



QUISPAMISIS PLANNING ADVISORY COMMITTEE

MEETING MINUTES – November 24, 2020

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

Absent: John Groden

1. **Call to Order**

Darin Lamont called the PAC Virtual GoTo Meeting to order at 7:00 p.m.

2. **Approval of Agenda**

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Agenda be approved as written.

Motion Carried

3. **Disclosures of Interest**

Marc Gosselin declared a Conflict of Interest for Item 7.1, the Home Occupation application at 38 Ridge Manor Drive.

4. **Approval of Previous Minutes**

Moved By Brenda Fowlie

Seconded By Brent Preston

That the minutes of the November 10, 2020 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

- 17 Pettingill Road - Sign Setback
- 281 Hampton Road - Home Occupation
- 255 Model Farm Road - Side Yard Setback

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

6.1 Tentative Subdivision Plan - Serenity Heights Phase 2 - Stock Farm Road

Tabled from August 11, 2020 PAC Meeting

Mr. Mark Hatfield attended seeking approval for the Serenity Heights Phase 2 Subdivision Tentative Plan – an Eighteen (18) Lot Residential Subdivision off the Stock Farm Road (PID 253203).

Ms. Fowlie asked about the soil that will be removed during the Development of Phase 2, the 18 lots, streets, and courts and if the soil is being taken out of those areas. Mr. Hatfield explained that some of the soil will be stockpiled on Lot 1 (his own lot) for use within the development and some soil will be trucked off to a local pit where he has an agreement for exchange of other materials such as pit run that is required for the road construction and development. Mr. Colbourne explained that the by-law allows clearing for the right-of-way (ROW) in a subdivision and for grubbing for street limits, etc., which indicated that the developer could remove topsoil. He further explained that if the developer was stripping the land just for removing soil would that be an issue. The excavation for the roads will have excess soil that can be removed. Mr. Colbourne added that the developer will be responsible for environmental concerns such as soils that are removed so all the mitigating concerns will still be applicable. Ms. Fowlie's questions were related to the previous application in this area where the PAC reviewed the removal of soils for sale and asked for clarification that this isn't happening again.

Mr. Colbourne noted that this subdivision application was tabled for awhile due to the requirement for a revised Storm Water Management Plan (STWMP) and Local Government Services Easement (LGSE) to be shown on the plan. Mr. Colbourne showed the most recent plan on his shared screen for all those in attendance to review. He indicated how the proposed flows of water on the development plan match the natural existing channels. The Developer and his Engineering Consultant and Town Staff met to review the potential changes for LGSE and buffers between properties as well as the natural drainage flow. Some flows will be intercepted and

directed to the river through a protected LGSE versus simply on private property. Kendall Mason asked about Lot 5 and the existing channel that appears to be going through the middle of the Lot. Mr. Hatfield stated that this is the natural drainage path where the flows go to the river. The Engineered STWMP will intercept some flows and redirect effectively but some would not change. As for Lots 18 and 19, and Mr. Mason's concern for the tendency for flows to drain towards Lots 11 to 13, Mr. Hatfield stated that the natural flows that are shown on screens may not continue once street ditches are created since the flow will then change to become part of the road ditches. He added that the site drainage plan is part of the building permit application where the drainage will be addressed with swales as required.

Notice was sent to property owners around 100 metres at the time of the original request and Ms. Cindy Hampton attended this meeting and the first review. She stated that this development is directly behind their home. While she admittedly had many initial concerns for the development, she and her husband spoke with Mr. Hatfield regarding the storm water management and he promised the area would be cleaned up. Ms. Hampton said that the Hatfield team created a beautiful swale that kept the rain away, even through this last very heavy rain, and they are very pleased with the work to date. She added that if Mr. Hatfield continues the guidelines that he has kept to date and the good work he has done so far, that they have no issues with this development. Ms. Hampton reiterated that they are now in favor of the development versus being against it as they were at the start.

Moved By Brent Preston
Seconded By Marc Gosselin

That the Planning Advisory Committee support the Municipal Planning Officer in considering the approval of Serenity Heights Phase 2 Tentative Subdivision, a Plan proposing the creation of eighteen (18) residential lots, the extension of Motivation Avenue, two new public streets, 1.4 Hectares of Land for Public Purposes providing access to the Hammond River, and Local Government Services Easements, subject to the following conditions:

1. PAC approves the street names Confidence Street and Calming Court;
2. Land for Public Purposes as shown on the plan is acceptable to the PAC;
3. A street grade variance of two percent (2%) is granted by the PAC for Confidence Street with acceptance road stabilization practices be incorporated into the street design and constructed accordingly;

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 On-Site Septic System Report prepared by a qualified professional in accordance with the Public Health Act;

3. Submission of a Comprehensive Source and Supply Water Assessment (Hydrogeological Report) prepared by a qualified professional engineer;
4. 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;
5. The proposed full subdivision buildout 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;
6. 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.
7. 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.
8. Standard Development Agreements, bonding and subdivision fees will be required;
9. Subdivision filing fees in the amount of Three Hundred Eighty Dollars (\$380.00) for an eighteen (18) lot subdivision;
10. Plans to be properly signed by the necessary Public Utilities and property owners.

Motion Carried (Brenda Fowlie Nay) - Voting was done verbally and individually.

Marc Gosselin logged out of the GoTo Meeting due to a conflict of interest for the next agenda item of 38 Ridge Manor Drive, PID 30226299.

7. New Business

7.1 38 Ridge Manor Drive - Home Occupation

Mr. John-David Boyd attended seeking approval for a Home Occupation, that of a Family Plumbing Business at 38 Ridge Manor Drive, PID 30226229.

The PAC Secretary noted that the PAC Meeting was changed from a public meeting to the virtual meeting as of Monday afternoon. As the normal practice, each

application is given the opportunity to offer feedback to the staff report, and any concerns received from the notices sent to property owners in the vicinity, and Mr. Boyd had intended on handing additional information to the PAC Members during the public meeting. When notified of the change, he asked for the information to be shared with the PAC Members. Due to the time constraints, the PAC Members were not given sufficient time to review the information, which included letters of support from businesses and neighbors, so Ms. Brown asked if the Development Officer could share the information on the shared meeting screen. Mr. Colbourne shared the documents on screen as well as offered a brief review of the concerns of traffic, the lack of customers coming to the property, the values of the recent property sales in the area and other concerns that were received from the PAC notice. Mr. Colbourne noted several companies that Mr. Boyd purchases items from stated that they never deliver to that home address. Mr. Boyd reviewed some things that transpired between him and the adjacent neighbor and how he made amends with the breach of privacy and his willingness to mitigate the concerns. He stated that some of the issues were not related to the business. Mr. Boyd added that he was not the registered property owner until August of 2019 and at that time he did a substantial clean up of the property.

Mr. Colbourne reviewed the by-law background and stated that this property is not quite a Home Occupation but we have seen this type of application previously where a business is being managed out of the property but the operations are being done on other properties. He added that there must be a balance with regards to the number of vehicles and trailers to what the by-law permits so as to not overload the property and that the PAC Members need to look at the area to see if this is suitable for the business, is there impact to the residential zone, and determine if this is reasonable and desirable and in keeping with the intent of the by-law.

Darren Bishop said he visited the site on Saturday and spoke with Mr. Boyd. He found out where the property lines were, what equipment was there previously and what Mr. Boyd cleaned up. Mr. Bishop noted that many of these types of businesses run from their property and while Mr. Boyd has a large property to hold equipment, nothing was visible from the road as what was in the back was clean and respectful.

Brent Preston ask Mr. Colbourne if this application is similar to the one on Hampton Road that the PAC just reviewed, and approved, where the business is being managed on-site, but operations are done off-site. Mr. Colbourne stated it is similar to the previously approved, but this property does appear to have more vehicles and equipment stored on site compared to the last application. He added that, as Mr. Bishop noted, this is a large property and while trees were removed by accident, this situation is being mitigated. Mr. Preston added that he did not see any business operation from the road and that he actually drove by twice to try and find it. Brenda Fowlie stated that she also drove by the address and could barely see something in back of the trees, through the trees. Ms. Fowlie suggested that the PAC table this item until the Members have the opportunity to read through the

recent information sent in. Mr. Colbourne stated that if the PAC feels that they wish to review the information, they can table for this reason in order to make an informed decision. He added that the town is aware that the business is there and operating and since the applicant has proceeded with the application, staff would not rush a decision if the PAC wished to review further. He added that the package is publicly on-line and if this was to be tabled, the recent information would then be available to everyone. The Chairman asked Mr. Boyd if he had any issues with returning to the next PAC meeting and he stated that would be fine.

The Chairman noted to anyone on-line at the meeting that this will be reviewed again on December 8, 2020 and they will be welcome to return at that time.

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Planning Advisory Committee table the application of the Home Occupation, that of a Family Plumbing Business at 38 Ridge Manor Drive, PID 30226229, until next PAC meeting of December 8, 2020.

Motion Carried

Voting was done verbally and individually.

Ms. Chrissy Scott messaged Marc Gosselin to log back into the GoTo Meeting.

7.2 47 Leah Blvd - Daycare

Ms. Chunye Li attended seeking approval for a Day Care (Childcare) Facility at 47 Leah Blvd, PID 30261663. Ms. Li stated that for the last several months, some of her friends have been dropping their kids at her property for after school childcare services. Ms. Li stated that she has a Masters Degree in Early Learning and Childcare and received her certification here in Canada, plus she has been teaching Chinese Mandarin for over ten years. She stated that her friends cannot find any childcare facility here that can teach Chinese language and culture training so her and her husband proposed teaching Chinese as part of the childcare for eight children from 2:00 p.m. to 5:00 p.m. Since her husband is a musician, they also decided to teach some musical lessons on the tin flute. Ms. Li spoke to the concerns received from the PAC notice. With regards to the comments of the daycare being operated full days, Ms. Li stated that is only an occasional occurrence, not all the time. As for the noise of the flutes outside, Ms. Li apologized for this and stated that as an improvement plan, they will ensure the children do not play their instruments outside. She added that they will separate the groups so that only four kids at a time are outside. Ms. Li further added that they had not seen the children at her childcare facility play on other people's property and will ensure that the children do not go onto other people's properties. She stated that they would like to continue to teach the children Chinese language and teach them how to play the

flute for the upcoming Chinese Gala fundraiser for the Saint John Hospital Foundation. Mr. Li reiterated that their hours are Monday to Friday half days during summer but said sometimes the children come early when parents need to go to work and since they can't find anyone to look after them, she can't say no. Ms. Li was asked if they have any property lines showing the kids where they can or cannot go. Ms. Ki's husband, who was also logged into the meeting with her, said they have a lot of trees in the back yard and they could be considered as the back line between properties, that the neighbor is on a hill which is the line, the right side has a fence and the left side has lots of trees to divide the properties. Ms. Li was asked if they have a front step where the kids could practice the flutes instead of the back where they might echo more but Ms. Li stated that they will only let the children practice the flutes inside from now on. Mr. Li stated that the children could not play any instrument, so we taught them an inexpensive instrument and while it isn't a very loud instrument, together they could be so they will keep them inside for practice. Ms. Fowlie asked the PAC Members if the time should be limited so if parents came early at any time, there will not be issues for non-compliance. Ms. Li stated that the summer hours this year were special because of COVID-19 and the need for home care but they are only weekdays at this time, not weekends. Ms. Fowlie noted that the PAC has never restricted hours before. Mr. Colbourne noted that some approved Daycare Centers are open all day during bad weather, some full days, some after school, etc. The PAC Members agreed that the hours should not be restricted.

Notice of this application was sent to property owners within 100 metres of the property. One concern was received, and the concerns were addressed by Ms. Li. No one attended the meeting to speak for or against the application.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC approve the Day Care Facility at 47 Leah Blvd, PID 30261663, for the purpose of providing childcare services for seven (7) children above their own child, subject to the following terms and conditions:

1. The Day Care Operator must enter into an Agreement with Town;
2. The Day Care Facility and operation shall comply with all provisions of Zoning By-law 038 Section 6.(L)(2) and all other applicable Zoning By-law provisions;
3. The Day Care Facility and operation must comply with all Provincial regulations and conditions as may be set by the authority having jurisdiction;
4. A copy of Provincial approval(s) to operate shall be submitted to the Town for its records and reference;
5. The Day Care Operator must ensure that the children remain on the property of 47 Leah Blvd while under their care and not permit the children to trespass onto neighboring properties;

6. In keeping with the Noise By-law, loud music or musical instruments are kept inside the house so the noise does not disturb the residents in the area;
7. Any alterations to the building are subject to a Building Permit; and
8. There shall be no on-street parking.

Motion Carried - Voting was done verbally and individually.

7.3 Tentative Subdivision Plan - Wyman - Cort Avenue

Mr. Gerry Roberts of Keirstead Quigley and Roberts attended on behalf of Mr. James Torrey seeking approval for the E. Cortland Wyman Subdivision Tentative Plan and Building Setback Variance at 7 Cort Ave. (PID 73353 and 30053011). It was noted that the proposed subdivision plan is for the purpose of a boundary adjustment so the property can sell the existing house on Lot 20-1 and adjust the area of Lot 20-2 so it meets the minimum requirements for the construction of a dwelling in the Rural Zone. The Lots as proposed meet the minimum requirements as per Section 25.(E)(2) in the Zoning by-law but the boundary adjustment will result in a building setback of the existing dwelling on Lot 20-1 not being 30 metres or more from the sideline as per Section 25.(E)(3).

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

Moved By Darren Bishop

Seconded By Marc Gosselin

1. The PAC grant a sideline setback variance from Section 25.(E)(3) for Lot 20-1 subject to the existing accessory building on Lot 20-2 not being used as a dwelling unless renovated and complies with the National Building Code and any applicable provisions of the Zoning By-law.
2. The future development of Lot 20-2 for Residential Use be subject to:
 - a. An on-site septic approval is required by the Provincial Health Act;
 - b. Onsite privately own drilled wells for potable water source and supply; and
 - c. Issuing of a Building Permit for the construction of a main dwelling and building incidental to the main dwelling use.
3. There is no LPP obligations for this subdivision boundary line adjustment; and
4. The Final Plan is to be signed by the property owners and any applicable Public Utilities.

Motion Carried - Voting was done verbally and individually.

7.4 Tentative Subdivision Plan - Silliphant - Chamberlain Road

Mr. Gerry Roberts of Keirstead Quigley and Roberts attended on behalf of Silliphant Holdings Ltd seeking approval for the Silliphant Subdivision Tentative Plan and Lot Width Variance at 50 Chamberlain Road (PID 30248355).

Mr. Roberts noted the previous application, also reviewed by Mr. Colbourne in his staff report, for the subdivision of this same lot that the PAC granted approval for on September 8, 2020. That plan proposed the creation of three (3) lots with a private access, but the property owner withdrew the tentative plan because of the expense of constructing the private lane and is now proposing a two (2) lot subdivision of the same parcel of land. Lot 20-1 meets all the requirements of the Zoning By-law with respect to lot size and fronting a municipal street; however because of the elevation difference from the Chamberlain Road to the lot, the construction of a driveway directly from the Chamberlain Road will be challenging. To address this issue, the plan proposes a right-of-way over Lot 20-2 in favour of Lot 20-1 so the driveway access to the dwelling will be at a more suitable location with more reasonable grade. Lot 20-2 requires a lot width variance as it does not meet the minimum lot width of 30 metres in the R1 zone. The lot does contain the necessary area for a lot located in the R1 zone but not serviced by municipal sewerage.

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

Moved By Darren Bishop
Seconded By Kendall Mason

The PAC support the Development Officer's approval of the Silliphant Subdivision Tentative Plan by granting the following variances:

1. A ten (10) metre lot width variance for Lot 20-2;
2. A Foundation Elevation variance for Lots 20-1 and 20-2 subject to the property owners executing Hold Harmless Agreements with the Town regarding driveway access and dwellings being located below the Chamberlain Road, and to make the homeowners aware of the responsibilities associated with the driveway(s) that do not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
3. The line of site be approved by the Town or DOT;
4. An on-site septic approval is required by the Provincial Health Act;
5. Onsite privately own drilled wells for potable water source and supply;
6. LPP obligations are met through cash-in-lieu in the amount of One Thousand Five Hundred dollars (\$1500);
7. Filing Fees in the amount of One Hundred dollars (\$100) for subdivision plan of two lots;

8. Review and approval of Silliphant Subdivision plan by the Department of the Environment with a copy of any permit and recommendations submitted to the Town before the issuing of a Building Permit;
9. The Final Plan is to be signed by the property owners and any applicable Public Utilities; and
10. The development of the subdivision and the private access must be completed as per all applicable Town By-laws, and policies thereto.

Motion Carried - Voting was done verbally and individually.

8. Information Items and/or Discussion

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Moved By Brent Preston

Seconded By Marc Gosselin

That the Information Items be received and filed.

Motion Carried

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY