The regularly meeting of the Planning Advisory Committee was held in the Council Chamber, Lobby Level.

**PRESENT**

Colin Murray Chairman
Eric Falkjar
Donald Gillis
Michael Whelton
Erik Kraglund
Sid Lodhi
Gerry Lowe
Morgan Lanigan

Ken Forrest Commissioner, Planning & Development
Mark Reade Senior Planner
Lynda Lockhart Recording Secretary

**REGRETS**

Carolyn Vanderveen

It was MOVED and SECONDED that the Planning Advisory Agenda for the June 21, 2011 meeting be amended as follows:

- Item 4: A. J. Mallette & Sons at 2797 Loch Lomond Road;
  Item 3: Hughes Surveys & Consultants Inc. on behalf of 651413 NB Ltd. and Folkins Estates Ltd. for 1429 Loch Lomond Road; and Item 5: Genivar on behalf of 654101 NB Limited for 1515 Loch Lomond Road be considered sequentially; and further

- Item 8 Other Business for Saint John Parking Commission at 112-122 & 143 Waterloo Street not be reconsidered.

**CARRIED** EK/EF
Item 1: Minutes

It was MOVED and SECONDED that the minutes of the May 17, 2011 meeting be tabled pending review of audio recording.

CARRIED EF/ML

Item 2: Woodbury Homes Inc. – Amy Crescent
(Project File: 1067 Manawagonish Road)

The Chair advised that the applicant has requested the application be withdrawn.

It was MOVED and SECONDED that the Subdivision application for Woodbury Homes Inc. at Amy Crescent (Project File: 1067 Manawagonish Road be withdrawn.

CARRIED ML/SL

Item 4: A. J. Mallette & Sons (1985) Ltd.
2797 Loch Lomond Road

Proposal: To develop a rural residential subdivision having approximately 69 lots
Type of Application: Rezoning

Two letters opposed to the application were received.

Mark Reade advised the application is to rezone the subject site in order to proceed with development of the remaining phases of the subdivision. Staff is recommending approval subject to conditions.

Mr. Joe Mallette, the applicant, along with Ms. Penny Forward and Mr. Gerry Roberts attended the meeting. Mr. Mallette advised that he was in agreement with the recommendations as contained in the staff report. Ms. Forward read a letter into the record outlining the investment made by the developer to date in the proposed subdivision. Mr. Mallette also responded to questions from Committee members regarding the process of notifying purchasers about water quality and quantity issues, phasing of the development, and Lands for Public Purposes.
After considering the report, the presentation and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

It was MOVED and SECONDED

1. That Common Council rezone a parcel of land having an area of approximately 48 hectares, located at 2797 Loch Lomond Road, also identified as being a portion of PID No. 00326223, from “RS-1” One and Two Family Suburban Residential to “RR” One Family Rural Residential; and

2. That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of the parcel of land with an area of approximately 48 hectares, located at 2797 Loch Lomond Road, also identified as being a portion of PID No. 00326223, be subject to the following conditions:

   a) that the developer notify buyers in writing of potential groundwater quality and quantity concerns.

CARRIED DG/EK

Item 3: Hughes Surveys & Consultants Inc. (on behalf of 651413 NB Ltd. & Folkins Estates Ltd 1429 Loch Lomond Road

Proposal: To develop a residential subdivision having approximately 76 lots

Type of Application: Rezoning, Subdivision and Variances to:

   a) reduce the area of lot 7-A from 550 square metres to 535 square metres;
   b) reduce the depths of lots 7-A and 6-A from 30 metres to 29 metres;
   c) reduce the required lot areas under the Hillside Provisions of the Subdivision By-law from 2.0 times the minimum requirement to approximately 1.25 times the minimum requirement and 1.5 times the minimum requirement to
approximately 1.2 times the minimum requirement; and
d) reduce the required lot widths under the Hillside Provisions of the Subdivision By-law from 2.0 times and 1.5 times the minimum requirement to 1 times the minimum requirement.

Eleven letters in opposition to the application were received.

Mark Reade advised the application is to rezone the subject site from “RS-2” One and Two Family Suburban Residential to “R-2” One and Two Family Residential which allows for a denser development, as well as an application for a subdivision and variances.

Rick Turner of Hughes Surveys & Consultants Inc. appeared before the Committee on behalf of the applicant and indicated he was in agreement with the recommendations as outlined in the staff report. Mr. Turner also noted the application was filed in December 2010, prior to the adoption of the Growth Strategy by Common Council in March 2011. Mr. Turner gave an overview of the potential phasing, adjacent roadway connections which will reduce congestion on Loch Lomond Road, the proposed lot sizes and density and further responded to questions from the Committee regarding the Lands for Public Purposes.

