

**PLANNING ADVISORY COMMITTEE
MINUTES – July 22, 2014**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, July 22, 2014 at 7:00 p.m.

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

Absent: Darren Bishop

1. Call to Order

Bob McLaughlin called the meeting to order at 6:58 p.m.

2. Approval of the Agenda

MOVED BY: Mark Hatfield
SECONDED BY: Marc Gosselin

That the agenda be approved.

CARRIED UNANIMOUSLY

3. Disclosure of Interest on Agenda Items

None

4. Review of Previous Meeting Minutes

MOVED BY: Darin Lamont
SECONDED BY: Jean Place

That the Minutes of the June 24, 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>
Size & Height – Detached Garage	Zoning By-law No. 038 Section 8.G.(1)(a) & (c)	29 Stoneyplain Ave.
Eric Lunnie Tentative Subdivision Plan	Zoning By-law No. 035; 2 lots from 1	296 Meenan’s Cove Road
Stonehurst Tentative Subdivision Plan	Zoning By-law No. 035; 15 lots	Westminster Drive, Devonshire Crescent, Winchester Drive area

MOVED BY: Pierre Rioux
 SECONDED BY: David Carlson

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)	Day care - number of children increase	Zoning By-law No. 038, Section 6(L)(2)	12 Greystone Drive
b)	Discretionary Use (temporary after school program)	By-Law 038 Section 21.(B)(1)(c)	173 Pettingill Road
c)	Fence just inside property lines	By-law #038 Section 6.(S)7	12 Reflection Lane
d)	Detached garage: over-height, over-size, sideyard setback	By-law #038, Section 8.G.(1)(a), (b)(i), (b)(ii)	106 Longbow Place
e)	Home Business – Hair Salon (in existing Grannysuite)	By-law #038 Section 6.(K)	487 Hampton Road <i>Tabled; Further ROW Ownership Details Required</i>
f)	Setback & Removal of Previous PAC Conditions	By-law #038 Section 25(M)(1), Section 3 - Powers of the PAC	59 Old Neck Road (previously # 65)

a) Day care - number of children increase for Little Blossoms Learning Centre

Ms. Newell (Tracy) attended seeking PAC approval to increase the number of children attending her daycare facility to match the Zoning By-law provision of fifteen (15) children from the current ten (10) as set by PAC in 2012 and outlined in an agreement between Ms. Newell and the Town. Ms. Newell constructed the dwelling with the day care facility (Little Blossoms Learning Centre) in the basement and opened for operation in May 2014.

The 2012 PAC notice of decision was read aloud by Mr. MacLaughlin including the condition of the number of children. Ms. Newell explained that the previous reduction in the maximum number of children was to address concerns by the adjacent property owners at the time of the

initial application. These properties have since been sold and the new owners would have been aware of the Day Care facility prior to moving into the area. It was noted that notification of this request to increase the number of children to fifteen (15) was sent to all current property owners within 100 metres of the subject property and no objections have been received.

Ms. Newell explained the number of children per adult provincial guidelines ratio for each age group that she has in her facility with a specific reference to days when she is at the maximum capacity. Ms. Newell would like to hire one other person to ensure these guidelines are maintained and in doing so, would like to be able to have more children to compensate for the increase in expenses.

Parking spaces were reviewed with respect to the number required per child and employee and Ms. Newell noted that she has already prepared for this increase. PAC members commented that they visited the site and there appears to be adequate spaces.

MOVED BY: Pierre Rioux
SECONDED BY: Marc Gosselin

That the PAC approve the increase in the number of children at the day care facility of Little Blossoms at 12 Greystone Drive from ten (10) to fifteen (15) with the following conditions:

- 1. The Developer's Agreement with the Town be updated to reflect the increase in the number of children from ten (10) to fifteen (15); and*
- 2. The previous conditions listed below remain in effect.*
 - (i) The Day Care Facility shall be secondary to the main residential use and as such shall not be located in an accessory building or structure;*
 - (ii) The owner/operator shall reside at the subject property;*
 - (iii) The Day Care Facility shall be limited to a detached dwelling unit;*
 - (iv) The Day Care Facility shall not be located any closer than forty-six (46) metres from an intersection to ensure traffic safety;*
 - (v) The Day Care Facility shall be located a minimum distance of four hundred (400) metres from another Day Care Facility;*
 - (vi) All signage shall comply with the Sign By-law for the zone in which the Day Care Facility is located;*
 - (vii) There is to be no on-street parking;*
 - (viii) On-site parking shall be provided as follows:*
 - i. one (1) space per dwelling unit; and*
 - ii. one (1) space per employee; and*
 - iii. one (1) space per five (5) children; and*
 - (ix) The Day Care Facility complies with all Provincial regulations under the Family Services Act of New Brunswick.*

CARRIED UNANIMOUSLY

b) Discretionary Use (temporary after school program) – 173 Pettingill Road

Mr. Michel Tassé, on behalf of Association Régionale de la Communauté francophone de Saint-Jean Inc. (ARCF de Saint-Jean), attended the PAC meeting seeking approval to locate the ARCF de Saint-Jean Daycare and Afterschool program services to a temporary location at 173 Pettingill Road (St. Mark's Church) until such time as the new francophone school is constructed on Quispamsis Road. It was noted that the Town interpreted the applicant's letter as a request to relocate the entire Daycare and Afterschool program services but Mr. Tassé clarified the request to reflect that the Church location of 173 Pettingill Road is for an overflow of the afterschool program children and that both facilities will operate individually until joined at the new location. Mr. Dwight Colbourne noted that the memo to PAC from him did not reflect this and suggested conditions will require revision, in particular, the statement that the existing agreement will need to be reviewed as part of this process with possible termination of the agreement for this location and any exiting requirements must be fulfilled as per the agreement.

The fencing of the area was reviewed with Mr. Tassé stating that the construction area was fenced off to ensure safety and the provincial guidelines do not require a fenced in play area for children of the age that will be at this temporary location. It was mentioned that the daycare would be the only activity at the Church during the afternoon hours of 2pm to 6pm so the area would be clear of other traffic and action.

It was asked if the Church was compliant with all provincial regulations for daycare facilities and Mr. Tassé commented that the Department of Health had already approved the accommodations and the fire department was to be on-site next week but since the Church has been reviewed for occupancy, there isn't any expected concerns.

Questions received from Mr. Ernie McNeill, a resident in the area, were reviewed with the existing location noted as being too small for the number of children and this temporary building would be only for the afterschool program as it would not accommodate the entire program – that of 40 to 45 children. Bus transportation was questioned with Mr. Tassé stating that children will be bussed from the school to the daycare as part of the regular bus program. As noted above, the construction area is fenced off and with the age group in attendance, the concern for safety around the construction area is limited. The relocation to the new school should take place late November to early December 2014.

Mr. Tassé asked if he was to return to PAC when the new francophone school was ready and the two locations combined into this one. Mr. Colbourne noted that the francophone school would be rezoned, as part of the Municipal Plan, to Institutional and as such, would be zoned for the use of a daycare. The current developer's agreement with the Town would be revised to reflect the new address.

The PAC Secretary was asked if any other letters of concern were received; no others were received.

MOVED BY: Pierre Rioux
SECONDED BY: Mark Hatfield

That the Planning Advisory Committee grant the approval to locate the afterschool program of the Association Régionale de la Communauté francophone de Saint-Jean Inc. (ARCF de

Saint-Jean) until the new francophone school is built (late November to early December 2014) subject to the following conditions:

- 1. On-site parking shall be provided as follows:
 - i. one (1) space per employee; and*
 - ii. one (1) space per five (5) children;**
- 2. The daycare must meet the requirements of the Family Services Act of New Brunswick and Regulations;*
- 3. Any alterations to the basement are subject to a Building Permit; and*
- 4. Any outside play or activity area to be appropriately fenced to protect from heavy construction traffic in the area.*

CARRIED UNANIMOUSLY

c) Fence just inside property lines – 12 Reflection Lane

Shuang Li & Jiaqu Lu attended the PAC meeting seeking approval to construct a fence just inside the property lines along the rear yard areas adjoining the properties of 8 and 16 Reflection Lane and 15 Leah Boulevard. to maximize useable space in their rear yard for the purpose of keeping their two dogs inside the property line.

Ms. Lu described the land on two sides of her property. The section between #8 and #12 Reflection that has a steep slope and if the fence was at the top of the slope, it would be difficult to maintain the slope from the back side of the fence if the fence was to be located two feet from the property line as per the By-law #038. The other section between them and 15 Leah Blvd. has a storage shed on the property of 15 Leah Blvd. that is situated on the property line making it difficult to manoeuvre around if the fence was placed as per the By-law. Ms. Lu noted that Fundy Fencing will be erecting the fence and she feels they are knowledgeable on the By-laws as well as professional in the design. She also noted that they are aware that the fence must be fully on their own property, including all posts. She mentioned that she spoke with her neighbours and although they didn't appear to have any concerns, one wrote to the Town that they would prefer if the By-law was respected.

Ms. Lu commented on a neighbour's concern for barking and whether the dogs would be left outside at anytime while the owners are away; she noted that these tiny dogs are sensitive to heat and cold and would never be left outside. Ms. Lu said the dogs are like her children and she tends to them very protectively. It was noted by the Chair that the Town has a Noise By-law in place that would come into play if such an occurrence should happen.

The PAC Secretary was asked if any other letters of concern were received; all received were reviewed.

MOVED BY: Darren Bishop
SECONDED BY: Jean Place

That the PAC grant the variance of almost two feet so that the five foot (5') chain link fence can be placed just inside the property line based on the following conditions:

- 1. The property lines are clearly marked and the owners are very cautious about the placement of the fence to ensure it is fully on their own property;*

2. *The material of the fence and the height are confirmed to be within the current By-law requirements before a building permit is issued; and*
3. *It is recognized that this approval is for a chain link fence that can be maintained from one side and if replaced by a wooden fence that requires maintenance from both sides, the applicant(s) return to PAC for approval.*

CARRIED UNANIMOUSLY

d) Detached garage: over-height, over-size, sideyard setback – 106 Longbow Place

Mr. Mark Kelly attended the PAC meeting with his wife seeking variances from Sections 8(G)(1)(a), 8(G)(1)(b)(iii) and 8(G)(1)(c) of Zoning By-law 038 for the construction of a 30ft x 32ft (960 sq. ft) detached garage having a height of 21ft in the rear yard of their property at 106 Longbow. The project will require variances as the proposed building height and square footage exceed the maximums permitted on a lot in the Single or Two Family Dwelling (R1) zone. As well, the proposed building location will be such that the minimum 7.5m streetline setback required for an accessory building on a corner lot will not be maintained.

Mr. Kelly stated that he designed the garage to be detached for several reasons; one is that he felt if he attached the garage and added an addition on the other end/side of the home in the future, it may appear similar to a strip mall. Secondly, there is a chimney and some completed landscaping on the side of the house that would be lost if the garage was attached. Thirdly, there is a porch along the front of the house that would have to be changed to accommodate an entrance from garage to dwelling.

Mr. Kelly shared pictures of the property with the detached garage staked out to show how the line-of-sight would appear from both directions. He explained how the pitch of the garage was designed with a loft so there will be little wasted space on the roof side angles and the final measurement of the roof line will be exactly the same height as the house with consideration to the fact that the garage will be a little lower ground level. Mr. Colbourne stated his concern for the turn in the road and the line-of-sight once this oversize garage is built. Mr. Kelly suggested that the house be moved a bit closer to the house to eliminate this concern and is open to other suggestions that would work best for his lot. The lines on the site plan were explained as the white ones being the ortho image lines that usually represent Service New Brunswick property lines and the red ones being the connection lines to the GPS located pins and estimated pins by the Town's staff.

The proposed increase in size is for the use of two vehicles, a boat, lawn tractor and other garden equipment plus storage. The loft area is to be a play area for his children with ping pong tables, etc. The garage would have electricity but there is no intention of having plumbing. It was noted by PAC that a detached garage cannot be used as living quarters but an attached garage could have a second storey that could be used as part of the dwelling. After hearing this, Mr. & Mrs. Kelly stated that they may consider an attached garage but at this time, will proceed with request for approval of detached and make the final decision later.

The windows were questioned for their location. Mr. Kelly stated that they were intended as piano windows on the ground level, at the top of the wall and may not be used if the detached garage is moved closer to the house.

MOVED BY: Mark Hatfield
SECONDED BY: Darin Lamont

That the PAC grant a 3.97 metre front street line setback variance from By-law #038 Section 8(G)(1)(b)(ii), a 26.2 square metre (282 sq.ft) area variance from Section 8(G)(1)(c) and a 1.4 metre (4ft 7 inches) height variance from Section 8(G)(1)(a) in order to construct the 30 foot by 32 foot (960 sq. ft) detached garage at 106 Longbow with the following conditions:

- 1. The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and*
- 2. The building is not to be used for business purposes or for the keeping of livestock or as a dwelling.*

e) Home Business - Hair Salon (in existing Grannysuite) – 487 Hampton Road

This item was tabled by the Municipal Planning Office until further details can be obtained regarding the right-of-way leading to the subject property.

f) Setback & Removal of Previous PAC Conditions – 59 Old Neck Road

Mr. Shawn Baker attended the PAC meeting representing Mr. & Mrs. McKellar who are requesting approval for the construction of a new main dwelling that will connect to an existing dwelling at 59 Old Neck Road by way of an attached garage. In order to accomplish this, the previous conditions as noted below and set by the PAC need to be lifted.

On September 28, 1999, the property owners of 65 Old Neck Road, subsequently renumbered to 59 Old Neck Road, were before the PAC requesting variances for the creation of Lot 99-1 Old Neck Road, as the lot did not front a municipal street and the existing house encroached on the property line. The PAC granted the variances with the following conditions:

1. The developer place a note on the plan that any future subdivision of land beyond lot 99-1 would require the developer to pay the cost of the road upgrade to municipal standards;
2. It be noted on the plan that, if any alterations or construction other than cosmetic take place on the home, it be moved back to have additional setback;
3. The Town Solicitor is to prepare a “Quit Claim” deed, so there is a release of rights to the abutting right-of-way.

On March 21, 2000, the PAC granted a lot area variance for lot 99-1 Old Neck Road, allowing a lot size of 3750 square metres, subject to the condition that no future variances be requested for this property. All other terms and conditions set forth in the Notice of Decision dated September 28, 1999 were to remain in place.

Mr. Baker stated that there were concerns noted in the memo from the Municipal Planning Officer that he did not have answers to and suggested this application be postponed until the applicants are back in the area. Mr. Colbourne stated that he had questions and suggested the item be tabled as well. It was noted by the PAC members that the information seemed confusing with the different proposals noted in the documents and Mr. Colbourne stated that each time communication was made with the applicants, new information was added. The PAC requires clarification on the design of the buildings with regards to use – ie: In-law suite or multiple family dwelling as indicated in the letter to the Town or office/home based

business as indicated in conversations with Mr. Colbourne. In addition, with regards to construction on the site, plans that include the new driveway mentioned in the letter with exact setbacks and elevation as there appears to be an elevation change from the road to the waterfront. Without the property owners at the meeting to answer questions and respond to concerns voiced by residents in the area, the PAC agreed that the decisions could not be made at this time.

MOVED BY: Marc Gosselin
SECONDED BY: Darin Lamont

That the PAC table this agenda item, that of the setback removals from 59 Old Neck Road, until the applicants reapply to attend a PAC meeting, with the following conditions:

- 1. The residents in the area that are opposed to the variance are notified and made available for the meeting scheduled with the applicant.*

8. Information Items

Council meeting minutes – May 20, 2014

9. Adjournment

MOVED BY: Mark Hatfield

That the meeting be adjourned.

The Planning Advisory Committee meeting was adjourned at 7:50 p.m.

The next Planning Advisory Committee meeting is scheduled for August 12, 2014.

Respectfully Submitted,



CHAIRMAN



SECRETARY