



QUISPAMISIS TOWN COUNCIL REGULAR MEETING MINUTES

May 19, 2015, 7:00 pm
Council Chambers
Quispamsis Town Hall

Members Present: Mayor G. Murray Driscoll
Deputy Mayor Libby O'Hara
Councillor Gary Clark
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Pierre Rioux
Councillor Beth Thompson

Members Absent: Councillor Lisa Loughery (work commitment)
Brennan, Michael; CAO
Snow, Catherine; Town Clerk

Staff Present Deuille, Susan; Assistant CAO/Director of Human Resources
Losier, Gary; Director of Engineering & Works
MacInnis, Lisa; RIM Coordinator
McGraw, Jo-Anne; Town Treasurer
Purton Dickson, Dana; Director of Community Services

1. Approval of Agenda

Moved By Councillor Clark

Seconded By Councillor Thompson

Be approved as prepared.

Motion Carried

2. **Mayor's Comments**

Mayor Driscoll will be attending 'Moving Beyond Waste' on May 28, 2015 - Waste Packaging and Printed Paper Forum. Packaging and Printed Paper (PPP) make up a large portion of the residential waste stream in every jurisdiction in Canada. Many provinces have packaging and printed paper stewardship programs that industry finances.

This forum is for those interested in learning about what a PPP program would mean for municipalities in New Brunswick, funding models, and is an opportunity to talk to representatives from provinces that have EPR programs for these products.

3. **Moment of Reflection** - Councillor Miller led the moment of reflection.

4. **Disclosures of Interest** - No disclosures were declared.

5. **Presentations** (None)

6. **Public Hearings**

6.1 (Jan.20/15) Homestar Inc.'s Request to Rezone 15 Elliot Road from Rural (RU) to Highway Commercial (HC) to Expand Existing Office and Warehouse Building located at 11 Elliot Road

Mr. Mark Hatfield, Owner, Homestar Inc. expanded upon the development application for the expansion of their existing office building and workshop at 11 Elliot Road.

A memo from the Municipal Planning Officer informed Council the application and preliminary design package for the rezoning of the 15 Elliot Road to Highway Commercial would be in keeping with the general use on the other lots in this lower portion the Elliot Road – the Culligan Water warehouse and an Institutional use at the church property.

Examination of the Municipal Plan policy with respect to applications for highway commercial development outside designated areas we see the proposed application reasonably satisfies the four key elements for

Highway Commercial (HC) Zoning , although there remains a few items that would need to be addressed by the applicant before the Town could proceed to the developer's agreement stage. He noted the finalization of the developer's agreement is a condition of 3rd and final reading.

A memo from the Planning Advisory Committee expressed its support of the proposed rezoning application, 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.

Council reviewed correspondence from the following residents who reside within close proximity of the proposed rezoning:

John & Dorothy Floyd – Opposed to change of zoning from Rural to Highway Commercial, submission of petition.

Mark & Diane March – Opposed

Yang & David (Xu, Lei & Yan Yang) – Opposed

Paul Stackhouse – Opposed

Mayor Driscoll opened the floor to those wishing to speak for or against the proposed rezoning with the following individuals addressing Council:

1. Paul Stackhouse – 51 Elliott Rd – Opposes location of the proposed development.

Mayor Driscoll asked three times if anyone else wished to speak for or against the proposed rezoning. No one else spoke, which concluded the Public Hearing portion of the meeting.

Mr. Hatfield responded to the residents' concerns and queries of Council Members. He stated that he currently had no plans to develop or expand beyond 15 Elliot Road and ensures that any concerns about the aesthetics standards for development and expansion will be met and will follow similar style and landscaping of the existing property.

The Director of Engineering and Works explained that any changes or further development can be controlled through the Development Agreement, and furthermore through the Section 39 process of the Community Planning Act.

This process provides complete control over 'Commercial Creeping'.

Moved By Deputy Mayor O'Hara
Seconded By Councillor Olsen

First reading be given to Municipal Plan By-law Amendment No. 37-07.

Motion Carried. (Nay: Councillor Thompson)

Moved By Councillor Rioux
Seconded By Councillor Miller

Second reading be given to Municipal Plan By-law Amendment No. 37-07.

Motion Carried. (Nay: Councillor Thompson)

Moved By Councillor Olsen
Seconded By Councillor Miller

First reading be given to Zoning By-law Amendment No. 38-20.

Motion Carried. (Nay: Councillor Thompson)

Moved By Councillor Rioux
Seconded By Deputy Mayor O'Hara

Second reading be given to Zoning By-law Amendment No. 38-20.

Motion Carried. (Nay: Councillor Thompson)

Mayor Driscoll informed those in attendance that consideration of third and final reading of these By-law amendments would be subject to the finalization of a developer's agreement between the Town and Homestar Inc. outlining the terms and conditions of the rezoning.

