

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – February 10, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, February 10, 2015 at 7:00 p.m.

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

Absent:                Darren Bishop  
                             Mark Hatfield

**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

**4. Review of Previous Meeting Minutes**

MOVED BY:                David Carlson  
SECONDED BY:            Marc Gosselin

*That the Minutes of the January 13, 2015 PAC meeting be approved.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Temporary Use - Patio	By-law #038 Section 3.(B)(1)	173 Hampton Road

MOVED BY: David Carlson

SECONDED BY: Marc Gosselin

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

CARRIED UNANIMOUSLY

**6. Unfinished Business**

None

**7. New Business**

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Zoning By-law Amendment - Notwithstanding Use in a Central Commercial (CC) Zone (for an Auto Car Wash)	By-law #038 Section 12.(A)	15 Pettingill Road
b)	Temporary Sign Variance	By-law #036 Section 3.D.(1)q	929 Hampton Road
c)	<del>Home Occupation - Dog Grooming Business</del> <i>It was recognized, after notification was sent to neighbouring properties, that this dwelling contains an accessory dwelling unit and as such, requires further review and a revised notification to be sent to property owners within a 100 metres radius for additional variances.</i>	<del>By-law #038 Section 6.(K)</del>	<del>5 Summer Court</del>
d)	Tentative Subdivision Plan; Lot Width Variance	By-law #035 and #38 Section 8.(C)	30 Executive Avenue; one lot into three
e)	Request to Amend Developer's Agreement	Section 66 of the Community Planning Act	383 Hampton Road

**a) Zoning By-law Amendment - Notwithstanding Use in a Central Commercial (CC) Zone (for an Auto Car Wash) – 15 Pettingill Road (PID 30256226)**

Dr. Jeff Sheppard and his business partner Mr. Bob Walsh attended requesting a By-law amendment to permit the use of an Auto Car Wash through a Notwithstanding Clause at the corner of Pettingill Road and Greenwood Drive as this type of business is not listed as a Permitted Use or Discretionary Use in the Central Commercial Zone. With this By-law amendment, there are two variances reviewed:

1. The location of the driveway is on a corner lot and as per Section 6(P)(6) of the Town's By-law #038, all driveways to a corner lot shall be located no closer than eleven (11) meters from the intersection of the lot lines along two (2) streets with the exception that no driveway may be located within thirty (30) meters of an intersection of two (2) or more streets if traffic at such intersection is controlled by traffic lights. The proposed driveway off Greenwood Drive showed on the plan to be within that 11-metre setback distance.

2. Parking in Front Yard Setback Area: (Section 6(P)(3)): in all zones, other than an R Zone, parking shall not be permitted within the required front yard setback area, unless permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 34(4)(c) of the Community Planning Act of New Brunswick. The development proposes seven (7) spaces in the front. Placement of parking the front area is normally associated with challenges to place it elsewhere on the property. PAC will need to examine the lot and proposed development to determine if the balance of having more green space in the rear and along Greenwood side offers more overall benefit than along the front.

Council first reviewed this By-law Amendment request at its December 16, 2014 regular meeting where Dr. Sheppard submitted an Executive Summary of their business plan along with Building and Site development plans. The business plan provided an overview of the efficiency of the tunnel car wash technology and stated that the proposed location is the most suitable as it provides a high business exposure to more than 12,000 vehicles per day. The site plan showed two points of access/egress – one from the Pettingill Road (a Collector Street) and the other from Greenwood Drive (a Local street providing access to residential neighborhoods). The proposal included the installation of four (4) underground storage tanks for a 15000 gallon water reserve which will be filled by supply from a single on-site well and water top-up from water delivery. Two (2) additional tanks will be installed to supplement the system that will obtain water sources from water reclaimed through water recycling from the car wash process and rainwater captured from the building's roof.

As there is no municipal water service in this area and this is a significant and key element in considering this application. A water consumption report was handed to the PAC members for review. This report calculated the usage of water based on two other similar car wash operations in New Brunswick with a weekly number of cars for the tunnel wash at eight hundred and seventy-five (875), thirty-five (35) gallons of water per car wash and fifty percent (50%) of reclaimed water. It also included a weekly number of cars for the self-serve wash at one hundred and twenty (120), usage at nineteen (19) gallons per wash with no reclaimed water and four (4) self-serve bays. Mr. Sheppard confirmed the addition of captured rain water and on-sight storage that will be topped up by delivery as needed.

Mr. Rioux asked if there was an indication as to how many homes this usage would equate to. It was noted by Mr. Colbourne that a water supply and source assessment must be done in order to ensure the area can accommodate the business based on the consumption required in this report and this may compare household usage. It was also noted that the waste water disposal requires research and documented reports before approval. It was asked if the Town's pumping station can handle the waste water flow and Mr. Colbourne stated that this will have to be evaluated as part of the process and since the consumption report was just introduced this evening, this will be part of the assessment. Dr. Sheppard commented that they would like to obtain their approval, or first level approval at least, before spending several thousand dollars on these reports. However, Mr. Colbourne stated that they need to demonstrate that the water supply will be sufficient capacity to support the business before the signing of the Developer's Agreement and before Third and Final Reading with Council.

There was concern voiced for vehicles queuing along both Pettingill Road and Greenwood Drive as vehicles form a single line into the tunnel wash. Dr. Sheppard stated that there was room for eleven (11) cars before the entrance to the wash bay and that the time required for

each car wash was only five to six (5-6) minutes. He also stated that the plans were changed to move the driveway entrance off Greenwood Drive back another eight (8) feet to ensure it complies with the Town's By-law. This was noted as a variance requested, see #1 above, that will not be required if in fact the final plans indicate the driveway is not within the eleven (11) meters of the intersection. The new plans were not available for PAC Members to review at this time.

A complaint of auto-wash operations having doors freezing in subzero temperatures was reviewed. Mr. Walsh stated that the design of the building will eliminate this as much as possible but the operations will start an hour later in the day if time is required for removing ice around the door for opening.

The intention is to operate for twelve (12) hours per day; hours of operation not available at this time.

Notice was not sent to the residents by PAC as this part of the application was handled through Council. No one attended to speak for or against this application.

MOVED BY: Darin Lamont

SECONDED BY: David Carlson

*That the PAC support the By-law amendment to permit the use of an Auto Car Wash through a Notwithstanding Clause at the corner of Pettingill Road and Greenwood Drive and as part of the development, approve of parking within the Front Yard Setback Area as per Section 6(P)(3)(b) of the Zoning By-law #038, while recognizing that the variance for the driveway off Greenwood to be within the eleven metres (11m) of the intersection as per Section 6(P)(6)(b) of the Zoning By-law #038 is no longer required once the plans are revised as noted, subject to the following conditions:*

- 1. The Public Hearing date of February 17, 2015, results in the approval of Council;*
- 2. A full comprehensive traffic flow analysis will be required to be submitted;*
- 3. A detailed comprehensive water supply and source assessment report by a certified professional engineer is to be completed and submitted;*
- 4. A detailed report demonstrating how the property can support the underground tank storage infrastructure;*
- 5. A site design showing the creation of the buffering zone as it relates to the neighboring residential zones must be approved by the Town prior to construction;*
- 6. The owners of the Route 66 Car Wash enter into a Developer's Agreement with the Town of Quispamsis;*
- 7. The car wash facility must meet or exceed the Guidelines of the New Brunswick Department of Environment & Local Government which could include but are not limited to the following:*
  - a. Wash must be located such that adjacent property owners and groundwater users are not impacted;*
  - b. Only mild detergents or cleaning agents which are biodegradable shall be used;*
  - c. No petroleum solvents shall be used or permitted on the site;*
  - d. No washing of engines, undercarriages, or other articles, which are, or are likely to be, contaminated with oil or grease;*

- e. A back-flow prevention device shall be installed and maintained between the wash facility and any public water source;*
- f. A wash water treatment system shall be installed and maintained and all wash water shall be disposed of through the wash water treatment system which includes the following:*
  - i. an impervious asphalt or concrete surface graded to a catch basin located within this surface*
  - ii. a sand and grit interceptor which shall be periodically cleaned from the system*
  - iii. an oil/water separator*
- 8. Signs are to be posted alerting customers that dumping unwanted (waste) oil and hazardous substances into the drain or on the ground is a crime;*
- 9. Access and Egress to Greenwood Drive is granted provided the driveway is not within eleven metres (11m) of the intersection and a traffic study proves there will be no queuing on Greenwood or the Development will not introduce significant changes to traffic flow patterns as associated with a local street; and*
- 10. Exterior lights to be downward directed.*

**On the Question:**

The access to Greenwood Drive was questioned. Mr. Colbourne noted that his memo mentioned a possible restriction of access to Greenwood Drive. This was recommended for PAC to review before the plan was revised to move the driveway back eight (8) feet (as stated in the above minutes) and was in consideration of the type of business traffic, and the timing span of traffic patterns that may occur on Greenwood which may interfere with residential traffic flow. The suggestion was also in consideration of the business across the street, currently a day-care, the traffic on both Pettingill and Greenwood and the proximity of the second entrance to the intersection. The PAC Members approved the access and egress to Greenwood Drive with conditions as noted in condition #9 above.

CARRIED UNANIMOUSLY

**b) Temporary Sign Variance – 929 Hampton Road (PID 30178727) – Leisure Time Sales**

Mr. Derek Dobson, on behalf of Leisure Time Sales, attended seeking a variance from the Sign By-law for the placement of a mobile sign at their RV Sales property at 929 Hampton Road for the purpose of a commercial drive that displays and reminds passing motorist of the remaining number of days until Spring. In order to permit this request a variance would be required from the Town's Sign By-law #036 Section 3(E)(2) whereas Mobile Sign are prohibited in all Zones.

Mr. Dobson stated that he has used this type of advertising campaign in previous years, as it is good for traffic passing by the business. He has not found another type of sign that is viewable from the road and convenient for quick changing of words. The size was noted as being five decimal five feet by eight feet (5.5' x 8') with interchangeable white letters on a black background.

It was noted that the advertising wording had changed for a couple of days from the countdown to Spring to announcing an upcoming Home Show and Mr. Dobson was asked if future changes were expected. Mr. Dobson stated that the Home Show was the only change and no others would be made from now until the end of the term agreed upon by PAC for this sign.

Mr. Colbourne commented that the Sign By-law clearly states that a mobile sign is prohibited in all zones within Quispamsis and as the sign is prohibited (i.e. not a permitted use), the PAC cannot grant a variance for use that is not permitted. Options reviewed were to grant a variance from the Town's Sign By-law that would allow a larger sandwich board sign, a temporary free-standing sign, or approve a Temporary Use – which means a use and/or structure permitted to exist for a limited amount of time in accordance with the provisions of the Community Planning Act of New Brunswick and the Town's By-Law. Mr. Colbourne also stated that if there is a requirement for changeable copy signage then an alteration to the existing free-standing sign should be considered for future uses of this nature.

MOVED BY: David Carlson

SECONDED BY: Darin Lamont

*That the PAC approve a Temporary Use of the portable sign at 929 Hampton Road (PID 30178727), measuring five decimal five feet by eight feet (5.5'x 8') to be used to advertise a countdown to Spring in the white letters on black background, as per By-law #038 Section 3(B)(1) subject to the following condition:*

- 1. The sign is removed on or before March 31, 2015.*

**On the Question:**

The official first day of Spring was noted as March 21, 2015 but with the severe conditions of the past few months of winter, Mr. Dobson requested permission to keep the sign up just a little longer to ensure the message of Spring's arrival is actually timed with Spring weather. The PAC Members approved a deadline date of March 31, 2015 as noted in the one condition above.

CARRIED UNANIMOUSLY

**c) Home Occupation – Dog Grooming Business – 5 Summer Court**

It was recognized, after notification was sent to neighbouring properties, that this dwelling contains an accessory dwelling unit and as such, requires further review and a revised notification to be sent to property owners within a 100 metres radius for additional or alternate variances.

**d) Tentative Subdivision Plan – 30 Executive Avenue (PID 30232813); dividing one lot into three lots**

Linda and Mark Hall attended seeking approval for a Tentative Subdivision Plan at 30 Executive Avenue (PID 30232813) for the creation of two (2) new building lots with Lot 15-1 requiring a frontage variance of seven decimal one (7.1) metres and Lot 15-2 requiring a frontage variance of five decimal nine one (5.91) metres plus Lot 15-2 requiring a variance from Section 8(E)(2) whereby whereas if a building lot is four thousand (4000) square metres or larger, the main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained.

The original lot (PID 30232813 Lot 05-1) contains a total area of twelve thousand three hundred (12300sqm) square metres and as such the resulting three (3) parcels will contain more than the minimum four thousand (4000) square metres (or 1 acre) required for the onsite sewerage septic system and private drilled well that will service these lots. The proposed areas for each of the lots is 4023 sq. m, 4214 sq. m and 4020 sq. m. for Lots 15-1, 15-2 and 15-3 respectively.

Lot 15-2 contains the existing single-family residence, driveway access off Executive Avenue. Access to Lots 15-1 and 15-3 will be by way of a driveway off Executive Avenue, a public street, making it compliant with Section 5(A) of the Subdivision By-law 035.

Public notice has been issued to all property owners within 100 metres of the subject property and there were no concerns received. No one attended to speak for or against this application.

MOVED BY: Marc Gosselin

SECONDED BY: Darin Lamont

*That the PAC approve the Mark & Linda Hall Tentative Subdivision Plan subdividing PID 302320813 creating two (2) new Single Family Residential Lots and a remnant parcel at 30 Executive Avenue subject to the following conditions:*

- 1. A lot width variance of seven decimal one (7.1) metres for Lot 15-1;*
- 2. A lot width variance of five decimal nine one (5.91) metres for Lot 15-2;*
- 3. A variance from Section 8(E)(2) of Zoning By-law 038 for Lot 15-2;*
- 4. Subdivision filing fees in the amount of two hundred thirty dollars (\$230) for a subdivision plan consisting of more than two (2) lots;*
- 5. Cash-in-lieu of Land for Public Purposes in the amount of Seven Hundred Fifty Dollars (\$750) per new lot created – totalling One Thousand Five Hundred Dollars (\$1500);*
- 6. Final Plans to be properly signed by the necessary utilities and owners prior to submission to the Town for final approval; and*
- 7. On-site Septic Approval in accordance with the Provincial Health Act is obtained for Lots 15-1 and 15-3 before building permits are issued.*

CARRIED UNANIMOUSLY

#### **e) Request to Amend Developer's Agreement – 383 Hampton Road**

Town Council received a request from the Atlantic Baptist Housing to amend their *Section 39 Community Planning Act* developer's agreement between the Town and the Atlantic Baptist Housing and the Kennebecasis Baptist Church. The agreement outlines the terms and conditions of the previous Multiple Residential (R2) rezoning of the property for the Kennebecasis Baptist Church Seniors' Housing Complex. The developer is requesting the agreement be amended as follows:

- 1) To extend the construction and completion time lines of the current agreement by eight (8) months; and
- 2) To permit the building design change from two (2) buildings with a total of sixty-eight (68) units to one (1) "L" shaped building with a maximum of sixty (60) units.

At the January 20, 2015 Regular Meeting, Town Council referred the proposed request to amend the Developer's Agreement to the Planning Advisory Committee for its written views pursuant to Section 66 of the *CPA*, and to set a Public Hearing date for March 17, 2015, and directed that notice be issued to residents within a 100 metre radius of the property in question. However, the applicants were not informed that their application would be reviewed at the PAC meeting of February 10, 2015 and final plans have not been received.

MOVED BY: David Carlson  
SECONDED BY: Darin Lamont

That the agenda item “**Request to Amend Developer’s Agreement – 383 Hampton Road**” be tabled until representatives are available at a PAC Meeting to answer any questions the PAC Members may have.

CARRIED UNANIMOUSLY

**8. Information Items**

Council Meeting Minutes - December 16, 2014

**9. Adjournment**

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:58 p.m.

The next Planning Advisory Committee meeting is scheduled for February 24, 2015.

Respectfully Submitted,

  
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CHAIRMAN  
\_\_\_\_\_  
SECRETARY