

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – March 24, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, March 24, 2015 at 7:00 p.m.

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

Absent:                 David Carlson

**1. Call to Order**

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

**2. Approval of the Agenda**

MOVED BY:             Mark Hatfield  
SECONDED BY:         Darin Lamont  
CARRIED UNANIMOUSLY

**3. Disclosure of Interest on Agenda Items**

Mr. Hatfield excused himself from agenda item 7.d), the Rezoning of 15 Elliott Road.

**4. Review of Previous Meeting Minutes**

It was recognized that the meeting minutes for March 10, 2015 were missing from the PAC packages that were delivered to the Members on Friday, March 20, 2015.

MOVED BY:             Darin Lamont  
SECONDED BY:         Marc Gosselin

*That the Minutes of the March 10, 2015 PAC meeting be approved at the next PAC meeting.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes**

| <i>Notice of Decision</i>                 | <i>By-Law Section</i>                               | <i>Address</i>                          |
|---|---|---|
| Dog Grooming Business – Discretionary Use | By-law #038 Section 6.(K)                           | 5 Summer Court                          |
| Office Building Development               | Development Scheme for Millennium Drive By-law #017 | 158 Millennium Drive (3 Hazelton Drive) |

MOVED BY: Marc Gosselin

SECONDED BY: Mark Hatfield

*That the Notices of Decision be received and filed.*

CARRIED UNANIMOUSLY

**6. Unfinished Business**

None

**7. New Business**

Just in case any attendees were unaware, Bob MacLaughlin noted that agenda item 7.b) had been pulled from the agenda prior to the information packages being delivered to the PAC members and prior to the agenda being posted on the website.

| #  | <i>Variance Requested</i>   | <i>By-Law Section</i>                          | <i>Address</i>            |
|----|---|--|---------------------------|
| a) | Kings View Subdivision Phase 17B                                    | Subdivision By-law # 035                       | Kingsway Drive            |
| b) | <del>Kings View Subdivision Phase 18</del><br><b>ITEM POSTPONED</b> | <del>Subdivision By-law # 035</del>            | <del>Kingsway Drive</del> |
| c) | Daycare – Discretionary Use in Highway Commercial Zone              | Subdivision By-law # 038, Section 14.(B)(1)(f) | 28 Millennium Drive       |
| d) | Rezoning – Rural to Highway Commercial                              | Community Planning Act, Section 19             | 15 Elliott Road           |

**a) Kings View Subdivision Phase 17B – Kingsway Drive Extension**

Mr. Gerald Keirstead, representing the developer, Mr. Carpenter, was in attendance for this application. Mr. Roberts reviewed the revised plan that was delivered to the members at the meeting and the differences between Phase 17 that was tentatively approved on April 8, 2014, Phase 17A that was approved and then registered on September 29, 2014 and the Phase 17B that was introduced to the public at the time of the application notification. The original request for Phase 17 included the lots numbered 132 to 137 and 147 to 159 while the Phase 17A was amended to include only eight lots directly accessed from Kingsway Drive including lots 132 to 135, lot 147 and 152-154. Lots #136 and #137 off Kingsway Drive, lot #159 which could access from either Kingsway Drive or Bogswell Court, plus the lots that are accessed off the Courts which would back onto the backs of lots from Squire Drive are the ones being requested for approval at this time.

The final revision that added three lots (136, 137 and 159) was requested due to the fact that Phase 18 was postponed until further information is obtained and these three lots on the previous approval will be expiring in April.

The development will see a very small extension of Kingsway Drive and the construction of two courts. The new street names Bogswell and Dover were verified against the NB9-1-1 Master Street Guide database and there is a conflict for Dover Court, as such an alternate name will need to be submitted for consideration prior to final plan approvals.

The overall area is zoned Residential (R1) for single or two-family dwellings. The proposed use meets zoning parameters as all lots meet or exceed the minimum lot dimensions as outlined in Section 8C(1) of Zoning By-law No. 038. The lots around the cul-de-sac bulbs have a reduced street frontage; however when we look at the width of the lots at the 7.5m line of setback all the widths exceed the minimum lot width of 30.0m.

The Developer has requested the lots be serviced via individual on-site wells. A Comprehensive Water Source and Supply Assessment (CWSSA) covering this area was previously submitted and accepted by the Town. The report confirms there is groundwater of sufficient quantity and quality to support the proposed level of development.

