



QUISPAMISIS PLANNING ADVISORY COMMITTEE

MEETING MINUTES – May 12, 2020

Present: Darin Lamont Kendall Mason
 Brenda Fowlie Marc Gosselin
 Brent Preston Chrissy Scott – Tech Support
 Darren Bishop S. Dwight Colbourne, Municipal Planning Officer
 Violet Brown, PAC Secretary

Absent: John Groden

1. **Call to Order**

Darin Lamont read the rules of the video conference Planning Advisory Committee Meeting and called the meeting to order at 7:00 p.m.

2. **Approval of Agenda**

Moved By Marc Gosselin

Seconded By Darren Bishop

That the Agenda be approved as written.

Motion Carried

3. **Disclosures of Interest**

No disclosures were declared.

4. **Approval of Previous Minutes**

Brenda Fowlie noted the change of Vincent Road to Pettingill Road on Page 5.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the minutes of the previous PAC meeting be received and filed once the correction is made.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 Serenity Heights Subdivision

Mr. Mark Hatfield, of Homestar Inc, attended seeking approval for a Tentative Plan called Serenity Heights Phase 1 proposing a five (5) Lot Residential Subdivision off Stock Farm Road (PID 253203).

Mr. Gosselin noted that the lots facing the river are very steep and that while some clearing has been done, there are still trees left which is good. He stated that Mr. Hatfield is abiding by the rules but asked how does the Town monitor the trees being cut down by prospective buyers. Mr. Colbourne noted that any work within thirty (30) metres of a water course is governed by the Department of the Environment, and that the Planning Advisory Committee (PAC) can also add conditions to the subdivision plan for no cutting conditions. He stated that the province has rules for any soil disturbance, and this can be incorporated into the Developer's Agreement to support Mr. Hatfield. It was asked if the PAC can expand the thirty metre zone and Mr. Colbourne stated he will check into this. Mr. Hatfield added that covenants for each lot will state that tree cutting will be limited to lot clearing for buildings and septic only, and this is as per the request of the residents in the area. Mr. Colbourne stated that fines may be imposed but the Town's legal counsel will be asked for confirmation. Mr. Hatfield added that this proposal is a green subdivision, with as few trees cut or cleared as possible.

Mr. Colbourne noted that this tentative plan had received previous approval, including the Engineer Design of the road and the storm water management (STWM) design which were both approved for construction. Ms. Fowlie noted that the Hammond River Angling Association (HRAA) notes in their report the keeping of bushes not just trees for soil retention, especially on the slope. Mr. Colbourne reiterated that any work near the river will be reviewed by the province, and the STWM has rules in place to ensure no sediment goes in the river. He added that the Department of Fisheries will be reviewing this work as well as the Department of Environment and the Town's Engineering Department. It was noted that the soil composite is silty and sandy and may erode quickly so the design of discharge channels will be closely monitored.

There was a discussion on the Land for Public Purposes (LPP) location along the side of Lot 3 and down to the river noted as per the Staff Memo and on the shared screen. Mr. Hatfield noted that the path is ten (10) metres wide and approximately one hundred and ten (110) metres and is already being constructed. Mr. Colbourne noted that as per the Subdivision By-law, any development near the river should have access to river and this LPP offers the required access. He added that the Town may look at another access down the road with another phase of Serenity Heights and confirmed that all LPP will be maintained by the Town. Mr. Preston noted that there was no landing at the river to park a car or drop a boat and asked if there would a better spot that may offer more room. Mr. Colbourne stated the PAC should look at the plans and determine what is best for the town. He also added that the Town's Community Services Department has already looked at this access for approval with the understanding that the HRAA has a large area that accesses the river for kayaks and other boating. It was recognized that this access will likely be used by the residents who purchase homes in this subdivision, not necessarily the general public, so the parking will not be required for everyone.

Notice was sent to property owners within 100 metres of the parcel of land as per the PAC Policy. There were no concerns received at this time, but the Town had received concerns during a previous review, and they were noted. In particular, there was one concern for any development other than Single Family to which Mr. Hatfield noted that this plan is proposing Single Family lots. Ms. Colleen Guay of 64 Stock Farm Road attended the virtual meeting but had no concerns to address.

Moved By Kendall Mason

Seconded By Darren Bishop

That the Planning Advisory Committee support the Municipal Planning Officer in considering the approval of the tentative plan called Serenity Heights Phase 1, a Plan proposing the creation of five (5) residential lots, a new public street called Motivation Avenue and a strip of Land for Public Purposes to provide access to the Hammond River, subject to the following conditions:

1. PAC's approval of the street name Motivation Avenue;
2. Land for Public Purposes requirement in the amount of 5793 square metres is to be met through LPP land dedication. The proposed LLP to be further reviewed and consideration be given to providing more land along the river, and the LPP be reflective of any recommendations from the Storm Water Management Plan;

The Municipal Planning Officer conditions of approval will include:

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. 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;
4. Submission of On-Site Septic System Report prepared by a qualified professional in accordance with the Public Health Act;
5. Submission of a Comprehensive Source and Supply Water Assessment (Hydrogeological Report) prepared by a qualified professional engineer;
6. 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;
7. 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 STWMP;
8. Clear-cutting is strictly prohibited and 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;
9. 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;
10. Standard Development Agreements, bonding and subdivision fees will be required;
11. Subdivision filing fees in the amount of Two Hundred Fifty Dollars (\$250.00) for a five (5) lot subdivision; and
12. Plans to be properly signed by the necessary Public Utilities and property owners.

Motion Carried

Votes were received verbally and individually.

7.2 Wash66 Developer's Agreement Amendment

Dr. Jeff Sheppard attended on behalf of Wash 66 Ltd. with a request to Amend the Development Agreement at 7 Pettingill Road (PID 30330971) to permit the water source for wash operations to be drilled wells instead of the bulk importing of water. Dr. Sheppard invited Mr. Tim Ryan of Fundy Engineering and Mr. Mel Norton of Lawson & Creamer to join the meeting and answer any questions.

Dr. Sheppard stated that they are currently trucking all water into the holding tanks and pumping from the tanks for operations. He added that they recycle about fifty (50) percent of the water for operations. The new proposed system will fill the tanks from the well(s) instead of the trucks. There were two (2) wells were drilled on the property for the required Comprehensive Water Supply Source Assessment (CWSSA Hydrogeological Study). Mr. Preston noted the recommendations of the Fundy Engineering CWSSA were that the holding tanks were to be filled off hours and asked Dr. Sheppard if this condition was ok. Dr. Sheppard noted the recommendations by Fundy Engineering and the suggested off hours but also stated that off hours are different, for instance, today the wash operations might be closed because of the rain so they could fill the tanks during the day. Dr. Sheppard added that a monitoring system will be in place with shut off valves to eliminate overflow. Ms. Fowlie asked Dr. Sheppard about his email request for the amendment with the statement that he “did not want any restrictions on the use of my own wells once this process has been completed and approved, now that I have invested in the vicinity of \$30000 between wells, the study and plumbing”. Dr. Sheppard responded that the restrictions recommended by Fundy Engineering do not cause any concerns. Ms. Fowlie asked if the study for the supply of water looked at the undeveloped land around this property within one kilometre radius. Mr. Tim Ryan spoke about the study, the desk top version, that looked at well logs within a one kilometre radius, the chemistry from the Department of the Environment for analysis including depth, yield estimates from well drillers, etc. He added that a probe was put in the two drilled wells for monitoring and that the pumping wells were drilled to 240' deep. Mr. Ryan added that the test only dropped the water level by four feet during the 24 hour test, and after the test, the water level returned to the original level within an hour. He noted that seasonal use may change the levels, but the recorded data will determine the natural aquifer in the area and that is why the recommendation is there, to monitor the levels daily and stay proactive. Mr. Colbourne noted that there were comments received with regards to the test being done in February and not in Summer when the land is dryer. Mr. Ryan stated that a pump test is done under the most severe conditions and February is an acceptable time to do the test unless excessive rain fall, anything over 40mm, fell in the previous ten days prior to a test as that would delay the test. A test would not be recommended for this date (May 12th) for instance due to the recent rain. Water supply is built up in the aquifer until summer and tests are not recommended during the Fall but there are no issues in Summer. As for the undeveloped land in the area, and the possibility of more houses being proposed, Mr. Colbourne stated that

future development would be similar to this application whereas the Land Use is reviewed for development and any proposals would be required to do the same studies for water supply. He added that the land next to this lot is in the Town Rothesay's water supply and any development applications will be reviewed based on that. Mr. Mason noted that the wash operator is to measure water levels in the well(s) each day as per the recommendations from Fundy Engineering and asked what the process for this would be and what would be done if there were any concerns for the aquifer. Dr. Sheppard stated that they are capping the draw per day so there would be no concerns from the Department of Environment.

It was noted that the business was not in full operation for a year yet, due to start up, Covid-19 shutdowns, etc., but as per the water consumption, Dr. Sheppard stated the metered water consumption from May 1, 2019 to May 1, 2020 at Wash 66 was 2926 cubic meters which is equal to an average consumption of just over 8 cubic meters daily. He added that the business ran about 20% capacity for the first year, and with restrictions put in place from Fundy Engineering, the business would still be under the consumption maximums. With an average of less than 10 cubic metres per day, and Fundy Engineering capped daily draw at 50 cubic metres per day, the consumption would be well within that limit even with some business growth. Mr. Ryan stated that the cap of 50 cubic metres per day was recommended because an environmental review and assessment would be required for any consumption over that amount. He added that the 24 hour pump tests shows it could retrieve more than that amount but the cap is better for the aquifer.

Mr. Colbourne mentioned the staff memo with regards to the process in place, the Rezoning that has been done, the Agreement in place that now has an amendment requested and that as per the Zoning By-law, considerations were in place for developers that might ask for developments that would require large usage of water, more than residential, and in these cases a hydrological study would be required. The study has been done and now the PAC must review the reports and consider the provisions in place to protect the land and water supply as well as all the elements of the land use. It was noted that the nearest Municipal water supply is over a kilometre away with no plans at this time to expand, as per Council. Wash 66 would be expected to connect if the Municipal Water was connected in that area, as well as the mall, the McDonalds, the dental clinics, and any other businesses in that vicinity. Ms. Fowlie asked if there were any future plans that included another bay to wash cars and Dr. Sheppard stated that there were no plans for a dual tunnel as the population could not support that business growth.

It was asked if the amendment would still contain the recommendation that the reclaim water must be 50%. Mr. Colbourn noted that this is a request for an amendment to the original agreement and the original still stands if PAC notes it. Reclaim amounts are not currently in the original agreement.

Notice for this review was not sent out to the public as this was done through Council for a Public Hearing. Therefore, no one attended to speak for or against the application other than the applicant and his designates.

Moved By Darren Bishop

Seconded By Brenda Fowle

That the Planning Advisory Committee support Council with an amendment to the Development Agreement to permit the water source for the wash operations to be drilled wells instead of the bulk importing of water at 7 Pettingill Road, PID 30330971, subject to the following terms and conditions:

1. As per the Fundy Engineering recommendations:
 - a. A flow meter be installed on the submersible pump discharge line from any well connected to Wash 66. Meter readings should be recorded daily within an on-site operation and maintenance log in order to track the volume of water extracted from the groundwater system;
 - b. Water levels within the two wells be measured prior to facility operation each day. Those measurements should be recorded within an on-site operation and maintenance log in order to track groundwater elevations;
 - c. A hydrogeologist shall review the daily water consumption and water levels at the end of the first and third quarter each year and prepare an annual letter report on whether the operating conditions align with the finding of this comprehensive water supply source assessment. The annual letter report shall be provided to the Town of Quispamsis for their records;
 - d. The peak pumping rate be capped at 36.4 litres per minute and the daily extraction be capped at less than 50 cubic metres per day. Should the proponent desire to exceed 50 m³ per day, then the development must undergo further regulatory assessment as per the Environmental Impact Assessment Regulation of the New Brunswick Clean Environment Act;
2. The water used for the car wash shall be pulled from the holding tanks and not direct from the wells;
3. The holding tanks are to be filled during off-peak hours and at staggered times; and
4. The holding tanks are not to be filled all at once to ensure the maximum extraction is not exceeded.

Motion Carried

Votes taken verbally and individually.

7.3 82 Cedar Ridge Blvd - Fence Setback

Mr. Peter Marshall attended seeking approval to connect fencing from his property at 82 Cedar Ridge Boulevard to an existing fence on the adjoining property of 80 Cedar Ridge Boulevard.

Ms. Fowlie asked if there was any consideration given for moving the neighbors fence to the property line so that the property lines would not be questioned. Mr. Marshall noted that he did not want to incur any cost to the neighbor and that the property pins are clearly marked so as to eliminate any questions on the fence location or property lines. He added that the existing fence is 2.5 feet from the property line at the front, and at the back of neighbors property line there is about 8" between the line and the fence where a small portion of his fence is to be added, as a gate to go through for maintenance for both neighbors.

There were no further questions, and no one spoke for or against. No concerns were received from the notice sent out to property owners within 50 metres of the subject property

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC grant approval for a zero decimal six (0.6) metre setback variance from Section 6.(S)(7) of the Zoning By-law 038, to erect sections of fencing up to the property line at 82 Cedar Ridge Blvd, PID 30124796, and a variance of zero decimal six (0.6) metres from Section 6.(S)(7) of the Zoning By-law 038 to allow sections of fencing to be erected between the property line at 80 Cedar Ridge Blvd, PID 30124788 and the existing fence on the property, subject to the following terms and conditions:

1. The sections of fence to be erected within the setbacks must be constructed so that these sections can be removed without difficulty should either property change ownership and property lines are disputed; and
2. A building permit is issued prior to the fence being erected.

Motion Carried

Votes taken verbally and individually.

7.4 Woodleigh Park Phase 28

This application was postponed from the April 28, 2020 PAC Meeting

Mr. Gerry Roberts of Keirstead Quigley and Roberts Surveyors attended with Mr. Sean O'Brien, the Engineering Consultant for the Developer, seeking approval for the proposal of thirty-eight (38) new residential building lots, the extension of Grafton Drive, the extension and connection of Linda Avenue and Sundance Drive as existing public streets, the construction of a new public street called Westridge

Drive, and Land for Public Purposes for the location of a stormwater detention pond.

Mr. Gosselin reviewed the concerns with the existing water flow and noted the area is steep behind some lots so there is added concern for run off affecting property owners. Mr. O'Brien stated that when the Storm Water Management Plan (STWMP) review started, they were made aware of concerns to the west, so plans were made to capture and retain the water from that area so it doesn't go to the existing yards. A retention pond was created to hold the water and while Mr. Colbourne showed the existing water flows on the screen, Mr. O'Brien noted that any additional water will be removed from this area through this STWMP design. Mr. Gosselin noted that the retention pond is above the concerned residents to which Mr. O'Brien commented that the intent is to make the flow better for the properties through the drainage pattern. He added that there is a lot of water in this area due to Queensbury being the bottom of the valley already but that this design was based on the Town's requirements of the new development water flow being equal or less than the existing water flow.

Mr. Colbourne noted that the tentative plan and his staff report reviewed the full build out of all thirty-eight lots, but the Developer is currently looking at probably nine lots at this time (shown on the shared screen). He explained that during the review, the Town looks at the potential impacts, the subdivision model, concerns including what can be developed and what is existing, and the Departments of the Engineering and Planning look at all options for best results or impacts. It is understood that we can continue to review this area as it is developed to ensure all Storm Water Management Plans are working. The area will be monitored as it gets developed. Any thing we can do to make things better during a development is looked at, pre and post is part of the needs for all developers.

Mr. Doug Drummond of 20 Queensbury Drive spoke against the subdivision noting that the water from this development will flow into the Queensbury ditches and adding to the existing flow. He said that when we get heavy rains, the ditches on three sides of his property are overflowing and that the ditches should be cleared out and piped or someone, some kid, may drown. He added that the last few winters have water flow off the charts and this new development will add net new water to the ditches in the area. Mr. O'Brien stated that the intention is retention, and that while development brings a reduction of absorption due to driveway asphalt and buildings, the intent is to control the release so the volume is slower than normal flows. The retention pond changes the timing of when it hits the current system; the slope is slower and takes longer to get to the current ditches. Not 24 hours later, but hours later due to the pond holding it and controlling the predetermined amount released. Mr. Drummond stated that he understood the concept but asked how the holding tank can hold enough during heavy rains. Mr. O'Brien stated that the outlet design takes into consideration the existing flow and the high rate expected. He said they met on site to review issues in front yard and the developer plans to work with the Town on the concerns but reiterated that the initial plan was focused on

the concerns for the water flow in the back yards. Mr. Colbourne indicated on his shared screen where the water flows in the area, noting that the design proposed is intercepting some of the flows to the retention pond to slow it down. The statement of “New Water” is not really accurate because it is water that naturally flows in this area already and this design is actually directing it to another route and slowing it down.

Mr. Todd Walsh of 59 Queensbury Drive spoke of the water concerns that are existing adding that his culvert is filled in and piped, work that was done prior to purchasing the property, and that water flows over the driveway. He stated that he represents a large group of people in the neighborhood who have concerns for traffic and speeding. The additional lots mean more cars and traffic volume and more speeding. He asked what is being done to address that by the PAC or if this situation will continue through Council. Mr. Colbourne stated that the objective of the PAC is to look at the overall layout of streets and connectivity and noted that Queensbury Drive is a collector highway and is expected to be heavy with traffic. He added that the PAC has the authority to look at the local design and consider traffic calming design for this portion at this time and determine if there is any effect to Queensbury Drive overall.

Ms. Tracey Somers of 41 Queensbury spoke about her concerns noting that her home flooded three times since they have been there. While there is water in the back of her property, two of her floods have been from the water in the front of the yard. She stated that they have spent resources creating drainage ditches for back water, but the front water flow can be as bad as white water rafting and can take a child away. Ms. Somers stated that the mouth of the culvert under the driveway of her neighbor is 5 to 6 feet deep and the grade of lots plus the level of water makes it flood back through pipes and floods into her house. The snow in the ditch freezes and blocks pipes and proper flow. She added that the Town has cleared the ditches during the winter, but water still flows over the driveway due to the overflow of the ditch and the flows is so fierce that it will knock you off your feet. She stated that the current situation is severe, adding any water, slow or fast, is more water and the current system is not working, added volume will make things worse. Ms. Somers stated that the Town Engineer has reviewed the property several times and that 75% of the water comes on their side of the road which is a safety concern as well as a flooding concern. She added that all the drainage pipes in the neighborhood drain to the front and are flowing all the time, all year round.

Mr. O’Brien noted that all the concerns received seem to be from the same from that side of the road. He reiterated that they met on site with Town Engineers and Staff to review the concerns and most were noted from the West side. A portion of the water already coming down Queensbury may be directed to the other side of the road to split the flow but this was a preliminary review and discussion. The developer and Engineers will be working with the town to find the best solutions. As for piping storm water versus open ditches, from a capacity point, an open ditch

is better than a pipe for flow. The pipe size would not be able to carry the water unless it was over a metre in size which would bring a safety concern in itself.

Mr. Preston asked Mr. O'Brien if a smaller second pond is built at the bottom of the hill, would this have any impact. Mr. O'Brien said it would have an impact, but in pointing out the flows on the screen, a second pond would have to be created where the worst of the flows are located but the concern would be on how do you get the water to the Queensbury Right-Of-Way and out of the area.

Notice was sent to property owners within 100 metres of the subject property. Other concerns received by residents who did not attend the meeting were noted as being part of the PAC review package.

Moved By Brent Preston

Seconded By Darren Bishop

That the PAC support the Municipal Planning Officer in considering approval of the Woodleigh Park Subdivision Phase 28, a tentative plan proposing the creation of thirty-eight (38) residential lots, along with the one decimal five (1.5) metre frontage variance for lots 9-19 and 10-19, 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. A Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted to the Town prior to final approvals;
3. A Stormwater Management Plan (STWMP) 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 6084 square metre obligations, with 4760 square metres being vested to the Town for LPP as shown on the plan and the remainder of the LPP lands being finalized prior to Council assent and approval by the Development Officer;
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. 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;
7. Standard Developer's Agreements, bonding and subdivision fees will be required;
8. Subdivision filing fees of Five Hundred and Eighty dollars (\$580.00) for a thirty-eight (38) lot phase;

9. The Development is to be completed in accordance with all Town By-laws and Policies, save only variances granted by the PAC or the Development Officer;
10. Plans to be properly signed by the Property Owner(s) and applicable Public Utilities; and
11. Mr. Carpenter of Hillcrest holdings to be communicated with for the STWMP design.

Motion Carried

Votes were taken verbally and individually.

8. Information Items and/or Discussion

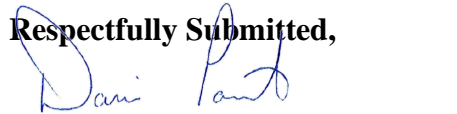
None

9. Adjournment

Moved By Darren Bishop

That the Meeting adjourn at 9.03 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY