



May 18, 2022

Pierre Doucet
Project Manager
Environmental Impact Assessment
Environment and Local Government
Email: Pierre.Doucet@gnb.ca

Dear Mr. Doucet:

**RE: *Initial EIA and WSSA Application
Proposed Terrance Courts Residential Development
Quispamsis, NB
EIA File # 4561-3-1584***

Pursuant to the New Brunswick's *Environmental Impact Assessment Regulation* (Regulation 87-83) under the Clean Environment Act, this project falls under item (s) of *Schedule A all waterworks with a capacity greater than fifty cubic metres of water daily* and therefore is subject to an EIA. The registration fee has been submitted through the website.

CBCL Limited has been retained by KV Custom Homes Inc. to complete necessary investigations for a proposed residential development in Quispamsis, NB. The following information is being submitted for review under the (EIA) and an associated Water Supply Source Assessment (WSSA).

Please note, at this time, the Proponent would like to pursue the pump testing portion of the project to confirm the availability of water for Phase 1 of the development. As such, the following documentation has been produced to support the Technical Review Committee's ability to provide approval for this initial phase of the project. Should pump testing confirm viability of the project, additional information will be provided to satisfy the EIA Guidelines.

1 Project Description

KV Custom Homes is proposing a subdivision development in the Pettingill Road area of Quispamsis. Figure 1 shows the study area. Homes in the subdivision will be serviced by shared wells. The current assessment area is shown as Phase 1 in Figure 2, consisting of 14 two-bedroom units. Please note that at this time, the developer has plans to move forward only with Phase 1, and as such, the current WSSA assessment will be based on 14 units only, with the understanding that future phases will require further assessment. The other phases were scoped to satisfy a request from the Town to show the potential full build out scenario over the long term.

According to NBDELG guidance, 14 two-bedroom units represent a demand of 18.7 m³/d, with a peak demand of 157 L/min (35 igpm) drawn over a 2-hour period of each day. Table 1 provides a summary of information required for the EIA and WSSA Initial Application. The development will be connected to the Quispamsis municipal sanitary sewer system. The number of wells used to service the development will depend on individual well yields.

Table 1. EIA and WSSA Initial Application

1	Name of Proponent	KV Custom Homes Inc.
2	Address of Proponent	7 Foxwood Dr, Quispamsis, NB E2E 0R6
3	Principal Proponent Contact	Andrew McIntyre Owner (506) 650-9467 kvcustomhomes@gmail.com
4	Property Ownership	Land is owned by KV Custom Homes Inc.
5	Principal Contact for Purposes of EIA	Amy Winchester, M.A.Sc., P.Eng. Senior Engineer (506) 633-6650 amyw@cbcl.ca
6	Property PID	30216527 and 00251694 (however, Phase 1 of the development is located on 30216527) 2,541,505.029 7,379,898.018
7	Purpose of proposed water supply	Residential Supply
8	Required pumping rate	157 L/min (35 igpm) (peak, 2 hr)
9	Alternate water supply sources	No municipal water system
10	Area Hydrogeology	Discussed below and further described in Appendix C

11	Proposed testing and work schedule	ASAP; May to June, 2022
12	Existing contamination Hazards	No significant hazards. Gravity sewer lines border the property on two sides. Sewage treatment lagoons 875 m to southwest. Urban centre 1 km to south and southeast.
13	Groundwater Use Problems in the area	None known at this time
14	Water courses within 60 metres of drilling site	None. Water features on the subject properties are shown on Figures 1 and 2, and discussed further in Appendix A.
15	Supervisory Personnel	KV Custom Homes: Andrew McIntyre
		CBCL Site Supervisor: Annie Cormier
		CBCL Hydrogeologist: Colin Walker
		CBCL Project Manager: Amy Winchester
		Drilling Firm: Short's Well Drilling
16	Mapping	Figure 1, Figure 2, Figure 3 attached.
17	Land use zoning map	Refer to Appendix B – Council Minutes (Item 10.1) from April 19, 2022 where Council gave third and final ready to Zoning By-Law Amendment No. 038-35 to permit PID No 30216527 (subject property) to be rezoned from Single & Two Family Residential (R1) to Terrance Dwelling Residential (R3)
18	Contingency Plan	Details on emergency planning to be provided in further EIA Documentation.

2 Area Hydrogeology

The following information provides a summary of reporting completed by CBCL for the Town of Quispamsis in 2017. CBCL's assessment drew information from previous conceptual models (Stantec 2006, 2009), and included a review of the province's database of drilled water wells, and a compilation of data from 47 hydrogeological assessment reports for unserviced subdivision developments.

Unconsolidated material in the Quispamsis area is primarily stony till, deposited in varying thicknesses (veneer, blanket, or moraine). Water well records indicate that the till thickness is generally less than 6 metres but can exceed 100 metres. There is a channel of course-grained glaciofluvial material aligned with the Palmer Brook drainage system, traversing the centre of the Quispamsis area, approximately 2 km west of the subject properties. Till units are likely to

provide confining conditions for the bedrock unit underlying the subject properties. Previous mapping of the area geology is provided in Appendix C.

Bedrock contacts in the study area are oriented from southwest to northeast. Quispamsis is underlain by three primary rock types:

- Conglomerate, sandstone, and finer-grained sedimentary rock of the Kennebecasis Formation to the west of the study area;
- Plutonic rock of the Golden Grove Suite underlying the subject properties; and
- Metamorphic rock of the Ashburn Formation, including carbonates, argillite, quartzite, and localized occurrences of marble, to the east of the study area.

Fracture networks in plutonic rock tend to be poorly developed with fewer connections, and wells in this setting may be dependent on one or two discrete fractures. Wells in the Quispamsis area are generally between 46 and 84 metres deep and are constructed with at least six metres of casing. The data suggest that a significant number of wells in the study area could provide yields greater than 20 L/min. Three percent of wells (62 wells) in the area exhibited apparent yields exceeding 100 L/min (22 igpm). Previous mapping of water well yields is provided in Appendix C.

Previous reporting provided a description of expected and modelled groundwater flow patterns in the Quispamsis area (Stantec, 2009). Deeper regional flow systems were interpreted to be westward, discharging to the Kennebecasis River. Local flow systems depended more directly on local topographic/watershed divides, with shallow flow systems discharging to the Town's lakes and streams. Shallow systems originating on or under the subject properties are likely to discharge to Ritchie Lake. Previous reporting (Fundy Engineering (2021), Appendix A) identified a groundwater seep on the property, shown on Figures 1 and 2.

Available hydrogeological assessment reporting for subdivision developments dates to 2001, including 47 studies for the creation of approximately 1000 lots in 29 subdivisions. Aquifer testing results for 32 test wells were reviewed. Tested wells were pumped at a constant rate for six hours to allow for observation of drawdown and recovery. The apparent well transmissivity was reported for 30 of these tests, summarized as follows:

- Less than 1 m²/d at 12 wells;
- Between 1 and 5 m²/d at 15 wells;
- 10 m²/d at wells in Sunset Ridge, Gondola Point Gardens, and Deerhaven estates; and
- 100 m²/d at one well in Deerhaven Estates.

The magnitude of transmissivity provides an indication of the expected long-term well yield. Aquifer testing data indicate that expected well yields are low ($T < 5 \text{ m}^2/\text{d}$) for most of the areas tested. Aquifers in these areas would generally be capable of supplying one home or a small group of homes.

Water quality samples were collected from the subdivision test wells. Arsenic exceeded the GCDWQ of $10 \text{ }\mu\text{g/L}$ at one location and uranium exceeded the GCDWQ of $20 \text{ }\mu\text{g/L}$ at two locations. Uranium concentrations appear to be elevated throughout the Quispamsis area. Iron concentrations exceeded the GCDWQ of $300 \text{ }\mu\text{g/L}$ at 9 locations. Manganese concentrations exceeded the GCDWQ aesthetic guideline of $20 \text{ }\mu\text{g/L}$ at 13 locations and exceeded the health-based guideline of $100 \text{ }\mu\text{g/L}$ at 5 locations. Previous mapping of water quality parameters is provided in Appendix C.

3 Potential Sources of Contamination

A review of area mapping identified no land uses of concern or direct threats to groundwater quality in areas within 500 metres of the subject properties. Gravity sewer lines border the site to the northwest and southeast. All wells constructed in the proposed subdivision will meet the minimum setbacks as required under water well regulations.

There is a sewage lagoon approximately 800 metres to the southwest of the proposed development area. Expected patterns of groundwater flow would be unlikely to provide a pathway between the lagoon and water wells on the subject property, and there are no known reports of effects on existing wells that are more directly adjacent to the lagoon.

Urban activity in Quispamsis is concentrated along Hampton Rd, a minimum of 1 km from the proposed development. Potential land uses of concern such as gas stations and dry-cleaning operations are unlikely to be a concern for the development, and there are no known reports of effects on existing wells that are more directly adjacent to this area.

4 Proposed Work Program

4.1 Well Drilling

One test well will be installed by the developer's drilling contractor. The driller will be responsible for logging the borehole, and to provide information on the geologic material encountered, changes in airlift yield, and details of well construction. The approximate location of the proposed test well is shown on Figure 2.

4.2 Step-Tests

Pending the results of airlift testing, it is anticipated that the step-test will consist of four one-hour steps with the following approximate pumping rates, subject to the capacity of the well and pump: 5 igpm, 10 igpm, 15 igpm, and 20 igpm. A water quality sample will be collected at the end of step 4 and submitted for analysis of general chemistry and trace metals. CBCL will monitor the quality of discharged water using an in-situ probe. The pump installer/driller will be required to keep a record of the pumping rate, measured at regular intervals using a flow meter. All wells will be allowed to recover overnight before initiation of a constant-rate test.

4.3 Constant-Rate Test

If step testing results are favourable, a 48-hour constant-rate test will be completed. CBCL will provide on-site observation of the beginning and end of the constant rate test and will coordinate with the pumping contractor to ensure adequate data collection throughout the remainder of the test. Water levels will be measured at 5-minute intervals using automated sensors installed in the test well and in two nearby observations wells, shown in Figure 2.

Manually-measured water levels will supplement automated data collection. The pump installer/driller will be required to keep a record of the pumping rate, measured at regular intervals using an inline flow meter. Water quality samples will be collected after 1 hour, 24 hours, and 48 hours. CBCL will monitor the quality of discharged water using an in-situ probe. All data will be collected in accordance with NBDELG requirements for WSSA.

CBCL Limited will analyze all pumping, water level, and water quality data to provide an assessment of the well yield, safe pumping rate, well interference, and considerations for commissioning and treatment.

Figure 2 shows two observation wells that will be monitored during the constant rate test. These wells are installed in and are reported to produce water from the same bedrock unit as the proposed test well. One of the observation wells (124 Pettingill Road) currently provides water to a residence, and as such considerations for use of the well will be as follows:

- ▶ If possible, baseline water level data will be collected prior to the test to help establish usage patterns and patterns of drawdown associated with domestic use.
- ▶ The homeowner will be encouraged to avoid intensive water use practices (e.g., laundry, outdoor uses) for the duration of the test.
- ▶ Water level data from this well is expected to provide a general indication of the potential for well interference but may not be suitable for calculation of aquifer testing parameters, such as the storage coefficient.

The depth of this observation well is 46m (150 feet) (driller's log included in Appendix D). As a borehole log for the second observation well is not available, the depth will be measured prior to baseline data collection.

5 Description of Existing Environment

Regional mapping is shown on Figure 3. The subject property is primarily forested and includes one existing dwelling. As there are no environmentally sensitive features on the property, aquifer testing is not anticipated to have a negative impact. Please refer to Appendix A for a copy of the Environmental Constraints Report completed by Fundy Engineering for the developer. Discussions with Fundy Engineering confirmed that they did not identify any species at risk during their field visit.

6 Proposed Mitigation

Water discharged during the test will be dispersed on the property, a minimum of 30 metres from the well head. The till confining unit is expected to limit the potential for rapid infiltration and recirculation of water during the constant-rate test. Ritchie Lake and an associated wetland feature are located at least 100 metres from the property boundary, and 300 metres from the location of the proposed test well.

Clearing and grubbing for construction of housing units will require standard drainage and silt management measurements to ensure that suspended solids are not entrained in surface runoff to Ritchie Lake.

In mid April, to avoid clearing during potential nesting period, a road was cleared into the property for access to drill a well. Both the well drilling and the road clearing were done prior to notification from the province that an EIA was required.

7 Public Consultation

The project has been reviewed by the Planning Advisory Committee (PAC) in the Town of Quispamsis. Please refer to the minutes from the PAC meeting on March 8, 2022, Item 7.6 (Appendix B) where PAC supported the rezoning of the subject property to Terrace Dwelling Residential (R2) with Distinct Ownership subject to the terms and conditions summarized in Table 2.

Table 2 Terms and Conditions from Quispamsis PAC

Terms and Conditions		Status
1	A full comprehensive traffic flow analysis will be required to be submitted.	Study in progress with CBCL
2	A detailed comprehensive water supply and source assessment (CWSSA) report by a certified Professional Engineer is to be completed and submitted.	Study in progress with CBCL
3	An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development.	Study in progress with Fundy Engineering
4	A site design showing the creation of the buffering zone as it relates to the neighboring residential (R1) zones must be approved by the Town prior to construction.	Acknowledged and design in progress
5	Street lighting installation at the entrance to the development is required.	Acknowledged and design in progress
6	All building lights to be downward directed.	Acknowledged and design in progress
7	All materials and equipment ordered on site are the responsibility of the Developer.	Acknowledged
8	The Developer is to enter into a Developer's Agreement with the Town of Quispamsis.	Agreement in progress
9	The Developer shall undertake to complete the work for each approved phase within a period of two (2) years following approval.	Agreement in progress
10	The lands shall be developed in accordance with the most recently dated Building and Development Plans filed with and approved by the Town for each phase.	Acknowledged and design in progress
11	If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall	Acknowledged

restore the lands to an attractive natural state, and such restoration is to be completed within one (1) month.

Please also refer to Council Minutes from March 15, 2022, Item 6.2 and April 19, 2022, Item 10.1 in Appendix B, where residents spoke for and against the project. However, at the end of those meetings, Council approved the rezoning of the subject property to R3.

Pierre Doucet
May 18, 2022

If you have any questions regarding the information presented, please do not hesitate to contact us.

Yours very truly,

CBCL Limited

Prepared by:
Colin Walker, M.Sc., P.Geo, FGC
Senior Hydrogeologist
Direct: 902-478-8875
E-Mail: colinw@cbcl.ca

Reviewed by:
Amy Winchester, P.Eng.
Project Manager

CC: Andrew McIntyre, KV Custom Homes

Attachments:

Figure 1 Study Area

Figure 2 Conceptual Plan

Figure 3 1:50,000 Plan

Appendix A – Fundy Engineering Environmental Constraints Mapping Report

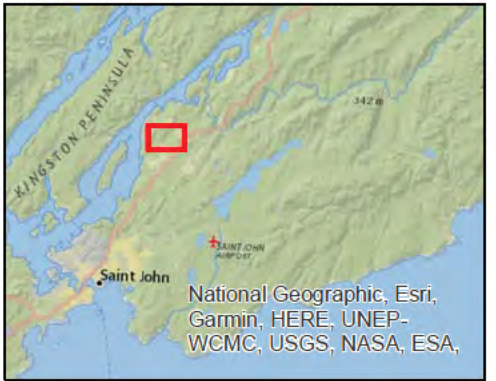
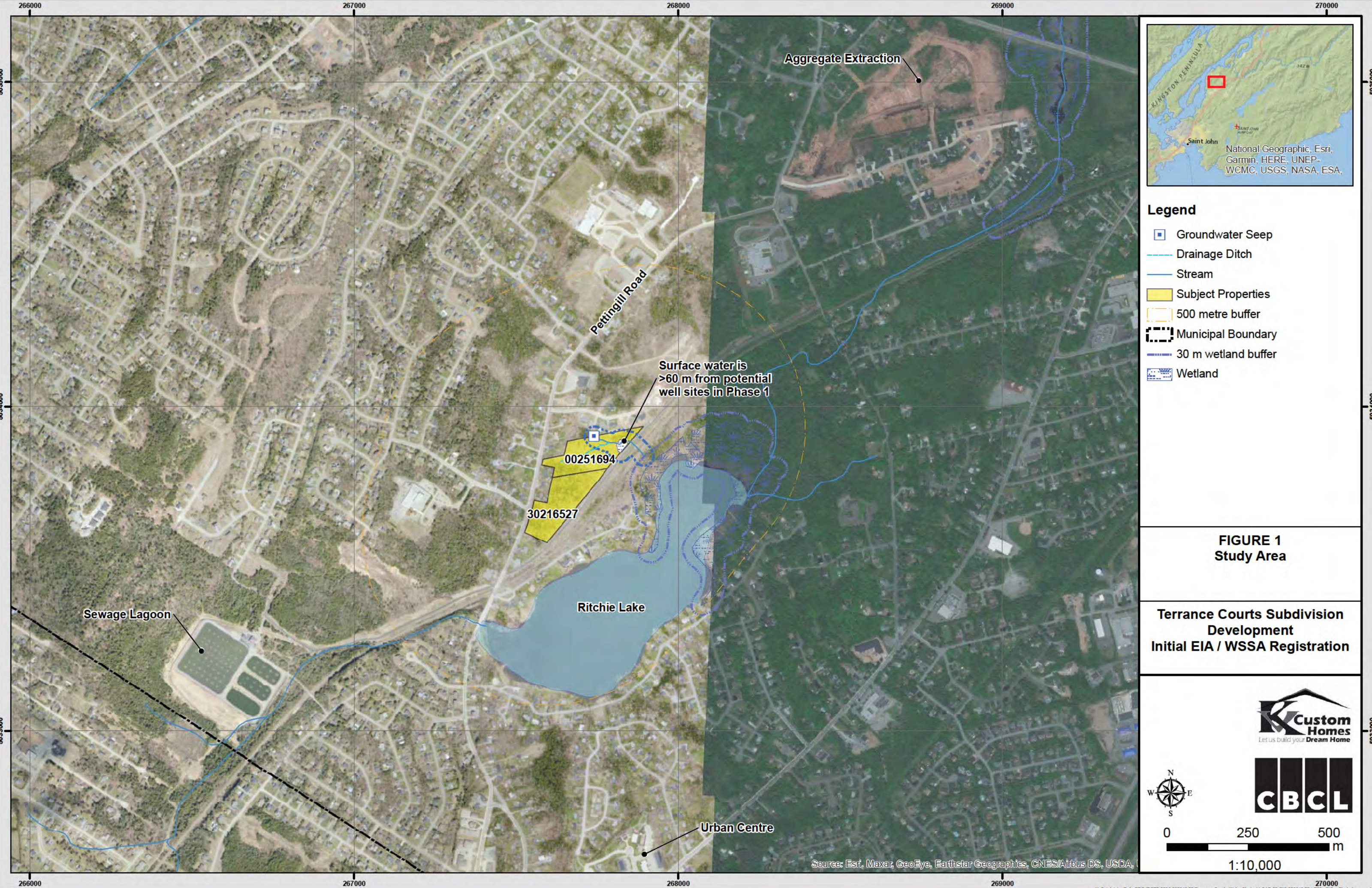
Appendix B – Quispamsis Council and PAC Meeting Minutes

Appendix C – Previous Hydrogeological Mapping

Appendix D – Driller’s Log – 124 Pettingill Road

Project No: 222848.00

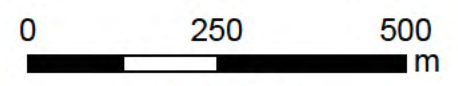
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- Legend**
- Groundwater Seep
 - Drainage Ditch
 - Stream
 - Subject Properties
 - 500 metre buffer
 - Municipal Boundary
 - 30 m wetland buffer
 - Wetland

FIGURE 1
Study Area

**Terrance Courts Subdivision
Development
Initial EIA / WSSA Registration**



1:10,000

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, ...

266000 267000 268000 269000 270000

5035000 5034000 5033000

Aggregate Extraction

Pettingill Road

Surface water is >60 m from potential well sites in Phase 1

00251694

30216527

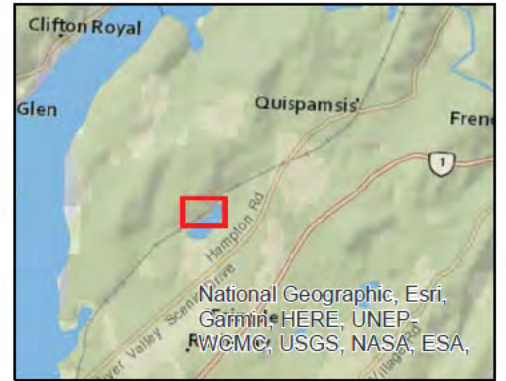
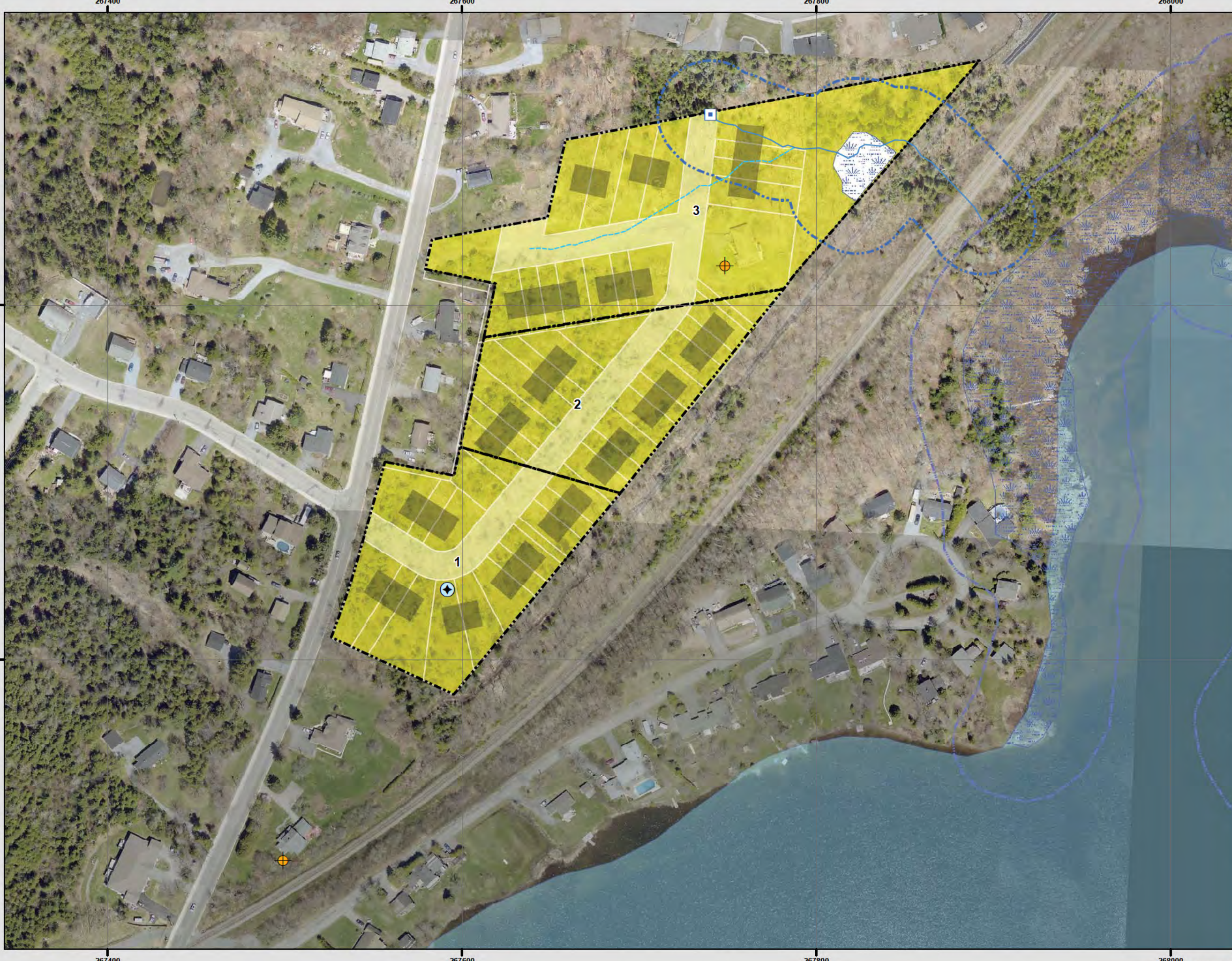
Ritchie Lake

Sewage Lagoon

Urban Centre

266000 267000 268000 269000 270000

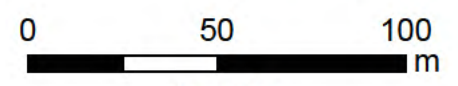
5033000



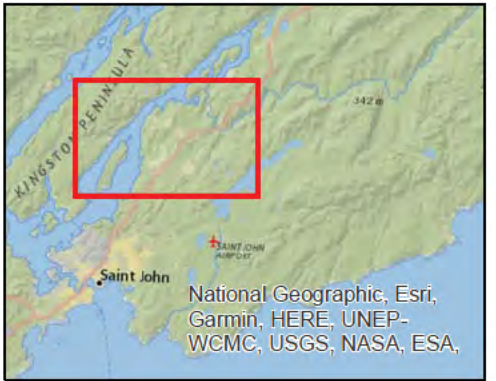
- Legend**
- Groundwater Seep
 - Proposed Test Well
 - Available Observation Well
 - Stream
 - Drainage Ditch
 - Conceptual Phase
 - 30 m wetland buffer
 - Wetland

FIGURE 2
Conceptual Plan

Terrance Courts Subdivision
Development
Initial EIA / WSSA Registration



1:2,000



- Legend**
- Stream
 - Subject Properties
 - 500 metre buffer
 - Municipal Boundary
 - Wetland

FIGURE 3
Regional Map

**Terrance Courts Subdivision
Development
Initial EIA / WSSA Registration**

1:50,000

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,

APPENDIX A

Fundy Engineering Environmental Constraints Mapping Report

Mr. Andrew McIntyre
KV Custom Homes Inc.
7 Foxwoods Court
Quispamsis, NB
E2E 0R6

Job File: 15361
8 October 2021

Correspondence via email (kvcustomhomes@gmail.com)

RE: Environmental Constraints Mapping for 124 Pettingill Road in Quispamsis, New Brunswick

Dear Mr. McIntyre:

Fundy Engineering & Consulting Ltd. (Fundy Engineering) was contracted by KV Custom Homes Inc. (*i.e.*, the Client) to complete environmental constraints mapping at 124 Pettingill Road in Quispamsis, New Brunswick (*i.e.*, the Work). The two properties that form 124 Pettingill Road have a combined area of 4.7 hectare (ha), and are identified in the New Brunswick Geographical Information Corporation's database as Property Identifiers (PIDs) 00251694 and 30216527 (Figure 1). This letter describes results of the Work.



Figure 1. Boundaries of PIDs 00251694 and 30216527 (*i.e.*, shown in red) at 124 Pettingill Road in Quispamsis, New Brunswick that are the focus of this letter.

Introduction

It is understood that KV Custom Homes Inc. intends to develop townhomes on the properties. As such, it is important to understand if environmental constraints, such as watercourses and wetlands, exist on the property. Review of the GeoNB surface water mapping database, which includes wetlands and watercourses mapped by the New Brunswick Department of the Environment and Local Government (NBDELG) and the New Brunswick Department of Natural Resources and Energy Development (NBDNRED), suggests that there are no watercourses or wetlands on the property (Figure 2); however, there is a caveat. Watercourses and wetlands on file with the NBDELG and NBDNRED and included in the GeoNB Mapping database were likely identified during the 1990s, or earlier. In many instances watercourses and wetlands in the GeoNB database have not been ground-truthed. Instead the boundaries have been inferred from aerial photography. In many instances, watercourses and wetlands are missed when reviewing aerial photography because of the limited resolution.



Figure 2. Boundaries of PIDs 00251694 and 30216527 (*i.e.*, shown in red) at 124 Pettingill Road in Quispamsis, New Brunswick showing the location of nearby watercourses (*i.e.*, shown in blue) and wetlands (*i.e.*, shown in orange).

Regulatory Framework

New Brunswick's wetlands and watercourses (*i.e.*, streams, ponds, and lakes) are afforded protection under the *Watercourse and Wetland Alteration Regulation* [90-80] of the *New Brunswick Clean Water Act* [S.N.B. 1989, c. C-6.1]. Any proposed alterations within most wetlands and / or streams, or within their 30 m regulated buffer, require permitting through the NBDELG's Watercourse and Wetlands Alteration (WAWA) Program through a WAWA permit. Any project that has the potential to impact a wetland > 2 ha in size, and / or its regulated 30 m buffer, must be registered through the

Environmental Impact Assessment Regulation [87-83] of the *New Brunswick Clean Environment Act [R.S.N.B. 1973, c. C-6]*. New Brunswick's fish-bearing wetlands and watercourses are also afforded protection under Section 35(2) of the *Fisheries Act [R.S.C., 1985, c. F-14]*, administered by the Department of Fisheries and Oceans (DFO), through a Harmful Alteration, Disruption, or Destruction (HADD) of fish habitat authorization. It is the proponent's responsibility to ensure that these features are properly determined through due diligence investigations and that all necessary permits, authorizations, etc. are obtained prior to any impact. Failure to do so could result in fines and remediation if a wetland and / or watercourse are impacted without proper approvals in place.

Field Assessment

On 1 October 2021, Matt Alexander, *Ph.D., P.Geo., FGC, EP* of Fundy Engineering walked PIDs 00251694 and 30216527 to identify potential environmental constraints. Skies were overcast, winds were light, and temperatures were about 15 °C during the assessment. On 26 September 2021, approximately 24.1 mm of precipitation had fallen, but minimal precipitation had occurred within the previous five days.

PID 00251694 has a single-family residence and several out buildings on it (*n.b.*, the residence was unoccupied at the time of the assessment). An asphalt driveway extends from the residence to Pettingill Road. A portion of the PID, primarily surrounding the residence and driveway, is manicured lawn. PID 30216527 is an undeveloped parcel of land.

The undeveloped portion of both PIDs is largely vegetated with a second-growth mixed forest (Figure 3) comprised predominantly of white birch (*Betula papyrifera*), red spruce (*Picea rubens*), white spruce (*Picea glauca*), balsam fir (*Abies balsamea*), eastern white pine (*Pinus strobus*), ironwood (*Ostrya virginiana*), red maple (*Acer rubrum*), striped maple (*Acer pensylvanicum*), American beech (*Fagus grandifolia*), trembling aspen (*Populus tremuloides*), white ash (*Fraxinus americana*), eastern hemlock (*Tsuga canadensis*), speckled alder (*Alnus incana*), and eastern white cedar (*Thuja occidentalis*). Both properties slope / drain east towards the QR Trail (*i.e.*, a multi-purpose recreational trail that parallels the railway).



Figure 3. Photographs taken on 1 October 2021 showing the second-growth mixed forest at 124 Pettingill Road in Quispamsis, New Brunswick.

One 818 m² unmapped riparian wetland (Figure 4) and one unmapped watercourse (Figure 5) were delineated on PID 00251694. Latitude and longitude coordinates were taken approximately every 5 m to 10 m along the perimeter of the wetland and the length of the watercourse. The ground-truthed boundaries of the wetland and watercourse observed on the property are shown in Figure 6.



Figure 4. Photograph taken on 1 October 2021 showing the unmapped riparian wetland delineated on PID 00251694 in Quispamsis, New Brunswick.

Hydrophytic vegetation, hydric soils (*i.e.*, histic epipedon), and hydrological indicators (*i.e.*, surface water, drainage patterns, and microtopographic relief) were present at the time of the assessment. A list of vegetation within and adjacent to the wetland observed during the delineation is provided in Table 1. No unique, rare, or threatened species were identified. The wetland is located at the bottom of the slope and the delineated unmapped watercourse flows through the wetland.

The unmapped watercourse appears to originate from runoff associated with three sources: 1) intermittent surfacewater runoff from a drainage ditch adjacent to the residential driveway on PID 00251694; 2) a groundwater seep along the northern boundary of PID 00251694; and 3) intermittent surfacewater runoff from the residential development along Heritage Way (Figure 6). At the time of the assessment, the watercourse was about 10 cm to 15 cm deep and 30 cm to 50 cm wide. An incised channel exposed bedrock in some locations. Streambed sediments were a mixture of silt, sand, gravel, cobble, and boulder.



Figure 5. Photographs taken on 1 October 2021 showing the unmapped watercourse delineated on PID 00251694 in Quispamsis, New Brunswick.

The watercourse exits the property near the northeast corner, flows through a 900 mm ID concrete culvert under the QR Trail and the Rail Line before flowing into Ritchie Lake through a riparian wetland (Figure 6). No fish were observed during the assessment and it is unlikely that fish would be present in this section of the watercourse due to several natural fish passage barriers (*i.e.*, small waterfalls / elevation drops > 20 cm).

If development is planned within the unmapped wetland, unmapped watercourse, and / or their 30 m regulated buffer, then permits will be required. At a minimum, a WAWA permit will be required from the NBDELG. At this time, it is not believed that a HADD would be required from the DFO because no fish were observed during the assessment.

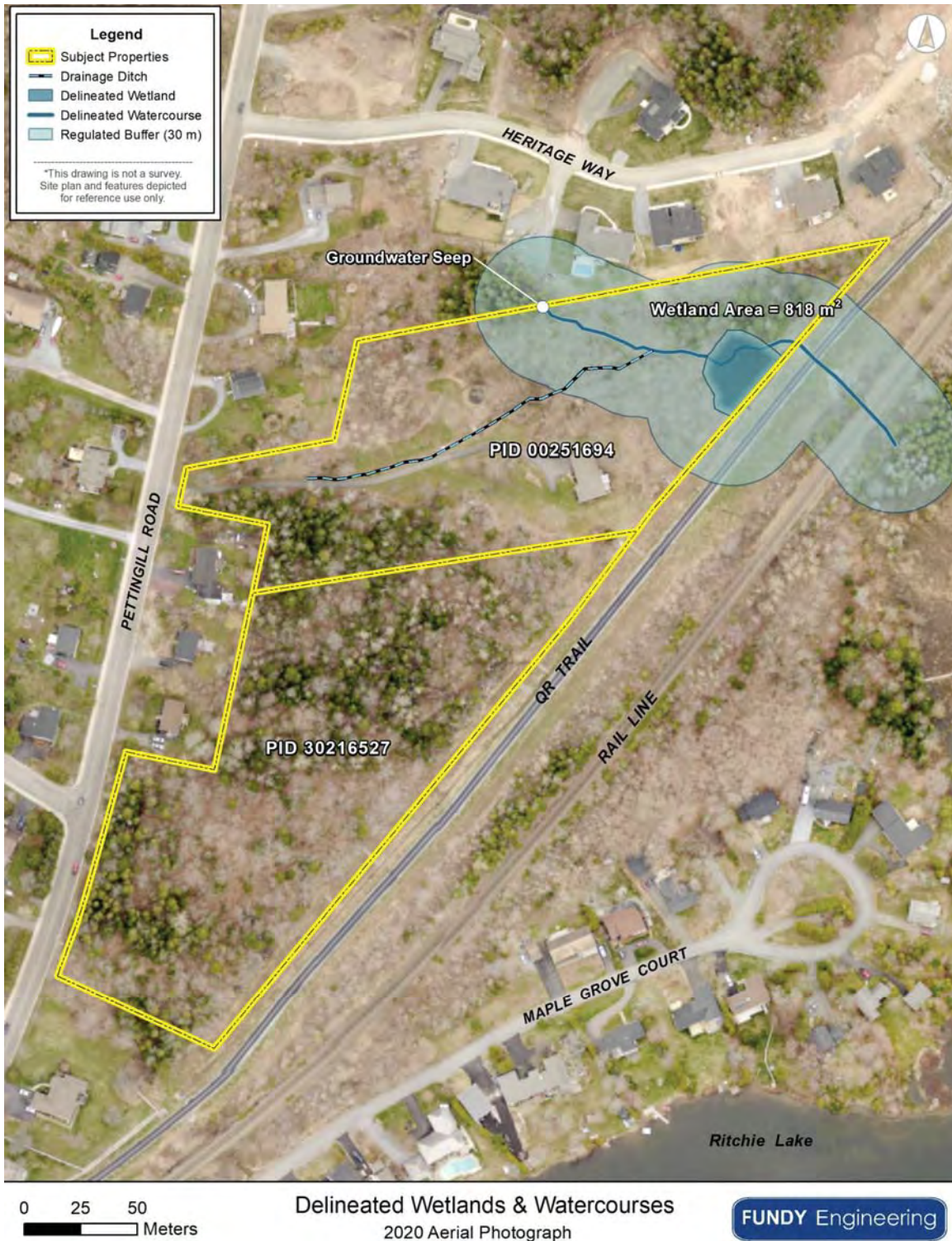


Figure 6. Aerial photograph showing the unmapped watercourse and unmapped wetland on PID 00251694 in Quispamsis, New Brunswick that were delineated in the field on 1 October 2021.

Table 1. Vegetation observed on 1 October 2021 within and adjacent to the unmapped riparian basin wetland delineated on PID 00251694 in Quispamsis, New Brunswick.

Scientific Name	Common Name	Indicator
<i>Alnus incana</i>	Speckled alder	No indicator
<i>Aster novi-belgii</i>	New York Aster	FACW+
<i>Aster umbellatus</i>	Flat-top white aster	FACW
<i>Betula papyrifera</i>	White birch	FAC
<i>Carex granularis</i>	Meadow sedge	FACW+
<i>Equisetum arvense</i>	Field horsetail	FAC
<i>Euthamia graminifolia</i>	Flattop goldenrod	FAC
<i>Fragaria virginiana</i>	Wild strawberry	FACU
<i>Onoclea sensibilis</i>	Sensitive fern	FACW
<i>Osmunda cinnamomea</i>	Cinnamon fern	No indicator
<i>Polystichum acrostichoides</i>	Christmas fern	FACU-
<i>Pteridium aquilinum</i>	Bracken fern	FACU
<i>Ranunculus repens</i>	Creeping buttercup	FAC
<i>Rubus flagellaris</i>	Dewberry	UPL
<i>Rubus idaeus</i>	Red raspberry	FAC-
<i>Solidago canadensis</i>	Canada goldenrod	FACU
<i>Spiraea alba</i>	Meadowsweet	FACW+
<i>Thuja occidentalis</i>	Eastern white cedar	FACW
<i>Tussilago farfara</i>	Colt's foot	FACU
<i>Typha latifolia</i>	Broad-leaf cattail	OBL

Closing

I trust this information is satisfactory for your present needs. Please feel free to contact me via telephone at 506.674.9422 or by email at matt.alexander@fundyeng.com if further clarification or explanation is required.

Respectfully Submitted,

FUNDY ENGINEERING & CONSULTING LTD.



Dr. Matthew D. Alexander, P.Geo., FGC, EP

APPENDIX B

Quispamsis Council and PAC Meeting Minutes



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – March 8, 2022

Present: Darin Lamont Mark Guest
 Brenda Fowlic Chrissy Scott, GIS Technologist
 Brent Preston Jennifer Jarvis, Planning Technologist
 Kendall Mason Violet Brown, PAC Secretary
 Marc Gosselin S. Dwight Colbourne, Municipal Planning Officer

Absent: Darren Bishop

1. Call to Order

Darin Lamont called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Moved By Marc Gosselin

Seconded By Brenda Fowlic

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Brent Preston

Seconded By Brenda Fowlic

That the minutes of the previous PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Brenda Fowlic

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business - none

7. New Business

7.1 5 Gilbert Lane - Detached Garage Beyond Frontline of Dwelling

Kevin Richardson attended requesting a location variance for a detached garage on the waterfront property of 5 Gilbert Lane, PID 30341135.

Ms. Jarvis reviewed the application noting a variance to Section 25.(N)(1)(a)(i) of Zoning By-law No. 038 is required to permit an accessory building to be located in front of the front line of the main building on the lot. As well, a review of the Planning Advisory Committee for construction on waterfront property as per the Zoning By-law 038, Section 6.(I)(1) and 6.(BB)(1)(a). She added that a Watercourse and Wetland Alteration (WAWA) permit was issued for the construction of the dwelling that is located between the water and the proposed detached garage. Due to the location of the main dwelling, the garage is best located in front which is approximately 60 metres from the watercourse. Furthermore, the application identified an existing drainage ditch that is present on the lot along the eastern most side lot line. This drainage channel does remove excess water from 5 Gilbert Lane and drains it directly into the Forresters Cove

Notice was sent to property owners within 50 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee approve a variance to Section 25.(O)(1)(a)(i) to allow the development of a detached garage within the front yard of the main building on the waterfront property of 5 Gilbert Lane, PID 30341135, subject to the following terms and conditions:

1. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
2. The detached garage is not to be used for business purposes, self-storage rental, for the keeping of livestock or as a dwelling
3. A building permit is to be issued prior to construction; and
4. A hold harmless agreement between the property owner and the Town is required.

Motion Carried

7.2 15 Khaki Court - Home Occupation

Derek Robertson attended seeking approval for a Home Occupation, a Limousine Service, located at 15 Khaki Court, PID 30343636.

Ms. Jarvis reviewed the application noting that this property is in a rural subdivision, that the proposed basement office is 6% of the overall floor area of the dwelling and the one vehicle will be stored in the attached garage. The proposal is to operate the limousine service by advanced bookings only with no set hours of operation as the service is available 24/7. She added that the one applicant has a Class 2 NB Drivers License and two million liability insurance which covers the driver and passengers.

Notice was sent to property owners within 100 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Marc Gosselin

That the Planning Advisory Committee grant approval for a Home Occupation (Limousine Service) at 15 Khaki Court, PID 30343636, subject to the following conditions:

1. It shall be secondary to the main residential use of the dwelling;
2. Not more than one (1) person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
3. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
4. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty-five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters;
5. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein unless approved by the Building Inspector through the process of a building permit;
6. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
7. Not more than two (2) commercial vehicles used in connection therewith, or not more than two (2) vehicles of any kind bearing a sign in connection therewith is parked on the lot;
8. There is to be no parking on the street or within Town property;
9. The applicant is to ensure compliance with the Kennebecasis Regional Police Force for licensing and registration of a limousine service; and

10. The PAC approval to operate the business is non-transferable. The approval is solely for the benefit of the property owner named herein. In the event the business is discontinued, or the lands are transferred, the said approvals shall terminate.

Motion Carried

7.3 Goldrush Drive Extension - Tentative Subdivision Plan

Rick Turner attended on behalf of Ken Prosser of 613086 NB Ltd seeking approval for a tentative subdivision plan creating ten (10) Single Family Dwelling Unit building lots.

Mr. Colbourne reviewed the application of the Goldrush Drive Extension (PID 248716) proposing ten Single Family Dwelling Unit building lots as well as the extension of the existing public street called Goldrush Drive, the creation of a Local Government Services Easement, and the creation of 11,800 sq. metres of Land for Public Purposes. He noted that a 4.0 metre variance will be required for Lots 5, 6 and 7 as the lot width is less than the minimum 30.0 metres at the 7.5 metre line of setback. Also, a reduced right-of-way width of two metres with a widened shoulder on one side from 1.0 metres to 1.5 metres. Mr. Colbourne noted that the previous plan proposed an emergency access at the end cul-de-sac to address the longer cul-de-sac but during the design of the secondary access it was found that the construction would result in encroachment on the wetland area and introduce additional challenges. As a result, the applicant has revised the plan to propose a cul-de-sac length of 223 metres, which is slightly less than the maximum length permitted, a reduction in the total number of lots from eleven to ten lots, and an increase in the total Land for Public Purposes. The LPP in the low area is important for groundwater protection and stormwater management plus it puts the Saunders Brook on Town owned property versus private property.

It was asked if a berm will be constructed around lots 1 and 2 to protect flows from the wetland area and if, during a storm event, will there be flooding on these lots. Mr. Turner said that they are working with the Department of Environment (DOE) and have elevated that area to avoid the flooding. The houses on lots 1-4 will be required to be built at a higher elevation. He added that the same company that owns this property built the retention pond on Pettingill Road and will use the same STWMP practices.

Mr. Brent Moore, with Ms. Stephanie Culliton, of 47 Goldrush Drive attended with concerns of flooding. He asked Mr. Colbourne to show the predictive wetlands on the screen to show where their property sits and how much water flows on their property due to Saunders Brook and drainage. He said that their property is below Yukon and the water comes down the tree line and floods; the culverts cannot keep up with the flow. He stated that as each development occurs, their flooding raises two to three inches and has backed up in the house as well. Mr. Moore added that

the retention pond on Pettingill Road helped but did not significantly improve the situation. Mr. Turner noted that Yukon Drive is a choking point and the elevation increase may assist with the issue. He also noted that the STWM plan will be complied with and while this development will not solve the problem, it will not add to it. It was noted that it would be appropriate for the Town to review the area noted around 47 Goldrush Drive. Mr. Moore was asked to address his concerns directly to the town.

Notice was sent to property owners within 100 metres. No one else attended.

Moved By Kendall Mason

Seconded By Mark Guest

That the Planning Advisory Committee support the Development Office in his decision with the Goldrush Drive Extension Tentative Subdivision Plan for the subdividing and development of PID 248716, the creation of ten (10) Single Family Dwelling Unit building lots; the extension of Goldrush Drive - an existing public street; the creation of a Local Government Services Easement; and the creation of 11,800 sq. metres of Land for Public Purposes subject to the following conditions:

1. A Lot Width variance of 4.0 metres for Lots, 5,6 and 7;
2. PAC support for the reduction in the street right-of-way width to 18.0m and asphalt driving surface width of 6.0m and widened shoulder as per the proposed street cross-section shown on the plan;
3. Approval of the cul-de-sac length of 223 metres;
4. Construction or contribution to the construction of the trail connection to the Saunders Brook trail requires further review of Engineering and Planning Department prior to the Developer's Agreement being signed;
5. Compliance with the conditions of the Technical Review Committee of the Department of Environment – correspondence dated July 25, 2016, and any amendments or updates to the report since it was completed;
6. Confirmation of the Watercourse Alteration Permit requirement for Saunders Brook;
7. Amendment to the Timberlea Estate Phase 3 subdivision plan to designate the Future Street to LPP;
8. Submission of the street centerline profile to determine if street grade variances are required;
9. Submission of a comprehensive stormwater management plan demonstrating pre and post development balanced flows with no negative downstream impacts;
10. Submission of an engineered design sanitary sewerage system;

11. Acceptance of the proposed LPP with a credit established for the Developer for any future subdivisions, with the existing Municipal Services Easement to be designated as LPP;
12. No further subdividing of Lots 6, 7 and 8 with a note to be added to the plan;
13. The Developer is to enter into a Standard Development Agreement with the Town;
14. Payment of filing fees in the amount of Three Hundred dollars (\$300.00); and
15. Final plans signed by property owners.

Motion Carried

7.4 2 Clarwood Drive - Similar or Compatible Use - Air BNB

Dr. Helen Rees attended seeking approval to permit a residential use in the lower level of 2 Clarwood Drive, PID 00054205.

Ms. Jarvis reviewed the application to operate an Airbnb in the bottom level of the building, having direct street level access from Hampton Road. An Airbnb is a residential rental that provides accommodations on a short-term basis. Dr. Rees said this idea started for her parents who visit from out of the country from June until September, and then lead to the idea of renting out during winter for weeks or months at a time. Ms. Jarvis noted that there is nothing in the current Zoning By-law that governs how properties can be rented, short-term or otherwise and that it is recognized by staff that provisions for short-term rentals are required in the next iteration of the Zoning By-law. Furthermore, Ms. Jarvis added that the Municipal Plan allows for residential/commercial use together in one unit but in this case, the applicant is also asking for relaxation of Section 15.(A) of the Town's Zoning By-law 038 to reverse the location of residential on the bottom and commercial on top.

Notice was sent to property owners within 100 metres. No concerns were received, and no one attended to speak for or against this application.

Moved By Brent Preston
Seconded By Brenda Fowlie

That the Planning Advisory Committee approve the addition of a Residential Use in the lower level to allow a Commercial/Residential Use at 2 Clarwood Drive, PID 00054205 as a Compatible Use to this property within the Central Commercial Zone, subject to the following terms and conditions:

1. The residential use must be secondary to the primary commercial use of the main building;

2. The residential use is restricted to 100% of the lower level, no accommodations for short term rental will be permitted in the upper level of the building, where 100% of the Podiatry Clinic is located;
3. The residential use must be connected to the Municipal Sewer System as part of the Building Permit Process and all costs associated with the connection are the responsibility of the property owner. Once connected to the Municipal Sewer System, the residential use will receive a second sewer account billing as per the Town Sewerage By-law 005;
4. The current three (3) metre-wide buffering of the commercial property along the southern most side lot line must be maintained at all times to protect adjacent properties from the commercial uses;
5. Renovations to the building must follow the National Building Code of Canada, current edition;
6. An amendment to the Development Agreement must be made to reflect the uses permitted in the main building and applicable terms and conditions imposed by the PAC; and
7. A Building Permit must be issued prior to any work being commenced.

Motion Carried

7.5 Rtc.119 Gondola Point Arterial - Rezoning

Mr. Mark Hatfield of Propertystar Inc. attended with a proposal to develop two parcels along the northside of Route 119.

Mr. Colbourne reviewed the application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 for the Rezoning of PIDs 173765 and 250217 from Single or Two-Family Dwelling (R1) to Highway Commercial (HC). The proposed development will include offices, retail, foodservice establishments, etc. throughout both parcels, which aligns with land uses permitted under the Highway Commercial (HC) zoning. He reviewed the proposal with respect to the Municipal Plan starting with Section 4.12.1 which states that *“any application for highway commercial development outside the designated areas be permitted only by amendment to the Zoning By-law and subject to consideration of the following conditions”*:

1. *That the site has adequate access to arterial or collector streets:* As shown on the Site Plan on screen, access to the development will be through a public street off Route 119 with a future street connection to Phinney Lane. The applicant has obtained approval from the Department of Transportation and Infrastructure (NBDTI) and the proposal includes a Traffic Study completed by the engineering firm Englobe that states Phase 1 is manageable by non-signalized control methods and full development buildout with the connection to Phinney Lane, a signalized

intersection becomes necessary at the Route 119 access point. Questions were asked about an alternate access to the rear of the school located at 398 Hampton Road, but Mr. Colbourne stated that the province owns the school and the arterial highway and all decisions regarding both are under the jurisdiction of the Department of Transportation and Infrastructure and not part of this development.

2. *That the site can be adequately serviced by water and sewer services in accordance with applicable regulations:* Mr. Colbourne explained that the water demands for Phase 1 are anticipated to be less than the daily consumption for a residential dwelling, so onsite wells will be sufficient. Beyond Phase 1, the development will require greater water demands for both domestic and fire suppression services so the Developer will undertake the extension of the municipal water system, which is located approximately three hundred (300) metres from the site, to the area.
3. *That the site is of sufficient size to meet all parking, loading, setback, lot coverage, landscaping and other requirements set out in the Zoning By-law:* At this stage, the Lot Area of three acres allows the building setbacks and parking to be in compliance with the Zoning By-law but this will need to be finalized during building permit phase.
4. *That consideration is given to protection of adjacent residential development by requiring an acceptable vegetated buffer strip:* Mr. Colbourne explained there is sufficient area to provide the necessary buffering between existing lower density residential development and the proposed commercial development. Noting that the hydro lines behind lot 4B-H must stay clear of trees, Planning Staff would suggest a wider buffer with perhaps a full line of trees but this is up the PAC Members. It was noted that the buffer behind Commercial lots on Millennium Drive is fifteen (15) metres.

Mr. Colbourne further explained that as part of a rezoning process, Council seeks the PAC views on an application which will include questions from the PAC Members but not the public. Any concerns or questions are addressed at the Council's Public Hearing of March 15, 2022. Mr. Colbourne added that several concerns had been received from the Clerk that included traffic, noise and light pollution, environment issues regarding Colton Brook, sufficient buffering, quality of life and property value. He addressed these by noting that the only access to the subdivision below and behind the area, with 189 occupied homes and land for further development, is through Monarch Drive and this proposed development will help the traffic flow in that area by offering an alternative access from Phinney Lane direct to the Gondola Point Arterial. With regards to the noise and light pollution, he reviewed the buffer again noting the hydro line that limits the ability to buffering for one property. The concerns for Colton Brook will be addressed through the Department of the Environment and as for property values, they are a jurisdiction of the Province, not the Municipality.

Mr. Hatfield added that they will work with the owners of lot 4B-H to mitigate disturbances as much as possible. He added that increasing the buffer from 7.5

metres to 15 metres is workable. He questioned the condition of returning the lands back to normal if not proceeding within sixty days and Mr. Colbourne explained that this is a standard clause in any development. It protects the town, and the property should the project start and lay stagnant which could create water runoff and issues. This clause in any development agreement ensures the project moves along.

The PAC Members asked questions, including if they could ask for 10 metres of trees. Mr. Colbourne reiterated that 15 metres is the same as Millennium Drive and that it is up to the PAC to determine if this is sufficient. It was also noted that trees cannot be planted within the utility easement. Mr. Hatfield was asked why he chose Highway Commercial over Commercial for this zone change and he stated that there are few Commercial parcels left in the town, most are smaller, and this parcel offers enough room for larger box stores since the opportunity for water and sewer is near. He was asked if the area would be gravel or pavement and he noted that there would be both, complying with the Storm Water Management Plan.

Moved By Brent Preston

Seconded By Brenda Fowlie

That the Planning Advisory Committee proceed with supporting Council in the Rezoning application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 for the Rezoning of PIDs 173765 and 250217 from Single or Two-Family Dwelling (R1) to Highway Commercial (HC), subject to the following terms and conditions:

1. The creation of a fifteen (15) metre buffering zone as it relates to the neighboring residential (R1) zones must be shown on the final plans with alternative options to be discussed between the Town and Developer;
2. The Developer must undertake the extension of the municipal water system to the area prior to Phase 2 development;
3. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
4. Street lighting at each entrance to the development shall be installed;
5. Non-signalized control methods, as per the Traffic Analysis Report, must be installed at the Route 119 access point for the Phase 1 level of the development;
6. A signalized intersection at the Route 119 access location must be installed once development of the full buildout and connection to Phinney Lane is underway. The cost of the construction of the signalized intersection will be on the Developer unless the Developer enters into a cost-sharing arrangement made with the Town and/or the province. Details regarding a cost-sharing arrangement shall be noted in the Development Agreement;

7. All building light fixtures and parking lot lights to be downward directed;
8. All materials and equipment ordered on site are the responsibility of the Developer;
9. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
10. The Developer shall undertake to complete the work for each approved phase within a reasonable time period – recognizing the Development Agreement carries a two (2) year time limit;
11. The lands shall be developed in accordance with the Building and Development Plans filed with and approved by the Town for each phase; and
12. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within sixty (60) days.

Motion Carried

7.6 124 Pettingill Road - Rezoning R1 to R2

Mr. Andrew McIntyre attended with an application to rezone PID 00251694 and 30216527 from Single or Two-Family Dwelling (R1) to Terrace Dwelling Residential (R3) – with Distinct Ownership.

Mr. Colbourne introduced the application for an amendment to the Town's Zoning By-law 038 for a proposed terrace style residential development of 44 terrace style dwelling units on 4.7 hectares (11.6 acres) of primarily vacant land while retaining the one single detached dwelling currently at 124 Pettingill Road. Each unit will be distinctly owned while a homeowner's association or corporation will be the governing body for maintenance and upkeep of shared areas and entities. He reviewed the proposal with respect to the Municipal Plan which states that lands would be considered for higher density residential uses (3 units or more) by Council through an amendment process as per Section 59 of the Community Planning Act and subject to the following:

The development be located on, or adjacent to, a designated arterial or collector street, so that higher traffic generated will not pass-through lower density residential streets: Mr. Colbourne explained that the development will be located off the Pettingill Road, a major collector road. A traffic study has been submitted to determine the level of impact the proposed development will have on existing traffic patterns on the Pettingill Road and provide recommendations to alleviate any concerns. He added that the report will include the traffic from the school in the area and considerations to a left turning lane if required. Access to the upper portion of the development from Pettingill was questioned. It was explained that this will

be a cul-de-sac because an entrance would not align well with the existing driveways on adjacent lots and with consideration to a concern for the line-of-site.

1. *The lot size, yard requirements, building height, number of units and parking requirements be subject to the conditions as outlined in the Zoning By-law:* Mr. Colbourne explained that the Zoning By-law provisions with respect to setbacks, building heights, parking, etc., can be satisfied. While minor variance made be required for lot size, the variance would be for lots or portions of the development where there would be no impacts to existing residential properties.
2. *The development will not exceed capacities of existing municipal services:* Mr. Colbourne explained that as per the Fundy Engineering Design Brief, the servicing of the development will be designed as to not adversely impact or exceed the capacities of existing municipal infrastructure.
3. *If the proposed site is not serviced by a municipal water system, then the proponent must undertake a hydrogeological study to demonstrate that the local well yield is of sufficient quality and quantity to support the density of development proposed and existing wells will not be adversely affected by the proposed development:* Mr. Colbourne explained that Municipal water is not available in this area and since the development proposes the creation 44 dwelling units (lots), a Comprehensive Water Source and Supply Assessment (CWSSA) will be required.
4. *There are adequate landscaped buffer areas on the lot periphery to screen the buildings and parking areas from adjacent low density residential development:* Mr. Colbourne explained that a 3-metre landscaped buffer is required between the residential terrace lots and lower density single detached dwellings. The development is proposing to keep the existing natural tree line between the zones. Furthermore, the minimum building setback from the property line along the rear yards of the terrace lots is 9 metres and 6 metres from any sideline.

Mr. Colbourne stated that a Comprehensive Stormwater Management Plan (STWMP) would be required and must include the flows directed through the culverts over the CN property to Ritchie Lake. The plan must achieve a balance of pre-development versus post-development flows. He added that there will be a narrower street width with a walking path outside the driving surface of the road leading into the development. There will be multiple access points from the neighbourhood to the adjacent QR Trail and the development will provide more Land for Public Purposes. He explained that as part of a rezoning process, Council seeks the PAC views on an application which will include questions from the PAC Members but not the public. Any concerns or questions are addressed at the Council's Public Hearing of March 15, 2022. He noted that Council had received, to date, one letter of support for the development and the concerns highlighted were potable water, storm water management, tree removal and buffering; all of which he addressed in his review.

It was noted by the PAC Members that connections to the walking trails is important, without rocks and tree stumps and stilt that have been found on trails near other developments.

Moved By Mark Guest

Seconded By Brenda Fowlie

That the Planning Advisory Committee support Council in the Rezoning of PIDs 00251694 and 30216527 from Single or Two-Family Dwelling (R1) to Terrace Dwelling Residential (R3) with Distinct Ownership, subject to the following terms and conditions:

1. A full comprehensive traffic flow analysis will be required to be submitted;
2. A detailed comprehensive water supply and source assessment (CWSSA) report by a certified professional engineer is to be completed and submitted;
3. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
4. A site design showing the creation of the buffering zone as it relates to the neighboring residential (R1) zones must be approved by the Town prior to construction;
5. Street lighting installation at the entrance to the development is required;
6. All building lights to be downward directed;
7. All materials and equipment ordered on site are the responsibility of the Developer;
8. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
9. The Developer shall undertake to complete the work for each approved phase within a period of two (2) years following approval;
10. The lands shall be developed in accordance with the most recently dated Building and Development Plans filed with and approved by the Town for each phase; and
11. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within one (1) month.

Motion Carried

8. Information Items and/or Discussion

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Moved By Marc Gosselin

Seconded By Brenda Fowlie

That the Information Items be received and filed.

9. Adjournment

Moved By Marc Gosselin


Seconded By Brenda Fowlie

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY



QUISPAMISIS TOWN COUNCIL

REGULAR MEETING

MINUTES

March 15, 2022, 7:00 pm

Council Chambers

Quispamsis Town Hall

Present: Mayor Libby O'Hara
Deputy Mayor Mary Schryer
Councillor Mike Biggar
Councillor Noah Donovan (Electronic Attendance – sick)
Councillor Kerrie Luck
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Beth Thompson

Colbourne, Dwight; Municipal Planning Officer
Kennedy, Aaron; Acting CAO
MacInnis, Lisa; Assistant. Clerk
Purton Dickson, Dana; Director of Community Services
Snow, Catherine; Town Clerk

Absent: Brandon, Krista (illness)
Losier, Gary; Director of Engineering & Works (out of town)

1. Approval of Agenda

Moved By Councillor Luck

Seconded By Councillor Thompson

The Agenda be approved as prepared.

Motion Carried

2. Mayor's Comments

International Women's Day - Mayor O'Hara acknowledged the Town of Quispamsis partners each year with the Town of Rothesay in the alternate hosting of the March 8th

local International Women's Day Celebration. She extended a special thank you to Deputy Mayor Schryer who organizes the event each year, and thanked those who provide sponsorship.

Comex Public Transit – Mayor O'Hara referenced the rising gasoline costs and invited people to take advantage of the Comex Bus Service, noting it is an excellent opportunity to increase ridership as well as to reduce GHG emissions.

Ukraine Conflict – Mayor O'Hara acknowledged with a heavy heart the current troubles happening in Ukraine with the Russian invasion, noting a Town Staff member has created the blue and yellow sunflower wreath displayed behind her, and acknowledged the blue and yellow lights illuminating the Town Hall, as well as the Ukrainian flags being flown at both ends of the qplex - all to send some positivity to the Ukrainian people who are being overrun by a tyrant.

3. Treaty Acknowledgement - Moment of Reflection Acknowledging Solidarity for Ukraine

Councillor Biggar read the Treaty acknowledgement – Moment of Reflection and – Acknowledgement of Solidarity for the People of Ukraine.

4. Disclosures of Interest

4.1 Item 6. 1- Deputy Mayor Schryer – Propertystar Inc. Rezoning - Proposed Municipal Plan By-law Amendment No. 054-03 and Zoning By-law Amendment No. 038-34.

5. Presentations

5.1 KVHS Prom and Safe Grad - 2022 - Request to Waive qplex Rental Fee - \$3,600 – In Attendance Kelley Sisk and Macala Daigle, KVHS Grad President

Kelley Sisk and Macala Daigle made presentation to Council on behalf of the KVHS leadership team, parents and graduates of 2022. They requested the \$3,600 rental fee at the qplex be waived for this year only for the Safe Grad and Prom event, noting the school was unable, due to Covid-19 restrictions, to hold its usual graduation fundraising events such as the Spook trail event, etc. They noted the students and parents are working hard to raise money and fundraising efforts to go to other aspects of the prom to create an unforgettable experience for the graduates.

The Director of Community Services stated the qplex is already booked for the KVHS graduation Prom, as is the Rothesay High School Prom. She noted the event will require several hours of set up and take down of the floor, and that it is a busy time of year with the Town hosting the Memorial Cup Hockey. and the Acadian Games that same week.

Moved By Councillor Luck
Seconded By Councillor Donovan

Council waive the \$3,600 qplex rental fee as a one time only due to covid for the 2022 KVHS Prom and Safe Grad event.

Against (3): Councillor Biggar, Councillor Miller, and Councillor Olsen

Motion Carried

6. Public Hearings

Moved By Councillor Olsen
Seconded By Councillor Biggar

Council adopt the Public Hearing Process steps which provides for a five minute time period for anyone wishing to speak for or against the proposed rezonings.

Motion Carried

6.1 (Jan.18/22) Propertystar Inc. - Rezoning Application - Proposed Municipal Plan By-law Amendment No. 054-03 and Zoning By-law No. 038-34 - Request to Rezone 17.12 Hectares (42.30 Acres) from Residential (R1) to Highway Commercial (HC) - Property Situated off Gondola Point Arterial (Route 119), PID No. 250217 and PID No. 173765

Deputy Mayor Schryer, as per Section 4, Disclosure of Interest, on the Agenda, left the meeting.

In Attendance: Mark Hatfield, Proponent

6.1.1 Propertystar Inc. - Proposal and Associated Documents

Mr. Mark Hatfield presented his proposed application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 to permit the rezoning of two parcels of land on the north side of Route 119, consisting of a total of 17.12 hectares, (42 acres), from Residential (R1) to Highway Commercial (HC) with each parcel being developed in separate phases. The first phase to include a home improvement business and the second phase will include a mixed-use development property, consisting of both food service and retail type developments. The property would have access off a public road that will be developed off Route 119.

Mr. Hatfield stated his proposal will promote community growth, job retention, and tax base expansion. As part of his proposed Highway Commercial development, he plans to create a walking trail, and for the second phase, provide a second controlled access to nearby subdivisions via Phinney Lane. The second phase of the project would include controlled access onto the Gondola Point Arterial via

traffic lights or a roundabout. PAC are recommending the originally proposed 7.5m buffer between him and residential properties be increased to a 15m buffer. He may also look at installing a berm or fencing between his development and the residential properties that do not have any trees due to the powerline easement.

A report from Don-More Surveys & Engineering Ltd. provided a Preliminary Servicing Review of the proposed Mixed Commercial development -

- Water - the initial phases of this development would be serviced by on-site wells with building sizes being limited to non-sprinklered buildings until such time as municipal water services becomes available;
- Sanitary Servicing - There are two sanitary systems which the property could potentially connect to, and the applicant would work with the town to determine which works best in terms of connection;
- Stormwater Management Approach - As the site is developed, stormwater management would be performed on the development site to limit peak flows to pre-development levels - flat roofs with flow controllers on the roof drains; and parking areas designed with a catch basin system.

A report from Englobe Corp Engineering provided a Route 119 Access Traffic Impact Study -

- The location proposed for the public street access is along the west perimeter of the Phase 1 development property. It will connect onto route 119 at approximately 264m west of Monarch Drive. As part of the Phase 1 development, the access road will extend 183m north along the property line and end in a cul-de-sac. The Phase 2 development will see the road extended over and connect on to Phinney Lane.
- The length of the existing eastbound left turn lane at Monarch Drive was reviewed and it is recommended that this lane be reduced to 223m so it will not intersect with the proposed access road location.
- The intersection of Route 119 and the public road will operate at a good level as a stop-controlled intersection during both peak periods.
- A traffic signal warrant analysis indicates traffic signals will be warranted with the addition of the Phase 2 development. A roundabout may also be considered as an alternative to signals.
- A left turn lane warrant analysis was completed for eastbound approach at the intersection of Route 119 and the public road and concluded that a left turn lane would not be warranted with only the Phase 1 development, but likely will be warranted early on in the Phase 2 development process.

6.1.1.1 Staff Report from Municipal Planning Officer

Mr. Colbourne's Staff Report informed Council it is important to note the Municipal Plan By-law No. 054 and Zoning By-law No. 038 establishes provisions that will be used and referred to when considering amending land use designations to accommodate specific developments. In the case of Highway Commercial developments outside of currently designated areas, the Municipal Plan provides that -

"any application for highway commercial development outside the designated areas be permitted only by amendment to the Zoning By-law and subject to consideration of the following conditions:

1. That the site has adequate access to arterial or collector streets;
2. That the site can be adequately serviced by water and sewer services in accordance with applicable regulations;
3. That the site is of sufficient size to meet all parking, load, setback, lot coverage, landscaping and other requirements set out in the Zoning By-law; and;
4. That consideration is given to protection of adjacent residential development by requiring an acceptable vegetated buffer strip, specifying the size, type and location of signing and lighting to be used, and any other criteria deemed appropriate by Council."

6.1.2 Written Submissions and Hearing of Objections

Two petitions were received from a total of 207 residents opposing the Propertystar rezoning application. In addition, 26 individual letters were received expressing their concerns and opposition to the proposed Highway Commercial development.

The following residents spoke in opposition to the proposed Propertystar Inc. rezoning application:

- Adam Black
- Mike Bone
- Justin Burchelle
- Ashley Burchelle
- Lorene Hatelt
- Patti Montgomery
- Ed Earle
- Wade McFadden
- Jenn Dobson
- Jill Bone

- Roger Fowler
- Brandon Howland

The residents who spoke against the proposed Propertystar Inc. rezoning, as well as the residents' who submitted written objections, expressed concern about loss of privacy – insufficient buffers, increased traffic along Route 119 and also to the adjacent subdivision if Phinney Lane is connected to development, noise and light pollution, large lit signs, garbage issues, environmental concerns including Colton Brook, potential of having to hook up to municipal water if the service is extended to the proposed development, property devaluation, not supportive of chain box stores, already vacant commercial properties available in the town; and not necessarily opposing the project itself, but rather its proposed location.

Mayor O'Hara asked three (3) times if anyone further wished to speak for or against Propertystar Inc.'s proposed rezoning application. No one spoke further.

6.1.3 Recommendations from Planning Advisory Committee

Councillor Miller read PAC's following written views:

That the Planning Advisory Committee proceed with supporting Council in the Rezoning application to amend the Municipal Plan By-law No. 054 and Zoning By-law No. 038 for the Rezoning of PIDs 173765 and 250217 from Single or Two-Family Dwelling (R1) to Highway Commercial (HC), subject to the following terms and conditions:

- 1.The creation of a fifteen (15) metre buffering zone as it relates to the neighboring residential (R1) zones must be shown on the final plans with alternative options to be discussed between the Town and Developer;
- 2.The Developer must undertake the extension of the municipal water system to the area prior to Phase 2 development;
- 3.An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
- 4.Street lighting at each entrance to the development shall be installed;
- 5.Non-signalized control methods, as per the Traffic Analysis Report, must be installed at the Route 119 access point for the Phase 1 level of the development;
- 6.A signalized intersection at the Route 119 access location must be installed once development of the full buildout and connection to Phinney Lane is underway. The

cost of the construction of the signalized intersection will be on the Developer unless the Developer enters into a cost-sharing arrangement made with the Town and/or the province. Details regarding a cost-sharing arrangement shall be noted in the Development Agreement;

7.All building light fixtures and parking lot lights to be downward directed;

8.All materials and equipment ordered on site are the responsibility of the Developer;

9.The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;

10.The Developer shall undertake to complete the work for each approved phase within a reasonable time period – recognizing the Development Agreement carries a two (2) year time limit;

11.The lands shall be developed in accordance with the Building and Development Plans filed with and approved by the Town for each phase; and

12.If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within sixty (60) days.

6.1.4 Final Summation & Council Members' Questions -

Mr. Hatfield responded to various questions of Council concerning further expansion of the buffer area between the proposed development and adjacent residential properties, storm water management issues, updated traffic data from the 2017 preliminary traffic study provided, possibility of removing proposed trail in exchange for larger buffer area, hydrogeological study requirement for phase 1, and beyond that would require municipal water due to sprinkler requirements.

It was clarified that for Phase 2 of Propertystar Inc.'s proposal, the municipal water will be extended to his development, however there are no plans to extend the municipal water service to the adjacent residential subdivision. Mr. Hatfield verified there are no confirmed tenants at present as the project is still in its preliminary stage.

The Municipal Planning Officer stated the current proposal before Council is to rezone the full parcel to Highway Commercial which would be subject to a Section 59 CPA Agreement with the Town which would provide for the terms and conditions of the rezoning. In addition, he said, each future construction on the development would also require a separate agreement with the Town. So, when

completed, the property would have multiple agreements associated with the development of these lands.

- 6.1.5 Proposed Municipal Plan By-law Amendment No. 054-03 and Zoning By-law Amendment No. 038-34

Moved By Councillor Olsen

Seconded By Councillor Miller

First reading be given to Municipal Plan By-law Amendment No. 054-03 designating PID No. 250217 and PID No. 173765 from Residential to Commercial; and, Mr. Hatfield to come back before Council with modified plans to address the concerns expressed by the residents, i.e. increased buffers, privacy, setbacks, lights, noise, etc. Motion Carried

Against (1): Councillor Thompson

Motion Carried

Health Break

Moved By Councillor Olsen

Seconded By Councillor Luck

Council recess for a 5 minute health break.

Motion Carried

BACK TO REGULAR MEETING SESSION – Meeting resumed.

Deputy Mayor Schryer returned.

- 6.2 (Feb.15/22) KV Custom Homes - Rezoning Application - Proposed Zoning By-law Amendment No. 038-35 - Residential (R1) Single & Two Family to Residential (R3) - Terrace Dwellings

Property Identified as 124 Pettingill Road - PID No.'s 30216527 and PID No. 00251694

In Attendance: Andrew McIntyre, Proponent.

- 6.2.1 KV Custom Homes' Proposal and Associated Documents

Mr. Andrew McIntyre was in attendance and expanded upon his rezoning application to rezone approximately 4.7 hectares, (11.32 acres), of land with access off the Pettingill Road and Heritage Way from Residential (R1) to Terrace Dwelling (R3). The proposed three phased Terrace Dwelling Development will consist of a total of 44 Distinct Ownership units contained

in 15 separate buildings. At present, he noted, there is a demand and need for accessible homes for the aging population. The terrace homes will be esthetically pleasing and marketable to home buyers of diverse ages and abilities, free from day to day chores, and will be filled with a large area of greenspace, including existing trees, gardens, and viewing areas with access to the QR trail system.

Mr. McIntyre stated he will be doing a traffic flow analysis, and is willing to introduce improvements to the busy area where public street access to the first phase of his development will be located off the Pettingill Road near its Kensington Drive intersection. The proposed development will also connect to Heritage Way once the full buildout is complete over 3 phases.

6.2.1.1. Staff Report from Municipal Planning Officer

Mr. Colbourne's Staff Report expanded upon Mr. McIntyre's proposal in relation to the Town's By-laws and servicing infrastructure requirements. The proposed development is in keeping with the Municipal Plan's policies aimed at fostering more sustainable development that includes mixed and compact developments, diversification of house styles and options for all ages and family types.

The Municipal Plan establishes that lands on the Future Land designated Residential would be considered for higher density residential uses by Council through an amendment process as per Section 59 of the *Community Planning Act* and subject to the following:

1. The development be located on, or adjacent to, a designated arterial or collector street, so that higher traffic generated will not pass-through lower density residential streets;
2. The lot size, yard requirements, building height, number of units and parking requirements be subject to the conditions as outlined in the Zoning By-law;
3. The development will not exceed capacities of existing municipal services;
4. If the proposed site is not serviced by a municipal water system, then the proponent must undertake a hydrogeological study to demonstrate that the local well yield is of sufficient quality and quantity to support the density of development proposed and

existing wells will not be adversely affected by the proposed development; and

5. There are adequate landscaped buffer areas on the lot periphery to screen the buildings and parking areas from adjacent low density residential development.

6.2.2 Written Submissions and Hearing of Objections/Support

Seven (7) written submissions were received, one (1) in support, one (1), from CN Rail outlining guidelines for development in close proximity to railways, and the remaining five (5) expressing various concerns mostly related to traffic, buffers and water availability.

The following individuals spoke for or against KV Custom Homes proposed rezoning application:

- Doug Evans, Support
- Gary Hall, Concerns.
- Julian Watts, Concerns
- John Kelley; Concerns
- Gerry Wallace; Opposed.

Concerns expressed by residents, including those who submitted their written comments, encompassed the need for sufficient water supply – the requirement of an independent hydrogeological review, increased traffic on an already busy street – accesses off Pettingill Road and Heritage Way, insufficient buffer space, particularly for the three Pettingill Road properties situated immediately adjacent to the proposed development, and storm water and silt flow issues into Ritchie Lake

Mayor O'Hara asked three (3) times if anyone further wished to speak for or against KV Custom Homes Proposed rezoning application. No one spoke further.

6.2.3 Recommendations from Planning Advisory Committee -

Councillor Miller read PAC's following recommendations:

That the Planning Advisory Committee proceed with supporting Council in the Rezoning of PIDs 00251694 and 30216527 from Single or Two-Family Dwelling (R1) to Terrace Dwelling Residential (R3) with Distinct Ownership, subject to the following terms and c conditions:

1. A full comprehensive traffic flow analysis will be required to be submitted;

2. A detailed comprehensive water supply and source assessment (CWSSA) report by a certified Professional Engineer is to be completed and submitted;
3. An engineered design Stormwater Management Plan and Drainage system stamped by a registered Professional Engineer licensed to practice in the Province of New Brunswick is to be completed and submitted for each phase of the development;
4. A site design showing the creation of the buffering zone as it relates to the neighboring residential (R1) zones must be approved by the Town prior to construction;
5. Street lighting installation at the entrance to the development is required;
6. All building lights to be downward directed;
7. All materials and equipment ordered on site are the responsibility of the Developer;
8. The Developer is to enter into a Developer's Agreement with the Town of Quispamsis;
9. The Developer shall undertake to complete the work for each approved phase within a period of two (2) years following approval;
10. The lands shall be developed in accordance with the most recently dated Building and Development Plans filed with and approved by the Town for each phase; and
11. If the Development does not substantially proceed within six (6) months of the date of approval for each phase, the Developer shall restore the lands to an attractive natural state, and such restoration is to be completed within one (1) month.

6.2.4. Final Summation – Council Members' Questions

Andrew McIntyre stated the concerns raised by the residents are ones that he is concerned about too. He recognizes the Pettingill Road is busy, but it is a collector road, and he is willing to work with the Town to make it safer near his access. An independent hydrogeological study will be completed to ensure there is sufficient water supply to support the development. The development will include large green space areas, a drainage plan to ensure no sediment flows into Ritchie lake, clean construction sites with no litter debris, and he will work with adjacent property owners to provide sufficient buffer space between the two properties, stating he is very conscientious about the environment and will only cut down trees needed for the development's infrastructure.

Mr. McIntyre stated the roads in the development will be narrower for traffic calming, and will consist of a 16m right of way with 8m of asphalt, allowing more room for walking paths. The individual units will have wide doors, no step entry, wide hallways, etc., for accessibility purposes to allow people to remain in their homes for as long as possible.

6.2.5 Proposed Zoning By-law Amendment No. 038-35

Moved By Councillor Olsen

Seconded By Councillor Biggar

First reading be given to Zoning By-law Amendment No. 038-35 rezoning property identified as 124 Pettingill Road, with PID No.s 30216527 and 00251694, from Single and Two Family Residential (R1) to Terrace Dwelling Residential (R3).

Motion Carried

Moved By Councillor Miller

Seconded By Councillor Biggar

Second reading be given to Zoning By-law Amendment No. 038-35 rezoning property identified as 124 Pettingill Road, with PID No.s 30216527 and 00251694, from Single and Two Family Residential (R1) to Terrace Dwelling Residential (R3).

Motion Carried

7. Minutes of Previous Meetings

7.1 February 15, 2022 - Regular Meeting

Moved By Councillor Biggar

Seconded By Councillor Miller

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 2021 Application for Financing - NB Municipal Finance Corporation - Staff Report from Town Treasurer

A Staff Report from the Town Treasurer informed Council the New Brunswick Municipal Finance Corporation is canvassing Municipalities to offer debentures for

long term debt financing. On June 10, 2019 the Town was granted Order In Council 19-0047 for authorization to borrow up to \$1,758,000 to finance the Meenan's Cove Beach House renovations. At that time Ms. Brandon had advised the Town would only borrow the amount needed once the project was completed. The renovations have now been completed and the total cost was \$1,784,000. Due to an unanticipated grant of \$250,000 and the actual funds from the sale of Fire Station #2, (\$485,000), the Town will only need to borrow \$ 1,049,000. At this time, a resolution of Council is required to request these debentures

Moved By Councillor Olsen

Seconded By Councillor Thompson

Resolved that the Clerk and/or Treasurer and/or Mayor be authorized to issue and sell to the New Brunswick Municipal Finance Corporation a Municipality of Quispamsis debenture in the principal amount of \$2,081,000 on such terms and conditions as are recommended by the New Brunswick Municipal Finance Corporation, and be it resolved that the Municipality of Quispamsis agree to issue post-dated cheques payable to the New Brunswick Municipal Finance Corporation as and when they are requested in payment of principal and interest charges on the above debenture.

Motion Carried

8.2 (Feb.15/22) Professional Development Schedule (Deputy Mayor Schryer) - Staff Report from Town Clerk

A Staff Report from the Town Clerk provided a listing of both in-person and virtual professional development opportunities for each Council Member's consideration.

Moved By Deputy Mayor Schryer

Seconded By Councillor Olsen

As this is for Council's information only, the Town Clerk's Staff Report be received and filed.

Motion Carried

8.3 (Mar.2022) Ratification of Email Poll – 6x4 Truck Cab and Chassis RFP No. 2022TQ01-2

Moved By Councillor Biggar

Seconded By Deputy Mayor Schryer

Council ratify the Email Poll conducted by the Town Clerk on March 3, 2022 authorizing the award of Tender No. 2022TQ01-2 for a 6x4 Truck Cab and Chassis

to Universal Truck and Trailer for the tender price of \$182,675 + HST, (not including \$185 for plates & levy).

Motion Carried

8.4 (Mar. 2022) Ratification of Email Poll – Tender No. 2022TQ01-3 – Water Reservoir Recoating Project

Moved By Councillor Biggar

Seconded By Deputy Mayor Schryer

Council ratify the Email Poll conducted by the Town Clerk on March 3, 2022 authorizing the award of Tender No. 2022TQ01-3; Water Reservoir Recoating Project to Jamac Painting and Sandblasting for the low tender price of \$593,400 (including HST); and further, that \$250,000 be reallocated from the Utility Capital Reserve Fund to the budget for the project.

Motion Carried

9. Correspondence

9.1 Rezoning Application - Rugged Residential Inc. - Maple Ridge Estates - Proposed Bare Land Condo Cluster Development, (Sustainable Community Design), off Corduroy Road (off Elliot Road) - Rural (RU) to Multiple Residential (R2) – PID No. 00231928

Rob Viger, Owner, Rugged Residential Inc. and Andrew Toole, Don-More Surveys & Engineering

Mr. Viger's application requested Council rezone approximately 8.1 hectares (20 acres), from Rural Residential (RU) to Multiple Residential (R2) for the development of a Bare Land Condo clustered development consisting of 19 separate units off Corduroy Road, which is off the Elliot Road.

Moved By Councillor Olsen

Seconded By Councillor Miller

As the applicant is not in attendance, this item be referred to the next Regular Meeting, April 5, 2022.

Motion Carried

9.2 Ann Olivea Smith - Gondola Point Streetscape Upgrade - Request for Asphalt Sidewalk to be Separated from Road (Similar to Gondola Boulevard Streetscape)

Correspondence from Ms. Smith informed Council she walks daily, her preferred route being along the Gondola Point Road, which currently has a painted line marking the pedestrian lane. It is difficult to clear the 'walking space' on this road in winter as it is covered in snow. She asked if Council would consider, when upgrading the Gondola Point Road, to design the street and sidewalk area similar to what has been done on Gondola Boulevard to create a safe walking passage for pedestrians all year long.

Moved By Councillor Miller

Seconded By Councillor Luck

Ms. Smith be thanked for her correspondence, and she be informed that Council will be reviewing streetscape options for the upgrade of the Gondola Point Road over the coming year, and that pedestrian movement will be a strong component of the final streetscape plan.

Motion Carried

10. By-laws

- 10.1 (July 2021) Local Improvement By-law No. 011-2021 - Levying of Costs on Property Owners for 2021 Storm Sewer Drainage Installations - Staff Report from Town Clerk

Moved By Councillor Miller

Seconded By Councillor Biggar

NOTICE OF WARRANT OF ASSESSMENT

WHEREAS pursuant to By-law No. 011-2021, passed on the 20th day of July, 2021, the Council of the town of Quispamsis has completed as a local improvement the Installation of Storm Sewer Works, at a cost of \$47,616.81, within the twelve months preceding the 31st day of March, 2022.

AND WHEREAS pursuant to By-law No. 011-2021 of the town of Quispamsis, the owner's portion of the costs of the work to be raised by special frontage assessment is \$35,712.61.

AND WHEREAS such frontage assessment is payable in either one lump sum or ten (10) annual installments;

The Town Treasurer is THEREFORE requested to assess and levy the sum of \$35,712.61. on the several parcels of land abutting on the said work and cause the same to be collected and paid by either one lump sum or ten (10) annual installments by the owner of such parcels in accordance with the provisions of the By-laws of the town of Quispamsis.

Motion Carried

11. New Business

- 11.1 Award of Tender No. 2022TQ01-4, qplex Lighting Upgrade - Staff Report from Director of Community Services

Moved By Councillor Olsen

Seconded By Councillor Biggar

Council award tender No. 2022TQ01-4, for the qplex Lighting Upgrade to FCC Engineering Ltd. with the bid price of \$125,580 (exclusive of HST).

Motion Carried

- 11.2 Award of Tender No. 2022TQ01-1 - Consulting Services - Recreation Master Plan – Staff Report from Director of Community Services

Moved By Councillor Biggar

Seconded By Councillor Thompson

To award RFP 2022TQ01-1, for the Recreation Master Plan to Trace Planning and Design for the bid price of \$57,540.25 (inclusive of HST).

Motion Carried

- 11.3 Award of RFP 2022TQ03-8 - Prefilled Sandbags (If Required for Emergency Spring Freshet Flood Event) – Staff Report from Acting CAO

Acting CAO Kennedy's Staff Report informed Council in 2021, the Town assessed options to provide sandbags to residents who are affected in the event of an emergency spring freshet. An emergency exists if water levels in the Kennebecasis River are forecast to reach 4.7 meters and continue to rise. An RFP was issued in accordance with the Purchasing Policy and opened on March 9, 2022. Proposals were requested from Contractors to supply and deliver 12,000 pre-filled sandbags, and deliver an estimated 3,300 *only* in the event of an emergency.

Some Members expressed concern that the onus should be on the property owners to purchase sandbags and acknowledged that pre-Covid- sand was provided and the residents filled their own sandbags.

Acting CAO Kennedy read correspondence dated July 25, 2019 from the Minister of Public Safety. Minister Carl Urquhart wrote, the Province's approach to sandbags, and sand, is intentionally to incent the property owners to acquire, fill

and install them themselves in preparing for flooding, just as they encourage them to prepare for power outages and other risks. Where they fail to do so, the Minister wrote, hopefully in declining numbers, it falls to local governments to fill the gap. Municipalities are required to establish municipal emergency measures organizations and to plan and prepare for all potential hazards to their jurisdictions and residents.

Curfew - 11:00 p.m.

Moved by Councillor Biggar

Seconded by Councillor Olsen

Council authorize the meeting to extend beyond the 11:00 p.m. meeting curfew time.

Motion Carried

Moved By Councillor Olsen

Seconded By Councillor Biggar

That Council award RFP No. 2022TQ03-8 for Contractor filled sandbags to the sole bid from Brookville Manufacturing for the bid price of \$ 50,400.00 (exclusive of HST)

Agreement will only be awarded if emergency measures are required.

Motion Carried

12. Reports

- 12.1 Town of Quispamsis Building Inspection Services Report - 2022 - As At February 28, 2022
- 12.2 Deputy Mayor Mary Schryer - Thank you - International Women's Day Event - Quispamsis Town Hall, March 8, 2022
- 12.3 Quispamsis Elementary School - Thank You - Diversity and Inclusion Initiative
- 12.4 Town of Quispamsis Sport Tourism Grants – Recipients – Fund Gymnastics and Kennebecasis Minor Hockey Association
- 12.5 Thank You - Saint John Regional Hospital Corporation – Robotic Assisted Surgery
- 12.6 UMNB's Letter to Minister of Local Government and Local Governance Reform – Questions and Attached answers Re the NB Local Governance Reform Initiative
- 12.7 Order of New Brunswick - Call for Nominations
- 12.8 QUEST – NB PEI – Municipal Working Group – February 24, 2022 Minutes re PACE (Efficiency Financing) Presentation

12.9 Kennebecasis Regional Joint Board of Police Commissioners - November 24, 2021
Meeting Minutes and Financials

12.10 Junior Achievement New Brunswick - Thank you

Moved By Councillor Olsen

Seconded By Councillor Biggar

Reports be received and filed.

Motion Carried

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

14. **Adjournment**

Moved By Councillor Olsen

Seconded By Councillor Miller

Meeting adjourn.

Motion Carried

Meeting adjourned at 11:11 p.m.

X

Elizabeth (Libby) O'Hara
Mayor

X

Catherine Snow
Town Clerk



QUISPAMIS TOWN COUNCIL REGULAR MEETING MINUTES

April 19, 2022, 7:00 pm
Council Chambers
Quispamsis Town Hall

Present: Mayor Libby O'Hara
Deputy Mayor Mary Schryer (Electronic Attendance)
Councillor Mike Biggar
Councillor Noah Donovan
Councillor Kerrie Luck
Councillor Kirk Miller
Councillor Emil T. Olsen
Councillor Beth Thompson

Brandon, Krista; Treasurer
Colbourne, Dwight; Municipal Planning Officer
Kennedy, Aaron; Acting CAO
Losier, Gary; Director of Engineering & Works
MacInnis, Lisa; Assistant Clerk
Purton Dickson, Dana; Director of Community Services

Absent: Snow, Catherine; Town Clerk (out of town)

1. Approval of Agenda

Moved By Councillor Thompson
Seconded By Councillor Donovan

The Agenda be approved as presented.

Motion Carried

2. Mayor's Comments

Comex Public Transit – Mayor O’Hara referenced the rising gasoline costs and invited people to take advantage of the Comex Bus Service, noting it is an excellent opportunity to increase ridership as well as to reduce GHG emissions.

NB Power Program – Mayor O’Hara made note that the Town of Quispamsis’ Climate Change Committee has partnered with NB Power in a Community Outreach Program. Quispamsis residents, who are a senior on a fixed income, a tenant of a rental property, or a homeowner unable to introduce more expensive energy retrofits at this time, will qualify for a free Energy Efficiency Kit.

Earth Day (Friday, April 22) – Mayor O’Hara encouraged residents to get out and help beautify the community by cleaning up litter from around each neighbourhood.

3. Treaty Acknowledgement - Ukraine Solidarity - Moment of Reflection

Councillor Luck read the Treaty acknowledgement – Moment of Reflection and – Acknowledgement of Solidarity for the People of Ukraine.

4. Disclosures of Interest

No disclosures were declared.

5. Presentations

5.1 2022 Volunteer Recognition Awards

Councillor Biggar read introductions for each of the following 2022 Volunteer Recognition recipients:

1. Arthur Cipryk – KV Food Basket
2. Denis Talbot – Fundy Gymnastics Club
3. Dr. Lisa Yang – Kennebecasis Valley Community Caring for Children (KV3C)
4. Sherry Kiervin – KV Pickleball Club
5. Dean MacLean – KV Minor Baseball
6. Karen Parker – KV Girls Softball Association
7. Amanda Rouse – Girl Guides of Canada – Kennebecasis Area
8. Tim Lowery – Parkland in the Valley

9. Shawn Toner (Constable) – Kennebecasis Regional Police Force
10. Tina Cooper – Hockey Ministries Atlantic
11. Nita Driscoll- Kings Way Care Centre
12. Romain Torrecilla- Fundy Soccer
13. Regeena Christie- Chris Saunders Memorial Elementary School
14. Mike Currie- Yamaji Dojo Martial Arts & Fitness Centre
15. Grace Anderson- Royal Canadian Sea Cadet Corps Bras d'Or

Moved By Councillor Donovan

Seconded By Councillor Thompson

Council congratulate and applaud the recipients of the 2022 Volunteer Recognition Awards in acknowledgement of their many dedicated contributions and service to the community.

Motion Carried

6. Public Hearings (none)

7. Minutes of Previous Meetings

7.1 April 5, 2022 - Regular Meeting

Moved By Councillor Donovan

Seconded By Councillor Biggar

Minutes be approved as prepared.

Motion Carried

8. Unfinished Business

8.1 (Feb.15/22) Review of Council Code of Conduct By-law - Staff Report from Acting CAO and Copy of Current By-law Showing Proposed Changes

A Staff Report from the Acting CAO provided the current by-law with proposed changes as per Council's motion from the Feb. 15, 2022 Regular meeting.

Council members reviewed and discussed proposed changes to the Code of Conduct By-law No. 056, and highlighted the following sections for additions, changes or clarity:

1. Section 3.g. Conflict of Interest - reference section on Conflict of Interest in *Local Governance Act*;
2. Section 3.i. Use of Municipal Assets and Services – clarification regarding political activity.
3. Section 4.d. Complaints - strengthen this section to provide greater clarity on procedure.

Moved By Councillor Olsen

Seconded By Councillor Biggar

This item be tabled pending further information from Staff reflecting the discussions and proposed changes recommended by the Acting CAO and Council members.

Motion Carried

8.2 (Oct 2021 - Budget Mtg) Hammond River Park - Driveway Resurfacing - Staff Report from Director of Community Services

The Director of Community Services' Staff Report indicated the Town is using \$384,000 in Canada Community-Building Funding (CCBF), formerly known as the Gas Tax Fund, to upgrade the entrance and greenspace at Hammond River Park.

In addition, as part of the 2022 Budget, the street leading to the park, Reynar Drive, is being paved as part of our 2022 Street Capital program and requested Council consider paving the driveway and parking lot to the Hammond River Park.

Moved By Councillor Biggar

Seconded By Councillor Thompson

That Council add paving the driveway and parking lot at Hammond River Park to the 2022 Street Capital Program, with funding for this additional work coming from the Canada Community-Building Fund/interest, operational savings within Community Services or capital reserves if needed.

Motion Carried

8.3 (Apr. 5/22) Request from Canada Games Aquatic Centre – CRA Liability for Wage Subsidy - Staff Report from Town Treasurer, Krista Brandon

A Staff Report from the Town Treasurer provided an update concerning the Covid Relief Funding for the Canada Games Aquatic Centre that was presented to Council at the April 5, 2022 Regular Meeting. The Regional Facilities Commission 2022 Budget request noted that the Canada Games Aquatic Centre had a \$325,000 deficit, relating to CRA liability for Wage Subsidy that was received but that the Aquatic Centre did not qualify for. The Commission voted not to fund the deficit at that time hoping that the CRA would reverse their decision and the liability would be removed.

Further, Ms. Brandon noted, unfortunately this is not the case, and the Town has received a formal request dated April 7, 2022 from the Canada Games Aquatic Centre to fund Quispamsis' portion of the liability plus the interest owing, the Town's portion of the deficit is \$56,346.30 plus \$4,320.11 in interest for a total of \$60,666.41.

Moved By Councillor Olsen

Seconded By Councillor Luck

Council approve the request for additional funding for the Canada Games Aquatic Centre due to their unfunded liability plus interest that is now due in the amount of \$60,666.41 with funding coming from any 2022 surplus or the General Operating Reserve.

Motion Carried

9. Correspondence (none)

10. By-laws

10.1 (Feb.15/22) KV Custom Homes - Rezoning Application - Proposed Zoning By-law Amendment No. 038-35 - Residential (R1) Single & Two Family to Residential (R3) - Terrace Dwellings - Property Identified as 124 Pettingill Road - PID No.'s 30216527 and PID No. 00251694

In Attendance: Andrew McIntyre, Proponent

Mr. Andrew McIntyre was in attendance to answer any question on his rezoning application to rezone approximately 4.7 hectares, (11.32 acres), of land with access off the Pettingill Road and Heritage Way from Residential (R1) to Terrace Dwelling (R3). The proposed three phased Terrace Dwelling Development will consist of a total of 44 Distinct Ownership units contained in 15 separate buildings.

Moved By Councillor Donovan

Seconded By Councillor Biggar

Council give third and final reading to Zoning By-law Amendment No. 038-35 to permit the following property to be rezoned from “Single & Two Family Residential (R1)” to “Terrace Dwelling Residential, (R3)”, subject to the property owner entering into a development agreement pursuant to the provisions of Section 59 of the *Community Planning Act, 2017, Ch. 19*:

A parcel of land, identified as PID No.: 30216527 and PID No.: 00251694, with Civic No.: 124 Pettingill Road, consisting of approximately 4.7 Hectares, (11.32 Acres), of land with access off the Pettingill Road and Heritage Way. Read First Time - March 15, Read Second Time March 15; and Read Third and Final Time April 19, 2022.

Motion Carried

10.2 Proposed By-law Amendment No. 036-05; A By-law of the Municipality of Quispamsis Respecting Signs - Staff Report from Municipal Planning Technologist - Jennifer Jarvis (Virtual Attendance)

(Consideration of 3rd and Final Reading)

Moved By Councillor Thompson

Seconded By Councillor Miller

Whereas a notice has been published on the town of Quispamsis website pursuant to Section 15(3) and 15(4) of the *Local Governance Act*;

And Whereas the proposed By-law Amendment No. 036-05 received first and second reading at the April 5, 2022 Regular Meeting;

And further proposed By-law Amendment No. 036-05 is hereby summarized as follows:

To provide definitions for traffic control devices and feather signs;

To restrict the location of political signs in relation to any traffic control device;

To make civic numbering on freestanding signs mandatory;

To provide provisions regarding the use of feather signs within the municipal boundary;

To improve the provisions to regulate the display of sandwich boards; and t

To restrict the placement of all signs within one (1) metre of any Town owned property, with the exception of traffic control devices and signs placed by or for the Town.

NOW THEREFORE BE IT RESOLVED That the Council of the town of Quispamsis give Third and Final Reading to Proposed Amendment No. 036-05; An Amendment to the Municipality of Quispamsis Sign By-law incorporating the aforementioned changes.

Motion Carried

- 10.3 Proposed Zoning By-law Amendment No. 038-37; A By-law of the Municipality of Quispamsis Respecting Zoning - Regulating Apiary (Hobby Beekeeping) Operations

Moved By Councillor Biggar

Seconded By Councillor Miller

Council refer the proposed Zoning By-law Amendment No. 038-37 to the Planning Advisory Committee for its written views, and set a Public Hearing date for May 17, 2022 to hear and consider those wishing to speak for or against the proposed Zoning By-law Amendment.

Motion Carried

11. New Business

- 11.1 Proposed Earlier Start Time for Council Meetings - Staff Report from Acting CAO Aaron Kennedy

Moved By Councillor Olsen

Seconded By Councillor Thompson

Council agrees to change the Regular Meeting start time indicated in Section 7. B. of the Council Procedural By-law No. 033 for the months of June, July and August from 7:00 p.m. to 6:00 p.m.

Motion Carried

- 11.2 Tender No. 2022TQ03-7; Works Dept. - New Heavy Duty One Ton Crew Cab - Staff Report from Director of Engineering and Works

Moved By Councillor Miller

Seconded By Councillor Olsen

Based on staff review and information it is recommended that Council authorize staff to directly purchase a new 2022 - 4x4 Crew Cab from Dobson Chrysler Dodge to Lounsbury Automotive Limited for the bid price of \$74,585 (exclusive of HST, licensing & Tire Levy). Additional costs for the truck purchase will be assigned from any 2022 surplus if any are realized or as a reallocation of Capital reserves.

Motion Carried

- 11.3 Award of Tender No. 2022TQ03-10 - Street Capital Program 2022

Moved By Councillor Biggar

Seconded By Councillor Olsen

It is recommended Council award Tender 2022TQ03-10, 2022 Street Upgrading to the low bid from Debly Enterprises Ltd., and to enter negotiations with the low bidder to structure the tender value remove a portion of Meenan's Cove Road, as well as Sylvia Dr, Swanton Dr and Muriel Ct in their entirety from the project scope in order to adjust the project costs to \$2,199,000 (exclusive of HST). Once final project costs are accounted, any project cost beyond the current allocated budget will be redirected from any budget surplus in 2022 or be redirected from Capital reserve funds.

Motion Carried

12. Reports

- 12.1 Town of Quispamsis - Building Report As At March 30, 2022
12.2 Planning Advisory Committee Meeting of March 8, 2022
12.3 CN Rail - Vegetation Program 2022
12.4 Kennebecasis Valley Fire Department Inc. - February 9, 2022 - Minutes, Financials & Reports

Moved By Councillor Olsen
Seconded By Councillor Donovan

Reports be received and filed.

Motion Carried

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

14. **Adjournment**

Moved By Councillor Olsen
Seconded By Councillor Donovan

Meeting adjourn.

Motion Carried

Meeting adjourned at 8:45 p.m.

X

Elizabeth (Libby) O'Hara
Mayor

X

Lisa MacInnis
Assistant Town Clerk






APPENDIX C

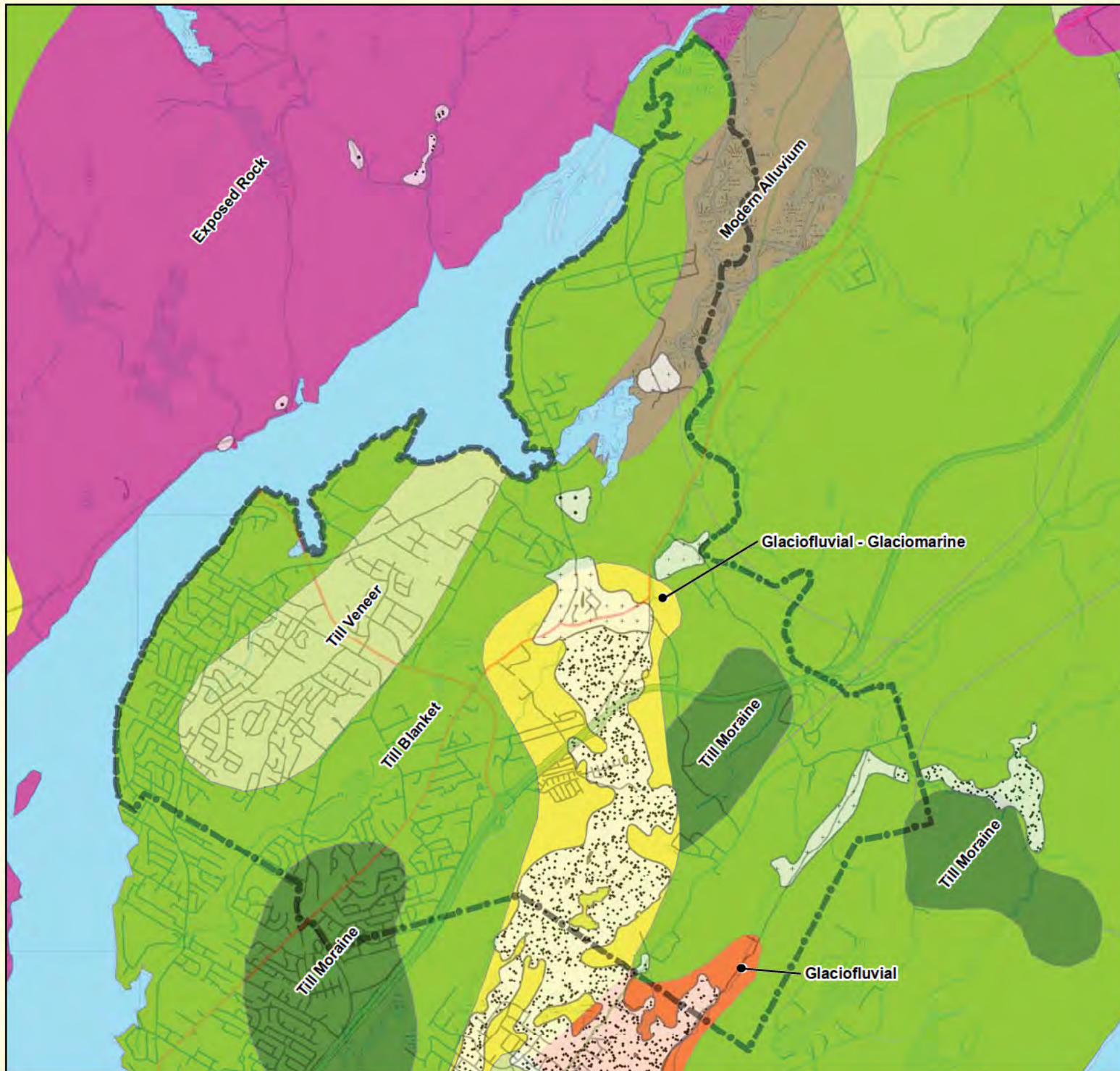
Previous Hydrogeological Mapping

Figure 1.
Quaternary Geology Mapping

Town of Quispamsis
Water Supply and
Distribution Study

Legend

-  Town Boundary
- Granular Material**
-  Glacial Fluvial Outwash
-  Ice Contact Delta
-  Marine
-  Valley Train Complex



