



QUISPAMISIS PLANNING ADVISORY COMMITTEE

MEETING MINUTES – September 8, 2020

Present: Darin Lamont Marc Gosselin
 Brenda Fowlie Chrissy Scott – Tech Support
 Darren Bishop Violet Brown, PAC Secretary
 John Groden Julie McCutcheon, Assistant Building Inspector
 Kendall Mason S. Dwight Colbourne, Municipal Planning Officer

Absent: Brent Preston

1. **Call to Order**

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

2. **Approval of Agenda**

Moved By Marc Gosselin

Seconded By Darren Bishop

That the Agenda be approved as written.

Motion Carried - Voting was done verbally and individually.

3. **Disclosures of Interest**

No disclosures were declared.

4. **Approval of Previous Minutes**

Moved By Brenda Fowlie

Seconded By John Groden

That the minutes of the August 11, 2020 PAC meeting be received and filed.

Motion Carried - Voting was done verbally and individually.

5. Business Arising from Minutes - Notice of Decisions

16 Forrester's Road - Accessory Building Height and Setback Variances
127 Queensbury Drive - Accessory Building Size Variance
44 Westminster Drive - Fence Height Variance
14 Squire Drive - Detached Garage Size Variance
200 Vincent Road - Fence Setback Variance
175 Hampton Road - Sign Size Variance
83 Flagstone Drive - Dwelling Height Variance
193 Pettingill Road - Discretionary Use - Daycare in INST Zone
9 Riverfront Crescent - Attached Garage Setback Variance and Waterfront Review
Tentative Subdivision Plan - MPSF Developments - Cavalletti Lane
Tentative Subdivision Plan - Serenity Heights Phase 2 - Stock Farm Road

Moved By Brenda Fowlie

Seconded By Darren Bishop

That the Notices of Decision be received and filed.

Motion Carried- Voting was done verbally and individually.

6. Unfinished Business

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

Mr. Mark Hatfield attended the meeting for the tabled item of Serenity Heights Phase 2 from the August 11, 2020 PAC Meeting. Mr. Hatfield noted that this item was not ready to review again as there were changes made by the Consulting Engineer and while a revised Storm Water Management Plan (SWMP) was sent to the Town, it is still preliminary (as Mr. Colbourne showed on the virtual meeting screen). It was recommended that the item be tabled again until the September 22. Mr. Colbourne noted that Mr. Hatfield has asked Town Staff if he could begin cutting for roads and drainage channels. The Town Staff, the Developer and the Consulting Engineer all met on site to review and flag the drainage channels, and it was approved by Planning and Engineering that the Developer could start clearing those areas.

Moved By Brenda Fowlie

Seconded By Marc Gosselin

That the Planning Advisory Committee table the review of the Serenity Heights Subdivision Phase 2 until the September 22, 2020 PAC Meeting, and to allow the Developer to proceed with the cutting and clearing of the flagged areas of the drainage channels and roads that were approved by Town Staff and Engineers.

Motion Carried - Voting was done verbally and individually.

7. New Business

7.1 2 Cliff Street - Detached Garage Oversized and Setback

Tracie and Trevor McGrath attended seeking approval for the construction of an oversized garage in the front yard at 2 Cliff Street, PID 00229500.

The proposal is to construct an eleven decimal zero by seven decimal three (11.0 x 7.3) meter garage to be used to store vehicles. The proposal for location is in the front yard with a setback from the road of 6.7 metres. As per Section 8.(G)(1)(b)(i) of the Town's By-law 038, no accessory building or structure used as a detached garage may be placed so that any part is in front of the front of the main building on the lot.

Notice was sent to property owners within 100 metres of property. No correspondences were received, there were no questions from the PAC Members, and no one attended to speak for or against.

Moved By Marc Gosselin

Seconded By John Groden

That the Planning Advisory Committee approve the size variance of seventeen decimal three (17.3) square meters from the Town's By-law 038, Section 8.(G)(1)(c) and the variance from the Town's Zoning By-law 038, Section 8.(G)(1)(b)(i) for the location beyond the front line of the main dwelling, for the construction of an eleven decimal zero by seven decimal three (11.0 x 7.3) meter detached garage on the property of 2 Cliff Street, PID 00229500, subject to the following terms and conditions:

1. The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
2. The proposed garage is not to be used for a dwelling unit or for the keeping of livestock or as a home business; and
3. A building permit is issued prior to construction.

Motion Carried - Voting was done verbally and individually.

7.2 168 Meenans Cove Road - Home Business of Craft Beer Making Supplies

Mr. Charles Doucet attended seeking approval for a Home Occupation, that of Craft Beer Making Supplies, at 168 Meenans Cove Road, PID 30261481. The proposal is for an online platform selling craft beer making supplies that would be shipped to the location, stored in the area provided in the site plan (a nine square metre area at the back of the attached garage), and then individualized by the quantities ordered for picked up at the subject location.

Notice was sent to property owners within 100 metres of the subject property. Out of the fifteen notices, three correspondences were received. Mr. & Mrs. Maxwell of 144 Meenans Cove Road, Sean Curley and Tatum Buckley of 162 Meenans Cove Road and Mr. & Mrs. Finney of 164 Meenans Cove Road sent in words of opposition, mostly due to increased traffic. Mr. Doucet spoke to the concerns received and stated that the added traffic would be one monthly delivery of a pallet, one weekly delivery of product and if the business does well, about 5 pick up requests each day.

Mr. Colbourne noted that 5 vehicles per day is very similar to other requests for home businesses. At one every hour and a half, this is similar to appointment based home businesses such as a salon or spa. He added that the property is on a collector street, not on a small subdivision street, so it already expects traffic on the road. The traffic could be monitored but the Town has no concerns at this time.

Ms. Brenda Fowlie asked what size vehicle would be delivering the pallet and if the vehicle could it turn in and around or would it have to back out onto the street. Mr. Doucet noted that he is working on having shipments delivered to another location for him to pick up with a trailer. He added that there is a paved spot for folks to turn around so they don't have to back out.

Mr. Darren Bishop asked what types of supplies Mr. Doucet proposes to sell. Mr. Doucet stated that the plans are for grains in 55 pound bags, hops, yeast, etc. He stated that he will not be selling the kits, but more scratch items like the breweries use and there are no local stores that sell these products at this time. He said he might be adding bottles and caps but that will not be the niche since other places sell these locally. Mr. Doucet further added that the volume does not justify a store front at this time. Mr. Bishop state that his concern for these products will attract vermin. Mr. Doucet stated that he will take steps to ensure a clean area. Mr. Colbourne reviewed the necessity for the care of the product to ensure prevention of rodents and if the Town received complaints of increased amounts of rodents, the Town may wish to stop production until the situation is cleared up. Mr. Doucet noted that rodents will be a loss of product so he will ensure the product is stored properly and rodents are not near the product.

Moved By John Groden
Seconded By Kendall Mason

That the Planning Advisory Committee approve the Home Business, that of Craft Beer Making Supplies at 168 Meenans Cove Road, PID 30261481, subject to the following terms and conditions:

1. It shall be secondary to the main residential use of the dwelling;
2. Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;

3. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
4. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty-five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters;
5. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
6. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
7. No equipment or material used therein is stored other than in the dwelling unit;
8. Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot;
9. There is to be no parking on the street or within Town property;
10. The Planning Advisory Committee approval to operate the business is non-transferable. The approval is solely for the benefit of the owner and the property named herein. In the event the business is discontinued, or the lands are transferred, the said approvals shall terminate; and
11. The Town is to monitor any complaints received regarding rodents in the area and communicate with the applicant to ensure the product is stored properly. The Town may wish to stop production until the situation is cleared up.

Motion Carried - Voting was done individually and verbally.

7.3 50 Chamberlain Road - Tentative Subdivision Plan - Silliphant Holdings

Mr. Gerry Roberts attended on behalf of Jeff Silliphant seeking approval for Silliphant Subdivision Tentative Plan with Lots Not Fronting a Municipal Street at 50 Chamberlain Road (PID 30248355). The plan proposes the creation of three (3) residential lots where two of the lots (Lots 20-2 and 20-3) will not front a municipal street or road owned by the Crown. While Lot 20-1 fronts the Chamberlain Road (a public street) access to the lot will be from Kenzie Lane because of the challenges with constructing a driveway access of the Chamberlain Road (line-of-sight, excessive elevation change from the road to the lot – as reflected by the existing guiderail in this area).

Mr. Colbourne reviewed the line of sight concern. The area is very steep, so the Storm Water Management (SWM) must be dealt with and emergency service providers will need to approve the area. Similar to Waters Edge Lane off Model Farm Road, this subdivision is proposing a private entity or corporation owns the

road and each property owner is responsible for maintaining the road and any needs of the area. Mr. Colbourne noted that this should be set up and registered with Service New Brunswick (SNB) before the final plan is approved. Further, private lanes must be built to a level and design where the Town can maintain it should the entity fall away. Mr. Roberts noted that this will be like Water's Edge Lane in that the lane does not belong to one individual for reasons of liability. It will be a private lane with ownership through a shareholder corporation responsible for all care and maintenance. Kenzie Lane at this point is owned by Silliphant Holdings and will be sold as the lots are sold with the added comment that Mr. Silliphant was in agreement of a corporation. He stated that Silliphant Holdings is a construction business and they are aware of road conditions and requirements to be suitable to the Town's subdivision by-law. They are also aware that additional fill will be required to construct a landing area at the top of the lane in order to offer a spot for stopping before entering traffic. Mr. Roberts agreed that Lot 20-1 will be accessed from Kenzie Lane and not the Chamberlain Road.

