

PLANNING ADVISORY COMMITTEE
MINUTES – October 11, 2016

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on October 11, 2016 at 7:00 p.m.

In attendance: Bob McLaughlin
 Carolyn LeBlanc
 Darren Bishop
 Jean Place
 Mark Hatfield
 Pierre Rioux, Councillor
 Violet Brown, Secretary

Absent: Darin Lamont
 Marc Gosselin
 S. Dwight Colbourne, P.Eng, Municipal Planning Officer

1. Call to Order

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

2. Approval of the Agenda

MOVED BY: Mark Hatfield

SECONDED BY: Jean Place

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: Carolyn LeBlanc

SECONDED BY: Jean Place

That the Minutes of the September 13, 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>
Front & side yard setbacks, waterfront and lot occupancy percentage	By-Law 038 Section 8.(E)(1)(a), 8.(E)(1)(b), 6.(I)(1) and 8.(H)	493 Gondola Point Road; PID 30262638
Fence setback	By-law 038, Section 6.(S)(7)	9 Sycamore Drive, PID 30018022
Tentative McMahon Subdivision Plan; Lot not fronting a municipal street.	By-law 035 Section 5.(A)(i)	Corduroy Lane (off Elliot Road)
Front yard setback, waterfront and lot occupancy percentage	By-law 038 Section 8.(E)(1)(a), 6.(I)(1) and 8.(H)	589 Gondola Point Road; PID 30225940
Oversized Detached Garage & waterfront	By-Law 038 Section 8.(E)(1)(c), 6.(BB)	30 Maple Grove Court; PID 30187371
Cancellation of Developer's Agreement	Community Planning Act Section 74	199 Hampton Road; PID 00089250, 00249805, 249839
Notwithstanding Use in Central Commercial Zone	By-law 038 Amendment proposal	15 Pettingill Road; PID 30256226

MOVED BY: Darren Bishop

SECONDED BY: Mark Hatfield

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 – Fitness Advisor	By-law 038, Section 6.(K)	615 Gondola Point Road, PID 248583
b)	Fence Height	By-law 038, Section 6.(S)(2) & (3)(a)	117 Sherwood Drive, PID 445171
c)	Home Occupation – Speech Pathologist	By-law 038, Section 6.(K)	2 Grafton Drive, PID 30222269
d)	Home Occupation – Hair Salon	By-law 038, Section 6.(K)	493 Hampton Road, PID 250308

a) Home Occupation – Fitness Advisor, 615 Gondola Point Road, PID 248583

Mr. David Harris attended seeking approval for a Home Occupation of a Fitness Advisor at 615 Gondola Point Road, PID 248583.

The main dwelling contains a total main floor space of 1972 square feet with 168 square feet to be used for the gym which equates to approximately 8% of the space 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 mostly on a one-on-one basis with occasional groups of three people

(maximum) for a small class. The applicant is the proprietor and only employee for the business.

The only concern from staff is that the original application was for the business to operate out of the garage. It was confirmed that the garage is a detached garage by the definition in Section 6(C)(2) of the Zoning Bylaw 038. In order for a garage to be classified as an attached garage, it must be structurally attached by way of the foundation and integrated into the main structure of the building. It was noted that a detached garage is not to be used for business purposes or as a dwelling unit. It was also noted in the staff memo that a variance was issued by the PAC for the construction of the garage with conditions that the garage is not to be used for living quarters and not to be for business purposes. Any business operation would be a violation of that variance as well as a violation to any approval related to this application and grounds to take action to suspend approval.

Notice was sent to residents within 100 metres of property; no responses were received. No one attended the meeting to speak for or against this application.

MOVED BY: Jean Place
SECONDED BY: Darren Bishop

That the PAC grant approval for a Home Occupation of a Fitness Adviser at 615 Gondola Point Road, PID 248583, 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. Absolutely no parking is permitted on the street or within Municipal 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

b) Fence Height, 117 Sherwood Drive, PID 445171

Mr. David MacDonald attended seeking approval to construct a fence, with a height of two decimal one three (2.13) metres, to be located in the side yard and back yard and with a small portion in the front yard for the purpose keeping the deer off the property of 117 Sherwood Drive, PID # 00445171. The deer fencing is a design somewhere between a snow fencing and a chain link. The location of the fence will come from the front right corner of the house across the lawn on an angle, around the front of the flowerbed and the down through the center of the shrubs along the right side of the property. The applicant has determined this is the best location for the fenced due to plant and shrub gardens.

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 50 metres.

MOVED BY: Darren Bishop

SECONDED BY: Jean Place

That the PAC grant approval for the fence height variance of one decimal three eight (1.38) metres from Section 6.(S)(2) of the Town's By-law #038 for the portion of the fence that will be located in the front yard and zero decimal three three (0.33) metres from Section 6.(S)(3)(a) of the Town's By-law #038 for the fence located in the side and back yard in order to construct a deer fence at the height of two decimal one three (2.13) metres on the property for the purpose of keeping deer off the property of 117 Sherwood Drive, PID # 00445171.

CARRIED UNANIMOUSLY

c) Home Occupation – Speech Pathologist, 2 Grafton Drive, PID 3022269

Ms. Rommy Gan attended seeking approval for a Home Occupation of Speech Pathology at 2 Grafton Drive, PID 3022269.

The intention is to operate the clinic between 8:30 a.m. and 5:00 p.m. with one patient at a time. The main dwelling contains a total main floor space of 131.7 sq. m. with a total of 15.5 sq. m to be used for the Speech Therapy Room. This approximates to 11.8 percent 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). The applicant is the proprietor and only employee for the business. It was recognized that this application was approved on June 16, 2016 for a dwelling on the same street that Ms. Gan had looked at purchasing.

Notice was sent to residents within 100 metres of the property. There were two responses, one which noted that home businesses do not belong in a residential area and one asking for a condition that no signage be permitted. As members of the PAC stated, there are many home businesses in Quispamsis and this type of request fits well within the intent of the Zoning By-law Home Occupation section. As per the staff memo, the Zoning By-law states that a home occupation is permitted and subject to conditions such as “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”. And as per the Sign By-law 036, a home occupation sign is to be non-illuminated and less than zero decimal four (0.4) square metres in area. Ms. Gan noted that she has no intentions of posting any advertising signs at the dwelling at this time. Staff also noted that increased traffic tends to be the concern that is normally the first item reported to the Town regarding a property where a

home based business exists. With this style of business, there would be no more than two customers overlapping as one departs and one arrives. PAC should recognize that this property is located adjacent to a main local collector road (Queensbury Drive) and the connector roads of Lexington Drive and Minstrel Drive and therefore the traffic increase should be insignificant.

No one attended to speak for or against the application.

MOVED BY: Jean Place

SECONDED BY: Carolyn LeBlanc

That the PAC grant the approval for a Home Occupation of Speech Pathology at 2 Grafton Drive, PID 30222269, 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. No parking is permitted on the street or within the Municipal Right-Of-Way; 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

d) Home Occupation – Hair Salon, 493 Hampton Road, PID 250308

Ms. Amanda Boak attended seeking approval for a Home Occupation of a Hair Salon at 493 Hampton Road, PID 250308.

The proposed area to be used for business is 20.6% which is well within the permitted amount as per Section 6.(K)(2)(d) of the Zoning By-law. The intention is to operate 20 to 40 hours per week serving one customer at a time. The applicant is the proprietor and only employee for the business. There will be one sign posted at the dwelling at approximately 2 square feet in size. No one attended the meeting to speak for or against this application and no correspondences were received from the notices sent to property owners within 100 metres.

MOVED BY: Mark Hatfield
SECONDED BY: Jean Place

That the PAC grant approval for a Home Occupation of a Hair Salon at 493 Hampton Road, PID 250308, 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; 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

9. Information Items

Council Meeting Minutes – August 16, September 6 & 20, 2016.
Building Inspector Memo, Notices of Decision from the Municipal Planning Officer for 132 Hammond River Road, 32 Saunders Drive, and 36 Klondike Drive

10. Adjournment

MOVED BY: Pierre Rioux

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:18 p.m.

The next Planning Advisory Committee meeting is scheduled for October 25, 2016.

Respectfully Submitted,



CHAIRMAN



SECRETARY