



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – November 26, 2019

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

Absent:

1. Call to Order

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

2. Approval of Agenda

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Brent Preston

Seconded By John Groden

That the minutes of the November 12, 2019 PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

11 Elliot Road - Height Variance for Accessory Building

43 Queensbury Drive - Oversize Accessory Building

Moved By Darren Bishop

Seconded By Marc Gosselin

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

6.1 281 Hampton Road - Similar or Compatible Use - Pinnacle Painting

Mr. Mike Lively, owner of 281 Hampton Road attended to hear the PAC clarification on the January 8, 2019 Notice of Decision for Pinnacle Painting at 281 Hampton Road, PID 30082606. Mr. Lively was asked if there had been a change in how the business operates since the approval in January 2019 and he stated that there were less employees at this time. He said there were 15-17 employees in January and there are 8 or 9 in total now which includes an administrative office upstairs with one staff, and the spray shop downstairs where they refinish cabinets. The renovations arm of the business was just an added service to the painting business and the renovations are done off site. Mr. Lively stated that there was no other business on the property or in the main dwelling. He said the business has decreased, not increased, and with less employees, there is no need to move to a larger facility.

Mr. Colbourne stated that the PAC set terms and conditions for the business as a Similar Use to a home occupation and these conditions are binding. The PAC cannot change the conditions, nor can they enforce them or any By-law infractions, as that is done by the Planning Department. The condition of rezoning cannot be struck from the Notice of Decision but the Municipal Planning Officer can determine if the Town wants to enforce that. Mr. Colbourne noted that this application is a clarification on the wording on the NOD not a public hearing meeting so the PAC does not need to seek public input.

Mr. Lamont, as Chairman, read aloud the previous approval that noted Similar or Compatible Use and the terms and conditions listed for the approval. Mr. Lively reiterated that there is one business only on the lot and he is abiding by the terms and conditions that were in the approval.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC approval for Pinnacle Painting to operate as a business in the detached garage at 281 Hampton Road, PID 30082606 as a Similar Use to a Home Based Business as per as per the Community Planning Act, Section 55 be accepted as worded on January 8, 2019 PAC approval and the Town proceed with the Developer's Agreement as noted in that decision.

Motion Carried

7. New Business

7.1 63 Nightingale Lane - Fence Setback

Ms. Erica Bastarache attended seeking approval for chain link fencing that requires a setback variance of zero decimal six (0.6) metres from By-law 038, Section 6.(S)(7) so the fence may be erected just inside the property line. Ms. Bastarache noted the fence was install by Fundy Fencing in September of 2017 and it was believed that the contractor obtained the permit and approval for location. Ms. Bastarache stated that she was made aware of the missed permit in late October and immediately contacted the Town to start the process. She applied for the variance for the location of the fence to be just inside the property line and when the notice was sent to residents within 50 metres, as per the PAC policy, she was made aware of potential discrepancies. Her husband, Mr. LeBlanc, is a surveyor technician with experience in the survey equipment and processes so he surveyed the property pin locations with the subdivision plan markers and the pins that were existing. She noted that one corner had no pin but the developer put in a pipe which the applicant used and went extra conservative with that pin location. The results of Mr. LeBlanc's work confirmed that one side of the fence (adjacent to 59 Nightingale Lane) is over the line. Ms. Bastarache stated that they would move three fence posts in order to bring the fence back onto their property. She stated that the fence on the side of 67 Nightingale Lane appears to be on their side of the property line with the back corner almost 7 cm from the line, more than the initial belief of 2.5 centimetres from the line.

Notice was sent to property owners in the vicinity of 50 metres of the applicant's property. No one attended but concerns were received from neighbors on both sides. The property owner of 59 Nightingale Lane stated that the fence is over the line and onto his property and if the fence is moved to be fully on the applicant's property, and any damage to his property and lawn caused by the fence post is repaired, that he would have no further objections to the setback variance. The property owner of 67 Nightingale Lane objected to the variance application stating that the current placement of the fence creates a burden to them as they plan to install a hedge on the property line. With the current fence location, they are concerned about erosion of the soil hindering plant growth and causing costly maintenance. In addition, they felt that they would be unable to properly trim the hedge given the limited room between the current fence and the location of their

planned hedge. They also stated that with the location of the fence they are unable to provide proper routing for site drainage which causes water pooling next to the house and they have found water in our basement because of this. This property owner stated that they believe the fence is more or less on the property line then further communicated to the Town stating that the applicant was playing with the pin (on the back corner of the adjoining property line) and it has moved.

Mr. Colbourne noted the concerns about pins being moved and that it should be a licensed surveyor who confirms the location of the pins. He also stated that the PAC should consider the wording of "just inside the property line" and quantify this to a measurement. He stated that PAC applications should be looked at with the intent of the by-law and the intent of the 60 centimetre setback is for maintaining the fence and ensuring the property line is where it is believed. It was recognized that chain link fences can be maintained from one side and that drainage is not affected by the placement of a fence. While previous applications have been approved, the neighbor concerns and accusations that the pins were moved must be considered. While the Town cannot confirm if the pins were moved, the Town received correspondence stating that the pins were moved so this should be considered. Ms. Bastarache stated that the survey showed that all three pins that are present are in the same location that is shown on the subdivision plan. It was noted that if the variance is not approved, the entire fence will have to be moved. If the variance is granted, only three posts need to be moved from one side.

Moved By John Groden
Seconded By Brenda Fowlie

That the PAC approve the setback variance of up to zero decimal six (0.6) metres from By-law 038, Section 6.(S)(7) so the chain link fence may be erected inside the property line and fully on the property, inclusive of the posts and post holes, of 63 Nightingale Lane, PID 30324859, subject to the following terms and conditions:

1. A land survey is completed by a licensed surveyor determining the exact placement of the property pins and a copy is delivered to the Town as part of the permit application;
2. Any fence posts that are found to be located on adjacent properties be removed and any damage from those posts be repaired by the applicant; and
3. The location of the fence and any changes required are completed by May 31, 2020.

This approval is only for the chain link fence and not any another form of fencing.

Motion Carried

7.2 19 Waters Edge Lane - Foundation Elevation & Waterfront Development

Mr. Chad Long attended seeking approval to construct a home below road grade at 19 Waters Edge Lane, PID 30333728. The site plan was reviewed with elevations on the screen and it was estimated that the dwelling would be approximately eleven metres from the water line. It was noted that the current flood zone is measured at 6.5 metres but new measurements will be available from the Province in 2020.

No one attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Brent Preston

That the PAC approve the three (3.0) metre variance from By-law 038, Section 6.(F)(1), for the construction of a new home at 19 Waters Edge Lane, PID 30333728, subject to the following conditions:

1. The preparation of the “Hold Harmless” agreement should be executed prior to approval of the final inspection of the dwelling;
2. Any habitable space must be above the geodetic 6.5 metre flood zone; and
3. Approval from the Department of Environment is received if any of the construction is within thirty (30) metres of the water’s edge.

Motion Carried

7.3 309 Hampton Road - 42 Unit Apartment Building - Amendment to Developer's Agreement

Mr. Colbourne reviewed the requested amendment with is too allow the project to be completed on a phased approach that would see Phase 1 include construction of the building containing thirty three, (33 units), and all the site work, and Phase 2 to include the remaining nine (9) units when market conditions are conducive to this addition. The construction start date for Phase I of the project is prior to April 30, 2020. The proposed amendment is in keeping with the original overall development proposal for the property as agreed to in the current agreement. The total number of units on the property remains the same, and there is no change in the location or height of the building. The proposed change is to the length of the building toward the Hampton Road, with that portion where the construction of the nine units being delayed until Phase 2 as indicated above.

Moved By Brent Preston

Seconded By Kendall Mason

That the Planning Advisory Committee support Council in Mr. Andrew McKay’s request for an amendment to the Developer's Agreement for 309 Hampton Road,

PID 00252403 to allow the project to be completed in Phases and in different time lines subject to the following condition:

1. The unsightly property be cleaned up by January 31, 2020 and the property is reinstated to its original condition until the development begins.

Motion Carried

8. Information Items and/or Discussion

None

9. Adjournment

Moved By Darren Bishop

That the meeting adjourns at 8:05 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY