

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – November 25, 2014**

The regular meeting of the Planning Advisory Committee of the town of Quispamsis was held in the Town Hall Council Chambers on Tuesday, November 25, 2014 at 7:00 p.m.

In attendance:     Bob McLaughlin  
                          Darin Lamont  
                          Darren Bishop  
                          David Carlson  
                          Jean Place  
                          Mark Hatfield  
                          Pierre Rioux, Councillor  
                          S. Dwight Colbourne, P.Eng, 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:           Mark Hatfield  
SECONDED BY:        Darin Lamont

*That the agenda be approved.*

CARRIED UNANIMOUSLY

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

None

**4. Review of Previous Meeting Minutes**

MOVED BY:           Darren Bishop  
SECONDED BY:        Mark Hatfield

*That the Minutes of the October 28, 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>
Temporary Use – Second Dwelling on Lot	By-law #038 Section 6(C) plus 3(B) and 25(A)	356 French Village Road
Front Yard Setback - Deck	By-law #038 Section 8.(E)(1)(a)	114 Doncaster Drive
Tentative Subdivision Plan – Lot not fronting a municipal street	By-law #035 Section 5(A) (ii)	25 Cavalletti Lane
Tentative Subdivision Plan – Lot not fronting a municipal street	By-law #035 Section 5(A) (ii)	490 Gondola Point Road

MOVED BY: David Carlson

SECONDED BY: Darin Lamont

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

CARRIED UNANIMOUSLY

**Discretionary Use – Day Care in Central Commercial Zone with Parking Variance**

By-Law #038 Section 12.(B)(1)(i) and 6.(L)(3)(b) - 4 Landing Court

The agenda item # 7. e) of the October 28, 2014 PAC Meeting – the Discretionary Use for a Day Care in a Central Commercial Zone with Parking Variance at 4 Landing Court, was not available as a Notice of Decision to receive and file. This decision was approved with revised conditions after a final parking plan was received at the Town Hall on November 25, 2014 and an email vote of the PAC members was completed by the PAC Secretary by the end of day on November 25, 2014. The Notice of Decision was reviewed and approved by all PAC members who were in attendance at the October 28, 2014 PAC meeting. The conditions in the October 28, 2014 meeting were revised as follows:

- *A detailed parking plan is presented to the Town noting the exact number of spots available to each business, the double-parking (or stacking) option for staff in the area of the old loading zone, the eliminated four spots for the outside play area, the handicap spots in front of the building changed from two handicap to three regular spaces, the placement of the two required handicap spaces at a new location, and a review of how the drop off numbers would work with the number of available spaces*
- *The detailed parking plan once approved by the Town requires final approval from each PAC Member through an email poll by the PAC Secretary before the application receives a final approval from PAC*

*To read the following as new conditions:*

- *A detailed parking plan is presented to the Town noting the exact number of spots available to each business and a review of how the drop off numbers would work with the number of available spaces;*
- *All staff of the Daycare Facility will park at the Baptist Church at 218 Hampton Road;*
- *All parents and participants of the gyms (including outside runners) would be informed of the dangers of the busy parking lot.*

*All other conditions noted in the October 28, 2014 PAC meeting minutes remain the same.*

**6. Unfinished Business**

**a) Attached Garage Front Yard Setback (Within Easement) and Waterfront Development (Tabled from October 14, 2014 PAC Meeting) 607 Gondola Point Road**

MOVED BY: David Carlson  
 SECONDED BY: Jean Place

Since there has been no contact from the applicant (Mr. David Melia) since October 27, 2014, this item is to be removed from the agenda until such time as the applicant contacts the Town with an updated application.

CARRIED UNANIMOUSLY

**7. New Business**

#	Variance Requested	By-Law Section	Address
a)	Accessory Building Setback; Review of Previous Variance Application & Change in Conditions Set by PAC	By-law #038 Section 8.(G)(1)(b)(i)	6 Colt Drive
b)	Temporary Use - Trailer on Site during Renovations; Sign Variance – 3 Fascia Signs	By-law #038 Section 3.(D)(1) AND By-law #036 Section 13.(A)(1)(iv)	173 Hampton Road
c)	Oversized Detached Garage	By-law #038 Section 8.(G)(1)(c)	8 Waverly Drive
d)	Height Variance - Dwelling	By-law #038 Section 8.(F)(1)	15 Iris Lane
e)	Tentative Subdivision Plan – Country View Estates Phase 7C	By-law #035	Flagstone Drive; 13 Lots
f)	Tentative Subdivision Plan – Country View Estates Phase 8	By-law #035	Squire Drive; 5 Lots
g)	Oversized Detached Garage	By-law #038 Section 8.(G)(1)(c)	226 Model Farm Road
h)	Carpenter’s Subdivisions – LPP lot creations	By-law #035	CNR / Pettingill Road

**a) Accessory Building Setback**

Ms. Jessica DeCicco attended seeking approval to keep an accessory building in the front yard, beyond the front line of the main dwelling at 6 Colt Drive, Quispamsis. The fact that the accessory building did not have a permit or a variance for the location was recognized when the applicant applied for a building permit for the construction a detached garage. Ms. DeCicco stated the accessory building located beyond the frontline of the main dwelling, as well as the one in the rear, were both on the lot at the time of the purchase of the house and property.

Ms. DeCicco stated that they would like to keep the shed due to the fact that it housed their side by side terrain vehicle while the other shed held the lawn equipment and furniture and the garage held their daily vehicles.

There were no more questions from the PAC Members, no concerns received and no one speaking against this application.

MOVED BY: Mark Hatfield

SECONDED BY: David Carlson

That the PAC grant approval to keep the accessory building beyond the front line of the main dwelling at 6 Colt Drive with the following condition:

1. *There are no more accessory buildings permitted on the property.*

CARRIED UNANIMOUSLY

**a) Continued: Review of Previous Variance Application & Change in Conditions**

On October 24, 2014 Jessica DeCicco was notified of a change to the conditions on the approval given at the October 14, 2014 PAC meeting where she was granted a 1.02m (3ft 4in) setback from Zoning By-law No. 038 Section 8.(G)(1)(b)(iii) for a detached garage. The change included removing the following two conditions:

1. *The garage construction includes sheet metal under the exterior finish for the first ten feet (10') of the side of the garage nearest the main dwelling and five feet (5') across the front of the garage nearest the main dwelling;*
2. *There are no windows or doors with windows for the first twelve feet (12') from the main dwelling on the side facing the main dwelling;*

A memo from Mr. Losier of October 24, 2014 was reviewed at the October 28, 2014 PAC meeting explained the Building Inspectors requirements for a detached garage built in close proximity of the main dwelling. Since the conditions set at the October 14, 2014 PAC meeting were written in the meeting minutes and are posted as public information, any changes must be made public as well. Changes to conditions set at a PAC meeting should be reviewed by the Committee and approved by the Committee and conclude with a motion to accept or reject a change

There were no more questions from the PAC Members, no concerns received and no one speaking against this application.

MOVED BY: Mark Hatfield

SECONDED BY: Jean Place

To approve the removal of two conditions, noted below, from the Notice of Decision that was reviewed at the October 14, 2014 PAC meeting for the application of a detached garage at 6 Colt Drive.

1. *The garage construction includes sheet metal under the exterior finish for the first ten feet (10') of the side of the garage nearest the main dwelling and five feet (5') across the front of the garage nearest the main dwelling;*
2. *There are no windows or doors with windows for the first twelve feet (12') from the main dwelling on the side facing the main dwelling;*

CARRIED UNANIMOUSLY

**b) Temporary Use - Trailer on Site during Renovations and Sign Variance – 3 Fascia Signs 173 Hampton Road**

Mr. Gary Springer attended on behalf of Tim Hortons and the WDPartners who are the Planning Specialist coordinating the renovation of the building at 173 Hampton Road, Quispamsis. The applicant is requesting a Temporary Use Variance for the Placement of a Temporary Trailer for service to the Tim Hortons' customers during renovation to the existing store at 173 Hampton Road. As well, as part of the renovation, they are seeking a variance for the number of fascia signs on the building. The building fronts two municipal streets – Hampton Road and Pettingill Road, therefore two fascia signs are permitted. A third sign on the building is proposed as a non-illuminated promotions frame signage and as such requires a variance for the number of signs permitted on a commercial building. The total area of the signs combined is just over 5 sq. m with the maximum permitted being 34 sq. m.