6.2 (Apr.7/15) 606366 N.B. Ltd. Request to Rezone 351 Hampton Road (PID 00253641) - Single or Two Family Dwelling (R1) to Multiple Residential (R2) – 35 Condominium Unit Development

Mr. Cal Cipolla, representing 606366 N.B. Ltd, expanded upon the importance of mixed density residential housing in Quispamsis, the benefits of this parcel being located on main thoroughfare, and stated there comes a time when seniors can no longer maintain their single family homes and are looking to downsize to an apartment building.

A memo from the Municipal Planning Officer informed Council that the revised application has provided sufficient details to demonstrate that the proposed use of the land for a higher density residential development is in keeping with the intent of the Municipal Plan for the area.

The five parameters identified in Municipal Plan By-law No. 37, Section 6(C)(2) have been met and consideration of this amendment by Council would be more than reasonable.

A memo from the Planning Advisory Committee expressed its support of the proposed rezoning application, subject to the following conditions:

That the Planning Advisory Committee support the revised application for the rezoning of approximately five (5) acres of vacant property at 351 Hampton Road from Single and Two Family Dwellings (R1) to Multiple Residential (R2) to permit a thirty-six (36) unit Condominium development utilizing multi-storey townhouse and terrace style building styles and approve the variance of two (2) percent for the short segment of street that

proposes a street grade of ten (10) percent subject to the following condition:

1. The 9.1m (30ft) right-of-way along the north side of the property of 90 Old Coach Road is researched and reviewed by the Town's legal department to ensure access of such Right-of-way stops at the rear of the said property plus ensure ingress and egress was not granted to any other property along PID 253641.

Council reviewed correspondence from the following residents who reside within close proximity of the proposed rezoning:

Scott Sommerville – Concerned about 30 ft right-of-way
Mark & Gwen Tonge - Opposed
David Greer - Opposed

Mayor Driscoll opened the floor to those wishing to speak for or against the proposed rezoning with the following individuals addressing Council:

1. Mark Tonge – Had several questions about further development of the property and about the ownership of the units.
2. Scott Somerville – 389 Hampton Road – Had several questions about the 30 ft right-of-way and any legal issues involved with development around that 30 ft right-of-way.
3. Barry Radcliff – 353 Hampton Road – Had several concerns, the amount of families on less than 5 acres of land, traffic, dust and noise from the lot development.
4. Peter Donovan Jr. – In support of proposal, stating this will bring diversity to housing in the Kennebecasis Valley.

Mayor Driscoll asked three times if anyone else wished to speak for or against the proposed rezoning. No one else spoke, which concluded the Public Hearing portion of the meeting.

Kelly Peters, Polyline Designs , expanded upon 606366 N.B. Ltd. application to rezone approximately 5.11 acres identified as PID No. 00253641 with Civic No. 351 Hampton Road from Residential (R1) to Multiple Residential (R2). The purpose of the proposed rezoning is to develop a 35 unit condominium styled development in a series of smaller scaled buildings spaced throughout the site. Mr. Roberts stated the one and two bedroom units will be targeted towards young professionals, smaller families and newly retired people who wish to be free of yard maintenance. The project, he said, will be governed under the Condominium Act with distinct ownership of the units.

Mr. Roberts, on behalf of the proponent, responding to the residents' concerns, and queries of Council Members reading the 30 foot right-of-way and construction schedule.

Mr. Roberts read correspondence from Duane McAfee, proponents' solicitor regarding the 30 foot right-of-way which stated that the "right-of-way in favor of PID#72462 is described as 'a right-of-way over a 30 foot wide lane extending from the Quispamsis Station Road to the rear of Lot 54 as shown on a Deed dated December 15, 1945, registered on February 5, 1946 as Number 99281 in Book 45 at Page 157'. In our opinion the evidence is clear that the right-of-way described is over the 30 foot wide area on the north side of PID #72462."

Mr. Roberts explained that the right-of-way described is over the 30 foot wide area on the north side of PID #72462 only. The right of way no longer extends along the entire northside of PID #00253641.

He also expanded on the construction schedule which is planned over a ten year period with market conditions driving the project.

Moved By Councillor Clark

Seconded By Deputy Mayor O'Hara

First reading be given to Zoning By-law Amendment No. 38-21.

Motion Carried.

Moved By Councillor Olsen

Seconded By Deputy Mayor O'Hara

Second reading be given to Zoning By-law Amendment No. 38-21.

Motion Carried.

Mayor Driscoll informed those in attendance consideration of third and final reading of these By-law amendments would be subject to the finalization of a developer's agreement between the Town and 60633 N.B. Ltd outlining the terms and conditions of the rezoning.

7. Minutes of Previous Meetings

7.1 May 5, 2015 - Regular Meeting

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

Minutes be approved as prepared.

Motion Carried

7.2 May 12, 2015 - Special Meeting

Moved By Councillor Clark

Seconded By Councillor Miller

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (Dec 9/14) COMEX Services in Quispamsis

Moved By Councillor Olsen

Seconded By Councillor Clark

That the Town of Quispamsis agree to recommendations to reduce COMEX services as follows:

Route 53:

- Cut the last run in the morning and afternoon due to low utilization

Route 52:

- Alter the offering to drive in and out the Old Rothesay Road,
- Services will now be provided by one bus and there will be less runs
- Parkside bus stop on 52 will be dropped from Route 52 only
- An additional bus stop will be added near Scribner Court in Rothesay
- A special bus run will be added to the newly modified schedule at 4:40pm

Motion Carried

9. Correspondence

9.1 Addison Court Resurfacing Petition

As background, in 2006 the town of Quispamsis approved the Shady Creek Subdivision for the creation of Addison Court and the 11 lots fronting along the court. As part of the approval process the developer was required to enter into an agreement with the town to ensure all construction was in accordance with the subdivision standards including the street asphalt surface. In addition to the developer's agreement, the developer was required to post appropriate bonding to guarantee the completion of the construction. The standard for asphalt resurfacing on Addison Ct is an initial base coat and a seal coat of asphalt, generally once all residential construction is completed.

The Engineering staff will be making contact with the developer, Timber Frame Developments Ltd and its president Tom Jepson, seeking an appropriate time frame for the completion of the asphalt in this development. We will also request the developer to complete appropriate inspections and rehabilitation of the base asphalt prior to completing the seal layer.

Moved By Councillor Miller
Seconded By Deputy Mayor O'Hara

Engineering staff to follow up with the Developer of Shady Creek Subdivision to ensure the proper seal coat of asphalt is placed in an acceptable time period and proper remedial work takes place on the base asphalt layer prior to the seal asphalt. Once a schedule is agreed it will be communicated to the residents through the petition representative.

Motion Carried

9.2 Correspondence from Rob Doucet - May is Lyme Awareness Month

Moved By Councillor Thompson
Seconded By Councillor Olsen

Correspondence be referred to Staff to advise residents to educate themselves about Lyme disease by posting CANLYME website (CANLME.COM) on town's website.

Motion Carried

10. **By-laws** (None)

11. **New Business**

11.1 Tender 2015TQ04-8 2015 Sport Utility Vehicle Tender Award Recommendation

Moved By Councillor Thompson
Seconded By Councillor Clark

Tender 2015TQ04-8 2015 Sport Utility Vehicle be awarded to the low bid from Dobson Chrysler Dodge Jeep for the tender price of \$ 40,909.00 inclusive of applicable taxes.

Motion Carried

11.2 Gas Tax Fund Projects - Gas Tax Fund (2014-2018)

Moved By Councillor Thompson

Seconded By Councillor Olsen

Resolved that the Town of Quispamsis adopt the Document entitled "Amended Five-Year Capital Investment Plan for the GTF Administrative Agreement for the Town of Quispamsis 2014-2018", to reallocate funds, after removing the Splash Pad.

Motion Carried

11.3 Request for Operational Updates

Scarlett Drive Trail

Deputy Mayor O'Hara expanded on a conversation she had with Mr and Mrs. Melvin, from 101 Scarlett Drive, regarding the trail that runs along their property. The Melvin's had concerns about privacy and walker's coming on their private property. Council expressed concerns about the safety issues around stream and steep embankment.

Mrs. Susan Melvin, from 101 Scarlett Drive, was in attendance. Mayor Driscoll allowed her to approach Council to further expand on their concerns.

Moved By Councillor Clark

Seconded By Councillor Olsen

Refer to staff for recommendations and bring back to Council.

Motion Carried

11.4 Assistant CAO - Bank Account Signing Authority

Moved By Councillor Thompson

Seconded By Deputy Mayor O'Hara

Resolved that Ms. Susan Deuille be appointed as an authorized signing officer, jointly with other authorized signing officers, on all Town of Quispamsis bank accounts.

Motion Carried

12. Reports

- 12.1 50+ Friendship Games Award Banquet Invitation - June 5, 2015
- 12.2 Animal Control Report - April 2015
- 12.3 Building Report - April 2015
- 12.4 Kennebecasis Regional Joint Board of Police Commissioners Minutes - March 25/15
- 12.5 Town of Quispamsis - Unaudited Financial Statements As At March 31, 2015

Moved By Councillor Olsen

Seconded By Deputy Mayor O'Hara

Reports be received and filed.

Motion Carried

13. Business Arising from Committee of the Whole (none)



14. Adjournment

Moved By Councillor Olsen

Seconded By Councillor Clark

Meeting adjourned at 8:45 p.m.

Motion Carried

X  X 
G. Murray Driscoll Susan Deuille
Mayor Acting Clerk
