

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – June 13, 2017**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on June 13, 2017 at 7:00 p.m.

In attendance: Carolyn LeBlanc  
Darin Lamont  
Darren Bishop  
Jean Place  
Kendall Mason  
Trevor Murray, Building Inspector  
Violet Brown, Secretary

Absent: Bob McLaughlin  
Marc Gosselin  
S. Dwight Colbourne, P.Tech, Municipal Planning Officer

**1. Call to Order**

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

**2. Approval of the Agenda *with the removal of item e) for 23 Hughes Crescent***

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

CARRIED UNANIMOUSLY

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

None.

**4. Review of Previous Meeting Minutes**

MOVED BY: Carolyn LeBlanc

SECONDED BY: Kendall Mason

*That the Minutes of the May 23, 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>Detached Garage - Over height, Beyond Frontline of Dwelling, Oversize</i>	<i>By-law 038 Section 8.(G)(1)(a), 8.(G)(1)(b)(i), and 8.(G)(1)(c)</i>	<i>515 Misty Cove Lane, PID 30184659</i>
<i>Front Yard Setback</i>	<i>By-law 038, Section 6.(P)(3)(b)</i>	<i>202 Hampton Rd, PID 30014369</i>
<i>Detached Garage – Front Yard and Side Yard Setback Variance</i>	<i>By-law 038, Section 25.(O)(1)(a)(i) &amp; 25.(O)(1)(a)(iii)</i>	<i>325 Model Farm Road, PID 30171110</i>
<i>Tentative Subdivision Plan - Fernwood Park Phase 3</i>	<i>By-law 035</i>	<i>Meadowlark Drive (off Oriole Ln)</i>
<i>Mobile Car Wash as a Similar or Compatible Use</i>	<i>By-law 038, Section 3.(D)</i>	<i>525 Hampton Rd, PID 250266</i>
<i>Pool and Shed Setback</i>	<i>By-law 038, Section 6.(T)(6)(a) and Section 8.(G)(2)(iii)</i>	<i>35 Westminster Drive, PID 30318992</i>
<i>Developer's Agreement Amendment - Licensed Dining Room upgrade to Special Liquor License</i>	<i>Community Planning Act, Section 59</i>	<i>515 Hampton Road, PID 30023584</i>

MOVED BY:                 Darren Bishop  
 SECONDED BY:           Kendall Mason

*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)	<i>Front Setback for Deck</i>	<i>Zoning By-law 038, Section 8.(E)(1)(a)</i>	<i>562 Gondola Point Road, PID 248997</i>
b)	<i>Fence Height Variance</i>	<i>By-law 038, Section 6.(S)(3)(a)</i>	<i>16 Meteor Drive, PID 30219380</i>
c)	<i>Fence Setback Variance</i>	<i>By-law 038, Section 6.(S)(7)</i>	<i>47 Hazelton Drive - PID 30212229</i>
d)	<i>Waterfront; Fence Setback</i>	<i>By-law 038, Section 6 (BB) and 6.(S)(7)</i>	<i>16 Forrester's Road, PID 452300</i>
e)	<i>Fence Setback Variance (PULLED)</i>	<i>By-law 038, Section 6.(S)(7)</i>	<i>23 Hughes Crescent; PID 30064620</i>

**a) Front Setback for Deck, 562 Gondola Point Road, PID 248997**

Mike and Julie Kane attended seeking approval for a front deck replacement and expansion at 562 Gondola Point Road- PID 248997. With the construction, a setback variance of five decimal eighteen (5.18) metres is required from the Zoning By-law 038, Section 8.(E)(1)(a) whereas no main building or structure may be placed, erected or altered so that it is, with respect to a street line, within fifteen (15) meters in the case of an arterial or collector highway. The proposed deck, which is considered part of the building or structure, will be nine decimal eighty-two (9.82) from the front property line.

