

PLANNING ADVISORY COMMITTEE
MINUTES – September 13, 2016

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on September 13, 2016 at 7:00 p.m.

In attendance: Carolyn LeBlanc – New Member
Darin Lamont
Darren Bishop
Jean Place
Marc Gosselin
Mark Hatfield
Pierre Rioux, Councillor
Violet Brown, Secretary

Absent: Bob McLaughlin
S. Dwight Colbourne, P.Eng, Municipal Planning Officer

1. Call to Order

Mark Hatfield called the meeting to order at 7:00 p.m. and welcomed Carolyn LeBlanc – the newest member of the Planning Advisory Committee.

2. Approval of the Agenda

MOVED BY: Mark Gosselin
SECONDED BY: Darin Lamont
CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: Darren Bishop
SECONDED BY: Jean Place

That the Minutes of the August 9, 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>
Setback to Main Dwelling - Accessory Building	By-Law No. 038 Section 8.(G)(2)(b)(ii)	101 Squire Drive
Amend the Developer's Agreement for Expansion	By-law #017 Section 4.B	174 Millennium Drive
licensed restaurant as a Discretionary Use in the Central Commercial (CC) Zone	By-law 038, Section 12.(B)(1)	174 Hampton Road
Front Yard Setback – Attached Garage	By-law #038, Section 8.(E)(1)(a)	223 Vincent Road
Tentative Schryer Subdivision Plan (foundation elevation, shared access, lot width, waterfront)	By-law #038 Sections 6.(F)(1), 6(N)(1) 25.(K)(1)(a) and 6.(BB)(1)(a) respectively	329 Model Farm Road
Parking Lot Expansion (location, setback and surface variances)	By-law 038 Section 6.P.(3)(b), 6.P.(5) and 21.(G) (1)	7 Kingsway Drive
Front Yard Setback – Detached Garage	By-law #038, Section 8.(G)(1)(b)(i)	7 Sunnybank Street

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

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)	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
b)	Fence setback	By-law 038, Section 6.(S)(7)	9 Sycamore Drive, PID 30018022
c)	Tentative McMahon Subdivision Plan, Amended. Lot not fronting a municipal street.	By-law 035 Section 5.(A)(i)	Corduroy Lane (off Elliot Road)
d)	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
e)	Oversized Detached Garage & waterfront	By-Law 038 Section 8.(E)(1)(c), 6.(BB)	30 Maple Grove Court; PID 30187371
f)	Cancellation of Developer's Agreement	Community Planning Act Section 74	199 Hampton Road; PID 00089250, 00249805, 249839
g)	Notwithstanding Use in Central Commercial Zone	By-law 038 Amendment proposal	15 Pettingill Road; PID 30256226

a) Front & Side Yard Setbacks, Waterfront and Lot Occupancy – 493 Gondola Point Road; PID # 30262638

Mr. Kevin Bennett, property owner, attended requesting approval for the construction of a single family dwelling at 493 Gondola Point Road, PID # 30262638. In order to obtain a building permit, variances are required for a 13.78 metre (45.2 ft) front yard setback variance, 0.9 metre (2.95 ft) left side yard setback, 0.7 metre (1.31 ft) foundation elevation, and construction within 30 metres of a watercourse. The Planning Advisory Committee (PAC) approved this request in 2009 but the approval has expired.

The front yard setback from the Gondola Point Road property line to front of the structure at its closest will be a distance of 1.22 meters (4 ft). The minimum setback for a single family dwelling from the Gondola Point Road is 15.0 meters as it is designated a Collector Road. A 13.78 m front yard setback variance is required. (Zoning By-law 038 Section 8(E)(1)(a)). One of the sideline setbacks will be 2.1 meters (7 ft). The minimum side yard setback for a single family dwelling in a R1 zone is 3.0 metres (10ft). A side yard setback variance of 0.9 meters is required. (Zoning By-law 038 Section 8(E)(1)(b)). The finished floor elevation of the first storey will be 0.3 metres (0.98ft) above the street. Elevations of new structures are to be at least 1 metre (3.28 ft) above the street. A foundation elevation variance of 0.7 metres (2.3 ft) is required (Zoning By-law 038 Section 6(F)). As this proposed construction is within thirty (30) meters of a watercourse, prior to the erection of any building or structure PAC must grant approval of the proposed development, set forth any conditions that may be necessary to ensure fitting completion of the development in a manner that is conducive to the area, and refer the project to the appropriate agency having jurisdiction over the watercourse – the New Brunswick Department of Environment. (Zoning By-law 038 Section 6(I)(1)).

It was noted that a Watercourse and Wetland Alteration Permit, dated August 28, 2009 for the construction of a retaining wall, was issued from the Department of Environment outlining 17 conditions. The construction of the Engineered Seawall and Building Pad have been completed and Engineered design drawings for the construction of the wall have been submitted for our records. A recent email received from the Department of Environment stated that their file is closed now that the retaining wall is complete and they do not have any requirements for the construction of the dwelling behind the wall. Mr. Bennett noted that it was suggested to locate a snow wall behind the retaining wall during construction to ensure building material does not accidentally land in or near the watercourse.

It was also noted the intention is construct a single family dwelling of similar height and design that was presented to the PAC in 2009, but with the change of the house being shortened on the right side to allow for one parking space. Due to this change in size, lot occupancy variance is no longer required. With the size and location of the property limiting the heavy equipment, Mr. Bennett noted that he will be hiring flagmen if necessary and will work around the busy traffic periods so as not to disturb bus schedules and normal heavy traffic.

Notice was sent to residents within 50 metres of property. The neighbor across the street responded by saying "We have no objection for the construction of the home, however, hoping that the home will be a ranch style home, no taller than the other home across the street. We currently have a wonderful view of the river and we home to retain this feature." No one attended the meeting to speak for or against this application.

MOVED BY: Darren Bishop
SECONDED BY: Darin Lamont

That the PAC grant approval for a 13.78 metre (45.2 ft) front yard setback variance from Zoning By-law 038 Section 8(E)(1)(a), a 0.9 metre (2.95 ft) left side yard setback variance from Zoning By-law 038 Section 8(E)(1)(b), a 0.7 metre (2.3 ft) foundation elevation variance from Zoning By-law 038 Section 6(F), and construction within 30 metres of a watercourse from Zoning By-law 038 Section 6(I)(1) for the construction of a single family dwelling on the waterfront property of 493 Gondola Point Road, PID # 30262638 subject to the following conditions:

1. A “Hold Harmless” Agreement is to be executed by the property owner, absolving the Town from any liability associated with water run-off, snow removal concerns and river impacts, with a registered copy to be filed with the Town prior to the issuance of a building permit.

CARRIED UNANIMOUSLY

b) Fence setback, 9 Sycamore Drive, PID # 30018022

Mr. Jason Somers attended seeking a 59 centimeter setback variance to the right, left and rear property lines for the construction of a 1.5 meter high fence at 9 Sycamore Drive – PID 30018022. The rear yard has been leveled to accommodate a pool, which is driving the requirement for the fence. The change in elevation required the installation of a retaining wall with stone boulders used to construct it. The boulders are relatively close to the property line (varies from about 6” to 2’6”) and would prevent the fence from being placed at the minimum setback from being achieved. As this applicant is proposing a chain link fence, maintenance will be minimal and could be accomplished from the inside. Placing the fence at the foot of the retaining wall would require a fence significantly higher than usual (and likely require a height variance) due to the ease of access from the adjacent retaining wall.

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: Darin Lamont
SECONDED BY: Marc Gosselin

That the PAC grant the variance from Zoning By-law 038, Section 6.(S)(7), for a 59 centimeter setback variance to the right, left and rear property lines for the construction of a chain link 1.5 meter high fence at 9 Sycamore Drive – PID 30018022 subject to the following condition:

1. The fence must be of chain link construction.

CARRIED UNANIMOUSLY

c) Tentative McMahon Subdivision Plan, Amended – Corduroy Lane (off Elliot Road)

Mr. Bill McMahon attended seeking approval for a tentative subdivision plan creating a Lot not fronting a Municipal Street and a Lot Width Variance at 152 Elliot Road, PID 231928. This application was approved by the PAC in 2013 but the Final Subdivision Plan was not registered within the one (1) year period as provided for in the Community Planning Act as

such the tentative approval expired. Although two other plans were provided with an increase in area and notification to the property owners in the area stated the plan was for a lot size of 2.03 hectares, notification came to the PAC prior to the meeting which reverted the plan to the previously approved 7335 square metres. The proposed access is 20.0 metres in width and provides sufficient right-of-way for construction of a public street in the event development of the remnant parcel in the future requires public street access. While the remnant parcel retains sufficient area for further subdivision development (39 hectares) its lot width at the line of setback (15.0m) is approx. 30.0 metres which is 24.0 metres less than the minimum 54.0 metres, as such, a lot width variance is required before Final Plan approval can be granted. This private access shares a right-of-way in favour of the Patrick Maloney Professional Corporation, and as such, the future property owner of Lot 2016-1 must be aware of the shared right-of-way and recognize the rights and privileges in favour of Parcel "A". If there is intent to remove this right-of-way it should be done prior to approval of the final plan.

The proposed lane name of Corduroy Lane has been verified against the Master Street Address Guide and found to be acceptable.

Notice was sent to residents within 100 metres of property; no concerns were received and not one attended to speak for or against the application.

MOVED BY: Jean Place
SECONDED BY: Carolyn LeBlanc

That the PAC approve the Tentative Subdivision Plan, creating a Lot not fronting a Municipal Street and a Lot Width Variance at 152 Elliot Road, PID 231928, subject to the following conditions:

1. Approval of the Private Access as proposed with clarification regarding the shared right-of-way with Dr. Patrick Maloney Professional Corporation;
2. Acceptance of the proposed private lane name of Corduroy Lane;
3. A lot width variance of 24.0 metre for remnant parcel PID 231928;
4. An on-site septic approval is required by the Provincial Health Act;
5. 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;
6. 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;
7. A Storm Water Management plan is to be submitted at the time of Building Permit Application stage and shall include a lot grading plan for Lot 2016-1 and the design of 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.
8. LPP obligations to be reviewed and negotiated with the Town and agreed upon prior to Final Plan approvals;
9. Filing Fees in the amount of One Hundred Dollars (\$100) for a subdivision plan of two lots or less;

10. The Final Plan is to be signed by the property owners and any applicable Public Utilities; and
11. The area that is currently the private right-of-way is to be rehabilitated with vegetation so that it does not resemble a road.

CARRIED UNANIMOUSLY

d) Front Yard Setback, Waterfront and Lot Occupancy – 589 Gondola Point Road; PID 30225940

Mr. Wayne Walker, a potential property purchaser, attended seeking approval for a twelve decimal fifty-six (12.56) metre front yard setback variance from Zoning By-law #038, Section 8.(E)(1)(a) in order to construct a dwelling on the waterfront property of 589 Gondola Point Road, PID 30225940. The Planning Advisory Committee approved an application for building on this property in 2012 and since this has since expired, Mr. Walker wanted to request renewal before considering the purchase of the property. The previous variance of an elevation variance is not being reviewed at this time and may not be required due to the buildup of the property during the construction of the retaining wall and the desire of the potential property owner to have no worries for water runoff. If this changes at the time of the build, the owner will need to return to PAC for approval.

The waterfront lot has already been approved as an undersized lot at 860 square metres and with the current house design, it was recognized that a lot occupancy is not required as was noted on the agenda.

As a reply to the public notification of property owners within 50 metres, a neighbor, Ms. Woodroffe, asked about the design of the dwelling. When she built her home years ago she was requested to seek approval from her neighbors for the design. With the current PAC Policy, this is done by the Secretary and only if variances are required.

No one attended the meeting to speak for or against this application and no correspondences were received.

MOVED BY: Darin Lamont
 SECONDED BY: Darren Bishop

That the PAC grant the approval for a front yard setback of twelve decimal fifty-six (12.56) metres from Zoning By-law #038, Section 8.(E)(1)(a) in order to construct a dwelling on the waterfront property of 589 Gondola Point Road, PID 30225940 subject to the following conditions:

1. Properly engineered and stamped drawings for the seawall system must be submitted to the Town during the building permit application process, and no building permit is to be issued until such time as the documents are received and approved by the Town;
2. Engineered design drawings for the drainage system are to be submitted to and approved by the Town;
3. Any foundation elevation variance will require the property owner to return to the PAC;
4. A “Hold Harmless” Agreement is to be executed by the property owner, absolving the Town from any liability associated with water run-off, snow removal concerns and river

impacts, with a registered copy to be filed with the Town prior to the issuance of a building permit;

5. The property owner must ensure the Municipal Easement as noted in plan 31730311 is kept clear of construction at all times;
6. Department of Environment approvals are required for waterfront development; and
7. The applicant is to work closely with the neighbours to address drainage issues and the extension of the retaining wall to the adjoining property.

CARRIED UNANIMOUSLY

e) Oversized Detached Garage & Waterfront, 30 Maple Grove Court; PID 30187371

Mr. Greg O'Leary attended seeking approval for a 41 square metre (441 square foot) variance for the construction of an 8.53 meters x 12.19 meters (28ft by 40ft) detached garage at 30 Maple Grove Court- PID 30187371.

The existence of an enclosed container on the property was noted as being used to store a personal car and would be removed once the garage was completed. The oversize garage was stated as being used to store two personal seasonal cars plus the owner's daily vehicles and included a little room to move around these vehicles.

The Building Inspector noted in the staff memo that a precedence of a detached garage of this size does not exist in an R1 Zone, so the PAC should be very mindful when considering this request and be clear on the reasoning as to why it is approved so as to maintain the integrity of the by-law. A discussion on sizes of different types of vehicles noted half ton trucks with trailers used in yard maintenance, camper trailers and other such recreational vehicles requiring a larger than usual garage.

Also noted in the staff memo was with the close proximity (1.5m) to the adjacent property and the size of the structure, the exposing wall will be required to be non-combustible materials.

Notice was sent to residents within 100 metres of property; no concerns received and no one attended to speak for or against the application.

MOVED BY: Marc Gosselin
SECONDED BY: Carolyn LeBlanc

That the PAC approve the variance from Zoning By-law 038, Section 8.(G)(l)(c), for a 41 square meter (441 square foot) variance for the construction of an 8.53 meters x 12.19 meters (28ft by 40ft) detached garage at 30 Maple Grove Court - PID 30187371 it would be 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 garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and
3. The building is not to be used for business purposes or for the keeping of livestock or as a dwelling.

CARRIED UNANIMOUSLY

f) Cancellation of Developer's Agreement on – 199 Hampton Road; PID 00089250, 00249805, 249839

Pursuant to Section 66 of the *Community Planning Act*, Town Council, at its August 16, 2016 Regular Meeting, passed a motion to notify the Planning Advisory Committee that it has cancelled, at the applicant's request, the agreement pertaining to permitting a self-storage facility as a Notwithstanding Use at Civic No. 199 Hampton Road, lands identified with PID No.'s 00089250, 00249805 and 249839, and dated March 26, 2012 between The Brody Company Ltd. and the Town of Quispamsis.

Furthermore, pursuant to Section 74 of the *Community Planning Act*, the Quispamsis Town Council intends to enact By-law No. R025; A By-law to Repeal Zoning By-law Amendment No. 38-14; and has set a Public Hearing date for September 20, 2016 at 7:00 p.m. Zoning By-law Amendment No. 38-14 was initially adopted to permit the self-storage units at the property in question. The *Act* requires to repeal a Zoning By-law, the same process must be followed as to enact a Zoning By-law. Therefore Council as set the above referenced date for the required Public Hearing, and is referring the proposed Repeal By-law R025 to PAC for its written views.

MOVED BY: Darin Lamont
SECONDED BY: Marc Gosselin

That the PAC supports Council in the Zoning By-law repeal of the Amendment No. 38-14 for the property of 199 Hampton Road, lands identified with PID No.'s 00089250, 00249805 and 249839.

CARRIED UNANIMOUSLY

g) Notwithstanding Use in Central Commercial Zone – 15 Pettingill Road; PID 30256226

Pursuant to Section 66 of the *Community Planning Act*, Council, at its August 16, 2016 Regular Meeting, passed a motion to refer the application to amend the Town's Zoning By-law No #038 to the Planning Advisory Committee for its recommendations. The proposed amendment would permit an Auto Car Wash, (Route 66) Operation as a Notwithstanding Use in a Central Commercial Zone, specifically on a portion of PID 30256226 off the Pettingill Road.

It was noted that Council has the options of introducing a Car Wash operation as a Permitted or Discretionary Use in the Central Commercial Zone through a by-law amendment, or they can make use of a Notwithstanding Clause that would permit the car wash to operate at this specific location only within the Central Commercial Zone and shall be restricted to this application.

MOVED BY: Darren Bishop
SECONDED BY: Marc Gosselin

If the Town Staff is satisfied with the water consumption report, then the PAC will support the proposed amendment to the By-law #038 to permit a car wash to operate at 15 Pettingill Road; PID 30256226 through the use of a Notwithstanding Clause.

CARRIED UNANIMOUSLY

9. Information Items

Council Meeting Minutes – July 19, 2016

10. Adjournment

MOVED BY: Darin Lamont

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:45 p.m.

The next Planning Advisory Committee meeting is scheduled for October 11, 2016. There were no agenda items prepared for the September 27, 2016 meeting.

Respectfully Submitted,



CHAIRMAN



SECRETARY