



SAINT JOHN

PLANNING ADVISORY COMMITTEE TUESDAY, JANUARY 17TH, 2012

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

PRESENT

Eric Falkjar	Chairman
Erik Kraglund	
Gerry Lowe	
Morgan Lanigan	
Donald Gillis	
Anne McShane	
Andrew Miller	
Carolyn Vanderveen	

Ken Forrest	Commissioner
Mark Reade	Senior Planner
Lynda Lockhart	Recording Secretary

REGRETS

Michael Whelton

Item 1: Election of Officers

Ken Forrest chaired the Election of Officers which took place in the 10th Floor Boardroom of City Hall.

Chairman

Ken Forrest called for nominations for the position of Chairman. Eric Falkjar was nominated. Nominations were called for three times. There being no further nominations, the nominations ceased.

It was MOVED and SECONDED that Eric Falkjar be declared Chairman.

CARRIED **DG/EK**

Ken Forrest stepped down and Eric Falkjar assumed the Chair.

Vice-Chairman

The Chair called for nominations for the position of Vice-Chairman. Erik Kraglund was nominated. Nominations were called for three times. There being no further nominations, the nominations ceased.

It was MOVED and SECONDED that Erik Kraglund be declared Vice-Chairman.

CARRIED **DG/ML**

Third Executive Member

The Chair called for nominations for the position of Third Executive Member. Anne McShane was nominated. Nominations were called for three times. There being no further nominations, the nominations ceased.

It was MOVED and SECONDED that Anne McShane be declared Third Executive Member.

CARRIED **EK/GL**

Item 2: Minutes

It was MOVED and SECONDED that the minutes of the December 6, 2011 meeting be adopted as presented.

CARRIED **DG/EK**

It was MOVED and SECONDED that the minutes of the December 13, 2011 meeting be adopted as presented.

CARRIED **ML/GL**

Item 3: Dan Estey
3795 Loch Lomond Road

Proposal: To develop a rural residential subdivision

Type of Application: Rezoning

Two letters in support of the application were received.

Mark Reade advised the application is to rezone the subject site to "RR" One Family Rural Residential to develop a subdivision and that the applicant has submitted two conceptual layouts for the development proposals. Mr. Reade further indicated the applicant had appeared before the Committee last year and has subsequently revised his proposal which addresses the technical concerns expressed at that time, however staff is of the opinion that the proposed development cannot satisfy all of the criteria for Rural Residential subdivisions as set out in the current Municipal Plan, nor does it conform to the Growth Strategy and therefore recommends that the application be denied.

Dan and Rhonda Estey appeared before the Committee and indicated they were not in agreement with the staff recommendation and that they were only seeking rezoning approval at this time. Mr. Estey gave an overview of the project and the work conducted to date regarding the development. He noted that in 2011, building Lot 10-01, as well as a street for future use was approved on the condition that the mini home on the lot be removed. He further noted that in March 2011 he met with Planning & Development to discuss the application to rezone and staff had recommended the adjacent properties not be included in the tentative plans. He indicated the revised plan addresses all the technical issues which arose from the October 2011 rezoning application which was withdrawn. He noted several other subdivisions in the area which do not meet the requirement that rural residential subdivisions generally have no fewer than 20 lots. Mr. Estey concluded there would be no aggregate removal from the site and asked the Committee to favorably consider the application as it would be a financial and devastating loss to his family if the application was denied.

Staff responded to questions from the Committee as to why the proposal does not conform to Policy 2.4.4.13 which outlines approximately 11 criteria related to the design of rural residential subdivisions. There are two such criteria staff feel the proposal does not meet, namely that rural residential subdivision generally have no fewer than 20 lots, and also that there might be potential for aggregate

Peter MacKenzie of Comeau MacKenzie Architecture appeared before the Committee on behalf of the applicant and indicated he was in favour of staff's recommendation and noted the application is in keeping with the infill guidelines of the recently adopted Growth Strategy for the City of Saint John. In response to the above noted letter received expressing concerns with fire safety and water runoff, Mr. MacKenzie confirmed that all fire safety requirements would comply with National Building Code. He further indicated site drainage issues would be addressed when the topographic survey was completed.

Mark Reade commented as part of the Building Permit process, the applicant would be required to submit a drainage plan and it is a requirement that a developer cannot direct water onto adjacent properties.

Adam Garnett, the neighbor adjacent to the subject property at 55-57 Loch Lomond Road and author of the above noted letter appeared before the Committee to express his concern regarding the proposed development. Mr. Garnett was worried that the proposed development would inhibit his ability to proceed with any future development on his land as it pertains to the "B-2" zone and by the standards as set out in the National Building Code.

Mark Reade responded the proposal will not impact the ability for the redevelopment of the adjacent property owner's site.

Mr. MacKenzie reappeared before the Committee to respond to any questions/concerns.

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

- 1. That Common Council rezone a parcel of land with an area of approximately 460 square metres, located at 67 Loch Lomond Road, also identified as being PID Nos. 00317610 and 55201347 from "R-2" One and Two Family Residential to "R-4" Four Family Residential.*
- 2. That, pursuant to the provisions of Section 39 of the Community Planning Act, the proposed rezoning of a parcel of land with an area of approximately 460 square metres, located at 67 Loch*

Lomond Road, also identified as being PID Nos. 00317610 and 55201347, be subject to the following condition:

- a) *That the use of the property be limited to a maximum of three dwelling units; and*
 - b) *That prior to the issuance of a building permit for the proposal, a detailed off-street parking plan for the subject site be prepared by the proponent subject to the approval of the Development Officer;*
3. *That the Planning Advisory Committee approve the requested variances to:*
- a) *Reduce the required side yard setback to 1.2 metres, whereas the Zoning By-law requires a minimum of 1.52 metres;*
 - b) *Increase the maximum permitted height to 10.4 metres, whereas the Zoning By-law permits a maximum of nine metres;*
 - c) *Reduce the minimum number of off-street parking spaces to three spaces, whereas the Zoning By-law requires a minimum of four off-street spaces;*
 - d) *Reduce the minimum landscaped parking setback (from the side lot line) to 0.6 metres, whereas the Zoning By-law requires a minimum of 1.5 metres; and*
 - e) *Reduce the minimum landscaping adjacent to the building to 0.6 metres, whereas the Zoning By-law requires a minimum of 1.5 metres.*

CARRIED

GL/EK

(Andrew Miller declared a potential conflict of interest with Item 5 at 329 McAllister Drive and withdrew from the meeting.)

Item 5: John Comfort of Altus Group (for Bell Mobility)
329 McAllister Drive

At the meeting of December 13, 2011, the Planning Advisory Committee tabled an application for a conditional use and variance to erect a telecommunications tower at 329 McAllister Drive.

It was MOVED and SECONDED that the Planning Advisory Committee lift the item from the table.

CARRIED

DG/EF

Proposal: To erect a telecommunications tower

Type of Application: Conditional Use and Variances

Two letters expressing concerns were received.

Don Gillis commented the Committee had tabled the application at the last meeting as the deadline for the Industry Canada's mandated notification process had not yet expired and questioned if any responses had been received. The applicant responded there had been none.

John Comfort and Dwayne Lovelace of Altus Group appeared before the Committee and indicated they were in agreement with the staff recommendation and provided an overview of the application via a Power Point presentation explaining towers are necessary to maintain the current wireless infrastructure presently located within the community. There is an ongoing increased demand for data transmission which requires improvements to the wireless infrastructure. A base station/tower can only provide so much coverage/subscribers at one given time and the sites are geographically placed and connected to form the wireless network. With respect to Safety Code 6 concerns expressed in the above-noted letter, Mr. Lovelace responded Health Canada employs a team of doctors and scientists who study the effects of radiation from towers. Industry Canada has made compliance with Safety Code 6 a condition of license for all Canadian wireless carriers.

In order to address the trespassing concern as expressed from an area resident, the Committee asked the applicant if they would entertain the construction of a fence around the subject site, to which the applicants responded they would make this a condition of the recommendation.

Staff responded the recommendation could be amended to include the construction of a fence around the perimeter of the subject site.

Gordon Dalzell of 32 Dorthea Drive and associated with the Citizen's Coalition for Clean Air Environment Public Interest Group appeared before the Committee and objected to the location of the tower as well as the height variance. He commented while he was aware of Health Canada's Safety Code 6 requirements, he cautioned new research is being developed all the time and people are advised to be careful how they use these technologies. He suggested the Committee to consider: imposing a condition that a policy regulating the use of such towers be

implemented and further impose a condition that the proponent be requested to increase awareness to the general public on the safety of such towers; impose a condition that the Department of Environment or ACAP be consulted to assess if the nearby watercourse could have an impact on the subject site.

The Chair responded that as stated earlier by the applicant, the health and safety concerns did comply with Health Canada standards. With respect to implementation of policies, he suggested that the matter be referred to staff.

As Mr. Dalzell's response was not received within the required timeframe, Don Gillis questioned if the Committee might be subjecting itself to appeal if they consider his suggestions?

Ken Forrest responded that based on the fact that the application was tabled and the applicants were invited to come back to the Committee, it is only fair to provide everyone the opportunity to partake in the process. He cautioned the Committee that the application is for a conditional use and what conditions it deems appropriate. With respect to implementation of policies governing cell tower usage, Mr. Forrest responded that staff is currently reviewing the Zoning By-law and recently attended a session on communication towers with other New Brunswick municipalities. Saint John is more restrictive than other municipalities as they require conditional use approval. If the Committee has concerns with the watercourse, they could impose a condition that it be maintained in accordance with the requirements of the Chief City Engineer.

John Comfort and Dwayne Lovelace reappeared before the Committee and responded they are federally regulated and mandated by Industry Canada to provide proper notification to residents and have notified residents within three times the tower height, and in addition placed an advertisement in local newspaper inviting comments. He indicated he had received an email from Mr. Dalzell, and even though it was outside the notification timeframe, he did respond to his comments. No other comments were received.

After considering the report, the presentations, and discussions; and further to address the concern of trespassing onto neighbouring private property and the potential impact of the watercourse resolved to amend the recommendation as follows:

It was MOVED and SECONDED

1. *That the Planning Advisory Committee impose the following conditions on the establishment of a telecommunications tower (utility service building or structure) to be situated on proposed Lot 11-1 at 329 McAllister Drive (PID No. 00426676):*
 - a) *That the proposed telecommunications tower be self-supporting and constructed in accordance with approved engineered drawings acceptable to the Chief Building Inspector;*
 - b) *That a chain link fence with a locked gate having a minimum height of 2 metres (6.6 feet) be constructed around the tower and any utility building to prevent unauthorized access;*
 - c) *That the applicant landscape the tower site within six (6) months of the establishment of the tower and that such landscaping be in accordance with a detailed plan approved by the Development Officer and attached to any required building permit;*
 - d) *That the applicant install a chain link fence, a minimum of 1.5 metres (5 feet) in height along the rear portions of Lot 11-1 and the remnant of Lot 81-2 to discourage access to adjacent properties; and*
 - e) *That the natural watercourse that crosses the property be maintained in accordance with the requirements of the Chief City Engineer or his designate.*
2. *That the Planning Advisory Committee grant the requested variances from the requirements of the Zoning and Subdivision Bylaws to:*
 - a) *Increase the maximum permitted height for a building or structure from 14 metres (46 feet) to approximately 35 metres (115 feet); and*
 - b) *Eliminate the requirement for the proposed Lot 11-1 to be serviced with municipal water and wastewater on condition that:*
 - i. *The use of proposed Lot 11-1 be restricted to a telecommunications tower or, at such time as the tower is removed, that this parcel be used only in conjunction with the adjoining property at 329 McAllister Drive and not be developed independently; and*
 - ii. *That a notation be clearly placed on the final subdivision plan indicating the condition mentioned in sub clause (i).*

CARRIED

**EK/AMcS
"NAY" DG/ML**

(Andrew Miller returned to the meeting.)

Item 6: City of Saint John
20 Mountain View Drive

Proposal: To consider the imposition of conditions for a recently constructed wastewater pumping station on a City property.

Type of Application: Conditional Use and Variance

Graham Huddleston of Municipal Operations appeared before the Committee and indicated he was in agreement with the recommendations as contained in the staff report.

No one appeared before the Committee opposed to 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

1. *That the Planning Advisory Committee impose the following conditions on a recently constructed wastewater pumping station at 20 Mountain View Drive:*
 - (a) *That the facility be developed and maintained in accordance with detailed site and building elevation plans approved by the Development Officer; and*
 - (b) *That required landscaping be completed no later than July 1, 2012.*
2. *That the Planning Advisory Committee grant a variance from the requirements of the Zoning By-law that would reduce the minimum front yard requirement of 7.5 metres to approximately 6.0 metres for the fibreglass enclosure associated with wastewater pumping station at 20 Mountain View Drive.*

CARRIED

ML/DG