Notice was sent to residents within 100 metres of the property. The property owners of 561 Gondola Point Road submitted correspondence indicating their support of the proposed construction and no concerns received. There were no further questions to the applicant and no one attended to speak for or against the application.

MOVED BY: Carolyn LeBlanc  
SECONDED BY: Jean Place

That the PAC approve the variance from Zoning By-law 038, Section 8.(E)(1)(a), for a five decimal eighteen (5.18) metre front setback variance for a front deck replacement and expansion at the property of 562 Gondola Point Road, PID 248997.

CARRIED UNANIMOUSLY

**b) Fence Height Variance, 16 Meteor Drive, PID 30219380**

Peter and Tracey Jones attended seeking approval for a height variance of zero decimal thirty three (0.33) metres for the construction of fence segments with a height of two decimal thirteen (2.13) metres to be erected in the rear and side yards at 16 Meteor Drive, PID 30219380 for the purpose of privacy from adjacent properties that have a higher ground level. It was recognized that the setback of the proposed fence is 120 centimeters which is double the minimum setback required.

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: Darren Bishop

That the PAC approve the variance from Zoning By-law 038, Section 6.(S)(3)(a) of zero decimal thirty three (0.33) metres for the construction of fence segments with a height of two decimal thirteen (2.13) metres to be erected in the rear and side yards at 16 Meteor Drive, PID 30219380.

CARRIED UNANIMOUSLY

**c) Fence Setback Variance, 47 Hazelton Drive, PID 30212229**

Ed and Sandy Armstrong attended seeking approval to erect a one decimal five (1.5) metre high chain link fence along the property lines at the sides and back of the property at 47 Hazelton Drive, PID 30212229. In order to obtain a fence permit, a variance of zero decimal six (0.6) metres is required from Section 6.(S)(7) of the Town's By-law #038 whereas the fence is not to be located within zero decimal six (0.6) metres to the property line.

Mr. Trevor Murray, the Building Inspector for the Town of Quispamsis, noted that the intent of the zero decimal six (0.6) metre setback in the By-law is to provide for space to maintain the fence without having to enter onto adjacent property. As chain link fences are relatively maintenance free, the PAC in the past has seen fit to waive the minimum setback requirement and approve setback such as this one. Mr. Murray also noted that this setback was intended to ensure that fences were constructed on the appropriate property when property pins are not clearly marked.

Mrs. Armstrong noted that three of her pins are clearly visible and that she spoke with her neighbors prior to sending in her fence permit application and there were no objections. However, as per the PAC procedure, notice was sent to residents within 100 metres of the property by the PAC Secretary and a written objection was submitted by the property owners at 55 Hazelton Drive who would have the fence on the rear portion of their side property line and by the owners of 51 who would have the fence on their side property line. Both residents stated that they thought there is enough space on the property to maintain the intended setback in the by-law.

Mr. & Mrs. Armstrong stated that there is a clear line along the back property line but if they erected the fence zero decimal six (0.6) metres (two feet) from this line, several live trees would have to be cut down and they do not wish to do this.

The property owner of 83 Hazelton Drive spoke at the meeting and indicated that he is in favor of the variance that would put the fence along a section of his property. Mr. Stephen stated that he walked the back property line of the Armstrong property and agreed with the proposed location for the fence.

The PAC discussed several possible options and settled on a compromise.

MOVED BY: Darren Bishop  
SECONDED BY: Carolyn LeBlanc

That the PAC approve the variance of zero decimal six (0.6) metres from Zoning By-law 038, Section 6.(S)(7) for the property lines along the sides that abut the properties of civic 55, 83 and 87 Hazelton Drive and a variance of zero decimal three (0.3) metres for the property line along the side that abuts civic 51 Hazelton Drive for a chain link fence at 47 Hazelton Drive, PID 30212229 subject to the following condition:

1. All work is to take place on the applicant's property

CARRIED UNANIMOUSLY

#### **d) Waterfront and Fence Setback, 16 Forrester's Road, PID 452300**

Mr. Kevin Doiron attended seeking approval for the waterfront construction of a fence located on a portion of the side property line at 16 Forrester's Road, PID 452300. In order to obtain a fence permit, a variance of zero decimal five (0.5) metres is required from Section 6.(S)(7) of the Town's By-law 038 whereas the fence is not to be located within zero decimal six (0.6) metres of the property line. Also required is a review by the Planning Advisory Committee of any construction on waterfront property as per Section 6.(BB) of the same by-law.

Mr. Doiron reviewed his proposal which included pictures of the decorative wooden fence, the proposed location which is alongside of an existing road used to transport dock sections to

the waterfront, as well as images with posts and cross pieces set up to offer a visual of the height and potential change in view from the neighbors property.

Notice was sent to residents within 100 metres of the property. Several calls and emails were received from the neighbor at 18 Forrester's Road, Mr. Walkin, for clarification of the variance and location of the fence. Initially, this individual was concerned over the loss of his view of the water as he stated he already had to cut down trees that were obstructing this view. The PAC Secretary, Mrs. Brown, informed him that the PAC has not considered the loss of view as a legitimate concern as this is not something that our zoning by-law regulates. Mrs. Brown reviewed the requirement of a watercourse alteration permit for groundwork, cutting of trees, and construction adjacent to the watercourse. He asked what the PAC would view as a legitimate concern since he stated that he did not want the fence located there and wanted the variance denied.

The PAC Members reviewed several options that could permit Mr. Doiron to have the fence at six inches from the property line. Mr. Doiron agreed to research the option of having the posts installed with steel screwed anchors that extend below the frost line. This allows all the work to be done on the applicant's property but Mr. Doiron wanted to understand how the steel anchors react to large rocks that may be below grade and which may move the post a bit during installation as he would like to keep the post lined up so the fence looks both plum and straight. The option of having post holes drilled with an auger device was also noted as having all the work done on the applicant's property but may also affect post location if large rocks are encountered. The original proposal of using an excavator as noted by Mr. Doiron was the best solution for positioning of posts and post strength. With this option, the PAC has asked that a written approval, or email, is obtained from the property owner of 18 Forrester's Road, Mr. Walkin, since some soil from the digging may encroach upon his property. Mr. Doiron offered, if he received approval for this option, to use the excavator to smooth the transition between the properties around the fence area to improve the rough landscaping of the neighbor's property. Mr. Doiron noted that he had a survey pin placed in the area where the fence is proposed and along with the other pins and markers that are visible, would ensure that the fence is in the proper location and is fully on his property.

As an alternative, the idea of a hedge was reviewed. It was noted that a hedge must be planted two feet from the property line unless approval from PAC is obtained and takes time to grow.

Mr. Walkin resides in the United States and asked if he could attend the meeting through a live webex or another form of electronic communication. As this has not be done before, the PAC Members were asked to vote on this process as part of the policy and the outcome was to deny live electronic session of the meetings as this time. As such, no one attended to speak for or against the application.

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

That the PAC table the decision until the next meeting of June 27, 2017 to allow time for the above mentioned options to be researched by Mr. Doiron and reviewed with the property owner of 18 Forrester's Road.

CARRIED UNANIMOUSLY

**8. Information Items**

None

**9. Adjournment**

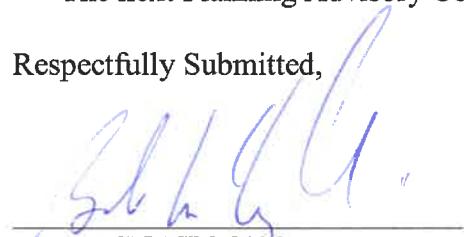
MOVED BY: Darren Bishop

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 8:12 p.m.

The next Planning Advisory Committee meeting is scheduled for June 27, 2017.

Respectfully Submitted,



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CHAIRMAN



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SECRETARY