The Developer is proposing to extend Municipal sewer to all the lots. The necessary infrastructure to service these lots has been installed. Final inspection and video reports will be required prior to final approvals.

The proposed stormwater management system for this area is mainly open ditches and culvert system as shown the proposed plans. However in accordance with the Subdivision By-law and the Subdivision Specifications and Guidelines where street grades are in excess of 6% and ditch depths more than 0.75m a piped system is required. A piped system will be in the court area as the road grade is in excess of 6%, unless the Developer through an engineering consultant can demonstrate the open ditch system is more conducive to the best stormwater management in the area. The system is to be designed in accordance with Subdivision Specifications and Guidelines and submitted to the Town for approval.

Mr. Dwight Colbourne reviewed the variance required for the length of Kingsway Drive. As per the Town's Subdivision By-law #35, Subdivision Specifications and Guidelines, Section 1.2.3. A. iii, no street shall exceed three hundred (300) metres in length, unless provision is made for an alternate emergency access by way of an intersecting street from another subdivision or the provision of a temporary access satisfactory to the Town Engineer. At this time, the tentative plan does not show an alternate access.

The concept plan for Phase 18 shows a future access between lots 164 and 167 that would connect to Squire Drive. Also reviewed was the option of an access opposite these lots and a temporary design opposite the previous court and through lots 136 and 137. However, it was recognized that the property owner of the abutting property to lots 136 and 137 is not the same property owner of the current development. Any approval must be contingent on a viable second access to this section of the subdivision and all options for access must be reviewed and approved by the Town of Quispamsis. As Phase 18 becomes available for tentative plans, this will be reviewed further. It was recognized that this is not part of the Phase 17 approval. It was also noted that a variance may be required from Section 6.E.ii of Subdivision By-law 035 with respect to storm system design. This provision states a storm sewer system shall be

provided in accordance with the provisions of the Subdivision Specifications and Guidelines in a subdivision located in other than the rural zone, unless the Developer can confirm the following conditions will be met through sound engineering design and construction methods approved by the Town:

- a. streets, or a portion thereof, have a gradient of or less than six percent (6%); or
- b. the depth of ditches is not in excess of zero decimal seven five (0.75) metres; or
- c. driveway pipe culverts require inside diameter not larger than 300mm

The key feature of the stormwater management plan for this area is the detention pond that is already constructed within Land for Public Purposes land along Kingsway Drive and backs onto the residential properties on Carlton Drive. This is a two (2) pond system that controls the release of stormwater during significant rain and drainage events to mitigate downstream impacts. It is designed to remain dry outside of the storm events.

The Developer is proposing the provision of land to satisfy the LPP obligations for this development. The amount of land required is 1599 sq.m. This land would be provided through land for pedestrian trails and the detention pond area.

Notice was sent to residents within 100 metres of property; several correspondences were received expressing concern for traffic, particularly for the intersection of Route 119 and Quispamsis Road. The snow building up at road side and at this intersection has caused an added safety concern as well as a lowered patience level for many drivers. Each resident that sent in correspondence was sent a reply written by Mr. Losier, Director of Engineering and Works which reads as follows:

*This Fall we engaged the services of a Traffic Engineering consultant to track intersection movements and cycles and to conduct an intersection warrant analysis. Where the main road (Rte 119) is a controlled access highway, it falls under the Provincial jurisdiction and in order to be considered for upgrades to a signalized intersection it must meet a set of standards identified in a warrant analysis. Our consultants have determined that at this time the loads and movement on this intersection do not meet the required standards for installation of traffic lights. Generally the methodology and rationale used is in accordance with the Transportation Association of Canada (TAC) Traffic Signal and Pedestrian Signal Head Warrant. The warrant methodology takes into account the following intersection characteristics:*

- *Turning movement and pedestrian volumes for a six-hour period covering the AM, midday, and PM peak periods;*
- *Intersection geometry (i.e. lane configurations, intersection spacing);*
- *Proximity of nearest upstream traffic signals;*
- *Adjacent land uses (i.e. schools and senior citizen complexes);*
- *Location within the community (i.e. proximity to Central Business District);*
- *Population of community; and*
- *Percentage of trucks and the presence of a bus route.*

*The TAC methodology evaluates the need for a traffic signal based on a priority rating point system of the above characteristics. The priority point system reflects the contribution of each characteristic to the justification for a traffic signal. A total of 100 points or greater generated from the analysis generally warrants the installation of a traffic signal. In this case*

*the intersection sits at 80 points and as noted in my email it is close to the threshold so more regular analysis can be scheduled (as noted for example after both schools are open).*

*The report indicates that while there are short peak periods when traffic movements are delayed, the overall performance of the intersection falls within a level of service established for signage controlled movement. The development of alternate entrances/exits out of the Country View Subdivision (Chamberlain and Meenan's Cove) have also diverted some traffic resulting in keeping the warrant score below the threshold level. It has been recommended however the intersection warrants be conducted at a regular interval (annually) to ensure development conditions and level of service at the intersection can be addressed once proper scores are achieved. Once the intersection warrant score is reached and once the Town has sufficient information to present to the Province, and once funding sources are identified, it would be expected that signals could be requested. I trust you can see the town is monitoring this intersection appropriately and this provides you with information to address your concerns.*

Mr. Peter Donovan asked to speak to the Committee regarding the proposed subdivision but more specifically to Phase 18 which he was not aware had been postponed. He wanted to review Country View Estates Phase 8 which was approved in 2014 and consisted of five (5) residential lots all fronting on an existing portion of Squire Drive; created from two remnant parcels (PID 30215905 and 30246102). The original tentative plan was approved by PAC on May 10, 2011. Mr. Donovan stated that these five lots were to be serviced with municipal sewer that would be connected through an easement across the property of Mr. Carpenter. Kings View Subdivision Phase 18 showed an easement for municipal sewer that Mr. Donovan's five lots would connect to and therefore Mr. Donovan asked PAC to propose this easement be dealt with prior to any further lots being approved.

Mr. Colbourne stated that this inquiry on the easement pertains to a future development, that of Kings View Subdivision Phase 18 and the property does not belong to the Town of Quispamsis so the Town has no authority in which to grant access to anyone or anything on this land. Mr. Carpenter is the property owner of the land and he is the only one who can permit an easement on his property. The Tentative Subdivision for Country View Estates Phase 8 that Mr. Donovan referred to was approved by PAC subject to several conditions including one that stated "Submission of an updated tentative plan showing the proposed location of the sanitary sewer system extension across the Langard Ltd. property with easement delineation for Town review."

Mr. Donovan referred to what he considered a similar situation where he stated his company was asked to upgrade an easement that was granted to the Town for municipal sewer before he could proceed with future development. Mr. Colbourne clarified the situation by explaining that the said easement was marked on the registered development plan as a future street and as such, was used as a street to get to a property that had a home built on it and the homeowner was requesting proper street upgrading as per the agreement he had with the developer.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

*That the PAC approve the tentative plan for Kings View Phase 17B for the creation of eleven (11) lots, with the temporary street length variance of approximately sixty (60) metres for Kingsway Drive subject to the following conditions:*

- 1) *Prior to Final Plan approval the developer is to provide the Town with a topographic and grade survey identifying the location of a future street access into Hillcrest Holdings Ltd. property in the next phase of this development that satisfy the Town requirements as outlined in the Subdivision Specifications and Guidelines. Should a satisfactory location not be possible within the next phase of this development then Phase 17B will require the provision of future street access at a location satisfactory to the Town;*
- 2) *The Submission and approval of alternate street name for Dover Court prior to Final Plan approvals;*
- 3) *Engineered design drawings for the sanitary sewer to be submitted and approval by the Town;*
- 4) *Submission of a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;*
- 5) *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. Unless it can be demonstrated otherwise by the consulting engineering, a piped system as per the Subdivision By-law for the court areas will be required. 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;*
- 6) *LPP obligations to be satisfy through transfer 1599 sq. m. of the lands identified by PIDs 30263693 and 252973 as proposed and subject to approval of Council;*
- 7) *Standard Development Agreement, bonding and subdivision fees will be required;*
- 8) *Subdivision filing fees in the amount of three hundred and ten dollars (\$310.00) for an eleven (11) lot phase; and*
- 9) *Plans to be properly signed by the necessary utilities and owners.*

CARRIED UNANIMOUSLY

**b) Day Care Operation – Discretionary Use in Highway Commercial Zone  
28 Millennium Drive (rented space)**

Ms. Cindy Donnelly and an associate, Victoria Watts, were in attendance to review an application for the operation of a Child Care facility providing services to approximately sixty (60) children. The proposed location at 28 Millennium Drive is currently zoned Highway Commercial (HC) and in accordance with Zoning By-law 038 Section 14.(B)(1)(f) a Child Care facility is permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to Section 34(4)(c) of the Community Planning Act of New Brunswick, and subject to a Development Agreement with the Town.