Separate notices for the temporary use of the trailer and for the number of fascia signs were sent to residents within 100 metres of the property; no concerns received for either notice. No one attended the meeting to speak against the proposal.

MOVED BY: Mark Hatfield

SECONDED BY: Darin Lamont

To grant approval in accordance with Section 3.(B)(1) of Zoning By-law 038 to permit a temporary trailer for service to the Tim Horton's customers during renovation of the existing restaurant and a variance for the number of fascia signs on the building at 173 Hampton Road subject to the following conditions:

- 1) *The trailer is to be removed from the property of 173 Hampton Road within one day of the re-opening of the restaurant;*
- 2) *The third sign on the building is to be for promotional information purposes only, not to be business name sign. No other business name signs are to be installed without the approval of the Town; and*
- 3) *Any vehicle overflow into the streets from customers during the renovation will have to be addressed by the owner to the satisfaction of the Town.*

CARRIED UNANIMOUSLY

**c) Oversized Detached Garage – 8 Waverly Drive**

Mr. Andrew McKay attended seeking approval to construct an accessory building to be used as detached garage at 8 Waverly Drive, PID 30314652. The size of the proposed garage is 26ft' x 30' (780sq. ft or 72.5sq. m) as such a 102 sq. ft (9.5 sq. m) variance is required as the maximum permitted building area is 63 sq. m. (678 sq. ft) as per Section 8G(1)(c) of Zoning By-law No. 038. The overall design of the proposed garage is typical for these types of buildings on a single family residential lot. The design includes one (1) sixteen foot (16 ft) wide garage door with a standard swing door and a window on the side facing the main dwelling, with an overall height of the garage at 5m (approx. 16 ft), which is within the maximum permitted in Section 8.(G)(1)(a) of Zoning By-law No. 038. With approximately 3.65m (12ft) to the rear lot line and the same to the main dwelling, and 15m (approx. 50ft) to the side yard property lines, all setbacks are in compliance with the By-law requirements.

Notice was sent to property owners within a 100 metre radius. No one attended speaking against the construction and no other concerns were received.

MOVED BY: Darin Lamont

SECONDED BY: Jean Place

That the PAC grant the variance of 9.47 square metres (102 sq. ft) for the construct of the 26ft x 30ft (780sq.ft or 72.46sq. m) detached garage at 8 Waverly Lane subject to 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 commercial or business purposes, or for the keeping of livestock or as a dwelling unit*

CARRIED UNANIMOUSLY

#### **d) Height Variance - Dwelling – 15 Iris Lane**

Mr. Andrew McKay attending seeking a height variance for Single-Family Dwelling at 15 Iris Lane (PID 30306005). The proposed height of the dwelling is 10.4 metres and as such a 1.4 meter (4.5 foot) variance is required as per Section 8(F) of Zoning By-law No. 038. With a front building height of 9.3m (30.5ft) and a rear height of 11.6m (38ft), the result is the higher average building height of 10.4m (34.2ft). The combination of a steeper roof pitch and the walkout basement results in the higher building height.

Notice was sent to residents within 100 metres of property; no concerns received, only one question on the change in the view due to the trees being cut in the development of the subdivision between this lot and Chamberlain Road.

MOVED BY: David Carlson

SECONDED BY: Mark Hatfield

That the PAC grant the height variance of 1.4 metre (4.5 ft) from Section 8(F) of Zoning By-law No. 038 in order to construct a two-storey single family house with an average height of 10.4 metres on the property of 15 Iris Lane.

CARRIED UNANIMOUSLY

#### **e) Tentative Subdivision Plan – Country View Estates Phase 7C**

Mr. Peter Donovan attended seeking tentative approval for a subdivision – Country View Estates Phase 7C – consisting of thirteen (13) single and two family residential lots off Flagstone Drive Extension – PID 30297097.

As per Subdivision By-law 035 Section 8 B(i), the design and construction of all streets is subject to and shall be in accordance with the requirements outlined in the Subdivision Specifications and Guidelines, unless otherwise provided for in the By-law or stipulated by Council. Part III Section 1.2.3 B(i) states that no street in a subdivision may have a gradient in excess of eight percent (8%), except that the Planning Advisory Committee may in exceptional cases made necessary by the topography of the land in the subdivision, increase the maximum gradient allowable to ten percent (10%). Whereas the proposed street design for Country View Phase 7C will see a finish street grade of 9.82%, a variance is required.

The 13 lots as proposed all comply with the minimum requirements as such no lot dimensional variances are required. All 13 lots will be serviced through the extension of the municipal sewerage system in the Country View Estates development.

Notice was sent to all residents and businesses within 100 metres of property. The only correspondence received was from NB Power with the notification to the developer/land owner for the seventy-five (75) foot (22.86m) wide transmission line easement that is located on a portion of the proposed subdivision. NB Power does not allow construction within the easement limits. Mr. Donovan noted that easements will be reviewed with the Town and documented on the final plan.

MOVED BY: David Carlson

SECONDED BY: Mark Hatfield

That the PAC grant the approval to the Tentative Subdivision for Country View Estates Phase 7C subject to the following conditions:

- 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 – Country View Estates Phase 8**

Mr. Peter Donovan attended requesting re-approval of a tentative subdivision plan to create five (5) residential lots all fronting on an existing portion of Squire Drive. These lots are being created from two remnant parcels (PID 30215905 and 30246102) on opposite sides of Squire Drive at the entrance to Country View Estates subdivision development. The proposed lot configuration will not require any variances with respect lot width, depth or area. The proposed use meets zoning parameters as all lots meet or exceed the minimum lot dimensions as outlined in Section 8C(1) of Zoning By-law No. 038. The remnant parcel identified as "Parcel B" is to be consolidated with the adjacent Langard Ltd property, which brings into compliance with the Zoning By-law requirements.

This tentative plan was approved by PAC on May 10, 2011.

Notice was sent to residents within 100 metres of the development property for re-approval; concerns for drainage were received from two residents in the area (Mr. & Mrs. Mathew & Mr. & Mrs. Comeau). Mr. Donovan commented that much of the work on the drainage was done and that these concerns will be reviewed as part of this stormwater management process to ensure they are addressed.

MOVED BY: Mark Hatfield

SECONDED BY: David Carlson

That the PAC grant the approval for the Country View Estates Phase 8 tentative subdivision plan to create five (5) residential lots all fronting on an existing portion of Squire Drive subject to the following conditions:

- 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.*

**g) Oversized Detached Garage – 226 Model Farm Road**

Mr. Leo Bonnevie attended seeking approval to construct a 36ft x 28ft accessory building to be used as detached garage on 226 Model Farm Road (PID # 00069211). In order to issue a Building Permit a variance from the Zoning By-law is required. The initial size of the garage was proposed at 36 feet by 30 feet (1080 sq. ft / 100.3 sq. m) and as such a notice was sent out as a request for a 402 square foot (37.3 sq. m) variance required from Section 8G(1)(c) of Zoning By-law No. 038. as the maximum permitted building area is 678 sq. ft (63 sq. m.). On November 21, 2014, the applicant delivered plans showing a change to a size of 36 feet by 28 feet lowering the required area variance to 330 square feet. The lot is located in the Rural Zone but the lot size is only 2397 sq. m as such Section 8.(G) to 8.(I) applies with regards to Accessory Buildings where a lot contains an area of less than 5000 square metres.

