

PLANNING ADVISORY COMMITTEE
MINUTES – August 9, 2016

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on August 9, 2016 at 7:00 p.m.

In attendance: Bob McLaughlin
 Darin Lamont
 Darren Bishop
 Jean Place
 Marc Gosselin
 Pierre Rioux, Councillor
 S. Dwight Colbourne, P.Eng, Municipal Planning Officer
 Violet Brown, Secretary

Absent: Mark Hatfield

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: Marc Gosselin

SECONDED BY: Darin Lamont

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

That the Minutes of the July 12, 2016 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>
Foundation Elevation	By-law #038 Section 6.(F)	64 Chamberlain Road
Developer's Agreement Amendment (to permit temporary storage of personal vehicles by a third party)	By-law #038 Section 18.(A)	175 Palmer Brook Road

MOVED BY: Marc Gosselin

SECONDED BY: Darin Lamont

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

None

7. New Business

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Setback to Main Dwelling - Accessory Building	By-Law No. 038 Section 8.(G)(2)(b)(ii)	101 Squire Drive
b)	Amend the Developer's Agreement for Expansion	By-law #017 Section 4.B	174 Millennium Drive
c)	licensed restaurant as a Discretionary Use in the Central Commercial (CC) Zone	By-law 038, Section 12.(B)(1)	174 Hampton Road
d)	Front Yard Setback – Attached Garage	By-law #038, Section 8.(E)(1)(a)	223 Vincent Road
e)	Tentative Schryer Subdivision Plan (foundation elevation, shared access, lot width, waterfront)	By-law #038 Sections 6.(F)(1), 6(N)(1) 25.(K)(1)(a) and 6.(BB)(1)(a) respectively	329 Model Farm Road
f)	Parking Lot Expansion (location, setback and surface variances)	By-law 038 Section 6.P.(3)(b), 6.P.(5) and 21.(G) (1)	7 Kingsway Drive
g)	Front Yard Setback – Detached Garage	By-law #038, Section 8.(G)(1)(b)(i)	7 Sunnybank Street

a) Accessory Building Setback to Main Dwelling – 101 Squire Drive, PID # 30251623

Mr. Nick Valtour attended on behalf of the property owner, Mr. Andrew Logan, who is seeking permission to construct a storage shed located 1.5 meters closer than permitted to the dwelling at 101 Squire Drive, PID# 30251623. This is a corner lot and the shed will be located past the end of the driveway. It was noted that the property drops quickly at the back and side leaving little choice for location.

No one attended the meeting to speak for or against this application and no correspondences were received as a reply to the public notification of property owners within 50 metres.

MOVED BY: Marc Gosselin

SECONDED BY: Darin Lamont

That the PAC grant approval for the variance from Zoning By-law 038, Section 8.(G)(2)(b)(ii) for a 1.5 meters setback variance between the accessory building and the house at 101 Squire Drive, PID# 30251623, subject to the following condition:

1. The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition.

CARRIED UNANIMOUSLY

b) Developer's Agreement Amendment - 174 Millennium Drive, PID #

Mrs. Dana Douthwright of Eastern Offroad Inc. attended seeking approval to amend the Developer's Agreement for the property of 174 Millennium Drive, PID 30301956 for the addition of a partial second floor for offices, additional bays for automobile service and parking in the adjacent lot. The intention is to provide office space on a newly created partial second floor measuring forty-two by thirty-eight and one half (42' by 38.5') feet to allow for more customer service space on the first floor and to construct a forty-two by ninety (42' by 90') foot addition to the building for extra service bays.

Section 4.B of the Development Scheme for Millennium Drive By-law #017 requires that any expansion or exterior alteration be approved by the Planning Advisory Committee.

