



**QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – June 11, 2019**

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

Absent: Brenda Fowlie
 Kendall Mason

1. Call to Order

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

2. Approval of Agenda

Moved By Brent Preston

Seconded By John Groden

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Marc Gosselin

Seconded By Darren Bishop

That the minutes of the May 28, 2019 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Home Business - 73 Cedar Grove Drive

Foundation Elevation - 41 Kane Road

Notwithstanding Clause - 929 Hampton Road

Moved By Brent Preston

Seconded By John Groden

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

None

7. New Business

7.1 Front Yard Setback for Deck - 44 Cedar Grove Drive

Mr. Abbott attended seeking a front yard setback of 1.5 metres for the construction of a 3.6 metre deck at 44 Cedar Grove Drive, PID 30007140. Mr. Abbott stated that they moved here from BC and chose Quispamsis as a place to retire. The lot has a wonderful lake view and they hope to sit on the front deck enjoying the view.

Notice was sent to property owners within 50 metres of the property and one concern was received for the amount of the variance that was noted by the resident at being in access of 20%. The notice that went out indicated the requirement of a 1.5 metre variance and noted the by-law section referencing the 7.5 metre front setback requirement which equates to 20%. The staff report noted that as per By-law 038 Section 6.(E)(1)(e)(i), projections for unenclosed porches are permitted up to a maximum of 1.2 metres. This puts the modified setback at 6.3 metres for this property. The survey plan shows there is 8.4 metres from the front of the house to the property line which requires a variance of 1.5 metres. It was recognized that this setback is for a deck, not a dwelling or garage that may cause a line-of-sight issue. No one attended to speak for or against the application.

Moved By Marc Gosselin

Seconded By Darren Bishop

That the PAC approve the front yard setback of one decimal five (1.5) metres for the construction of a three decimal six (3.6) metre deck at 44 Cedar Grove Drive, PID 30007140, subject to the following terms and conditions:

1. A building permit must be issued before construction; and

2. The deck shall not become enclosed without appropriate approval from the Town.

Motion Carried

7.2 Home Business - 98 Robin Hood Lane

Ms. Charlene Pierce attended seeking approval for a Home Occupation, that of Massage, Acupuncture and Osteopathy Services, at the property of 98 Robin Hood Lane, PID 249474. Ms. Pierce stated that she currently lives two doors down and knows the neighbors. She has talked with most of them to ensure there were no concerns for her home business.

Notice was sent to property owners within 100 metres of the subject property and two concerns were received, both noting the traffic and speed on the roads in the area. It was recognized that this is an existing issue and that the Kennebecasis Regional Police are responsible for speeding matters. One concern mentioned the property is directly across from an unprotected ravine that is approximately 35 feet deep. It was noted by the PAC that there are many trees along the road side at the top of the ravine which helps eliminate the safety concern. It was also noted some properties could use some foliage removal for a better line of sight at the end of their driveways. No one attended to speak for or against the application.

Moved By Darren Bishop

Seconded By Brent Preston

That PAC approve the Home Occupation of Massage, Acupuncture and Osteopathy Services at the property of 98 Robin Hood Lane, PID 249474, subject to the following terms and conditions:

1. A variance of two decimal eight (2.8) square metres is approved from the Zoning By-law 038, Section 6.(K)(2)(d) for the space used for the business;
2. It shall be secondary to the main residential use of the dwelling;
3. Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
4. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
5. The floor area of the dwelling unit, which is devoted to it, does not exceed the thirty-four decimal eight (34.8) square meters approved herein;
6. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
7. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;

8. No equipment or material used therein is stored other than in the dwelling unit;
9. 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 on the lot;
10. There is to be no parking on the street or within Town property; and
11. The PAC approval to operate the business is non-transferable. The approval is solely for the benefit of the owner and the property named herein. In the event the business is discontinued or the lands are transferred, the said approvals shall terminate.

Motion Carried

8. Information Items and/or Discussion

Mr. Colbourne shared several examples of the Planning Appeal Board of New Brunswick appeals that they received and how they determine a decision. One appeal was related to restrictive covenants and the decision that neither the PAC, or the Municipality, has jurisdiction over them. So long as the application is in accordance with the Zoning By-law, the PAC can approve it. It was recognized that there were some affluent lawyers in the appeal for covenants yet the Appeal Board reviewed everything without prejudice and denied the appeal. Another appeal was related to a Misapplication of the Act and in particular for the public notice timeframe. Mr. Colbourne noted that the PAC process is a public hearing where the applicant has an opportunity to present their application as well as any persons opposed. In this appeal, the number of days before a meeting was changed from the usual process which created a misapplication. Mr. Colbourne noted the Town of Quispamsis PAC Policy created their time allotments for notice to the adjacent properties as a result of an appeal decision follow up from the Appeal Board of New Brunswick.

Moved By Marc Gosselin

That the Information Items be received and filed.

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY