

PLANNING ADVISORY COMMITTEE
MINUTES – August 12, 2014

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, August 12, 2014 at 7:00 p.m.

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

Absent: Darren Bishop
 Marc Gosselin

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: Mark Hatfield
SECONDED BY: David Carlson

That the agenda be approved.

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: David Carlson
SECONDED BY: Jean Place

That the Minutes of the July 22, 2014 PAC meeting be approved.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Day care - number of children increase	Zoning By-law No. 038, Section 6(L)(2)	12 Greystone Drive
Discretionary Use (temporary after school program)	By-Law 038 Section 21.(B)(1)(c)	173 Pettingill Road
Fence just inside property lines	By-law #038 Section 6.(S)7	12 Reflection Lane
Detached garage: over-height, over-size, sideyard setback	By-law #038, Section 8.G.(1)(a), (b)(i), (b)(ii)	106 Longbow Place

MOVED BY: Darin Lamont

SECONDED BY: Mark Hatfield

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

59 Old Neck Road - Setback & Removal of Previous PAC Conditions
Tabled from July 22, 2014 PAC Meeting

The applicants, Mr. & Mrs. McKellar, were not in attendance when the agenda item was called by the Chairman so it was motioned by Mr. Pierre Rioux and seconded by Mark Hatfield that this item be moved to the end of the agenda. Motion Carried.

7. New Business

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Tentative Subdivision Plan – lot width frontage	By-law #038 Section 25(K)(1)(a)	2 Neck Road
b)	Detached garage in front of dwelling & front yard setback	By-law #038 Section 8.(G)(1)(b)(i) and 8.(G)(1)(b)(ii)	109 Pettingill Road
c)	Detached garage size & height	By-law #038 Section 8.(1)(c) and (a)	18 Pacer Avenue

a) Tentative Subdivision Plan – lot width frontage – 2 Neck Road

Mr. Gerald Roberts of Kierstead Quigley and Roberts Ltd attended on behalf of James G. Wilson to present a Tentative Subdivision Plan proposing the subdivision of Mr. Wilson’s 16,290 square metre residential property at 2 Neck Road into two (2) lots. Mr. Wilson wants to be able to transfer a portion of his lot to his daughter while retaining ownership of the remnant parcel (Lot 14-1) containing his house, well and septic. The newly subdivided lot (Lot 14-2) will require a lot width variance of 17.42 metres prior to Final Plan approval as it will not have the minimum 54 metre lot width (frontage) as per Zoning By-Law No.038, Section 25 (K)(1)(a). The lot 14-2 will have a lot area of 8,690 square metre that will be sufficient for the placement of dwelling, the required onsite septic field and private drilled well. As the lot is located in the Rural zone the provision of the Section 25 F(3) are

applicable with respect to location of the main dwelling relative to one sideline. The remnant parcel will meet all the minimum requirements of the Zoning By-law with respect to lot dimensions and building setbacks as such no variances will be required for Lot 14-1.

There were no questions from the PAC Members and no one speaking for or against this application. No concerns were received prior to the meeting.

MOVED BY: Jean Place
SECONDED BY: David Carlson

That the PAC approve the 17.42 metre lot width variance for the proposed Lot 14-2 to allow for the subdivision of the property at 2 Neck Road with the following conditions:

- 1. LPP obligation to be met by cash-in-lieu in the amount of \$750.00 for Lot 14-2 in accordance with the Subdivision By-law No. 035;*
- 2. On-site Septic Approval in accordance with the Provincial Health Act;*
- 3. Subdivision filing fees in the amount of \$100.00 for a subdivision plan having two lots or less; and*
- 4. Final Plans to be properly signed by the necessary utilities and owners prior to submission to the Town for final approval.*

CARRIED UNANIMOUSLY

b) Detached garage in front of dwelling & front yard setback – 109 Pettingill Road

Mr. James Robertson attended seeking approval for a proposed detached garage to be placed beyond the frontline of the main dwelling with a front yard setback of 4.3 metres (15'). The information reviewed by the PAC included the Pettingill Road being a Through Highway (Collector Street) and as such the minimum front yard setback from the street line (property line common with the street right-of-way) for an accessory building used as a detached garage must be 15 metres or 50 feet. The proposed garage is to be located such that it is at 10.7 metres or 35 feet from streetline line. The main dwelling is located 4.57 metres (approx. 15 feet) from rear of property line as approved by the PAC in April 2000 when the current home was constructed on the lot. The placement of the home closer to the rear line was to address a brook that dissects the property. The proposed detached garage would be placed in front & away from the brook. The size of the proposed detached garage at 24' x 26' is compliant with Zoning By-law.

The opening of the garage was confirmed to be facing the asphalt and not facing the road.

The PAC Secretary was asked if any other letters of concern were received; no others were received.

MOVED BY: Mark Hatfield
SECONDED BY: Darin Lamont

That the Planning Advisory Committee grant the approvals from Zoning By-law No. 038 Section 8.(G)(1)(b)(i) & (ii) respectively for the detached garage to be placed beyond the frontline of the main dwelling and to have a front yard setback of 4.3 metres (15') subject to the following 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 building is not to be used for business purposes or for the keeping of livestock, or be used as a dwelling unit; and*
3. *The location of the building is confirmed by the Building Inspection department prior to construction.*

CARRIED UNANIMOUSLY

c) Detached garage size & height – 18 Pacer Avenue

Mr. Don Cleveland attended requesting approval for construction of a detached garage with a proposed height of 5.5 metres (approx. 18 feet) and as such a 0.6 metre (1 foot 8 inch) variance is required as the maximum permitted is 5.0 metres (approx. 16 feet) as per Section 8.(G)(1)(a) of Zoning By-law No. 038. Also, the size of the proposed garage is 28' x 30' (840 sqft) and as such a 15 square metre (approx. 162 sqft) variance is required as the maximum permitted is 63 square metre (678 sqft) as per Section 8G(1)(c) of Zoning By-law No. 038.

The information reviewed by the PAC noted that the lot is located in the Rural Zone but the lot size is only 4023 square metres and as such Section 8.(G) to 8.(I) applies with regards to Accessory Buildings. The proposed height results from 12 foot ceilings required to store a truck and the 5/12 pitch design for the roof. Mr. Cleveland confirmed that there would not be a second story and that the height was required for his antique truck. The use was noted to be for storage of every day vehicles plus room to work on antique automobiles.

The garage will be located in a large side area of the property that is situated slightly lower than the area of the main dwelling. The area is sheltered by natural trees that buffer it from the main dwelling and the street view which will mitigate any impacts on adjacent properties. The garage will be accessed by via second (existing) driveway and all building setbacks are compliant with Zoning By-law.

The PAC Secretary was asked if any other letters of concern were received; none were received.

MOVED BY: Mark Hatfield

SECONDED BY: David Carlson

That the PAC grant the variance of 0.6 metre (1 foot 8 inch) variance in height and the 15 square metre (approx. 162 sq. ft) variance in area for the construction of the detached garage at 18 Pacer Avenue based on the following conditions:

1. *The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and*
2. *The building is not to be used for business purposes or for the keeping of livestock, or be used as a dwelling unit.*

CARRIED UNANIMOUSLY

6. Unfinished Business: Setback & Removal of Previous PAC Conditions – 59 Old Neck Road

Mr. John McKellar attended seeking approval for the construction of a new main dwelling that will connect to an existing dwelling at 59 Old Neck Road. Mr. McKellar noted that they were before PAC on November 26, 2013 requesting approval for the construction of a single-family dwelling on a waterfront property adjacent to the Kennebecasis River. At this meeting, the elevation of the new dwelling, the side yard and front yard distances from the municipal right-of-way were questions and recognized that the site plan was not detail enough to know if variances would be required. It was announced that the applicant had, at that time, only requested approval to build on a waterfront under the conditions that he was not building within the thirty metres of the water line. The applicant had not requested approval for any variances therefore notice of any such variance requests were not sent out to the property owners in the vicinity. On November 26, 2013, PAC granted approval for the construction of single-family 2200 square foot dwelling on a waterfront property adjacent to the Kennebecasis River with conditions stating that no construction to be done within the thirty metres of the waterfront, that the existing house must be incorporated into the new house or removed from the property, and that any variances required such as elevation or side yard setback must be acknowledged and the applicant must return to PAC before a building permit is issued.

It was noted that subsequent to the approval of the waterfront development, Ms. Heather Peterson of 65 Old Neck Road reminded the Town of the PAC approvals that related to lot 99-1, which began on September 28, 1999. At that time the subdivision approval conditions by PAC stated that the developer must place notes on the plan herein known as follows:

- #7: Any future subdivision of land beyond lot 99-1 would require the developer to pay the cost of the road upgrade to municipal standards; and
- #8: If any alterations or construction, other than cosmetic, take place on the home it must be moved back to have additional setback.

Secondly, on March 21, 2000, PAC granted a lot area variance for lot 99-1 Old Neck Road, allowing a lot size of 3750 square metres, subject to the condition that “no future variances be requested for this property”.

PAC members asked if it was the intent at today’s meeting was to remove all restrictions or conditions previously set by PAC. Mr. Colbourne stated that specific to this application, the condition, as noted by #8 above, is the one the applicant is requesting to be lifted so that he can build onto the existing home without having to move it back as requested in 1999. He clarified that an addition is more than just cosmetic and the existing dwelling would have to be moved back if this condition remains. It was noted by Mr. Colbourne that current setbacks from By-law #038 would require the house to be 25 feet (7.5m) from the road. Mr. Colbourne stated that PAC must look at the context and understand that this is not the same as the Quispamsis Road or Pettingill Road where the minimum setback would be 50 feet (15m).

The information item of the Town of Quispamsis offering \$10,000 to assist in the upgrade of the Old Neck Road, an old abandoned highway, was reviewed and asked if it was put in place. Mr. Colbourne noted that this assistance was directed for another lot, the remnant lot of the subdivision that created 99-1 which expanded across both sides of Old Neck Road and was

offered at the time of the creation of the separation of this remnant lot to create 94-1. It was noted that this information was added to the PAC package at the start of the meeting, not with the delivery of the packages on the Friday prior to the meeting.

Mr. Colbourne reiterated that tonight's decision before the PAC was to determine if the note on the plan is valid by looking at the Old Neck Road and recognizing that it is a municipal right-of-way that exists and must be reviewed with future planning in mind. In terms of planning and transportation, if at some point someone wishes to develop that area and put a street down there, what impact would that have on retaining the current location of the existing building. The applicants' new building, in terms of setbacks, can be proposed to meet current setbacks but PAC still needs to look at how much room is there and if a future development or street were developed, how much impact would that have on the new building.

Some confusion over the lot and existing dwelling whereabouts was cleared up by confirming the existing dwelling on 59 Old Neck Road is where the addition of a garage and new dwelling are proposed to be added on to. The two subdivision plans, that of the 99-1 lot creation and the tentative 94-1 creation were clarified as two different lots as of the registered plan on Service New Brunswick in 2000. It was recognized that some confusion was due to the property information of 59 Old Neck Road originally filed with the Town under the civic address of 65 Old Neck Road because both homes were on one lot of land and this lot was given the civic number 65 in 1998 during provincial readdressing.

A question was posed with regards to the house just up from the applicant's property, known as #60 Old Neck Road, and what would happen to this house if a road was to be developed in that area. Mr. Colbourne noted that this section of the road, a portion directly in front of #60 Old Neck Road, was closed by way of a stop up and close through a By-law, #51, in 1990 due to the fact that half of that house is directly on the road. He noted that what PAC needs to look at is the possible future development of a road, to municipal levels, that could connect back up to the Neck Road to accommodate the significant parcels of land in that area that has the potential to be developed and whether this could be done with a one way road that might limit the access. Also, if a road was to be developed, and the condition is lifted to allow the house to remain as is at 59 Old Neck Road, would there be sufficient room to maneuver around for travel. Mr. Rioux asked if a street were created, how close would the existing dwelling be to the road. Mr. Colbourne stated that the plan survey for lot 99-1 shows a measurement of 12.5 metres from the property line of this lot to property line of #60 Old Neck Road where the stop up and close was located. The exact placement of the dwelling was not shown on the survey.

Mr. McKellar noted that the properties in the area have homes that are all close to the road except for the one to that is on the road and that if a future road were to be created moving forward, three properties would be impacted on one side but only one on the other side. He noted that there would be lots of room if the road was moved to the right of the region. He also noted the information that he has gained since he bought the property such as initially being unaware of the ownership to the storage shed that sits on Town property between his lot and his neighbors plus the original ownership of the lot he purchase – that belonging to the same neighbor. Mr. McKellar apologized for any hard feelings or discomfort and wanted to work towards healing the situation. His thoughts for potential roads were in consideration of

all of his neighbors on the same side. In theory, he would not like to see future development but if it should happen, he would rather see one home impacted versus three.

The importance of the existing home was questioned and Mr. & Mrs. McKellar's response was that there is a mortgage on the dwelling as part of the property package and that the cost of building an entirely new dwelling to include the square footage of this existing home would increase the need for further financial assistance. The added space is to accommodate the blended family of six children that visit between university semesters plus in-laws that visit when not traveling to their seasonal homes. It was asked if the plan could be arranged so that the new house was added to the existing house then the garage to the other end and Mr. McKellar stated that he is willing to do whatever the Town preferred in order to make this work with all setbacks. His current plan was designed so that no setback variances were required for the new portion and if alternate plans were requested, he would work to ensure no other variances were required with that also. The location of the driveway was reviewed and noted that the new design was created to eliminate parking near or on the road which could cause traffic congestion due to the fact that the existing driveway is alongside the road. He also noted that he would consider putting the garage in the basement of the existing house if this would be more acceptable but with consideration to cost.

The current design, with the existing house as is, adding the attached garage and then the new house addition, was questioned as a two family home or a home including an in-law suite and as such, requiring further variances. Mr. Colbourne explained the definition of each, which specifically require a kitchen and are basically destined a self-contained section of the house. Mr. McKellar stated that the existing dwelling (upper level road side) would be redesigned to be a master bedroom and bathroom only, not a kitchen and that if there was concern for this portion of the house being created as an in-law suite, he would work with the layout to ensure this was not possible. His current plan showed no access to the existing dwelling, once redesigned, except through the new addition.

Mr. McKellar was asked if he was willing to upgrade the road during this process and Mr. McKellar stated that he was willing to work on his portion but questioned the request for the remainder of the road. The condition of the 1999 variance (Noted as #7 on previous pages) was clarified as "future subdivision" not "future construction of any home". The condition of the road was reviewed, including a culvert that is broken and creating a hole in the middle of the road.

At this time, Mr. MacLaughlin asked if there was anyone who wished to speak for or against this application. Ms. Heather Peterson and her daughter Stephanie were in attendance to speak against the applicant; Ms. Peterson's husband was unavailable due to work commitments. Ms. Peterson reviewed the letter she sent in to the Town as noted below:

Please consider this correspondence as official written objection to the variance application put forward for the property of 59 Old Neck Road.

First and foremost, several documents issued by the Town of Quispamsis, most recently dated March 24, 2000, specify that no further variance may be requested for this property.

We recently provided The Town of Quispamsis an original copy of an established variance that by which precedent for action surrounding ownership and use of the property has been affected for a number of years. As a result, there are a number of issues that surround any development on the property.

Further to the impact that reevaluating the variance places on our street, there are significant considerations that allowing for construction of this nature to be carried out.

The normal setback frontage is stipulated at twenty-five (25) feet; however, this house is within a foot or two of the line. It was already established that any changes to the existing structure would require for the building to be moved back or be removed to correspond with the Town's own frontage requirements and the existing variance.

It was stipulated that any new development to the property would require for the road to be upgraded to the cost of the developer. At this time, since new ownership has been assumed for the property, no less than five vehicles and corresponding occupants making use of the road on a daily basis, damage has occurred to the roadway that must be addressed. The current home as it exists makes this not possible according to the Town. As a result the variance reflected that if any change were to be made to the home, that it would need to be done in such a manner that would allow for the road to be brought up to safety standards. The New Proposal, dated 14-0707, and the first of its kind that has been provided to the surrounding properties, does not reflect anything to this effect.

The amount of vehicles and occupants that currently reside on this property, in conjunction with plans as they currently are presented, suggest that a multi-family dwelling is being developed, which is another matter entirely for its current zoning stipulations, per Zoning By-law 038. The New Proposal also reflects aspects in contradiction with items in this document.

As another point of order, the Town of Quispamsis per Zoning By-law 038 specifies that any construction must be 30 metres (98.4 feet) from a water course. The property pins from the roadway to the water course are 43 metres (141 feet) in total. This is not sufficient space for any construction of this nature. The current variance reflects this, and in consideration of a number of issues, there exists no precedent for rationale to alter this variance that has explicitly stated is meant to be the final variance for the property.

Furthermore, the measurements in the New Proposal do not correspond to the property itself, nor are they physically possible, a concern that was echoed by Ms. Brown via telephone communication immediately following our receipt of notification that was placed in the mail Tuesday, July 8, and was received Friday, July 11.

This provided us with four business days with which to prepare our comments and concerns for submission to public record. There are other matters at hand to be discussed that we will make a matter of public record in person, including items that would be documented in a file with the Kennebecasis Valley Police Force. We will be in attendance at the upcoming Planning Advisory Committee meeting July 22.

It is with great anticipation that we look to the Town for support of maintenance of our lifestyle, property, and home that has been in the family for three generations - my husband's father built this home, and he has lived on this property for over forty years, and we have raised our family here for approaching thirty ourselves.

Ms. Peterson expanded on her concern for the appearance of a multi-family home on the applicant's plan. She noted that the proposed garage was larger than the existing home and the new addition is proposed at being the size of both the house and garage together. She said that there appears to be several full families living there now, not just university students.

Stephanie reiterated on the inaccuracy of the measurements on the proposed plan stating that the layout was not to scale and that there is not enough room to accommodate the dwelling sizes. Mr. MacLaughin asked if they had an accurate survey of the lot to prove inaccuracy and Ms. Peterson said they used a measuring tool to show that from the front pin to the waterline

pin is 141 feet on the side of the property closes to her property. She indicated that this was different from the original survey she had done by Gerald Keirstead when the lot was created.

Ms. Peterson noted that the lot 99-1 was deeded to her husband's sister with the intention of keeping it in the family. Since the property was sold and did not stay with the family, it is an emotional situation for her and her family. If they had known the condition noted as #8, or any other condition, could be lifted from the property, her family would have purchased the property back themselves or suggested any of her friends buy it but she had been dissuading family and friends from buying it due to these previously set conditions. Her understanding of condition noted as #7 included any work done to the property, not just subdivision of land. It was questioned why there would possibly be a decision made now that would overturn a decision previously made on the property. It was noted by the PAC and Town staff that things change and some things don't make any sense years after a decision is made; it was noted that although nothing has changed on the property, it has been fourteen years since the condition was set. It was also noted that this was the first time on record that anyone came to the Town to ask if the conditions could be lifted or removed.

Ms. Peterson further added that she had a report entered with the Kennebecasis Regional Police Department regarding items being removed from their property, specifically from a storage shed that abuts the McKellar's property. This communication with police lead to a conversation with Mr. Colbourne and this is how they first heard about the proposal of the garage and addition.

Ms. Peterson also noted the neighbors were burning refuse and torching grass, cutting down trees close to the waterfront, so many cut trees that you can now see the house from the water whereas it could not be seen prior to now. She stated that the trees were cut without permits from the Department of Environment. She noted that they were cutting down trees and brush, on Town property, from the roadside, which she feels is causing a concern for road erosion. Ms. Peterson stated that there are five to six cars on the property every day and this is going to cause a lot more havoc on the street. She feels that the applicants are not following the rules and if granted permission to build, has concerns for future disregard for rules.

Ms. Peterson noted that the proposed buildings are huge and will block the view from her property and her other neighbor's property therefore what the applicants are proposing is not fair to them.

The road maintenance was confirmed as being the responsibility of the Town and that the Town plows the Old Neck Road to the end which is just beyond the property of # 65. The condition of the road was reviewed again with both Ms. Peterson and her daughter stated that the deterioration of the road, including the hole in the culvert has come from the recent increase in traffic. It was noted that the Town would be responsible for this as in the past and that Ms. Peterson has spoken with someone at the Works Department regarding this already.

Ms Peterson recapped by saying that her concerns are for the size of the buildings, being too large for that lot, for the multi-family traffic impacting the road and for the buildings potentially blocking of view. She would like to see a professional survey done and the plan plotted on this to show a true picture and she would like to see the road upgraded if there will be a dual family there. With regards to the dual family intention, Ms. Peterson commented on the fact that the existing house is a complete house now with a kitchen and bathroom and as such, will be a second house on the lot. Mr. Colbourne stated that the current layout does not

indicate the final design and it was noted that previous minutes stated the purpose was to remove the kitchen and have a master bedroom and bathroom in that part of the existing home.

Mr. Colbourne clarified that the lot is large enough to build the size building as proposed and still remain within setbacks and if this was done without using the existing building, the property owner would not be required to come to PAC. The By-law states that thirty percent of the property can be used for building purposes, therefore, with this lot size of 40,000 square feet, a house size of 12,000 square feet could be built. Mr. Colbourne stated that PAC simply needs to look at the fact that the applicant wants to connect to the existing building and determine if it is justifiable to lift the condition noted at #8. He further stated that in terms of traffic, there is nothing stopping the applicant or anyone from traveling along that road as it is a public road. As for the condition of the road and the PAC condition #7, he clarified that it states "subdivision of land beyond lot 99-1" and therefore not part of lot 99-1 or with consideration to building a house on lot 99-1.

Mr. McKellar spoke to the concerns and noted that although there has been many cars in the driveway during the summer, it was due to their university student children who have now returned to university and no longer living there. He also noted that the Old Neck Road is a dirt road that is affected by all traffic, including garbage trucks, as well as weather conditions. Mr. McKellar confirmed that this construction will not be a two family and that it is no more than a two storey home. He also reiterated that he could move the garage to the other side so as to have the old and new portions of the house together if the concept of an in-law suite was to be entertained. Mr. Colbourne stated that it is not exactly clear at this time what the intent is and that needs to be clarified at this meeting. He noted that if the applicants are saying whatever they feel the PAC wants to hear just to get approval, that it will come back around as there are inspection stages required. The building inspection department reviews plans before permits are issued and if there is a kitchen in the design, the work will be stopped and permits will be pulled back.

Stephanie reiterated that no matter what the design is, the variance approval condition still stands on the property and that there is about enough room to put a car lengthwise between the house and the road and this needs to be addressed.

Mr. Colbourne once again clarified the reason for the PAC decision tonight and that is to remove a condition from a previous variance. The applicant is not here tonight to request any variances and that any PAC approval can state conditions such as "no two-family dwelling" permitted.

It was noted by a PAC member that if this applicant decided not to proceed and lived in the existing house as it stands, or sells to others who do the same, and the Town decides to put a full road down there later on, it would be difficult for the Town to go to that resident and tell them they have to move their home. It would be no easier to go to that other house further down at #60, that has been located on the road for years, and tell them their house has to be moved. Once again, it was noted that there are other homes close to the road like on Quispamsis Road. Stephanie mentioned the Old Neck Road is a single lane dirt road and that two cars cannot pass at the same time without being on someone's driveway and about to hit their house, so this is different from other roads. It was noted that there is a sixty-six foot right-of-way for most of Old Neck Road and only the stop-up-and-close section is single lane.

The road and tree line discussion brought up the fact that trees were cut down roadside and within the thirty metre waterfront area and it was noted that the waterfront development is the jurisdiction of the Department of the Environment. Again, Ms. Peterson mentioned that this is an indication that the applicant and family members of the applicants are not following the rules. It was commented by a PAC member that the applicants are here tonight to follow the rules and ask for approval. It was also noted that it is unlikely that anyone would purchase this lot of land with the existing house with the purpose or plan of moving the house. Ms. Peterson agreed and indicated that this is what she told many people – that there is a variance which stipulated no further variance, period. Mr. Colbourne offered the definition of a variance by explaining that it is something that is varying from what is in a By-law but that the By-laws are general so as to cover the entire municipality. With this, there are cases that do not meet the requirements and can accommodate a variance.

A PAC member asked Mr. Colbourne if the PAC could lift the condition noted as #8 with a condition in itself to say that no further variances could be requested and have the applicant come back with the proper survey and measurements. Mr. Colbourne stated that the question remained about the precise measurements on the site plan and noted that this needs to be evaluated before a decision could be made.

The placement of the sewer and septic system was noted by Ms. Peterson as being where the garage is proposed. Mr. MacLaughlin noted that buildings can be placed on top of the septic field so long as it is marked; although not recommended, can be done after being coded and recorded legally. Ms Peterson asked if that would be part of the survey and it was noted that the Town would ask for this information as part of the building inspection.

Mr. McKellar asked for a confirmation of requirements; that of accurate measurements by a professional survey company including setbacks, foundation elevation, driveway and building locations, plus eliminating the concern for two-family. At this, Ms. Peterson asked how the Town continues to ensure a two-family is not built, and beyond the building inspections noted earlier, Mr. Colbourne stated that the post office and tax assessment office are other indications to the Town. He further explained that the Town has been notified in the past of situations such as this and have ensured the property owner revert the property to the permissible condition.

Mr. Colbourne reiterated that the precise measurements of the site plan need to be offered before a decision could be made so as to ensure no variances are required. If variances are needed, the other condition of the 2000 PAC Approval variance, that of “no future variances be requested for this property” must also be lifted before variances could be reviewed. The PAC Secretary asked for clarification on whether the applicant had to return to PAC with the measurements in order to obtain an approval or would an approval be issued at this meeting with conditions stating the inaccuracy had to be corrected before a building permit is issued as the current PAC practice depicts. It was noted that there is an objection, with specific concerns to the measurements, and that Mr. Colbourne would suggest the PAC review again. With the next PAC meeting set for September 9th, it was proposed that a meeting be set up for two weeks time just for this application so as to eliminate some hardship and valuable time for the applicant. Mr. McKellar stated that he didn’t think he could be ready in two weeks if he was to obtain a professional survey and have a new plan, designed by an architecture, that ensured no variances were required. He asked if he was to bring the new plan to PAC or the office. The PAC members discussed whether the applicant should return to PAC with the

information before a decision is made or should the PAC make a decision with the conditions that the measurements and plan are approved by the Planning Department and Building Inspection Department before issuing a building permit. It was noted that if the applicant provides all the measurements without variances required, then a meeting would not be needed.

It was recognized by the PAC that conditions have been lifted before in other requests both in the Town of Quispamsis and in other Municipalities.

MOVED BY: Darin Lamont
SECONDED BY: Mark Hatfield

That the PAC lift the condition "If any alterations or construction, other than cosmetic, take place on the home it must be moved back to have additional setback." noted as # 8 on the Harry Veino Subdivision Plan of October 30, 2000 numbered 11486876, that was created for the purpose of create lot 99-1, Old Neck Road with the following conditions:

- 1. The Harry Veino Subdivision Plan of October 30, 2000 is amended to show the #8 note is lifted;*
- 2. The Amended Harry Veino Subdivision Plan of October 30, 2000 is to continue to show the note "Any future subdivision of land beyond lot 99-1 would require the developer to pay the cost of the road upgrade to municipal standards" as previously noted as #7;*
- 3. The Amended Harry Veino Subdivision Plan is to be approved by the Town of Quispamsis Municipal Planning Officer and Building Inspector before it is registered with Service New Brunswick;*
- 4. A professional survey is completed and include accurate measurements of the lot with the existing dwelling, the new house and garage laid out as a site plan;*
- 5. All setbacks such as foundation elevation, the distance from the road being at least 7.5 metres and the development is not within 30 metres of the waterfront, are in compliance with the Town of Quispamsis By-law # 038;*
- 6. Approval from the Department of Environment is on file showing that the work being done is not within the thirty metres of the waterfront or any work within that area is approved by the Department of Environment;*
- 7. The construction is not to be for a two family home now or in the future and this is to be noted on the building permit; and*
- 8. The building permit is not to be issued until all setbacks and plans are approved by the Town's staff.*

CARRIED UNANIMOUSLY

After the motion was carried, Ms. Peterson asked if she was entitled to see the plans. Mr. Colbourne informed her that the Amended Subdivision Plan would be available once it was registered on Service New Brunswick as a public document. He noted that this Amended Plan is not in conflict with the condition noted as #7 above because it is an amendment of a current subdivision plan, not subdividing lands at this time and is not beyond the lot 99-1. As

for the site plan and house plans, those documents would be confidential and permission would have to be granted from the applicant before the Town could share such information. Ms. Peterson asked about the construction equipment and the potential blocking of the road. Mr. Colbourne and Mr. MacLaughlin both explained that Old Neck Road is a public right-of-way and that traffic cannot be blocked from passing through and that the Town's By-law covers this.

8. Information Items

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9. Adjournment

MOVED BY: David Carlson

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 9:00 p.m.

The next Planning Advisory Committee meeting is scheduled for September 9, 2014.

Respectfully Submitted,



CHAIRMAN



SECRETARY