

6. Unfinished Business – None

7. New Business

7.1 72 Grafton Drive - Side Yard Setback

Mr. George Queen attended seeking approval to construct a dwelling such that it requires a nine (9) metre variance from Section 8.(E)(2) for not having a side setback of 30 metres from at least one side of the main dwelling at 72 Grafton Drive, PID 30341887. He noted the parcel of land is large and the applicant wants to put a pool on the side lot so they would prefer more room on one side.

Ms. Jarvis noted the staff report originally posted stated the zone was Rural, but this should state the property is in an R1 Residential Zone. And as per Section 8.(E)(2) of Zoning By-law 038, where a lot is 4000 sqm or larger, the main dwelling unit must be located on the lot such that a minimum side lot line setback of thirty (30) metres from at least one (1) side lot line is maintained.

Notice was sent to property owners within 50 metres of the subject property. No concerns were received and staff have no concerns for this setback.

Moved By Kendall Mason
Seconded By Darren Bishop

That the Planning Advisory Committee approve the nine (9) metre Side Yard Setback from Section 8.(E)(2) of Zoning By-law No. 038 for 72 Grafton Drive, PID 30341887, subject to the following terms and conditions:

1. A building permit is issued prior to construction.

Motion Carried

7.2 270 French Village Road - Similar or Compatible Use, Temporary Use

Mr. & Mrs. Hansen attended virtually seeking approval for a Woodworking Shop at 270 French Village Road, PID 30345102 as being Similar to or Compatible with a Home-Based Business in the Rural (RU) Zone, and a Temporary Use to permit the use of travel trailers on site during construction.

Ms. Jarvis reviewed the application of permitting an accessory building for the purpose of a Woodworking Shop containing a Family-Owned Custom Home Building, Cabinet Making, and Millwork Producing Business. She stated that this is being reviewed as a Similar To (or Compatible With) Use to a permitted Home Occupation Use in the Rural Zone. Although the definition of Home Occupation does not capture the essence of what is proposed for 270 French Village Road, the use of the accessory building is very similar.

She explained that the property consists of twenty decimal four (20.4) hectares of undeveloped land found in Rural Zoning and that the intent of the landowners is to eventually create a subdivision with approximately twenty-five (25) single or two-family building lots as part of the family business. Ms. Jarvis added that while a Home Occupation is a Permitted or Discretionary Use in the Rural Zone, there are two types of secondary uses that are comparable to a Home Occupation or “Working Lots” that are listed such as Commercial/Residential Uses, and a Kennel Use.

Ms. Jarvis noted that the eleven by thirty decimal five (11 by 30.5) metre accessory building, proposed for the Woodworking Shop, will be located thirty (30) metres from French Village Road, exceeding the requirement of fifteen (15) metres as established in the Zoning By-law No. 038, Section 25.(O)(1)(a)(ii). However, Section 25.(O)(1)(a)(i) stipulates that no accessory building may be placed within the front yard of the main building on the lot so a variance for the location will be required.

Ms. Jarvis also noted that the applicants are seeking permission for their family members to live in three (3) to four (4) travel trailers during the construction of the dwelling unit and Woodworking Shop. The use of a travel trailer as a dwelling unit is not permitted in any zone as per the Zoning By-law No. 38, however, Section 3.(B)(1) provides the PAC with the ability to approve a temporary use for a period not exceeding one year. She added that potable water and sewerage removal will need to be provided to the trailers and staff suggests that a septic field and potable well be installed prior to the occupancy of the travel trailers. Mr. Hansen stated that they would like to be on-site to supervise the installation of a potable well and sewer systems so they would need the travel trailers to be on-site first. Mr. Colbourne suggested a time limit be established for the installation of both. He further added that a Temporary Use is only for one year, if the use is more than one year, a rezoning must be started. This one year will be the timeline for the business building and the dwelling construction. Mr. & Mrs. Hansen both understood and agreed to this.

Ms. Jarvis further noted that the Subdivision By-law No. 035, Section 7, and Zoning By-law 038 Section 6.U.(4)(a), both restrict the clear-cutting of trees, limiting the removal of trees to only such trees as directly impeding the construction of roads, buildings, and services. A Lot engaged in a logging activity is restricted to a Forestry Use only and cannot support additional uses such as a dwelling unit or a business on the same Lot. Therefore, it is not permissible for the Hansens to remove trees from the overall Lot to be used in the production of homes, as this would be considered a Forestry Use. It was recognized that some rough lumber cannot be used for housing due to the National Building Code. Mr. Hansen explained that most of the carpentry work they do is with finer woods for cabinet doors. Furthermore, he added that the property was clear cut about thirty years ago so much of the soft wood is not feasible for the woodworking they do as they require products like kiln dried and melamine board.

Ms. Jarvis stated that notice of this application was sent to property owners within 100 metres of the subject property. While no concerns were received, staff had concerns for the proximity of the proposed Woodworking Shop to a neighbouring dwelling unit approximately twenty (20) metres away and suggested a treed buffer zone of six (6) metres to be located on the property of 270 French Village Road to provide a sound barrier between the proposed Woodworking Shop and the abutting property found at 266 French Village Road.

The PAC Members stated concerns for the business in the front of the property close to other dwellings and the main dwelling in the back. Mrs. Hansen noted that there is an existing treed buffer between the other dwellings, and the view from the plateau where the home is proposed, will be spectacular versus a home near the road. Another concern was for the number of employees limited to four in the staff report and it was suggested that this be extended to all members of the family including members of the immediate family since this is a Family Business Operation.

Mr. Colbourne stated that what is being proposed is not a usual request, that of a business and a house on a rural lot and while this is being looking at as similar to a home occupation, the PAC needs to compare the regulations such as the home occupation should only be 25% of the floor area of the home yet this is in an external shop. He added that the PAC is not expected to approve this without full consideration and without conditions such as the need for an agreement, executed and registered prior to moving on to the property, and stating that clear cutting is not permitted, etc. Mr. Colbourne explained that the Planning Department looked at options within the authority of the PAC and the Zoning By-law, other than Similar to a Home Occupation. There was consideration to this being Similar to an Agricultural Use, as in a working lot such as lots with barns on the same property as a home and the barn being used as an agricultural working lot. Mr. Colbourne reiterated that this review is an extension of the definition of a Home Occupation and furthermore, any approvals will include standard conditions such as the approval is for this property and property owner only and will not transfer to any future property owner, whereas a rezoning will stay with the property even if the owners change. The Hansens stated that they understood this condition. Mr. Colbourne explained the options to rezone the property to Commercial, to an Integrated Zone, or to look at a Notwithstanding Clause which could take up to three to four months. He stated that each application to the PAC must be reviewed with respect to the intent of the by-laws, and whether it is reasonable and desirable to the area.

As for examples of similar requests being approved by the PAC; it was noted that approval was granted to 20 McMahan Lane for a Home Occupation of a small-scale Lumber Mill and furniture making shop in a Rural Zone. Furthermore, this same property received approval for a Similar Use to an Agricultural Use for the creation of a Micro-Cultivation Facility for Cannabis on the property. Another example of a Home Occupation found in accessory structure having been approved

by the PAC is 281 Hampton Road. Other businesses that operate on Lots containing dwelling units in Rural zoning are found at 306, 429 and 447 Model Farm Road, as well as a recreational and horse boarding farm located at 125 and 132 Hammond River Road.

Mrs. Hansen talked to the question on timelines stating that they will be selling their Ontario property in Spring and will then access the reasonable time frame to move to New Brunswick. She added that they operate their business now in a similar residential area, with a smaller building on approximately two acres, and without complaints. Mr. Hansen talked to the conceptual plans for the subdivision of twenty-five lots throughout the property, with starting further down on French Village Road and with future streets to be developed. He added that the heavy equipment will be located wherever the work is being done; while constructing the house it will be at the plateau, during the driveway construction it will be along the route, and he reiterated that the plan is to keep the trees in front of the shop so everything will be hidden from the road. Furthermore, he added that the equipment is for their own use in development, not rented out for development elsewhere and not another business.

Moved By John Groden

Seconded By Darren Bishop

That the Planning Advisory Committee permit the Woodworking Shop at 270 French Village Road, PID 30345102 as being Similar to a Home Occupation, and approve a Temporary Use to permit the use of travel trailers on site during construction, subject to the following terms and conditions:

1. Approval of a Variance to Section 25.(O)(1)(a)(i) to permit the accessory building to be located within the front yard of the main building or structure;
2. The applicants to provide a six (6) metre treed buffer that is maintained to provide sound proofing between the business operation and the adjacent dwelling at 266 French Village Road;
3. The house and business building are to be constructed at the same time with the house being completed within six (6) months of the business building;
4. A Forestry Use is not permitted, only such trees that directly impede the lawful construction of buildings and services may be destroyed and where any trees must be destroyed, the developer or property owner shall replace them with a reasonable number of trees of sufficient maturity to enhance the appearance of the lot at the time construction is completed;
5. Harvesting of lumber, other than those trees removed to make way for the construction of roads, buildings, and services as stipulated in Section 7 of the Subdivision By-law No. 035, from the twenty decimal four (20.4) hectare lot for use in the family business is not permitted;
6. No more employees than the immediate family members to be engaged in the business at any time;

7. The storage of heavy equipment will be screened from view of the French Village Road;
8. Building permits are issued for the accessory building and dwelling unit prior to any construction;
9. A detailed site plan is submitted that shows required parking stalls, access and driveway widths, surfacing materials, and any development to the actual site to support the proposed operation, which includes exterior lighting, changes to drainage patterns on the lot, etc. The detailed site plan must meet the approval of the Development Officer prior to the issuance of Building Permits;
10. The number of travel trailers used as a Temporary Use is restricted to maximum of four (4) and for one (1) year only;
11. The travel trailers will only be permitted to be occupied on site for sixty (60) days prior to a septic field being established on the lot; all wastewater and sewerage collected from the occupancy of the travel trailers will be discharged through all government regulations and approvals in effect;
12. An on-site well must be established within sixty (60) days of the travel trailers being on site to ensure potable water is available;
13. There shall be no on street parking permitted;
14. Garbage collection will be private as it is with all businesses within the Municipal Boundary;
15. Garbage enclosures will not be located in the front yard of the accessory building;
16. Any expansion to the business or operation must be approved by the Town;
17. The property owner(s) to enter into a Developer Agreement with the Town;
18. Any Bonding requirements will be addressed in a Development Agreement with the Town;
19. Hours of operation of the Woodworking Shop are Monday to Saturday, 7:00 a.m. to 6:00 p.m., not to exceed the Noise By-law;
20. This approval, being Similar to a Home Occupation, 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

Nay: Marc Gosselin and Brent Preston

7.3 14 Lupin Place - Adjustment to Approved Detached Garage Size

Ms. Jarvis reviewed the request for an amendment to the approval for an Oversize Detached Garage at 14 Lupin Place, PID 30255681. On October 12, 2021, the PAC approved a twenty decimal three (20.3) square metre variance to Section 8(G)(I)(c) to permit an eighty-three decimal three (83.3) square metre detached garage at 14 Lupin Place. The applicant requested a slight change in design from the approved eighty-three decimal three (83.3) square metre detached garage to an eighty-three decimal six (83.6) square metre detached garage. Since the change is minor, staff feel this can be reviewed by the PAC without the applicant reapplying and without the need for notices to be mailed again. Letters were sent to neighbouring properties within 100 metres for the October 12, 2021, application and no concerns were received at that time.

Moved By Brent Preston
Seconded By Marc Gosselin

That the Planning Advisory Committee approve the amended variance of twenty decimal six (20.6) square metres Section 8(G)(I)(c) to permit an eighty-three decimal six (83.6) square metre detached garage at 14 Lupin Place, PID 30255681, subject to the following:

1. All conditions of the October 12, 2021, approval remain in effect.

Motion Carried

7.4 Amendment to the Town's Sign By-law 036

Ms. Jarvis reviewed several potential amendments to the Sign By-law regarding permitted locations for political signs and establishing restrictions for feather signs within the municipal boundary. Staff suggested that no signage be located within fifteen (15) metres of a traffic control device.

Current rules and regulations were reviewed as well as enforcement of non-compliant signs. It was asked if the suggested limit of Feather Signs, being no more than one (1) per every thirty (30) metres of road frontage, would include strip malls and plazas or if the distance would be every 30 metres per business unit, and if other municipalities were asked for their regulations.

Moved By Marc Gosselin
Seconded By Brent Preston

To postpone the Sign By-law amendment until staff have the opportunity to ask other municipalities for their rules on signage with respect to plazas so as to not affect small businesses and for the Town staff to investigate how many signs may be non-compliance to the amendment if approved.

Motion Carried

8. Information Items and/or Discussion

- Smart Energy Community Implementation Workshop Invitation
- Community Energy Plan (CEP) Benchmark Results
- October 5, 2021 Council Meeting Minutes

Moved By Brenda Fowlie

Seconded By John Groden

That the Information Items be received and filed, and a reminder given to the PAC Members to respond to the invitation to the Workshop.

9. Adjournment

Moved By John Groden

Seconded By Brenda Fowlie

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,



CHAIRMAN



SECRETARY