Section 7.A.vi. of the Development Scheme for Millennium Drive By-law #017 states that 25% of the parking is permitted in the side yard with the remaining parking in the rear yard. As such, a variance for parking in the front setback was noted as necessary prior to construction. A variance was also required from By-law #038, Section 6.(P)(3)(a) with respect to location as all required parking spaces shall be provided on the same site as the building or structure and no more than one hundred fifty (150) meters from the building which it serves. Ms. Douthwright stated that they could push back the parking lot twenty-five (25) feet to allow for the front setback to be fully landscaped and greenspace as required in Section 7.A.iii of the Development Scheme for Millennium Drive By-law #017 so the variance noted there would no longer be required.

Mrs. Douthwright noted that the plans were to pave the new parking lot and landscape it similar to the existing building and parking lot.

Mrs. Douthwright asked if a signage variance would be required if there was a sign placed above each service bay as per the conceptual drawings. Mr. Colbourne, the Municipal Planning Officer, stated that these signs were classified similar to directional signage and not advertising so there would not be any variances required.

Mr. Colbourne reviewed the Wellfield Protection Designation Program, a Provincial long-term program of wellfield protection through designations of property created as an approach to maintaining both the water quality and quantity of municipal groundwater supplies. A wellfield protected area is the area (surface and subsurface) surrounding a water well or wellfield which supplies a public water supply system. In a wellfield protected area, there are prohibitions or limitations on chemical storage and land use activities. Mrs. Douthwright was aware of this program and has applied for exemption to the province with the existing business and inclusive of the newly proposed additions. Their business will be inviting an Engineer in to inspect the property and will continue to do so annually to ensure compliance

to the provincial regulations. The part of the business that handles the return of paints and oils will be evaluated and possibly dropped from the services provided.

No one attended the meeting to speak for or against this application and no correspondences were received as a reply to the public notification of property owners within 100 metres.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the PAC grant the approval to amend the Developer's Agreement for the property of 174 Millennium Drive, PID 30301956 for the addition of a partial second floor for offices, additional bays for automobile service with a variance for parking in the adjacent lot as per By-law #038, Section 6.(P)(3)(a) subject to the following terms and conditions:

1. The site plan and building plans must be submitted to the Fire Marshalls office;
2. One additional parking for the disabled is included in the final plan;
3. The parking lot is to be surfaced with hot-mix asphalt, portland cement, concrete, or asphalt stone chip seal coat;
4. Fencing with privacy slates surrounding the storage area is to be maintained;
5. Exterior lighting is to be downward directed to mitigate impact to the neighboring properties;
6. Any change in the landscape with respect to additional building footprint must be presented with the final plans and include more trees as per the guidelines in Section 7.A.vi. of the Development Scheme for Millennium Drive By-law #017;
7. Site and building constructed in accordance with plans filed with the Town;
8. All conditions of the previously approved Development remain in effect; and
9. The property owners continue correspondence with the Provincial Government on the Wellfield Protection Designation Program and approvals received are filed with the Town.

CARRIED UNANIMOUSLY

c) Licensed Restaurant as a Discretionary Use in the Central Commercial (CC) Zone – 174 Hampton Road, PID # 244574

Mr. Elliot Kim attended on behalf of Mr. Kimin Kim, the owner of Kim's Fry Time, seeking approval to operate a licensed restaurant as a Discretionary Use in the Central Commercial (CC) Zone of 174 Hampton Road, PID # 244574.

The intention is to operate a licensed dine-in restaurant, with take-out services, in one of the five (5) sub-units in the strip mall. The restaurant will operate from 4:30 p.m. until 9:00 p.m. on Mondays, 11:30 a.m. until 9:00 p.m. Tuesday through Saturday and closed on Sundays. The plan shows six (6) tables with eighteen (18) seats and a small counter area for take-out.

Parking for restaurants, as per By-law #038, Section 6.(P)(2)(f) is the greater of one (1) space for every ten (10) square meters of floor area or one (1) space for every four (4) seats therefore this business requires five (5) to nine (9) spots for customers. The mall complex offers a total of fifty-six (56) parking spots, including two (2) spots for disabled and currently has two empty units allowing for ample space for parking at this time. It was noted that there

should be three (3) parking spots for the disabled and Mr. Kim noted that the property owner has intentions of adding the third disabled spot by the gas bar unit.

Notice was sent to residents within 100 metres of property. The Town received two concerns for the licensing of liquor and potential disturbance to the neighborhood with particular concern for outside patio and subsequent noise. Mr. Kim stated that there is no proposal to create an outside patio at this time, nor do they intend on changing the hours to reflect those of a drinking establishment. They are only applying for a liquor license for distilled products such as wine and beer, not hard liquor, to serve with meals. Any changes would require them to return to PAC for a Temporary Use unless the Municipal Plan has standard approvals for patios and such.

MOVED BY: Marc Gosselin

SECONDED BY: Jean Place

That the PAC grant the approval for a licensed restaurant as a Discretionary Use in the Central Commercial (CC) Zone of 174 Hampton Road, PID # 244574 subject to the following conditions:

1. The preparation of a Developer's Agreement including any and all amendments from the initial development;
2. The addition of a third disabled parking spot; and
3. A copy of the Provincial Liquor License to permit the sale of liquor in the establishment is filed with the Town.

CARRIED UNANIMOUSLY

d) Front Yard Setback – Attached Garage, 223 Vincent Road, PID # 30232953

Mr. Trevor Shannon attended seeking approval to construct an attached garage, with a front yard setback of thirteen decimal eight (13.8) metres, on the property of 223 Vincent Road, PID # 30232953.

Mr. Shannon has determined this is the best location for the garage, however it would appear that the back left corner of the garage is located on a steep embankment which leads to a significant drainage path that leads into Matthews Brook and ultimately Matthew's Cove. Approval from the Provincial DOE would be required to ensure protection of the watercourses are adhered to during the construction process. Mr. Shannon noted that he had the Department of Environment on site prior to applying to the PAC and was told that this brook was not on their maps as any significant watercourse. He will contact them again to request a written approval to work in the area.

It does not appear as though the proposed garage will project into the setback area in a manner that would present any line-of-sight issues for vehicle or pedestrian movements at either the Quispamsis and Vincent Road intersection or the Vincent Road.

No one attended the meeting to speak for or against this application and no correspondences were received as a reply to the public notification of property owners within 50 metres.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the PAC grant the approval to construct the attached garage with a front yard setback of thirteen decimal eight (13.8) metres on the property of 223 Vincent Road, PID # 30232953 subject to the following conditions:

1. The Department Of Environment (DOE) grants approval for construction in the area; and
2. A final review is completed by the building inspector before a building permit is issued.

CARRIED UNANIMOUSLY

e) Tentative Schryer Subdivision Plan – 329 Model Farm Road, PID # 30232797

Mr. Davis Schryer attended seeking approval of a tentative plan for the subdivision of a parcel of land creating two building lots at 329 Model Farm Road, PID 30232797. The lot is located in a Rural Zone and is 9250 metres in area; over two acres. The intention is to create two individual lots using a shared access. Mr. Colbourne noted that one lot was already a registered parcel of land therefore the subdivision is only creating one new lot and subsequently only responsible for Land For Public Purposes (LPP) provisions for one lot. The Subdivision By-law #035 states that as a condition of approval of a subdivision plan, land in the amount of ten percent (10%) of the area of the proposed subdivision, exclusive of streets intended to be publicly owned, at such location as may be approved pursuant to Section 56 of the Act, is to be set aside as land for public purposes and so indicated on the plan. Since this parcel of land is not large enough to warrant the donation of land, cash in-lieu of land, as per Section 6.K.ii, is required in the amount of \$750 per newly created lot.

Lot 16-1 at 4640 square metres and Lot 16-2 at 4600 square metres; each over one acre. The lot sizes, while requiring a width variance, contain sufficient area due to the depth. Lot 16-1 requires a lot width variance of 26.71 metres as the width is shown as 27.29 on the proposed plan. Lot 16-2 requires a lot width variance of 26.33 metres as the width is shown as 27.67 on the proposed plan.

The newly created lots will be less than 5000 square meters in area, and as such are subject to the provisions of Sections 8.(G) to 8.(I) for the Zoning By-law #038. The proposed locations of the buildings are compliant with all setbacks of Sections 8.(G) to 8.(I) of the Zoning By-law #038.

Due to the downward slope of the lot(s), a foundation elevation variance of approximately two decimal five (2.5) metres is required before a building permit can be issued. While this variance can be approved by the PAC at this time, it must be noted that approvals expire after one year if a building permit is not issued at which time the applicant would be required to return to the PAC for approval.

The shared access/driveway must obtain a variance as no main building or structure may be placed, erected or altered and no building or structure may be altered to become a main building or a dwelling, on a lot unless the lot has and contains a width of at least fifty four (54) meters in a rural (RU) zone.

Notice was sent to residents within 100 metres of property. Correspondence was received from the new owner of the adjacent property with questions on how the subdivision would impact his property. Staff answered his questions and he responded with a statement, that was read out loud at the meeting, that stated "As a bordering next door neighbor to the Schryer

property (329 Model Farm Road), I support the proposed subdivision plan and encourage development within the Town."

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

That the PAC grant approval of the tentative plan for the subdivision of a parcel of land creating two building lots at 329 Model Farm Road with approval of the shared driveway access from By-law #038 Section 6.(N)(1), the lot width variances of 26.71 metres for Lot 16-1 and 26.33 metres for Lot 16-2 from By-law # 038 Section 25.(K), and the foundation elevation variance of two decimal five (2.5) metres from By-law #038 Section 6.(F)(1) subject to the following conditions:

1. An Easement for the owners of Lot 16-1 for egress and ingress over Lot 16-2 and the owners of Lot 16-2 for egress and ingress over Lot 16-1 must accompany the final subdivision plan and be registered with each deed;
2. The preparation of a "Hold Harmless" agreement to ensure the Town is protected against liability arising from potential drainage problems in the future;
3. The "Hold Harmless" agreement to state that any work put into construction of the driveway and maintenance thereof is the sole responsibility of the owners of lots 16-1 and 16-2;
4. A site drainage plan must be submitted and approved by the Building Inspection Department to ensure that surface drainage is being directed away from the structure;
5. Documentation and approval from the Department of the Environment for waterfront developments is copied to the Town before building permits are issued;
6. On-site septic approval prior to issuing a building permit;
7. Cash in lieu of Land for Public Purposes in the amount of \$750 for the creation of two (2) new lots; and
8. Subdivision filing fees in the amount of \$100.

CARRIED UNANIMOUSLY

f) Parking Lot Expansion – 7 Kingsway Drive, PID # 30240618

Mr. Colbourne reviewed the application sent in by the Pastor Tim Shaw of the Kings Way Assembly. While Mr. Shaw was not present, he was available for a conference call if there were questions or concerns.

The lot is located in an Institutional (INST) Zone and is 53000 square metres. The intention is to extend the current number of parking spaces by thirty-five (35) with a parking area of thirty-five (35) metres by twenty-one (21) metres. Included on the plan was one hundred and four (104) metres of ten inch ultra rib pipe for drainage and the proposal of installing two new catch basins and a new culvert to enhance drainage.

The location of the new parking lot will be in the front yard area abutting a public street (Kings Way Drive) as such the front yard area will have less than the minimum fifty (50) percent landscaped open space. A variance from the PAC is required prior to construction. The proposed location places a portion of the parking lot within the minimum 7.5 metre setback area from the front property line as such a variance is required.

In 2008, Kings Way Assembly sought and was granted an amendment to their Development Agreement for the proposed parking lot construction. The amendment process was never completed because of a legal technicality regarding the bringing of the 1994 Development Agreement from the registry system into the Land Titles System and as such the amendment was not applied to the original agreement. Rather than having Kings Way Assembly return to Council to seek the same amendment to a 22 year old agreement that has been fulfilled for all intent and purposes, the Town, after consultation with our solicitor, has forwarded this request to the PAC for approval.

The original plan that went to Town Council in 2008 showed the creation of a slightly raised berm along the front property line between the parking lot and the street. It is recommended that the same be retained here with the planting of some low growing trees or bushes to mitigate any concerns from the residential properties in the area. As the proposed surface is crushed gravel, a variance from the requirement to asphalt the parking lot is required. It is very plausible for the PAC to set a timeframe for the parking lot to be asphalted (i.e. within the next couple of years).

Notice was sent to residents within 100 metres. A concern was received from the owners opposite the proposed lot for the lack of cosmetic appeal and the apparent proposed entrance to the lot as the entrance appears to be directly opposite their driveway. Mr. Colbourne stated that the number of driveways for frontages over thirty (30) meters is two (2) and that with consideration to the fact that this property is that of a Church and not a daily operational business, the concern for traffic would be minimal.

MOVED BY: Jean Place
SECONDED BY: Marc Gosselin

That the PAC grant the approval to extend the parking lot at 7 Kingsway Drive, PID # 30240618, with a variance granted from Zoning By-law 038 Section 6.P.(3)(b) with respect to location of parking lot in the front yard setback area, and a variance from Section 6.P.(5) whereas the front yard setback will no longer be landscaped open space subject to the following conditions:

1. The preparation of a Developer's Agreement including any and all amendments from the initial development;
2. The Developer's Agreement to state that the Town is protected against liability arising from potential drainage problems in the future as the drainage of the lot to the appropriate ditching is the responsibility of the property owners;
3. Where parking lots abut residential uses, a three (3) metre wide landscaped buffer area shall be incorporated on the final plan;
4. The parking lot and access driveways are surfaced with hot-mix asphalt, portland cement, concrete, or asphalt stone chip seal coat within an appropriate amount of time (determined by the PAC to be by December 31, 2018);
5. The final plan to show the drainage plans from the parking lot to the ditching along Kingsway Drive; and
6. Bonding is in place calculated at \$5,000 before construction begins.

CARRIED UNANIMOUSLY

g) Front Yard Setback – Detached Garage, 7 Sunnybank Street, PID # 249011

Mr. Alfred Gordon attended seeking approval to construct a detached garage with the forward most point of the building being 0.43 meters in front of the dwelling at 7 Sunnybank Street, PID# 249011.

It was recognized that the lot slopes fairly considerably on the left-hand side. The location where the detached garage is proposed had been previously built up and used as a parking area. Requiring the applicant to move the structure back by 0.45 meters would require either a change to the foundation design or a fairly significant amount of fill.

No one attended the meeting to speak for or against this application and no correspondences were received as a reply to the public notification of property owners within 50 metres.

MOVED BY: Darren Bishop

SECONDED BY: Darin Lamont

That the PAC grant the variance from Zoning By-law 038, Section 8.(G)(1)(b)(i) to allow the garage to project 0.45 meters in front of the dwelling at 7 Sunnybank Street, PID# 249011, 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; and
2. The building is not to be used for business purposes, the keeping of livestock or as a dwelling.

CARRIED UNANIMOUSLY

9. Information Items

Notices of Decisions – Municipal Planning Officer:

Discretionary Use – 17 Millennium Drive

Fence Height in Front Yard – 17 Hillhurst Drive

Deck Setback in Front Yard – 22 Sandra Drive

Foundation Elevation Variance – 10 Sumac Street

Council Meeting Minutes – June 21, 2016

10. Adjournment

MOVED BY: Darin Lamont

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:45 p.m.

The next Planning Advisory Committee meeting is scheduled for September 13, 2016.

Respectfully Submitted,



 CHAIRMAN



 SECRETARY