0 0.5 1 1.5 2
km

1:70,000 @ 8.5x11

Coordinate System: NAD 1983
CSRS New Brunswick
Stereographic



CBCL LIMITED
Consulting Engineers

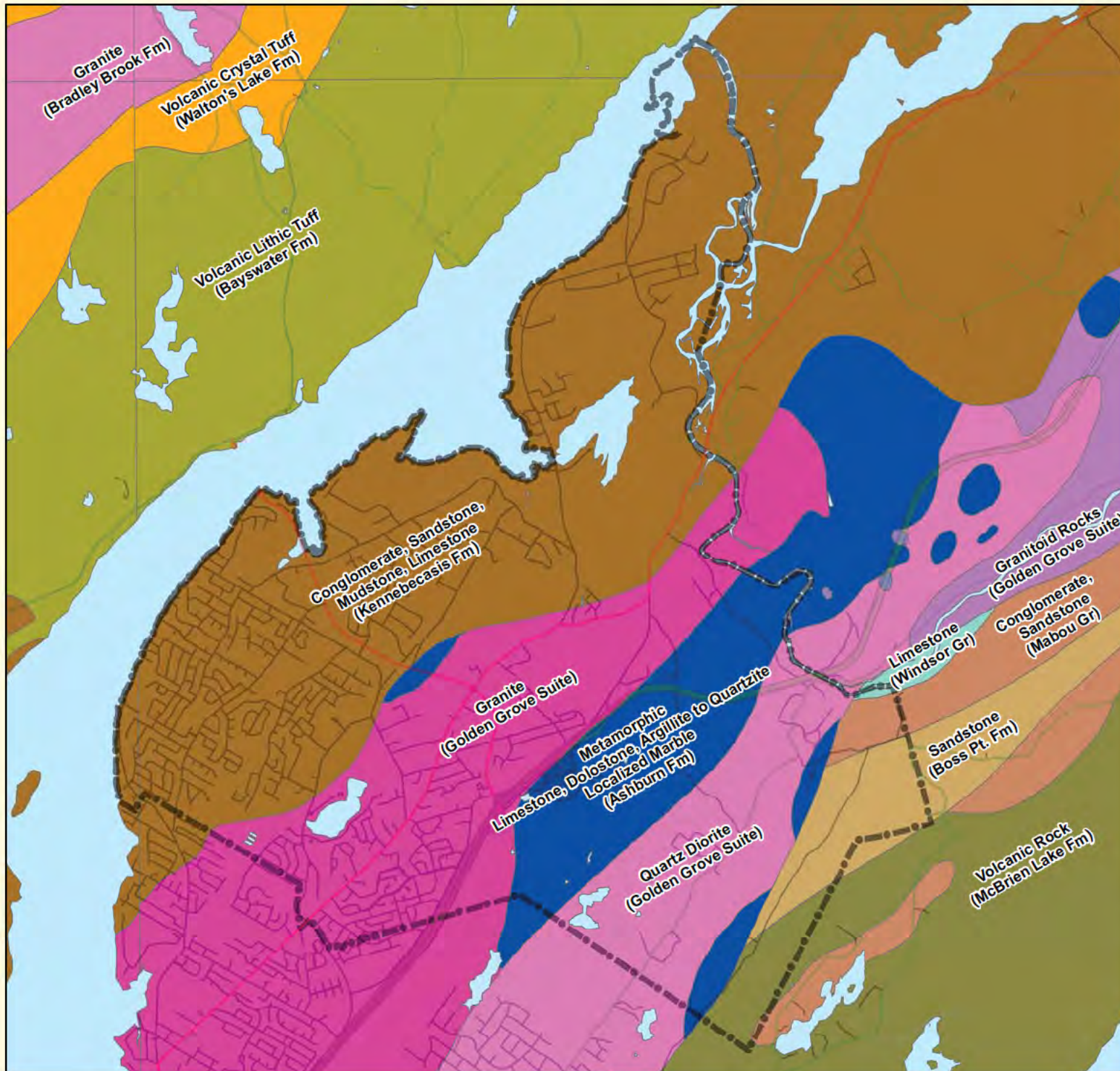



Figure 2.
Bedrock Geology Mapping

**Town of Quispamsis
Water Supply and
Distribution Study**

Legend

 Town Boundary

0 0.5 1 1.5 2
km

1:70,000 @ 8.5x11




Coordinate System: NAD 1983
CSRS New Brunswick
Stereographic



**Figure 3.
Water Well Records**








**Town of Quispamsis
Water Supply and
Distribution Study**

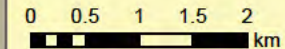
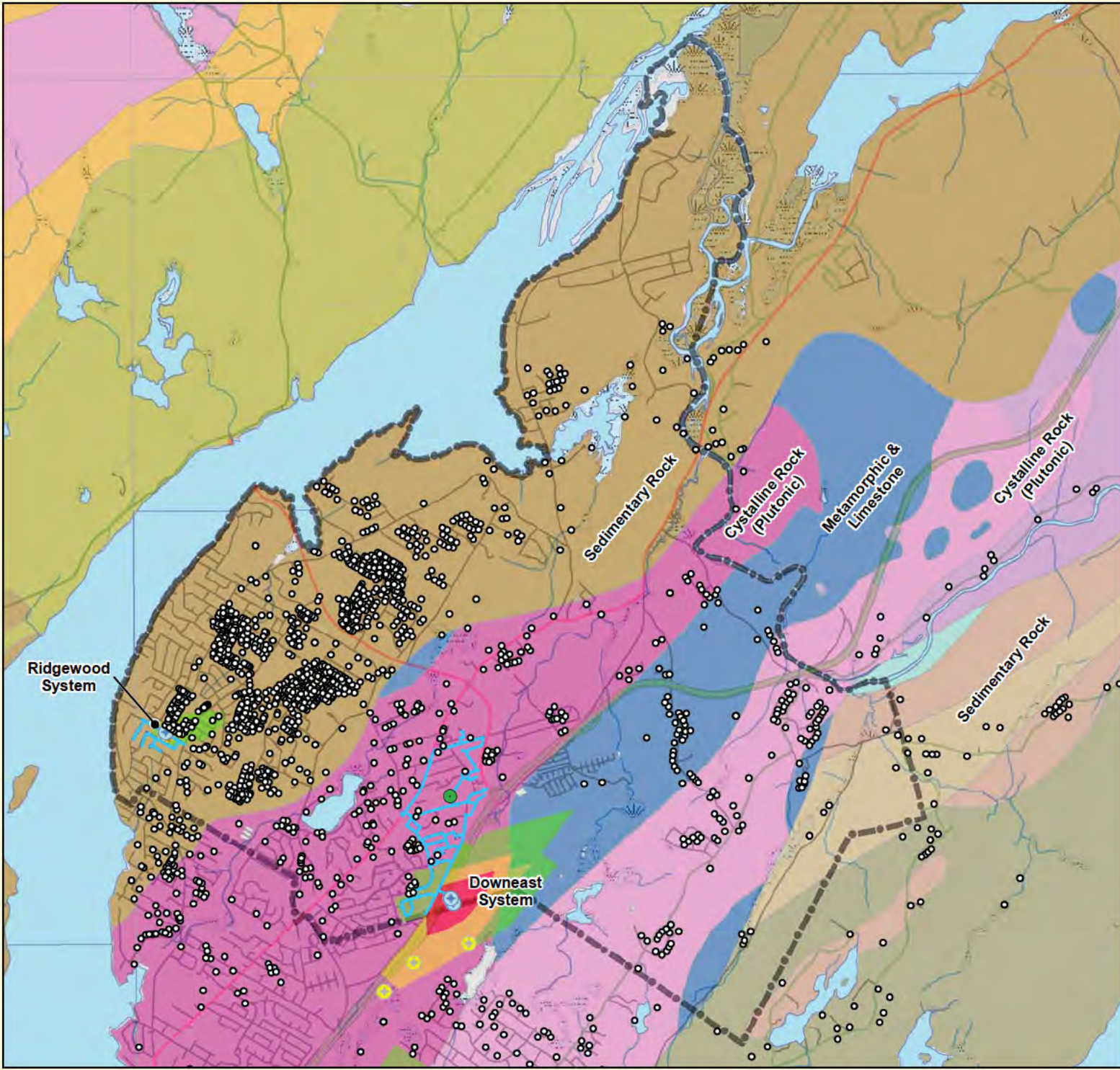
Legend

-  Town of Quispamsis Municipal Well
-  Town of Rothsay Municipal Well
-  Private Well Record

Protected Well Fields

ZONE

-  A
-  B
-  C
-  Water Tower
-  Water Main
-  Service Line
-  Town Boundary



1:70,000 @ 8.5x11







Coordinate System: NAD 1983
CSRS New Brunswick
Stereographic

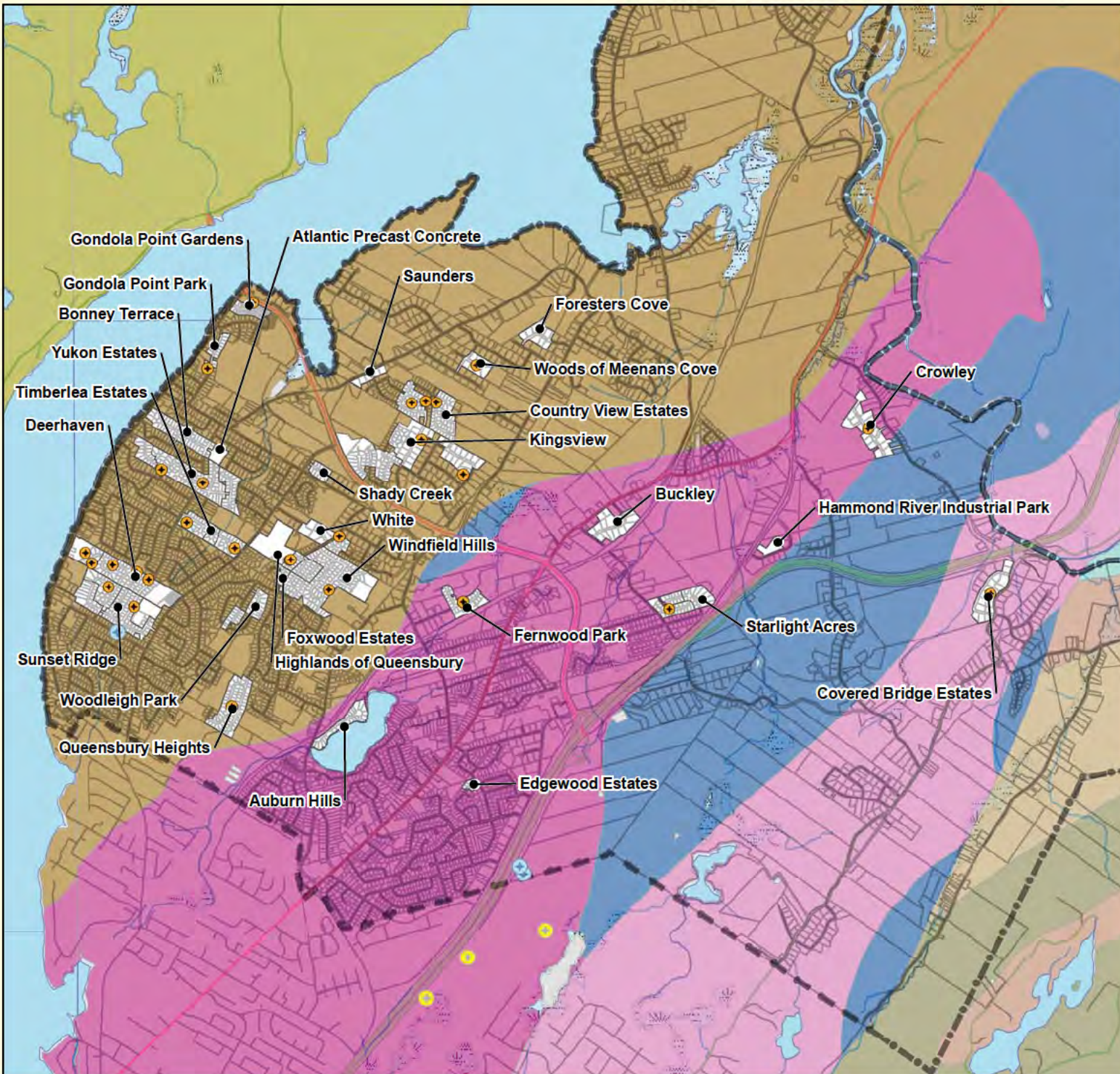


Figure 5.
Subdivision Test Well
Locations

Town of Quispamsis
Water Supply and
Distribution Study

Legend

-  Quispamsis Municipal Well
-  Subdivision Test Well
-  Town of Rothesay Municipal Well
-  Parcels
-  Hydrogeological Investigation for Subdivision
-  Town Boundary



0 0.5 1 1.5 2
 km

1:50,000 @ 8.5x11






Coordinate System: NAD 1983
 CSRS New Brunswick
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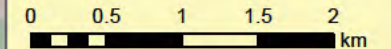
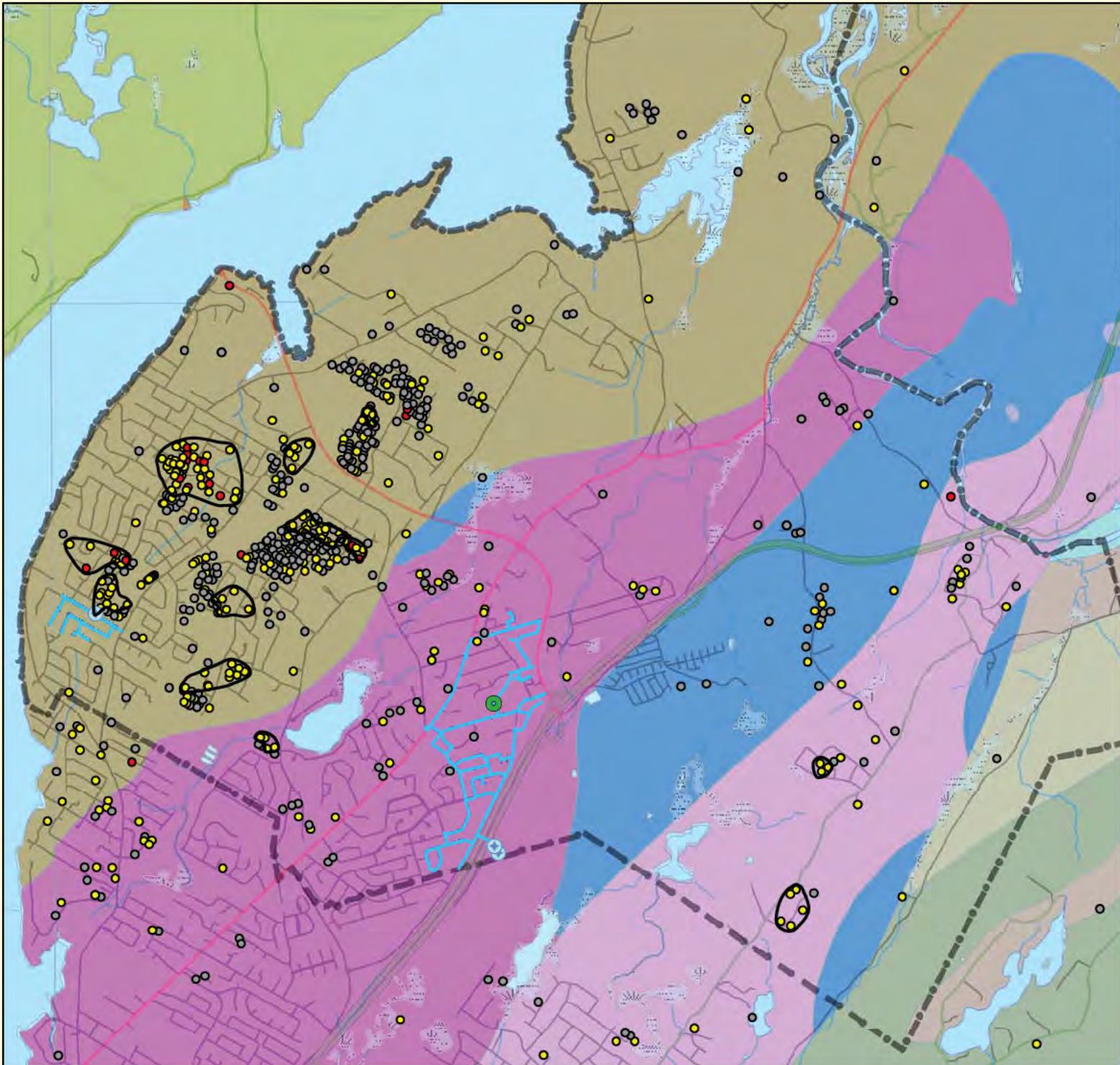


Figure 6.
Aquifer Potential

**Town of Quispamsis
Water Supply and
Distribution Study**

Legend

-  Quispamsis Municipal Well
- Aquifer Potential**
-  Highest
-  Moderate
-  Lowest
-  Potential Target Area
-  Town Boundary



1:50,000 @ 8.5x11

Coordinate System: NAD 1983
CSRS New Brunswick
Stereographic



Figure A3.
Iron Concentrations in
Subdivision Test Wells

Town of Quispamsis
Water Supply and
Distribution Study

Legend

- ⊕ Iron Concentration (ug/L)
- ⊕ Quispamsis Municipal Well
- ⊕ Town of Rothesay Municipal Well
- ▭ Parcels
- ▭ Hydrogeological Investigation for Subdivision
- ▭ Town Boundary

Health Canada Guideline for Canadian Drinking Water Quality (GCDWQ)

Iron (Aesthetic Objective):
 300 mg/L

390 Concentration exceeds GCDWQ

0 0.3 0.6 0.9 1.2
 km

1:45,000 @ 8.5x11

Coordinate System: NAD 1983
 CSRS New Brunswick
 Stereographic

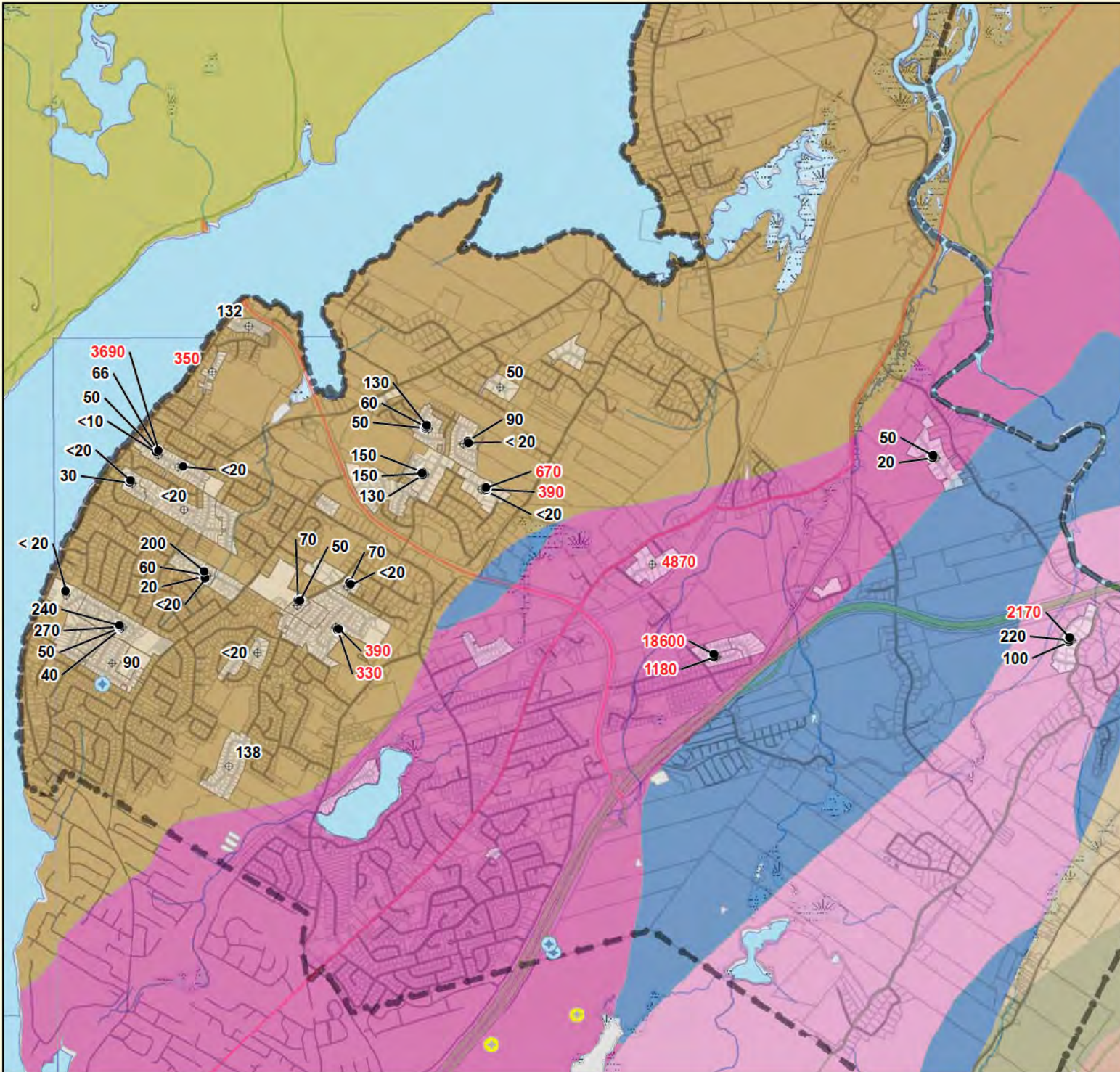


Figure A4.
Manganese Concentrations
in Subdivision Test Wells

Town of Quispamsis
Water Supply and
Distribution Study

Legend

- Manganese Concentration (ug/L)
- Quispamsis Municipal Well
- Town of Rothesay Municipal Well
- Parcels
- Hydrogeological Investigation for Subdivision
- Town Boundary

Health Canada Guideline for Canadian Drinking Water Quality (GCDWQ)

Manganese (Aesthetic Objective): 50 mg/L

145 Concentration exceeds GCDWQ

0 0.3 0.6 0.9 1.2
 km

1:45,000 @ 8.5x11

Coordinate System: NAD 1983
 CSRS New Brunswick
 Stereographic

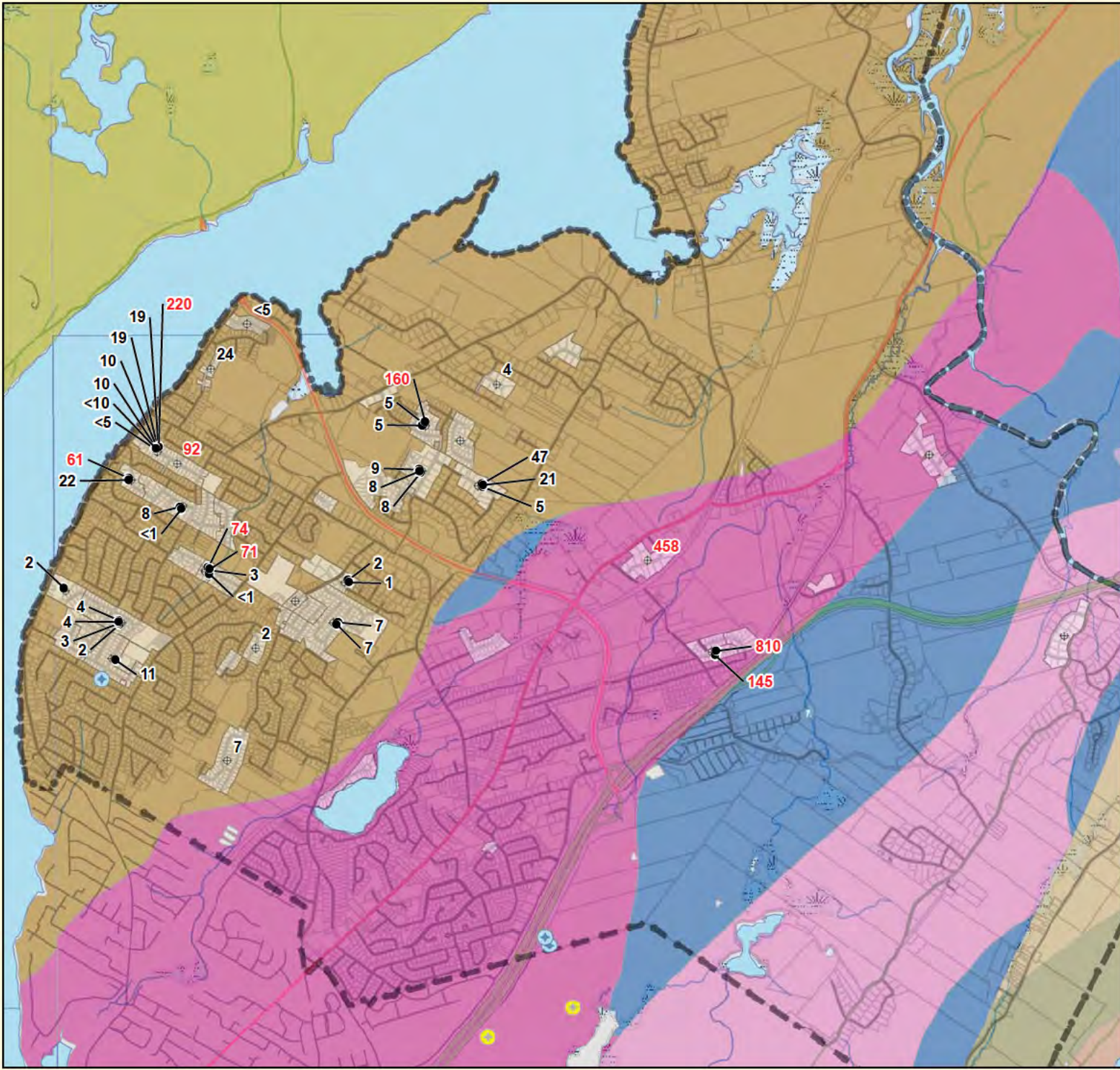


Figure A5.
Arsenic Concentrations in
Subdivision Test Wells

Town of Quispamsis
Water Supply and
Distribution Study

Legend

- ⊕ Arsenic Concentration (ug/L)
- ⊕ Quispamsis Municipal Well
- ⊕ Town of Rothesay Municipal Well
- ▭ Parcels
- ▭ Hydrogeological Investigation for Subdivision
- ▭ Town Boundary

Health Canada Guideline for
 Canadian Drinking Water Quality
 (GCDWQ)

Arsenic (Health Guideline):
 10 mg/L

13 Concentration exceeds
 GCDWQ

0 0.3 0.6 0.9 1.2
 km

1:45,000 @ 8.5x11

Coordinate System: NAD 1983
 CSRS New Brunswick
 Stereographic

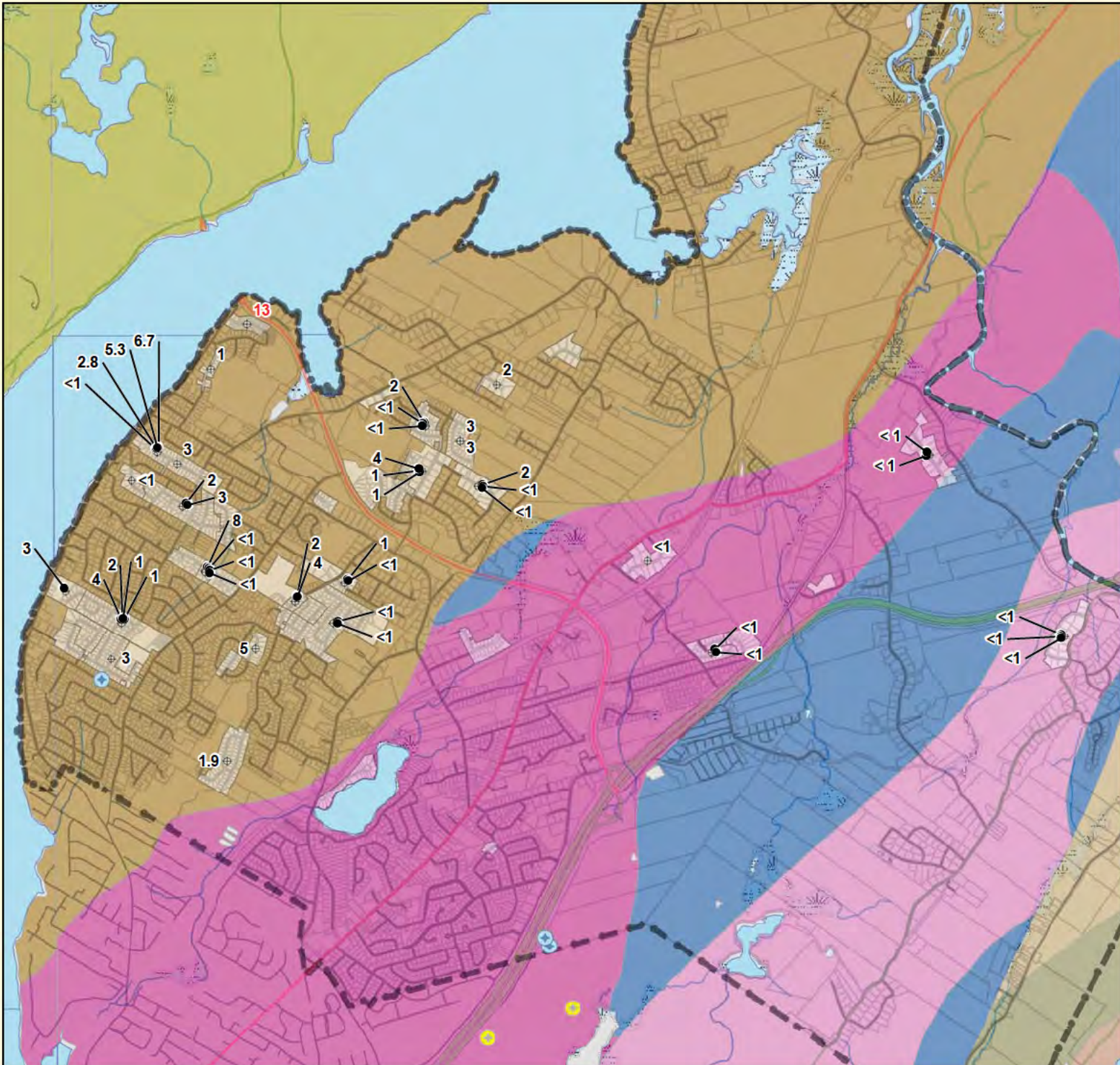


Figure A6.
Uranium Concentrations in
Subdivision Test Wells

Town of Quispamsis
Water Supply and
Distribution Study

Legend

- ⊕ Uranium Concentration (ug/L)
- ⊕ Quispamsis Municipal Well
- Town of Rothesay Municipal Well
- ▭ Parcels
- ▭ Hydrogeological Investigation for Subdivision
- ⊠ Town Boundary

Health Canada Guideline for
Canadian Drinking Water Quality
(GCDWQ)

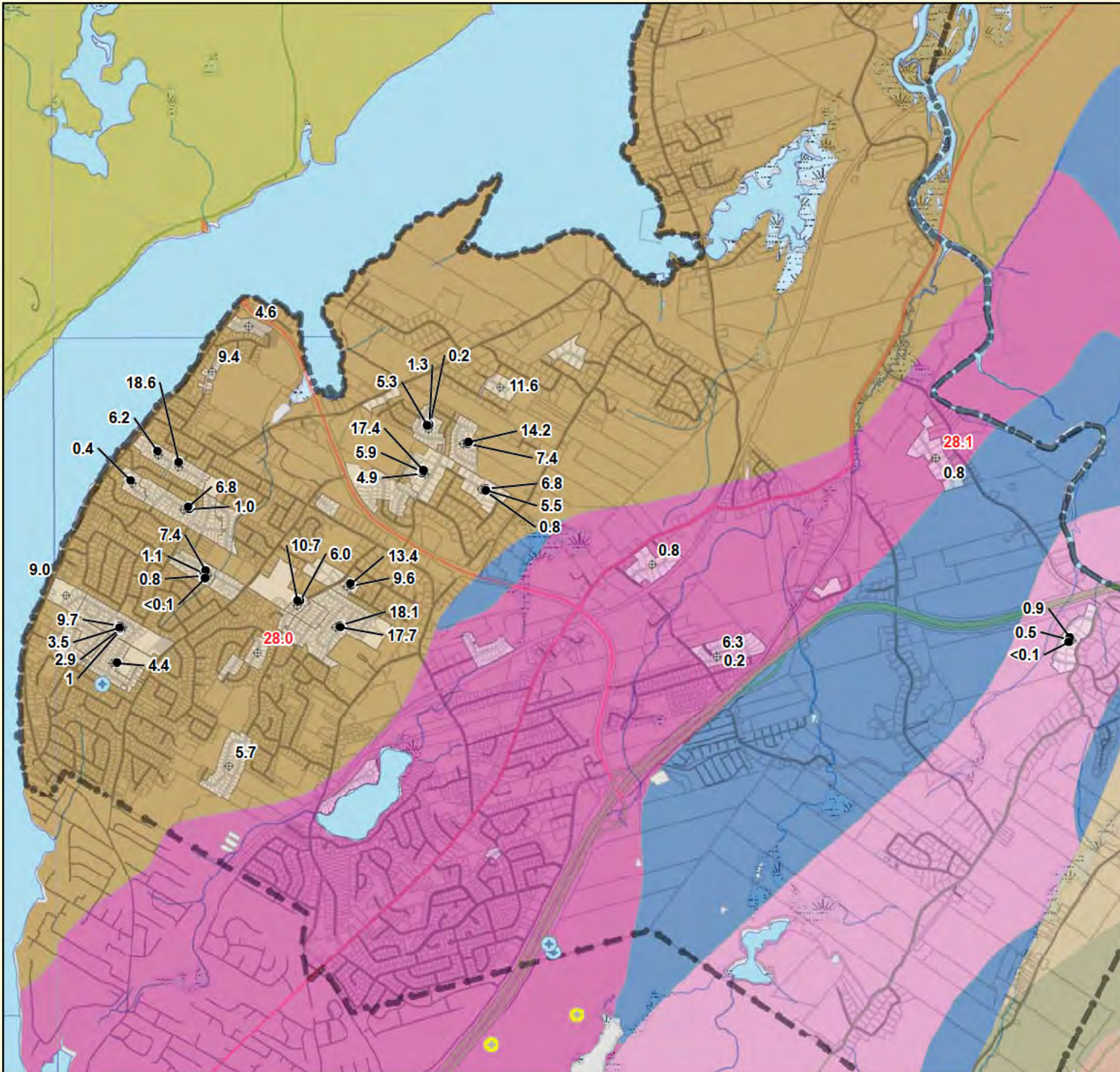
Uranium (Health Guideline):
20 mg/L

28.1 Concentration exceeds
GCDWQ

0 0.3 0.6 0.9 1.2
km

1:45,000 @ 8.5x11

Coordinate System: NAD 1983
CSRS New Brunswick
Stereographic



APPENDIX D

Driller's Log – 124 Pettingill Road

Well Driller's Report

Report Number **90054500**

(Well Tag missing because Station for Well Log is not linked to a Well Tag) Well Tag ID

PID **00251694**

Latitude **N/A**

Longitude **N/A**

Date printed **24-Aug-2021**

Well Owner(s)		Address 124 Pettingill Road Quispamsis, NB E2E 3S5	
Telephone Nbr (0) -	Fax Nbr (0) -		

Well Location	124 Pettingill Road, Quispamsis, NB, E2E 3S5		
Drilled by	, Lic 0 <i>(Driller Company missing because Station for Well Log is not linked to a Well Tag)</i>		
Well Use Drinking Water, Domestic	Work Type New Well (NEW WELL)	Drill Method Rotary (ROTARY)	Work Completed 01-Dec-1994

Casing Information		Casing above ground 1ft 6in		Drive Shoe Used? Yes	
Well Log	Casing Type	Diameter	From	To	Slotted?
90054500	Steel	6 inch (6.in)	0ft	40ft	

Aquifer Test/Yield							
Method	Initial Water Level (BTC)	Pumping Rate	Duration	Final Water Level (BTC)	Estimated Safe Yield	Flowing Well?	Rate
Air	0ft	3.0 igpm	0hr	0ft	3.0 igpm	No	0.0 igpm
<i>(BTC - Below top of casing)</i>							

Well Grouting	Drilling Fluids Used	Disinfectant	Pump Installed
There is no Grout information.	None	Other	N/A
		Qty 0.0 igal	Intake Setting (BTC) 0ft

Driller's Log					Overall Well Depth
Well Log	From	To	Colour	Rock Type	150ft
90054500	0ft	35ft	Brown	Clay and Gravel and Rock	Bedrock Level
90054500	35ft	150ft	Grey	Shale	35ft

Water Bearing Fracture Zone		
Well Log	Depth	Rate
90054500	125ft	1.0 igpm
90054500	150ft	3.0 igpm

Setbacks
There is no Setback information.

Sample Information
There is no related sample information.

The information shown was converted from a prior version of the Well Log software. (not GWIMS)

Driller's Comments
Well Log Record created by Conversion on November 22, 2002.