



QUISPAMSIS



12 Landing Court
P.O. Box 21085
Quispamsis, NB
Canada E2E 4Z4
T: 506-849-5778
F: 506-849-5799

quispamsis@quispamsis.ca
www.quispamsis.ca

PLANNING ADVISORY COMMITTEE MINUTES – January 28, 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 28, 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. Approval of the Agenda

MOVED BY: Darin Lamont
SECONDED BY: Mark Hatfield

That the agenda be approved.

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

DATED: January 14, 2014

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MOVED BY: Jean Place
 SECONDED BY: Darren Bishop

That the Minutes of the January 14, 2014 PAC meeting be approved.

CARRIED UNANIMOUSLY

5. Business Arising from Minutes

<i>Notice of Decision</i>	<i>By-Law Section</i>	<i>Address</i>
Deck built four (4) inches from property line	By-Law #038 Section 8(E)(1)(c)	2 Cardinal Terrace

MOVED BY: David Carlson
 SECONDED BY: Mark Hatfield

That the Notices of Decision be received and filed.

CARRIED UNANIMOUSLY

7. Unfinished Business

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Lot size variance and Lot(s) not fronting a Municipal Street	By-law #038 Section 25 (K) and Section 20(D)1	27, 33 Apple Manor Lane

- a) Mr. Ian Swanton attended the PAC meeting requesting approval for the consolidation of five (5) existing lots for the purpose of creating two (2) residential building lots. These are existing lots but individually they do not meet the minimum requirements for a residential building lot in the Rural Zone as per By-law No. 038 Section 25 (K) where the minimum lot width is 54.0m. As such, a variance of 1.77m is required for the proposed Lot 1 before a building permit can be issued. The consolidation of the three lots will result in a total lot area of about 9300 sq. m which is more than double the minimum lot area and will compensate for the slightly less than minimum lot width along the front of the property.

In accordance with Subdivision By-law No. 035 Section 5(A) (ii), every lot in a subdivision shall abut a publicly owned street or such privately-owned street as may be approved by the Planning Advisory Committee. Access to these lots will be through a deeded right-of-way identified as a 66ft wide Reserved Road. Mr. Swanton has submitted supporting documentation regarding the right to use this private road to access the said lots. It was noted by Ms. Jean Banham of 103 Neck Road that the existing roads, namely Apple Manor Lane and Neck Road, are currently not in a fit state of repair to withstand the wear and tear of the heavy machinery which would be needed to complete this development. Mr. Colbourne noted that as with any lots that do not front a municipal or public street, the construction of any private access and the maintenance thereof is the responsibility of the property owners. Based

on the application and supporting documentation, Mr. Colbourne is confident these items will be addressed by Mr. Swanton.

Ms. Banham also objected to this proposal due to the area being an important part of the marshland and noted it as a prime duck nesting area. Ms. Banham has concerns that salt or chemical run off from this development could lead to plant and animal destruction and coastal erosion. Mr. Colbourne was asked if this section of the Kennebecasis River was designated as a wetland conservation through Ducks Unlimited or other wildlife protection agency. Mr. Colbourne was unaware of any such label for this land other than the usual waterfront property and as such, approvals of the development of any lots adjacent to a watercourse must be in accordance with By-law #038 Section 6.(I). Mr. MacLaughlin also researched the area for conservation policies and found nothing specific to this section.

Other concerns for views from existing long-term local homeowners, regarding the practice of not burying the hydro and telephone wires, were discussed and it was noted that this part of the development is up to the developer. Mr. Swanton was asked if he had contacted NB Power to review easement requirements and he said that they were contacted approximately eleven (11) years ago when the individual lots were first assigned. Mr. Swanton is aware that he will have to review these easements again for his combined lots as part of the extension of Apple Manor Lane.

The last concern reviewed was the possibility of larger homes being developed on these larger properties which could indicate a rise in property assessment for the neighboring homes. Mr. MacLaughlin noted that there is no way to know if development on these two lots would cause any change in assessments.

It was noted by Mr. Colbourne that Mr. Swanton did not need the approval of the Planning Advisory Committee to combine these five lots into two lots because they were already existing lots registered with Service New Brunswick. The process could have been completed legally by his lawyer and documents registered as renewed lot dimensions with SNB. Mr. Swanton proceeded with the PAC process in order to be sure that all the By-laws of the Town of Quispamsis were complied with both by himself and the potential new landowners.

MOVED BY: Mark Hatfield
SECONDED BY: David Carlson

That the PAC accept the proposed plan that includes a variance from Section 5(A)(ii) of Subdivision By-law 035 for lots that do not front a municipal street and a 1.77m lot width variance from By-law No. 038 Section 25 (K) for the proposed Lot 1 with the following conditions:

1. A Hold Harmless Agreement is in place for each new lot which protects the Town, and makes the property and homeowners aware of the responsibilities associated with the private lane and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;
2. The Hold Harmless Agreements incorporate a clause whereby it is recognized by the eventual landowner(s) that investment made in construction of the private lane will not be recovered if it is destroyed during construction of a public street to municipal standards;

3. Approval for development on the lots adjacent to a watercourse must be in accordance with By-law 038 Section 6.(I) and approval is obtained from the Provincial Department of Environment or Fishing & Natural Resources of New Brunswick if development is within thirty (30) metres of the watercourse;
4. Building Permits are subject to On-site Septic Approval in accordance with the Provincial Health Act;
5. Submission of a Final plan confirming the lot width and clearly stating deed access to the properties via Apple Manor Lane; and
6. The Final Plans signed by the property owners and any applicable Utilities.

CARRIED UNANIMOUSLY

8. New Business

#	Variance Requested	By-Law Section	Address
a)	Home Business	By-Law #038 Section 6(K)	43 Destiny Lane

- a) Mrs. Elizabeth Jadoo of 43 Destiny Lane attended the PAC meeting seeking approval for the operation of a home-based business that will provide home-catering services, prepare meals and food for sale at local markets and for onsite cooking classes.

Mrs. Jadoo reviewed the detailed business plan outlining her Business Number, National Food Safety Training Program, established networking contacts and advertising through social media and her experience in this type of service proving a very well established plan, knowledge, and recognition of the amount of effort required to operate this type of business. Mrs. Jadoo will be the sole employee in the business and will operating from a second kitchen to be located in her basement. The floor space of the kitchen is only six percent (6%) of the total floor space of the basement area as such is well within the floor space maximums set within the Zoning By-law for Home Based Occupation.

Mrs. Jadoo reviewed the concerns of the neighboring residents as well as the concerns of the Municipal Planning and Development Officer for Home Based Businesses.

Mr. Colbourne indicated that as with any type of food preparation businesses there are concerns with waste entering into the municipal sewerage system and that the PAC may wish to request the installation of appropriate plumbing mechanisms to control grease and the grinding of any solid waste entering into the municipal system. Mrs. Jadoo responded to say that her cooking oil is disposed with full respect of the environment and never poured down the drain. While some foods are prepared by deep-frying, most foods are cooked with little oil and no residue. The compost bin is used for compostable food items and both the compost and garbage bins are kept in their garage in sealed containers so as not to become a nuisance to the area.

Mrs. Jadoo has contacted the Department of Health and is currently working with a Public Health Inspector on a Food Premises License. She noted that the Public Health does not require a separate kitchen or license for preparation of food for sale at Public Markets but because she is extending her business to include the services of catering, a separate kitchen with guidelines requires approval. The kitchen layout, permits for renovations, estimates of

costs, fire safety and liability insurance are all being pursued in conjunction with the Home Business application. The Public Health Department is waiting for the PAC decision.

With respect to the concerns for odors and smells, Mrs. Jadoo acknowledged that most foods have odors in their cooking preparation and that the proposed kitchen will be equipped with appropriate filters for exhaust fans.

Traffic and parking was reviewed as it related to the on-site once per week classes for adults and kids. The original class size for adult lessons was proposed at twelve (12) but was reduced to six (6) once Mrs. Jadoo became aware of the possible parking concerns and the capacity of her driveway to hold only six (6) vehicles. The class size for children's lessons was kept at twelve (12) due to the fact that many of the children will be coming from the immediate neighborhood as per her research and community connection and therefore walking. It is proposed that other children will be dropped off and picked up and not requiring parking spots. The themed children's parties where up to twelve children would attend for the preparation of food such as pizza or birthday cakes would be similar to the lessons with the same impact on traffic. The catering portion of her business will be one, perhaps up to two vehicles as it was estimated that a maximum of two catering orders is manageable per day for pick up or delivery. It was noted by Mr. Pierre Rioux that the parking conditions seem similar to other home based businesses such as a hair salon where there are cars coming and going while several are parked at one time.

The floor space of the kitchen is only six percent (6%) of the total floor space of the basement area, which is well within the floor space maximums of twenty-five (25%) set within the Zoning By-law. Mrs. Jadoo stated that the space adjacent to the kitchen may be used for the children's classes where children can stand and view the cooking. The six percent floor space is the area that is being considered for the "licensed kitchen" through Public Health.

MOVED BY: Darren Bishop
SECONDED BY: Darin Lamont

That the PAC approve the operation of a home-based business called Caribbean Flavours from the home at 43 Destiny Lane with the following conditions:

1. There shall be no on-street parking;
2. The solid waste and food refuse is to be in sealed containers kept in-doors until such time as it is schedule for regular pick up at road side;
3. Approval is received from the Department of Health and the Fire Marshall;
4. Class sizes are limited to six (6) for the adult cooking lessons and twelve (12) for the children's cooking lessons or children's themed parties;
5. It shall be secondary to the main residential use of the dwelling;
6. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of:
 - (i) Twenty five (25) percent of the floor area of the dwelling unit, or
 - (ii) Thirty two (32) square meters;
7. No equipment or material used therein is stored other than in the dwelling unit mentioned above;
8. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;

10. 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;
11. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
12. 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 on which the dwelling unit is located;
13. Not more than two (2) Utility Storage Trailers may be on the lot on which the dwelling unit is located; and
14. In units containing more than one home occupation, the sum of all home occupations carried out in one unit is not to exceed the conditions pertaining to one home occupation.

CARRIED UNANIMOUSLY

9. Information Items

2013 Council Meeting Minutes –December 17, 2013

Mr. Bob MacLaughlin made comments on the 2013 PAC Procedural Policy, which is to be updated with respect to the suggested changes of the Town's legal advisor and the subsequent discussions on each change. Copies of the Policy will be handed out at the next PAC meeting.

10. Adjournment

MOVED BY: David Carlson

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 February 11, 2014.

Respectfully Submitted,



CHAIRMAN



SECRETARY