an extension as this will not be done for a week or so.

**Moved By** Brenda Fowlie

**Seconded By** Kendall Mason

That the application for a Lot Width Variance at 5 Esdale Drive be deferred until the applicants provide a Site Plan identifying where on the Lot the two accessory structures and the fence can be established while achieving the required yard setbacks and distance from the main building. Once the site plan determines if any variances are required, the applicants will be scheduled for another PAC Meeting.

**Motion Carried**

## **7. New Business**

### **7.1 15 Pettingill Road - Professional Plaza Development (PID 30256226)**

Ms. Allyson Clinch, Mr. Harold Daley, Mr. Rob Clinch and Mr. Andrew Carruthers attended the meeting seeking approval for consideration of a Compatible Use in a Central Commercial Zone.

Ms. Fowlie noted that she had no issues with the intent or use of the building but felt that the look of the building does not fit in with the neighborhood. She added that the first thing that you see as you enter Pettingill Road is the Wash66 Car Wash and she felt that building blends with the residential look, but this proposed building, being situated next to the car wash, does not blend with the residential look but has a very commercial look. Ms. Fowlie added that even on the other side of the road, there are businesses that are similar to the residential look of the adjacent buildings and a flat roof is different from any of the others in the area. Mr. Bishop stated that he felt the proposed building is beautiful noting that in Moncton you will see all types of different roof lines in commercial and residential buildings beside each other. He stated that comments are welcome by the developer, but he felt that this is a commercial building similar to the ones in the Strip Mall just as you enter Pettingill Road, and this location would be a transition from commercial to residential.

Mr. Daley stated that they spent considerable time in early design trying to blend it into the area; the darker tones softened to blend, added landscaping in the front with further being added, all to try and blend with the community and with other buildings on Pettingill Road. He added that the flat roof is necessary to the design, that it is not a residential building and we are not next to any other residential buildings, but similar to other commercial complexes on Hampton Road. The tenants are investing in their lease hold and want the building to look nice also, so they have had many meetings with the owners to ensure balance. Mr. Carruthers, Architect for the Building, spoke to the design noting the idea was to focus on transition from commercial to residential. He stated that if all the commercial buildings on the corner before this lot looked like residential, then there would not be the need for transitioning. Flat roofs are common in commercial yet breaking up the building in sections with different facades of wood and canopy changes the look, so it is a bit more like a residential. He added that the building is not as large as the Shoppers Drug Store building right around the corner, but in a smaller scale as it transitions to the residential neighborhood.

Ms. Jarvis noted there were two phases, and that the PAC is only reviewing Phase One at this time. She stated that perhaps there could be more detail for the area where the second phase will be since there is no timeline for the next phase. Her only concern was for drainage noting that the Engineering Department will look into this as the development progresses. Mr. Colbourne noted personal preference for design is one thing, but it isn't in the by-laws, and added that this area does not have a Development Scheme By-law like Millennium Drive, so the development design is solely based on by-laws for setbacks and other regulations. He added that some of the buildings on Pettingill Road took on a residential feel, some of them did this on their own, some were asked by the PAC to ensure the buildings look like others. At this stage, without a By-law depicting standard designs, there is nothing that we can control with regards to design features. The design works with the by-laws other than the variances for parking and landscape in front, and Similar

Use, and most of the developments in this area required similar variances. As noted, this building does not back on to any residential building.

Mr. Preston asked if the left side of the building, proposed for Phase 2, could have some landscaping so it did not appear unsightly while waiting for the development to continue. Mr. Colbourne stated that a time frame could be added, such as the Building By-law requesting landscaping within 24 months for new homes and that the Town could put something in the Developer's Agreement, perhaps 24 or 32 months.

Mr. Gosselin asked about the lots behind the building, noting they have trees on them, and asked if the trees would remain. Ms. Scott noted that those lots are in Rothesay and the Town of Quispamsis have no knowledge of the proposed plans. The Town line, shown blue on the shared screen, indicated the Town of Rothesay border. Mr. Colbourne noted there is a requirement for buffers or berms between residential and commercial. He added that notice of this development was sent to the Director of Planning for the Town of Rothesay and the only questions were regarding Storm Water Management Plans. These items will be included in the Developers Agreement. Mr. Carruthers noted the buffers will be about 1.5 metres tall as per the by-law adding that while there are not many trees on their property, there is a treed corner that they intend to retain. He added that each property owner should have their own setback so there should be ample vegetation in the buffer between both. It was asked if there were plans for Land for Public Purposes (LPP) such as a path along this area. Mr. Colbourne noted there is no subdivision of land at this time so there is no LPP requirement. He further added that putting a trail along this property where a sidewalk is near does not make sense.

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

**Moved By** Darren Bishop  
**Seconded By** Kendall Mason

That the Planning Advisory Committee approve the proposed Professional Plaza Development as a Compatible Use with business offices, retail services and daycare centres in the Zone, subject to the following conditions:

1. The PAC grants a variance for parking in the front yard setback;
2. The PAC grants a variance for the front yard setback being less than fifty percent (50%);
3. The building being connected to municipal sanitary sewerage as per a design approved by the Town's Utility department;
4. Stormwater and surface drainage management must not overwhelm existing municipal infrastructure, drainage swales and catch basins must be designed based on the anticipated flows. A grading and drainage plan is to be submitted to the Town for review and approval by the Department of Engineering;

5. The site is landscaped to the satisfactory of the Town;
6. When a watermain is introduced along Pettingill Road, the applicant will be required to connect to water service;
7. The execution of a standard Development Agreement;
8. A Building Permit is issued by the Town for the building construction; and
9. The development is completed in accordance with all applicable Town By-laws, and policies thereto.

**Motion Carried** (with one nay from Brenda Fowlie)

7.2 Tentative Subdivision Plan - Leighfield Estates Phase 3 - French Village Road

Mr. Gerry Roberts, of Keirstead Quigley and Roberts, attended with Mr. Steven Perry, the Developer.

Ms. Fowlie noted the concerns for drainage from residents and Mr. Preston asked about the concern for the applicant using the road developed for the pit in the back area as noted from one of the residents.

Mr. Perry noted the water shown in the images was in an area that has not been finished yet, some slopes and ditches need to be remedied in the Spring. A proper Right-Of-Way and ditching will be completed; this is more like a temporary situation and the snow and rains made the water pond which makes it look worse than it is. He also noted the pits & quarry concern stating that very little material is required for this phase so that it will not have to come from that pit. The materials are already there on location, it just needs some fine tuning and shaping. Mr. Perry mentioned the property line between Lot 2 and 3, stating the swale created had followed the contours of the land instead of the property lines but this can be amended as well. Mr. Colbourne noted that this could be reviewed by the Development Officer and would not require a variance at this time. Mr. Colbourne noted the ditching sketches will be looked at, along with the swales that are not on the property lines as the development moves forward.

Mr. Colbourne reviewed his staff report, adding that this development is between the French Village Road and the Bradley Lake Road so there is a concern for this development creating a short cut from one main road to the other. He showed the two main collector roads and how traffic may try to use Leighfield Drive as a short cut and then on the screen, he showed examples of how the Developer and the Town can look at traffic calming to reduce speed and to reduce the amount of traffic. Discussions with Town Engineering and Planning, the Developer and his Consultants, will need to work around this. He showed the image from his staff report that indicated one way lanes as an option for slowing down traffic. Whether this happens in this phase or the next, Mr. Colbourne explained that the PAC and the Developer should be made aware of this requirement. It was noted that conversations with the Town Works Department for road maintenance will be

included in the decisions. Mr. Colbourne mentioned the similar work on the Queensbury Drive development for traffic calming when there is a connector for two main streets, reiterating that this needs to be reviewed and included in the final plans and be reviewed as part of the Developer's Agreement.

No one attended to speak for or against.

**Moved By** Kendall Mason

**Seconded By** Brent Preston

That the Planning Advisory Committee support the Municipal Planning Officer in considering approval of the Leighfield Estates Phase 3, subject to the following terms and conditions:

1. Acceptance of the street layout and design, including a variance of 1.09% for the extension of Tacoma Drive;
2. The acceptance of the proposed street names;
3. Satisfying the LPP requirements for this Phase 3 whether cash-in-lieu or land dedication. Furthermore, if options should be further explored and brought back to the PAC for approval prior to Council assent of the final plan; and
4. Restriction that the area is not be utilized as a gravel pit and all works are to be associated with the subdivision development.

The Municipal Planning Officer conditions of approval will include:

1. Submission of a professionally engineered street design in accordance with the Town Subdivision Specification's and Guidelines, and approval by the Town prior to construction;
2. Submission of an onsite septic report from a qualified professional completed in accordance with the Public Health Act of New Brunswick demonstrating the property can support the level of development proposed;
3. If not previously submitted, a Comprehensive Water Source and Supply Assessment (Hydrogeological Report) as prepared by a qualified registered professional engineer demonstrating that there is water of sufficient quantity and quality to support the proposed level of development. An Abbreviated Study will be required at minimum if CWSSA was previously completed;
4. Submission of a Stormwater Management Plan and a Lot Grading Plan as designed by a qualified professional engineer licensed to practice in the Province of New Brunswick. The plan must demonstrate a balanced pre-development and post-development flows. The plan must provide acceptable solutions for any downstream impacts and be submitted to the Department of Environment (DOE) for their review and feedback;
5. Any approvals or conditions from the DOE are to be submitted to the Town in writing;

6. The final Stormwater Management Plan is to be reviewed and approved by the Town before construction;
7. Any Local Government Services Easements necessary for the stormwater management are to be drawn on the final subdivision plan;
8. The Tentative Plan be sent to Public Utilities providing electrical power and telecommunication services for review and comments on the proposed Public Utility Easements for incorporation into the final subdivision plan;
9. Standard Developer's Agreements, bonding and subdivision fees will be required;
10. Subdivision filing fees of Three Hundred and Forty Dollars (\$340.00) for a fourteen (14) lot phase; and
11. The development of the Leighfield Estates Subdivision Phase 3 is completed as per any applicable requirements and conditions Town By-laws, policies, and regulations thereto.

**Motion Carried**

**8. Information Items and/or Discussion**

None

**Moved By**

That the Information Items be received and filed.

**9. Adjournment**

**Moved By** Darren Bishop

**Seconded By** Brenda Fowle

That the meeting adjourns at 8:05 p.m.

**Respectfully Submitted,**



CHAIRMAN



SECRETARY