

PLANNING ADVISORY COMMITTEE
MINUTES – December 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, December 22, 2015 at 7:00 p.m.

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

1. Call to Order

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

2. Approval of the Agenda

Mr. MacLaughlin reviewed the changes in the agenda that was posted on the website whereas a last minute application, not requiring public notification, was received and several items were switched in order.

MOVED BY: Marc Gosselin

SECONDED BY: David Carlson

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

That the Minutes of the November 24, 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>
Home Based Business	By-law #038 Section 6.K.	16 Nightingale Lane
Amending Plan – White Subdivision Ph 1	By-law #035	5-6 Angel Lane
Land For Public Services - AE McKay Builders Ltd	By-law #035	Ritchie Lake Collector Sewer
Land For Public Services - Woodleigh Development Ltd. Subdivisions	By-law #035	Ritchie Lake Collector Sewer

MOVED BY: Mark Hatfield

SECONDED BY: Jean Place

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)	Tentative Subdivision Plan - Chansa Estates	By-law #035	Model Farm Rd, 5 Lots
b)	Home Based Business	By-law #038 Section 6.K.	552 Gondola Point Road
c)	Home Based Business	By-law #038 Section 6.K.	33 Edwards Drive
d)	Taxi Service	By-law # 035	Saint John Business operating in Quispamsis
e)	Tentative Subdivision Plan Renewal - Country View Estates Phase 7C	By-law #035	Flagstone Drive, 13 Lots
f)	Tentative Subdivision Plan Renewal - Country View Estates Phase 8	By-law #035	Squire Drive, 5 Lots

a) Tentative Subdivision Plan – Chansa Estates – Five (5) Lot Residential Subdivision with a Private Lane off Model Farm Road

Mr. Gerry Roberts attended on behalf of the potential buyers and developers seeking approval for a five (5) residential building lot and private lane development from 8.9 acres of waterfront property off the Model Farm Road in the Rural (RU) Zone. As the property is located in the Rural Zone, Section 25.K. of Zoning By-law 038 is used to guide the lot dimensions for compliance.

The Developer is proposing to provide access to the parent lot via a private lane with maintenance and ownership being the responsibility of a condominium association or Home Owners Association or Corporation; the Condominium Act of New Brunswick provides for Bare Land Condo Associations that are responsible for common grounds (roads, greenspaces, etc.). As the proposed road will not be a public street, the access to the development requires

the approval of the PAC in accordance with Section 5 A of the Subdivision By-law as well as the Community Planning Act. The Developer is proposing a 20.0m street right-of-way in the event that if the road does become a public street, the right-of-way width will be established. However, the driving surface of the roadway will be 6.0m of asphalt with 1.0m of shoulder on either side. The lot does contain some steep slopes as such the street centreline profile does show grades between 10% - 15%. These grades are the maximums permitted for streets vested to the Town as per the Subdivision By-law, where 8% or above requires a variance to a maximum of 10%. Mr. Colbourne compared this steepness to the bottom of Quispamsis Road near the Church. Mr. Roberts, as well as the developer Mr. Dave Long, noted that the road will be designed by a professional engineer and will be high end. Mr. Long also noted that he is currently living on and managing a private lane (Long Lane) without any concerns from any residents on the lane. Where the slopes are steep, the Developer demonstrated how this access would be manageable and maintainable, that the lane will be asphalted as well as the installation of a storm sewer system to protect the integrity of the access, the adjacent properties and any within the development. There was concern noted from the PAC members for the safe access of emergency vehicles, such as fire and ambulance, to which Mr. Roberts commented that this road is no steeper than some personal driveways north of this property.

The location of the access, with the respect to the Model Farm Road, Evergreen Park Drive and the adjacent was reviewed by planning staff, the surveyor and the Developer. As there is a concern with line-of-sight in this area when travelling south along the Model Farm Road, the planning staff recommended an engineered analysis of the whole area to ensure any movement concerns can be addressed as part of the development.

The proposed street name of Riversedge Lane was checked against the provincial Master Street Address Guide database and there is potential for conflicts within the emergency service area as such a new street name is required.

A Stormwater Management Plan will be required for the whole development based on a 1:100 year intensity level. The plan should look at a Pre and Post Development balance model or Net Zero increase or better. The plan should look at all flows entering and exiting the development and how they will be handle without negatively impacting adjacent properties or prejudicing future development of adjacent properties. To ensure the proposed storm sewer system is constructed to an acceptable standard based on best practices it should designed by a professional engineer. As it will be exiting into the Kennebecasis River, a proper outlet design will be required with appropriate approvals from the Department of Environment.

The minimum lot dimensions in the RU Zone are 54.0m width, 38.0m depth and minimum lot area of 4000 sq. metres (1 acre). The proposed lot configuration will require a lot width variance of 44m for Lot 15-3; however, the variance would be reasonable as the lot area is 6780 sq. m, which is well in excess of the minimum lot area, and the lot is a flag lot in shape with the narrow strip at the front to provide lot access.

Lot 15-1 is subject to an existing driveway right-of-way, which will need to be retained unless other private arrangements can be made. Mr. Long confirmed that this section of the driveway would be maintained as part of the private lane.

Water is provided by way of drilled private wells and sanitary sewerage by private on-site septic systems. The Developer is proposing cash-in-lieu of land for the proposed development given the close proximity to the Meenans Cove Beach Park. As the

development will be exclusive to the lot owners, any land designated for public use does not align with the desired intent of the development.

Notice was sent to all property owners within 100 metres of the subject of property. There was one concern received with regards to document 19246397 which grants the Easement over lot 15-1. It states that in addition to the right of way, no healthy trees found on PID 30081905 that lie within 20 feet of the boundary line of PID 30168561 may be harvested without the permission of the property owner of PID 30168561. With the proposed subdivision of PID 30081905, this Easement would now apply to proposed Lot 15-3, Lot 15-2 and Lot 15-1.

No one, other than the applicant, attended the meeting to speak for or against this application.

MOVED BY: Mark Hatfield

SECONDED BY: Pierre Rioux

That the PAC grant the approval for the five (5) residential building lot and private lane development of waterfront property off the Model Farm Road, with the lot width variance of 44 metres for Lot 15-3, subject to the following terms and conditions:

- 1) Establish a Condominium Associations or Corporation for ownership and maintaining of the private lane, infrastructure and any common grounds;
- 2) Submission of a detailed maintenance agreement that will be entered into between the corporation or condo association and the property owners;
- 3) Submission of a street design and stormwater management plan to the satisfaction of the Town as design by a registered professional engineer license to practice in New Brunswick;
- 4) Completion of a traffic analysis as completed by a professional engineer for the intersection of the proposed private lane, the Model Farm Road, Evergreen Park Drive, and other driveways in the area;
- 5) Street access is reviewed and approved by the Fire Department and other Emergency Services;
- 6) Submission of an alternate name for the private lane as Riversedge Lane is not acceptable;
- 7) The portion of the existing easement (Right-Of-Way) to 271 Model Farm Road that the private lane crosses over is to be maintained as part of the private lane;
- 8) No trees are cut, harvested or removed as per document 1924639 noted above;
- 9) Appropriate approvals received from the New Brunswick Department of Environment;
- 10) Submission of On-site Septic Report by a qualified professional in accordance with the provincial Health Act;
- 11) Payment in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3750) for cash-in-lieu of LPP;
- 12) Payment of filing fees in the amount of Two Hundred Fifty Dollars (\$250.00) for a five (5) lot subdivision;
- 13) The Developer is to enter into a Development Agreement with the Town; and
- 14) Final Plans to be signed by property owners and utility companies.

MOTION CARRIED

b) Home Business – 552 Gondola Point Road, PID

Ms. Renee Byers attended seeking approval for a Home Occupation to produce Beauty Products at 552 Gondola Point Road, PID 249714.

The lot is located in a Single or Two-Family Dwellings (R1) Zone as such a Home Occupation is a permitted secondary use in accordance with Section 8.(A)(1)(b)(i) and subject to the provisions of Section 6.K of Zoning By-law 038.

The main dwelling contains a total basement floor space of 111 sq. m. (1200 sq. ft.) with total of 10.5 sq. m (112 sq. ft.) to be used for production of Beauty Products. This approximates to eleven percent (11%) of the space being used for business purposes as such is within the allowable limits as per Zoning By-law 038, Section 6.(K)(2)(d).

The intention is to produce products for sale off-site; the business model presented does not provide for on-site selling of the products so there will be no additional traffic to the property. Increase traffic to a tends to be the element that assist with the monitoring of home base business activities are traffic and parking concerns are normally the first items report to the Town regarding a property where a home based business exist. The applicant is the proprietor and only employee for the business. There will not be any advertising as the applicant has indicated that she does not intend for sales to be from the residence.

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

MOVED BY: Darin Lamont

SECONDED BY: Jean Place

That the PAC grant approval for a Home Occupation of Beauty Products at 552 Gondola Point Road, PID 249714, 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

c) Home Occupation – Managing and Operation of Seasonal Yard Maintenance and Renovation Companies – 33 Edwards Drive, PID 30084644

Mr. Nathan Ashfield attending seeking approval for a home occupation that includes seasonal yard maintenance such as snow removal and home renovations from the location of 33 Edwards Drive, Quispamsis. Mr. Ashfield reviewed the concerns from the neighbourhood as response to letters received by the Town. A total of six complaints were received which pointed to concerns such as the parking of commercial vehicles such as tractors, trailers, commercial size dump and plow trucks, etc. for use in both summer and winter yard maintenance. Mr. Ashfield noted that he has sold his sander/hopper and moved his one tonne plow truck to a local parking lot that he maintains. Since he uses this one tonne truck as a dumpster during renovations of his home, he would return the truck for that purpose when renovations begin again. He noted that since he renovated several rooms in his home over the past year, some of the equipment on site was for that use and not for business purposes. Mr. Ashfield stated that he has recently created a driveway specifically for the commercial vehicles that runs along the property line and to the back of the yard. As there is a fence in the backyard, Mr. Ashfield noted that he could add privacy slats to the fence for additional coverage. However, it was noted in one of the concerns that the truck and the tractor are clearly visible from the neighbor's back yard and there are no trees between the fence and their yard.

It was noted by one neighbor that it looked like staff were gathering at the location and parking their vehicles in the area during the day. He stated that he has three employees who meet at his home before starting the day and sometimes park on the road until vehicles are shuffled and then they carpool or travel with the equipment to a job site. He stated that he could ask the staff to meet elsewhere if this was preferred by the PAC.

Several calls of complaints stated that the business has been on-going for about one year and has continued to grow as evident by the number of vehicles in the yard. Mr. Ashfield noted how much smaller his business is now in comparison to when he lived in Bloomfield on a 45 acre property and noted that since he sold several equipment pieces, he has less today than one year ago. He stated that he intends on slowing down on the renovations part of his business since his job with the fire department will soon be offering more hours and the need for the revenue from the renovation portion of his business will not be needed as much. However, the Town has evidence that Mr. Ashfield has advertised for new snow removal customers as of November 2, 2015 which indicates growth in that portion of his business.

Other concerns were noted for the continually movement and safety thereof, of commercial vehicles backing in the driveway, and the noise of equipment being worked on. Mr. Ashfield stated that his vehicles leave in the morning and return in the evening; working off site. Any maintenance of equipment has been for his personal equipment. He also cited Section 3.A of the Noise By-law No. 023 which states "without restricting the generality of Section 2 (see

below), the by-law provision shall not apply to snow removal and emergency response equipment at any time". It was questioned if the intent of this section of the by-law is meant for Municipal Snow Removal Equipment and Emergency Vehicles only or for any snow removal equipment. Section 2.A) states that "No person shall make or permit to be made any noise within the town of Quispamsis likely to cause a public nuisance or otherwise disturb the inhabitants of the town of Quispamsis. For the purposes of this Section, evidence that one person is unreasonably disturbed by a noise is prima facie evidence that a noise is disturbing the inhabitants of the town of Quispamsis." The Noise By-law also states that it does not apply to property owners doing maintenance and/or repairs to their property between the hours of eight o'clock in the forenoon (8 a.m.) and nine o'clock in the afternoon (9 p.m.), however, Mr. Nathan noted that most of his snow removal customers wish to have their driveways cleared by 6:00 a.m.

There were concerns for the environment and possible run-off of fuel or other toxic material that could leak into water sources but Mr. Nathan stated that the only materials brought to his home are for personal use.

Mr. Peter Dixon spoke against this application stating that everything Mr. Ashfield uses for his business is on wheels and while some of the equipment is currently off-site, there is concern for the return and further growth of the business. He noted that there are two businesses, not one, operating at that location and the by-law allows only one as a secondary use. Mr. Dixon feels that the by-laws are in place for a reason and wondered why the PAC would work so hard to permit this business when it was clear that commercial vehicles are not permitted in a residential zone. He feels Mr. Ashfield should have been aware of this and not started up the business in the hopes of doing so without requiring permission or asking for forgiveness when the Town found out.

Mr. Ashfield admitted to having little knowledge of the Town by-laws with regards to residential zones and businesses and asked for clarification on what he is permitted to have in his yard, with or without permission for a home occupation. Currently, Mr. Ashfield stated that the vehicles he intends to keep on site are his 4-cylinder diesel tractor (with cab, snow blower and bucket), his utility trailer, his cargo trailer, his antique truck, his two personal vehicles and the two personal vehicles of his renters plus a walk-behind snow blower.

The fact that there is a granny-suite, used as a rental apartment, in the home of Mr. Ashfield was brought up by Mrs. Dixon. Mrs. Dixon commented that there was a subdivision agreement in place that permitted only in-law suites for family members when needed and not rental units due to the fact that the area has limited water resources. The ruling that a granny-suite or in-law suite being turned back into the regular home use after it is no longer required was reviewed. Mr. Ashfield said he purchased the home with this in-law suite already in place and was not told that he could not rent it.

While it was recognized that the lot is located in a Single or Two-Family (R1) Zone and as such a Home Occupation is a permitted secondary use, it was also noted that based on the information provided, there are several variances that would be required from Section 6.K of By-law #038. *Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;* the applicant indicated there are additional employees who park at the location and travel from 33 Edwards Drive to the job site. *The operations of a home business are to be restricted to inside the main dwelling as per the intent*

of Section 6.K(2)(g); the operations are conducted outside with respect to maintenance of the vehicles, the storage of equipment and supplies and all jobs are off-site with dispatching of vehicles from the property. No equipment or material used therein is stored other than in dwelling unit mentioned in Section 6.(K)(2)(a); equipment is stored outside and in the garage. The activity not involve the management or dispatching of more than one (1) commercial vehicle; the application listed a couple of commercial vehicles, trailers and additional equipment listed in the business ad (walk behind snowblowers). Within a home business, no 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 on which the dwelling unit is located; this application list several commercial vehicles and additional equipment.

Section 8 of By-law No. 038 permits home based businesses but it is permitted as ONE of the following secondary uses: a home occupation, subject to Section 6.(K); an accessory dwelling unit, subject to Section 6.(D); or an in-law suite, subject to Section 6.(W). Based on the letter of application it has been established there is a business being operated and managed from this property, which would constitute a secondary use. However, based on correspondence from residents and confirmed at this meeting, there is an accessory dwelling unit at this property as well, resulting in two secondary uses, which is not permitted by the by-law.

MOVED BY: Darin Lamont

SECONDED BY: Jean Place

That PAC table the decision on the Home Occupation at 33 Edwards Drive until further information is received on granny-suites, secondary dwelling units, home businesses or commercial vehicles permitted within this subdivision or at this address through current by-laws and subdivision restrictive agreements.

CARRIED UNANIMOUSLY

d) Taxi Service – Saint John Business operating in Quispamsis

Mr. Dave Gaudette, co-owner of a taxi service company called My-Ride, attended seeking approval from By-law #025, Section 3.A., to operate within the Town of Quispamsis.

Mr. Gaudette and Mr. Greg Fairbrother, co-owners, are both licensed taxi operators and owners with approved licenses from the Saint John Police Force and the Kennebecasis Regional Police Force. Their service is handled through the internet and VoIP phones for dispatch therefore, there is no need for a civic address within the Town of Quispamsis. Their vehicles are parked in a Saint John location and only travel to Quispamsis for customer service. There will not be any signs posted in the Town but advertising will commence for the valley business.

MOVED BY: David Carlson

SECONDED BY: Darin Lamont

That PAC grant approval for the taxi service company called My-Ride to operate within the Town of Quispamsis.

CARRIED UNANIMOUSLY

e) Tentative Subdivision Plan Renewal - Country View Estates Phase 7C

Mr. Peter Donovan attended seeking renewal of a previously approved Tentative Subdivision Plan for Country View Estates Phase 7C, a thirteen (13) Single and Two Family Residential Lots off Flagstone Drive Extension – PID 30297097.

On November 25, 2014, the Planning Advisory Committee approved the tentative plan for the Country View Estates Phase 7C and the one year approval time has lapsed. Mr. Donovan stated that there were no changes to the tentative plan.

MOVED BY: Darin Lamont

SECONDED BY: Mark Hatfield

That PAC grant the renewal of the previously approved Tentative Subdivision Plan for Country View Estates Phase 7C subject to the same conditions as listed at the November 25, 2014 PAC meeting:

- 1) Proper design drawings for the sanitary sewer system to be submitted to the Town for review and approval prior to any construction;
- 2) Comprehensive Water Supply Source Assessment report to be submitted and reviewed by the Town prior to final approvals and any construction;
- 3) Road grade variances from Subdivision By-law No. 035, Section 8(B)(1) of three decimal eight two (3.82%);
- 4) Stormwater management plan to be submitted for this phase. Local drainage patterns, lot drainage plans and storm sewer design to be completed by Developer's consultants and submitted to the Town for review and approvals prior to any construction. The Developer's consultant must address any downstream impacts;
- 5) Land for Public Purposes for this phase can be met through the land bank credit established through the creation of the LPP parcel off the Chamberlain Road (PID 30292684);
- 6) Standard Developer's agreements, bonding and subdivision fees will be required;
- 7) Subdivision filing fees of \$330.00 for a thirteen lot phase; and
- 8) Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

f) Tentative Subdivision Plan Renewal - Country View Estates Phase 8

Mr. Peter Donovan attended seeking renewal of a previously approved Tentative Subdivision Plan for Country View Estates Phase 8, a five (5) Residential Lots off Squire Drive.

On November 25, 2014, the Planning Advisory Committee approved the tentative plan for the Country View Estates Phase 8 and the one year approval time has lapsed. Mr. Donovan stated that there were no changes to the tentative plan.

MOVED BY: Darin Lamont

SECONDED BY: David Carlson

That PAC grant the renewal of the previously approved Tentative Subdivision Plan for Country View Estates Phase 8 subject to the same conditions as listed at the November 25, 2014 PAC meeting:

- 1) The sanitary sewer is to be installed and approved by the town;
- 2) Submission of an updated tentative plan showing the proposed location of the sanitary sewer system extension across the Langard Ltd. property with easement delineation for Town review;
- 3) Review of previously submitted Hydrogeological information to ensure that the development model used is still relevant and cover this portion of the Country View Estates development;
- 4) Submission of local drainage patterns and lot grading plans clearly demonstrating acceptable surface water drainage control practices to the town for review and approvals;
- 5) Driveway location information and Line-of-Sight analysis to be submitted to the town for review and approval to safety concerns regarding access from the lots onto Squire Drive;
- 6) Land for Public Purposes for this phase can be met through the land bank credit established through the creation of the LPP parcel off the Chamberlain Road (PID 30292684);
- 7) Standard developer's agreements, bonding and subdivision fees will be required;
- 8) Subdivision filing fees of two hundred fifty dollars (\$250.00) for a five (5) lot phase; and
- 9) Plans to be properly signed by the necessary utilities and owners.

CARRIED UNANIMOUSLY

8. Information Items

Council Meeting Minutes – November 17, Special Meeting of November 21, Council Assent notice of Kings View Subdivision Phase 17B and Beaverhill Amending Subdivision.

2016 PAC/Council Calendar

9. Adjournment

MOVED BY: David Carlson

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 8:33 p.m.

The next Planning Advisory Committee meeting is scheduled for January 12, 2016.

Respectfully Submitted,


CHAIRMAN
SECRETARY