Currently the Millennium Car Wash operates out of a portion of the building with lease space available for other businesses. The tenant is proposing to lease space on both the upper and the ground level of the building in that portion closest to Market Street. The property has ground out behind the building for a play yard and the back door opens into the fenced in yard; measurements to be confirmed on the space as well as dimensions on the fence. In terms of potential impact within the zone and adjacent zones, the property borders commercial

properties along the rear and a collector street on the front and local commercial street on the side. The business will not have any direct impact on residential properties and its location provides prime access to a collector street as such will not have significant impact on traffic patterns and movements.

Ms. Donnelly and Ms. Watts offered a presentation with the following information:

- *Hours of Operation 7am-6pm Mon-Fri*
- *The intent is to hire six (6) full time staff and one (1) part time*
- *Plans for 58-60 spaces 15 months – 12 years (EECD will determine # of allowable spaces)*
- *Serving Healthy Lunch & Snacks Daily (Licensed by Dept. of Health)*
- *Education & Early Childhood Development, Fire Marshall, Dept. of Health will inspect facility before any licensing / operation to ensure all standards are met.*
- *As per Section 9.3.1 Mixed Age Group: Whenever a fraction of a primary staff member (beyond .05) is required in the total, the staff requirements must be rounded to the next whole number.*
- *\*2 years = .200 / 3 years = .143 / 4 years = .100 / 5 years = .083 / \*6 – 12 years = .066*
- *For 1 staff: 3 years - 4 x .143 = .572; 4 years - 4 x .100 = .400 / Total = .572 + .400 = .972 (Does not exceed 1.05). 8 children for 1 staff / 17 children for 2 staff*
- *As per Section 4.6.1 Outdoor Play Space – Day Care Centres, 48 square feet per child to accommodate fifty percent (50%) of the centres approved capacity is required.  
50% of 60 children = 30 children x 48sq ft = 1440 sq feet required; 1650 sq ft is available for the daycare located at the back of the building*
- *As per Section 4.2 Bathroom, wash basins and toilets must be provided for children over the age of two in following ratio:*
- *4 toilets / 4 wash basins for 50-75 children; there are 4 washrooms in the facility*
- *As per Section 4.1.1 Day Care Centres, minimum requirements of three and one-quarter (3.25) square meters or 35 square feet per child. Adequate space is available in the building.*

Further review at the meeting noted that the inside of the building area will require minor renovations along with changes to floor covering, the installation of an alarm system and emergency lights, the door light-up exit signs. Review by the building inspection department may request further renovations. Unless otherwise waived by the Town's Building Inspection department, a building permit must be applied for and issued for any interior renovations to the building.

Outdoor play space must have a surface which is well drained and free from depressions in which water may stand. Any changes to or installation of fencing will require a fence permit from the Town.

In terms of parking, the requirement is one (1) space for every employee and one (1) space for every five (5) children. The property in front will accommodate approximately sixteen (16) cars for parking, which meets the minimum requirements for patrons and leave four (4) spaces for staff. The owner is requesting that staff park around the back of the building at the other end to save the parking spots for clients; the space in the rear must be confirmed with a site plan. The applicant has also been in touch with the owners of the Vineyard Church property and they (Shannex) have permitted parking in this lot and have agreed to keep a path clear for the walking of children.

The proposed sign was introduced as being seventy-two (72) inches high and thirty-six (36) inches wide; same size as the Millennium business of OK Tire. The Town's By-law states

that the total area of a freestanding sign shall not exceed an area of eight (8) square metres if non-illuminated.

Protection of the health, safety and welfare of those that attend the facility is governed by provincial regulations under the Family Services Act of New Brunswick and as such it is the role of the Town and PAC to ensure that any approval is subject to compliance with all applicable provincial regulations and guidelines. One of the ways to ensure this is to request a copy of approval certificates as may be issued by the authority having jurisdiction to be submitted to the Town for compliance with the PAC's terms and conditions regarding this matter. Once this requirement is established there will need to be follow-up to ensure the condition is being met.

Public notification was sent to property owners within 100 metres; no concerns received.

