

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – September 8, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, September 8, 2015 at 7:00 p.m.

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

Absent:                Darren Bishop  
                             Jean Place

**1. Call to Order**

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

**2. Approval of the Agenda**

MOVED BY:                Marc Gosselin

SECONDED BY:            Darin Lamont

CARRIED UNANIMOUSLY

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

None

**4. Review of Previous Meeting Minutes**

MOVED BY:                Marc Gosselin

SECONDED BY:            David Carlson

*That the Minutes of the August 11, 2015 PAC meeting be received and filed.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Accessory Building Beyond Front Line of Main Dwelling	By-law #038, Section 25.(O)(1)(a)(i)	125 Hammond River Road
Oversize Detached Garage	By-law #038, Section 8.(G)(1)(c)	303 Meenan's Cove Road
Over Height Detached Garage	By-law #038, Section 8.(G)(1)(a)	16 Kingsway Drive
Sign Variance	By-Law #036, Section 18.(A)(1)	250 Quispamsis Road
Oversize Detached Garage	By-law #038, Section 8.(G)(1)(c)	79 Colton Brook Road
Detached Garage Beyond Front Line of Main Dwelling	By-law #038, Section 25.(O)(1)(a)(i)	395 Model Farm Road

MOVED BY: Mark Hatfield

SECONDED BY: Pierre Rioux

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

CARRIED UNANIMOUSLY

**6. Unfinished Business (from the August 11, 2015 meeting)****a) Day Care as Discretionary Use in Institutional Zone – 30 Vincent Road**

Ms. Linda Hallahan attended seeking approval to operate a Child Care facility at the True Life Church (formerly the Rothesay Baptist Church) as an extension of an existing childcare operating in the school (Valley Christian Academy) on the same property. A Day Care is permitted as a Discretionary Use in this zone as per Section 21.(B)(c) of the Town's Zoning By-law 038 subject to terms and conditions as may be imposed by the Planning Advisory Committee.

Little Blessings Daycare currently operates at Valley Christian Academy – a private school located directly behind True Life Church (formerly Rothesay Baptist Church) at 30 Vincent Road. This application is for an expansion of the child care services currently offered at the school that will include younger children. The additional services will be 'housed' in the church building, not in the school building. The plan is to use the existing nursery facility in the True Life church for this Day Care service to younger children. There are minimal changes required to use the existing nursery as a day care during the week. The new Day Care services will be in an expansion of the existing licensed Child Day Care at Valley Christian Academy, which is currently licensed for children between the ages two (2) to five (5) of age. The request that is before the PAC is requesting approval of the Town to expand their services to accommodate up to 15 children ages two (2) to three (3) years. The hours of operation would be 7:00 a.m. to 6:00 p.m. daily with the exception of statutory holidays. The extension would be required to hire three (3) additional staff. While the Town does not have the authority to license Child Day Care Facilities, Valley Christian Academy requires approval of the Town in regards to compliance with Zoning By-law provisions governing the operation of Day Care facilities within the Town's boundary.

As these applications are reviewed, the Town examines such requests in accordance with provisions of Section 6.L(3) of Zoning By-law 038 that provide for the following: specific terms and conditions necessary to protect properties with the zone of abutting zones; protection of the health, safety and welfare of the general public to attend the facility; ample parking for employees and patrons; and compliance with requirements of the provincial regulations.

In terms of potential impact with the zone and adjacent zones, the True Life Church is located on 8094 square metres and borders properties belonging to the church along three sides – having a total land area of 19,916 square metres (almost 5 acres). The business will not have any direct impact on residential properties and its location provides prime access to the Vincent Road as such will not have significant impact on traffic patterns and movements. As well, the property contains a private school and has established safe pedestrian and traffic movement for more than 30 years.

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.

Parking is provided in about ninety percent of the above mentioned adjoining lots of almost 5 acres plus an addition property containing 2864 square metres across the street where parking is already designated. The addition of three (3) staff and the minimum three (3) parking spaces for the additional children will not have any impacts on the already available parking.

An item that will require clarification and confirmation of compliance is with respect to the outdoor play space. The outdoor play space must provide a minimum of four and one half (4.5) square metres (48 square feet) per child to accommodate fifty percent (50%) of the centre's approved capacity and shall be enclosed on all sides by a fence of a least 1.22 metre (4 feet) in height for children under the age of five (5) and have gates equipped with bolts and latches which must be locked at all times when children are using the play space. The location and the total area of the space will need to be submitted and incorporate into the Development Agreement. Outdoor play space must have a surface which is well drained and free from depressions in which water may stand. This will be included as part of the outdoor play space plan submitted for the Development Agreement. Any changes to or installation of fencing will require a fence permit from the Town.

Indoor space must provide a minimum of three and one-quarter (3.25) square metres (thirty-five (35) square feet per child not including office space, staff room, stairways, hallways, washroom, lockers, kitchen facilities, storage or isolation areas. Wash basins and toilets must be provided for children over the age of two (2) in the following ratio and must contain steps or platforms that allow children access to adult sized fixtures, both sinks and toilets: 1 toilet 1 wash basin for 1-9 children and 2 toilets 2 wash basins for 10-24 children.

Whether the total area and proposed layout of the space will meet the minimum regulatory requirements will need confirmation from the Fire Marshall and the Provincial authorities and as such, terms and conditions are to be included in the Development Agreement include

obtaining the necessary permits and inspections from the Fire Marshall's office and the Province.

The Town has no record of a Developer's Agreement for the existing day care facility at 30 Vincent Road as such the Development Agreement will have to cover the existing operation as well. Notice was sent to all property owners within 100 metres of property; no concerns were received and no one attended to speak for or against this application.

MOVED BY: Marc Gosselin

SECONDED BY: Mark Hatfield

That the PAC approve the Discretionary Use to operate Child Day Care facility at 30 Vincent Road, PID 00064295, as an expansion of the current child care facility, subject to the following conditions:

1. The Child Care Facility must comply with all Provincial regulations under the Family Services Act of New Brunswick and a copy of approval to operate is to submitted to the Town;
2. 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; and
3. 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.

CARRIED UNANIMOUSLY

## 7. New Business

#	Variance Requested	By-Law Section	Address
a)	Tentative Subdivision Plan – Highlands of Queensbury Ph 5-10	By-law #035	Off Vincent Road
b)	Tentative Subdivision Plan – Ruscello Place	By-law #035	Off Banshee Court
c)	Detached Garage #1: Over Height, Beyond Front Line of Dwelling, Front Line Setback, Setback to Main Dwelling. Detached Garage #2: Side Yard Setback. Total Acce Bldgs Area over 86sqm	By-law #038 Section 8.(G)(1)(a), 8.(G)(1)(b)(i), (ii) and (iii) / 8.(G)(1)(b)(ii) and 8.(G)(3)	40 Flagstone Drive (Corner lot - 22 Pioneer alternate address)
d)	Tentative Subdivision Plan – Heritage Estates - <b>POSTPONED</b>	By-law #035	Off Pettingill Road
e)	Oversize Detached Garage on Waterfront	By-law #038, Section 8.(G)(1)(c) and 6.(BB)(1)(a)	619 Gondola Point Road
f)	Over Height and Over Size DGRG	By-law #038, Section 8.(G)(1)(a) and (c)	11 Hughes Crescent
g)	Permission to use Future Street as Access to Property	Not a variance, no public notice, just a PAC review by Members	22 Galaxy Drive

**a) Tentative Subdivision Plan – Highlands of Queensbury Ph 5-10**

Mr. Rick Turner attended seeking renewal of approval for a tentative plan for Highlands of Queensbury Subdivision, Phases 5 – 10, which would see the creation of fifty-one (51) residential building lots and two (2) new streets – Galmorgan Drive and Abbeywood Close. This tentative plan was reviewed and approved by the PAC in on October 22, 2013. Lot depth variances are required from Zoning By-law 038 Section 8(C)(1) for Lots 44 and 45 under Phase 6; Lots 57, 58 and 59 under Phase 7; Lots 67 under Phase 8; Lots 70 and 71 under Phase 9; and Lots 77, 79, 80, 83, 85, 86, 87 and 88 under Phase 10.

The plan that is before the PAC shows the following revisions approved in 2013:

- A revised phasing approach whereby Phases 5 – 9 and 10 will be developed by 613086 NB Ltd, while Phase 8 will be developed by Queen Construction.
- The elimination of one lot under Phase 5 in order to accommodate a detention pond being constructed by the Scott Bros. Ltd. but being cost shared between three developers - 613086 NB Ltd., Scott Bros. Ltd and Queen Construction Ltd. The construction of a detention pond has been identified by the engineering consultants has the most practical solution to balance pre and post stormwater flows resulting from the proposed subdivision developments by the three developers. The pond was shown on the July 2011 version of the Highland of Queensbury development; however, this plan shows an alternate location since the pond will also be utilized by Scott Bros. Ltd as part of their adjacent development.
- Inclusion of Queen Construction Ltd property under Phase 8 of the Highlands of Queensbury development. A general development concept of the Queen Construction property was shown on the July 2011 plan; however, this plan now shows the proposed connection with phase 7 of the Highlands of Queensbury and tentative approval is being sought.

Mr. Colbourne has determined that all previous terms and conditions as established by the PAC remain applicable and it would be fitting for the PAC to grant tentative approval to Phases 5 – 7, 9 & 10 under those same terms and conditions. The proposed lot configurations, street layout, Land for Public Purposes and trail system remain the same between the plans it can be considered the same development plan.

**Phase 8 – Queen Construction**

This tentative plan is also seeking tentative approval of Phase 8 – a phase that will be constructed by Queen Construction Ltd. Phase 8 will see the construction of seven (7) lots that will front an extension of the Galmorgan Drive – a future public street.

When we examine the proposed lots they are found to be in general conformance with the Zoning and Subdivision By-law. The minimum dimensions for a lot in this zone require a width of 30.0m, depth of 38.0m and overall area of 1140 sq. m. This proposed phase will require a lot depth variance for Lot 67 where the depth is 37.0m, as such a 1.0m variance is required. The lot contains a total area of 1370 sq. m which is in excess of the minimum requirement and provides more than sufficient area for placement of a single family dwelling.

The servicing to this phase would be municipal sanitary sewerage and private on-site wells for potable water. The municipal sanitary sewer to this phase will be dependent on the completion of phases 5-7. The sanitary main will have to go down Galmorgan Drive to the Vincent Road as it is not possible to connect to the system on Queensbury Drive without the installation of a lift station as such approval would be subject to the completion of the phases

5 -7. Engineering design drawings for the sanitary system for this phase have not been submitted for review, which will be required prior to final approval.

The Developer has requested that the lots be serviced via individual on-site wells and as such will be required to engage the services of a qualified Hydrogeological Consultant to prepare the required an Abbreviated Hydrogeological Assessment report for the Town. It is anticipated that the area will be covered by the Comprehensive study that will be required for the remaining phases of the Highlands of Queensbury. The report must indicate if there is sufficient quality and quantity of groundwater to support all phases of the proposed development.

The road layout for phase 8 is of similar design to that proposed for Phase 9. The Developer is proposing to retain the reduced street width of 15m through this phase. This street width reduction is to compensate for the steep grade of 10% in this area. It is important to note that the narrower street may also see building frontage setback variances required so that homes can be placed closer to the centreline. The cross grade in this area makes it difficult to place a dwelling without extensive fill on the low side or a large cut on the high side lots. These setback variances will have to be considered at the Building Permit stage and not part of this review.

A street centreline profile has not been provided and this will have to be a requirement since some of the lots fall along a steep contour line. It should be noted that the proposed streets might require grade variances as they may exceed the eight percent (8%) grade permitted by the Subdivision By-law. These grades must be confirmed prior to any final approval of phase 7 to ensure the overall street design for the area is consistent.

As stated earlier, Queen Construction will be cost-sharing in the construction of the detention pond as part of the overall stormwater management plan for the area. Given the location of this phase and the fact that all drainage flows from this phase will have to be directed through the lower phases of the Highland of Queensbury, it is recommended that the stormwater plan for phase 8 be included with the plan that will address the developments to be completed by 613086 NB Ltd. The plan will need to look at how surface drainage along the rear of lots 65-67 will be handled as to not directly discharge on lots 57, 78 & 79. If there is an easement required it will need to be identified in the final stormwater management plan and incorporated into the final subdivision plan for phase 8.

The Stormwater Management Plan must be inclusive of all phases and must examine pre and post development flows, stormwater retention issues, downstream impacts, sizing of storm sewer system infrastructure, and any other factors as determined by the Engineering Department to ensure proper and efficient stormwater management practices. The Town is moving toward a “net-zero” effect downstream so the stormwater management plan for this development will be reviewed under that awareness.

The plan must include a Lot Grading Plan for all lots, as this plan is a critical part of the building permitting process. The Lot Grading Plan will show the relationship between the grading of individual lots and the overall drainage pattern for the subdivision development. This will ensure the development of each lot and placement of the structure going forward will take into consideration the overall drainage plan for the development and work in combination. Should there be a need for proper drainage easements and storm sewer

installation where runoff flows are directed between houses these will have to be submitted to the Town for review and acceptance prior to final approval.

The Land for Public Purposes requirements for this phase is in the order of 1002 sq. m, where the total area for lot development is 10,108 sq. m. The LPP requirements for this have already been met through the adjacent LPP parcel as shown on the tentative plan (Land for Public Purposes – Plan No. 31727903). The LPP provision is very favourable to the area and works well with the recently adopted Active Transportation (AT) plan. The proposed trail network promotes connectivity and will build a sense of community as it is in such close proximity to the residential lots and readily acceptable. It was not stated if the PAC is comfortable with the proposed LPP nor if they feel that it aligns with the vision for LPP use within the community. When a Developer proposes the use of trails for LPP requirements, the PAC must ensure that it is not just land designation but the land is developed to a level from which the Town can continue and complete the trails – with at least initial clearing and ground work. The Developer is requesting a refund of the \$1500 of LPP cash-in-lieu payment made for the original creation of Lots 1 and 2 in exchange for the more than 30% LPP area being given with this development. Planning staff is seeking some clarification on the details of this process for refund of LPP cash credit; details were not available at this meeting so this will need to be negotiated at a later date.

No concerns from staff members at this time as this is a renewal of a previously approved tentative plan. However, public notice was sent to property owners within a 100 metre radius and two concerns were received; one for the width of the Galmorgan road and the other for drainage problems directed to the back corner of the lot (ending at 190 Vincent Road). As no one attended the meeting, Mr. Turner reviewed the concerns sent in and explained the slopes around the 15 metre right-of-way (ROW) in relation to the storm system, drainage and sewer systems as well as the power easements in the area and these being taken care of outside of the 15 metre ROW. The storm system would come up to that area but whereas the height is up to the road, Queensbury Drive takes the drainage away from this area and no need for storm systems in this immediate area. The power will come from Vincent Road up so there will be no requirements for easements along the ROW and the sanitary sewer will come up to there but not through the ROW. With the Town standard of 7.75 metres for the width of lanes, the 15 metre width is not far off the standard.

The concern for the storm water issues were previously reviewed by the PAC in 2013. The water issues are coming from the Westwind Estates Subdivision where was a storm sewer interceptor in that area that was to take water off the hill and divert it, which is more in the back of the property in question. There is no desire to direct more water to this development area. Presently, the Developers are proposing, through phases 5 to 10, a storm water continuation pond as per the plan sent out to residents in the area. This pond is proposed as a support system for all of the phases and is a combined effort of all three Developers. Mr. Turner noted that the currently water problems are not attributed to the Developers of these phases but they are willing to work with the Town if requested to do so.

MOVED BY: Mark Hatfield  
SECONDED BY: David Carlson

That the PAC grant re-approval of the Highlands of Queensbury Phases 5 -10 tentative plan subject to the following conditions as previously stated in the 2013 Notice of Decision:

