



QUISPAMISIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – September 25, 2018

Present: Darin Lamont Darren Bishop
 Brent Preston Kendall Mason
 Marc Gosselin Michael Wowchuk
 Violet Brown S. Dwight Colbourne

Absent: Brenda Fowlie

1. Call to Order

Darin Lamont called the meeting to order at 7:00 p.m.

2. Approval of Agenda

Moved By Brent Preston

Seconded By Darren Bishop

That the Agenda be approved as written.

Motion Carried

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

September 11, 2018

Moved By Marc Gosselin

Seconded By Michael Wowchuk

That the minutes of the previous PAC meeting be received and filed.

Motion Carried

5. Business Arising from Minutes - Notice of Decisions

71 Peat Drive - Home Business

Moved By Brent Preston

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

Motion Carried

6. Unfinished Business

None

7. New Business

7.1 483 Gondola Point Road - Setback & Foundation Elevation

Mr. & Mrs. Horwood (Jack & Judy), potential new property owners of 483 Gondola Point Road, PID 248757, are requesting a Front Yard Setback and Foundation Elevation Variance in order to construct a Single-Family Home on the property named above. Jack stated the intention is for the existing house to be being torn down and a new dwelling to be constructed further to the north of the property, within side yard setbacks but requiring a front yard setback.

It was asked if the proposed elevation of 6.25 meters is sufficient flood protection with consideration for the flood levels of 2018. Mr. Colbourne stated that the Town does not have a designated threshold for elevation to the sea level in our by-laws but we do have regulations for elevation to the road. However, the flood numbers recommend 6 metres to 6.25 metres based on where the level came to during 2018 floods. He also noted that there would be a Hold Harmless Agreement requested for construction on this lot. It was recognized that while the intention is to bring the level up on this lot, it is dependent on what is permitted by the Department of Environment and therefore, a variance is still being requested in case the level cannot be obtained as desired. Mr. Horwood spoke about the retaining wall noting rough measurements were approximately 49 feet for the widest part of the lot which is why they are moving the house footprint to that location, the foundation location of 30 feet from the road, 32-34 feet for the depth of the house, then 6 to 8 feet behind the house will be the seawall. The height of the seawall will be approximately 16 to 18 feet but that depends on the contractor and Ecotech Engineer from the Department of Environment (DOE) and based on the final survey. He noted the seawall would not be at the edge of beach since the beach goes out quite far. There is a permit being reviewed by the DOE now and Mr. Horwood stated the project will not proceed further without these permits.

Mr. Colbourne noted that the seawall would require a professional engineer design as well as a geotechnical analysis to see if the river can handle it. DOE has

tightened up the rules due to flooding. Every application to DOE comes to the town staff along with the scope of work and will be reviewed prior to issuance of a permit. Mr. Colbourne also stated that if the seawall can't be built, other conditions would have to be considered but he added that other homes in the area have these seawalls so he doesn't see any issues with obtaining said permits.

Reta and Angus King of 478 Gondola Point Road attended and asked questions on the new house location. They stated that the survey report they had for their property, the 600 square metre beach lot next to 483 Gondola Point Road, was shown as only 14.47 metres from the road to the water mark at the time of the survey. Reta stated that they believed the land in question is wider on the southern end of the property and asked why the applicants plan to move the house location more North. Ms. Judy Horwood said the land appears wider where the garage is located now. Mr. Colbourne showed the lots on the screen and that is when Reta and Angus realized that there is another small parcel of land, 276 square metres, between them that is not part of the subject lot. Reta noted that the same family owned both parcels years ago so they assumed it was one parcel. Mr. and Mrs. King seemed content knowing that the house would not be right next to their lot. They asked the Horwoods if they were going to subdivide the lot in question and inquired about the minimum lot size as they wondered what they could do with their lot, considering the land amount, soil erosion, etc. Mr. Colbourne stated that the minimum lot size, with Municipal Sewer connected, is 1140sqm. Mr. King asked about the depth of the land in comparison to the road and asked where would the garage would go and in what direction. Mr. Colbourne noted the building plans and site plans would all be reviewed as part of the permit issuance process and also noted that the existing house is encroaching on the town's property and the new location would be better for the town. Reta asked if the public would get another plan review and Dwight noted the design of the site, seawall inclusive, would be reviewed by the Town; if there are any deviations from what they are asking tonight, they would have to return to PAC at which time a public notice would be sent out to property owners within 50 metres.

Mr. Farshid Fallahi of 482 Gondola Point Road asked about flooding for this lot. Darin Lamont noted the flood levels and elevations were previously mentioned. Mr. Fallahi asked how high the house will be built and Darin noted this was not available but would be within the by-law limits, that of 29.5 feet, or a further PAC review would be required. Mr. Fallahi then asked about the design and the PAC Secretary noted a possible design, in the form of a conceptual drawing, was sent as part of the public notice and that the height was not requiring a variance so not part of the public notification. Furthermore, Mr. Colbourne noted that the Town's by-laws do not restrict a style of house.

Mr. Tomas Allaby of 485 Gondola Point Road spoke to say that he supports the application and even more so after hearing the information provided tonight. He felt that a new building, constructed back from the road further, would certainly look better for the neighborhood.

No one else attended to speak for or against.

Moved By Darren Bishop

Seconded By Brent Preston

That the PAC proceed with approving the foundation elevation variance of up to one (1) metre from Zoning By-law No. 038, Section 6.(F)(1) and a front yard setback variance of up to twelve (12) metres from Zoning By-law No. 038, Section 8.(E)(1)(a) for the construction of Single-Family home on the waterfront property of 483 Gondola Point Road, PID 248757, subject to the following terms and conditions:

1. The existing dwelling is demolished prior to new construction;
2. A Wetland and Watercourse Alteration Permit is obtained from the Province;
3. The finished floor elevation of the basement must be 6.25 m above sea level;
4. The seawall must be constructed and engineered by a registered professional engineer practicing in the province of NB; and
5. 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 and river impacts, with a registered copy to be filed with the Town.

Motion Carried

7.2 6 Coventry Crescent - Setback

Sheena Clark attended seeking approval for a variance of 0.7 metres to permit the construction of an unenclosed front porch, which will encroach into the required front yard at 6 Coventry Crescent, PID 30007439. As per By-law 038 Section 6.(E)(1)(e)(i), certain portions of a structure are permitted to encroach into a required yard. In the case of unenclosed porches, the maximum encroachment is 1.2 metres.

It was recognized that the public notification stated the incorrect measurements that were much greater than what is actually required for this application. Notice sent to property owners within 50 metres of property with no concerns received

Mr. Colbourne stated that if the structure is supporting a roof load, snow, etc., the roof would have to be supported with posts or similar and that the Building Inspection Department would review this as part of the permit application.

No one attended to speak for or against this application.

Moved By Michael Wowchuk

Seconded By Brent Preston

That the PAC proceed with approving the variance from By-law 038 Section 6.(E)(1)(e)(i) of 0.7 metres at 6 Coventry Crescent, PID 30007439, subject to the following terms and condition:

1. The structure is not permitted to be enclosed unless a subsequent variance is granted by the PAC to By-law 038 Section 8.(E)(1)(a).

Motion Carried

7.3 Tentative Subdivision Plan - 12 Civic Drive

Mr. Dwight Colbourne reviewed this application on behalf of the Town as they are looking to create a separate lot for the Civic Centre / Fire Station No. 2 located at 12 Civic Drive. Mr. Colbourne noted that Municipal Drive has never been public yet used for public passage and now is a good time to update the status. The lot created then fronts a public street and would not require a Right-Of-Way over private property.

An Easement will be added to the plan to cover the servicing of the Civic Centre by the generator look adjacent to the Public Works/Utility building. The building will continue to be serviced by the generator in the event of a power failure.

It was suggested that the PAC consider granting a variance with respect to the dedication of land or cash-in-lieu for Land for Public Purposes as the lands will continue to contain a building that provides a municipal service to the public as per Section 6.(F)(xi) of Subdivision By-law 035.

No one attended to speak for or against this application.

Moved By Darren Bishop

Seconded By Michael Wowchuk

To grant approval to the Civic Centre/Fire Station No. 2 tentative subdivision plan subject to the following conditions:

1. A variance from Section 6.(E) of Subdivision By-law 035 with respect to the LPP requirements;
2. The submission of the Final Subdivision Plan signed by the property owner and necessary public utility agencies; and
3. The discontinuance of the street name Civic Drive with the whole street being named Municipal Drive.

Motion Carried

7.4 Zoning Change - 2 Leeswood Drive

Habitat for Humanity Saint John Region has approached Council seeking land donation for the purpose of building a Habitat Home for a family in need. The Active Transportation Committee reported that the building lot of 2 Leeswood Drive, PID 30018121 was identified as surplus and noted it is a residential size corner lot in the subdivision across the street from Meenans Cove Park. Council has asked that the PAC review this donation and recommended they poll the

property owners / neighbors. The process would be the same for a donation as it is for a sale and if the PAC doesn't approve, the public notice would not be required.

It was recognized that the registered plan from 1978 shows the property as being LPP so it may have been deeded to the Village at that time. The land is currently designated as Park/Recreational, if the Town were to donate the land to Habitat for Humanity it would need to be rezoned to Residential. The rezoning of the property can take place as part of the municipal planning process depending on the time frame of the construction of the home. Mr. Colbourne noted that since this original subdivision plan, the beach and parks have been created as LPP. Mr. Colbourne showed further lands behind the subdivision that is LPP and Town owned and noted that there used to be a private septic system in the area that was turned over to the town, made public, and the owner of this private system donated surrounding lands as well.

Moved By Kendall Mason
Seconded By Brent Preston

PAC grants consent of the application submitted by Habitat for Humanity to move forward and proceed with polling the neighbours for the disposal of LPP land for construction of a dwelling. A hearing date will be set for October 9th where the PAC will provide their written input to Council as to whether or not they support the application.

Motion Carried

8. Information Items and/or Discussion


None

9. Adjournment

Moved By Darren Bishop

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,


CHAIRMAN


SECRETARY