

**QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES - October 10, 2017**

Present:

- Bob McLaughlin
- Carolyn LeBlanc
- Darin Lamont
- Darren Bishop
- Jean Place
- Kendall Mason
- Marc Gosselin
- S. Dwight Colbourne
- Violet Brown

Absent:

1. Call to Order

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

2. Approval of Agenda

Moved By Marc Gosselin

Seconded By Darren Bishop

The agenda is approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Darin Lamont

Seconded By Carolyn LeBlanc

The previous meeting minutes be approved and filed as presented.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

Moved By Darren Bishop

Seconded By Jean Place

To approve and file the Notices of Decision from September 12, 2017 PAC meeting.

5.1 Hazelton Heights Tentative Subdivision Plan

5.2 Seawall Construction - 425 Gondola Point Road

5.3 Home Occupation - 2 Autumn Avenue

5.4 Foundation Elevation & Setback Variances - 34 Executive Avenue

5.5 Back Yard Chickens - 12 Regal Drive

Motion Carried

6. Unfinished Business (none)

7. New Business

7.1 Developer's Agreement Amendment - 152 Pettingill Road

Bill MacMackin attended seeking approval for an amendment of the current Developer's Agreement for the property of 152 Pettingill Road.

Mr. MacMackin was asked if he was ok with all the conditions suggested by the Town. He stated all was in order and the Engineering Consulting group, CBCL Ltd., is working with the Town on these conditions. Dwight Colbourne noted the storm water management report was reviewed with CBCL on site. The initial review of the design brief noted a concern with the detention pond being proposed within an area that is to remain unchanged as much as possible to provide a necessary buffer between the Institutional Zone and the Residential Zone, which has tentative subdivision plans approved for development. The minimum requirement is a 3.0m buffer. There was some discussion regarding the outlet and discharge of water being directed to an adjacent property that is now under residential development. It needs to be demonstrated that there will no impact to those lands. The stormwater should be directed to public systems or existing recognized natural drainage channels as much as possible. Mr. Colbourne noted that while he will continue to work with the developer, nothing should slow down the project or the PAC approval.

It was noted that the parking lot that exists in the front of the main building at 152 Pettingill Road did not previously obtain approval from the Zoning By-law 038 Section 6(P)(3)(b) and should be reviewed as part of the amendment.

No one else attended to speak for or against this application.

Moved By Darren Bishop

Seconded By Jean Place

That the PAC grant approval for the amendment of the Brenan Group Limited Developer's Agreement, and the approval for the front yard parking variance, for the property of 152 Pettingill Road, PID 30326375, for proposed additional building space and additional parking, subject to the following terms and conditions:

1. The Amended Agreement be updated with the new property lines of the PID 30326375;
2. The Amended Agreement be updated to include the latest plans showing the additional parking spaces and addition to building;
3. The Storm Water Management Report is approved before final approval to ensure water is not directed to adjacent properties;
4. A minimum three (3) metre treed buffer must be retained for lots abutting different zones in order to address issues of noise;
5. The proposed parking lot must comply with the Zoning By-law 038 Section 6.(P)(5)(c) with respect to finishing of asphalt, drainage and curbing;
6. The number of disabled parking spaces are clearly defined on the final plans; and
7. All lighting is to be directed downward.

Motion Carried

7.2 Oversize Detached Garage - 114 Allan-a-Dale Lane

Travis Barr attended seeking approval for a twenty decimal seventeen (20.17) square metres size variance for the construction of an eight decimal fifty-three (8.53) metre by nine decimal seventy-five (9.75) metre detached garage at 114 Allan-a-Dale Lane, PID 58248.

It was noted that the property lines were not showing accurate and Mr. Colbourne stated that this area of town is older and the plans do not reflect a new survey for our graphic GIS software. Mr. Barr noted that pictures showing pins and lines were sent to the town.

There is a covenant on the property, stating that any accessory building must be fifteen (15) feet from property line. Mr. Colbourne noted the PAC has authority with the Zoning By-law, not over the jurisdiction of the covenant. If the PAC feels the covenant is being recognized by all the properties, perhaps PAC should review it in detail. Otherwise, a covenant should not be part of the PAC decision.

The drainage was reviewed, with the noted concerns from the neighbors but no one wanted to speak against the application. The storm water must be directed to the front of the property, or as per Dwight Colbourne, to a public drainage system. Mr. Barr asked about the drainage as in how is it changed with the building being constructed. It was noted that the proposed garage is significant in size and covers an area of more than eighty-three (83) square metres of ground that would normally soak up some of the storm water. Mr. Colbourne asked if the detached garage is

being raised or built on the original ground. Mr. Barr stated the ground hasn't changed and that the driveway has been there for awhile and the garage is proposed at the end of the driveway. Mr. Barr stated that there is no culvert in the front, but a site review shows a culvert on the upper side of the driveway with no exit at the lower end of the driveway. Further review of the drainage plans will be done at the time of any permit application.

Mr. Colbourne noted that the applicant is not responsible for problems that have occurred in the past but cannot contribute to new problems. A PAC Member noted that there is another detached garage on the street that appears to be close to the property line. The PAC Secretary noted that the garage on that property had not been reviewed by PAC at any time in the past for variances for size or setback. Mr. Bob McLaughlin asked three times if anyone wanted to speak for or against this application; no one spoke.

Moved By Darin Lamont

Seconded By Darren Bishop

That the PAC grant the approval for the area variance of twenty decimal seventeen (20.17) square metres for the construction of an eight decimal fifty-three (8.53) metre by nine decimal seventy-five (9.75) metre detached garage at 114 Allan-a-Dale Lane, PID 58248, subject to the following terms and conditions:

1. The setback of the detached garage is set to four decimal five (4.5) metres (15 feet) in order to respect the neighborhood covenant;
2. A site drainage plan, showing how water is directed away from the adjacent properties, is approved by the Building Inspection Department prior to the issuance of a building permit;
3. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition;
4. The building is not to be used for business purposes; and
5. The building is not to be used for the keeping of livestock or as a dwelling.

Motion Carried

7.3 Front Yard Setback - Deck - 41 Yandall Drive

Roy Chase, the Contractor for Ashley Kimber, attended seeking a setback variance of zero decimal three (0.3) meters to the Zoning By-law 038, Section 8.(E)1(a) for the construction of a deck at 41 Yandall Drive, PID# 450874. Mr. Chase noted that the original deck did not get approval for the setback. The new deck is actually one foot smaller, less of a variance required.

The notification sent to property owners within 50 metres, as per the PAC Policy, stated that in order to obtain a building permit, a variance of one decimal five (1.5) metres is required from By-Law No. 038 Section 8.(E)(1)(a) whereas no main building or structure may be placed, erected or altered so that it is, with respect to a street line, within seven decimal five (7.5) meters. While reviewing this variance, the Building Inspector noted that Section 6.(E)(1)(e)(i) would permit this structure

to encroach 1.2 meters into the required yard, leaving a required variance of 0.3 metres.

No one attended to speak for or against this application.

Moved By Carolyn LeBlanc

Seconded By Marc Gosselin

That the PAC grant approval for the setback variance of zero decimal three (0.3) meters to the Zoning By-law 038, Section 8.(E)1(a) for the construction of a one decimal five (1.5) metre wide deck at 41 Yandall Drive, PID# 450874.

Motion Carried

7.4 Front Yard Setback - Accessory Building - 112 Sherwood Drive

Anthony Maas attended seeking approval for the location of a storage shed, that of a ten foot by sixteen foot accessory building located within the front yard of the main building at 112 Sherwood Drive, PID# 445189. Since the property is a corner lot and has two front lines, and the By-Law No. 038 Section 8.(G)(2)(b)(i) states that “no accessory building or structure may be placed so that any part is in front of the front line of the main building on the lot”, a variance is required for the location. It was stated that the use is only for storage.

No one else attended to speak for or against this application.

Moved By Kendall Mason

Seconded By Carolyn LeBlanc

That the PAC grant the approval for the accessory building located within the front yard of the main building at 112 Sherwood Drive, PID# 445189, subject to the following condition:

1. The building is to be finished in a cladding system recognized by the National Building Code of Canada, current adopted edition.

Motion Carried

7.5 Similar or Compatible Use - Food Truck - 43 Destiny Lane

Elizabeth Jadoo attended seeking approval for the addition of a Food Truck, for the purpose of catering to functions outside of the neighborhood, to the existing Home Business at 43 Destiny Lane, PID 30253132.

Ms. Jadoo noted that she bought the Truck and it was already in the driveway at the time of purchase but has since been moved to a garage for painting (wrapping of advertisement). Ms. Jadoo noted the concerns of the vehicle running and stated that she only ran the truck and the generator to test the unit when it arrived. She added that she will be hooking up a power supply direct to the main dwelling and not using the generator to power the Food Truck while it is parked at 43 Destiny Lane.

The staff memo noted all the concerns received from the notification to property owners within 100 metres and reviewed these with the applicant as follows:

The growth of the business might lead to another Food Truck: *The property owner is the only employee and will not be growing the business beyond the one truck. If any changes are made in the future, notification would be sent to the property owners within 100 metres again.*

Sales from the Food Truck while at 43 Destiny Lane will bring in traffic: *There are no plans to sell food from the Food Truck while at 43 Destiny Lane. There will not be any changes to the existing traffic which now includes the occasional pick up of prepared foods.*

The Food Truck and connected generator will take time to maneuver and park into the designated spot in the property owner's driveway which could block traffic or put at risk any vehicles temporarily parked on the road: *The idea of taking a few extra minutes to back up a vehicle, whether it be this Food Truck or a neighbor's truck hauling a boat, etc., should not make any significant changes in traffic pattern. There is a 'no parking on municipal streets' rule in place during winter months that is the same rule for all types of vehicles. The proposed business is expected to run three seasons of the year with limited, if any, winter activity.*

The Food Truck or generator may leak contaminants in the driveway: *As noted above, the truck is a converted RV and would be no different from any vehicle sitting in a driveway. Contaminants would be no different from any vehicle that might not be well maintained. The on-site review from staff show that the property is cared for and well maintained and there is nothing to indicate that the care of this vehicle will be any different.*

It should be clearly noted that there have been no complaints received since this business was approved by PAC in 2014. No one called with concerns for noise or traffic or smells.

Moved By Darin Lamont

Seconded By Jean Place

That the PAC grant approval for the addition of a Food Truck, for the purpose of catering to functions outside of the neighborhood, to the existing Home Business at 43 Destiny Lane, PID 30253132, the following terms and conditions must be considered:

1. There are no sales direct from the Food Truck while parked at 43 Destiny Lane;
2. The generator is not used to operator the Food Truck while parked at 43 Destiny Lane unless there is a power outage and the generator is used to produce power for the main dwelling; and
3. No additional vehicles are permitted for the operation of this business.

Motion Carried

7.6 Home Occupation - Travel Agency - 2 Pioneer Avenue, PID 30247480

Jiaya Huang's partner attended on behalf of Jiaya seeking approval for a Home Occupation, that of a Travel Business Agent, at 2 Pioneer Avenue, PID 30247480.

The staff review noted that only nine (9) percent of the floor space is 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 Travel Business Agency from 9am to 5pm Monday to Friday plus 9am to 1pm Saturday to Sunday. The applicant will be a full-time employee and there will be one part-time employee. There will no signs posted outside the dwelling.

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

Moved By Jean Place

Seconded By Darin Lamont

That the PAC grant approval for a Home Occupation of a Travel Business Agent at 2 Pioneer Avenue, PID 30247480 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;
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.

Motion Carried

7.7 Sign Variance (Blade Sign permission) - 57 Millennium Drive, PID 30283691

Phil Hodgson, representing RV Canada, attended seeking approval for blade/flag signs to be posted along the property of 57 Millennium Drive, PID 30283691 for the purpose of advertising.

Mr. Colbourne stated that the blade or flag style signs are prohibited in the Town as per the Sign By-law but Mr. Hodgson appeared before Council asking for approval and Council made a motion that this application be referred to PAC for consideration as a temporary use variance in the short term, and in the long term, the Municipal Planning Officer be requested to prepare an amendment to the Town's Sign By-law to incorporate blade signs as a permitted use in the Town's Sign By-law.

Mr. Colbourne stated that the intent of the by-law is to prohibit signage that is not expressly permitted or permanent thus reducing sign pollution along municipal roadways and recognized that it is difficult to enforce something that is not in the by-law. He noted some preferred regulations as per the staff recommendations such as seasonal permission, a certain number per metre of road frontage, location to be approved through a permit application so as to ensure motorists are not distracted, etc. Mr. Colbourne stated that the PAC may look at this for individual companies at this time and prior to amending the by-law and when the review of amendment is done, local businesses may be contacted for feedback. He did note that if PAC tables the item for further review, it would be the end of the season for the applicant. He also noted that Council pretty much approved them.

Mr. Hodgson was asked how many signs he intended to use and he stated he would like eight (8) along the front and noted there was 220 metres along the frontage. It was asked if the signs are temporary and Mr. Hodgson noted that the business is seasonal, from April until October. He stated that he would like the signs up all that time but could take them down each night. Mr. Hodgson stated that these types of signs are widely used.

Ms. Laura Pare from Jungle Jims Restaurant, who contacted the town months ago, was told they were not permitted so she attended the meeting to see what PAC decided. Ms. Pare said her business is all year around but since the flags would be tough to put in the ground in winter, she would likely use these signs seasonal also, if permitted. She believes the signs would be good for her business for location recognition alone and noted that she doesn't want to make the property look like a busy Rothesay Avenue. She shared images of other Jungle Jims restaurants that have flag signs in different cities within New Brunswick and Nova Scotia. Mr. Colbourne noted visibility for traffic and pedestrians on some of the signs that were placed between the parking lots and the roadways. When reviewing properties within a mall, Mr. Colbourne noted that all of the businesses may want the same signs and that could turn the area into a busy spot for signage. He noted the sign by-law was revised previously to avoid clutter and the subsequent potential dangers of visibility to motorists as well as distraction. He stated the by-law amendment will review all the potential conditions. He also noted that any sign within a Municipal Right-Of-Way is subject to \$50 per year per sign.

Moved By Darin Lamont
Seconded By Kendall Mason

That the PAC grant a temporary approval, until such time as the Town Sign By-law is reviewed for amendment, for flag blade signs to be posted on the property of 57 Millennium Drive, PID 30283691, subject to the following terms and conditions:

1. No more than one flag is to be posted for every thirty (30) metres of lot frontage;
2. The applicant applies for a sign permit inclusive of a site plan, for approval of location that will be monitored by Town Staff;
3. The signs cannot be posted within Municipal property; and
4. The signs are to be removed each day at the end of business hours.

Motion Carried

7.8 McMahon Tentative Subdivision Plan - One Lot - Corduroy Road

Lot Not Front a Municipal Street

Mr. Rob Viger and Mr. Bill McMahon attended seeking approval for a lot to be separated from the remnant lot accessed off Corduroy Road. Rob noted that he is asking for a previous NOD to be amended. Further work is to separate the large parcel into two lots and move forward from there. Mr. Dwight Colbourne noted that Corduroy Road is constructed for the two previously approved lots; this lot is before those so the road will not be extended.

Mr. Colbourne point out the easements of the NB Power and the Right-Of-Way (ROW) leading to the Dr. Patrick Maloney Professional Corporation. Mr. Viger shared an email from Dr. Maloney stating that he is ok with removing the ROW so long as he can obtain access from somewhere on the road to the rear of his property. Mr. Viger noted where the new access could go and Mr. Colbourne noted this access would need to be on the final plan but it is not the PAC's responsibility at this time. The ROW is still staying in tact at this time but will be removed at a later date.

The construction of Corduroy Road looks good so far, as per several PAC Members. Mr. Colbourne noted the street was brought to this level, as required by the Town, due to the future plans as well as access to the other three homes recently built and accessed from this road.

The concerns received from the property owner of 158 Elliot Road were reviewed. An email was sent to the Town from Mr. Viger who spoke with this property owner and the discussion ended with no further concerns. While this property owner was copied on the email, he has yet to reply to confirm his receipt of the email and subsequent agreement with the discussion and results of such.

Moved By Darin Lamont
Seconded By Marc Gosselin

That the PAC grant approval for the Tentative Subdivision Plan for Lot 2017-25 – a residential lot on a private access, subject to the following terms and conditions:

1. A lot width variance of 24 metre for PID 231928 – the remnant parcel;
2. An on-site septic approval is required by the Provincial Health Act with the same building information approved by the Town's Building Inspector;
3. A Hold Harmless Agreement to protect the Town, and to make the property and homeowners aware of the responsibilities associated with the private driveway that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
4. A Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowner that investment made in construction of the driveway will not be recovered if it is destroyed during construction of a public street to municipal standards;
5. A lot grading plan for Lot 2017-25 with the connection to the private access to ensure there is no impact on adjacent properties and all surface drainage is directed toward a public right-of-way or existing watercourse and include the future development plans as indicated;
6. LPP obligations to be reviewed and negotiated with the Town and agreed upon prior to Final Plan approvals and prior to the issuance of any building permits;
7. There shall be no further subdividing of the remnant parcel for the purpose of creating lots along Corduroy Road or any other private access until such time as Corduroy Road becomes a public street and constructed to a municipal standard. All future access and rights-of-ways on the remnant parcel for the purposed roads or streets must be Public and the roadway(s) therein constructed to a municipal standard.
8. No further lots are permitted to use Corduroy Road as access until such time as the road is brought to Municipal Standards and becomes a public road;
9. Filing Fees in the amount of One Hundred Dollars (\$100) for a subdivision plan creating one (1) lot; and
10. The Final Plan is to be signed by the property owners and any applicable Public Utilities.

Motion Carried

7.9 Serenity Heights Subdivision Phase 1-A Lot Width Variance

Mr. Dwight Colbourne reviewed the plans and the minor changes to the phasing for Serenity Height Subdivision Phase 1-A. No further lots are being created; the Developer is moving things around with respect to lots created in different phases. Mr. Colbourne compared the two plans showing the difference and how lot 8 & 9 were added to the first phase with access for lot 9 off Stock Farm and lot 8 off the street to be - that of Motivation Lane. The Right-Of-Way (ROW) for lot 8 will be over the developer's own land and will require a lot width variance until it is accessed off the public street. No one attended to speak for or against this application.

Moved By Darren Bishop
Seconded By Marc Gosselin

That the PAC grant approval to the Serenity Heights Phase 1 Tentative Subdivision Plan, with the lot width variance for Lot 8, subject to the following conditions:

1. A Hold Harmless Agreement for Lot 8 that is to be accessed from the proposed public street called Motivational Avenue;
2. The Hold Harmless Agreement to incorporate a clause to protect the Town, and to make the property and homeowner aware of the responsibilities associated with the private driveway that does not front a municipal street and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
3. The Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowner that investment made in construction of the driveway will not be recovered if it is destroyed during construction of a public street to municipal standards;
4. Submission of a street design to the satisfaction of the Town as designed by a registered professional engineer license to practice in New Brunswick;
5. Submission of a street centerline profile prepared by a professional surveyor prior to construction of any streets to determine if a street grade variance is required;
6. PAC's approval of the street name Motivation Avenue;
7. The street shall incorporate a temporary turn-around area as shown the subdivision plan and constructed to a granular base to provide a satisfactory turnaround area and support snowplowing operations;
8. Submission of On-Site Septic System Report prepared by a qualified professional in accordance with the Public Health Act;
9. Submission of an Abbreviated Source and Supply Water Assessment or a Comprehensive Source and Supply Water Assessment (Hydrogeological Report) prepared by a qualified professional engineer;
10. Submission and approval by the Town of a Comprehensive Stormwater Management Plan (including Conceptual Lot Grading Plans) submitted for full development of Serenity Heights (PID 253203) demonstrating how storm water and surface drainage will be managed and discharged. The plan shall incorporate mitigating measures to protect the Hammond River from significant sedimentation and poor quality storm water run-off;
11. The proposed full subdivision build out must be submitted to the Department of the Environment and the Department of Fisheries and Oceans for their comments and recommendations that may need to be incorporated into the SWMP;
12. Land for Public Purposes requirement in the amount of 5793 square metres is to be met through LPP land dedication. The proposed LLP be further reviewed and further consideration be given to providing more land along the river and the LPP be reflective of any recommendations from the Storm Water Management Plan;

13. Clear-cutting is strictly prohibited and the tree cutting be limited to only those necessary for the installation of the roadway and the lots remain treed until such time as Building Permits are issued for construction of the dwellings;
14. Deed Covenants for the residential properties created through this and subsequent subdivisions of the land (PID 253203) recognize the importance of the natural tree growth with respect to storm water management and the preservation of as many trees as possible on the lots in the interest of protecting the river;
15. Standard Development Agreements, bonding and subdivision fees will be required;
16. Subdivision filing fees in the amount of Two Hundred Eighty Dollars (\$280.00) for an eight (8) lot subdivision; and
17. Plans to be properly signed by the necessary Public Utilities and property owners.

Motion Carried

8. Information Items and/or Discussion

It was noted that Mr. Bob McLaughlin, current Chair Person for the Planning Advisory Committee (PAC) is stepping down from the Chair and is leaving the PAC once a replacement is announced. It was determined that at the next PAC meeting, there will be an Election for a Chair Person, and Vice Chair should that position change, for the remainder of the year. As the PAC Policy states, on the first meeting of each year, the PAC will hold an election for these positions for that year or until such time as there is a vacancy which creates a change in positions.

9. Adjournment

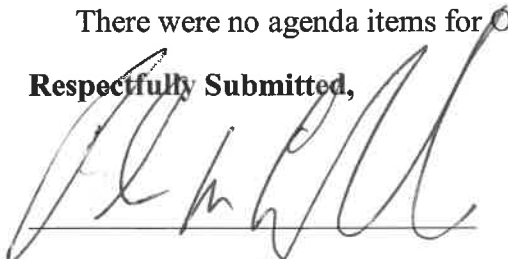
Moved By Darin Lamont

Meeting adjourned at 8:40 p.m.

The next Planning Advisory Committee meeting is scheduled for November 14, 2017.

There were no agenda items for October 24, 2017

Respectfully Submitted,



CHAIRMAN



SECRETARY