



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – September 13, 2022

Present: Darin Lamont Marc Gosselin
 Darren Bishop Chrissy Scott, GIS Technologist
 Kendall Mason Jennifer Jarvis, Planning Technologist
 Brent Preston Violet Brown, PAC Secretary

Absent: Brenda Fowlie Mark Guest
 S. Dwight Colbourne, Municipal Planning Officer

1. Call to Order

Darin Lamont called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Please note that the application for 662 Gondola Point Road has been deferred to the September 27, 2022 PAC Meeting.

Moved By Brent Preston

Seconded By Marc Gosselin

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Darren Bishop

Seconded By Kendall Mason

That the minutes of the previous PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Brent Preston

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 5 Firefly Crescent - Accessory Buildings (Splash Pad)

Mr. Chris Lawrence attended on behalf of the Town seeking approval for the accessory buildings to be used for Shelter and Public Washrooms as part of the Town of Quispamsis Firefly Park Splash Pad Development at 5 Firefly Crescent, PID 00251900.

Ms. Jennifer Jarvis reviewed the application noting that Section 23.(B)(1)(a) of Zoning By-law No. 038 states that the use of an accessory building in the Parks and Recreation Zone is a Discretionary Use and as such requires a review and approval by the Planning Advisory Committee. The proposed accessory building gross floor area dedicated to the family washrooms is thirteen decimal seven (13.7) square metres, each washroom having approximately six decimal eight (6.8) square metres. The overall building footprint is thirty-five decimal eight (35.8) square metres, the remaining twenty-two decimal one (22.1) square metres is dedicated as a mechanical room / janitorial room to support both the splash pad and the washroom facility. Ms. Jarvis added that the improvements to the park were approved by Council on July 19, 2022. The proposed development is before PAC for the committee to consider approval of the accessory building as a necessary facility as a Discretionary Use to support the operation of the splash pad.

Mr. Jarvis stated that notices were sent to properties within 100 metres and six correspondences were received with a variety of concerns; all letters received highlighted concerns related to increased traffic and parking, drainage concerns, lighting, landscaping (including the lack of sun protection for parents and caregivers of children using the park) and reduced property values. Staff have looked at the traffic and parking concerns noting there are currently available ten (10) parking stalls, including one (1) barrier free stall at the Firefly Park and further parking on Equality Lane which is within 145 metres of the subject lot and provides seventy-five (75) parking stalls. She further responded to the concern for water by explaining that the design has water recycled and filtered so that it is not a constant draw of water from any well.

Mr. Brent Quinn of 94 Lake Road attended the meeting to voice his opposition to the project, from the beginning, which he added was explained to the residents one week after the test well was drilled. He stated that he objects to the amount of money being spent on this project and while he understands that it's a joint effort between the federal, provincial and town governments, to spend near \$1 million on a splash pad is not only ridiculous but a complete misuse of taxpayers' dollars. In reading the letter he sent in response to the PAC Secretary's notice, he added that during these economic times this money could have been better spent for the

good of the people of Quispamsis, and that he could think of half a dozen projects that would better serve the community. Furthermore, he stated that the location is wrong for many reasons. If there had been any thought put into this, or perhaps consultation with the residents that it is going to directly affect before the well was drilled, another more suitable solution could have been found. He said this park is used by many from seniors to daycare children, walking and jogging groups and dog walkers. Mothers can walk around the park pushing strollers, children ride their bikes and scooters without fear of traffic because of the quiet location the park affords them, and .this will all be gone with the influx of traffic a splash pad will generate. He also added that this will affect property values especially those adjacent the proposed project with taxes going up but values will drop. Mr. Quinn stated that he felt no serious consideration was put into the planning of this project and certainly no concerns of the residents were considered until after the fact. It appears to him that all this is a notch in someone's belt, a resume builder if you like, not in the least the best interest of residents. He noted that he was very upset over this and hoped that cooler heads will review and reconsider.

No one else attended to speak for or against.

Mr. Lawrence stated that Town Staff has talked to Mr. Quinn and other residents and are working through the concerns as they move on with the project.

Moved By Brent Preston
Seconded By Kendall Mason

That the Planning Advisory Committee approve the Discretionary Use of an accessory building to provide public washrooms and mechanical / janitorial support as a Discretionary Use as per Section 23.(B)(1)(a) of Zoning By-law 038 at 5 Firefly Crescent, PID 00251900, subject to the following terms and conditions:

1. A Building Permit is obtained prior to construction.
2. The Community Services Department in collaboration with the Engineering Department draft a mitigation plan to address any traffic concerns that arise, which may include the designation of the parking in the area as drop-off and barrier free, traffic calming measures, etc.; and
3. Residents wishing to participate in the selection of the reasonable screening measures to mitigate any visual impacts from the Development be formally notified of a meeting time as scheduled by the Community Services Department and given an opportunity to be involved in the selection process.

Motion Carried

7.2 4 Sycamore Drive - Fence Height in Front Yard

Terry and Cheryl Roach attended seeking approval to erect a fence such that it is one decimal eight (1.8) metres in height in a front yard, located at 4 Sycamore Drive, PID 30018139.

Ms. Jarvis reviewed the application stating that as per the Town's Zoning By-law 038, Section 6.(S)(2), except for a security fence of chain link construction, no fence in a front yard may exceed zero decimal seventy-five (0.75) metres in height. She added that the fence is being requested to provide privacy between the landowners at 4 Sycamore and 1 Leeswood Drive. The proposed fence is to be constructed of a solid white wooden tongue in groove picket design that is to be installed by a professional fencing company. The length of the proposed fence is nine decimal seventy-five (9.75) metres.

The applicant's letter stated that the adjacent property is running a sawmill type of operation and Ms. Jarvis noted that the Town has started correspondence with the owner asking for compliance to the Zoning By-law.

Ms. Jarvis added that notices were sent to properties within 50 metres. No correspondences were received, and one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Darren Bishop

That the Planning Advisory Committee approve the one decimal zero five (1.05) metre variance to Section 6.(S)(2) of the Town's Zoning By-law No 038, to allow a fence height in a front yard of one decimal eight (1.8) metres in height at 4 Sycamore Avenue, PID 30018139, subject to the following terms and conditions:

1. Lot lines are clearly delineated prior to construction, if the property pins are not identifiable, a professional surveyor licensed by the Province of New Brunswick should be hired to locate and mark the property lines; and
2. A building permit is obtained prior to any construction.

Motion Carried

7.3 36 Sheraton Avenue - Fence Height Front Yard

Zen Hiew & Cindy Millett attended seeking approval to erect a fence such that it is one decimal five (1.5) metres in height in a front yard, located at 36 Sheraton Avenue, PID 30348718.

Ms. Jarvis reviewed the application noting that as per the Town's Zoning By-law 038, Section 6.(S)(2), except for a security fence of chain link construction, no fence in a front yard may exceed zero decimal seventy-five (0.75) metres in height. She added that the Lot is found at the corner of Sheraton Avenue and Maddie Lane so from a planning perspective this configuration results in the

property having two front yards, one abutting Sheraton Avenue, and the other abutting Maddie Lane. The applicants are seeking a zero decimal seventy-five (0.75) metre variance to Section 6.(S)(2), to allow a fence height of one decimal five (1.5) metres to be located in a front yard, specifically the front yard abutting Maddie Lane. Furthermore, there is a five (5) metre wide Public Utility Easement that runs the length of the southern lot line, abutting Maddie Lane. The applicant did seek permission from NB Power to erect the fence within this easement. A letter of permission was provided subject to a list of reasonable terms and conditions.

Notices were sent to properties within 50 metres. No correspondences were received, and one attended to speak for or against this application.

Moved By Marc Gosselin
Seconded By Kendall Mason

That the Planning Advisory Committee approve a zero decimal seventy-five (0.75) metre variance to Section 6.(S)(2) of the Town's Zoning By-law No 038, to allow a fence height in a front yard of one decimal five (1.5) metres at 36 Sheraton Avenue, PID 30348718, subject to the following terms and conditions:

1. Lot lines are clearly delineated prior to construction, if the property pins are not identifiable, a professional surveyor licensed by the Province of New Brunswick should be hired to locate and mark the property line;
2. The landowners must adhere to the terms and conditions outlined in a letter of permission to erect a fence within a Public Utility Easement; and
3. A building permit is obtained prior to any construction.

Motion Carried

7.4 6 Lyman Drive - Oversize Accessory Building

Natalie Gaddess attended seeking approval to construct an accessory building of thirty-five decimal eight (35.8) square metres on the property of 6 Lyman Drive, PID 00109678.

Ms. Jarvis reviewed the application noting several variances on this corner lot. The Zoning By-law No. 038, Section 8.(G)(2)(c) states that no accessory building shall exceed twenty-three (23) square metres, and Section 8.(G)(1)(b)(ii) and Section 8.(E)(1)(a) states that no accessory building shall be located any closer than seven decimal five (7.5) meters of a street. She added that the notification letters that were sent to neighbouring properties within 50 metres of the proposed development at 6 Lyman Drive were issued without mentioning the request of a four decimal five (4.5) metre front yard setback. This was an oversight on the part of staff, however, the PAC Secretary confirmed that the site plan attached to the notice showed the setback to Russel Drive was proposed at three decimal zero (3.0) metres.

