



QUISPAMSIS



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PLANNING ADVISORY COMMITTEE MINUTES – April 8, 2014

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, April 8, 2014 at 7:00 p.m.

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

Absent: Councillor Pierre Rioux

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: David Carlson
SECONDED BY: Darin Lamont

That the agenda be approved.

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

It was noted that Mr. Hatfield had to leave the meeting at approximately 7:45 p.m.

4. Review of Previous Meeting Minutes

DATED: March 11, 2014
 MOVED BY: Darren Bishop
 SECONDED BY: Jean Place

That the Minutes of the March 11, 2014 PAC meeting be approved.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Subdivision Tentative Plan – Gondola Point Park Phase 9	Subdivision By-law No.035	Kane Road to Amsworth

MOVED BY: Mark Hatfield
 SECONDED BY: David Carlson

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

7. Unfinished Business

None

8. New Business

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Kings View Subdivision Phase 17 Renewal	Subdivision By-law No.035 19 Lots	Kingsway Drive with Bogswell & Dover
b)	Master Enterprises	Request to Amend Developer's Agreement	Swanton Drive / Gondola Pt Arterial
c)	David Hoyt Subdivision	Subdivision By-law No.035 1 lot	Christopher Lane To Shipyard Road
d)	Kennebecasis United Baptist Church, 383 Hampton Road	By-law No.038 Section 8.(C) & 20.(D)	383 Hampton Road
e)	Home Occupation	By-law No.038 Section 6(L)(1)	409 Bradley Lake Road

a) Kings View Subdivision Phase 17 Renewal

Mr. Gerry Roberts represented the application for the Subdivision Renewal Plan called Kings View Subdivision Phase 17. Ms. Jean Place of the PAC noted that the previously approved plan mentioned that the streets named Dover Court and Bogswell Court would be renamed but this application had only mentioned Dover Court. It is the intention of the developer, Mr. Carpenter, to rename both of these streets but names have yet to be selected.

Mr. Harold MacKinnon of Squire Drive spoke about the plan stating that he sent in a letter the first time this application had been addressed; this letter was resent and copied for the PAC to review. Mr. MacKinnon had no problem for the subdivision plan but asked about the size of

the lots in comparison to his and others on his street. Mr. Dwight Colbourne of the Town stated that the Town sewer had recently been run to this area, which now offered the opportunity for each lot to be serviced with Town sewer and therefore allow smaller lot sizes as per the Town's By-law Section 8.(C). Mr. MacKinnon then asked about the setbacks reviewed in Mr. Colbourne's memo and Mr. Colbourne noted that variances were not required for the lot width so long as the setbacks were respected, in particular, the seven decimal five (7.5) metre setback from the road. The lot width, at the seven decimal five (7.5) metre distance from the road is measured at thirty (30) metres which does comply with the Town's By-law. Mr. Colbourne stated that the lots are adequate for the rear setback and side setbacks and still maintain the safety concerns for homes being built close on smaller lots.

Other concerns in Mr. MacKinnon's letter were for traffic in the area of Squire, Alma and Route 119. These were not addressed at the meeting but were reviewed by the Committee.

MOVED BY: Jean Place
SECONDED BY: Mark Hatfield

That the PAC approve the tentative Subdivision Plan called Kings View Subdivision Phase 17 with the nineteen (19) lots with the following conditions:

- 1) Street centreline profiles for the two courts to be submitted to the Town for review. If there are variances required, these will have to be resubmitted to PAC for consideration.*
- 2) Submission and approval of alternate street name for Dover Court and Bogswell Court;*
- 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. 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 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 Ninety dollars (\$390.00) for a nineteen (19) lot phase; and*
- 9) Plans to be properly signed by the necessary utilities and owners.*

CARRIED UNANIMOUSLY

b) Master Enterprises – Request to Amend Developer's Agreement

Ms. Chantale Carpenter represented Master Enterprises' Request to Amend Section 39, *Community Planning Act* Developer's Agreement regarding the Integrated Development (ID) Project - PID NO. 00173732, situated between Swanton Drive, Gondola Point Arterial, Millican Drive and Susan Street. Ms. Carpenter noted that this project has been two years in the planning and that the only changes to the previously approved agreement were the following:

1. On each of the Multiple Unit Area 'A', and Multiple Unit Area 'B', the developer is requesting the agreement be amended to allow a single building on each of these two areas, rather than two buildings as originally proposed.

2. The developer is requesting an additional four units on the Multi-Unit Area “B” building, thus increasing the number of units from 16 to 20 in order to support in amortizing the cost of the elevators for the buildings.
3. The developer is requesting to change the phasing of the project so that Multiple Unit Area “B” becomes Phase 1 scheduled for construction in 2014 rather than as Phase IV, as originally proposed, and the prior Phase I, Multiple Unit Area “A” would become Phase IV, proposed for construction in 2016.

It was noted that the height of the buildings did not change; they are still three (3) storeys high. With the focus on attracting independent senior citizens who wish to remain active in the community, the complex requires an elevator and this is the reason for the change in the number of building on each site. The elevators will be built in the centre of each of the adjoined buildings to distribute the cost. This redesign has created more green space and a more generous setback.

MOVED BY: David Carlson

SECONDED BY: Marc Gosselin

That the PAC support the requested change to amend Section 39 of the Developer’s Agreement for a single building on each of the two areas rather than two buildings as originally proposed, to add an additional four units on the Multi-Unit Area “B” building, and to amend the phase schedules.

CARRIED UNANIMOUSLY

c) David Hoyt Subdivision, 1 lot, Christopher Lane To Shipyard Road

Mr. Gerry Roberts represented the application for the creation of one lot in the David M. Hoyt Subdivision on Christopher Lane.

The access to the proposed lot 14-1 was questioned along with ownership and responsibility to this access road. Mr. Roberts showed the Committee the current boundaries map from Service New Brunswick (SNB) that showed the lot 14-1 is part of one piece of land that includes the private right-of-way called Christopher Lane. The PAC noted that while SNB shows the private lane is deeded to the owner of the parcel identified as 245159, Mr. David M. Hoyt, there was another parcel owner of land on Christopher Lane whose deed contains a condition stating that he is responsible for the maintenance of the lane. At least three other people use this private lane and any changes in rights, or responsibility of the lane, will affect all property owners. It was noted at the meeting, by Mr. MacKinnon of Christopher Lane, that the Town of Rothesay currently plows this private road in the winter months. Mr. Roberts stated that further research with their legal counsel will be required as this project is being coordinated by his partner and that partner was unavailable for questions at this meeting. Mr. Dwight Colbourne of the Town of Quispamsis stated that clarification on the rights of and maintenance for the private lane needs to be presented to the Town in writing before the lot can be subdivided whether this is by the adjoining property owners or the Town of Rothesay. Mr. Roberts noted that it will be difficult for the property owners, who have been on Christopher Lane for many years and not been responsible for the maintenance and cost of the road, to now be asked to sign a document claiming responsibility. He stated that that this responsibility could be placed on the new lot 14-1 owner’s deed but that would be a decision of the lawyers involved in both parties – the POA and the buyers.

Questions were asked of the intention of the remnant parcel of PID 246843, which is being used, with permission from Mr. David M. Hoyt, as access to the beach along the two sections. It was also noted in several correspondences received by the Town that property owners in the area, up to and including residents on Reserve Road, were given permission to use a portion of the beach along PID 246843. It was inconclusive as to whether this permission was granted verbally or in writing. It was noted by Mr. Roberts that the subdivision and sale of lot 14-1 would not affect the beach access, the fifteen (15) metre stretch of land will continue to be deeded separately and rest along the border of lot 14-1 as the remnant of PID 246843. The beach rights will require further research.

The Town received a copy of the Last Will and Testament of Mr. David M. Hoyt which stated that the parcel of land identified as PID 246843 was to be given to Ms. Brenda Loughery at the time of his demise. The Town also received several letters from neighbors and friends of Mr. David M. Hoyt that stated their awareness of Mr. David M. Hoyt's intentions including the parcel of land being given to Ms. Brenda Loughery. The Town's solicitor advised the PAC that the Last Will and Testament would only take effect on the death of the Testator and is therefore not relevant to the PAC application. The surveyors of Kierstead Quigley and Roberts Ltd. are acting on behalf of Mr. David A. Hoyt who is acting as the Power of Attorney (POA) for Mr. David M Hoyt. A copy of the Power of Attorney document, dated February 1, 1996, and registered in the Kings County Registry Office on November 17, 2011 as Number 30852306, was presented to the Town. Along with this document was an email from the POA's lawyer, Mr. Andrew Palmer, which clarified the rights of Mr. David A. Hoyt and noted the POA as superseding the Last Will and Testament.

Mr. Dwight Allaby, the legal advisor for Ms. Brenda Loughery, asked for a copy of these documents. Since the PAC meetings are public meetings, any information and associated attachments submitted become part of public record and are available to the public. Mr. Allaby was given a copy before the meeting was adjourned.

MOVED BY: Darin Lamont
SECONDED BY: David Carlson

That the PAC tables the decision of the creation of one lot in the David M. Hoyt Subdivision on Christopher Lane until further information is available on the access to the proposed lot 14-1, whether access has been granted through the private right-of-way called Christopher Lane, and the responsibility of this private lane. Documentation on permission granted to access lot 14-1 and the responsibility for maintenance on the extension of Christopher Lane must be presented in written form to the Town. Further information is also required on the beach access and beach rights to those residents claiming rights.

CARRIED UNANIMOUSLY

Mr. Mark Hatfield left the meeting at 7:40 p.m.

d) Kennebecasis United Baptist Church, 383 Hampton Road

Mr. Gerry Roberts represented the application on behalf of the Kennebecasis United Baptist Church and the Atlantic Baptist Senior Citizens' Housing Inc. for a tentative subdivision plan to subdivide the existing church property at 383 Hampton Road to create two new lots – Lots 1A and 1B, with the remnant (Lot 1C) to contain the church. The new lots are required in

order to accommodate the proposed construction of two (2) thirty-four (34) unit residential apartment buildings in order to provide affordable alternate living for seniors within our community.

Mr. Bob MacLaughlin reviewed received opposition notes and read aloud the following sections of the memo from the Planning and Development Officer, Mr. Dwight Colbourne:

- An 8.87m Lot Width variance for Lot 1A. Any lot created in the R2 zone must have a minimum lot width of 30m in accordance with Section 9(B) of Zoning By-law 038. The lot width for Lot 1A as proposed is 21.13m, which is 8.87m less than the minimum width. The reduction in lot width is a result of the original intent for that portion of the existing church property, which was to provide a second access to the parcel from the Hampton Road – a driveway or roadway. The reduced width in this portion of the Lot1A area does not impact the overall functionality of the lot.
- Approval of access to Lot 1B as the lot does not front a municipal street. In accordance with the Subdivision By-law 035 Section 5(A)(ii), every lot in a subdivision shall abut a publicly owned street or such privately-owned street or other access as may be approved by the PAC as being advisable for the development of land. As such PAC must review the proposed subdivision and access thereto and grant approval prior to the final plan submission to the Town.
- A detail stormwater management plan has been submitted and approved by the Town. The plan incorporates the use of underground retention infrastructure to control the storm drainage flows and achieve a balanced pre and post storm drainage flow - i.e. Net Zero increase.
- Additional parking spaces have been added to the development. These additional spaces are shown on the tentative plan in the parking lot between the Right-of-Way and church.
- A traffic analysis was completed and found the proposed development will have no impacts on the existing Level of Service along this portion of the Hampton Road.
- The orientation of the buildings is such that exterior lighting will be not spilling excessively into the neighbouring residential properties. Furthermore, the Development Agreement requires the retaining a sufficient level of natural treed buffering to mitigate any lighting and noise concerns.

Ms. Gwen Shuttleworth of 389 Hampton Road spoke on the opposition of the project noting that she previously opposed in writing and in person at the Council meetings but felt she was not heard. She reiterated her concern for traffic on the proposed access at 383 Hampton Road and its proximity to the entrance to KV High School. She felt that the school's traffic in the early morning, late afternoon and into the evening was causing congestion now and would only get worse with the addition of the sixty-eight new senior apartments. She agreed that a senior complex is a good idea and needed in the community but did not feel that this location, in the middle of a residential area, was appropriate. Ms. Shuttleworth did not approve of the width of the road and the requested variance. Mr. Roberts noted that although the variance was for eight decimal eighty-seven metres (8.87m), the road was still to be the same width as any road in a subdivision and would easily accommodate all sorts of vehicles including emergency types.

Mr. Alan Hart of 17 Canon Road stated his similar concern for traffic and noted that his concerns were also brought up to Council. He responded to the variance request that contractors or developers coming into the Town of Quispamsis should investigate our By-laws and develop around them versus asking the Town to accommodate their standards. Mr. Hart also noted the height of the buildings will impact the neighbors with their back yard viewing and the lights that will be expected to be on twenty-four (24) hours per day. He was also concerned for the fact that the drawings or plans of this development seemed to change every time correspondence was offered to adjoining property owners. He felt that all changes

should be approved through the Council process and this would allow the residents an opportunity to speak since they cannot pick up their homes and move. Mr. Hart noted that his understanding was that the seniors signing up for these apartments were aged fifty (50) and up but in his opinion, this does not mean retirees and more like continuing workers that could be traveling through the area all hours of the day and night.

Mr. Colbourne noted that nothing major had changed and any significant changes must go through the process. There were small changes that enhanced the green space and improved setbacks and the documentation that was sent out by PAC was a different view than the plans sent out by Council due to the fact that the PAC plans were drawn to focus on the requested variances and not the overall conceptual plan that would have been presented to Council.

The traffic study was reviewed and questioned for its validity by Ms. Shuttleworth. The study, completed by CBCL Limited, analyzed the existing and anticipated conditions of the area around the proposed site driveway up to and including Robert Munro Drive. The volume data was captured weekday mornings from 7:00am until 10:00am and afternoon peak periods from 2:00pm until 6:00pm. The report included speed limits, sidewalk and crosswalks structures, buffer zones, transit stops, and all types of vehicle and pedestrian traffic as well as sight distances along Hampton Road. The traffic condition was directly attributable to school traffic entering and exiting KV High School and was present for only a portion of the morning and afternoon peak hours. It is expected that roughly 25% of residents, retired but active senior citizens living independently, will not own a vehicle. There will be no full-time staff on site, but there will be occasional visits by nurses, visitors, and custodial staff. It was noted that the planned dining and community centre pavilions will be used primarily by residents and are not expected to attract trips to the site and that emergency vehicles are not considered a constant traffic expectation. The results of the traffic study stated that the close spacing of the intersections is not expected to pose any significant safety or operational problems. Mr. MacLaughlin noted that short-term traffic is apparent at several intersections and other schools within the community during peak times of the day.

Mr. Colbourne noted that the proposed development site is almost two hectares and could be set up with semi-detached and one to two family homes with a potential of forty (40) new homes which, as statistics indicate, would account for two or more vehicles per household and higher traffic.

Ms. Marsh Higgs, Co-Chair of the Kennebecasis United Baptist Church project, noted that the intention is to build one building at this time without definitive date on the others. She noted that many residents who wish to give up the work on maintaining a home and want to stay in the community are already signing up for an apartment. So far, the ages begin at sixty (60) years old and all are retired. These proposed residents are fully aware that these accommodations are geared towards independent living and that other arrangements will have to be made when supported living is required.

MOVED BY: David Carlson

SECONDED BY: Darren Bishop

That the eight decimal eight-seven metre (8.87m) Lot Width variance for Lot 1A and the access to Lot 1B over Lot 1A be approved.

CARRIED UNANIMOUSLY

e) Home Occupation – 409 Bradley Lake Road

Mr. Ricky Gaudet attended seeking approval for a four (4) square metre variance to operate a home occupation to make and assemble high-end outdoor cedar furniture from his home at 409 Bradley Lake Road. As per the zoning By-law 038 Section 6K(2)(d), the total floor area of the dwelling unit that can be devoted must not exceed the lesser of twenty five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters. In this case, the total floor area for the operation is twenty-eight (28) square meters.

Mr. Gaudet reviewed his intention with regards to the hours of operation, the storage and display of lumber and furniture plus signage. All were within the By-laws for a home business as per Zoning By-law 038 Section 25(A)(1)(b)(ii) and furthermore Section 6(K). He noted that his furniture would be constructed fully of cedar with hidden screws and rounded edges. There would be no milling of lumber on the property and the storage of lumber would be under the back deck or in the basement before being used. The only display would be a few pieces of furniture similar to a home yard setup and not in the significant numbers.

MOVED BY: Darin Lamont

SECONDED BY: Jean Place

That four (4) square metre area variance be granted and the home business to make and assemble high-end outdoor cedar furniture from the home at 409 Bradley Lake Road be approved with the following conditions:

- 1) It shall be secondary to the main residential use of the dwelling;*
- 2) The hours for business remain at the Monday to Friday, 8:00am to 5:00pm;*
- 3) The storage of lumber is to be kept under the back deck as noted or out of sight as much as possible;*
- 4) A sign, pursuant to the Town's Sign By-law is permitted on the outside appearance of the building to indicate that a home occupation is being conducted therein;*
- 5) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;*
- 6) The furniture display on the visible yards is kept to a limited amount; and*
- 7) 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.*

CARRIED UNANIMOUSLY

9. Information Items

Council Meeting Minutes February 18 and March 4, 2014

10. Adjournment

MOVED BY: David Carlson

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 8:20 p.m.

The next Planning Advisory Committee meeting is scheduled for April 22, 2014.

Respectfully Submitted,



CHAIRMAN



SECRETARY