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

*That the PAC approve the Discretionary Use to operate Child Care facility at 28 Millennium Drive, subject to the following terms and conditions:*

- 1. The Child Care Facility must comply with all Provincial regulations under the authority having jurisdiction and a copy of approval to operate is to submitted to the Town;*
- 2. Review to be done by the Department of Education as well as the Technical Services and Public Health. Final inspections and reports will be done once the facility is approved and ready.*
- 3. Any alterations to the building are subject to a Building Permit including fire rating separation between businesses and including the number of washrooms required;*
- 4. Plans to be approved by Provincial Fire Marshalls office and a copy of approval submitted to Town;*
- 5. Any outside play or activity area to be appropriately fenced to protect from traffic in the area, and alteration to the existing fence or installation of new is subject to a Fence Permit from the Town;*
- 6. The operator of the Child Care Facility shall enter into a Development Agreement with the Town which ensures compliance with such terms and conditions as may be required by the Planning Advisory Committee;*
- 7. There shall be no on-street parking as such ample parking must be provided to meet the minimum requirements of :*
  - i) 1 space for ever employee*
  - ii) 1 space for every five (5) children*
- 8. The use of parking facilities of other business in the area is not permitted without written approval of the business and property owner(s); and*
- 9. All signage shall comply with the Sign By-law for the zone in which the Child Care Facility is located*

CARRIED UNANIMOUSLY

Mark Hatfield stepped down from the Committee at 7:48 p.m.



**c) Office Building Development – Rezoning Application Review – 15 Elliott Road**

Mr. Mark Hatfield, as the applicant for the rezoning of 15 Elliott Road (PID 30213284), a property located in a Rural Zone, spoke on the request for HOMESTAR Inc. to rezone the property to Highway Commercial (HC).

The intended use of the property is for the expansion of the existing office and warehouse building located on the adjoining property of 11 Elliot Road which is zoned Highway Commercial. The proposed use of 15 Elliot Road is in keeping with the general use of the other lots in this area both along the Palmer Brook Road and from the intersection of the Elliot Road with the Palmer Brook Road – commercial type uses.

The adjoining lot at 17 Elliot Road contains a residential home owned by PropertyStar Inc., the same owner as Homestar Inc., and is zoned Rural (RU) as such some level of buffering is required along property line of 15 Elliot Road. This buffering and the building setbacks are to be in accordance with Section 6J. of Zoning By-law 038, which states:

*Notwithstanding any other provision of this By-law, in the case of a lot in a C or I Zone and abutting an R Zone, no main building or structure may be placed or erected thereon unless the yard adjoining the R Zone has a depth or width equal to twice (2X) the height of the main building or structure. The yard must also incorporate a landscaped buffer area, which may therein have walkways and utility services. This buffer area shall contain trees, shrubs, hedges and/or a decorative wall or fence capable of mitigating any associated nuisances to the satisfaction of the Planning Advisory Committee. No other construction in this buffer zone shall be permitted.*

Based on the Building Elevation views and Site Plan submitted for the building expansion project a setback variance is not required as the distance is approximately one hundred and twenty feet (120ft). The proposed building addition is not expecting to result in any significant changes in traffic volumes to the property.

The building at 11 Elliot Road is serviced by private well and septic systems and as such will not impact municipal infrastructure. The expansion will not require any changes to the public street or right-of-way. The use of the land is in keeping with general intent of the municipal plan for this area.

MOVED BY: Darin Lamont

SECONDED BY: Marc Gosselin

*That the PAC approve of the application for the rezoning of 15 Elliot Road (PID 30213284) from Rural (RU) to Highway Commercial (HC) with the proposed development subject to the following conditions:*

- 1. Any setbacks or variances required for the proposed buildings be reviewed independently;*
- 2. Any new signage is required to meet the Sign By-law;*
- 3. The installation of buffering along the property line of 15 Elliot Road adjacent with the residential property at 17 Elliot is approved by the Town;*
- 4. Exterior finish of the building(s) is to be aesthetically pleasing and in keeping with the exterior of the proposed adjoining building; and*
- 5. Lighting is to be downward directed to mitigate impact to the neighbouring properties.*

Mark Hatfield stepped back up to the Committee as Vice Chairperson at 8:02 p.m.

**8. Information Items**

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**9. Adjournment**

MOVED BY:                      Darin Lamont

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 8:05 p.m.

The next Planning Advisory Committee meeting is scheduled for April 14, 2015.

Respectfully Submitted,

  
CHAIRMAN

  
SECRETARY