

5. Business Arising from Minutes - Notice of Decisions

Moved By Darren Bishop

Seconded By Brent Preston

That the Notices of Decision be received and filed.

- 174 Millennium Drive
- 6 Rivercrest Drive
- Subdivision: Foxborough Ridge
- Subdivision: Betteridge, John C.
- Subdivision: Goldrush Drive Extension
- Subdivision: Highlands of Queensbury Ph 5-10
- Subdivision: Ruscello Place
- Subdivision: Woodleigh Park Ph 28
- Subdivision: River View Estates Ph 1
- 589 Gondola Point Road

Motion Carried

Marc Gosselin stepped down from the PAC position for the next item.

6. Unfinished Business

6.1 10 Millennium Drive - Sign Variance

Ms. Jennifer Daigle (Irving Oil Properties Investment) and Mr. Tony Ratchford (Subway tenant) attended the meeting seeking approval from By-law 036, Section 13.A.3. for a second free-standing sign on the property of 8-10 Millennium Drive as well as a variance from Section 13.A.3.b. of one decimal five (1.5) metres for setback and zero decimal eight (0.8) metres from Section 13.A.3.d.i. for clearance.

Mr. Ratchford spoke regarding the success of the business in the Town and the fact that the Subway has been at this location for over four years yet customers are not aware of the new location. He stated that due to not being seen from the highway, adding additional signage may assist. Mr. Ratchford noted that while he talked of his business in the Millennium Drive area, he feels that each business in at this address wants more signage.

The existing signage was reviewed with images showing what drivers see from each direction through Millennium Drive, Gondola Point Arterial, and the McKay Highway.

Other locations on Millennium Drive with more than one business on a lot such as a plaza, were noted as businesses that may request extra signage and that a decision by the PAC could set a precedence for multiple signage. Mr. Colbourne noted that if the two parcels of 8 and 10 Millennium Drive were separated, each parcel would be permitted to have a free-standing sign.

Ms. Daigle noted the options sent in from her company, that of the original request allowing each business to advertise on each sign, an alternate option of two signs (existing Irving pylon plus new monument sign on 10 Millennium where each business advertising on either sign, and a second alternate option of one new tenant sign at 10 Millennium for all other tenants.

Mr. Colbourne noted that a business that is located on one parcel cannot advertise on a sign located on a different parcel since that would be considered a Third-Party sign that is not permitted without approval of Council.

No one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Kendall Mason

That the PAC approve a variance to By-law 036 Section 13.A.3. to permit the installation of a second free-standing sign, a setback variance from Section 13.A.3.b of one decimal five (1.5) metres, and a clearance variance of zero decimal eight (0.8) metres from Section 13.A.3.d.i at 10 Millennium Drive, PID# 114595, subject to the following terms and conditions:

- The free-standing signs must only advertise for the tenants in the buildings on the same lot as the sign is located for both the sign at 8 Millennium Drive and the new sign at 10 Millennium Drive; and
- The wooden sign located at the back end of the property on Centennial Court, must be removed.

Motion Carried

Marc Gosselin stepped back up to the Committee at 7:25pm.

7. New Business

7.1 Tentative Subdivision - Atlantic Precast - Whitehorse Drive

Steven Fowler of Fowler Brothers Ltd attended seeking approval for the Atlantic Precast Concrete Ltd. Subdivision plan – a residential subdivision development proposing to create nine (9) lots in the Single or Two-Family Dwelling zone with lot width variances.

The only change might be the LPP from the strip of land that was to be an entrance (parcel A). Several suggestions were made for the parcel A such as adding it to Lot 3F to make the 3F lot double depth or sell to adjacent land owners of lots 1E or 2D or use it as green space for LPP and perhaps a playground. Mr. Fowler said he would like to recoup the cost of LPP donation if the parcel A was sold to adjacent owners. Mr. Colbourne noted that if parcel A is consolidated with adjacent lots beside or behind it, there is still a tiny strip of land that the Town requires as LPP in order to keep the lot from having access from the back so as to avoid a double fronting lot that is not permitted as per the Zoning By-law. Mr. Colbourne said another option is to leave the lot as it is with the owner having responsibility to maintain it. The decision can be made later.

Several concerns were noted with sloping and drainage. Mr. Fowler stated he has no problem digging the area to avoid the slope and address the drainage. He will not change anything to negatively affect the drainage. Mr. Colbourne noted that the drainage in that area has been improved with the recent work done along Gondola Boulevard.

Stephanie O'Reilly of 196 Gondola Boulevard, owner adjacent to the Parcel A spoke to the report. While she is not opposed, she wanted the concerns of drainage behind her property (lot 4F on the plan) to be reviewed. She stated that parcel A requires drainage, it is not flat land and there are high weeds that hide the deep ditches which is a danger for children. Ms. O'Reilly noted that people walk down through Parcel A as a shortcut so a fenced path would be nice and it would look good with the new calming circle and sidewalk.

Mr. Colbourne suggested the drainage easement that is proposed between lots 1F and 2F could be part of the LPP with Parcel A and make drainage easement and trail together. Mr. Fowler noted that the easement might work better between lots 2F and 3F with adjusting lot lines for 3F and 4F, if frontage variances were approved. Mr. Fowler noted that lowering the trail to four or five metres, versus the six metres normally required, would be best for the lot widths and Mr. Colbourne stated that five metres would be required with the drainage easement included.

No one else attended to speak for or against.

Moved By Darin Lamont

Seconded By Kendall Mason

To grant tentative approval to Atlantic Precast Concrete Ltd. Subdivision subject to the following terms and conditions:

1. Lot width variances approved for Lots 2-F, 3-F, 4-F and 5-F;
2. A four (4) metre strip of land to be added for Land for Public Purposes (LPP) between lots 2F and 3F and used for the construction of a ped walkway for

access between Gondola Boulevard and Whitehorse Drive, and used as a Drainage Easement;

3. A three (3) metre Municipal Service Easements to be added to the Final Subdivision Plan along the rear yard of Lots 1-F to 2-F and 4-F and between Lots 1-F and 2-F for Storm Water Management purposes. The Municipal Services Easement is to be located a minimum of 5.0 metres away from the rear property lines of the properties along Gondola Boulevard.
4. Land for Public Purposes obligations is to be satisfied through a combination of land dedication and cash-in-lieu. Parcel "A" is to be designated as LPP and brought to an acceptable state to the satisfaction of the Town prior to Final Acceptance of the subdivision by the Town. The remaining LPP obligations being satisfied through cash-in-lieu in the amount of Four Thousand Five Hundred dollars (\$4500) with the amount adjusted to reflect any additional LPP land dedication for trails or walkways from Parcel "A" to Whitehorse Drive.
5. Compaction test of the roadway to be completed by a qualified professional engineer and the report submitted to the Town prior to the placement of Base asphalt;
6. The sanitary sewerage system to be flushed and videoed with the report being submitted to the Town for review prior to the issuing of Building Permits;
7. A "**No Cut Protected Drainage and Recharge Area**" to be added to the Final Subdivision Plan along the rear yard areas of Lots 6-F to 8-F. No development or construction is permitted in this area unless approved by the Town;
8. Filing fees in totaling Two Hundred Ninety dollars (\$290) to be paid to the Town for the nine (9) lot subdivision prior to release of the Final Subdivision plan for registration;
9. The execution of a standard Development Agreement;
10. Final Plans to be signed by the Property Owner(s) and applicable Public Utility agencies; and
11. All work shall be completed in accordance with applicable Town By-laws, Regulations and Policies thereof.

Motion Carried with two (2) nays: Brenda Fowler and Brent Preston

7.2 Tentative Subdivision - Wright - Misty Cove Lane

Gerry Roberts of Kierstead Quigley and Roberts attended with Brian Wright, the property owner, seeking approval for a Tentative Subdivision Plan proposing the creation of two (2) residential building lots with access by way of a private street – Misty Cove Lane extension (Private). The plan was reviewed on screen and it was asked if the subdivision kept the lane section private, when does it become municipal? Mr. Colbourne noted that the Town looks at the land owner to maintain

the road when private and the past has shown private lanes that grow too much end up with owners petitioning the town for ownership so we set standards (such as Chansa Estates, Corduroy Road, etc.). He noted the recommendation of road standards to emergency services level and that anything beyond this requires a public road. Mr. Colbourne stated that our by-law allows property owners to ask the town to subdivide property with private or public access. Private is less expensive but risk comes into play if the owner cannot maintain the road for emergency vehicles and property owners. A Hold Harmless Agreement has been used in the past as a mechanism to protect the town.

It was noted that there is a culvert that drains onto the beach path at the end of paved Misty Cove Lane and asked if there were any plans to change this. Mr. Wright noted that he put in 200 feet of culverts to redirect the water on the private lane section with further ditching and culverts to continue. The existing culvert on Misty Cove Lane is not on Brian's property and is not part of the plan review.

It was noted that the two lots being proposed are just a small section of one large parcel and the lane connects through to the last lot which actually accesses off Meenans Cove Road with a right-of-way through Mr. Wright's property and Mr. Wright maintains the entire length of the lane. A conceptual drawing showed a potential street access off Rockefeller Drive but this is not Mr. Wright's property and not part of the current plan.

Mr. Ken Wilson, of 489 Misty Cove Lane attended with concerns. He noted that when they bought the property in 2007, he was granted a right-of-way over the Riverfront Properties and then over Mr. Wright's property. When the lot was created for 503 Misty Cove Lane, the public road was continued to the property line of Mr. Wright which eliminated the requirement for the right-of-way over Riverfront Properties that Mr. Wilson had developed. Mr. Wilson now only has a right-of-way over Mr. Wright's property, which he stated he developed. Mr. Wilson stated that Misty Cove Lane was never to be extended according to the town staff and property owner of the time of his purchase. Although it was never meant to be public, if the plans are approved with the lane staying as private with two lots added, it could likely turn into public and as such, should only be approved as a public road. Mr. Colbourne asked Mr. Wilson what his plans were for his six-acre property and Mr. Wilson said he wants to build a home on it. Mr. Colbourne noted the upgrade of the lane that Mr. Wright was planning was more than it is now, an improvement over what Mr. Wilson developed, and will be close to public street standards.

Mr. Roberts addressed the private versus public street and stated that perhaps Mr. Wilson and all other property owner that use the private lane can contribute to cover the cost to finish the road design in order to make it a public street. Mr. Wright noted that his neighbors like the private lane. Mr. Roberts noted that there is likely

no developer that would create the public street all the way out to Meenans Cove Road from Misty Cove Lane.

There was a concern received from the property owner at the end of Misty Cove Lane for the garbage pick up at the end of the private lane. It was asked how the residents would handle garbage removal on a private lane.

No one else attended to speak for or against the application.

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the PAC table the decision until a public street can be investigated with possible cost sharing and potentially introducing a property levy for all property owners whose property abuts the right-of-way.

Motion Carried

7.3 Tentative Subdivision - Maple Ridge Estates - Corduroy Lane

Rob Vigor, property owner, attended seeking approval for a Tentative Subdivision plan for Maple Ridge Estates Phase 1 as a continuation of the Corduroy Road development off the Elliot Road proposing the creation of six (6) new residential building lots, the subdividing of an existing lot (2017-1) to create Lots 8 and 9 with Lot 9 containing an existing dwelling, and to extend Corduroy Road and make it a public street while removing the private lane status.

The turnaround at the end of the phase was reviewed and Mr. Colbourne clarified that turnarounds are in place until the road is extended and must be up to road standards but not necessarily paved. The LPP land options were reviewed and an area adjacent to the Palmer Brook has been identified. Since direct public access cannot be provided through this phase, it would be reasonable to identify the general area and incorporate a plan of the area into the Development Area as a Schedule. This will ensure the area is reserved for LPP purposes and wording to the regard can be included in the Development Agreement.

No one attended to speak for or against the application.

Moved By Kendall Mason

Seconded By Darren Bishop

To grant approval to Maple Ridge Estates Subdivision Phase 1 subject to the following terms and conditions:

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. Submission of 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;
4. Submission of a comprehensive Storm Water Management Plan, completed by a qualified registered professional engineer, that demonstrates and incorporates engineering best practices to achieve a Net Zero resultant in pre and post development flows and includes the Protected Drainage and Recharge Area;
5. LPP obligations to be met through the dedication of land in the general area as shown on the tentative plan that is to be incorporated into the Development Agreement as a Schedule;
6. Filing Fees totalling Two Hundred Seventy Dollars (\$270) for a subdivision plan creating seven (7) lots;
7. The Final Plan is to be signed by the Property Owner(s) and any applicable Public Utilities; and
8. The Development is to be completed in accordance with all Town By-laws, Regulations and/or Policies thereto.

Motion Carried

7.4 Outdoor Patio - Bootstrap - 184 Hampton Road

Chris O'Neil attended for the Bootstrap Licensed Dining Room Restaurant, seeking approval to construct a seasonal temporary outside patio area that will seat 20 – 25 additional patrons. Mr. O'Neil was asked for the proposed dates and he stated that it will be constructed immediately upon approval and remain up until September as per the approval of the property owner of the strip mall.

Mr. O'Neil was asked if there would be music outside to which he stated that perhaps a speaker from the inside sound system but there will not be loud music or live bands. He stated that there will be railings created of large rope on all three sides, not walls, so access that people can easily get over or under as well as several spots that will not have railings for regular access. He also confirmed that an additional washroom would be available for the extra occupancy numbers.

No one attended to speak for or against the application.

Moved By Darren Bishop

Seconded By Brenda Fowlie

That the PAC approve the Bootstrap Brewing Co. Inc. request to construct an outside seasonal patio area at 184 Hampton Road (PID 249797), subject to the following terms and conditions:

1. A Building Permit must be issued for construction of the Patio;
2. Additional Water Closet provisions must be installed to handle the additional occupancy loads;
3. The patio area is prohibited from encroaching on the travel lanes along the front of the building;
4. On-street parking is prohibited;
5. Parking at the rear of the building is prohibited;
6. There shall be no loud outside music or entertainment;
7. The patio area is to close each business day at a time as regular business hours;
8. The patio is seasonal and shall be for the season - May 1 to September 30th,
9. Confirmation the Licensed Dining Room Facility licensed can be extended to include the patio area, and can comply with any terms and conditions thereto; and
10. This approval is for the Bootstrap Brewery Inc. only and not transferable.

Motion Carried

7.5 Roof Top Patio - Amici - 170 Hampton Road

This application has been put on hold until further information is obtained.

7.6 Multi Residential Apartment - Millennium Drive

This application will now be reviewed at the June 12, 2018 PAC meeting.

8. Information Items and/or Discussion

Moved By Brenda Fowlie

Seconded By Marc Gosselin

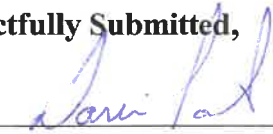
That the Information Items be received and filed.

9. Adjournment

Moved By Marc Gosselin

Meeting adjourned at 9:40 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY