

PLANNING ADVISORY COMMITTEE
MINUTES – June 16, 2016

The regularly scheduled meeting of the Planning Advisory Committee of the town of Quispamsis for June 14, 2016 was without a quorum. A special meeting was held in the Town Hall Council Chambers on Thursday, June 16, 2016 at 7:00 p.m.

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

Absent: Jean Place
 Marc Gosselin

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: Mark Hatfield
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: Mark Hatfield

That the Minutes of the April 26, 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>
Sign Variance - Fascia Signs Area	Sign By-law #017 Section 13.A (1) a.(i)	114 Millennium Drive
Detached Garage – oversized	By-Law No. 038 Section 8.(G)(1)(c)	127 Marianne Drive
Fence in front yard over 75 centimetres	By-law #038 Section 6.(S)(2)	12 Rowanoak Lane
Back Yard Chickens – Similar and Compatible Use	Zoning By-law No. 38 Section 3(D)(1)	4 Long Lane
Tentative Subdivision - Foxborough Ridge	By-law #035	Pettingill Road (#160 Entrance); 47 lots
Tentative Subdivision - Heritage Estates	By-law #035	Pettingill Road (#140 Entrance); 25 lots
Tentative Subdivision – Wildberry Park Phase 1	By-law #035	Off Kelcratis Ave (4 lots)

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

None

7. New Business

Bob McLaughlin noted the item for a Subdivision off Corduroy Lane (off Elliot Road between # 152/158) with a Lot Not Fronting a Municipal Street was pulled.

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Similar or Compatible Use (Storage Units)	By-law #038, Section 3.D.(1)	132 Millennium Drive
b)	Oversized Detached Garage	By-law # 038 Section 8.(G)(1)(c)	12 Samantha Avenue
c)	Home Occupation	By-law #038 Section 6.(K)	15 Grafton Drive
d)	LPP Approval – Kirkwood Heights Subdivision Ph 8	As per PAC approved tentative plan March 22, 2016	James Prince Road (Off Hammond River Road)

a) Similar or Compatible Use (Storage Units) - 132 Millennium Drive, PID # 30215255

Mr. Peter Perry of Nekashfe Investments attended seeking a variance of Similar or Compatible Use in order to grant permission for a third party to use the existing outside storage facility for furniture and personal effects storage at 132 Millennium Drive (PID 30215255). The lot is located in a Business Park Commercial (BPC) Zone and as it is on Millennium Drive, the development must remain consistent with the Development Scheme Bylaw #17.

The original Developer's Agreement, under the name of "A-1 Auctioneers" of 132 Millennium Drive, the business was listed as "a furnishings warehouse and retail outlet (and associated

self storage units) to be used for the auctioneering of furniture and selected persona effects". This proposal was in keeping with that type of business in that the third party is an insurance company name Belfor Canada that will be storing furniture and household items for potential return to clients or resale.

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: Mark Hatfield

That the PAC grant permission to Nekashfe Investments Inc. permitting BELFOR Canada to utilize the existing outside storage units at 132 Millennium Drive (PID 30215255) for temporary storage of household and office furnishing and personal effects subject to the following conditions:

- 1) Nekashfe Investments Inc. and BELFOR Canada enter into an amending Development Agreement with the Town;
- 2) There is no expansion of the existing storage units or addition of new units without the approval of the Town;
- 3) The storage of hazardous and dangerous materials shall NOT be stored or permitted on the property. Any indication of such shall be an immediate breach of the Development Agreement and the use terminated without consideration for reinstatement of the use.
- 4) There is no change to the approved existing lighting on the property;
- 5) The hours for accessing the storage units shall comply with the noise By-law #023 and be no earlier than 7:00 a.m. and no later than 9:00 p.m. Monday to Saturday inclusive. With consideration of the residential properties adjacent to the storage units, the hours of access should be no earlier than 9:00 a.m. and no later than 9:00 p.m. on Sundays and Holidays;
- 6) A copy of Lease Agreement, signed by the property owner and BELFOR Canada is to be submitted to and filed with the Town; and
- 7) The use is limited to BELFOR Canada ONLY and non-transferable and terminates upon sale of the property.

CARRIED UNANIMOUSLY

b) Oversized Detached Garage – 12 Samantha Avenue, PID # 453951

Mr. Jeff Erb attended requesting approval to construct an eight decimal fifty-three (8.53) metre by eight decimal fifty-three (8.53) metre detached garage on the property identified above with an added entrance way of zero decimal sixty one (0.61) metres by four decimal twenty-seven (4.27) metres for a total of seventy-five decimal thirty-six (75.36) square metres. In order to obtain a building permit, a variance of twelve decimal thirty-six (12.36) square metres is required from By-Law No. 038 Section 8.(G)(1)(c) as the maximum size permitted is sixty-three (63) metres in area.

Some of this property has a significant slope towards 4 Samantha Avenue. While the area where the garage sits is fairly level, the land adjacent to it slopes diagonally towards the back corner of the property adjacent to 4 Samantha Avenue. We received a concern related to potential impact of the drainage on adjacent properties so the Building Inspector attended at the property to view the potential impact of the new garage on adjacent properties. The

drainage slopes towards 4 Samantha Avenue and there is a rear yard swale present. The neighboring property has positive grading around the house and a fairly substantial swale along the front of the property. It is unlikely that any additional water would cause any significant concerns to 4 Samantha Avenue; however, flows directed through downspouts may have an impact and should be directed towards the rear yard swale to minimize any potential impact on the adjacent property.

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: Darren Bishop

SECONDED BY: Mark Hatfield

That the PAC approve the variance from Zoning By-law 038, Section 8.(G)(1)(c), for a 12.36 square metre (133 square foot) variance for the construction of an 8.53 meters x 8.53 meters (28ft by 28ft) with a 0.61 meters x 4.27 meters (2ft by 14ft) front projection detached garage at 12 Samantha Avenue – PID 453951 subject to the following conditions;

- 1) If downspouts are installed they must be directed towards the rear yard swale.
- 2) The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
- 3) The building is not to be used for business purposes or for the keeping of livestock or as a dwelling.

CARRIED UNANIMOUSLY

c) Home Occupation – 15 Grafton Drive, PID # 30189922

Ms. Rommy Gin attended seeking permission for a Home Occupation, that of a Speech Pathologist, at 15 Grafton Drive, PID 30189922. The main dwelling contains a total main floor space of 131.7 sq. m. with a total of 15.5 sq. m to be used for the Speech Therapy Room. This approximates to 11.8 percent of the space being used for business purposes and as such is within the allowable limits as per Zoning By-law 038, Section 6.(K)(2)(d).

The intention is to operate the clinic between 8:30 a.m. and 5:00 p.m. with one patient at a time with the applicant as the proprietor and only employee for the business. There will not be any advertising signs posted at the dwelling as per the applicant.

Notice was sent to residents within 100 metres of the property. There were two responses which noted that if this was approved, it establishes a precedent for other requests for similar home businesses in the area and one noted that the streets were not designed to handle the additional traffic. As per the Zoning By-law 038 Section 8.(A)(1)(b)(i) and Section 6.(K), the Planning Advisory Committee may permit home occupations within a residential area pursuant to the Section 34(4)(c) of the Community Planning Act of New Brunswick. As members of the PAC stated, there are many home businesses in Quispamsis and this type of request fits well within what the PAC has granted previously and what the intention of the Zoning By-law.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the PAC grant approval for a Home Occupation of Speech Pathology at 15 Grafton Drive, PID 30189922, with the following conditions:

- 1) It shall be secondary to the main residential use of the dwelling;
- 2) Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
- 3) It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
- 4) The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty five (25) percent of the floor area of the dwelling unit, or thirty two (32) square meters;
- 5) 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;
- 6) No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
- 7) No equipment or material used therein is stored other than in the dwelling unit;
- 8) 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; 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.

CARRIED UNANIMOUSLY

d) LPP Approval – Kirkwood Heights Subdivision Phase 8

Mr. Dwight Colbourne reviewed the updated plan for Kirkwood Heights Subdivision, Phase 8, which proposes the creation of Land for Public Purposes that will provide public access to the Hammond River. This subdivision plan was reviewed by the Planning Advisory Committee at their March 22, 2016 meeting with tentative approval given, subject to specific terms and conditions. The PAC terms and conditions were those commonly associated with most subdivision developments – an engineered comprehensive storm water management plan, an engineered street design, a hydrogeological report to confirm sufficient potable water and execution of a standard Developer's Agreement with the Town.

This resubmission was a condition of the earlier tentative approval as the initial Tentative Plan did not include the LPP area. Mr. Colbourne noted that the James Prince Road original intent was a public right-of-way providing access to the river. As part of this development, the Planning Department felt it would be important to recognize the importance of the right-of-way and river access by acquiring LPP that would provide public access to the river. This idea was presented to the Community Services Department as well as the Developer and collaboratively the LPP area on the plan was the result. The LPP will run from the Future Street to the Hammond River Road along the rear Lot 16-1 and Lot 16-4 for the purposes of providing additional trail access to the river. Town staff from both departments, and the Developer, feel this will be an overall benefit to both the local community as well the Town as a whole.

There was a question with regards to the amount of land shown on the previous plan in comparison to this amended plan. Mr. Gerry Roberts noted that this area was recently surveyed again and depending on the high water levels, land at water's edge will show slight differences.

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

That the PAC grant approval for the proposed LPP believing it is in keeping with the Municipal Plan to provide public access to the rivers.

CARRIED UNANIMOUSLY

9. Information Items

Food Premises Licensing information, Council Meeting Minutes: March 15 & April 5, 2016

10. Adjournment

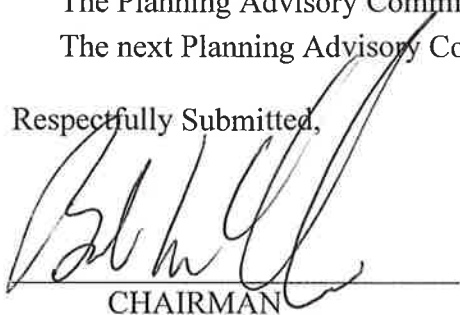
MOVED BY: Mark Hatfield

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:27 p.m.

The next Planning Advisory Committee meeting is scheduled for June 28, 2016.

Respectfully Submitted,


CHAIRMAN
SECRETARY