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**QUISPAMIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – April 25, 2023**

Present:

Darren Bishop	Mark Guest
Brenda Fowlie	Chrissy Scott, GIS Technologist
Brent Preston (Virtual)	Jennifer Jarvis, Planning Technologist
Kendall Mason	Violet Brown, PAC Secretary
Marc Gosselin (Virtual)	S. Dwight Colbourne, Municipal Planning Officer

Absent: Darin Lamont

1. Call to Order

Darren Bishop called the meeting to order at 6:00 p.m.

2. Approval of Agenda

Moved By Marc Gosselin

Seconded By Brenda Fowlie

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Mark Guest

Seconded By Brent Preston

That the minutes of the March 28, 2023 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

7. New Business

7.1 17 Matthews Drive - Shed Height

Emily Colwell attended seeking approval to construct an accessory building such that it has a building height of four decimal twenty-seven (4.27) metres, at 17 Matthews Drive, PID 30030993. Ms. Colwell confirmed that there is not a loft but there is space in the rafters with the design of a putter shed having ten foot walls on the back and twelve foot walls at the front. This will be used to store bikes and other items.

Jennifer Jarvis introduced the application stating that the proposed height of the building is four decimal twenty-seven (4.27) metres, whereas the permitted height for an accessory building used other than a detached garage is three decimal sixty-five (3.65) metres. Therefore, a zero decimal sixty-two (0.62) metre variance to Section 8.(G)(2)(a) is required. Staff had no concerns for this proposal.

Notices were sent to properties within a 50-metre radius; no concerns were received, and no one attended to speak for or against the application.

Moved By Marc Gosselin

Seconded By Brent Preston

That the Planning Advisory Committee approve the zero decimal sixty-two (0.62) metre height variance from the Town's Zoning By-law 038, Section 8.(G)(2)(a), to allow for the construction of an accessory building at 17 Matthews Drive, PID 30030993, subject to the following terms and conditions:

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

Motion Carried

7.2 3 Selkirk Drive - Shed Setback and Size

Jane O'Toole attended seeking approval to locate an accessory building such that it is setback two (2) metres from the lot lines abutting Pacha Dale and Brighton Crescent, at 3 Selkirk Drive, PID 30215719.

Ms. Jarvis introduced the application stating that the proposal is to construct a twenty-nine decimal nine (29.9) square metre shed. As such, a six decimal nine (6.9) metre size variance to Section 8.(G)(2)(c) is required. As well, Section

8.(E)(1)(a) states, no main building or structure may be placed or erected or altered so that it is, with respect to a street line, within fifteen (15) metres in the case of an arterial or collector highway or seven decimal five (7.5) metres in the case of any other street or highway. The applicant has indicated that if the proposed siting of the accessory building is not approved with a two (2) metre setback, they would like the committee to consider a setback location that would allow them to have the accessory building as close to their desired location as possible. Ms. Jarvis stated that this decision will depend on information received from NB Power concerning appropriate setbacks from their infrastructure.

Moved By Mark Guest

Seconded By Marc Gosselin

That the Planning Advisory Committee table their decision until such time as correspondence is received from NB Power concerning the request to erect an accessory building with a two-metre setback from both street lines abutting Pacha Dale and Brighton Drive.

Motion Carried

7.3 65 Grafton Drive - Fence Setback

Richard Peabody attended requesting approval to erect fencing such that a portion of it is 180 centimeters in height in the front yard, and a portion is proposed to be located on or near to the property line at 65 Grafton Drive, PID 30343131.

Ms. Jarvis reviewed the application noting that the Town had received an email of support from the property owner of 73 Berkshire Crescent. She reviewed the four different types of fencing on the proposed plan. Fence "A" of wood with a height of one decimal eight (1.8) metres and is proposed to be used as a privacy screen from the abutting neighbour's backyard. Fence "B" black ornamental aluminum fencing that is proposed to be located in the front yard abutting Grafton Drive. Fence "C" black chain link fencing that will run the length of the share property line with 71 Grafton Drive. Fence "D" is proposed to be animal fencing and is proposed to be located along most of the rear lot line, which is in a wooded area, and not visible to the neighbouring public. She added that the land that abuts the rear lot line with 65 Grafton Drive is expected to be developed into residential lots in the future.

Mr. Peabody noted that the neighbor that will be sharing the proposed privacy fence, Sachin Mathew of 73 Berkshire Crescent, also attended to show his support. Mr. Peabody read the concern received from the owners of 71 Grafton Drive, stating that they were "concerned for the aesthetics of our own home as well as the rest of the street" and stated that he thought the word 'aesthetic' is subjective. He added that the fence is not solid, but vertical bars, so it can be seen through. Also noted that the neighbors across the street who would see it more have no objections.