When asked if the Town's new Municipal Plan will permit private lanes, Mr. Colbourne noted that while the Town does not prefer private lanes, the Community Planning Act (CPA) does allow for the PAC to review and permit approval of such, as does the Town's Subdivision By-law. The requirements for private lanes may be tougher going forward but since they are in our subdivision by-law at this time, the PAC can review them for approval if they so decide. The creation of a Corporation is a way to ensure the Town will not be responsible for the road or any maintenance. Ms. Fowlie asked if the back lots would be attractive enough to perhaps have one person wanting to buy all three? Mr. Roberts stated they are nice lots but there is a wetland across them which requires approval from the province. This may not lead to one person buying all three lots but if someone does, the ownership of the lane may change. Silliphant Holdings will need to negotiate this with potential buyers. Mr. Gosselin asked about the deep slope and what percentage of elevation will that lane be and would emergency vehicles have any issues travelling. Mr. Roberts noted that there is a steep grade that will need to be reviewed after the conditions were put in place by the PAC and the Town. Mr. Colbourne stated that the road will be expected to be as close as possible to the subdivision specifications as possible and will require approval of emergency providers. He added that the PAC can designate the decision of the percentage to him as the Municipal Development Officer so the applicant will not have to return to the PAC if the grade is beyond the maximum allowed. Mr. Roberts noted that the area does level out once you enter the lane but at the start, there are concerns for getting in and out of the lane in the winter. Mr. Colbourne said that the Town's maximum grade elevation is 10% but there are some street elevations that are beyond such as Water's Edge at 15%, Prince Road at 15% and the Quispamsis Road near Gondola Point Road access at near 20% or more. Mr. Colbourne added that Water's Edge was engineered with consideration of the grade and that it was paved, ditched with consideration to proper SWM plans, constructed at six metres wide,

etc., and is a good model to use for this proposed lane. The Corporation for Water's Edge Lane was created at the time of the subdivision approval and part of the Developer's Agreement prior to the creation of the lots and sale thereof. An example of a street that was not done to the town's specifications is Morrison Lane due to the grade, the width, the construction of it, etc. When reviewing this proposed plan for the lane, it will be reviewed for all aspects of safety and constructed to the level of development required as per the Subdivision Specifications just in case the Town is ever asked to take it over.

Notice was sent to property owners within 100 metres of the subject property. No correspondences were received, and no one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By John Groden

The Planning Advisory Committee's support the Municipal Planning Officer in approval of the Silliphant Subdivision Plan subject to the following terms and conditions:

1. Approval of the private access for the lots that will not front a municipal street;
2. Acceptance of the proposed private lane name of Kenzie Lane;
3. An engineered design for the private lane access and stormwater management plan to the satisfaction of the Town;
4. The requirement of the private lane owner to enter to an agreement with the Town prior to subdivision plan approval regarding construction, maintenance and upkeep of the private lane, and the provision of unobstructed access for emergency services inclusive of a traffic design for entering and exiting the property safety;
5. An on-site septic approval is required by the Provincial Health Act;
6. A Hold Harmless Agreement to protect the Town, and to make the property and homeowners aware of the responsibilities associated with the private lane that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
7. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowners that investment made in the construction of the private lane will not be recovered if it is destroyed during construction of a public street to municipal standards;
8. Land for Public Purpose obligations are met through cash-in-lieu in the amount of Two Thousand Two Hundred Fifty dollars (\$2250);
9. Filing Fees in the amount of Two Hundred Thirty dollars (\$230) for subdivision plan of more than two lots;

10. Review and approval of the 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;
11. The Final Plan is to be signed by the property owners and any applicable Public Utilities;
12. The development of the subdivision and the private access must be completed as per all applicable Town By-laws, and policies thereto;
13. The Town's legal department to review the ownership of the private lane with regards to a legal agreement; and
14. The road to be constructed to the Town's requirements (similar to Waters Edge Lane) with a turnaround at the end and paved from start to end.

Motion Carried - Voting was done individually and verbally.

7.4 80 Millennium Drive - Top Soil Screening and Removing - Extension of Approval

Mr. Hatfield attended seeking approval for an extension of Topsoil Screening and Removal at 80 Millennium Drive, PID 173435. Mr. Hatfield noted that the previous approval gave them about 2.5 weeks to do about 2 months worth of work and they could not finish even with the full hours of operating under the Noise By-law. Mr. Hatfield spoke to the neighbors that adjoin the lot and they have no further concerns. He added that they have not been working on project since the end of August when the PAC approval ran out.

Mr. Colbourne noted this application is an extension of a Temporary Use. He also reviewed the additional work that the residents requested, that of a berm at the end of the trail bordering the residential and commercial property with a few trees planted on top of the berm and mulch spread over the berm plus the request to remove the trail and return it to its original state of being a lawn, that would be maintained by both 10 & 12 Granite Drive. Mr. Colbourne stated that a buffer is required to be trees or shrubs and any work within the buffer must be approved by the Town not just a request between the residents and a developer. He reiterated that the PAC is to consider the request for screening top soil only, not development in the buffer or trail.

Ms. Fowlie asked that there be no further soil being brought in and Mr. Hatfield agreed that there was no intention of bringing soil to the location of 80 Millennium Drive. He added that the screening will be finished the end of September but removing the soil from the property does not require the PAC approval and may not be finished by the end of September. Mr. Hatfield stated that there were about 150 to 250 more loads to remove from the area and said they can take 30 to 40 trucks a day out of there and they will be working to remove this so it does not stay

there forever. He added that would not like to place restrictions on the removal since he is only speaking on behalf of Mr. Brown and the Big Rock property.

While Mr. Colbourne noted the soil has be go somewhere, Ms. Fowlie added that the PAC must keep in mind everything that is going on with this lot and Serenity and suggested this can be finished by end of September. Mr. Colbourne reviewed the section of the by-law that permits removal of “excess soil” which is the removal of soil that is excess soil left over from the development, after the buildings proposed are complete. He added that the excess can not be determined at this time because the development is not completed. Screening the soil is different from the removal of excess soil. . Mr. Colbourne calculated that the end of October is sufficient time to remove what was being processed on the site, the excess can be removed during development.

While the PAC Secretary received several correspondences on the application, no one attended to speak for or against the proposal.

Moved By Brenda Fowlie
Seconded By Kendall Mason

That the Planning Advisory Committee approve the Temporary Use for topsoil screening and removal at 80 Millennium Drive, PID 173435, subject to the following conditions:

1. The process shall not include the delivery of any soil from any other location;
2. Water is to be used for spraying the area to control the dust;
3. The screening and processing work is to be completed by September 30, 2020;
4. The soil to remain for Big Rock Properties Development is leveled at the end of the term; and
5. Any excess soil should be removed from the property by October 30, 2020.

Motion Carried - Voting was done individually and verbally.

7.5 15 Pettingill Road - Subdivision Plan for LPP Review

Mr. Colbourne reviewed this application stating that when the PAC granted approval for the Dental Clinic at 17 Pettingill Road, the Lot was not subdivided officially and the Land For Public Purposes (LPP) was not confirmed. This plan, called the Arthur Miller Subdivision Plan, is proposing a 238 square metre strip of land as LPP to establish the connection of the trail to the Pettingill Road. The plan also shows Parcel “A” for consolidation with the adjacent Lot 17-1 and the creation of Lot 20-1 for the Dental Clinic. Mr. Colbourne confirmed that Community Services and Planning are both in favor of this plan for the LPP.

Moved By Darren Bishop
Seconded By John Groden

That the Planning Advisory Committee support the Development Officer in approval of the Lot 20-1 for the Dental Clinic at 17 Pettingill Road, the Parcel "A" for consolidation with the adjacent Lot 17-1 (PID 30330971) and the creation of the Land for Public Purposes on the plan called the Amending Arthur Miller Subdivision Phase 3.

Motion Carried - Voting was done individually and verbally.

8. Information Items and/or Discussion

Council Meeting Minutes for June 16, July 5 & 21 and August 18, 2020.

Moved By Darren Bishop
Seconded By Brenda Fowle

That the Information Items be received and filed.

Mr. Colbourne noted that staff is back at Town Hall on September 8, 2020 and Council is currently reviewing the option for in-person meetings with some level virtual ability. Once the Council has the plans finalized, the PAC will follow suit.

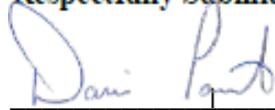
Motion Carried - Voting was done verbally and individually.

9. Adjournment

Moved By Darren Bishop

That the PAC Meeting adjourn at 8:25 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY