

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – November 8, 2016**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on November 8, 2016 at 7:00 p.m.

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

Absent:             Pierre Rioux, Councillor

**1. Call to Order**

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

**2. Approval of the Agenda**

*With the addition of two discussion items not requiring public notice at this time.*

MOVED BY:             Mark Hatfield

SECONDED BY:         Darren Bishop

CARRIED UNANIMOUSLY

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

Mark Hatfield stated he had a conflict of interest with agenda item 7.d), the waterfront property of 475 Gondola Point Road.

**4. Review of Previous Meeting Minutes**

MOVED BY:             Darin Lamont

SECONDED BY:         Carolyn LeBlanc

*That the Minutes of the October 25, 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>
Home Occupation – Eyelash Extensions	By-law 038, Section 6.(K)	5 Balsam Court, PID 30109821

MOVED BY: Darin Lamont  
 SECONDED BY: Jean Place

*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)	Setbacks for Accessory Building	By-Law 038 Section 8.(E)(1)(a)	23 Jasper Drive, PID 30086524
b)	Sign Size Variance	Sign By-law 036, Section 18.A.(1)a.i)(b)	332 Hampton Road, PID 30194831
c)	Home Occupation – Naturopathic Consultant	By-law 038, Section 6.(K) and By-law 036 Section 3.D.(a)p	28 Teslin Drive, PID 30205751
d)	Waterfront construction of a Detached Garage, with a front setback, a height variance and a setback to the main dwelling.	By-law 036 Sections 6.(BB)(1)(a), 8.(E)(1)(a), 8.(G)(1)(a); and 8.(G)(1)(b)(iii)	475 Gondola Point Road, PID 00244517
e)	Kirkwood Heights Phase 8 revisited (road elevation)	By-law #035	End of Cliff Street joining James Prince
f)	Subdivision of one lot; 20 foot strip of land	By-law #035	663 Gondola Point Road strip adding to 658 Gondola Point Road

**a) Setbacks for Accessory Building - 23 Jasper Drive, PID 30086524**

Mrs. Platt attended the meeting seeking permission to construct a three decimal six (3.6) metre by four decimal eight (4.8) meter storage shed located two decimal seven-five (2.75) meters closer than permitted to the side property line that fronts Greenwood Drive at 23 Jasper Drive, PID# 30086524.

This is a corner lot. The shed will be located in the side yard which fronts Greenwood where there is a fence along the property line. The shed location does not pose any sightline issues for the intersection of Jasper and Greenwood. The shed meets all other bylaw requirements: height, size, distance to house, etc.

Notice was sent to residents within 50 metres of the property. There were no responses received for or against the application and no one attended the meeting with concerns.

MOVED BY: Darin Lamont  
 SECONDED BY: Mark Hatfield

That the PAC grant approval for the variance from Zoning By-law 038, Section 8.(E)(1)(a) for a two decimal seven-five (2.75) meter setback variance in order to construct a three decimal six (3.6) metre by four decimal eight (4.8) meter storage shed at 23 Jasper Drive, PID# 30251623, 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

**b) Sign Size Variance – 332 Hampton Road, PID 30194831**

Mr. A.J. Guptill attended the meeting seeking approval to install a seven decimal five (7.5) square meter fascia sign on the side of the building at 332 Hampton Road, PID 30194831 which requires a three decimal five (3.5) meter size variance. The sign location is on the front of the building, facing Hampton Road where there are four residential homes across the street that may be negatively affected depending on the intensity of the light. Staff recommended that PAC may wish to regulate the amount of lumens of the sign (light intensity) or limit when the sign is permitted to be lit through automatic building controls. Mr. Guptill stated that the Church reviewed the options of the signage display and found that it would be more convenient and cost effective to change the style of display than to change the timing of the display. They suggested a static darkened image such as their logo to display between 23:00 and 06:00. The day time hours would display events on scrolling slides.

The size was requested due to the size of the existing building and the desire to make it esthetically pleasing, and to be large enough for the display to be visible from the road.

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

MOVED BY: Mark Hatfield

SECONDED BY: Darren Bishop

That the PAC grant approval for a three decimal five (3.5) meter size variance for the erection of a fascia sign at 332 Hampton Road, PID 30194831, subject to the following conditions:

- 1) A building permit must be obtained within one year of the date of this approval;
- 2) The sign must display a static darkened image between the hours of 23:00 and 06:00; and
- 3) The Town will be monitoring any luminosity complaints over the next year.

MOTION CARRIED with one Nay (Jean Place)

**c) Sign Variance and Home Occupation – 28 Teslin Drive, PID 30205751**

Ms. Kimberley Daley attending the meeting seeking approval for a home occupation, that of a Naturopathic Consultant and a sign measuring zero decimal seven four (0.74) square metres at 28 Teslin Drive, PID 30205751. The intention is to operate the aesthetic style clinic on a part time basis with possible appointments scheduled between 9 a.m. and 5 p.m. on weekdays with possible extended hours until 8 p.m. on Tuesday and Thursday with one client at a time. The applicant is the proprietor and main employee for the business and she has intentions of hiring

one part time person to cover the appointments while she is working at her job outside the home.

The applicant is requesting a sign measuring zero decimal seventy-four (0.74) square metres (2' by 4' sign on posts) that requires a variance of zero decimal thirty-four (0.34) square metres from the Sign By-law 036 Section D.(1)(p). The Town staff noted that while the home based business itself is in keeping with the intent of the Zoning By-law 038, Section 6.(K), there were concerns for the sign variance as it is twice the regulated size and not in keeping with the Sign By-law nor with the precedence that has been set previously by PAC. The property is located on the intersection of Teslin Drive and Gondola Boulevard. Previous signage for this business was located in Saint John in a more rural atmosphere and under another municipality ruling. The Town staff suggested the maximum sign size of zero decimal four (0.4) square metres in area on smaller posts, similar to other businesses in the Town. The PAC Members reviewed the sign options and their concerns with Ms. Daley and Ms. Daley stated that she would be ok with creating a sign at the maximum size permitted versus the one she proposed that would require a variance.

The lot is located in a Single or Two-Family Dwellings (R1) Zone. The lot is 1371 square meters with approximately 175 square metres of driveway space for parking. The main dwelling contains a total main floor space of 89 square metres with a total of 16.7 square metres to be used for the business. This approximates to 18.7% 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).

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

MOVED BY: Carolyn LeBlanc

SECONDED BY: Darin Lamont

That the PAC deny the sign variance of zero decimal thirty-four (0.34) square metres from the Sign By-law 036 Section D.(1)(p) but grant approval for a Home Occupation of a Naturopathic Consultant at 28 Teslin Drive, PID 30205751, 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

*Mark Hatfield left the room at 7:14 p.m.*

**d) Detached Garage – 475 Gondola Point Road, PID 00244517**

Michael Oleksiuk attended the meeting seeking permission to construct a two storey detached garage on waterfront property to be located zero (0) meters from the front property line, two decimal one (2.1) meters from the main dwelling, and six decimal seven (6.7) meters in height at 475 Gondola Point Road, PID# 00244517. In order to obtain a building permit, the following variance must be approved from Bylaw 038:

- For a waterfront property, PAC review is required as per Section 6.(BB)(1)(a);
- A front setback of seven decimal five (7.5) metres from Section 8.(E)(1)(a);
- A height variance of one decimal seven (1.7) metres from Section 8.(G)(1)(a); and
- A zero decimal nine (0.9) metre setback to the main dwelling Section 8.(G)(1)(b)(iii)

There is an existing garage that is located two (2) meters into the Towns Right of Way. This garage is to be demolished with the intent of constructing the new garage two (2) metres further back from the road to be in line with the front line of the main dwelling which is located zero (0) meters from the front property line.

The height of the garage will not exceed the height of the main dwelling but a variance in height is required because the measurements are based on the lowest level, which in the back of the garage is below road level, and subsequently totaling six decimal seven (6.7) metres. While the additional height would not be impacting any pre-existing views of the river, a height variance of one decimal seven (1.7) metres is required.

It was recognized that the Gondola Point Road has several properties where the structures are either within or along the edge of the Municipal Right-of-Way and as new construction or renovations are happening, the Town is working with the property owners to move the structures back as much as possible. This structure is being moved back an additional two metres which will help if the road is ever in need of widening.

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

MOVED BY: Marc Gosselin

SECONDED BY: Jean Place

That the PAC grant the variance from Zoning By-law 038 for a waterfront property as per Section 6.(BB)(1)(a), the front setback of seven decimal five (7.5) metres from Section

8.(E)(1)(a), the height variance of one decimal seven (1.7) metres from Section 8.(G)(1)(a), and the zero decimal nine (0.9) metre setback to the main dwelling as per Section 8.(G)(1)(b)(iii) subject to the following conditions:

- 1) Confirmation from the Department of Environment and Local Government that a permit is or is not required;
- 2) The exterior finish of the accessory building is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
- 3) The structure is not to be used for business purposes or for the keeping of livestock or as a dwelling unit; and
- 4) A Hold Harmless Agreement to be registered with the property absolving the Town from any and all liability for personal or property damages associated with the setback variances granted.

CARRIED UNANIMOUSLY

*Mark Hatfield stepped back into the room at 7:20 p.m.*

**e) Kirkwood Heights Phase 8 Revisited For Road Elevation**

Mr. Bob Darling attended the meeting to revisit the Kirkwood Heights Phase 8 Notice of Decision dated March 22, 2016 and the PAC condition set that "the submission of a centre line profile for Cliff Street is required before final approval".

Mr. Colbourne reviewed the options presented to the Town by the Developer and their Engineering Consultants. The remaining section of Cliff Street, where it proposes to connect to James Prince Road was to be brought up to Municipal Standards as part of the PAC conditions, and as such, the elevation was calculated at 12% to 15% due to the steep grade in the area. Other options presented to the Town included lowering this elevation to the normal 8% grade but this would require Darling Court to be increased from 2% to 10% and all driveways on Darling Court would require increased work. The Town Engineers and the Planning staff are comfortable with the design of increasing the grade on Cliff Street only. It was recognized that the Town has several streets of this same grade, Kane Road as an example, and it is maintainable.

While the PAC cannot approve any grade increase over 10%, they were asked for their opinion as support to the design and leaving the decision to Council to approve.

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

That the PAC support the 12% to 15% grade on Cliff Street as the best design option for the Development of Kirkwood Heights Phase 8 and forward a copy of their Notice of Support to Council for their final approval.

CARRIED UNANIMOUSLY

**f) Subdivision Proposal of a six (6) metre wide strip of land – 663 Gondola Point Road**

Mr. Colbourne reviewed a potential subdivision application from a property owner on Gondola Point Road who wishes to subdivide a six (6) metre (20 foot) strip of land from their existing property to be attached to another property further down Gondola Point Road so as to offer beach access. The existing parcel of land, PID 30197339 of 663 Gondola Point Road, is one hundred and forty (140) metres along the waterfront. The parcel of land, PID 30162275, 658 Gondola Point Road, which is currently for sale, is not on the waterfront and therefore the property owner of both parcels is proposing to include some waterfront property with the deed for 658 Gondola Point Road. Mr. Colbourne stated that Service New Brunswick can connect, or hook, these two lots even though they are approximately eighty-five (85) metres apart and stipulate on the deed that the waterfront strip of land cannot be classified as a building lot and cannot be sold separately. Service New Brunswick can also set the parameters for this as a separate parcel of land with its own identification number with a note on the subdivision plan that this is not a building lot.

It was recognized that there are several similar strips of land on the Gondola Point Road but these lots were separated by the development of the road and not by choice of the property owners. It was asked if the property owner of the waterfront, PID 30197339, had considered offering potential buyers of PID 30162275, 658 Gondola Point Road, access to the water by way of a private and legal right-of-way. It was recognized that the owner may wish to sell the strip of land in question but if a precedent is set, PAC and the Municipal Planning Department need to be comfortable with this as it could initiate further strips of land being sold off as waterfront access. It was asked whether buildings such as accessory buildings could be put on these potential strips of land and Mr. Colbourne stated that PAC would have to make a decision on this, as a variance to the Zoning By-law 038, whereas it notes that accessory buildings are not to be placed on a lot before the main dwelling is constructed and in the case of these potential parcels, there would not be any main dwellings permitted.

The topography of the land was noted as being quite steep with little land on which to park a vehicle if the parcel is separated as only six metres wide. Parking along the narrow Gondola Point Road is not permitted and would create a safety hazard should this happen.

It was recognized that potential sales of strips of land could promote clean up of the area with construction of stairs or some type of path to the water edge and initiate the beautification of the waterfront.

The question was posed to the PAC Members if they supported this potential subdivision plan enough to suggest the applicant proceed with the tentative subdivision plan process with applicable variance application.

MOVED BY:                 Darin Lamont  
SECONDED BY:             Carolyn LeBlanc

That the PAC deny the subdivision of this lot as it is substantially less than the permitted lot size requirements of the Zoning By-law 038, that the request is not the best use of the land nor is this request in keeping with the intent of the Municipal Plan and the Zoning By-law 038.

CARRIED UNANIMOUSLY

**9. Information Items**

Council Meeting Minutes – October 4, 2016

**10. Adjournment**

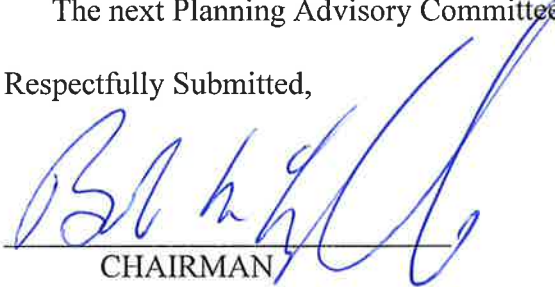
MOVED BY:                   Darin Lamont

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:54 p.m.

The next Planning Advisory Committee meeting is scheduled for November 22, 2016.

Respectfully Submitted,

  
CHAIRMAN

  
SECRETARY