



**QUISPAMSIS PLANNING ADVISORY COMMITTEE**  
**MEETING MINUTES – February 11, 2020**

Present:      Darin Lamont                      Brent Preston  
                 Brenda Fowlie                      Darren Bishop  
                 John Groden                              Violet Brown  
                 Marc Gosselin                              S. Dwight Colbourne

Absent:        Kendall Mason

**1. Call to Order**

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

**2. Approval of Agenda**

**Moved By**     Brenda Fowlie  
**Seconded By** Darren Bishop

That the Agenda be approved with the correction of the date on the Council meeting minutes changed from January 1 to January 7.

**Motion Carried**

**3. Disclosures of Interest**

No disclosures were declared.

**4. Approval of Previous Minutes**

**Moved By**     Brent Preston  
**Seconded By** John Groden

That the minutes of the January 28, 2020 PAC meeting be received and filed.

**Motion Carried**

**5. Business Arising from Minutes - Notice of Decisions**

**Moved By** Darren Bishop

**Seconded By** Brenda Fowlie

That the Notices of Decision be received and filed.

**Motion Carried**

**6. Unfinished Business**

**7. New Business**

**7.1 247 Hampton Road - Home Occupation –Salon Services**

Mrs. Judy Mullin attended seeking approval for a Home Occupation, that of a Hair Salon and Nail Technician Services, at the property of 247 Hampton Road, PID 91827. Mrs. Mullin noted that for the last 26 years, her husband's previous wife (Lisa Mullin), who was one of the property owners at the time of the 1994 approval, was one of the Salon Service providers but is no longer an owner of this property and is moving her services to another location. The business expanded over the years to include three employees; two addition employees other than Lisa Mullin.

It was noted that Mr. Edward Mullin is currently the only property owner listed on Service New Brunswick and is not one of the Salon Service providers and will not be engaged therein. Therefore, this discontinues the Home Occupation (Beauty Salon) as previously approved in 1994.

Judy Mullin confirmed that she is not one of the service providers but could offer to assist in doing the bookwork, answering calls or other miscellaneous jobs. However, it was noted that this would increase the number of employees to four, none being the property owners and three do not reside at the property. The intent of the 2020 submitted application is to provide space only, as rental space for three (3) employees.

Mr. Colbourne stated that this is not compliant with or in keeping with the intent of the Town of Quispamsis Zoning By-law Section 6.(K)(2)(b) which states "a home occupation is subject to the requirements that not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located." Renting the chairs does not make this application a home occupation but more like a commercial endeavour.

It was asked if the property owners of 247 Hampton Road could seek approval for a zone change, perhaps to Neighborhood Commercial (NC). Mr. Colbourne stated that Neighborhood Commercial Zones allow for combined residential and commercial uses but as per Section 15.(B) of the Town's Zoning By-law 038, a combined Residential/Commercial use is permitted if the Commercial Use

occupies 100% of the ground floor. This salon business in this building is on the same floor as the living quarters so a variance would be required for that zone as well. Mr. Colbourne added that another option might be to request a Notwithstanding Clause through Council. If the property owner requests this, the application would still return to the Planning Advisory Committee for variances as there are too many employees requested on the application, even without a resident doing the books as the fourth person. Mr. Colbourne added that with respect to the business operating at this location for the past 26 years without concerns being received by the Town, it may be reasonable to proceed with an application for a Notwithstanding Clause and that if it was approved, the number of employees could be four or more based on PAC and Council recommendations and an agreement between the Town and the property owner.

Mr. Colbourne reiterated that the information in this application is more similar to a commercial basis, not a home occupation, as the intent of a home occupation has the homeowner directly involved in the business, not just the bookwork as that is not within the services being offered. The application submitted is basically renting spaces for other persons not residing at the property. It was noted that if the PAC approves the operation of salon services to be provided out of a dwelling where not one person operating in the business is a permanent resident of the dwelling unit in which it is located, it would set a precedence that opens up the possibility for every property in the Town of Quispamsis to start renting space in homes for businesses operated by persons other than the property owners. It was also noted that if the application is denied today, the Town's By-law enforcement could shut down the business tomorrow. If the decision is tabled to allow time for the Town staff to seek legal advice and get back to the applicant regarding the options of rezoning or a Notwithstanding Clause, the business could continue as is, currently with only one staff, the nail technician, until further information is reviewed at the next PAC meeting. Judy Mullin confirmed that they are not proceeding with further employees without Town approval.

No one attended to speak for or against.

**Moved By** Darren Bishop

**Seconded By** John Groden

That the Planning Advisory Committee table this item until the February 25, 2020 PAC meeting to allow time for staff to obtain legal information on the option of a Notwithstanding Clause and seek information on whether the operations can continue under new management during the process of Council's approval.

**Motion Carried**

## 7.2 Tentative Subdivision - Kings View Phase 19

Mr. Peter Donovan attended seeking approval for Kings View Subdivision Phase 19, a tentative subdivision plan proposing to create Twelve (12) Single-Family Residential lots, one (1) new public street – Blenheim Court.

It was noted that several concerns were received for the construction traffic on the street and Mr. Donovan was asked if the equipment could travel along another route. Mr. Donovan noted one property owner had suggested traffic be routed to Squires Drive and then down between lots 167 and 164 off Blenheim Court but there is a deep slope (15-20%) in this area. He stated that the proposal was for two lots on Squire Drive and ten on Blenheim Court and that much of the work was already completed in this area. While there will be traffic, it will be a short period of time not weeks on end.

The correspondence noting the concern for 'dodging children' was reviewed and it was asked what the people would want to change this. The playground at the end of Kingsway was reviewed and it was asked if the Town could have a crosswalk painted there to assist. Mr. Colbourne noted the traffic circle that is being proposed in this area and the changes that will come about from that. Once this is done, a crosswalk in that area could be reviewed.

No one attended to speak for or against.

**Moved By** John Groden

**Seconded By** Brent Preston

That the PAC support the Development Officer in the approval of the Kings View Subdivision Phase 19 subject to the following conditions:

1. Lot width variance approvals for the following lots:

Lot 161 – 1.94 m	Lot 168 – 1.42 m
Lot 162 – 1.46 m	Lot 170 – 1.50 m
Lot 164 – 3.00 m	Lot 171 – 1.50 m
Lot 167 – 3.00 m	

2. Submission of street centreline profile for Blenheim Court;

3. Line-of-sight analysis for lot access to Lot 166;

4. LPP obligations to be satisfied through previous dedicated 1691 square metres of land within PID 30320972.

The Municipal Planning Officer conditions of approval will include:

1. Submission of engineered design drawings for the sanitary sewerage system to the Town for review and approval;

2. Final subdivision plan to have additional Local Government Services Easement along rear of lots 160 - 163, and from Blenheim Court to rear of 61 Squire Drive;

3. Submission of a Comprehensive Water Supply Source Assessment (Hydrogeological Assessment) report will be required to demonstrate there is sufficient quality and quantity groundwater;
4. Submission and approval by the Town of a comprehensive Stormwater Management Plan inclusive of engineered design drawings of the proposed stormwater management system and a lot grading plan. The Stormwater Management Plan must identify any areas where easements are required, and these are to be incorporated into the final subdivision plan prior to final approval;
5. Standard Development Agreement, bonding and subdivision fees will be required;
6. Subdivision filing fees in the amount of Three Hundred Twenty dollars (\$320.00) for a twelve (12) lot phase; and
7. Plans to be properly signed by the necessary utilities and owners.

**Motion Carried**

7.3 Lot 4 - Corduroy Road - Foundation Elevation Variance and Construction within 30 metres of a Watercourse

Mr. Rob Viger attended seeking approval for construction on a Lot that is within thirty (30) metres of a Stream or Watercourse and a Foundation Elevation Variance on the remnant parcel, PID 231928.

It was noted that the information originally obtained through the Building Inspection Department was for a Lot Not fronting a Municipal Street. The elevation was reviewed through comparing the road not yet developed and the Lot 4 which is yet to be developed so a foundation elevation may not be required but obtaining a variance at this point will eliminate any delays in the permit process.

Mr. Colbourne noted that the development is within the Maple Ridge Phase 2B tentative plan which was split up into two phases of three lots each. This application is for construction on one lot, the remnant lot, and as the lot 4 does not exist yet, it can't be reviewed as 'not fronting a street'. Mr. Viger noted that while not asphalt, the road is extended beyond the lot but until the lot is registered, the driveway is off the road. Mr. Viger also noted that the approval was already in place for Phase 2 but Mr. Colbourne stated that now there is a wetland designated as per the 2020 Watercourse and Wetland Alteration Maps from the Department of the Environment (DOE) and the DOE has jurisdiction over the Town. If the DOE changes their regulations, the Town must comply.

No one attended to speak for or against this item.

**Moved By** Marc Gosselin  
**Seconded By** Darren Bishop

That the PAC approve the variance for the Foundation Elevation Variance from Section 6.(F) of the Zoning By-law 038 plus supports construction on a Lot that is within thirty (30) metres of a Stream or Watercourse as per Section 6.(I) of the Zoning By-law 038, for the remnant parcel, PID 231928 – to be developed as Lot 4 of Corduroy Road, subject to the following terms and conditions:

1. 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;
2. Approval from the Department of Environment is received if the construction is within thirty (30) metres of the Stream or Watercourse;
3. The preparation of the “Hold Harmless” agreement should be executed prior to approval of the final inspection of the dwelling; and
4. The Hold Harmless Agreement should include a condition that the property owner will not be compensated for any costs associated with the development or construction of the driveway once the future street is constructed and accepted by the Town.

**Motion Carried**

7.4 309 Hampton Road - Developers Agreement Amendment

An amendment to the Developer's Agreement to adjust the 309 Hampton Road project timeline schedule by 22 months with an anticipated construction start by March 2, 2020, and the full project to be completed by January 1, 2022.

No one attended to speak for or against this application.

**Moved By** Brent Preston  
**Seconded By** John Groden

That the PAC support Council in Mr. Andrew McKay's request for an amendment to the Developer's Agreement for 309 Hampton Road, PID 00252403, to allow the project to be completed in a timeline schedule of twenty-two (22) months with an anticipated construction start by March 2, 2020, to adjust the bonding to reflect the changes inclusive of the fact that the property owner is to reimburse the Town for the cost of the water main expansion to the project lot, and, the full project to be completed by January 1, 2022.

**Motion Carried**

**8. Information Items and/or Discussion**

Council Meeting Minutes - December 17, 2019 and January 7, 2020 (Special Meeting)

**Moved By** Brenda Fowlie

**Seconded By** Marc Gosselin

That the Information Items be received and filed.

**Motion Carried**

**9. Adjournment**

**Moved By** Darren Bishop

Meeting adjourned at 7:58 p.m.

**Respectfully Submitted,**

  
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CHAIRMAN

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SECRETARY