



**QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – May 10, 2022**

Present: Darin Lamont Kendall Mason
 Darren Bishop Chrissy Scott, GIS Technologist
 Brenda Fowlie Jennifer Jarvis, Planning Technologist
 Brent Preston Violet Brown, PAC Secretary

Absent: Mark Guest
 Marc Gosselin
 S. Dwight Colbourne, Municipal Planning Officer

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 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 April 26, 2022 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

7. New Business

7.1 178 Millennium Drive - Community Garden, Similar or Compatible

Ms. Dana Douthwright attended seeking approval for Community Garden at 178 Millennium Drive (PID 30319198).

Ms. Jarvis reviewed the application proposing a thirty-foot by thirty-foot (82 square metre) community garden to grow food for the Kennebecasis Valley Food Basket on the vacant lot adjacent to OK Tire business. The activity would include public volunteer participation, the engagement of a summer marketing student and partnerships with local businesses. As part of the approval process, a review of the site plan through the Development Scheme for Millennium Drive By-law 017 and the Zoning By-law 038 was completed by the Development Officer. Ms. Jarvis stated that in order for this project to move forward, the PAC must consider the proposed use as similar to or compatible with one of the permitted uses in the Business Park Zone (BPC). From the list of permitted or discretionary uses in the Town's Zoning By-law 038, she added that it would appear that the proposed project could be considered similar to or compatible with a recreation, entertainment, cultural facility. As the produce that is going to be grown will be donated to the Kennebecasis Valley Food Basket, staff have concerns regarding the condition of the soil that will be used to grow the vegetables. If the proposed gardens are found in raised beds filled with top soil that is obtained from a garden supply centre, the need for a soil condition test is not required. However, if the proposed gardens will be made on the ground by tilling the soil and adding compost and soils, staff would recommend that the Planning Advisory Committee request an environmental site assessment, including soil tests to ensure no contamination to the soil is present. Ms. Jarvis also noted concerns regarding the number of available vacant commercial lots available in the Town. Currently there are just fourteen (14) vacant commercial lots within the municipal boundary.

Ms. Douthwright explained that it isn't open to the public so perhaps it should not have been called a Community Garden. It will be worked on by staff from their business at 174 Millennium Drive plus staff from some of the sponsors as help with planting and maintenance. She said the garden will all be done in raised beds with topsoil brought into the lot. She added that the Department of Environment has already been contacted. The compost bin will be behind the existing fence and any garbage will be removed with regular garbage from their site. She questioned the requirement for the Storm Water Management Plan and the potential expense of \$2500 or more, adding that water will run as it is now - out to the ditch. In response to the concern from staff for only 14 commercial lots available in the Town, she stated that this property has been for sale for years and they will quickly remove the garden beds if they receive an offer. The proposed

signage is mainly for sponsors, the fence is just mesh deer fencing, and there will be no pesticides used.

Notice was sent to property owners within 100 metres. The Town received correspondence from a neighbouring property, stating that if the berm at the back of the property was going to remain and if the garden was going to be fenced in, that they had no concerns with the proposed project. No one attended to speak for or against the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the Planning Advisory Committee support the Development Officer in his decision for the proposal of an eighty decimal zero (80.0) square metre garden as a Similar Use to the permitted Recreation, Entertainment, and Cultural Facility, at 178 Millennium Drive, PID 30319198, subject to the following terms and conditions:

1. The parking will be provided on the property of 174 Millennium Drive with no requirement for any parking to be installed at 178 Millennium Drive;
2. A Site Drainage Plan designed by the applicant be submitted to, and accepted by the Development Officer prior to approval of the site plan;
3. If any soil from the site is to be included in the composition of the community garden soils used to grow vegetables for the KV Food Basket, an environmental site assessment must be completed by a professional engineer licensed in the Province of New Brunswick to ensure there are no contaminants harmful to human health present in the soil. If the garden is using topsoil delivered to the site and the garden is designed with raised beds, this assessment is not required;
4. The project to be reviewed by the Department of Environment with respect to being located in a Wellfield Protection Area as well as being in the 30-metre wetland buffer area as shown by the January 2020 mapping. Written correspondence expressing the comments from the Department of Environment is to be submitted to the Town prior to final approvals;
5. A fence permit shall be obtained from the Town for the fencing that will enclose the garden;
6. A sign permit shall be obtained from the Town for the proposed signage;
7. The PAC asks that the Town consider waiving the charges for both the fence and the sign permits; and
8. The applicant enters into a Development Agreement with the Town of Quispamsis.

Motion Carried

Ms. Nichola Sutherland, Operations Manager for KV Mexi's, attended seeking approval for a Seasonal Patio as a Discretionary Use at 170 Hampton Road, PID 00255232.

Ms. Jarvis introduced the application to install a seasonal outdoor patio in the front of the existing building, near the main entrance to the restaurant. She noted that an outdoor patio is not listed as a permitted or discretionary use in Central Commercial zone, as such the use will have to be reviewed as Similar to or Compatible with the existing use found in the main building, as found in Section 3.(D)(1) of Zoning By-law No. 038. Ms. Jarvis noted staff concerns with the location as it abuts a busy drive aisle with several parking stalls surrounding it and suggested the Engineering Department review the proposal for safety concerns.

Ms. Sutherland noted the patios on the streets of uptown Saint John including a few on the busy Water Street. She showed the PAC Members two options for Mexi's Patio, one design being a 16' by 17' patio for five tables to the left of the entrance and another design for a split patio with a 13' by 17' section on the left side of the entrance, and an 8' by 17' section of patio as a more private area on the right side of the entrance. She stated that the side door will be used to bring out food, and cocktails will be brought out through the main door. Ms. Sutherland added that there are 11 to 13 parking spots out back for staff parking and the barrier-free spot will be moved to a new location.

It was recognized that there was a patio at this location when the Pizza Delight was in operation; as per Google Street maps of 2013. That patio was located from the right side of the door to the takeout door with a fence around it, which seemed a better location as no one was blocking the front door that way. Ms. Sutherland noted the expensive mural and stated that putting tables right in front of the mural, with umbrellas, would take away from the design. She also added that there is not usually a line up at the door since they take names of patrons and call them when a table is ready.

Moved By Kendall Mason

Seconded By Brent Preston

That the Planning Advisory Committee approve the outside patio on the property of 170 Hampton Road, PID 00255232, subject to the following terms and conditions:

1. A site plan is to be provided with detailed measurements for Engineering to review the movement of traffic;
2. The number of parking stalls, including Barrier-Free is approved by the town and/or province;
3. A building permit is issued prior to construction of the patio;
4. The patio is built to National Building Code of Canada, current adopted edition;

4. The patio is built to National Building Code of Canada, current adopted edition;
5. The hours of operation must comply to the Town's Noise By-law with any outside music stopped by 10:00 p.m.;
6. This conditional use is only for the seasonal time from May to October.

Motion Carried

8. Information Items and/or Discussion

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Moved By Brent Preston

Seconded By Brenda Fowlie

That the Information Items be received and filed.

Motion Carried

9. Adjournment

Moved By Darren Bishop

Seconded By Brenda Fowlie

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY