

PLANNING ADVISORY COMMITTEE
MINUTES – June 28, 2016

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on June 28, 2016 at 7:00 p.m.

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

Absent: --

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: Mark Hatfield

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 June 16, 2016 PAC meeting be received and filed with the addition of the names of the person who made the Motion and Seconded the Business Arising from the Minutes of the previous meeting.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

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

MOVED BY: Mark Hatfield

SECONDED BY: Pierre Rioux

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) | Home Occupation | By-law # 038, Section 6.(K) | 10 Longwood Drive |
| b) | Sign Variance | By-law #036, Section 18.A | 515 Hampton Road |
| c) | Permanent Plans – Leisure Time Sales Ltd. | As per May 26, 2015 PAC Approval for Temporary Use | 16 Gondola Point Arterial |

a) Home Occupation - 10 Longwood Drive, PID # 68833

Ms. Candace Snowden attended seeking approval for a Home Occupation, that of a Photography Business, at 10 Longwood Drive, PID 68833. As per 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.

The house contains a total floor space of 241.5 square metres. However, the intent of Section 6.(K)(2)(d) is to ensure the floor area of the dwelling unit, which is devoted to the business, does not exceed twenty-five percent of the total floor area. Whereas the basement contains a total floor space of approximately 120.8 square metres with a total of 41.8 sq. m to be used for the Photography Room, this approximates to 35 percent of the space being used for business purposes and as such requires a variance of ten (10) percent in order to be within the allowable limits as per Zoning By-law 038, Section 6.(K)(2)(d).

The intention is to operate the photography business between 10:00 a.m. and 3:00 p.m. for customer appointments with the applicant as the proprietor and only employee for the

business. It was noted that there will be one advertising sign posted at the dwelling; approximately twenty by ten inches

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: Mark Hatfield

SECONDED BY: Marc Gosselin

That the PAC grant approval for a Photography Home Occupation and a ten (10) percent floor area variance at 10 Longwood Drive, PID 68833, 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 approved thirty five (35) percent of the floor area without further PAC approval;
- 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

b) Sign Variance – 515 Hampton Road, PID #

Mr. Jesse Vergen, owner of the Smoking Pig and the Driving Range, attended seeking PAC approval for additional signage at 515 Hampton Road, PID 30023584. There are currently three (3) free standing signs facing Hampton Road and three (3) free standing signs facing the Gondola Point Arterial, each approximately three (3) square metres in size.

The lot is located in a Rural (RU) Zone, as such, the Sign By-law 036 Section 19.A.(2), states that a maximum of one sign for each purpose, not exceeding zero decimal four (0.4) square meters in area and not exceeding two signs per property is permitted. The Building Inspector's memo to PAC stated that PAC should note that the zoning of the lot is related to the use (driving range) and not its location. In this case it would make more sense to apply the requirements for commercial lots in the Sign By-law.

Commercial Zones are permitted one free standing sign with the area of a freestanding sign not to exceed zero decimal three (0.3) square metres for each linear metre of frontage on a

public street. The property of 515 Hampton Road, PID 30023584 has over seventy-five (75) metres of street frontage on the Hampton Road side and over four hundred (400) metres on the Gondola Point Arterial side. With consideration to the location and the street frontage, it is not unreasonable for this lot to have two signs. PAC would be approving the size and configuration of the signs, permitting the applicant to change out the signage, at will, based on the needs of their business without having to appear before PAC.

It was noted that the existing signage should be arranged to appear as one sign facing the Hampton Road and one facing the Gondola Point Arterial. While the signs would not physically be the same sign, they should be arranged so they are adjacent to one another and at a consistent distance from the road.

It was recognized that this area is also popular for placing signs for charity drives, plays, etc. These signs are permitted and do not impact the permitted number or maximum area of signage on a lot, however, Mr. Vergen noted that these signs are becoming more frequent and sometimes erected without his permission or knowledge. The PAC Secretary offered to send Mr. Vergen the information for Temporary Sign permits that he can share with the non-profit organizations that request signage space.

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: Mark Hatfield
SECONDED BY: Jean Place

That the PAC approve the variance from By-law 036 Section 19.A.(2), for an eight decimal five (8.5) square metre variance to allow for the signage at 515 Hampton Road – PID 30023584 subject to the following conditions;

- 1) The signage must be arranged to appear as one sign facing Hampton Road and one sign facing the Gondola Point Arterial.

CARRIED UNANIMOUSLY

c) Leisure Time Sales Ltd. – 16 Gondola Point Arterial, PID # 250886

Mr. Derek Dobson attended with the permanent plans for the LTS Investments development at 16 Gondola Point Arterial, PID # 250886. Mr. Colbourne reviewed his memo with concerns and recommendations that included the following.

The lot is located in a Highway Commercial (HC) Zone as such the proposed use as a recreational vehicles sales and/or rental and ancillary uses (selling of accessory equipment) is as a Discretionary Use subject to terms and conditions of the PAC. LTS Investments appeared before the PAC in May 2015 seeking a using of their property for the sale of Recreational Vehicle for a temporary period. As a condition of approval, the PAC requested LTS return to PAC once development plans were available for final development of the lot.

Access to the lot will be via a public street off Route 119. The development plans along with a Traffic Impact Study was submitted to the Department of Transportation and Infrastructure in April 2013 with approval granted in August 14, 2013 subject to several terms and conditions that were reviewed.

While the street name is not available at this time for PAC to review, Mr. Colbourne stated that the PAC can authorize staff to approve the name provided there are no conflicts with existing streets in the valley, which would be identified through the Master Street Address Guide (MSAG) database. It was noted that the street width is shown at 9.0 metres between curb points. The normal width of a local street is 8.0 metres of asphalt driving surface with a 1.0 metre gravel shoulder on each side in the absence of sidewalks along the street, as such, the width will need to be adjusted to provide for a walking area along the street. Mr. Dobson noted that this was possible and the plan would be upgraded to include this.

The Gravel Lot on the west side of the proposed public street can be retained as part of the bigger parcel and keep the same PID. There can be a note placed on the plan that states there will be no further development until such time as the lot meets the minimum lot size requirements for a commercial lot as per the Zoning By-law. It will be a lot will be required to meet the minimum lot size standards as per Zoning By-law 038 Section 14.(C) (which refers to Section 12.(C) being 1140 sq. metres, 30.0m in width and 38.0m in depth). Section 12.(C) also requires the lot be serviced by municipal sewerage. At this time the civil design drawings do not show how this lot would be serviced (i.e. there is no lateral information). Given that both properties are zoned Highway Commercial and both owned by the same company, simply adding more land to the lot from the adjacent parcel may be required. The propane tank shown on the Gravel Lot did not offer information on required Provincial Guidelines therefore the PAC could not determine if approval is required for setbacks. Bulk storage of propane requires setbacks to adjacent buildings under the National Fire Code. Staff's opinion on this is that all required setbacks should be met on the lot which the propane tank sits. While the applicant owns the adjacent lot at this time, there is nothing that would prevent them from selling this lot in the future and there is no method to provide notification to potential property owners that there are restrictions on the property that they are purchasing.

The conditions regarding the establishment of buffers between what was originally noted as a residential property and a Highway Commercial zone can be removed from the terms and conditions of approval. However, from a planning perspective, it was noted that it may be advantageous to retain some form of buffering should a portion of the property be developed as residential through a re-zoning process but under the current situation, there is no requirement for buffering.

With regards to the Line of Sight, Mr. Colbourne noted that no building, structure, fence, shrub or tree foliage may obstruct the line of vision at a street intersection between the heights of one (1) and three (3) meters above the grade of the street within an area bounded by the centre lines thereof and a line joining a point on each centre line twenty four (24) meters from their intersection. This test will have to be conducted at the ramp intersection with Route 119 as well as at the new public street intersection with Route 119 to confirm foliage is not blocking or interfering with line of vision.

The parking displayed in the front setback is shown as a gravel lot and must comply with section By-law 038, Section 6.(P)(5)(c) whereas all permanent parking lots and access driveways required for commercial, industrial and institutional development, and residential development of three (3) units or greater shall be surfaced with hot-mix asphalt, portland cement, concrete, or asphalt stone chip seal coat. The parking stalls along the front and sides of the building do not show any dimensions. This need to be properly dimensioned and be in

compliance with Section 6.(P)(4) of Zoning By-law 038 to ensure safe and efficient parking as well as pedestrian and traffic movement within the lot;

As the municipal sanitary sewerage easement has changed from the original plan, the existing easement agreement for the property must be amended to provide the Town with uninterrupted access to the easement for maintenance purposes.

MOVED BY: Darren Bishop

SECONDED BY: Darin Lamont

That the PAC grant approval for the proposed Discretionary Use of Recreational Vehicles Sales and/or Rental along with Ancillary Uses (Accessory equipment sales) in accordance with Zoning By-law 038, Section 14.(B)(1)(a), subject to the following conditions:

- 1) A variance from Zoning By-law 038 Section 6.P(3)(b) permitting parking within the front yard setback area;
- 2) A variance from By-law 038, Section 12.(G)(1) requiring a minimum of fifty (50) percent of the front yard of the lot landscaped as open space, with mitigation for the loss of greenspace to be compensated for elsewhere on the lot and reflected in an amending landscape plan;
- 3) The parking lot in the front yard area to be asphalted and in compliance with Zoning By-law 038, Section 6.(P)(5)(c);
- 4) Compliance with the Terms and Conditions of the access approval as granted by New Brunswick Department of Transportation and Infrastructure (NBDTI) on August 14, 2014;
- 5) Submission of a Subdivision Plan vesting the public street right-of-way and the Municipal Services Easement to the Town and payment of the appropriate fees;
- 6) Submission of a street name for approval by the Town with authorization to grant the approval by staff being given by the PAC as noted in the meeting minutes;
- 7) Submission of the traffic control signage and pavement markings plan to NBDTI for approval with the approved copy being forward to the Town;
- 8) Adjustment of the street width to a minimum of 10.0 metres (8.0 metres of asphalt driving surface and 1.0 metres of shoulder on each side for appropriate walking areas along the entire length of the street);
- 9) Submission of a turning movement report to confirm safe and efficient turning movements from Route 119 into the public street as well as around the building;
- 10) Construction of the Cul-de-Sac to full municipal standards to allow for safe efficient movement of the municipal operations equipment;
- 11) Completion of Line of Sight testing in accordance with Zoning By-law 038 Section 6.(O)(1) and submission of the findings to the Town with any deficiencies being addressed to the satisfaction of the Town;
- 12) The placement of RV units are to ensure they will not obstruct visibility for traffic accessing the Gondola Point Arterial, approaching the intersection near the LTS property or traveling along Route 119 off-ramp;
- 13) The existing Municipal Services Easement agreement to be amended to reflect the change in the location of the easement and future development of the lot;

- 14) The “Gravel Lot” as shown on the site plan must meet minimum lot requirements and serviced by municipal sewerage;
- 15) The property owner enter into a Development Agreement with the Town and complete the development in accordance with the terms and conditions therein and the approved plans;
- 16) Building and Free-Standing Signage is to be submitted to the Town and approved as part of the Developer’s Agreement;
- 17) All lighting on the building must be mounted and downward facing; and
- 18) The civic number must be visible on the building in accordance with Numbering of Buildings By-law.

CARRIED UNANIMOUSLY

9. Information Items

Council Meeting Minutes: April 27, May 3, May 17 & May 24, 2016
Council's approval to amend the developer's agreement for 355 Hampton Road

10. Adjournment

MOVED BY: Darin Lamont

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:55 p.m.

The next Planning Advisory Committee meeting is scheduled for July 12, 2016.

Respectfully Submitted,



CHAIRMAN



SECRETARY