1. The Developer to maintain the proposed phasing for phases 5 -7 with each phase to be filed and registered as a separate final plan;
2. Lot depth variances from Zoning By-law 038 Section 8(C)(1) be granted for:
  - a. Lots 44 and 45 under Phase 6;
  - b. Lots 57, 58 and 59 under Phase 7;
  - c. Lots 67 under Phase 8;
  - d. Lots 70 and 71 under Phase 9; and
  - e. Lots 77, 79, 80, 83, 85, 86, 87 and 88 under Phase 10.
3. The development of Phase 8 is not to commence until such time as the street and municipal infrastructure services (sanitary, storm sewer system, etc.) are constructed to the satisfaction of the Town;
4. Proper engineered design drawings for the sanitary sewer system to be submitted to the Town for review and approval prior to any construction for all Phases;
5. Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted and reviewed by the Town prior to final plan approvals and any construction. The report is to be inclusive of Phase 8 as shown the Tentative plan
6. The Developer to submit to the Town detailed street centreline grade profiles and complete street design details to determine if street design modifications or grade variances are required. If so, they are to be resubmitted to PAC for consideration;
7. Line-of-sight analysis to be conducted along the Vincent Road at the intersection with Galmorgan Drive to determine level of compliance with TAC requirements, and if further Traffic Engineering review required prior to final approvals;
8. The street design to incorporate acceptable traffic calming and streetscape features in accordance with the traffic calming policy where deemed necessary by the Town;
9. Comprehensive stormwater management plan to be submitted for Phases 5-10. All local drainage patterns to be determined by the Developer's consultant, and the necessary lot drainage plans and storm sewer design to be completed by Developer's consultants and submitted to the Town for review and approvals prior to any construction. The plan will need to look at how surface drainage along the rear of lots 65 -67 will be handle as to not directly discharge lot 57, 78 & 79. If easements are required they to be identified in the final stormwater management plan and incorporated into the final subdivision plan for phase 8.
10. The Developer is responsible to obtain any necessary provincial approvals from the Department of Environment for any watercourse alterations or work within sensitive areas;
11. The proposed LPP for Phases 5 – 9 and 10 is acceptable, however, the level of trail development required by the Developer is to be established prior to final plan approvals. Upon final approval execution of a Developer's Agreement a credit note is to be established for any future development in the Town by 613086 NB Ltd;
12. The LLP requirements for Phase 8 can be fulfilled through an existing land credit for Queen Construction in the amount of 4401 sq. m. The credit was established has a result of the Land for Public Purposes parcel adjacent to Phase 8 on the plan;
13. Street name as submitted are acceptable; no changes are permitted without staff approval;



14. Clearing of the area for construction purposes is to be conducted in accordance with Zoning By-law 038 Section 6(U)(4);
15. Standard Developer's Agreements, bonding and subdivision and filing fees will be required;
16. Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

**b) Tentative Subdivision Plan – Ruscello Place**

Mr. Rick Turner attended on behalf of 613086 NB Ltd. (the Developer) proposing the tentative subdivision plan Ruscello Place which included the reconfiguration of two existing lots (Lots 1 and 2 on the plan), the creation of six (6) new single family building lots, the creation of the new public street being a cul-de-sac having the proposed street name “Ruscello Place”, and the designation of 6019 sq. metres (1.5 acres) of Land for Public Purposes. The Developer is proposing the development of Ruscello Place in two phases. Phase 1 will see the development of the proposed reconfigured Lots 1 and 2, with Phase 2 being the remaining lots, street construction and the establishment of the LPP.

A review of the tentative plan was conducted in accordance with the applicable provisions of Zoning By-law 038 – those being Section 6.(I) – Development Adjacent to a Wetland or Watercourse, 6.(N) - Access to a Public Street, 6.(Y) – Protection of Groundwater Capacity, Section 8 and the Subdivision By-law 035 in its entirety. As the development is located in the Single or Two Family Residential (R1) Zone, the provisions of Section 8 of Zoning By-law 038 are applicable with respect to lot configuration.

The review found that the proposed lot configuration will require lot width variances for Lots 5-7 in the amounts of Lot 5: 4.06m, Lot 6: 6.01m, Lot 7: 3.31m. As stated in the Subdivision Proposal submission, the need for the variances result from the cul-de-sac leaving the lot widths at the front narrow but overall the lots flare giving more than the required depth and minimum lot area of 1140 sq. metres. As such, the variances are a reasonable request.

A street length variance is required as the length of the cul-de-sac exceeds the maximum length of one hundred eighty three (183) metres. This distance may be increased to two hundred twenty-five (225) metres where there is an emergency vehicular access or pedestrian walkway with a clear travel path of at least three (3) metres in width from or near the head of the turnabout, giving access to an adjacent street. The final length of the street was not submitted to the PAC for consideration to determine the magnitude of the variance and may have to return to PAC once determined.

A street width variance is also required as the development is proposing a paved driving surface of 6.0m from the typical 7.75m, with 1.0m gravel shoulders to remain. The Subdivision Proposal sites the development being single loaded (building lots on one side of the street versus both) that will make development more costly. Furthermore, the Developer states that only a short segment of the street is affected by the reduced width. There is a precedent in the Town for a reduced paved driving surface – that being Nightingale Lane. The reduced street width can work as a traffic calming measure plus the reduced volume of impermeable road surface area will be advantageous to the stormwater management in the area.

There was further discussion on the proposed driveway location for lot 2. The Tentative Plan proposed a Right-of-Way across 613086 NB Ltd's property until such time as the public street is created that will front the entire width of Lot 2. The concern here is that the driveway location will be too close to the intersection of Ruscello Place, Banshee Court and Chrysler Crescent. It would be reasonable to request that the portion of 613086 NB Ltd be extended beyond what is proposed to ensure a reasonable driveway location from the intersection and, furthermore, to ensure that once the public street is developed the alteration to the driveway location would be minimal.

The Developer is proposing to extend Municipal sewer to all the lots. There is existing municipal infrastructure running through the area that can be utilized to service these lots. The engineering design drawings have not been submitted to the Town at this stage so comments regarding the design and upgrades, if required, cannot be made at this time. It is reasonable to anticipate that the existing infrastructure is capable of supporting the proposed level of development. Should any easement be required for the sanitary sewerage system, they would have to be identified prior to final plan approvals. It is anticipated that an easement is required to provide service to Lot 2 as the location of the sanitary system to which this lot connect is at the intersection of Banshee Court and Chrysler Crescent. This easement would permit the service line to be installed across the 613086 NB Ltd. property.

The Developer has requested the lots be serviced through individual on-site wells. Whereas the total lots being created from this entire development is proposed at eight (8) and the Subdivision By-law does not require abbreviated water study until the development is 10 or more lots, there is no mandatory requirement for a Hydrogeological study to be conducted.

The Developer is proposing the establishment of 6109 square meters of Land for Public Purposes (LPP) that will provide the Town with a stormwater attenuation area that recognizes the issues in the area and the wetland and stream (brook) area. Mr. Turner noted that this area has some wet areas now plus a stream that is approximately 2.5 feet wide and 1.5 feet deep that runs through the area along the sewer easement to Brook Street. Several spots in this stream are currently blocked and will be looked at as spots to remove soil in order to maintain the flow of water; this soil will be used for the areas requiring build up. It was noted by Mr. Colbourne that LPP can be used for buffers, ground water recharge, detention pond, etc., and that this proposed area is key to stormwater management in the area.

One of the benefits of the proposed layout for the development is that much of the development is away from the "wetland" area and on the higher treed area and as such all drainage will be directed to lower existing drainage paths. However, there was concern noted by staff regarding Lot 8 as it appears to be located within the entire drainage and "wetland" area. The Planning Department did an overlaid of the proposed development onto our Geographic Information System Predictive Streams layer and identified the lot as one that could see significant flooding issues going forward. It was recommended by staff that Lot 8 be significantly revised or removed from the plan. At a minimum, Mr. Colbourne stated that the storm water management report clearly show the plans to eliminate the concerns of staff for this lot and surrounding lots so as not to add to existing water flow or create flooding. Mr. Turner noted that the word Ruscello is Italian for brook and the developers' plans are to incorporate the existing brook on the land and he noted that they are already working with the Department of Environment to ensure the rules and regulations of wetlands are followed appropriately.

Mr. Turner reviewed the management of stormwater for the development, which included the plans to move soil from some areas to build up others to allow for storm water flows; for example, lots 1, 2 & 8 would be built up to allow the construction of a home on the lots. Mr. Colbourne noted that any changes to lot elevation would be a big part of the storm water management report for the absorption changes, etc. With the intention of Lot 8 being infilled, it was recommended that no access be granted to this lot from Brook Street. It was asked where the water would be routed from Lots 1 & 2 once infilled and Mr. Turner noted the same process of moving soil from areas to allow flow where required and using this soil to raise the elevation of those lots. Mr. Turner asked about a condition suggested by staff - that of the tree clearing that was to be restricted to street right-of-ways and easements necessary for the installation of services. Mr. Turner stated that some trees would need to be removed in order to properly address the storm water management but that the developers would be wary of this and limit the number of trees to be removed as much as possible.

In the absence of a street centerline profile staff is unable to comment if complete storm sewer system (piping and associated infrastructure) is required or if an open ditch system is acceptable. A comprehensive stormwater management plan including a Lot Grading Plan will be required to be submitted and approved by the Town's engineering department prior to final plan approvals and any construction. The Developer's surveyor will be required to provide centreline profiles for this phase to ensure proposed grades do not exceed the eight percent (8%) grade permitted by the Subdivision By-law. If variances required, these will have to be resubmitted to PAC for consideration. These grades must be confirmed prior to any street design submission, as a change in the grades could further result in changes to the proposed street layout. Planning and Engineering have reviewed the proposed street layout for this phase and are in general agreement that layout is acceptable and no traffic impacts are anticipate at this time.

The proposed street name of Ruscello Place was examined against Master Street Address Guide (MSAG) database for NB 9-1-1 purposes and founded to be acceptable at this time.

Public Notice was issued to all property owners within 100 metres of the subject property and written concerns were submitted to the Town and forwarded to the PAC, with eleven (11) residents speaking in opposition to the development. These concerns were with respect to the condition of the existing public streets and the need for upgrading, the impact of the existing wells, the on-going flooding issues in the area and Brook Street with concerns that this development will compound the issue, and increased traffic and lack of secondary access to the area for emergency purposes. In attendance speaking on these concerns were Mr. Andrew MacBean and Ms. Jackie Gilliland. Mr. Colbourne noted that the Town has a 25 year street upgrading plan that looks at all the roads in the Town and this area was recognized for upgrading in 2017. This upgrading could include the elevation review, culverts, resurfacing, etc. It was asked by Mr. Rioux if this roadwork could be looked at earlier. As for the existing wells, Mr. Colbourne had suggested in his memo that the Developer obtain an Abbreviated Water Source and Supply Assessment (AWSSA) report prior to final approvals but it was recognized at the meeting that an abbreviated AWSSA report is required for the creation of ten (10) to twenty-four (24) lots with a full report required for the creation of twenty-five (25) lots or more and that this development was creating only six (6) new lots. It was also recognized that the Developer's storm water management plan, that includes an area to hold water in close proximity, would assist in maintaining ground water amounts.

As for access to the area, the Planning Department is reviewing options with the first two lots on Gondola Point Arterial for alternate routes. With respect to travelers speeding along Monarch, the Town reviews all streets for best results and has used radar equipment, stop signs, traffic circles, speed bumps, etc., and will continue to do so. It was recognized that the Town has a great police department but that speeding is a problem in the whole Town.

MOVED BY: Darin Lamont

SECONDED BY: Marc Gosselin

That the PAC approve the Ruscello Place Subdivision tentative plan with six (6) new lots and the reconfiguration of two (2) existing lots (Lot 1 and Lot 2), subject to the following conditions:

- 1) Lot width variances for Lot 5 (4.06m), Lot 6 (6.01m) and Lot 7 (3.31m);
- 2) Street width variance of 1.75m;
- 3) Street Length variance for a cul-de-sac that exceeds 183m;
- 4) In accordance with Section 5.(A) of the Subdivision By-law 035, approval of the proposed right-of-way access to Lot 2 with execution of a Hold Harmless Agreement as drafted by the Town Solicitor;
- 5) Proper engineered design drawings for the sanitary sewer system to be submitted to the Town for review;
- 6) A comprehensive stormwater management plan and lot grading plan to be submitted to the Town and approved prior to final plan approvals. The stormwater management plan to demonstrate a balance in pre and post development flows.
- 7) Acceptance of the Land for Public Purposes area as proposed with a portion being established as part of the phase 1 and remainder under Phase 2;
- 8) Any Municipal Services Easement for the stormwater management plan components and sanitary sewerage system not with public street right-of-ways to be established and incorporated into the final plan;
- 9) Submission of street centreline profiles prior to street design to confirm street grades within the permitted eight percent (8%);
- 10) Street names has submitted are acceptable; no changes are permitted without the Town's permission;
- 11) Approvals from the Department of Environment (DOE), in writing, regarding development adjacent to any wetland and watercourse are to be submitted to the Town;
- 12) A standard Developer's Agreements, bonding and subdivision fees will be required;
- 13) Subdivision filing fees of Two Hundred Sixty dollars (\$260.00) for a six (6) lot phase;
- 14) Plans to be properly signed by the necessary utilities and owners;
- 15) No access be granted to lot #8 from Brook Street; and
- 16) The Town investigate the option for street upgrading for Brook Street to be done one season earlier than scheduled.

CARRIED UNANIMOUSLY

**c) Detached Garage #1: Over Height, Beyond Front Line of Dwelling, Front Line Setback, Setback to Main Dwelling. Detached Garage #2: Side Yard Setback. Total Accessory Buildings Area over 86sqm – PID 30247605**

Mrs. Karen Cousins attended with her designer Ms. Jill Higgins, seeking approval to construct two detached garages on the property identified as 40 Flagstone Drive, PID 30247605. The original application that was mailed to property owners within a one hundred metre radius requested six variances from the By-law #038. Garage #1 was proposed at twenty-three feet (23') high to match the pitch of the house and required a height variance of eight feet (8') from Section 8.(G)(1)(a). The location was Beyond Front Line of Dwelling and required a variance from 8.(G)(1)(b)(i). It was to be located seventeen feet (17') from the front property line and therefore required a variance of eight feet (8') from Section 8.(G)(1)(b)(ii) and was setback from the main dwelling by eight feet and as such required a variance of two feet (2') from Section 8.(G)(1)(b)(iii). The garage #2 was to be located twenty feet (20') from the side yard and whereas it sits on a corner lot, the side and front setbacks must both be twenty-five feet (25') from the road and as such, also required a variance of five feet from Section 8.(G)(1)(b)(iii). The area of both garages totaled one thousand and ninety-two square feet (1092sqft) which is one hundred and sixty-seven square feet (167sqft) over the maximum area permitted for accessory buildings on the lot therefore a variance was required from Section 8.(G)(3). The Town staff met with Mrs. Cousins to review the concerns from staff and neighbors. Mrs. Cousins' designer made changes that eliminated the need for several of the variances but this information was not sent to the property owners in the area due to lack of time before the meeting.

The size of the garages and their location on the lot changed. The reduction in sizes no longer requires a variance for lot area usage under section 8.(G)(3). The single car garage was pulled farther off the side lot line and no longer requires a variance for setback under section 8.(G)(b)(ii). The two-car garage has also been moved further back off the Flagstone Drive property line to be more in line with houses in the area.

As per By-law 038 Section 8.(G)(1)(a), no garage may exceed one (1) storey or five (5) metres in height. The property owners are seeking to have permission for a two storey garage with an overall height of six decimal forty-six (6.46) metres therefore require a variance for one decimal forty-six metres. The intent of the height restrictions on detached structures is to reduce view obstructions on neighboring properties but whereas this garage is the same height of the house and in close proximity to the dwelling, there would be little difference in any reduced view without the garage.

As per By-law 038 Section 8.(G)(b)(i), no part of the detached garage may be located in front of the main building on the lot. The property owners are seeking permission to have the garage located entirely in the front yard. The intent of the restriction for garages in the front of the house is primarily for aesthetics along the street but in this case, due to the fact it is a corner lot, the sight lines needed to be reviewed and adjusted. With consideration to the proximity to the dwelling, the garage will appear as if it were an attached garage.

As per By-law 038 Section 8.(G)(b)(iii), no part of the garage can be located within 3 metres of the dwelling unit. The property owners are seeking permission for the garage to be located two decimal forty-four (2.44) metres from the dwelling unit. The intent of the minimum setback between the garage and the house is to allow vehicular passage between the two but

whereas the garage was pushed back to allow for the front yard setback, the three (3) metres is not feasible.

Notice sent to property owners within 100 metres of property; with four written responses. All four respondents stated a concern with the height of the garage as it relates to views of the river. It should be noted that the second plan submitted has the detached garage further back from Flagstone Drive. The current proposed location is roughly in line with the cedar trees located closest to Flagstone Drive, so the view obstruction has been minimized to the extent possible without reducing the height as there is not currently an unobstructed view.

All four respondents also had a concern that a business will be operated out of the home and/or its outbuildings. A Facebook page had been created for “Cousins Retaining Walls” with the address located at 22 Pioneer Avenue. Corner lots are issue two civic number from the town Planning Department, one for each street with the actual civic number being used for the street to which access is maintained year round to ensure a timely response from emergency services. 22 Pioneer Avenue is the other address assigned to this property. Town staff spoke with Mr. Cousins who indicated that this is his business, which he runs on the side as he primarily works in western Canada. However, Mrs. Cousins stated in a separate meeting that Mr. Cousins had just recently created the page and was thinking about starting the business and had not constructed any retaining walls. Mrs. Cousins further reiterated at the PAC meeting that there was no intention of having any business at that address and that the second, smaller, garage was intended for yard maintenance equipment. The two-storey garage is intended for their vehicles and storage only; it will not be heated nor will there be any washroom facility. There will be a water hook up for the use of washing cars but no other plumbing. Another concern was raised about the possibility of a business with regards to the large driveway off Flagstone. It was asked if there was any intention of snow plowing equipment in the parking area but Mrs. Cousins confirmed that this was just for a turn-around area and it would not be for any plowing equipment nor any other commercial equipment.

One respondent questioned if this is to be a two family dwelling. PAC should note that two family dwelling units are acceptable in this zone, however; while the initial design of the building was a two family dwelling, the applicant since modified the floor plan to a single family dwelling. Mrs. Cousins indicated that they do have a family member staying with them for extended periods throughout the year, but not on a continual basis. A single or two family designation is given by the Building Inspection Department based on the layout of the building. A dwelling unit is defined under the National Building Code of Canada as the following: *Dwelling unit means a suite operated as a housekeeping unit, used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.* When a building has a suite of rooms meeting the above criteria and appears to be separate from the remainder of the dwelling, a two family designation is given. It does often occur that once an applicant hears the requirements of a two family dwelling (fire separations and independent ventilation), they generally remove the cooking element from the suite to turn it into in-family living. This is confirmed by the Building Inspection Department through ongoing inspections during the construction process.

MOVED BY: Pierre Rioux  
SECONDED BY: Darin Lamont

That PAC grant approval for a height variance of one decimal forty-six (1.46) metres and a location beyond the front line of the main dwelling for a detached garage plus a setback

variance between the house and the garage of zero decimal fifty-six (0.56) metres at 40 Flagstone Drive, PID 30247605, subject to the following terms and conditions:

1. PAC must be satisfied that the height of the structure does not unreasonably infringe on the views from adjacent properties;
2. That the use of the building will be in line with the intent of the bylaw for a lot located in this zone;
3. The building is to be sided using a cladding recognized by the National Building Code of Canada, current adopted edition; and
4. The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

**d) Tentative Subdivision Plan – Heritage Estates - POSTPONED**

**e) Oversize Detached Garage on Waterfront – 619 Gondola Point Road, PID # 248252**

Mr. Peter Cooper attended seeking approval to construct a seventy two decimal forty-six (72.46) square metres garage on waterfront property at 619 Gondola Point Road, PID #248252. As per By-law 038 Section 8.(G)(1)(a), a detached garage is not permitted to exceed sixty-three (63) square metres in area, therefore an area variance of nine decimal forty-six (9.46) square metres is required. As per By-law 038 Section 6(I), anyone seeking to construct a building within thirty (30) metres of a watercourse are required to receive approval by PAC prior to construction. It was recognized that Mr. Cooper has already received a Provisional Permit for Watercourse and Wetland Alteration.

The lot is located in a Single or Two-Family (R1) Zone, with a lot size of 1377 square metres. Accessory structure of this size have become relatively common for people who have single or double attached garages to also have detached garages. As this dwelling does not currently have an attached garage, the overall area is not excessive. There is an existing detached garage at the site, part of which will be demolished and the other part enlarged for the new garage.

Notice sent to property owners within 100 metres of property. One respondent contacted the town with a concern regarding access and views of the river being blocked to the public. PAC noted that there is a garage in this location already. The new garage will be slightly larger and slightly taller than the current garage. The letter also states many concerns that are unrelated to this variance and outside the authority of PAC, so they were not noted in the staff memo and although brought up, not discussed in detail at this meeting.

MOVED BY: David Carlson  
SECONDED BY: Marc Gosselin

That PAC grant approval for the variance of nine decimal forty-six (9.46) square metres in area, with approval for development adjacent to the watercourse for the detached garage at 619 Gondola Point Road, PID 248252 subject to the following conditions:

1. The variance stays with the property provided the final inspection is completed within one year from the date the building permit is issued;
2. The building is to be finished using a cladding recognized by the National Building Code of Canada, current adopted edition; and
3. The building is not to be used for commercial or business purposes, for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

**f) Over Height and Oversize Detached – 11 Hughes Crescent, PID # 30064562**

Mr. Graham Harrison attended seeking approval to construct a two storey garage five decimal ninety-four (5.94) metres in height, and seventy decimal zero five (70.05) square metres in area at 11 Hughes Crescent, PID #30064562. As per By-law 038 Section 8.(G)(1)(c), a detached garage is not permitted to exceed one storey or five (5) metres in height therefore a zero decimal ninety-four (0.94) metres is required. As per By-law 038 Section 8.(G)(1)(a), a detached garage is not permitted to exceed sixty-three (63) square metres in area therefore a variance of seven decimal zero five (7.05) square metres is required.

It was recognized that it has become relatively common for people who have single or double attached garages to also have detached garages. As this dwelling does not currently have an attached garage, the overall area is not excessive. The height is to accommodate a loft for storage that will be built at a future date; the trusses will be put in place for this but the floor will not at this time.

Notice was sent to property owners within 100 metres of property and one respondent did call the Town with a concern regarding the oversized nature of the building and indicated they would follow up with a formal written letter, which was not received.

MOVED BY: Marc Gosselin

SECONDED BY: Darin Lamont

That PAC grant approval for the variance of seven decimal zero five (7.05) square metres in area, and zero decimal nine five (0.95) metres in height for the detached garage at 11 Hughes Crescent, subject to the following terms and conditions:

1. The variance stays with the property provided the final inspection is completed within one year from the date the building permit is issued;
2. The building is to be sided using a cladding recognized by the National Building Code of Canada, current adopted edition; and
3. The building is not to be used for commercial or business purposes, for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

**g) Permission to use Future Street as Access to 22 Galaxy Drive, PID 30203152**

Mr. Joshua Reid attended seeking approval to use the Future Street property, PID 30203186, for driveway access to 22 Galaxy Drive, PID 30203152. In accordance with Section 6.N of Zoning By-law 038, no person shall erect or use a building or structure or use any lot of land



regulated by the Zoning By-law, unless the lot of land to be used or the lot of land upon which the building or structure is situated abuts or fronts on a public street or otherwise achieves access to a public street satisfactory to the Planning Advisory Committee. In this case, the lot fronts a municipal public street, Galaxy Drive, and abuts a Future Street, over which the property owners gain access to Galaxy Drive. Whereas a Future Street is municipal property but not intended for public use until such time as it becomes a Public Street. Furthermore, where a private property owner is utilizing a municipality owned Future Street property not yet developed to a public street standard in the absence of a right-of-way or a Hold Harmless Agreement satisfactory to the Planning Advisory Committee and the Town, consideration is to be given and approval required in order for the property owner at 22 Galaxy Drive to utilize the Future Street for driveway purposes. Such permission must be established by right-of-way or an agreement subject to terms and conditions that may be imposed by the PAC and the Town recognizing the responsibilities and obligations of the property owner.

The house at 22 Galaxy Drive was constructed in 2002 as approved by the Town. For all intent and purposes, the house was constructed in general conformance to the plans submitted and approved by the Town. The house has an attached two garage having access along the side of the main dwelling (i.e. the garage does not face Galaxy Drive but the Future Street).

In September of 2002, PAC granted a sideline variance of four (4) feet as it was recognized that during the construction of the house it was situated twenty-one (21) feet from the Future Street line versus the required twenty-five (25) feet. The reason for the shift was because of the lot slope so it was placed closer to the future street. Given the shift in the location of the house and the location of the power utility pole, construction of the driveway off Galaxy Drive to access the garage would be a challenge – as such the driveway was constructed over the Future Street with the intent of having the driveway eventually being directly off the future public street once constructed.

There are other instances of private driveways over Future Street property within the Town. These have been approved by way of a Hold Harmless Agreement with specific terms and conditions that recognize the private nature of the driveway over the municipal property and that the abutting owner will be responsible for all maintenance, upgrades and liability associated with the right of way (private driveway).

We would have the Town solicitor draft a “Hold Harmless” agreement so that the Town is protected from liability and the homeowners are aware of the responsibilities associated with the private right-of-way and highlights the concerns from fire, police and ambulance and the importance of unobstructed access. Furthermore, the agreement would recognize that any cost associated with upgrading and maintaining the driveway would be not compensated once the Future Street is developed to a Public Street standard.

Notification was not sent to property owners within 100 metres of the property as this is not a variance request.

MOVED BY: Marc Gosselin  
SECONDED BY: David Carlson

That PAC grant approval to use the Future Street property for driveway access to 22 Galaxy Drive, PID 30203152, subject to the following conditions:

1. There is to be clear distinction of which lot has use of the Future Street and this should be noted clearly on either an amending subdivision plan or right-of-way agreement to be registered with the property.
2. The property owner is to enter into a "Hold Harmless" agreement, as prepared by the Town Solicitor, so that the Town is protected from liability and the homeowners are aware of the responsibilities associated with the private right-of-way and highlights the concerns from fire, police and ambulance and the importance of unobstructed access.
3. The Hold Harmless Agreement to contain conditions that recognize that investment made in upgrading and maintenance of the driveway across the Future Street will not be recovered if it is destroyed during construction of the Future Street area to a Public Street in accordance with municipal standards.

CARRIED UNANIMOUSLY

## 8. Information Items

Council Minutes – July 21, August 18

Council correspondence: Fernwood Subdivision Phase 1, Gondola Point Park Subdivision Phase 9, Stonehurst Subdivision Phase 1, Rezoning Proposal 15 Elliot Road & 351 Hampton Road, PAC appointment renewals for Mr. Gosselin and Mr. MacLaughlin

## 9. Adjournment

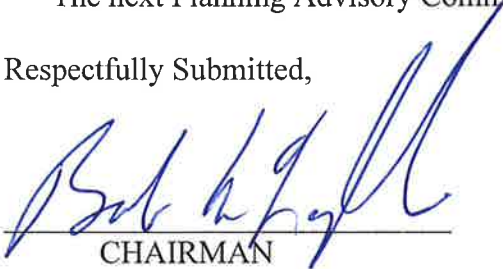
MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 8:47 p.m.

The next Planning Advisory Committee meeting is scheduled for September 22, 2015.

Respectfully Submitted,

  
CHAIRMAN

  
SECRETARY