



# QUISPAMSIS



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## PLANNING ADVISORY COMMITTEE MINUTES – January 14, 2014

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, January 14, 2014 at 7:00 p.m.

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

Absent:             Marc Gosselin

### 1. Call to Order

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

### 2. Voting For Chair And Vice Chair

Violet Brown, PAC Secretary, took over the meeting to begin the nominations for the 2014 PAC Chairperson and Vice Chairperson. It was noted that Mr. Gosselin did not wish to be nominated for Vice Chairperson this year but did wish to stay on the Committee. Ms. Brown asked for nominations for Chairperson. Mr. Bob MacLaughlin was nominated as Chairperson. Ms. Brown asked if there were any other nominations a second and third time.

MOVED BY:             David Carlson  
SECONDED BY:         Jean Place

*That Mr. Bob MacLaughlin be voted in as Chairperson for the 2014 Planning Advisory Committee.*

CARRIED UNANIMOUSLY

Mr. Bob MacLaughlin took over the meeting as Chairperson and asked for nominations for Vice Chairperson. Mr. Mark Hatfield was nominated as Vice Chairperson. Mr. MacLaughlin asked if there were any other nominations a second and third time.

MOVED BY: Darin Lamont  
 SECONDED BY: Darren Bishop

*That Mr. Mark Hatfield be voted in as Vice Chairperson for the 2014 Planning Advisory Committee.*

CARRIED UNANIMOUSLY

**3. Approval of the Agenda**

MOVED BY: David Carlson  
 SECONDED BY: Darin Lamont

*That the agenda be approved.*

CARRIED UNANIMOUSLY

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

None

**5. Review of Previous Meeting Minutes**

DATED: November 26, 2013

MOVED BY: Mark Hatfield  
 SECONDED BY: David Carlson

*That the Minutes of the November 26, 2013 PAC meeting be approved.*

CARRIED UNANIMOUSLY

**6. Business Arising from Minutes**

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Lot Width Variance	By-Law # 038, Section 8.(C)	11-13 Ranch Avenue
Waterfront Property Review	Section 6 BB of Zoning By-law 038	59 Old Neck Road
Sign Clearance Variance	By-Law No. 036, Section 13.A.(3)d.(i)	174 Hampton Road

MOVED BY: Darren Bishop  
 SECONDED BY: Jean Place

*That the Notices of Decision be received and filed.*

CARRIED UNANIMOUSLY

**7. Unfinished Business**

#	Variance Requested	By-Law Section	Address
a)	Deck built four (4) inches from property line	By-Law #038 Section 8(E)(1)(c)	2 Cardinal Terrace

- a) It was noted that the applicant, Mrs. Lynette Mason, was in a near fatal automobile accident on January 11, 2014 and was still in the hospital critical care unit so the couple was unable to attend the meeting. No other resident attended for or against the variance request.

The Committee reviewed responses from the last PAC meeting minutes from both the applicants and the neighbor. Mr. Heans commented that he installed a fence along his property two feet from the property line and when the fence installers ran a line along the property edge to measure for placement of the fence had commented that Mr. Mason’s deck is over the property line on the driveway end. Mr. Heans also commented that the PAC would have to make the decision on whether Mr. Mason was required to remove approximately twenty (20) inches from the deck to accommodate the two (2) foot setback clearance.

Mr. & Mrs. Mason commented that they were willing to remove a portion of the deck if the PAC ruled that this was required. Mrs. Mason also stated that the fence is approximately twenty (20) inches from their deck and they would be happy if both parties agreed to keep things as is.

Mr. Hatfield had asked if the distance of the fence to the property line was measured as it appeared to be under two feet when he inspected the property himself. It was noted that Ms. Denessa Plume, Building Inspector for the Town of Quispamsis, upon final inspection of the fence, measured the distance from the fence to the deck on 2 Cardinal Terrace to be approximately twenty-one inches (21”).

A letter from the Building Inspector was reviewed which stated that the Building Inspectors had made measurements at 2 Cardinal Terrace from the two points on the dwelling of 4 Cardinal Terrace to the property line as per the suggestion from Mr. Gerald Roberts of Kierstead Quigley & Roberts Surveyors. Using the same key points that were measured on the original lot plan belonging to Mr. Heans, surveyed in 1997, the measurements checked on October 4, 2013 showed the Mason’s deck was four inches away from the property line, on the side of the Mason’s property, at one end and six inches away from the property line on the other end.

In reviewing the file of 2 Cardinal Terrace from the initial request, the applicant had requested zero metres from the property line for a twelve foot deck but the Town had approved a ten foot deck to allow for a two foot clearance. Although there were miscalculations in the property line location, the ten-foot deck was built without deliberate intent to disregard the PAC approval. It was noted that Mr. Heans’ letter emailed to Ms. Margie McGrath of the Town of Quispamsis on September 26, 2012, stated that there were no objections to the deck and shed being located on but not over the property line. Mr. Heans at that time did question if he was required to allow maintenance via access on their property. Mr. Colbourne pointed

out that platforms can be maintained from above with the removal of several boards if necessary. Mr. Colbourne also noted that the Town does not have a By-Law for decks and that the regulations are reflective of the By-Law for dwellings with the understanding that the deck is connected to the house. If a deck is not connected, it could be placed on the property line.

MOVED BY: Mark Hatfield  
 SECONDED BY: Jean Place

*That the PAC accept the current location of the deck; that being four (4) to six (6) inches from the property line.*

On the question: It was noted by Mr. Rioux, Councillor, that the Town has spent a lot of time on this to ensure the best possible solution was decided upon for each party and that the Planning Advisory Committee has also reviewed this situation three times and not taken the situation lightly.

CARRIED UNANIMOUSLY

**8. New Business**

#	Variance Requested	By-Law Section	Address
a)	Lot(s) not fronting a Municipal Street	By-Law #038 Section 20(D)1	27, 33 Apple Manor Lane

- a) Mr. Ian Swanton is proposing the consolidation of five (5) existing lots for the purpose of creating two (2) residential building lots. The proposed lot consolidation will see lots having PIDs 00231142, 00231175 and 00231167 being consolidated to form Lot 1, and PIDs 00230763 and 00072017 consolidated to form Lot 2. These are existing lots but individually they do not meet the minimum requirements for a residential building lot in the Rural Zone as per Section 25 (K) of the Zoning By-law.

Mr. Swanton was not in attendance to represent his application and since Ms. Jean Banham of 103 Neck Road attended in opposition, Mr. Swanton would not be able to respond to her questions or those of the Committee.

MOVED BY: Darin Lamont  
 SECONDED BY: Jean Place

*That the agenda item be tabled until the next PAC meeting.*

CARRIED UNANIMOUSLY

**9. Information Items**

- 2013 Council Meeting Minutes -- November 5, November 19 and December 3
- 2013 PAC Approval Review
- 2014 Town of Quispamsis Budget Highlights
- 2014 PAC Calendar, Minimum Setback List, Guideline for Approval Conditions

**10. Adjournment**

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:16 p.m.

The next Planning Advisory Committee meeting is scheduled for January 28, 2014.

Respectfully Submitted,



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CHAIRMAN



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SECRETARY