Mr. Norman Ganong of 77 Norman Drive, Mr. David Fisher of 31 Ganong Road, Mr. Mike Vienneau of 16 Lakefield Court, Trudy and Seamus Hanley of 56 Old Lake Trail, Mr. Chris Bartlett of 223 Bon Accord Drive and Mr. Kevin McDonald of 16 Roatan Way appeared before the Committee and raised concerns including the suitability of the proposed Lands for Public Purposes, traffic, access to Loch Lomond Road, lot sizes in the proposed development, school capacity and buffers between the proposed development and adjacent development.

Mr. Turner reappeared before the Committee and addressed concerns raised by residents and responded to questions from Committee members regarding the marketability of the proposed lots and roadway connections.

When questioned if the proposed development met the criteria of the Growth Strategy, staff responded that the development is within the Primary Development Area and that staff views the development as a larger infill project as it meets some of the goals which evolved over the PlanSJ process such as improved street connectivity between
neighbourhoods, improve safety of development with respect to providing additional routes for emergency access. With respect to the land budget, projections have been prepared that there could be 5,000 new housing units anticipated over the 25 year lifetime of the plan, of which 85% will be built in the opportunity areas and approximately 1,360 in suburban locations such as this development. Staff is of the opinion the development is in conformity with the Growth Strategy.

Committee members expressed concerns that the smaller lot sizes were not in keeping with the existing neighbourhood, the project would increase traffic and the development could discourage infill in the priority neighbourhoods.

It was MOVED and SECONDED that the Committee recess to consider the matter further.

CARRIED    ML/GL

Upon resuming the meeting, the Committee questioned if the variances were as a result of the request to rezone and if the rezoning was denied, would the variances still be required?

Mr. Forrest responded if the Committee does not recommend the property be rezoned, the variances are essentially removed, however as Common Council makes the final decision, and if they in turn approve the rezoning, then the developer would either have to redesign to meet the lot standards or would have to reappear before the Committee requesting consideration of the variances.

After considering the report, the presentations, discussions and concerns expressed by the residents of the neighbourhood, the Committee expressed the view that the development was not within the opportunity area and therefore not in keeping with the Growth Strategy, resolved to amend the recommendation as follows:

It was MOVED and SECONDED that the variances be denied and further recommend to Common Council that the rezoning application be denied.

CARRIED    EF/EK
Item 5: Genivar on behalf of 654101 NB Limited
1515 Loch Lomond Road

Proposal: To permit the development of a residential subdivision of approximately 111 lots

Type of Application: Rezoning

Eight letters opposed and/or expressing concerns with the application were received.

Mark Reade indicated the application is to rezone from “RS-2” One and Two Family Suburban Residential to “R-2” One and Two Family Residential to allow for the development of a residential subdivision with approximately 111 lots. Staff is recommending approval subject to Section 39 conditions.

Mr. Scott Fash, the applicant, attended the meeting and advised that he was in agreement with the staff recommendation. Mr Fash also noted that as-of-right residential development is currently permitted on the site without the rezoning and that a mix of single detached and semi-detached homes will be provided in the subdivision.

Mr. Norman Ganong of 77 Norman Drive, Mr. David Fischer of 31 Ganong Road, Mr. Shane Nesbitt of 25 Pauline Street, Mr. Seamus Hanley of 56 Old Lake Trail, Ms. Lynn Sheppard of 237 Pauline Street, and Mr. Steve McAuliffe of 131 Lakeview Drive appeared before the Committee and raised concerns including traffic, lot sizes in the proposed development, drainage, roadway connections, and tree removal.

Mr. Fash reappeared before the Committee and addressed concerns raised by the residents and responded to questions from Committee members regarding lot sizes and Lands for Public Purposes.

After consideration of the report, presentations, discussions and concerns expressed by the neighbourhood residents, the Committee expressed the view that the application was contrary to the Growth Strategy and resolved to amend the recommendation as follows:

*It was MOVED and SECONDED that the application be denied.*

*CARRIED EF/SL*
Item 6:  Genivar Inc. (for Barsa Ventures Ltd.)
1925 Bayside Drive

Proposal: To establish a pit for extracting aggregate at the subject property

Type of Application: Rezoning and Variance application to reduce the setback requirement from 30 metres (100 feet) to 20 metres (65.6 feet) from the side lot lines

Ken Forrest advised the application is to rezone the subject site from “RF” Rural to “PQ” Pits and Quarries to allow for excavation of gravel material as well as variances given the long narrow dimension of the property. Staff is not recommending approval.

Scott Fash of Genivar Inc. appeared before the Committee on behalf of the applicant and indicated they were not in agreement with the recommendation to deny the application. He referred to staff’s comments in the report which indicated that the requested rezoning for the subject site could be considered if the proposed gravel pit could meet the required setback. As it is his client’s wish to pursue rezoning even if the variances are denied, he inquired if the Committee could consider the applications independently.

Staff responded that they have not had the opportunity to review the amendments and are not comfortable providing the Committee with a definite view on whether or not the rezoning should proceed without the variances.

No one appeared before the Committee against the application.

After considering the report, the presentations, and discussions the Committee resolved to adopt the recommendation based on the reasons as outlined in the staff report.

*It was MOVED and SECONDED rezoning and variances be denied.*

*CARRIED*  

ML/EK

(Colin Murray stepped down for Item 7 due to a potential conflict of interest. Erik Kraglund assumed the Chair.)
Item 7: Genivar Inc (for Fundy Bay Sand & Gravel Inc.)  
Lands adjacent to 460 Latimore Lake Road

Proposal: To establish a gravel pit

Type of Application: Rezoning

Eleven letters were received expressing concerns with and opposition to the proposed development.

Ken Forrest advised the application is to rezone the subject site from “RF” Rural to “PQ” Pits and Quarries and that the application does meet all requirements of the Zoning By-law and no variances are required. He further indicated there will be no quarrying or blasting in the operation and there are significant separation distances between the proposed use and the nearby residential areas. The Municipal Plan acknowledges the availability of these resources form an important component of the economic activities in the region and it is the intent of the City to support and encourage their continued operation as a contribution to the economic health of the community. Also recognized, however, is that pit and quarry operations do constitute a disturbance and hazard to nearby urban uses and because of that, careful consideration is necessary in determining whether or not these uses should be established on individual sites. Staff have carried out due diligence and have determined as the subject site is well outside the ‘primary development area’ and future development is not anticipated, and further given that the Growth Strategy acknowledge the importance of rural resource uses in the rural parts of the City, staff is recommending approval subject to a number of conditions.

Scott Fash, Steve Langille and Mike Boyle spoke in favour of the application, with Mr. Fash indicating he was in agreement with the recommendation contained in the staff report. Mr. Fash indicated that the proposed extraction area has been reduced from 86 acres as presented in the application to 23.5 acres based on concerns expressed at a community Open House held by the proponent. Mr. Fash also noted that Latimore Lake Road will be accessed via the existing driveway to the gravel pit at 460 Latimore Lake Road, and that development of the proposed pit would be extending the length of pavement on the existing access road / driveway at 460 Latimore Lake Road and that there will be no net increase in the area under extraction.

Mr. Richard Hachey of 1239 Latimore Lake Road, Ms. Odette McGrath of 31 Lackie Road, Mr. Habib Debly of 815 Latimore Lake Road, Ms. Kim Wilson of Latimore Lake Road, Ms. Carolyn Burtin of 1089
Latimore Lake Road, Mr. Tim McGrath of 31 Lackie Road, and Mr. Calvin Currie of 25 Estate Drive appeared before the Committee and raised concerns including stormwater runoff, siltation, dust, truck traffic, noise and impacts on ongoing residential development in the area. Ms. Odette McGrath also spoke on behalf of the Latimore Lake Community Centre.

Mr. Scott Fash and Mr. Stephen Langille reappeared before the committee and addressed concerns raised by the residents indicating that the access road will greatly reduce truck traffic, there will be no quarry or blasting carried out, and further as the operation is a substantial distance away from the residential area should not produce dust/dirt emissions, concluded they will comply with the stringent requirements of the “PQ” Pits and Quarries zone.

It was MOVED and SECONDED that the Committee recess to consider the matter further.

CARRIED DG/SL

Upon resuming the meeting, and after considering the report, the presentations, discussions, the concerns raised by the neighbourhood residents, and the recommendations as contained in the report and further whereas the City of Saint John has, in conjunction with input from the community, developed a Pits & Quarry Strategy and that the current application meets those requirements, resolved to adopt the recommendations as outlined in the report.

It was MOVED and SECONDED

1. That Common Council rezone a parcel of land located adjacent to 460 Latimore Lake Road, having an area of approximately 35 hectares, also identified as being portions of PID Numbers 333385, 334599 and 333419, from “RF” Rural to “PQ” Pits and Quarries.

2. That pursuant to the provisions of Section 39 of the Community Planning Act, the proposed development of an area of land identified as located adjacent to 460 Latimore Lake Road, having an area of approximately 35 hectares, also identified as being portions of PID Numbers 333385, 334599 and 333419, with a gravel pit be subject to the conditions that:

   a) The use of the subject site is limited to the excavation of aggregate material and will not include any blasting, quarrying or on-site processing of materials;
b) Excavation will be limited to a maximum 4 hectare (10 acre) area on the subject site at any one time and the excavation area shall not increase until such time as the prior area has been fully rehabilitated according to standards contained in the “PQ” Pits and Quarries zone;

c) No part of the excavation area shall be excavated to an elevation lower than approximately 120 metres (395 feet) above sea level;

d) Detailed storm drainage plans and a storm water design report must be submitted by the applicant’s engineering consultant to the Department of Municipal Operations and Engineering for review and approval prior to the issuance of any excavation permit;

e) A water supply must be maintained on-site and be used to limit the amount of dust raised;

f) Any equipment used on the site must be equipped with fully functional noise-suppressing mufflers to the satisfaction of the Deputy Building Inspector; and

g) Excavation is permitted only between the hours of 7:00am and 6:00pm Monday to Friday;

and further that upon the rezoning of the area, the land and any building or structure thereon must be developed and used in conformity with the proposal and conditions identified herein.

3. That Common Council authorize the preparation and execution of an agreement between the City and Jerome Langille, owner of the property at 460 Latimore Lake Road (PID 334565), pursuant to Section 101 of the Community Planning Act, setting out the following additional requirements with respect to the existing gravel pit operation thereon:

a) The owner shall pave with asphalt a distance of 400 metres (1,312 feet) back from the existing paved portion of the access prior to the commencement of any excavation activity on the lands to be rezoned.

b) The owner shall reduce the area excavated from the pit at 460 Latimore Lake Road in an amount equal to the area being excavated from the proposed pit so that there shall be no net
increase in extraction activity following rezoning of the subject site.

c) The agreement is null and void if the rezoning of the subject parcel of land mentioned does not become effective.

4. That Common Council not give third reading to the rezoning until the recommended Section 101 agreement has been executed.

CARRIED ML/DG

(Colin Murray resumed the Chair.)

(Michael Whelton stepped down for Item 9 due to potential conflict of interest and Gerry Lowe left the meeting.)

Item 9: 512531 N. B. Ltd.
Cedar Point Anchorage

The Chair advised that at a meeting of the Common Council, held on May 24, 2011 the following resolution was adopted, namely:

“RESOLVED that the Planning Advisory Committee be requested to provide Council with the Committee’s recommendation respecting the location of public streets within the proposed Cedar Point Anchorage Subdivision (Phase 7), as called for in accordance with s. 56 of the Community Planning Act.”

The Committee expressed the desire for a secondary access for the subdivision. However, due to the jurisdiction of the Committee, a secondary access cannot be a condition of approval under the circumstances, nor can the Planning Advisory Committee recommend a secondary access as part of the assent of this phase of the development, since the land acquired for the secondary access is not part of this application.

While the Committee continues to share the residents’ concern with regards to increased traffic volume and safety with the approval of further residential lots, after further consideration the Committee resolved to adopt the staff recommendation provided in the May 17, 2011 report.
It was MOVED and SECONDED

1. That Common Council assent to one or more subdivision plans, in one or more phases, in general accordance with the submitted Cedar Point Anchorage Subdivision, Phase 7 tentative plan, as well as to any necessary municipal services and public utility easements, on the condition that:

   The plan is amended to include a 6 metre wide Land for Public Purposes dedication in the vicinity of proposed Lots 36-G to 42-G between Anchorage Avenue (extension) and the Nature Trust of New Brunswick Inc. property (PID No. 55198436);

2. That Common Council authorize the preparation and execution of one or more City/Developer Subdivision Agreements to ensure provision of the required work and facilities, including detailed site and drainage plans for the approval of the Chief City Engineer or his designate, and any required contribution to the pumping station and potential force main upgrades, as well as any additional infrastructure costs associated with the proposed subdivision development; and

3. That the Planning Advisory Committee approve the new street name “Topsail Terrace”.

CARRIED DG/ML

Discussion ensued with respect to the desirability of requiring that developments have multiple means of public street access to the balance of the City’s street system and whereas there is no requirement for this to be provided in the City’s Subdivision By-law, the Committee feels it would be prudent for the City to review this issue and determine whether it would be appropriate to amend the Subdivision By-law. The Committee also believes that it may be desirable to further define the term cul-de-sac in the By-law.

It was MOVED and SECONDED that the Planning Advisory Committee forward correspondence to Common Council recommending that a review of the Subdivision By-law be undertaken to determine if it is appropriate to introduce by-law provisions respecting alternate means of access to development as well as further defining the term cul-de-sac.

CARRIED EF/EK
There being no further business, the meeting adjourned at 11:52 pm

Colin Murray                                      Lynda Lockhart
Chairman                                          Recording Secretary