He visited 20 Longwood Drive, as it was noted that this fence would be similar, and confirmed this was his proposed style. .

Mr. Peabody was asked if he would consider changing the proposing wild-life fencing at the rear property line to chain link and while he thought the agricultural fence would be in the woods and so not visible, he did agree to use chain link.

Ms. Christine Childs of 71 Grafton Drive attended in opposition. She noted that she sent in a second letter with concerns for the tall fence that would restrict the view for traffic and the concern for the children's safety as well as the aesthetics. She added that once the road gets constructed further, there will be more homes, more children and therefore more concerns. Furthermore, she noted that there are no other homes in that area that have this type of fence.

Marilyn Peabody also attended noting that they did not receive the second objection to which the PAC secretary confirmed it was not sent to her therefore it was not part of the package. Ms. Peabody stated it would be nice to sit on their deck and look out at a park, which is what it will be eventually once the fence it up and they can landscape. She added that several homes in the area are valued at near one million dollars and those owners do not have any concerns.

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee approve the one decimal zero five (1.05) meter height variance to Section 6.(S)(2) of the Town's Zoning By-law No 038, to allow a fence height in a font yard of one hundred and eighty (180) centimetres, and a zero decimal six (0.6) metre setback variance to allow a privacy fence to be erected just inside the property line abutting 73 Berkshire Crescent, for 65 Grafton Drive, PID 30343131, subject to the following terms and conditions:

1. A zero decimal six (0.6) metre setback is observed along the front lot line, rear lot line and the southern side lot line;
2. 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 be hired to locate and mark the property lines;
3. A letter is received for Town records from 73 Berkshire Crescent, indicating that they are in favour of having fence "A" constructed on the shared property line with 65 Grafton Drive (noted as received);
4. A Development Permit is obtained prior to any construction;
5. As per the applicant's comment, the fencing at the rear of the property will be chain link versus agricultural fencing; and
6. A letter of approval from NB Power be obtained prior to the permit being issued.

Motion Carried

7.4 429 Gondola Point Road - Discretionary Use

Ms. Wang attended seeking approval to install a kitchen for the preparation and sale of takeout meals at 429 Gondola Point Road, PID 30264790. Ms. Wang noted that the type of foods will include Oriental dishes, burgers, etc.

Ms. Jarvis reviewed the application of the kitchen installation at the convenience store noting that a take-out restaurant is not a permitted use in this zone so the PAC will review the application as a Similar To or Compatible Use with another Neighbourhood Commercial Permitted Use. She added that a snack bar is a permitted use in the Neighbourhood Commercial Zone, and this could be considered Similar to a Snack Bar operation. Furthermore, Ms. Jarvis stated that the Department of Public Safety issues the permit for Commercial Kitchens so this will be required prior to the Town issuing a Development Permit.

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

Moved By Kendall Mason

Seconded By Mark Guest

That the Planning Advisory Committee approve the kitchen as a use Similar To a Snack Bar at 429 Gondola Point Road, PID 30264790, subject to the following terms and conditions:

1. The applicant must provide the Town with a copy of any permit(s) issued by the province in connection with the development of a commercial kitchen, for Town records;
2. The kitchen use must be secondary to the primary commercial use of the main building;
3. Renovations to the building must follow the National Building Code of Canada, current edition; and
4. A Development Permit and Building Permit are obtained prior to any work being commenced.

Motion Carried

7.5 Country View Estates Subdivision Phase 6A – Tentative Subdivision Plan (PID 252866) – Schooner Point Development

Peter Donovan attended seeking approval for the Country View Estates Subdivision, Phase 6A – Tentative Subdivision Plan (PID 252866). Mr. Donovan addressed some of the concerns received from the notice sent to property owners in the vicinity. He stated that the NB Power Right-of-Way behind Flagstone Drive will not be used for storage or equipment as that will be only on his property. One correspondence asked about an Environmental Assessment and ground water. This will be part of the final plan which the Town's Planning Team review and share

with the Department of the Environment as well as other provincial departments. He reviewed the concerns for the Lot Sizes noting that this property is in an R1 Zone and most of the lots are the appropriate sizes. There are some minor variances required, and on the cul-de-sac, larger variances to the frontage due to the design of lots around the curve of the road. There was an email received from NB Power requesting a permit from them and this has been initiated. He asked for clarification on the connection to Fullyer Drive and Mr. Colbourne stated that while there is no connection from Squire Drive to Fullyer Drive shown on the plan at this time, this will need to be done as part of this Phase. Mr. Donovan reviewed the options for Storm Water Management such as street curves, several cross sections, some open ditches, etc. and this will all be approved by the Town. The comprehensive water analysis is the first thing done in a proposed subdivision. Mr. Donovan explained that they hire one company to drill test wells, and one to test the water for quantity and quality. Mr. Donovan was asked about the concerns for the previous developments not being completed. He noted that one of the emails indicated that the Final Inspection was not done on the dwelling but he sent the owners the reports of all the inspections and they asked to pull their concerns. As for the drainage concern, he stated that they have been working with the Town to find solutions adding that the street is steep and the cross section is not as high so the snow builds up and melts then runs down to wash away the shoulders. Mr. Donovan added that the Town suggested R5 riprap and perhaps asphalt swales to the edge of the pavement. This work is planned for this year. Mr. Colbourne noted this previous subdivision is still under a Development Agreement and will not be closed without a report from the Town's Engineering Department and that once all deficiencies are addressed, and a warranty period has been passed, the subdivision will be handed over to the town.

Mr. Colbourne further reviewed the application noting that the overall subdivision plan is for the creation of 59 (R1) Residential building lots, the creation of 5 new Public Streets and the extension of Squire Drive. The plan before the PAC at this time is for Phase 6A, with the development of twenty-five (25) new (R1) Residential building lots and the creation of Pioneer Avenue and Jade Court as well as the extension of Squire Drive. With the full buildout shown, the PAC can see the overall layout, streets, lots, access - primary and secondary, as well as ensuring this plan does not prejudice other property in the area. Mr. Colbourn added that since the subdivision would create twenty-five (25) lots, with the possibility of additional lots from the remnant that will result in a total lot yield of more than twenty-five (25) lots, a Comprehensive Water Source and Supply Assessment (CWSSA) Report shall be completed. As well, Section 7.A.i of the Subdivision By-law states that only such trees as directly impede the construction of buildings and where any trees must be destroyed, the Developer shall replace them with a reasonable number of trees of sufficient maturity to enhance the appearance of the subdivision at the time it is completed. As the Development Officer, he will be enforcing these provisions through the phases of development of the overall parcel

of land, to prevent erosion control as a result from clear cutting. Mr. Donovan was asked about access to the lots on the corners of Jade Court and Pioneer Avenue. He stated that the access is usually at is the most upper point of the lot and in this case, the higher elevation would be from Jade Court. It was recognized that there are many lots asking for variances, and it was suggested the perhaps one Lot be removed to increase each frontage.

Adam Russel of 9 Fullyer Drive attended to address his concerns and the need for the Environmental Assessment noting that it is a very wet land around that street. He said that cutting more trees will cause concern for the property being washed out due to more water and that most neighbors are concerned for the number of homes going in around them. Mr. Russell added a concern for the Right-of-way to Fullyer Drive from Squire and asked if the plan could use Pioneer Drive to Meenans Cove vs Fullyer. He noted that Mr. Donovan did a wonderful job on the home and in the subdivision that he resided in prior to Fullyer Drive. In response, Mr. Donovan asked for the contours to be shown on the ARC GIS Mapping for Mr. Russel and those in attendance to see. He showed the natural flows to Fullyer Drive and reviewed the plan to work on this from the corner lot which should make the flow less.

Moved By Kendall Mason

Seconded By Mark Guest

That the Planning Advisory Committee support the Development Officer in considering approval of the Country View Estates Phase 6A – Tentative Plan, subject to the following conditions:

1. The acceptance of the street layout and design for Phase 6A, including the request for the development of the Future Street portion connecting Squire Drive to Fullyer Drive, the connection from Squire to Flagstone to the south, and the connection of Pioneer to Flagstone via PID 30338448. A revision to the Tentative Plan to include these details is required prior to approval.
2. Acceptance of proposed LPP land in Phase 6A for protection of the drainage channel within the proposed development area. The proposed LPP land must also include a six (6) metre wide active transportation connection that runs from Pioneer Drive, next to Lot 1, to the subject lot frontage on Meenans Cove Road. This detail is to be included in a revised Tentative Plan.
3. The granting of lot width variances for the following:
 - Pioneer Avenue: Lot 1 – 1.65 m, Lot 2 – 3.42 m, Lot 3 – 3.61, Lot 4 – 2.9 m, Lot 5 – 3.18 m, Lot 6 – 2.95 m
 - Jade Court: Lot 14 – 11.0 m, Lot 15 – 17.8 m, Lot 16 – 17.8 m, Lot 17 – 11.0 m

If access is off Jade Court: Lot 13 – 10.2 m, Lot 18 – 10.2 m

- Squire Drive: Lot 20 – 0.7 m, Lot 21 – 0.6 m, Lot 39 – 0.4 m, Lot 40 – 0.8 m
- 4. A revised Tentative Plan for submission to NB Power for their review, the revised plan must include proposed Utility Easements for each lot.