Ms. Gaddess stated she had been in discussion with NB Power concerning the location of the electrical entrance and overhead wires in proximity of the proposed building. Due to the requirement of construction being three feet from any power lines, the only change may be moving the structure closer to the house than anticipated. Ms. Jarvis noted there would be no further variances, just the required the size and setback variances previously stated.

Notices were sent to properties within 50 metres. No correspondences were received, and one attended to speak for or against this application.

Moved By Darren Bishop
Seconded By Kendall Mason

That the Planning Advisory Committee approve a twelve decimal seven (12.7) square metre size variance to Zoning By-law Section 8.(G)(2)(c) and approval of a four decimal five (4.5) metre variance to Section 8.(E)(1)(a) for the setback along Russell Drive, for the construction of an thirty-five decimal seven (35.7) square metre accessory building located at 6 Lyman Drive, PID 00109678 subject to the following terms and conditions:

1. The side lot line is clearly defined prior to construction, if the property pins are not identifiable, a professional surveyor licensed by the Province of New Brunswick must be hired to locate and mark the property line;
2. The cladding is to be recognized by the National Building Code, current adopted edition;
3. The building is not to be used as living quarters, for business or for the keeping of livestock, and
4. A building permit is obtained prior to any construction.

Motion Carried

7.5 26 Vincent Road - Detached Garage - Height, Setback, Size

Paul Boudreau attended seeking approval to construct a seventy-two decimal forty-six (72.46) square metre detached garage on the property of 26 Vincent Road, PID 00244251 and PID 00090308. Mr. Boudreau apologized for not having a permit stating that he hired a contractor, paid him \$40 thousand dollars which he was told included a permit, but the contractor left without a word and he is now applying for construction and variance applications.

Ms. Jarvis reviewed the application noting four variances. As per Zoning By-law No. 038, Section 8.(C)(1), no main building or structure may be placed, erected or altered, on a lot unless the lot meets the minimum requirements outlined on Table 3 in the by-law. Staff recommend that a lot consolidation of the two parcels of land be completed prior to the issuance of a Building Permit to bring the subject lot into compliance with the Zoning By-law, including lot size, and setback. Once

the lot consolidation is complete there will be approximately twenty-one decimal four (21.4) metres of lot frontage, therefore an eight decimal six (8.6) metre variance to Section 8.(C)(1) will be required. As per Section 8.(G)(1)(a), no accessory building used as a detached garage shall exceed five (5) metres in height. The height of the building is proposed to be seven decimal one (7.1) metres; therefore, a two decimal one (2.1) metre variance is required. As per Section 8.(G)(1)(b)(iii), no accessory building or structure used as a detached garage may have any part located within three (3) metres of the main building on the lot. With the proposed location, a zero decimal eight (0.8) metre variance will be required. As per Section 8.(G)(1)(c) no accessory building used as a detached garage shall exceed sixty three (63) square metres in area. The proposed garage is seventy-two decimal five (72.5) square metres, therefore a nine decimal five (9.5) square metre variance will be required.

Notices were sent to properties within 50 metres. No correspondences were received, and one attended to speak for or against this application.

Moved By Brent Preston
Seconded By Darren Bishop

That the Planning Advisory Committee approve a nine decimal five (9.5) square metre variance to Zoning By-law Section 8.(G)(2)(c), approval of two decimal one (2.1) metre variance to Section 8.(G)(1)(a) to allow for a building height of seven decimal one (7.1) metres, approve a zero decimal eight (0.8) metre variance to Section 8.(G)(1)(b)(iii) to permit the detached garage to be two decimal two (2.2) metres from the main building, and approve an eight decimal six (8.6) metre variance to Section 8.(C)(1) to permit a frontage of twenty-one decimal four (21.4) metres located at 26 Vincent Road, PID 00244251 and PID 00090308, subject the following terms and conditions:

1. PID 00244251 and PID 00090308 be consolidated prior to the issuance of a Building Permit;
2. A Site Drainage Plan is submitted and accepted by the Town prior to the issuance of a Building Permit;
3. All lot lines are clearly defined prior to construction, if the property pins are not identifiable, a professional surveyor licensed by the Province of New Brunswick must be hired to locate and mark the property line;
4. A building permit is obtained prior to any construction;
5. The cladding is to be recognized by the National Building Code, current adopted edition; and
6. The building is not to be used as living quarters, for business purposes, or for the keeping of livestock.

Motion Carried

7.6 662 Gondola Point Road - Deferred to September 27th Meeting (Dog Training & Daycare)

7.7 Heritage Estates Lot 21 - Remnant Lot

Andrew Toole attended on behalf of Andrew McKay seeking approval for the Heritage Estates Land for Public Purposes (LPP) Subdivision Plan and Lot 21 Lot Variances - PID 30295703.

Ms. Jarvis stated that the plan is before the PAC as it proposes the creation of Land for Public Purposes and results in a Lot 21 not complying with the minimum lot dimensions as per Section 8.(C)1 of Zoning By-law 038. As such, a three decimal thirty-three (3.33) meter width variance is required, a three decimal twenty-three (3.23) metre depth variance, and a two hundred and thirteen (213) square metre lot area variance. Ms. Jarvis reminded the Committee that the slope for the originally proposed walking trail was dangerously steep, so the lot was redesigned, and the trail changed to a switchback design for less direct route over the steep grade. She also noted the concerns of the Municipal Planning Officer for remaining deficiencies in the subdivision and that the Development Agreement for this subdivision had expired again, after an extension to that agreement was already granted. Mr. Colbourne had stated in his staff report that these must be completed without further delay and the Town will be undertaking the necessary steps to have the deficiencies completed as per the provisions of the Development Agreement. It was asked what the process is to guarantee deficiencies are completed and it was noted that the town can secure the bonding that was in place and can hold permits from being issued.

Mr. Toole noted the trail was completed as of the date on the tentative plan, but other deficiencies include curb drops and sidewalk cracks for instance and Mr. McKay wants to do them when he finishes Phase 2.

Moved By Brent Preston

Seconded By Kendall Mason

1. That the Planning Advisory Committee support acceptance of the land set aside for LPP and recommend approval of the Plan; and
2. The Planning Advisory Committee grant the following three variances for Lot 21 subject to all outstanding deficiencies within Phases 1 and 2 being addressed to the satisfaction of the Town staff:
 - i) a three decimal thirty-three (3.33) meter width variance,
 - ii) a three decimal twenty-three (3.23) metre depth variance, and
 - iii) a two hundred and thirteen (213) square metre lot area variance.

Motion Carried

7.8 Carson Hills Subdivision - Tentative Plan

Andrew Toole attended on behalf of Andrew MacDonald seeking approval for Carson Hill Estates Phase 2A Tentative Subdivision Plan, PID 00230649.

Ms. Jarvis reviewed this application of the creation of two (2) building lots, one hundred and eleven decimal three (111.3) metres extension of a public street – Cranberry Avenue, and the creation of a Public Utility Easement. She noted this was a rural zone with sewer provided on-site as well as potable water. There will be no requirement for a water study with two lots but overall, the parcel of land can create twenty-five more lots so any further subdivision will require a Comprehensive Source and Supply Water Assessment. Ms. Jarvis added that the Land for Public Purposes (LPP) for this development have not been finalized with the Town. In the memo to Council for assent of Phase 1 of this project it was stated that the LPP obligations for this phase will be met through land dedication for the purpose of pedestrian trail construction in a subsequent phase in the area that will provide a connection between the Hammond River Road to the Model Farm Road utilizing a portion of the Old Lambs Ferry Road public right-of-way.

It was asked how this development will connect to the adjacent property. Mr. Toole stated that the connection has already been resolved with the other property owner, but the developer is just looking at two lots until next year.

No notice was required as there are no variances, and no one attended to speak for or against this application.

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Planning Advisory Committee support the Municipal Planning Officer in considering the approval of the Carson Hill Estates Phase 2A Tentative Subdivision Plan proposing the creation of two (2) new single-family building lots, the extension of Cranberry Avenue, and the creation of a five (5) metre Public Utility Easement, subject to the following terms and conditions:

1. The street design and names are as indicated on the plans;
2. The LPP is satisfied through Land Dedication and not through Cash-in-Lieu.

The Municipal Planning Officer conditions of approval will include:

3. The submission of a Storm Water Management Plan for this area showing engineered design system for the control and conveyance of storm water, with no negative downstream impacts and a conceptual lot grading plan. The plan shall be completed by a registered professional engineer license to practice in New Brunswick;

4. The submission of an engineered street design to the satisfaction of the Town as designed by a registered professional engineer license to practice in New Brunswick;
5. The Temporary Turnaround at the end of Cranberry Avenue is required to be constructed to crushed gravel base by the Developer as part of this development;
6. Land for Public Purposes to be established prior to final plan approval based on the recommendations of the Planning Department and in conjunction with the Community Service Department;
7. The submission of an on-site septic system report as completed by a qualified professional demonstrating the area is capable of supporting the proposed development;
8. Standard Development Agreements, bonding and subdivision fees will be required;
9. Subdivision filing fees in the amount of One Hundred Dollars (\$100.00) for a two (2) lot subdivision; and
10. Plans to be properly signed by the necessary utilities and owners.

Motion Carried

8. Information Items and/or Discussion

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Moved By Brent Preston

Seconded By Kendall Mason

That the Information Items be received and filed.

Motion Carried

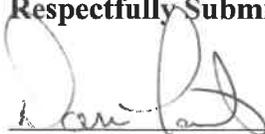
9. Adjournment

Moved By Darren Bishop

Seconded By Marc Gosselin

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY