



MEETING MINUTES

Town of Riverview Planning Advisory Committee Wednesday,
December 13, 2023 at 6:00 p.m.
Council Chambers, Town Hall

- Attendance: Shawn Dempsey, Chair
Daniel Primeau, 1st Vice Chair
Kelvin Martin, Committee Member
Kevin Steen, Committee Member
Susan Steeves, Committee Member
Shauna McGraw, EA, Town of Riverview
Kirk Brewer, Planner, SE Regional Service Commission
- Regrets: Rob Bateman, Committee Member
John Gallant, Committee Member
Tina Comeau, Committee Member
Debby Warren, Committee Member
Lori Bickford, Planning Manager, SE Regional Service Commission
-

1. CALL MEETING TO ORDER

Shawn Dempsey, Chair, called the meeting to order at 6:04 p.m.

2. DECLARATION OF CONFLICT OF INTEREST

NIL

3. ADOPTION OF MEETING AGENDA

Moved by Kelvin Martin and seconded by Daniel Primeau

That the agenda for the Town of Riverview Planning Advisory Committee meeting of December 13, 2023, be APPROVED.

MOTION CARRIED

4. ADOPTION OF MINUTES

Moved by Kevin Steen and seconded by Susan Steeves

That the minutes of the Town of Riverview Planning Advisory Committee meeting of October 11, 2023, be ADOPTED as revised – It was noted that Rob Bateman was in attendance at the meeting, but it was not recorded in the minutes.

MOTION CARRIED

5. BUSINESS ARISING FROM THE MINUTES

NIL

6. VARIANCE, TEMPORARY APPROVALS, CONDITIONAL USES, RULINGS OF COMPATIBILITY AND NON-CONFORMING USES

- a) Jeffrey Archibald, Moemar Homes, Whiterocks Dr (PID 05117650), Conditional use application - 1) to permit more than one building on a lot; and 2) to permit a multi-unit dwelling in an R3 zone; Variance application to increase the height of an accessory building from 3m to 4m to the underside of the eaves (Files 23-1599 and 23-1663)

Kirk Brewer presented the proposal. K. Brewer explained this is a conditional use and variance request on behalf of Moemar Homes. The subject property is located at the end of Runnymede near the traffic circle. A subdivision application is in process, which will create

Whiterocks Drive to accommodate a future phase of apartment complexes, so the conditional use application pertains to 1) permit more than one main building on a lot and 2) to permit a multi-unit dwelling in an R3 zone.

The variance being requested is to increase the height of an accessory building from 3M to 4M at the underside of the eaves.

Whiterocks Drive is intended to branch off of Runneymeade and there will be future development of mixed density housing on future streets. The developer is working with Engineering for the creation of the streets and the subdivision application is with Planning now. K. Brewer noted that the green parks zoning to the south and west of the lot. It was part of the overall neighborhood subdivision back in 2012 and it was vested as Lands for Public Purposes for the trail, but it is not needed for that now because the trail was developed outside of this land.

The property fits with the Municipal Plan. When more than 1 building is wanted on a single lot we want further oversight to ensure ample parking, allowance for landscaping, no concerns with future subdivision etc. and there are none of those concerns here.

The variance is to allow the accessory building's walls to be taller than the 3M maximum currently allowed, but the building will still respect the maximum 6m height to the peak. It is to be noted that this variance request is the same as one requested for their development further north on Runneymeade and it was accepted without issue. The building is to house their snow clearing and landscaping equipment and the higher height is necessary to house those larger pieces of equipment. The buildings themselves will be identical to that previous development as well. One item of note that is a change from the original submission is that they have moved from 2 entrances off Whiterocks to one. In all areas like setbacks, heights, traditional materials etc. it meets all provisions. Given that this development is on a corner lot there is one change from the earlier development and that is the provision for the jogs and recesses on the 71 unit building to meet the provisions.

With regards to the LPP to the south initially it was planned for the multi-use trail to go in that area but when Bridgedale Blvd was developed it was decided to build the trail into the right of way much like on Gunningsville Blvd. Therefore, after conversation with various Town departments, that LPP has been deemed surplus. As part of a larger picture of the neighborhood what was originally land owned by Department of Transportation for a third crossing over the Petitcodiac is now owned by the Town and there are negotiations ongoing to exchange part of that parcel with Moemar so they can connect the Carriage Hill/Tuscany Estates neighborhood with one to the West. There may be some questions regarding screening of the parking lot from Bridgedale Blvd, since it is a main arterial road. Different ideas were discussed including a berm, fencing, both, etc. but the Town is okay with there not being a final decision on that yet but knowing that sufficient screening is going to be required at building permit stage.

The public entrances have been changed from the previous project on Runneymeade Road so that they will face Whiterocks Drive.

The plan is to start with the 55-unit next year and the 71-unit in 2025.

There were no issues raised when brought before the Development Review Committee after all parties agreed that the screening issue could be addressed at the building permit stage.

No notification was sent out to residents because Moemar is the only property owner in the required notification zone surrounding the proposed development. K. Brewer read the staff recommendation into the record.

K. Martin asked if the accessory building have the same cladding as the apartment building? K. Brewer confirmed that the accessory building being in the back of the property and not readily visible does not have the requirement for the enhanced cladding and it will be vinyl clad.

The Chair asked if the applicant wanted to address the group and they declined. The public was asked if they wanted to address the group, and no one came forward.

K. Steen asked an additional question about the property line for this development and its proximity to the powerline easement and the ATV trail. K. Brewer confirmed that the development is a few hundred metres from that line since the development at this point is in the more front of property.

Moved by Daniel Primeau and seconded by Susan Steeves that the Riverview Planning Advisory Committee APPROVE the proposed conditional uses on PID 05093919 to permit more than one main building on a lot, and to permit multiple unit dwellings in an R3 zone subject to the following conditions:

1. *That the developer propose appropriate landscaping and screening between the property and Bridgedale Boulevard so as to screen the parking area from the public right-of-way;*
2. *That the project be developed in substantial conformity with the submitted site plan, elevation drawings, and renderings; and*
3. *That as-built drawings for engineering submissions shall be required within 30 days after construction*

MOTION CARRIED – Unanimously

Moved by Susan Steeves and seconded by Kevin Steen that the Riverview Planning Advisory Committee APPROVE the variance to increase the height of an accessory building from 3 metres to 4 metres to the underside of the eaves with a maximum building height of 6 metres because the proposed building will not negatively impact any adjacent properties and meets the general intent of the Municipal Plan and Zoning By-law

MOTION CARRIED – Unanimously

b) Mario Leblanc, Lebson Holdings, 458 & 466 Pine Glen Rd (PIDs 05121207 and 05121215), Conditional use application to permit multi-unit dwellings in an R3 zone (File 23-1655).

K. Brewer detailed the submission indicating it is a conditional use proposal for the indicated property to permit 2 multi-unit buildings on 2 lots created earlier this year. Most of the properties in the Pine Glen area are zoned R3 for multi-unit buildings with lower development to the East.

It is below the permitted density for the size of the lot, which permits up to 39 units for this lot with 36 proposed.

The proposal is for 2 identical buildings on separate lots, with public entrances facing the road. It meets all guidelines pertaining to parking, landscaping, setbacks, traditional materials etc.

K. Brewer pointed out the landscaping to the rear – the zoning by-law is laid out it reads that when a multi-unit building abuts an R1 zone where existing landscaping is insufficient, a 6m wide tree buffer and a fence is required. The challenge is always to determine what is sufficient. The proposed site plan shows that there is an existing 6m wide treed buffer so rather than cut down existing trees to install a fence, the proponents are proposing consider the existing trees sufficient and to plant trees and erect a fence where there is a gap in the buffer. As it stands now, according to the site plans there should be a sufficient buffer but that will have to be monitored and reassessed and additional trees may need to be planted as site development occurs.

The public entrance goes directly to the lobby. There is an elevation change from the front of the property to the back of the building. The site will be graded to accommodate the parking lot.

The proposal was reviewed by the Development Review Committee with the note coming from that review that a detailed snow removal plan would be required at building permit stage with drainage plan. It is likely that snow will need to be trucked away from the site.

Notices were sent out to property owners withing 60M of the proposal and no phone calls or emails were received but some residents were present at the meeting. K. Brewer read the staff recommendation into the record.

Chair S. Dempsey asked if the applicant wanted to address the Committee, they declined.

Chair S. Dempsey asked if any members of the public wanted to speak and there were some who did want to address the Committee, they were:

Keith Whalen, 16 Vanessa

Kevin Sharp, 12 Vanessa

Jeff Creighton, 20 Vanessa

Drew & Barbie Hennigan, 4 Vanessa

Keith Whalen spoke on behalf of the group. He told the Committee that the residents understood that development would happen, and they had no objections to the development in general, but they wanted to address a few areas.

With respect to the landscape buffer, K. Whalen suggested that under section 91(2) the (a) portion of that by-law was not presented to the Committee or in the package that was delivered to area residents. They disagree that there is a sufficient treed buffer; there are some trees but there is a powerline easement about 3.2m wide that has no trees, leaving only a 2.8m wide area with some trees.

Mr. Whalen asked who decides "sufficient". The residents feel there is insufficient treed buffer especially considering that it will be the parking lot adjacent to their houses so they will have lights coming into their backyards.

They feel that Zoning bylaw 300-7 91(2)(a) says that all 3 provisions mentioned must be met including low lying shrubs, trees and a 2m opaque fence. K. Whalen emphasized the importance of the fence. The residents are asking that part of this conditional use be the installation of a fence because it will stop the lights from cars in the parking lot from coming into their backyards.

K. Whalen noted they are also concerned about the drainage although they understand additional information about drainage will be forthcoming. They want to make sure there are provisions about drainage in the conditional use.

K. Whalen noted additional concerns about the parking lot and garbage facility. The residents want to be sure is the garbage will be in a building and not a dumpster. They don't want smell or noise coming from the garbage solution to be an issue.

K. Sharp, J. Creighton and D. Hennigan spoke to reiterate Mr. Whalen's comments. Their concerns related to the headlights from cars in the parking lot, loss in property values, increased traffic on an already busy road, proximity of the driveway entrance to the new traffic circle at Pinewood Road, and the potential impact on the sidewalk during construction.

In conclusion they stressed the need for an opaque fence to provide a buffer between the development and their homes.

Chair S. Dempsey asked K. Brewer to clarify section 91(2)(a) of the bylaw. K. Brewer explained that the provision related to the sufficiency of the buffer. He noted this provision does often lead to some questions about what is sufficient and whether a fence is always the best solution if it requires removing existing trees. At the time of application, the proponents indicated that they had a similar issue at another location and had heard from neighbours that the preference was to maintain existing trees and place a fence only where there were gaps in the trees. K. Brewer added that if the Committee felt that a fence was a requirement it is a condition that can be imposed.

K. Brewer added that the wording is an element of the bylaw review that planning will be looking at with the aim of removing the ambiguity of "sufficient".

Chair S. Dempsey asked about the mention of three requirements of the by-law and their application in this matter. K. Brewer explained that those requirements follow the wording "when the buffer is insufficient the screening shall consist of trees of a given height spaced so far apart and an opaque fence" but if we are going on the grounds that the trees are sufficient then those clauses do not apply; if we determine that the trees are not sufficient then those clauses would apply.

Chair S. Dempsey asked with respect to making a fence a part of the requirements, recognizing the comments that there is approximately 3.2M where there may or may not be any trees, what are the possibilities with respect to the fence; one being a full fence vs partial fencing. K. Brewer explained that he has not been on the site and that perhaps the applicants could speak more to that but K. Brewer had discussed with them about the idea of leaving the existing trees at the rear of the property and fencing between them and the parking lot but the logistics of snow removal on site would make that difficult. If there were a fence running along the parking lot boundary there would be no place to push the snow onto the landscaped area.

K. Brewer added that a preliminary drainage plan had been submitted showing a drainage feature within the area under discussion. The final drainage plan and design brief showing rate of flow will be provided at the permit stage and will be fully reviewed by Engineering. As well the garbage area is required to be screened by a 2m high opaque fence although there is no requirement for a roof. There are also provisions in place to ensure that lighting on the buildings must point downwards and be capped. K. Brewer further added that this is a conditional use for this property; it is zoned R3 and has been for many years so this is permitted, and there are no special approvals being requested.

D. Primeau asked about the site plan and where the property line ends, and the power line easement begins. K. Brewer reviewed the site plan on screen and showed where the R3 zone ends and the R1 zone begins, adding that generally the power lines are placed along the property line. When the subdivision to the rear was created there was a 3m wide easement taken (NB Power now takes a 5m wide easement) and at that time power lines were placed at the rear of properties (now they are at the front). Trees grow over time and become issues for NB Power so in this case they added a second 3m easement when the subject lots were subdivided in 2023 so that now there is a 3m easement on both sides of the property line. This easement is new. D. Primeau asked about the area where trees would be planted, if it is feasible for that to happen in the easement. K. Brewer explained that the easements do not restrict any type of landscaping, but they do restrict buildings or structures. K. Brewer added that generally NB Power will not allow a garage or other permanent buildings on foundations that cannot be moved but often they will allow a fence or shed on blocks with the understanding that if they have to access that easement, they will remove what is necessary to do that. If a fence were imposed the zoning provisions stipulate that it be placed along the property line which would force it to be within the easement – in K. Brewer's experience that is not normally refused but is a separate approval process.

K. Steen asked K. Brewer about the PID to the south around snow removal issues and how he feels it will relate to this property as well. He is also concerned about the fence issue and he feels that a fence will be essential for privacy of the properties behind. K. Steen also brought up the entrances coming in from Pine Glen in the middle and that concerns him with higher traffic flow in the area. K. Brewer confirmed with the visual of the site plan where the buildings will be on the lots.

K. Martin asked about the elevations on the site. It slopes to the rear of the lot, and he is concerned about the grading of the lot and the need to remove trees to do that. K. Brewer indicated that the drainage plan would provide those details. If the trees were to be removed as a necessity to the drainage, then it would have to be addressed at that time with additional trees planted. There will be fill brought in to level the lot for drainage.

K. Martin added that for the benefit of those from the public in attendance that K. Brewer clarify that this is permitted use for the way this property is zoned so it is not being debated whether or not this can be built, we are only looking at the provisions around that build.

K. Brewer concluded that based on the comments received, the main point under consideration was the requirement for a fence.

The applicant's business partner, Luc Boucher addressed the Committee regarding the fencing issue. He indicated they were not looking at avoiding a fence, but they simply felt that keeping the large mature trees in place would be preferable but if a fence is preferred, they have no issue with that.

With respect to drainage, he noted the plan will be developed and stamped by engineers so water should not be an issue for neighboring properties. Snow removal won't be an issue for them; he explained they have similar sites where they push snow to the corners, snow blow as necessary, etc. They do agree that removal of snow from the site is more difficult, but they will do it when/if

necessary. K. Steen asked them further about snow clearing, specifically where will all the cars in the parking lot go when the snow removal is being done. He spoke to that by saying they have other developments where they do the centre area of the parking lot first, then the rest. They send texts/emails to the residents in stages and ask them to leave the property for a short period then return to their spots after snow clearing is completed. K. Steen thanked L. Boucher for having a plan.

Chair S. Dempsey gave the residents another opportunity to speak. K. Whalen asked K. Brewer for clarity about the power lines indicating that the power line is inside his fence and that NB Power came in a couple of years ago and cleared trees because they didn't want any trees near their lines. The 6m landscape area on the subject property has only sparse trees. He feels that the existing trees are insufficient to stop the light, noise, etc.

Chair S. Dempsey asked K. Whalen if a fence would be his preferred solution even if it meant taking down a mature tree to install it. K. Whalen responded yes.

K. Martin asked the residents where they felt the fence should go, and whether they would prefer it be placed on the property line. K. Whalen felt it should be 6m from their property line. K. Martin asked K. Brewer if this was standard. K. Brewer explained that the zoning by-law requires the fence to be placed along or parallel to the common property line. He indicated that he has never interpreted that to mean 6m from the property line, but nothing would prohibit this if it were placed parallel to the line. Generally, it is placed along the common property line. K. Martin clarified that in this case it would be underneath the power line, which K. Brewer confirmed, and reiterated that NB Power will generally allow that with the understanding that if they needed access, they would remove the fence as necessary. It would require approval from NB Power to put it in that easement area. K. Martin asked resident K. Whalen if that would work for the residents and K. Whalen agreed it would but questioned why the fence should be placed where it may be removed in the future when there is other space for it beyond the easement.

Chair S. Dempsey asked if anyone else had anything to add. Resident J. Creighton suggested that putting the fence along the back of the parking lot would prevent the developers from dumping the snow in the area along the shared property line and stated he is concerned about the water from snow piles draining onto his property. He added that putting the fence along the parking lot would allow trees to be planted between the fence and the property line.

Resident D. Hennigan asked about the property that was sold and rezoned last year next to this parcel and stated he wanted to know more about that. K. Brewer indicated that the rezoning approval of Council for that parcel is still in effect, but it is not part of this application so it is not up for discussion this evening.

Chair S. Dempsey asked for clarification about to what degree the Committee can talk about fence location as part of this conditional use application. K. Brewer suggested that they could add a third condition referencing back to the zoning bylaw to state that landscaping and fencing be provided in conformity with section 91(2)(a) of the zoning bylaw. By doing that it would indicate that the Committee is of the opinion that the existing screening is insufficient and that this section would apply. This would mean that there would need to be the 6m wide landscaping area consisting of trees as well as 2m tall opaque fence placed on or parallel to the common property line. If the Committee wanted to be more specific about the location of the fence whether that be force it on the property line; 3-6m from the property line to ensure it is outside the easement; abutting the parking lot, etc. K. Brewer would caution that if we were to do that, we would be making many assumptions about where snow might go, where trees are, etc. without the benefit of a thorough site plan review. We don't want to get into a situation where we might be forcing the fence to a location where it simply can't logistically go.

Chair S. Dempsey asked if a Committee member wanted to make a motion concerning the fence, that they could simply make the motion that the Committee impose section 91(2) and the three requirements under part (a) would automatically apply? K. Brewer indicated yes.

D. Primeau asked if they were to proceed as just referenced, the Committee would then leave it up to the developers, the Town's engineers and officials, etc. to determine the best location of the fence while also embedding into it the snow removal plan, etc., and asked if this is the normal operating procedure in this type of situation. K. Brewer confirmed that it is.

Moved by Kelvin Martin and seconded by Susan Steeves that the Riverview Planning Advisory Committee APPROVE the proposed conditional uses on PIDs 05121207 and 05121215 to permit multiple unit dwellings in an R3 zone subject to the following conditions:

1. That the project be developed in substantial conformity with the submitted site plan, elevation drawings, and renderings;
2. That as-built drawings for engineering submissions shall be required within 30 days after construction
3. That screening be provided as per section 91(2)(a) of the Riverview Zoning By-law, and that the 2m tall opaque fence be placed at least 3M from the rear property line.

D. Primeau asked why the Committee would add the 3m outside of the easement condition when there are others like the developers, the Town officials etc. who know the site and have the opportunity to determine where the best location for the fence would be. He added that he hasn't seen the site so maybe that condition is realistic but maybe it is not. He simply is not comfortable with that condition.

MOTION CARRIED – Susan Steeves, Kelvin Martin and Kevin Steen in favour, Shawn Dempsey and Daniel Primeau against.

7. TENTATIVE SUBDIVISIONS

NIL

8. OTHER BUSINESS

K. Brewer mentioned that the Housing Needs Assessment/Affordable Housing Strategy study was presented to Council at last Monday's Council meeting, and he'd be happy to answer any questions about it.

9. NEXT SCHEDULED MEETING

The next scheduled meeting is Wednesday, January 10, 2024 at 6:00 p.m.

10. ADJOURNMENT

Moved by K. Steen. Meeting adjourned at 7:25 p.m.



Shawn Dempsey, Chair