The Development Officer's conditions of approval will include:

- 5. Professionally engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval;
- 6. Professionally engineered design drawings for the street network to be submitted to the Town for review and approval;
- 7. Submission of a Comprehensive Stormwater Management Plan and a Lot Grading Plan as designed by a qualified professional engineer licensed to practice in the Province of New Brunswick. The plan must demonstrate a balanced pre-development and post-development flows. The plan must provide acceptable solutions for any downstream impacts and be submitted to the Department of Environment (DOE) for their review and feedback.
- 8. The final Stormwater Management Plan is to be reviewed and approved by the Town before construction;
- 9. All Local Government Services Easements that are necessary for the stormwater management or sanitary sewerage service are to be drawn on the final subdivision plan;
- 10. The restriction of tree-clearing to street rights-of-way and easements necessary for the installation of services as per the Zoning By-law 038 and Subdivision By-law 035 Section 7;
- 11. Standard Developer's Agreements, bonding and subdivision fees will be required;
- 12. Subdivision filing fees of Four Hundred and Fifty Dollars (\$450.00) for a twenty-five (25) lot phase;
- 13. The Tentative Plan is to be sent to Public Utilities providing electrical power and telecommunication services for review and comments on proposed Public Utility Easements for incorporation into the final subdivision plan; and
- 14. The development of Phase 6A is completed per the requirements and conditions of applicable Town By-laws, policies, and regulations thereto.

Motion Carried

7.6 Goldrush Drive Extension Tentative Subdivision Plan (PID 248716) - Atlantic Precast Concrete Ltd. – Tentative Approval Expiry

Ken Prosser attended seeking approval for the Tentative Subdivision Plan of the Goldrush Drive Extension.

Mr. Colbourne reviewed the application noting this plan was previously approved by the PAC and had expired. Many of the previous approval conditions are the same, however, there has been a request by the Developer for the PAC to consider striking the requirement to provide an access from the rear of the Goldrush Drive playground to the Saunders Brook Trail. This request comes because of the terms and conditions of an Environment Impact Assessment (EIA) Certificate of Determination in that any work with the wetland area would result in having to undertake an update to the EIA Decision. Mr. Colbourne added that whereas the Developer has satisfied the requirements of the Subdivision By-law with respect to required amount of land dedication and the level of effort to construct what appears to be a simple trail would be considered unreasonable given there is an existing means of accessing the playground from the trail connection via Yukon Drive to Goldrush Drive. Mr. Colbourne further added that the lot configuration is acceptable and keeping with the intent of the Zoning and Subdivision By-laws.

Moved By Brent Preston

Seconded By Marc Gosselin

That the Planning Advisory Committee support the Development Officer in considering approval of the Goldrush Drive Extension Tentative Subdivision Plan, a plan proposing ten (10) Single Family Dwelling Unit building lots; an extension of Goldrush Drive, a Local Government Services Easement for stormwater management, and 11,800 sq. metres of Land for Public Purposes, subject to the following conditions:

1. A Lot width variance of 4.0 metres for Lots 5, 6 and 7;
2. PAC supports for the reduction in the street right-of-way width to 18.0 metres and asphalt driving surface width of 6.0 metres and widened shoulder as per the proposed street cross-section shown on the plan;
3. Approval of the cul-de-sac length of 223 metres for the variance in the absence of a secondary access;
4. Compliance with the conditions of the Technical Review Committee of the Department of Environment – correspondence dated July 25, 2016;
5. Confirmation of the Wetland and Watercourse Alteration Permit requirement for Saunders Brook;
6. Amendment to the Timberlea Estate Phase 3 subdivision plan to designate the Future Street to LPP;
7. Submission of the street centerline profile to determine if street grade variances are required;

8. Submission of a comprehensive stormwater management plan demonstrating pre and post development balanced flows with no negative downstream impacts;
9. Submission of an engineered design sanitary sewerage system;
10. 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;
11. No further subdividing of Lots 6, 7 and 8 with a note to be added to the plan;
12. The Developer is to enter into a Standard Development Agreement with the Town; and
13. Payment of filing fees in the amount of Three Hundred dollars (\$300.00)

Motion Carried

8. Information Items and/or Discussion

Moved By Brenda Fowlie

Seconded By Mark Guest

That the Council Meeting Minutes of March 21 and April 4, 2023 be received and filed.

Motion Carried

9. Adjournment

Moved By Marc Gosselin

Seconded By Brenda Fowlie

Meeting adjourned at 7:20 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY