

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – May 9, 2017**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on May 9, 2017 at 7:00 p.m.

In attendance:     Bob McLaughlin  
                          Carolyn LeBlanc  
                          Darin Lamont  
                          Darren Bishop  
                          Jean Place  
                          Kendall Mason  
                          Marc Gosselin  
                          S. Dwight Colbourne, P.Tech, Municipal Planning Officer  
                          Violet Brown, Secretary

Absent:

**1. Call to Order**

Bob McLaughlin called the meeting to order at 7:00 p.m.

**2. Approval of the Agenda**

MOVED BY:             Darren Bishop

SECONDED BY:         Darin Lamont

CARRIED UNANIMOUSLY

**3. Disclosure of Interest on Agenda Items**

None.

**4. Review of Previous Meeting Minutes**

MOVED BY:             Darin Lamont

SECONDED BY:         Kendall Mason

*That the Minutes of the April 25, 2017 PAC meeting be received and filed with one update on the Notice of Decision for 59 Old Neck Road whereas the variance of one decimal two (1.2) metres was the measurement for the first floor elevation and therefore the variance should be at two decimal two (2.2) metres which includes the one (1) metre above the road.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes with the following changes:**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
<i>Similar or Compatible Use to a Home Occupation – Lawn Care</i>	<i>Zoning By-law 038 Section 6.K</i>	<i>15 Kelcratis Ave, PID 30589474</i>
<i>Sign size variance</i>	<i>Sign By-law 036, Section 13.A.(1).(a)</i>	<i>138 Millennium Drive; PID 30248769</i>
<i>Sign Variance</i>	<i>By-law 036 Section 13.(A).(3)</i>	<i>9 Millennium Drive, PID 30254056</i>
<i>Foundation Elevation, Waterfront</i>	<i>By-law 038, Section 6.(F), 6.(BB)</i>	<i>59 Old Neck Road, PID 30193411</i>
<i>Foundation Elevation, Waterfront and Front Yard Setback</i>	<i>By-law 038 Sections 6.(F)(1), 6.(I) &amp; 6.(BB), 8.(E)(1)(a)</i>	<i>469 Gondola Point Road, PID 30256804</i>

MOVED BY: Marc Gosselin  
 SECONDED BY: Jean Place

*That the Notices of Decision be received and filed with the correction for 59 Old Neck Road as noted in the minutes approval.*

CARRIED UNANIMOUSLY

**6. Unfinished Business**

**a) Still Pending: Tentative Subdivision Plan: Foxborough Ridge; Off Pettingill Rd; 43 lots postponed from March 14, 2017 PAC Meeting.**

**b) 138 Millennium Drive Sign Size Variance**

MOVED BY: Darin Lamont  
 SECONDED BY: Marc Gosselin

*That the item be moved to the end of the meeting as the applicant was not present.*

CARRIED UNANIMOUSLY

**7. New Business**

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	<i>Tentative Subdivision Plan - Goldrush Drive Extension</i>	<i>Subdivision By-law 035</i>	<i>10 lots; Goldrush Drive</i>
b)	<i>Tentative Subdivision Plan - McMahon Subdivision</i>	<i>Subdivision By-law 035</i>	<i>Two lots; Off Elliot Road</i>

**a) Tentative Subdivision Plan - Goldrush Drive Extension**

Mr. Dale Steeves attended on behalf of his partner Rick Turner of 613086 NB Ltd seeking PAC approval of the tentative subdivision plan for Goldrush Drive Extension (PID 248716) proposing the creation of ten (10) Single Family Dwelling Unit building lots, the extension of

Goldrush Drive - an existing public street, the creation of Parcel "A" to be consolidated with PID 00248518, the creation of a Municipal Services Easement, and the creation of 13500 sq. metres of Land for Public Purposes.

It was recognized that a slightly different version of the plan was approved by the PAC on December 13, 2016. The previous subdivision plan proposed the construction of an emergency (secondary) access at the end cul-de-sac to address the longer cul-de-sac length. During the design of the secondary access it was found its construction would result in encroachment on the wetland area and introduce additional challenges with development of the subdivision. One of those challenges being the reopening of the Environment Impact Assessment. As a result, 613086 NB Ltd has requested the PAC to consider a revised version of the subdivision plan that proposes 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 (11) to ten (10) lots, and an increase in the total Land for Public Purposes being proposed.

Mr. Steeves asked about the staff memo regarding Lot 7 which has an area greater than four thousand square metres and the requirement of this lot to construct their dwelling at least thirty (30) metres from one side. Mr. Colbourne stated that it can be a condition of PAC to not allow further subdivision of land (lots) and that would eliminate the need to build to one side or the other.

Mr. Colbourne pointed out a small gap between the existing Municipal Services Easement and the Land for Public Purposes – north of Parcel "A". Staff is inquiring as to the possibility of some form of a land swap between the applicant and Byron Bryden (the owner of the land within the gap) in order to acquire that land for LPP purposes under this subdivision development. With this small piece of land and the existing Municipal Services Easement converted to Land for Public Purposes, it could be used as a publicly designated pedestrian trail.

Notice was sent to residents within 100 metres of the property. As there was concern for the drainage and wetlands, it was noted that a comprehensive stormwater management plan is required to be submitted to the Engineering Department for review and approval. Also noted was the recent construction of detention pond on the westerly side of the Vincent Road and how this will assist with stormwater management for this development as it will provide control of previously large flows into the low area of this area.

No one attended to speak for or against the application.

MOVED BY: Darin Lamont

SECONDED BY: Marc Gosselin

That the PAC grant approval to the Goldrush Drive Extension Tentative Subdivision Plan for the subdividing and development of PID 248716 subject to the following conditions:

1. A lot width variance of 4.0m 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 widen shoulder as per the proposed street cross-section shown on the plan;
3. Approval of the cul-de-sac length;
4. Construction or contribution to the construction of the trail connection to the Saunders Brook trail;

5. Compliance with the conditions of the Technical Review Committee of the Department of Environment and Local Government – correspondence dated July 25, 2016;
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. Enter into a Standard Development Agreement with the Town;
14. Payment of filing fees in the amount of Three Hundred dollars (\$300.00);
15. Final plans signed by property owners and necessary public utilities; and
16. The Developer review an option of swapping that small piece of land that connects the Municipal Easement with existing LPP, or realigning the borders of land noted on the Parcel 'A'.

CARRIED UNANIMOUSLY

**b) Tentative Subdivision Plan – McMahon, Two (2) Lots off Elliot Road**

Mr. Bill McMahon and Robert Viger attended seeking approval for the tentative plan and the creation of two (2) Residential Building Lots not fronting a Municipal Street (PID 231928).

As with the previous plan in 2016, this plan proposes the creation of residential lots without access off of a public street as such the PAC must approve the access as being sufficient and acceptable. (Section 5A Subdivision By-law 035 and Section 6.N Section 038).

The current state of the Private Lane was reviewed, and as indicated in the pictures taken by staff on May 5, 2017, does not reflect the previous approval request for proper drainage to be developed. Mr. Colbourne stated that the Town and PAC have the authority to establish reasonable and enforceable terms and conditions, especially where there is a duty of care to the public and the future property owners who will require unobstructed access by emergency service providers. As such, a driveable and well constructed and maintained lane way is necessary and reasonable. While the town does not have a regulatory standard for the construction of a private lane, a precedent was established with the approval of Chansa Estates. That private lane development required the submission of an engineered design for the lane to ensure proper construction and drainage. Mr. Viger stated that the construction of the private lane is being worked on currently and was only a temporary road during the winter for the construction of the dwelling.

While Storm Water Management and Surface Drainage is normally handled at the Building Permit stage, an inspection of the area has found concerns regarding the condition of the lane

way and the impact that drainage is having with sediment and erosion. As such, it is evident that proper consideration has not been given to the overall drainage in the area. Mr. Viger stated that this is also being worked on currently and includes the replacement of the culvert at the beginning of the private land and the installation of a culvert in the lane for lot 2016-1.

Mr. Colbourne noted that as indicated in the future development plan, there are at least twenty (20) more lots proposed and as such, a comprehensive stormwater management plan for a development of this size is required. He stated that PAC should consider this to be sufficient evidence to indicate that a Storm Water Management Plan is required prior to further development.

As the remnant parcel is capable of providing a variety of LPP options, the LPP plan for the development should be examined as a whole and with input from Community Services Department. Staff's recommendation is to discuss options with the Community Services department in the area and review the remnant parcel with a report back to PAC prior to Final Plan approvals.

As a condition of the previous approval, Lot 2016-1, it was noted that if the proper documentation is filed with the Town and permits are issued within the one-year time frame, any variance will then remain with the property. The Town recognized that it does not have the proper documentation for the existing building constructed, in particular, for the septic system and the dwelling itself. The province issued approval for an on-site sewer septic system for a three (3) bedroom single family dwelling which was to be constructed on the first approved lot of 2016-1, based on the application documents recorded at Service New Brunswick and Technical Inspections Division of the Department of Public Safety. However, the Town has become aware that a two-unit dwelling was constructed on the lot 2016-1, the second unit built without a building permit, which raises concern not only for proper documentation but for the capacity of the septic system to support the increase in the number of dwelling units. As Mr. Colbourne stated, when an application comes before the Planning Advisory Committee and is granted approval with conditions, and those conditions are not met, the PAC Members and the Town can be apprehensive to approve further development requests of the same standards.

From a building permit perspective, the Town's Building Inspectors stated that they will not be issuing a permit for a second building until the road is of sufficient standard to provide adequate access for firefighting. Section 9.10.20.3.(2) requires a roadway that takes into account weight of firefighting equipment, width of roadway (6m), and radius of curves (12m to centerline). The private lane for the first house was treated as a driveway and did not require compliance with these requirements, subsequent houses will require the private lane to meet the fire fighter access requirements, or written acceptance of the roadway must be provided from the Chief of the Kennebecasis Valley Fire Department.

PAC asked Mr. Viger who was responsible for the road and maintenance thereof and he stated that he was. Mr. Colbourne suggested that Mr. Viger should have an agreement with each property as they are sold to ensure the owners are aware of the private road responsibility.

PAC also asked if the dwellings were to be one or two family units and asked if they could set a condition limiting the number of units in each, noting that the first was already a two unit dwelling. This would limit the total number of dwelling units to four versus six on the private road. Mr. Colbourne stated that a legal opinion would be required on this.

Notice was sent to residents within 100 metres of the property. No concerns were received and no one attended to speak for or against the application.

MOVED BY: Darin Lamont  
SECONDED BY: Darren Bishop

That the PAC approve the Tentative Subdivision Plan with two (2) additional residential lots on a private right-of-way, not fronting a municipal street, staff would be looking for the following items as conditions:

1. A lot width variance of 24.0 metres for remnant parcel PID 231928 is approved;
2. Approval of the Private Access as proposed with clarification of the shared right-of-way with Dr. Patrick Maloney Professional Corporation;
3. Submission of a street design and stormwater management plan to the satisfaction of the Town as designed by a registered professional engineer licensed to practice in New Brunswick;
4. The private road is brought up to the standards of the National Building Code, as required by Emergency Service Providers, before building permits are issued;
5. The buildings constructed are limited to one unit dwellings until such time as the road is constructed to the standards of a public municipal street;
6. An on-site septic approvals are required by the Provincial Health Act with the same building information approved by the Town's Building Inspector;
7. A Hold Harmless Agreement to protect the Town, and to make the property and homeowners aware of the responsibilities associated with the private driveway that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
8. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowner that investment made in construction of the driveway will not be recovered if it is destroyed during construction of a public street to municipal standards;
9. A Storm Water Management plan is required and shall include a lot grading plan for Lot 2017-1 and 2017-10 with the connection to the private access to ensure there is no impact on adjacent properties and all surface drainage is directed toward a public right-of-way or existing watercourse and include the future development plans as indicated;
10. LPP obligations to be reviewed and negotiated with the Town and agreed upon prior to Final Plan approvals and prior to the issuance of any building permits;
11. No further lots are to be developed prior to the road being brought up to Municipal Standards;
12. Filing Fees in the amount of One Hundred Dollars (\$100) for a subdivision plan of two lots or less; and
13. The Final Plan is to be signed by the property owners and any applicable Public Utilities.

MOTION CARRIED with one Nay (Kendall Mason)

**6. b) Sign size variance – 138 Millennium Drive, PID 30248769**

Mr. Peter Perry of Nekashfe Investments NB Inc. attended the meeting at 7:20 p.m. and therefore the PAC reviewed his application, noted above a Unfinished Business 6.b), after the new business portion of the meeting. The fascia sign of eleven decimal three (11.3) square metres in area requires a variance of three decimal three (3.3) square metres at 138 Millennium Drive- PID 30248769.

The staff memo noted that there are two separate requirements for signage size for fascia signs; an overall maximum of 8 square meters for unlit signs, and 0.3 square metres for each meter or street frontage. This sign more than meets the second provision; the only issue PAC must evaluate is the maximum overall area of 8 square meters and whether they feel this is an appropriate limitation given the lot and location. It was recognized that the width of this lot is more than double the minimum of the zoning by-law.

Notice was sent to residents within 100 metres of the property. No concerns were received and no one attended to speak for or against the application.

MOVED BY:                 Darin Lamont  
 SECONDED BY:             Carolyn LeBlanc

That the PAC approve the fascia sign size variance of three decimal three (3.3) square metres from the Sign By-law 036, Section 13.A.(1)(a)(i)(a), at 138 Millennium Drive, PID 30248769 subject to the following condition:

1. A building permit must be issued within a one (1) year timeframe from the date of this decision.

CARRIED UNANIMOUSLY

**8. Information Items**

Council Meeting Minutes: April 4, 2017

**9. Adjournment**

MOVED BY:                 Darin Lamont

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:35 p.m.

The next Planning Advisory Committee meeting is scheduled for May 23, 2017.

Respectfully Submitted,



CHAIRMAN



SECRETARY