

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – September 22, 2015**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, September 22, 2015 at 7:00 p.m.

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

Absent:

**1. Call to Order**

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

**2. Approval of the Agenda – with the addition of item # 7d) Kings View Subdivision Phase 18; a tentative plan for two new lots as an extension of Kingsway Drive.**

MOVED BY:             Marc Gosselin

SECONDED BY:         Darren Bishop

CARRIED UNANIMOUSLY

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

None

**4. Review of Previous Meeting Minutes**

MOVED BY:             Darin Lamont

SECONDED BY:         Mark Hatfield

*That the Minutes of the September 8, 2015 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>
Daycare as Discretionary Use in Institutional Zone	By-law #038, Section 21.(B)(1)(c)	30 Vincent Road
Tentative Subdivision Plan – Highlands of Queensbury Ph 5-10	By-law #035	Off Vincent Road
Tentative Subdivision Plan – Ruscello Place	By-law #035	Off Banshee Court
Detached Garage #1: Over Height, Beyond Front Line of Dwelling, Setback to Main Dwelling	By-law #038 Section 8.(G)(1)(a), 8.(G)(1)(b)(i) and (iii)	40 Flagstone Drive (Corner lot - 22 Pioneer alternate address)
Oversize Detached Garage on Waterfront	By-law #038, Section 8.(G)(1)(c) and 6.(BB)(1)(a)	619 Gondola Point Road
Over Height and Over Size DGRG	By-law #038, Section 8.(G)(1)(a) and (c)	11 Hughes Crescent
Permission to use Future Street as Access to Property	Not a variance, a PAC review only	22 Galaxy Drive

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)	Parking lot in front setback	By-law #038, Section 18.(1)(1)	157 Palmer Brook Road
b)	House: Foundation Elevation, Waterfront and Over Height, Detached Garage: Height, Beyond Front Line of Dwelling, Over Sized	By-law #038 Section 6.(F)(1), 6.(BB)(1)(a), 8.(F)(1) By-law #038 Section 8.(G)(1)(a), 8.(G)(1)(b)(i), 8.(G)(1)(c)	503 Misty Cove Lane
c)	Front Yard Setback	By-Law #038 Section 25.(M)	393 Bradley Lake Road
d)	Tentative Plan – Kings View Subdivision Phase 18	By-law # 035	Kingsway Drive

**a) Parking lot in Front Setback – 157 Palmer Brook Road, PID 30301782**

Mr. Brad Lockhart of Lockhart’s Design and Consulting Inc. attended seeking a variance for a development at 157 Palmer Brook Road, PID 30301782, which includes a variance for the parking lot to be in the front setback. Whereas 157 Palmer Brook Road is zoned Light Industrial and whereas Zoning By-law 038 Section 6.P(3)(b) requires in all zones, other than an R Zone, parking shall not be permitted within the required front yard setback area, unless permitted subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 34(4)(c) of the Community Planning Act of

New Brunswick. And whereas the proposed development is proposing parking in the front yard setback area a variance is required. 157 Palmer Brook Road is zoned Light Industrial and whereas Zoning By-law 038 Section 6.P(5) requires developments within all zones except for Commercial have the front yard setback landscaped open space, except for exits and entrances, unless permitted otherwise, subject to such terms and conditions as may be imposed by the Planning Advisory Committee pursuant to the provisions of Section 34(4)(c) of the Community Planning Act. Furthermore, whereas Section 18.(I)(1) requires that a minimum of fifty (50) percent of the front yard of the lot shall be landscaped open space and the proposed development is proposing a maximum of forty percent (40%) landscaped open space a variance of ten percent (10%) is required.

The lot at 157 Palmer Brook Road contains a total area of 6.28 acres. The proposed development will see 2.45 acres of the property used for the self-storage facility and 0.78 acres of greenspace for a stormwater and drainage attenuation (retention pond) area, with the remnant 3.05 acres being marked for Future Development. The proposed use is a permitted use in the Light Industrial Zone in accordance with Section 18.(A)(1)(a)(xii) – storage buildings. At some future point, a subdivision plan maybe required should the current property wish to sell the remnant parcel or develop under a different business name. At this stage, a subdivision of the property is not required to approve the business as proposed.

The retention pond area is to be developed as part of the self-storage facility development and is to remain under the ownership of 669155 NB Inc. who shall be required to maintain the area and it function in accordance with its design. There have been no engineered plans submitted for the design of the retention pond. This will be required prior to issuing of the building permit.

The setbacks for the location of the proposed self-storage buildings exceed the minimum requirement of 6.0m or ½ the height of the buildings. The rear of the property contains a gravel hill that will provide a buffer between the Palmer Brook watershed area and the Rural zone. The Zoning By-law Section 18.F.1(c) requires where the adjoining property is not zoned industrial, a treed buffer zone of fifteen (15) meters shall be established and maintained by the developer. The gravel hill is to provide this fifteen (15) metre buffering and shall be sloped and hydro-seeded to prevent soil erosion.

The building design and construction as well as the outside storage area is to be completed in accordance with Section 18.(C) and (D) of the Zoning By-law 038. The fence can be a chain link fence provided it has privacy screening incorporated into the design. The storage of hazardous or environment dangerous materials shall be not be permitted at the facility given the close proximity to the Palmer Brook watershed. This restriction will be incorporated into Development Agreement.

The granting of the variances is reasonable given the greenspace for the overall development is being enhanced by the provision of the 0.78 acres of greenspace along the side of the property for stormwater and drainage attenuation. As well pulling the parking to the front keeps the development further away from the Palmer Brook Watershed. Notice was sent to all property owners within 100 metres of the subject of property; no concerns received.

MOVED BY: Darin Lamont  
SECONDED BY: Mark Hatfield

That the PAC grant approval of the proposed development subject to the following conditions:

- 1) A variance from Zoning By-law 038 Section 6.P(3)(b) permitting parking within the front yard setback area;
- 2) A ten percent (10%) variance from Section 18.(I)(1) requiring a minimum of fifty (50) percent of the front yard of the lot shall be landscaped open space;\
- 3) Submission of engineering design for the retention pond area demonstrating acceptable practice for overflow and release into the Palmer Brook watershed area;
- 4) Submission of appropriate approvals from the Department of the Environment;
- 5) The building design and construction as well as the outside storage area is to be completed in accordance with Section 18.(C) and (D) of the Zoning By-law 038;
- 6) A treed buffer zone of fifteen (15) meters shall be established and maintained by the developer. The gravel hill is to provide this fifteen (15) metre buffering and shall be sloped and hydro-seeded to prevent soil erosion.
- 7) The storage of hazardous or environment dangerous materials shall be not be permitted at the facility given the close proximity to the Palmer Brook watershed.
- 8) The Developer is to enter into a Development Agreement with the Town.

CARRIED UNANIMOUSLY

**b) Foundation Elevation and Over Height on Dwelling; Height, Beyond Front Line of Dwelling, Over Sized on Detached Garage plus Waterfront – 503 Misty Cove Lane, PID #30299697**

Mr. Brian Thompson of Glenhar Builders, on behalf of Ms. Aleta Beers, is requesting approval to construct a dwelling and a detached garage on the property identified as 503 Misty Cove Lane, PID 30299697. In order to obtain a building permit, six variances are required from the By-law #038. The house requires a foundation elevation variance from Section 6.(F)(1) since the finished floor elevation of the first storey is not at least one (1) metre above the final centerline grade of the street. The house also requires a height variance of five feet six inches (5'6") from Section 8.(F)(1) whereas the maximum height is twenty-nine (29) feet. The detached garage is proposed at nineteen feet eleven inches (19'11") high and requires a height variance of three feet eleven inches (3'11") from Section 8.(G)(1)(a) plus the size is proposed at twenty-six by thirty feet (780sqft) and requires an area variance of one hundred and two square feet (102sqft) from Section 9.(G)(1)(c). The location is beyond the front line of the dwelling and requires a variance from 8.(G)(1)(b)(i). The property is a waterfront property and therefore requires a review of the Planning Advisory Committee as per Section 6.(BB)(1)(a).

With the Main Floor Elevation, the intent of this section of the by-law is twofold; first, to ensure proper site drainage, and second, to ensure the ability to connect to the municipal sanitary system. As the property is fairly large and sloped toward the river, there should be no problem with drainage on this property provided swales are installed during the construction of the dwelling. The more challenging issue is with connection to the sanitary system. The area is not currently serviced by a municipal sanitary sewer system and most of the dwellings on this side of the road do not meet this requirement, but would not require a drastic variance. Typically, when sewer is provided to areas like this, sewage pumps are used to pump any

sewage from the site to the main in the street. Such a drastic elevation difference and a long distance may pose a problem when sizing the pump system; however, in situations like this, the property owner will sometimes opt to keep the onsite septic system instead of using the municipal sewer due to cost.

The dwelling height intent of the by-law is mainly for aesthetic reasons. When viewed from the front, the building is not overly high but since it has a walkout basement, and the measurements is taken from the lowest ground level to the highest roof measurement, it is over the maximum height permitted. The intent of the garage size section of the by-law is mainly for aesthetic purposes but also to allow PAC to ensure they are not constructed for the purpose of a business or commercial equipment storage, etc.

The lot is located in a Single or Two-Family (R1) Zone, with a lot size of 8360 square metres (just over two acres). PAC noted that the large size of the lot and the setback from the road should mitigate any potential problems with the heights of both structures and the size of the garage.

Notice was sent to property owners within 100 meters of the property, no concerns were received.

MOVED BY: Marc Gosselin

SECONDED BY: Mark Hatfield

That the PAC grant the approval for the following variances on the property of 503 Misty Cove Lane, PID 30299697:

- 1) a foundation elevation variance from Section 6.(F)(1) for the main dwelling;
- 2) a height variance of five feet six inches (5'6") from Section 8.(F)(1) for the main dwelling;
- 3) a height variance of three feet eleven inches (3'11") from Section 8.(G)(1)(a) for the detached garage;
- 4) an area variance of one hundred and two square feet (102sqft) from Section 9.(G)(1)(c) for the detached garage;
- 5) a location variance from 8.(G)(1)(b)(i) for the garage being beyond the front line of the dwelling; and
- 6) approval for development on a waterfront property, as per Section 6.(BB)(1)(a) subject to the following terms and conditions:
  - 1) A "Hold Harmless" agreement is executed by the property owner absolving the Town from any liability associated with water run-off, with a registered copy to be filed with the Town,
  - 2) A permit is received from the Department of Environment and Local Government if work is to take place within 30 metres of the watercourse;
  - 3) The garage is to be sided with a cladding recognized by the National Building Code of Canada, current adopted edition; and
  - 4) The garage is not to be used for commercial or business purposes, for the keeping of livestock or as a dwelling unit.

CARRIED UNANIMOUSLY

**c) Front Yard Setback – 393 Bradley Lake Road, PID # 30246920**

Mr. John W. Smith Carpentry attended requesting a front yard setback variance of six decimal eight (6.8) metres for the construction of a dwelling at 393 Bradley Lake Road, 30246920.

The lot is located in a Rural Zone, with a lot size of 1838 square metres. The original house, located approximately three (3) metres from the property line according to orthophotographic records, has been destroyed by fire. Mr. Smith originally thought the new house would be located approximately eight decimal two (8.2) metres from the property line but as the property was being prepared for foundation work, it was discovered that they could only go back about six decimal seven (6.7) metres. The slope of the land would not allow for the house to be constructed fifteen (15) metres from the front property line. The septic field has to be moved to accommodate the new location as well so room will be required for this to be behind the house and far enough from the watercourse to be out of the setback.

It was noted that the further back the property goes, the lower it goes and when placed six decimal seven (6.7) metres from the property line, it will require a foundation elevation variance of zero decimal six one (0.61) meters.

Mr. Colbourne stated that if the sloping property does not allow for the house to be six decimal seven (6.7) metres from the front property line, with room for the septic field thirty (30) metres from the watercourse, the applicant must complete a new site plan. The PAC members will review and vote on revisions through an email or phone vote. It was recognized that the other houses along this stretch of the Bradley Lake Road are between five (5) and seven (7) metres back from the front property lines. The intent of the bylaw is to provide for the future possibility of road widening and adding sidewalks. It was noted that this is a relatively rural area, so road widening and the addition of a sidewalk are not unlikely to occur in the near future.

Notice sent to property owners within 100 metres of property; no concerns received but several questions on the property distance from other lots were received and answered.

MOVED BY: Darin Lamont

SECONDED BY: Darren Bishop

That PAC grant approval of the frontline setback variance of eight decimal three (8.3) metres and a foundation elevation variance of zero decimal six one (0.61) metres at 393 Bradley Lake Road, subject to the following terms and conditions:

- 1) The applicant works with the Town Staff if changes are required due to the lay of the land; any changes will be noted to the PAC members for on-line or phone voting; and
- 2) The variance stays with the property provided the final inspection is completed within one year from the date the building permit is issued.

CARRIED UNANIMOUSLY

**d) Tentative – Kings View Subdivision Phase 18, Two Lots as an extension of Kings Way Drive**

Mr. Murray Carpenter of Langard Ltd. attending seeking approval for a tentative plan for the purpose of creating two (2) new residential building lots as an extension of Kingsway Drive.

The overall area is zoned Residential (R1) for single or two-family dwellings. The developer has requested the lots be serviced via individual on-site wells. A comprehensive water study was completed under a previous phase and covers this area. The developer is proposing to extend Municipal sewer to all the lots. The required infrastructure is already in place and owned by the Town. This infrastructure was installed as part of the Country View Estates development. LPP for the subdivision will be through the dedication of 250 sq. metres of land. This land is from the proposed land bank being PIDs 252973 and PID 30268429. These PIDs are to be vested to the Town as part of this subdivision approval process as they have been identified for LPP for earlier phases of the Kings View development and need to be vested now before the remaining lands are developed.

The stormwater management plan covering this area has been completed under phase 16 and 17. In accordance with the stormwater management plan, Lot 160 will require a Municipal Service Easements along the side adjacent with lot 159. This will have to be shown on the final plan.

Mr. Peter Donovan of 622848 Ltd. spoke to this tentative plan, not in opposition, but in reference to an easement that is required to cross over the Langard Ltd. property in order to allow connection to the existing municipal sewer infrastructure for a parcel of land belonging to 622848 Ltd. Mr. Donovan requested that the Town take responsibility for obtaining the easement, and has asked this several times since 2007, but it was noted once again that this is private property where the Town has no jurisdiction. Mr. Carpenter commented that there was a verbal agreement between himself and Mr. Donovan for this easement but it was dependent on a shared cost to create the infrastructure. Mr. Carpenter noted that his company had diverted the infrastructure at a cost of \$60k and connected the local area at another cost of \$35k to \$40k of which Mr. Donovan agreed to pay \$20k. Mr. Carpenter stated that he will sign the easement agreement when the payment accompanies the document. Mr. Colbourne stated that the infrastructure that is currently in place at this location for a proposed subdivision not yet approved by PAC of the Town, is therefore not registered and not yet owned by the Town.

MOVED BY: Jean Place  
SECONDED BY: Darren Bishop

That PAC grant approval for the Kings View Subdivision Phase 18 tentative plan with two (2) lots, subject to the following conditions:

- 1) Lot depth variance of 10.0m metres for Lot 160
- 2) Lot 160 to have a 3.0m wide Municipal Services Easement in accordance with the Stormwater Management Plan approved by the Town;
- 3) LPP obligations to be met through the dedication of 250 sq. metres of land. The land is to be from the proposed LPP parcels identified by PIDs 252973 and 30268429. The parcels are to be vested to the Town as part of this subdivision process – Kings View Phase 18.
- 4) Standard Development Agreement, bonding and subdivision fees will be required;
- 5) Subdivision filing fees in the amount of One Hundred dollars (\$100.00) for a two (2) lot phase; and
- 6) Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

**8. Information Items**

None

**9. Adjournment**

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:38 p.m.

The next Planning Advisory Committee meeting is scheduled for October 13, 2015.

Respectfully Submitted,

  
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CHAIRMAN

  
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SECRETARY