

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – April 25, 2017**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on April 25, 2017 at 7:00 p.m.

In attendance:     Bob McLaughlin  
                          Carolyn LeBlanc  
                          Darin Lamont  
                          Darren Bishop  
                          Jean Place  
                          Kendall Mason  
                          S. Dwight Colbourne, P.Tech, Municipal Planning Officer  
                          Violet Brown, Secretary

Absent:                Marc Gosselin

**1. Call to Order**

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

**2. Approval of the Agenda** with the following changes:

Oversized Accessory Building at 6 Rivercrest Drive was pulled.  
Home Business at 137 Hammond River Road was postponed until May 23, 2017

MOVED BY:            Darin Lamont  
SECONDED BY:         Jean Place

CARRIED UNANIMOUSLY

**3. Disclosure of Interest on Agenda Items**

None.

**4. Review of Previous Meeting Minutes**

MOVED BY:            Darin Lamont  
SECONDED BY:         Darren Bishop

*That the Minutes of the April 11, 2017 PAC meeting be received and filed.*

CARRIED UNANIMOUSLY

**5. Business Arising from Minutes**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
<i>Setback for Detached Garage Beyond Frontline of Main Dwelling</i>	<i>By-law 038, Section 8.(G)(1)(b)(i)</i>	<i>10 Carpenter Drive, PID 450254</i>
<i>Amending Subdivision Plan – Folkins Subdivision</i>	<i>By-law 035</i>	<i>Kallars Hill Road</i>

MOVED BY: Carolyn LeBlanc

SECONDED BY: Jean Place

*That the Notices of Decision be received and filed.*

CARRIED UNANIMOUSLY

**6. Unfinished Business**

- a) **Still Pending: Tentative Subdivision Plan: Foxborough Ridge; Off Pettingill Rd; 43 lots postponed from March 14, 2017 PAC Meeting.**

**7. New Business**

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	<i>Similar or Compatible Use to a Home Occupation – Lawn Care</i>	<i>Zoning By-law 038 Section 6.K</i>	<i>15 Kelcratis Ave, PID 30589474</i>
b)	<i>Sign size variance</i>	<i>Sign By-law 036, Section 13.A.(1).(a)</i>	<i>138 Millennium Drive; PID 30248769</i>
	<i>Oversized Accessory Building (Green House) <b>PULLED</b></i>	<i>Zoning By-law 038, Section 8.(G)(2)(c)</i>	<i>6 Rivercrest Drive, PID 3007196</i>
	<i>Home Business - Massage Therapy <b>POSTPONED to May 23<sup>rd</sup></b></i>	<i>Zoning By-law 038, Section 6.(K)</i>	<i>137 Hammond River Road, PID 230722</i>
c)	<i>Sign Variance</i>	<i>By-law 036 Section 13.(A).(3)</i>	<i>9 Millennium Drive, PID 30254056</i>
d)	<i>Foundation Elevation, Waterfront</i>	<i>By-law 038, Section 6.(F), 6.(BB)</i>	<i>59 Old Neck Road, PID 30193411</i>
e)	<i>Foundation Elevation, Waterfront and Front Yard Setback</i>	<i>By-law 038 Sections 6.(F)(1), 6.(I) &amp; 6.(BB), 8.(E)(1)(a)</i>	<i>469 Gondola Point Road, PID 30256804</i>

- a) **Similar or Compatible Use to a Home Occupation – Lawn Care Operation  
15 Kelcratis Ave, PID 30589474**

Mr. Gary Vnuk attended seeking PAC approval to operate a lawn care business that involves mowing lawns, installing and maintaining gardens on a part time basis from the home at 15 Kelcratis Ave, PID 30589474. Mr. Vnuk stated that the business is part time and if it should grow beyond the small set up that it is he would relocate the business. While this is not the traditional "Home Occupation" referred to in Section 6.(K) of the Zoning By-law, the

equipment will be transferred to and from this address for the purpose of operating the business and therefore it requires approval.

As this is not being operated within the dwelling and cannot be considered under the same guidelines of a "home occupation", the Planning Advisory Committee was asked to consider this under the Similar or Compatible Use to that of a Home Occupation.

Notice was sent to residents within 100 metres of the property. There were two responses received noting a covenant in the Evergreen Park Subdivision which states *"The said lands or any buildings erected thereon shall not at any time be used for the purpose of any profession, trade, employment, service, manufacture or business of any description..."*. While covenants are part of a private contractual arrangement between the property owners of the subdivision and as such not binding on municipal zoning bylaws or applications pursuant to the zoning bylaw, the fact of their existence became part of the PAC review. Mr. Vnuk stated that he read the covenant and interpreted it to mean no business permitted such as a hair salon where traffic from client would be brought to the subdivision. No one attended to speak for or against the application.

MOVED BY: Jean Place  
SECONDED BY: Kendall Mason

That the PAC considers the proposal of a Lawn Care Business as a Similar or Compatible Use to a Home Occupation at 15 Kelcratis Avenue, PID 30589474, and with consideration to the covenant on the property, approves the operation subject to the following conditions:

- 1) Not more than one person is engaged therein in addition to any permanent resident of the property in which it is located;
- 2) No equipment or material used therein is stored other than in the existing attached garage;
- 3) Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked outside on the lot; not inclusive of one small cargo trailer;
- 4) The activity not involve the management or dispatching of more than one (1) commercial vehicle;
- 5) There is to be no parking of personal vehicles, other vehicles or equipment on the street or within Town property;
- 6) As per the Noise By-law 023, Section 3)A.viii., maintenance and repairs to properties must be kept between the hours of eight o'clock in the forenoon (8 a.m.) and nine o'clock in the afternoon (9 p.m.);
- 7) No signs are posted outside the building which would indicate that a business is being conducted therein or operated therefrom;
- 8) The PAC approval to operate the business is subject to these conditions being adhered to; should complaints be received by the Town or the Developer responsible for the Evergreen Park Subdivision, the operation shall cease immediately; and
- 9) 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 with ONE NAY (Darren Bishop)

**b) Sign size variance – 138 Millennium Drive, PID 30248769**

The applicants were not in attendance when this agenda item was called.

MOVED BY:                 Darin Lamont  
 SECONDED BY:             Kendall Mason

That the PAC move the agenda item to the end of the meeting to allow time for the applicants to attend.

CARRIED UNANIMOUSLY

**c) Sign size variance – 9 Millennium Drive, PID 30254056**

Ms. Sarah Trainor attended on behalf of Wilson's Fuels seeking a variance to permit three (3) free standing signs in addition to the existing freestanding sign, a reduction in clearance of one decimal nine (1.9) metres for all three signs, a setback variance of zero decimal thirty-four (0.34) metres for one of the signs and consent for one of the signs to encroach into the Municipal Right-of-Way at 9 Millennium Drive, PID 30251056.

These signs have already been installed and PAC was asked to evaluate if this is an acceptable precedent to set for commercial properties. Staff concerns were with regards to the sign in the front middle of the property due to the location and potential risk to motorists for visibility.

Ms. Trainor acknowledged the concern and offered to move this sign to the rear of the building between the drive-thru road and the rear parking where there is a grassy area. The PAC was satisfied with this relocation. The other signs, while requiring a clearance variance, are set on the right and left sides of the property and do not cause a visibility concern.

Notice was sent to residents within 100 metres of the property. No concerns were received and no one attended to speak for or against the application.

MOVED BY:                 Kendall Mason  
 SECONDED BY:             Darin Lamont

That the PAC approve the relocation of the front middle sign to the rear of the building between the drive-thru road and the rear parking and approve the variance from Sign By-law 036, Section 13.A.(3) for an additional two (2) freestanding ground signs for a total of three (3) freestanding ground signs, a variance from Section 13.A.(3)(d)(i) of one decimal nine (1.9) metres for clearance below the signs, and a variance of zero decimal thirty-four (0.34) metres from Section 13.A.(3)(b) for the setback for the sign on the front left of the property of 9 Millennium Drive, PID 30251056, subject to the following conditions:

- 1) One of the signs approved will take the place of a permitted sandwich board sign under Section 13.A.(4) and thus no sandwich board sign will be permitted; and
- 2) One of the signs approved will take the place of a permitted freestanding sign for the posting of gas prices under Section 13.A.(5) and thus no additional freestanding sign for posting gas prices will be permitted.

CARRIED UNANIMOUSLY

**d) Foundation Elevation, Waterfront – 59 Old Neck Road, PID 30193411**

Rickie and Emily Cormier attended the meeting requesting a variance for foundation elevation and for construction on a waterfront property at 59 Old Neck Road, PID # 30193411.

Mr. & Mrs. Cormier plan to demolish the existing dwelling on the property and construct a single storey dwelling with attached garage as the main building. As per Bylaw 038 Section 6(BB), no alternations of existing buildings or land shall occur on any property bordering a watercourse without first requesting and being granted approval by the PAC. As per By-law 038 Section 6(F)(1), all new structures shall be placed or erected on a foundation such that the finished floor elevation of the first storey is at least one (1) meter above the final centerline grade of the street, as measured on the street at a location which approximates the middle of the structure. The variance requested is to locate the finish floor one decimal twenty-two (1.22) metres below the road.

Notice was sent to residents within 100 metres of the property. Ms. Heather Peterson of 65 Old Neck Road and her daughter Stephanie attended with several questions including the location of the new dwelling and the proposed twenty (20) feet from one property line and eighty-eight (88) feet from the other. The Cormiers stated that was to allow room for the septic field. It was recognized that the location is well within the setbacks of the Zoning By-law 038. Ms. Peterson asked if other buildings would be constructed and Mr. Colbourne stated that the property is zoned Rural and as such, a detached garage and/or accessory buildings are permitted but not part of the plan at this time. Ms. Peterson asked about previous variances approved and conditions set on the property. Mr. Colbourne stated that those variances are not applicable as this application is significantly different. Ms. Peterson and Stephanie questioned the use of the word "variance" in the notification sent to the property owners in the area when noting Section 6(BB). Mr. Colbourne stated that any construction on a waterfront property must be reviewed by PAC and this is not necessarily a variance to the by-law section but more of a requirement of that section. They asked if a new notification was going to be sent to property owners and Mr. Colbourne said that was not required since the PAC Notice of Decision would clarify and conditions would include the review of the Department of Environment. Mr. Cormier noted that they already received the watercourse alteration permit and gave a copy to the PAC Secretary for the files.

No one else attended the meeting to speak for or against the application.

MOVED BY: Carolyn LeBlanc

SECONDED BY: Darren Bishop

That the PAC approve the foundation elevation variance of two decimal two (2.2) metres for the construction of a single family home on a waterfront property at 59 Old Neck Road, PID # 30193411, subject to the following terms and conditions:

- 1) The existing dwelling is demolished prior to new construction;
- 2) A Watercourse Alteration Permit be obtained from the Province;
- 3) The preparation of the "Hold Harmless" agreement to ensure the Town is protected against liability arising from potential drainage problems in the future; and
- 4) A site drainage plan be submitted and approved by the Building Inspection Department to ensure that surface drainage is being directed away from the structure.

CARRIED UNANIMOUSLY

**e) Foundation Elevation, Waterfront – 469 Gondola Point Road, PID 30256804**

Mrs. Paula Trotter attended the meeting seeking approval for the construction of a single family dwelling that requires a foundation elevation variance of zero decimal three (0.3) metres and a front yard setback variance of eleven decimal two (11.2) metres for a waterfront development at 469 Gondola Point Road, PID 30256804.

The existing home has been vacant for some time and the subject of by-law enforcement under the dangerous and unsightly by-law and has continued to be monitored on a regular basis by town staff for continued enforcement. Due to the condition of the existing dwelling, the current plan calls for that structure and foundation to be completely demolished and disposed of and a new structure constructed.

The new elevation of the finished floor will actually be higher than the current finished floor, by approximately one decimal five (1.5) metres as the existing is well below the road.

The proposed setback will be in keeping with other buildings along this stretch of road and will be slightly more than the footprint of the existing building.

Notice of the application was sent to property owners within 100 metres. Correspondence was received from the property owner across the street asking for the height difference between the existing and the new. Her concern was for the loss of view of the river from her property as she was told by her real-estate agent that the property of 469 Gondola Point Road could never be built up. While the Town's By-law permits Single or Two-Family homes in the zone of this property, it was noted that the application did not require a height variance as it is a modest one-storey home they are building.

MOVED BY:                 Darren Bishop  
SECONDED BY:             Jean Place

That the PAC approve a zero decimal three (0.3) metre foundation elevation variance and an eleven decimal two (11.2) metre front yard setback variance for waterfront construction at 469 Gondola Point Road, PID 30256804, subject to the following conditions;

- 1) The existing dwelling is demolished prior to new construction;
- 2) A Watercourse Alteration Permit is obtained from the Province; and
- 3) A “Hold Harmless” Agreement is to be executed by the property owner, absolving the Town from any liability associated with water run-off, snow removal concerns and river impacts, with a registered copy to be filed with the Town.

CARRIED UNANIMOUSLY

**f) Sign size variance – 138 Millennium Drive, PID 30248769**

The applicants were not in attendance when this agenda item was called again.

MOVED BY:                 Darin Lamont  
SECONDED BY:             Kendall Mason

That the PAC table the decision until the next meeting so the applicants can attend.

CARRIED UNANIMOUSLY

**8. Information Items**

None

**9. Adjournment**

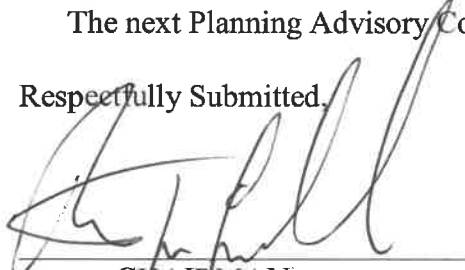
MOVED BY:                 Darin Lamont

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:35 p.m.

The next Planning Advisory Committee meeting is scheduled for May 25, 2017.

Respectfully Submitted,

  
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CHAIRMAN  
\_\_\_\_\_  
SECRETARY