

**PLANNING ADVISORY COMMITTEE
MINUTES – October 13, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, October 13, 2015 at 7:00 p.m.

In attendance: Bob McLaughlin
 David Carlson
 Darin Lamont
 Darren Bishop
 Jean Place
 Marc Gosselin
 Mark Hatfield
 Violet Brown, Secretary
 S. Dwight Colbourne, P.Eng, Municipal Planning Officer

Absent: Pierre Rioux, Councillor

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: Darin Lamont
SECONDED BY: Marc Gosselin

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: David Carlson
SECONDED BY: Jean Place

That the Minutes of the September 22, 2015 PAC meeting be received and filed.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Parking lot in front setback	By-law #038, Section 18.(I)(1)	157 Palmer Brook Road
House: Foundation Elevation, Waterfront and Over Height, Detached Garage: Height, Beyond Front Line of Dwelling, Over Sized	By-law #038 Section 6.(F)(1), 6.(BB)(1)(a), 8.(F)(1) By-law #038 Section 8.(G)(1)(a), 8.(G)(1)(b)(i), 8.(G)(1)(c)	503 Misty Cove Lane
Front Yard Setback	By-Law #038 Section 25.(M)	393 Bradley Lake Road
Tentative Plan – Kings View Subdivision Phase 18	By-law # 035	Kingsway Drive

MOVED BY: Mark Hatfield

SECONDED BY: David Carlson

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

None

7. New Business

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Beyond Front Line of Dwelling & Front Yard Setback	By-law No. 038 Section 25.(O)(1)(a)(i) & 25.(O)(1)(a)(ii)	704 Hampton Road; PID 00253591
b)	Detached Garage Beyond Front Line of Dwelling, Setback to Main Dwelling	By-law #038 Section 8.(G)(1)(b)(i) and (iii)	13 Stoneycroft Road; PID 25499
c)	Side Yard Setback	By-law #038, Section 8.(E)(1)(b)	19 Hardwood Crescent; PID 30197354
d)	Foundation Elevation Variance	By-law #038, Section 6.(F)(1)	13 Sky View Terrace
e)	Tentative Subdivision Plan	By-law #035 & Section 8.(C) of #038	Extension of Kingsway Drive

a) Frontline Setback – 704 Hampton Road – PID 00253591

Mr. Brian Hook attended on behalf of the property owners, David & Nancy Nicholson, to request approval for a detached garage to be located beyond the front line of the main dwelling and forty-five decimal five feet from the front property line. Prior to the issuance of a Building Permit for the proposed structure, a By-law variance is required from Zoning By-law No. 038 Section 25.(O)(1)(a)(i) and Section 25.(O)(1)(a)(ii).

The location of the detached garage will be 45'6" from the front yard line, approximately 75'0" from the side yard line and will be approximately 10'0" away from the main dwelling. Based on the proposed location, no other setback variances are required. Based on the slope of the land and the intended foundation construction, the location selected by the applicant is the only reasonable place for placement of the structure. Placing the garage in line with the house would require either, the importation of fill and a geotechnical report, or a full frost wall, both

of which would significantly increase the cost of construction. The size of the accessory building is 20' x 20' and is compliant with Zoning By-law for a Rural (RU) lot that exceeds 5,000 square metres; the lot is 5933 square metres.

Notice was sent to all property owners within 100 metres of the subject of property; no concerns received.

MOVED BY: Jean Place

SECONDED BY: Mark Hatfield

That the PAC approve the variance from By-law No. 038 Section 25.(O)(1)(a)(i) for a detached garage to be constructed such that the placement is beyond the front line of the main dwelling and the variance of four feet six inches from Section 25.(O)(1)(a)(ii) for the front yard setback at 704 Hampton Road – PID 00253591, subject to the following conditions:

1. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
2. The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit

CARRIED UNANIMOUSLY

b) Frontline Setback – 13 Stoneycroft Road, 00254599

Mr. James Stevens of True Builders Ltd. on behalf of the property owner, Shirley Walsh, is requesting a zero decimal six (0.6) meter variance from By-law 038 Section 8.(G)(1)(b)(i) in order to have a detached garage located partially within the front yard of the main building at 13 Stoneycroft Road, 00254599.

The lot is located in a One and Two Family (R1) Zone, with a lot size of 1490 square meters. It was noted that there is a fairly steep slope at the rear of the driveway that would preclude this type of construction and require a full foundation if the garage were placed in line with the existing house. This change would significantly increase the cost of the structure.

Notice was sent to property owners within 100 meters of the property, no concerns were received.

MOVED BY: Darren Bishop

SECONDED BY: Darin Lamont

That the PAC approve a zero decimal six (0.6) meter variance from By-law 038 Section 8.(G)(1)(b)(i) in order that a detached garage may be constructed beyond the front line of the main dwelling at 13 Stoneycroft Road, PID 00254599, subject to the following terms and conditions:

- 1) The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
- 2) The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

c) Side Yard Setback – 19 Hardwood Crescent, 30197354

Mr. Scott of R. J. Scott Homes Ltd., on behalf of the property owner, Ather Naseemuddin, attended requesting a sideline setback variance of zero decimal nine (0.9) from By-law 038 Section 8.(E)(1)(b) metres at 19 Hardwood Crescent, 30197354 in order to construct an addition onto the existing home for the use of an in-law suite.

The lot is located in a One or Two Family (R1) Zone, with a lot size of 1696 square metres. The unique shape of the lot was noted and it was recognized that it would be unlikely that a neighbor would build within the area in question, thus leaving the intended separation between buildings.

Notice sent to property owners within 50 meters metres of property; with one concern received regarding the trees adjacent to where the construction would take place. The property owner of 28 Hardwood Crescent is immediately across the street from the trees and would like to see them preserved. Based on the construction, it is unlikely that these trees would be impacted, unless the property owner asked for their removal.

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

That PAC grant the side yard setback variance of zero decimal nine (0.9) metres at 19 Hardwood Crescent, PID 30197354 for the addition to the main dwelling.

CARRIED UNANIMOUSLY

d) Foundation Elevation Variance – 13 Sky View Terrace, PID # 30257166

Ms. Vanessa Reid attended requesting a Foundation Elevation Variance of five (5) metres from By-law 038 Section 6(F)(1) at 13 Sky View Terrace, PID # 30257166.

The lot is located in a RU Zone, with a lot size of 5208 square meters. The intent of this By-law section is to protect the structure and the neighboring properties from any potential drainage problems. The natural slope of the lots along this side of Sky View Terrace requires the house to sit below the road, which is the case for most of the existing homes in the area. Surface run off for the lot will flow to the rear yard area and not toward neighboring properties.

Notice was sent to property owners within 100 metres of property; one concern was received from Mr. Robert Danells at 382 French Village Road. Mr. Danells concerns are related to drainage. The proposed variance will not negatively affect surface water drainage to neighboring properties. The requested variance is actually necessary in keeping the slope of the property as close as possible to the original grades and parallel to the grades of the neighboring properties. Additionally, there is a vacant property of approximately 6 acres between 13 Sky View Terrace and 382 French Village Road which will remain untouched.

MOVED BY: Darin Lamont

SECONDED BY: Marc Gosselin

That PAC grant approval for the five (5) metre Foundation Elevation Variance at 13 Sky View Terrace, subject to the following terms and conditions:

- 1) A “Hold Harmless” agreement is completed releasing the Municipality from any and all liability for personal or property damages resulting from surface water runoff;
- 2) A Site Drainage Plan must be submitted and approved by the Building Inspection Department to ensure that surface drainage is being directed away from the structure; and
- 3) An approved Site Drainage Plan must be provided to future Property Owner(s) so that they are aware of how the lot grading is to be maintained, to protect the structure (their home).

CARRIED UNANIMOUSLY

e) Tentative Subdivision Plan – Kings View Phase 19

Murray Carpenter of Langard Ltd. attended seeking approval of a tentative subdivision plan, Kings View Subdivision Phase 19, proposing to create one (1) new public street – Blenheim Court and twelve (12) Single-Family Residential lots with ten (10) lots fronting and having access off Blenheim Court and two (2) lots fronting and having access off Squire Drive. Also creating a Municipal Services Easements (MSE) between Squire Drive and Blenheim Court and along the rear of 622848 Ltd. and proposed Lot 166 for the purposes of extending municipal sanitary sewerage service.

As the proposed subdivision is located in the Single or Two Family (R1) zone, the following lots will require lot width variances as the proposed widths do not meet the minimum requirement of thirty (30) metres in accordance with Section 8(C) of Zoning By-law 038:

Lot 161 – 1.94m; Lot 162 – 1.46m; Lot 164 – 3.00m; Lot 167 – 3.00m; Lot 168 – 1.42m; Lot 170 – 1.50m; Lot 171 – 1.50m. The lots requiring variances exceed the minimum lot area of 1140 sq. m as the lot depths are greater than the minimum depth of 38.0m – as such the lots are acceptable for the purpose of constructing a single family residential home.

Streets: A centerline profile has not been submitted for proposed new public street (Blenheim Court) as such its compliance with the street grade requirements can’t be confirmed; a street profile will be required prior to final plan approvals. The court length is in compliance with the Subdivision By-law. The street name was checked against the Master Street Address Guide database and the name is acceptable for 911 purposes.

Access to the Lots 166 may require line-of-sight verification for vehicles approaching from the north on Squire Drive. There is a slight curve in the road on this area coming of a knoll to the north.

Sanitary Sewerage: The developer is proposing to extend municipal sanitary sewerage to all lots including those fronting Squire Drive. Service to lots 165 and 166 will be along the rear of the property line via the MSE. Planning staff is recommending the creation of a MSE along the 3.14m front property line of Lot 163. This will provide for potential future municipal sanitary sewerage being extended to Lot 24 – 61 Squire Drive. As well, the creation of a MSE is required along the rear of Lots 160 – 163 to complete the required 6.0m easement as planned for during the development of Bogswell Court.

The MSE between Squire Drive and Blenheim Court is to extend municipal sanitary sewerage service to Phase 8 of Country View Estates. As the PAC will recall on the previous phases of Kings View, the owner of 622848 N.B. Ltd addressed the PAC regarding the need for the easement and the proposed arrangement between Langard Ltd and 622848 N.B. Ltd. This

MSE will provide for that arrangement. Furthermore, under the authority of the Community Planning Act, the municipality does have the authority to require the easement as a condition of approval regardless of the status of the arrangement should it demonstrate that it will be enhancing the future development in the area – higher density and better land use.

The developer is required to submit professionally engineered design drawings for the sanitary sewerage system. These drawings have not yet been submitted to the Town for review.

Potable Water: The Developer has requested the lots be serviced via individual on-site wells. As the subdivision will be creating ten (10) or more lots, Section 8.(C)(i)(c) of Subdivision By-law 035 requires the submission of an abbreviated water study; however as there has not been a comprehensive water study completed for the area covering Phase 17, 18 or 19 of the development a comprehensive water study is required. This requirement will not be waived by submitting subsequent smaller phases of the same area.

Stormwater Management: The Developer will be required to submit a stormwater management plan covering the proposed phase. The stormwater management plan for the other areas proposed a system of open ditches, culverts and swales. A detailed design will be required specific for this phase including a lot grading and drainage plan for the lots. The previous phases proposed the use of the retention pond constructed under phase 17 – it would be reasonable for this phase to make use of the area pond as well; however confirmation that the system was designed to handle this development will be required.

The Developer continues to allow ditches fronting properties to be piped subsequent to final approvals and without the proper design of an engineer. When the stormwater management plan for the development is based on ditches and culverts and those ditches are then piped without proper consideration given to the overall stormwater management plan, it can negatively impact the development. If the developer desires and sales the lots as piped ditches then it must be incorporated with the engineered stormwater management plan, not haphazard manner after Town approvals. Where this continues, the Town may not accept the infrastructure or the overall development, and future building permits may be withheld.

Land For Public Purposes: LPP for the subdivision will be through the dedication of 1691 sq. metres of land. This land is from the proposed land bank being PIDs 252973 and PID 30268429. These PIDs are to be vested to the Town has part of this subdivision approval process has they have been identified for LPP for earlier phases of the Kings View development.

Concerns from the Town's Engineering Department were reviewed on previous phases of the Kings View Subdivisions with a request that the deficiencies be completed before another phase has started. The following are the items reviewed at the meeting:

Kings View Phase 16 - a cbmh is required at the pipe connection between civic 90 and 94 and unfinished swales to be completed.

Kings View Phase 17A - Service Cards and asbuilts, any ditch infills must be approved by Brunswick as open ditch concept was approved by the Town, a letter from Brunswick accepted by Town allowing proposed road structure using native material.

Kings View Phase 17B - Service cards and asbuilts, base aggregate testing and a report indicating the design that was followed, proof rolls with a loaded truck to demonstrate

stability, air and video testing, and updated engineering drawings to address storm management plan which should include easements and updated storm drawings.

Kings View Phase 17C (name changed to Phase 19) - Engineering drawings and registered plans, bonds and all necessary agreements between property owners (Donovan & Developer).

It was noted that all engineering plan submissions must match the registered legal plans for all phases, including the revisions, and the bonding must be set appropriately.

Mr. Carpenter stated that he met with his engineering department in the morning to review these deficiencies and that all should be looked after by the end of the month. He also stated that it may be a year before he moves forward with the phase as he realizes that other projects need work and since he feels the customer comes first, he will finish these projects first.

Mr. Carpenter noted that he had an arrangement with Mr. Donovan; once funds and easement agreement were received, Mr. Donovan could hook up to the sewer for his lots on Squire Drive. Mr. Carpenter stated that the air and video tests were completed and asked the Town to accept it. Mr. Colbourne stated that the Town can review the test results and state if the infrastructure meets the requirements but the Town cannot own this until the court is developed and the phase is ready.

It was also noted that building permits were not to be issued on Squire Drive until the easement plan is registered with Service New Brunswick and a copy is received by the Town.

Notice was sent to residents within 100 metres of property; concerns were received. As with Phase 17, correspondence expressing concern for traffic has been received from several residents, particularly for the intersection of Route 119 and Quispamsis Road. This area was studied in 2014 by exp as part of an overall study of the intersections and traffic flows along Gondola Point Arterial. The intersection does not have a level of service rating that warrants the signalized intersection; however it is continually being monitored.

MOVED BY: Darin Lamont

SECONDED BY: Mark Hatfield

That PAC grant the approval for the tentative subdivision Kings View Subdivision Phase 19 subject to the following conditions:

- 1) The list of deficiencies noted above on the October 8, 2015 letter to Mr. Carpenter be completed prior to final approval;
- 2) Lot width variances for the following lots: Lot 161 – 1.94m; Lot 162 – 1.46m; Lot 164 – 3.00m; Lot 167 – 3.00m; Lot 168 – 1.42m; Lot 170 – 1.50m; Lot 171 – 1.50m;
- 3) Submission of street centreline profile for Blenheim Court;
- 4) Line-of-sight analysis for lot access to Lot 166;
- 5) Submission of engineered design drawings for the sanitary sewerage system to the Town for review and approval;
- 6) Final subdivision plan to have additional Municipal Service Easement along rear of lots 160 - 163, across the top corner of lot 163 from Blenheim Court to the rear of lot 24 (61 Squire Drive);

- 7) Submission of a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;
- 8) Submission and approval by the Town of a comprehensive Stormwater Management Plan inclusive of engineered design drawings of the proposed stormwater management system and a lot grading plan. The Stormwater Management Plan must identify any areas where easements are required and these are to be incorporated into the final subdivision plan prior to final approval;
- 9) LPP obligations to be determined through dedicated of 1691 sq. metres of land – those being from PIDs 252973 and 30268429;
- 10) Standard Development Agreement, bonding and subdivision fees will be required;
- 11) Subdivision filing fees in the amount of Three Hundred Twenty dollars (\$320.00) for a twelve (12) lot phase; and
- 12) Plans to be properly signed by the necessary utilities and owners

8. Information Items

Council meeting minutes of September 1, 2015

9. Adjournment

MOVED BY: David Carlson

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:40 p.m.

The next Planning Advisory Committee meeting is scheduled for October 27, 2015.

Respectfully Submitted,



CHAIRMAN



SECRETARY