The proposed garage design showed an eighteen foot height but this is being redesigned with a 4/12 pitch and will be constructed within the sixteen foot By-law maximum permitted as per Section 8.(G)(1)(a) of Zoning By-law No. 038. The new pitch will be created to match the



existing house roof pitch. The design includes three (3) garage doors in the front of the building (two at seven foot heights and one at eight foot to accommodate a personal vehicle) and one standard swing door on the side. There are currently three (3) accessory buildings on the lot; two will be removed and one kept behind the house to store an emergency generator. All other setbacks are in compliance with the By-law requirements.

Notice was sent to residents within 100 metres of the property; one concern was received on the property line proximity and one other for the purpose of the garage – business questioned. Mr. Bonnevie assured the PAC that the setbacks were within allowable limits and intended use is for personal vehicles only and not for business; his shop in French Village is where all of his business equipment is kept.

MOVED BY: Jean Place

SECONDED BY: Darren Bishop

That the PAC grant the area variance of 30.6 sq. m (330 sq. ft) for the construct of the 36ft x 28ft (1008sq.ft / 93.6 sq.m) detached garage at 226 Model Farm Road subject to the following conditions:

1. *The height is confirmed within the allowable sixteen feet or the applicant must return to PAC for approval;*
2. *The exterior finish of the garage is to be a cladding recognized by the National Building Code of Canada, current adopted edition; and*
3. *The building is not to be used for commercial or business purposes, or for the keeping of livestock or as a dwelling unit.*

## **h) Subdivisions – LPP lot creations**

### **Carpenter's Subdivision**

Mr. Dwight Colbourne reviewed the Christa Ann Carpenter Subdivision – Parcel 13-1 – Land for Public Purposes. Section 6A of Subdivision By-law 035 requires that the PAC advise Council of the suitability of land to be vested to the Town for public purposes. The lot is located along side of the CN Railway just southwest of its intersection with the Pettingill Road. The Town acquired this land from Christa Carpenter for the installation of sanitary sewerage infrastructure as part of the Cedar Grove Wastewater upgrades.

The parcel will provide access to the infrastructure for maintenance purposes. Furthermore, the parcel of land will be the location of a portion of multi-use pedestrian corridor as part of the Active Transportation Plan adopted by Council in 2010.

As part of the plan a “QR Line” was proposed that would see the construction of a multi-use pedestrian corridor from the Hampton Road at Blair’s Bridge through to Rothesay along the CN Railway. This parcel provides the Town with the necessary land to construct the proposed trail.

MOVED BY: David Carlson

SECONDED BY: Mark Hatfield

That the PAC grant the approval of the proposed subdivision plan creating Parcel 13-1 for the Land for Public Purposes and Municipal Services purposes.

**Hillcrest Holdings Ltd. Subdivision**

Mr. Dwight Colbourne reviewed the Hillcrest Holdings Ltd. Subdivision – Parcel 13-2 – Land for Public Purposes. Section 6A of Subdivision By-law 035 requires that the PAC advise Council of the suitability of land to be vested to the Town for public purposes. The lot is located along side of the CN Railway just southwest of its intersection with the Pettingill Road. The Town acquired this land from Hillcrest Holdings Ltd for the installation of sanitary sewerage infrastructure as part of the Cedar Grove Wastewater upgrades.

The parcel will provide access to the infrastructure for maintenance purposes. Furthermore, the parcel of land will be the location of a portion of multi-use pedestrian corridor as part of the Active Transportation Plan adopted by Council in 2010.

As part of the plan a “QR Line” was proposed that would see the construction of a multi-use pedestrian corridor from the Hampton Road at Blair’s Bridge through to Rothesay along the CN Railway. This parcel provides the Town with the necessary land to construct the proposed trail.

MOVED BY: Darin Lamont

SECONDED BY: David Carlson

That the PAC grant the approval of the proposed subdivision plan creating Parcel 13-2 for the Land for Public Purposes and Municipal Services purposes.

**8. Information Items**

Council Meeting Minutes – October 7, 2014

**9. Adjournment**

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 7:26 p.m.

The next Planning Advisory Committee meeting is scheduled for December 9, 2014.

Respectfully Submitted,

  
 CHAIRMAN

  
 SECRETARY