

PLANNING ADVISORY COMMITTEE
MINUTES – May 23, 2017

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on May 23, 2017 at 7:00 p.m.

In attendance: Bob McLaughlin
 Carolyn LeBlanc
 Darin Lamont
 Darren Bishop
 Jean Place
 Kendall Mason
 Marc Gosselin
 S. Dwight Colbourne, P.Tech, Municipal Planning Officer
 Violet Brown, Secretary

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: Darren Bishop

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None.

4. Review of Previous Meeting Minutes

MOVED BY: Darin Lamont
SECONDED BY: Carolyn LeBlanc

CARRIED UNANIMOUSLY

5. Business Arising from Minutes:

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
<i>Tentative Subdivision Plan - Goldrush Drive Extension</i>	<i>Subdivision By-law 035</i>	<i>10 lots; Goldrush Drive</i>
<i>Tentative Subdivision Plan - McMahon Subdivision</i>	<i>Subdivision By-law 035</i>	<i>Two lots; Off Elliot Road</i>
<i>Sign size variance</i>	<i>Sign By-law 036, Section 13.A.(1).(a)</i>	<i>138 Millennium Drive; PID 30248769</i>

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

6. Unfinished Business

a) 137 Hammond River Road – Home Business

Ms. Shari Giffin attended seeking approval for a Home Occupation called Waterside Wellbeing, offering Massage Therapy and similar benefits, at 137 Hammond River Road, PID 230722. This item was postponed at the April 25, 2017 PAC meeting to better suit the applicant's schedule.

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. There were no questions from the PAC Members and no concerns from the Town staff on this application as this home based business is in keeping with the intent of the Zoning By-law 038, Section 6.(K).

MOVED BY: Carolyn LeBlanc

SECONDED BY: Jean Place

That the PAC grant approval for a Home Occupation of Waterside Wellbeing – 137 Hammond River Road, PID 230722 subject to 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;
- 9) There is to be no parking on the street or within Town property; and
- 10) 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

7. New Business

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

**a) Detached Garage - Over height, Beyond Frontline of Dwelling, Oversize
515 Misty Cove Lane, PID 30184659**

Mr. Rodney Hayes attending requesting approval to construct a detached garage on waterfront property identified as 515 Misty Cove Lane, PID 30184659. In order to obtain a building permit, three variances are required from the By-law #038. The detached garage is proposed at seven decimal three (7.3) metres high and requires a height variance of two decimal three (2.3) metres from Section 8.(G)(1)(a) plus the size is proposed at seventy-two decimal eight (72.8) square metres and requires an area variance of nine decimal eight (9.8) square metres from Section 8.(G)(1)(c). The location is beyond the front line of the dwelling and requires a fifteen decimal two (15.2) metre variance from 8.(G)(1)(b)(i). The property is a waterfront property and therefore requires a review of the Planning Advisory Committee as per Section 6.(BB)(1)(a).

Notice was sent to residents within 100 metres of the property. There were no concerns received and no one attended to speak for or against the application.

MOVED BY: Jean Place
 SECONDED BY: Kendall Mason

That the PAC grant approval for the following variances:

- a height variance of two decimal three (2.3) meters from Section 8.(G)(1)(a) for the detached garage;
- an area variance of nine decimal eight (9.8) square metres from Section 8.(G)(1)(c) for the detached garage;
- a location variance from 8.(G)(1)(b)(i) for the garage being fifteen decimal two (15.2) beyond the front line of the dwelling; and
- approval for development on a waterfront property, as per Section 6.(BB)(1)(a)

on the property of 515 Misty Cove Lane, PID 30184569, subject to the following terms and conditions:

- 1) A permit is received from the Department of Environment and Local Government if work is to take place within 30 metres of the watercourse;
- 2) The garage is to be sided with a cladding recognized by the National Building Code of Canada, current adopted edition; and
- 3) The garage is not to be used for commercial or business purposes, for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

b) Front Yard Setback (Parking and Building)- 202 Hampton Rd, PID 30014369

Mr. Brent Welch attended seeking approval for a business, located at 202 Hampton Road, PID 30014369, to create parking spots beyond the front of the building. As per Section 6.(P)(3)(b), other than an R Zone, parking shall not be permitted within the required front yard setback area, unless permitted by the Planning Advisory Committee.

While not recognized in the notice to the property owners in the 100 metre radius, a front yard setback variance is required from the Zoning By-law 038 Section 12.(D)(1)(a) for the additional office space added to the main building as this now puts the building within the front yard setback. The addition of 7.62m by 7.32m (25' by 24') puts the main building only 8.78 metres from the front property line whereas the setback from Hampton Road must be 15 metres. This requires a variance of 6.22 metres. PAC acknowledged that this variance was not noted in the letter to the property owners but the site plan was included and all measurements of the building and the parking spaces were noted on the plan.

The intention is to operate an insurance business with a financial planning business through the addition of office space added to the front of the building and additional four parking spaces in front of the addition. The insurance business proposing three employees and the financial planning business is proposing five employees. Drop in clients are expected at approximately eight per day.

Notice was sent to residents within 100 metres of the property. The Town received a concern for the drainage between the property of 202 and 204 Hampton Road. There has been a great deal of water flowing down behind the properties for years and this has been lessened by the existing swales. No one attended to speak for or against the application.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the PAC grant a variance from Zoning By-law 038 Section 6.(P)(3)(b) to allow parking spaces to be in the front yard setback, and a six decimal twenty-two (6.22) metre variance from Zoning By-law 038 Section 12.(D)(1)(a) for the addition to the building at 202 Hampton Road, PID 30014369 with the following conditions:

- 1) A building permit is issued for the additional office space prior to construction;
- 2) An approved site plan is obtained by the town ensure existing drainage is not affected;
- 3) The additional parking area must be asphalt; and
- 4) Each vehicle parking space shall be in accordance with the stall width and length, curb length and minimum driveway as outlined in the Zoning By-law.

CARRIED UNANIMOUSLY

c) Detached Garage Front Yard and Side Yard Setback Variance - 325 Model Farm Road, PID 30171110

Mr. Steven Driscoll attended requesting a 1.2 metre side yard setback variance, a front yard construction variance, and a review for development on a waterfront property for the construction of 11 metres by 11 metres by 7.0 metres high detached garage at 325 Model Farm Road – PID 30171110.

The construction is located approximately 148 meters from the Kennebecasis River and therefore unlikely that sedimentation would impact the waterway. 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: Jean Place

That the PAC grant approval from Zoning By-law 038, Section 25.(O)(1)(a)(i) for the construction in the front yard of a main building, a 1.2 metre side yard setback variance from Section 25.(O)(1)(a)(iii), and a review as per Section 6.(BB) for development on a waterfront lot for the construction of an 11 metre by 11 metre detached garage at 325 Model Farm Road – PID 30171110 with the following conditions:

- 1) The construction must comply with the spatial separation requirements of the National Building Code, current adopted edition;
- 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

d) Tentative Subdivision Plan - Fernwood Park Phase 3

Mr. Peter Donovan Jr. attended seeking approval for a tentative subdivision plan, Fernwood Park Phase 3, for the creation of twenty-one (21) residential building lots, the creation of a public street called Meadowlark Drive and a twenty (20) metre wide lot for the future street development. A review of the tentative plan was completed in accordance with the applicable provisions of Zoning By-law 038 and Subdivision By-law 035 in its entirety.

Notice was sent to residents within 100 metres of the property. The only question was with regards to the passage of heavy equipment on Nightingale to which Mr. Colbourne stated that all development traffic will access the property through the dirt road leading from Quispamsis Road. No one attended to speak for or against the application.

MOVED BY: Darren Bishop

SECONDED BY: Marc Gosselin

That the PAC approve the Fernwood Park Subdivision Phase 3 tentative plan with twenty-one (21) lots subject to the following conditions:

1. Proper engineered design drawings for the sanitary sewer system to be submitted to the Town for review;
2. Submission of a comprehensive Storm Water Management Plan and a Lot Grading Plan as designed by a qualified professional engineer licensed to practice in the Province of New Brunswick. The plan must demonstrate balanced pre and post development flows. The plan must provide acceptable solutions for any downstream impacts and shall be submitted to the Department of Environment (DOE) for their review and feedback. The final storm water management plan is to be reviewed and approved by the Town for construction;
3. Comprehensive Water Source and Supply Assessment (CWSSA) report to be submitted to the Town prior to final approvals;
4. Any approvals or conditions from the DOE are to be submitted to the Town in writing;
5. Proper engineered design drawings for the storm sewer system and any open channels to be submitted to the Town for review;
6. 3948 sq. metres Land For Public Purposes obligations to be satisfy through use of the 6233 sq. metre LLP land bank credit from Fernwood Phase 1 development.
7. Any Municipal Services Easement necessary for the storm water management plan are to be incorporated into the final subdivision plan;
8. Submission of street centreline profiles prior to street design to confirm street grades within the permitted eight percent (8%);
9. Street names has submitted are acceptable;
10. Tree clearing shall be restricted to street right-of-ways and easements necessary for the installation of services;
11. Heavy truck traffic accessing the construction site are to utilize the Quispamsis Road access with appropriate permission to be arranged with the property owner (Bonney Construction Ltd);

12. Standard Developer's Agreements, bonding and subdivision fees will be required;
13. Subdivision filing fees of Four Hundred Ten dollars (\$410.00) for a twenty-one (21) lot phase; and
14. Plans to be properly signed by the necessary utilities and owners

CARRIED UNANIMOUSLY

e) Mobile Car Wash as a Similar or Compatible Use - 525 Hampton Rd, PID 250266

Mr. Marc Doiron attended seeking approval for a Mobile Car Wash Operation to be considered as a Similar or Compatible Use to the existing Gas Station and Convenience Store at 525 Hampton Road, PID 250266. Mr. Doiron stated that while a concerned neighbor thought there were enough car washes in the areas, there are two self-service car washes that are not suitable for seniors or persons with disabilities to operate and only one drive through wash at this time.

The hours of operation were noted at 9:00 a.m. until 6:00 p.m. seven days per week but only on sunny days. While it is considered mobile, there will be an accessory building on the lot to hold the equipment so it does not need to be transferred each day. Mr. Doiron estimates six to seven minutes per vehicle wash and does not expect a large line up that will expand beyond the existing parking lot which is over 1100 square metres on the side of the building where vehicles will be washed. It was also noted that his operation does not wash heavy equipment, does not wash undercarriages and does not use harsh chemicals.

The first concern from staff is for the water consumption of using the private well on the property as originally indicated by the applicant. Mr. Doiron stated he owns a 1000 litre storage tank that they will use instead of the private well. Another concern from the Town staff on this application is the drainage. While indicated by the applicant that the property slopes towards the Hampton Road, the Town's contour map predicts that the water may drain towards the rear of the property where there is already a wet terrain. The paved lot is built up higher than the neighboring properties and as such may see the drainage in the opposing direction. Mr. Doiron noted that he will monitor the drainage and move back further to the corner of the lot if the water does not dry up before it gets to the front ditch.

Notice was sent to residents within 100 metres of the property. Once concern was received which noted the drainage and water, as reviewed above, and also noted a noise concern. Mr. Doiron stated that the generator will be inside of an accessory building which should eliminate some concerns for sound. He also noted that the nearest neighbor is on the opposite side of the property about 90 metres away.

No one attended to speak for or against the application.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That the PAC grant approval for a Similar or Compatible Use for the operation of a Mobile Car Wash at 525 Hampton Road, PID 250266, subject to the following conditions:

- 1) Water used for the washing of cars must be brought in and stored on site;
- 2) The private well on the property is not to be used for the car wash;

- 3) No trailers, commercial or recreations vehicles will be permitted to be washed at this location;
- 4) The car wash must be located and operated such that adjacent property owners and groundwater users are not impacted;
- 5) A mitigation plan for water drainage is prepared in case the water does not dry up before it reaches the edge of the property and becomes a concern for adjacent properties;
- 6) Only mild detergents or cleaning agents which are biodegradable shall be used in the car wash operation;
- 7) No petroleum solvents shall be used or permitted on the lands.
- 8) No washing of engines, undercarriages, or other articles, which are, or are likely to be, contaminated with oil or grease is permitted on the lands.
- 9) Drainage shall not impact the wetland area behind the property;
- 10) Parking is not permitted on any Municipal Property;
- 11) Vehicles waiting for the mobile car wash are not permitted to line up on Hampton Road so as to impede on traffic;
- 12) Any substantiated concerns received by the Town that would deem the operation to be a nuisance and the concerns cannot be reasonable addressed, the operation shall cease;
- 13) A building permit is issued for the temporary shed that will house the equipment;
- 14) Any signage must comply with the Town's Sign By-law;
- 15) A Developer's Agreement is required to be registered to the property; and
- 16) The PAC approval to operate the mobile carwash is non-transferable. The approval is solely for the benefit of the property and owner named herein. In the event the business is discontinued by this operator and this property, the said approvals shall terminate.

CARRIED UNANIMOUSLY

f) Pool and Shed Setback – 35 Westminster Drive, PID 30318992

Mr. Carl Ozkaynak attended requesting approval for a setback variance for a pool and accessory building at 35 Westminster Drive, PID 30318992. The in-ground pool proposed location is two decimal one (2.1) metres from the rear property line which requires a variance of zero decimal nine metres (0.9) from the Zoning By-law 038, Section 6.(T)(6)(a) and the accessory building proposed location is zero decimal six (0.6) metres from the side property line which requires a variance of zero decimal nine metres (0.9) from the Zoning By-law 038, Section 8.(G)(2)(iii).

It was recognized that the neighboring property along the rear property line is LPP owned by the Town and that the proposed location of the accessory building does not pose any exposed building face issues. The proposal meets all other bylaw requirements: Height, size, distance to house, etc. 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: Marc Gosselin
 SECONDED BY: Darin Lamont

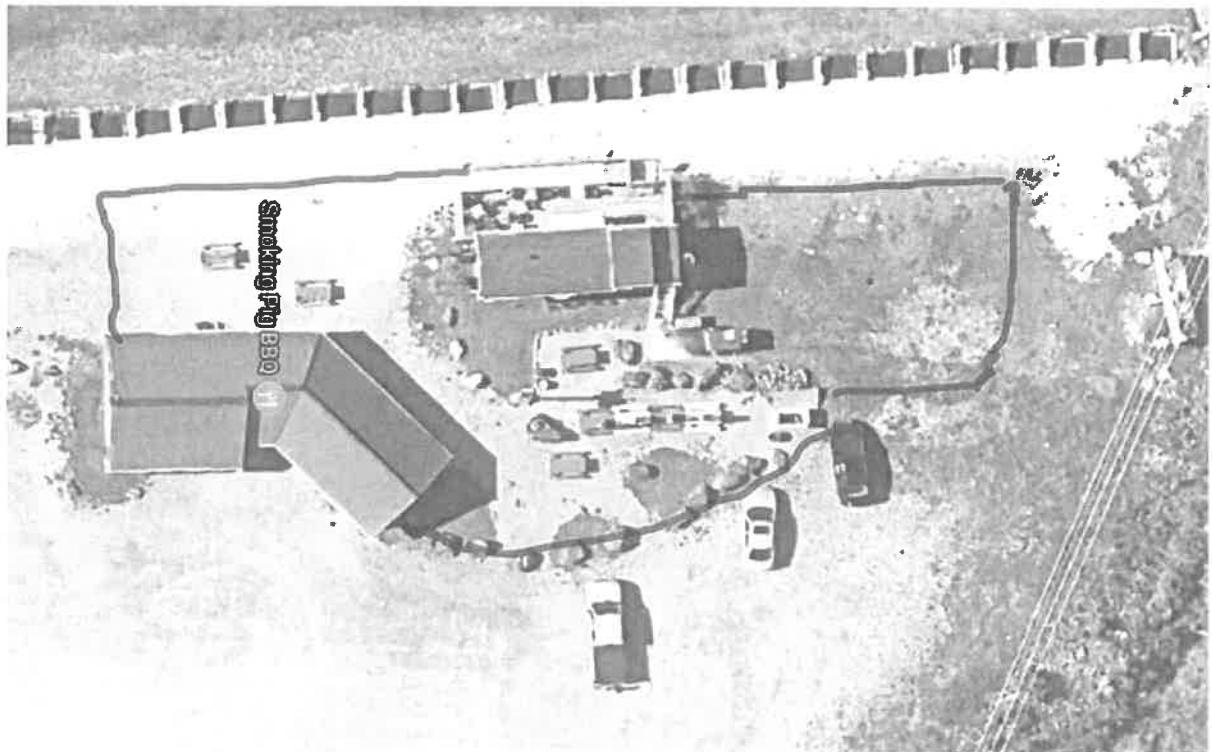
That the PAC approve the variance from Zoning By-law 038, Section 6.(T)(6)(a) for a zero decimal nine (0.9) metre setback variance for the pool and Section 8.(G)(2)(iii) for a zero decimal nine (0.9) metre setback variance for the accessory building at 35 Westminster Drive, PID 30318992, subject to the following terms and conditions:

- 1) The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition.

CARRIED UNANIMOUSLY

g) Developer's Agreement Amendment - Licensed Dining Room upgrade to a Special Liquor License - 515 Hampton Road, PID 30023584

Mr. Colbourne reviewed the new request as further to Council's recent adoption of an amendment to the Zoning By-Law No. 38 that permitted a Licensed Dining Establishment as a Notwithstanding Use in a Rural Zone. It was noted that when the applicants applied to the NB Liquor Licensing Board for the Dining Room License, they were advised a Special Facility License would be more in keeping with their planned operation. The owners have since reappeared before Council, requesting that their Section 39 Community Planning Act developer's agreement be amended to permit them to apply for a Special Facilities License as opposed to a Dining Room License to provide them with more flexibility, in particular, so that they would not require a server, and to enable them to expand the area where beer can be served beyond the patio to the picnic table area. This Special Facilities License also allows patrons to pick up their food and drink and walk to a picnic table whereas the Dining Room License requires staff to serve them. The applicants have submitted a plan showing the cordoned off area where they are proposing the revised Liquor License would apply; see below.



As per Section 66 of the Community Planning Act (CPA), the Planning Advisory Committee (PAC) is asked for their views on the application. The PAC recognized that the property has signage up stating beer is now being served and that their understanding of the intent of the applicant was to enhance the menu by adding beer, and perhaps wine, to their food lists.

Notice was not sent to residents in the vicinity by the PAC as this is a request to Council and therefore will be advertised in a public forum prior to the meeting of June 20, 2017.

MOVED BY: Darin Lamont
SECONDED BY: Carolyn LeBlanc

That the PAC support Council in the decision of amending the Developer's Agreement between the Town and Timber Frame Developments Ltd. to permit a Special Facilities License on the patio and picnic table areas of 515 Hampton Road (PID 30023584) subject to the following conditions:

1. The areas identified on the map as designated for alcohol consumption are clearly marked on the property;
2. No alcohol is permitted beyond the boundary nor permitted in the driving range area;
3. The conditions previously noted by the PAC and documented on the amended Developer's Agreement are revised as follows:
 1. *The take out restaurant currently operating under the name, "Smoking Pig BBQ" shall be a permitted incidental use to the main use of the Golf Driving Range Facility on the Lands;*
 2. *The restaurant shall be permitted to sell alcohol (beer and wine), pursuant to a ~~Dining Room~~ license issued and regulated by the Province of New Brunswick;*
 3. *Hours of operation shall continue from 11:30 a.m. until 8:00 p.m. and will not exceed the hours of operation of the driving range as permitted in the **Original** Agreement;*
 4. ~~*The patio seating for eighteen (18) people, shall not be increased without approval of the PAC;*~~
 5. ~~*Any change in liquor licensing from a dining room license, (which shall be limited to thirty (30) persons or less), must be approved by the Town of Quispamsis Planning Advisory Committee;*~~
 6. *The restaurant operation shall remain as a patio style dining facility and any changes will require approval of the Town of Quispamsis Planning Advisory Committee;*
 7. *Live musical entertainment (including music bands) is not permitted on the Lands;*
 8. *The Operator of the restaurant shall at all times control noise levels so that they are not loud and do not create a disturbance to neighbouring properties. Loud electronic music is also not permitted. For purposes of this agreement, the word "Loud" is defined as capable of being heard by persons on neighbouring properties; and*
 9. *The Agreement is hereby amended as required to give effect to the foregoing but otherwise remains in full force and effect.*

CARRIED UNANIMOUSLY

8. Information Items

Invitation to the Climate Change Initiative – Stakeholder's Workshop, June 14, 2017

9. Adjournment

MOVED BY: Darin Lamont

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:45 p.m.

The next Planning Advisory Committee meeting is scheduled for June 13, 2017.

Respectfully Submitted,



CHAIRMAN



SECRETARY