

**PLANNING ADVISORY COMMITTEE**  
**MINUTES – October 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, October 28, 2014 at 7:00 p.m.

In attendance:     Bob McLaughlin  
                          David Carlson  
                          Darin Lamont  
                          Darren Bishop  
                          Marc Gosselin  
                          Mark Hatfield  
                          W. Gary Losier, P.Eng Assistant Municipal Planning Officer  
                          Violet Brown, Secretary

Absent:             Councillor Pierre Rioux  
                          Jean Place

**1. Call to Order**

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

**2. Approval of the Agenda**

MOVED BY:             Marc Gosselin  
SECONDED BY:         David Carlson

*That the agenda be approved.*

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 October 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>
Stripping of Soils	By-law #038 Section 6.(U)(2)	15 Elliot Road
Detached Garage within 10 feet of Main Dwelling	By-law #038 Section 8.(G)(1)(b)(iii)	6 Colt Drive
Detached Garage beyond frontline of Main Dwelling	By-law #038 Section 25.(O)(1)(a)(i)	24 Hedley Lane
Oversize Detached Garage	By-law #038 Section 8.(G)(1)(c)	22 Vegas Drive

MOVED BY: Marc Gosselin

SECONDED BY: Darren Bishop

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

CARRIED UNANIMOUSLY

**6. Unfinished Business**

**a) Home Business - Dog Grooming / Boarding - 21 Vincent Road (Tabled from September 23, 2014 PAC Meeting)**

Ms. Yvonne Steeves notified the PAC Secretary on October 28, 2014 that her application is being pulled until further notice.

MOVED BY: Marc Gosselin

SECONDED BY: David Carlson

That the PAC receive and file this agenda item.

CARRIED UNANIMOUSLY

**b) Attached Garage Front Yard Setback (Within Easement) and Waterfront Development (Tabled from October 14, 2014 PAC Meeting)**

MOVED BY: David Carlson

SECONDED BY: Marc Gosselin

That this item move to the end of the evening as the applicant was not in attendance.

CARRIED UNANIMOUSLY

**7. New Business**

#	<i>Variance Requested</i>	<i>By-Law Section</i>	<i>Address</i>
a)	Temporary Use – Second Dwelling on Lot	By-law #038 Section 6(C) plus 3(B) and 25(A)	356 French Village Road
b)	Front Yard Setback - Deck	By-law #038 Section 8.(E)(1)(a)	114 Doncaster Drive
c)	Tentative Subdivision Plan – Lot not fronting a municipal street	By-law #035 Section 5(A) (ii)	25 Cavalletti Lane
d)	Tentative Subdivision Plan – Lot not fronting a municipal street	By-law #035 Section 5(A) (ii)	490 Gondola Point Road
e)	Discretionary Use – Day Care in Central Commercial with Parking Variance	By-Law #038 Section 12.(B)(1)(i) and 6.(L)(3)(b)	4 Landing Court

**a) Temporary Use – Second Dwelling on Lot – 356 French Village Road**

Ms. Rebecca Copp attended seeking approval in accordance with Section 6.(C)(1) and Section 25.(A) of Zoning By-law 038 to permit a mobile home to remain on the property at 356 French Village Road as a main dwelling while a new manufactured home is placed and final construction completed to become the new main dwelling.

Ms. Copp informed the PAC that the new manufactured home was expected to arrive by the end of November and was expected to be final within several months. It was noted that the variance was a temporary variance that is only valid from one year of the PAC decision and that it cannot be renewed. Ms. Copp was confident that they would be in their new home and the mobile home would be removed within one year of this date.

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: Marc Gosselin

*That the PAC grant approval in accordance with Section 6.(C)(1) and Section 25.(A) of Zoning By-law 038 to permit a mobile home to remain on the property at 356 French Village Road as a main dwelling while a new manufactured home is being placed and final construction completed to become the new main dwelling for a period of no more than one year as per Section 3.(B) subject to the following conditions:*

- 1. The location of the new building is confirmed with the Building Inspector to ensure all setbacks are met as per the updated site plan;*
- 2. The existing mobile home is to be removed from the property of 356 French Village Road within one year of the PAC decision of October 28, 2014;*
- 3. Any additional or alternations to the existing driveway are not to be permitted without approval of the Town; and*
- 4. Remove of the existing mobile home must occur prior to final inspection or release of the building bond.*

CARRIED UNANIMOUSLY

**b) Front Yard Setback - Deck – 114 Doncaster Drive**

Mr. Wayne Carr attended seeking approval from Zoning By-law 038, Section 8.(E)(1)(a) for a 1.2m (4ft) setback in order to construct a twenty by eight foot (20' x 8') deck on the front of the main dwelling at the property of 114 Doncaster Drive.

It was recognized that the public notice that was issued stated a three foot (3') variance due to a discrepancy that was found subsequent to the public notice being issued. Notice was sent to residents within fifty metres and there were no concerns or objections received. No one attended to speak against the application so the PAC proceeded to review the application based on the lack of response to the first public notice and gauging that the one (1) foot discrepancy would not be of concern. It was felt that a decision to table the application and resend the public notice with the one foot difference was not required as the application does not generate any significant concerns with respect to the proposed location or the overall construction of the deck

MOVED BY: Darren Bishop  
SECONDED BY: Mark Hatfield

*That the Planning Advisory Committee grant the approval, from Zoning By-law 038, Section 8.(E)(1)(a), for a 1.2m (4ft) setback in order to construct a twenty by eight foot (20' x 8') deck on the front of the main dwelling at the property of 114 Doncaster Drive.*

CARRIED UNANIMOUSLY

**c) Tentative Subdivision Plan – Lot not fronting a Municipal Street – 25 Cavalletti Lane**

Mr. Steve Forgeron attended seeking approval of the tentative subdivision at 25 Cavalletti Lane, to develop a lot that does not front a municipal street and a lot that will be developed to contain a residential home and accessory structures for the keeping of horses.

It was clarified that one lot would remain in the company name of the owner and the other would be registered as a personal lot. At this time there is no future development in mind and it was noted, due to the concern from residents within 100 metres of the property, that if future development was to take place, another notice would be sent to the property owners in the same area.

No one attended speaking against the construction and no other concerns were received.

MOVED BY: Darren Bishop  
SECONDED BY: Marc Gosselin

*That the PAC grant approval of the tentative subdivision at 25 Cavalletti Lane, to develop a lot that does not front a municipal street and a lot that will be developed to contain a residential home and accessory structures for the keeping of horses subject to the following conditions:*

- 1. On-site Septic Approval in accordance with the Provincial Health Act;*
- 2. Hold Harmless Agreement to protect the Town, and make the property and homeowners aware of the responsibilities associated with the private lane that and highlights the concerns from fire, police and ambulance and the importance of unobstructed access;*
- 3. Hold Harmless Agreement to incorporate a clause whereby it is recognized by the eventual landowner that investment made in construction of the driveway will not be recovered if it is destroyed during construction of a public street to municipal standards;*
- 4. Cash-in-lieu for Land for Public Purposes in the amount of \$750.00;*
- 5. Final Plans signed by the property owners and any applicable Utilities;*
- 6. Livestock operations conform to Provincial Regulations; and*
- 7. Submission of Manure Management Plan designed in accordance with Provincial guidelines.*

CARRIED UNANIMOUSLY

**d) Tentative Subdivision Plan – Lot not fronting a municipal street – 490 Gondola Point Road**

Mr. Gerald Roberts of Kierstead, Quigley & Roberts along with Mr. & Mrs. Lyons, attended

seeking tentative approval of the Lyons Subdivision at 490 Gondola Point Road for the creation of two lots (14-1 and 14-2) with lot 14-2 not fronting on a public street. Mr. Roberts noted the plan was in motion since February 2014 but public notice to property owners within 100 metres returned concerns from residents on Morrison Lane regarding the current condition of the private lane so the February application was pulled until further research was completed.

Morrison Lane is a private right-of-way and as such is the responsibility of the property owners to maintain. The Town has assisted in the past with the maintenance in direct relation to maintaining and protecting the municipal sewerage infrastructure within and along the right-of-way. However, the Town is not responsible for actions of property owners that may contribute to the deterioration of the private lane or their responsibility to contribute to regular and on-going maintenance.

It was noted that Morrison Lane started with the request to PAC for a family to allow another family member to reside on the same lane; this is usual with private lanes. The second request was from a long time neighbor who wished to parcel off a piece of his land. Difficulties with private lanes usually start when the original owner sells his or her home and the information on the private lane is passed on to the new owner without complete accountability of the responsibilities.

In the case of Morrison Lane, the property has a steep slope and the landowner did not wish to develop into a municipal street and the other residents on the lane did not wish to assist in the costs. The Town had agreed to assist with some of the repairs due to the Town owned easement along the same section of land.

The condition of the road was brought to the attention of the Council after the concerns were received by the Town. It was motioned through Council that the property owners accessing Morrison Lane would be responsible to bring the road up to a minimum standard and the Town would assist with the water run-off from Chelsea Drive above Morrison Lane as that appears to be causing issues with the drainage along the road and subsequently exposing the municipal sewer lines.

It was noted that while a capital expenditure has been budgeted for 2015 it is not yet approved. Any approval of this tentative plan should be contingent on the expenditure being approved and the work being completed as it does have a direct impact on the future condition of the lane way and its ability to support additional use. It is anticipated the 2015 budget will be approved in early 2015.

The lane would continue to be the responsibility of the property owners on Morrison Lane. Each resident that has access to their property through, over or on Morrison Lane should complete a Hold Harmless Agreement absolving the Town from responsibilities of a private lane and should also enter into an agreement, which is registered against the properties, that describes the responsibilities of cost to maintenance of a private lane. This agreement and maintenance action plan should be completed and submitted to the Town for review prior to final plan approvals.

Mr. Roberts confirmed that all property owners on the private lane are aware of their responsibilities for continued maintenance and have begun discussions on an agreement. It was noted that the emergency service vehicles have trouble maneuvering along Morrison Lane

as of late due to the deteriorated condition and particularly in the winter months when the water run-off is creating ice buildup. One of the reasons that every resident is required to complete and register a Hold Harmless Agreement is to make them aware that they are responsible for ensuring not only their own vehicles can travel along the private lane but also the emergency vehicles of fire, ambulance and police.

Notice sent to residents within 100 metres of the property; no concerns or objections received this time the notice was sent out.

MOVED BY: Darin Lamont  
SECONDED BY: Mark Hatfield

*That the PAC grant tentative approval of the Lyons Subdivision at 490 Gondola Point Road for the creation of two lots (14-1 and 14-2) with lot 14-2 not fronting on a public street and a Lot Depth variance for Lot 14-2 of 7.02m subject to the following conditions:*

- 1. Local drainage patterns, lot drainage plans and sewer connection design to be completed by property owners consultants and submitted to the Town for review and approvals prior to Final Plan approvals;*
- 2. Approval of the proposed 2015 Municipal Capital Budget expenditure for work in the municipal services easement as it relates to stormwater management and protection of the municipal sewerage infrastructure;*
- 3. Deeded right-of-way access to be granted by the owners of Morrison Lane in favour of Lot 14-2 to be noted on the Final Plan and by way of Deed;*
- 4. A Maintenance Agreement to be developed by the registered owner of Morrison Lane and agreed to by all deeded right-of-way holders and registered against the properties;*
- 5. There is to be no further access granted off Morrison Lane;*
- 6. Final Plans to be properly signed by the necessary utilities and owners prior to submission to the Town for final approval;*
- 7. Standard Hold Harmless Agreement absolving the Town of responsibility to the property access off a private lane be signed and registered prior to final plan approval of the Town;*
- 8. Filing Fees in the amount of \$100.00 for a subdivision less than two lots; and*
- 9. Cash-in-lieu for Land for Public Purposes in the amount of \$750.00*

CARRIED UNANIMOUSLY

**e) Discretionary Use – Day Care in Central Commercial with Parking Variance – 4 Landing Court**

Ms. Jennifer Arsenault, Operator and License Holder, attended seeking approval of the Discretionary Use to operate a Child Care facility at 4 Landing Court. Ms. Arsenault currently operates seven licenses, four centres and has twenty years of experience. Additional reports were handed to the PAC Members that were in response to the concerns from both the property owners in the vicinity of 4 Landing Court and from the Municipal Planning Officer.

The portion of the building to be used for the Child Care facility contains three hundred thirty-five (335) square metres as per the building plan delivered to the Town. Hours of operation are proposed at 7:00 a.m. until 6:00 p.m. Monday through Friday with drop off times between

7:00 a.m. and 8:30 a.m. and pick up times between 3:00 p.m. to 6:00 p.m. The intention is to care for the following age groups (showing a maximum allowance for each group): 16 Infants, 10 Age two children, 14 Age three children, 20 Age four children, 20 to 30 Preschool and School Age Children (represents twenty (20) in the morning and increased to thirty (30) school age children in afternoon). This location will have two licenses; one for the younger age group and one for the school age group.

The number of employees in the morning is expected to be fourteen (14), including a kitchen person. Afternoons will have fifteen (15) employees without a kitchen person as that is a morning role only. Ratio Staff to Child are governed by the NB Provincial Guidelines for Daycare Operating Standards. Ms. Arsenault noted that rules are set by the Director of the Child Care facility for the number of children, the notification of booking space, late arrivals, etc. that could change the staff child ratio. The policy of the childcare centre is to never compromise the staff child ratio.

The washrooms were noted on the floor plan as having male & female with two toilets each in the preschool & school age section, one toilet in each of the sections for the three and four year olds and one washroom with two toilets for the two year old section. Each washroom has one sink. Whether these facilities are sufficient and meet national codes would have to be determined by the Building Inspection department prior to issuing the Building Permit for renovation.

Outdoor play space was reviewed as per the NB Provincial Guidelines for Daycare Operating Standards. Ms. Arsenault provided plans for the required minimum four decimal five (4.5) square metres (48 square feet) per child to accommodate fifty per cent (50%) of the centre's approved capacity. She showed the three separately fenced-in play areas of ninety (90) square metres, seventy-two (72) square metres and one hundred ninety-eight (198) square metres totaling three hundred sixty (360) square meters, which is sufficient with the recommendations. A fenced outdoor play space is not required for school age children. Daycare centers approved for school age children must ensure that the children have access to an outdoor play space; if this space is not adjacent to the facility, it must be within reasonable walking distance. Ms. Arsenault noted that they regularly go for walks.

Parking was reviewed in depth as it was noted as limited with only twenty-six (26) spaces for the entire building, which currently houses two other businesses – Crossfit (Gym), and a Cheerleader School – as per the Town's files. The patrons and staff of these businesses frequently park in the BMO parking lot area as well as the Town Hall parking lot at 12 Landing Court.

The parking spots required as per Zoning By-law 038 Section 6.(P)(3)(a) is one spot for every five children and with an estimated eighty (80) children, 16 spaces are required. Also required is a minimum of twelve (12) but upwards of fifteen (15) spaces for staffing. Although stated by Ms. Arsenault that many employees in this demographic do not own vehicles, this is not a number that can be calculated prior to approval and would be contingent on existing staff and staff changes. With the intention of adding some outside play areas with fencing, four parking spots from the front and right-front are being proposed as eliminated which drops the number of available spaces to twenty-two (22).

It was suggested that the facility could be offered parking in the public lot by the skate park but while this suggestion is an option there are two elements that would need to be addressed prior to use the Comex parking lot. First is Section 6.P.3 of Zoning By-law 038 requires that all required parking spaces shall be provided on the same site as the building or structure and no more than one hundred fifty (150) metres from the building which it serves. The distance from the Comex parking lot to proposed Child Care facility is approx. two hundred (200) metres as such a variance would be required. And secondly, this parking lot is designated for the Comex Park-n-Ride parking, overflow parking for the both the Town Hall and KV Public Library not overflow parking for business in the Landing Court. Any such decision would require approval of Council and an agreement. Other options reviewed were the circle in front of the park and the Church across the Hampton Road. Ms. Arsenault also mentioned having draws for the staff for the close spots and double-parking several spots on the side of the building which would basically lock the staff in and it would be coordinated that staff working the same shift could do this.

Ms. Arsenault noted that the parking report was for full attendance and did not reflect for the average ten percent (10%) of absenteeism per day. She also noted that only twenty-six of her current fifty-eight staff own vehicles, the span for parking times is proposed at a maximum of fifteen minutes and that there would be an entrance at each age category section for convenience and quickness of drop offs.

Parking concerns continued with regards to stacking and idling factors as parents double park, leave their vehicle idling behind another car or in the moving lane, etc. It was asked if there were special events such as Christmas Concerts or Graduation Ceremonies where large number of parents would be present at the same time. Ms. Arsenault noted that the program teaches children what children need to know at their age level and graduation ceremonies are not included. She also noted that any special events would not be in the evening when the other two businesses are busier as the daycare closes at 6:00 p.m.

Mr. Higgins, the owner and landlord of the building at 4 Landing Court spoke to the PAC Members on behalf of Ms. Arsenault. He stated there were thirty-four parking spots in total and shared the original site plan for the building. He reviewed the loading zone that was required for previous businesses and how five vehicles could park (stacked) in this area. It was recognized that none of the spots were allocated to any particular business and that the BMO Bank on the other side of the parking lot does not open until 9:30 a.m. so there should not be any parents parking in those spots at this time as the drop offs will all be done.

It was suggested that a definitive plan be drawn to show all spots including handicap – which is required at two spaces for every twenty-five spaces, the elimination of the spots where the outside play area will be, what spots are allocated to each business, etc.

Timeline for business is January 1, 2015. Application has been submitted to the Department of Education as well as the Technical Services and Public Health. Final inspections and reports will be done once the facility is approved and ready. Ms. Arsenault noted that she has fifteen clients in the Saint John facility, residents of Quispamsis, who would prefer to have their children in a day care facility near to their homes. She also noted that she was recently featured in a newspaper article (KV Style) and has received many calls from interested clients so she expects the daycare to be well received by many in the Town. With regards to possible growth of the business or other businesses in the building, Ms. Arsenault stated that she has an



agreement with the landlord to have first right of refusal for the other portions of the building and does not plan on increasing the numbers of children given in this application until such time as she has more room in the building.

Notice was sent to all residents and businesses within 100 metres of property and a few concerns were received concerning the potential noise, the number of children and the increased traffic. These were all reviewed by the PAC Members and commented on by Ms. Arsenault. It was noted that children are usually outside no more than two hours per day and are directed inside by 4:00 p.m. Ms. Arsenault offered to meet with anyone who had concerns with noise to see what could be done; she was open to discussions from area residents and wants to be perceived as a good neighbor.

MOVED BY: Mark Hatfield

SECONDED BY: Darren Bishop

*That the PAC approve the Discretionary Use to operate Child Care facility at 4 Landing Court with the following conditions:*

- 1. All signage shall comply with the Sign By-law for the zone in which the Child Care Facility is located;*
- 2. There is to be no on-street parking;*
- 3. 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;*
- 4. 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;*
- 5. The Child Care Facility complies with all Provincial regulations under the Family Services Act of New Brunswick;*
- 6. Any alterations to the building are subject to a Building Permit including fire rating separation between businesses and including the number of washrooms required;*
- 7. Plans to be approved by Provincial Fire Marshalls office;*
- 8. Any outside play or activity area to be appropriately fenced to protect from traffic in the area; and*
- 9. The operator of the Child Care Facility shall enter into a Development Agreement with the Town which ensures compliance with such terms and conditions as may be required by the Planning Advisory Committee, who shall have the right to impose such terms and conditions that they may consider necessary to protect properties within the particular zone or in abutting zones or to protect the health, safety and welfare of the general public.*

CARRIED UNANIMOUSLY

**6. b) Unfinished Business item was called for again at 8:20 p.m.; no one in attendance.**

On October 14, 2014, the PAC tabled the decision until the next meeting to allow for a second public notice to be sent out with the accurate measurements of the setback variances required. Documents required before the next meeting were to include proper drawings without the

porch extending into the municipal right-of-way and requested that no further changes to the setbacks be done unless they were being decreased. Also required was documentation from the Department of Environment granting permission to construct within the thirty meter of the watercourse on the property.

On October 15, 2014, Mr. Melia delivered new plans to the Town with the porch and new garage in line with the existing house, which was within the right-of-way. At this time a further review was required and it was requested by Mr. Gary Losier, Assistant Municipal Planning Officer and Director of Engineering and Works that the Town obtain legal advice on the property of 607 Gondola Point Road and the easement that was granted in 1997 for the buildings that encroach on the Municipal Right-of-Way. The Town’s Legal Advisor stated that PAC does not have the authority to approve encroachments and any reconstruction within the right-of-way would make the existing easement document null and void. Any encroachment requests would have to be directed to the Town’s Council. Mr. Melia was notified of this on October 16, 2014. On October 28, 2014, new plans were emailed to the PAC Secretary with the same frontline footprint that included the porch and garage within the Town’s right-of-way. Mr. Melia was informed again that PAC does not have the authority to approve such a variance and new drawings, with all structures and portions of structures to be within the owner’s property, would be required in order for PAC to grant any variances.

MOVED BY: David Carlson

SECONDED BY: Darin Lamont

*That the PAC table this agenda item until the applicant returns with new drawings that do not have any buildings or portions of buildings encroaching within the municipal right-of-way.*

CARRIED UNANIMOUSLY

**8. Information Items**

- Council Decision – rezoning application – 351 Hampton Road
- Council Meeting Minutes – September 16, 2014
- Memo clarifying the spatial separation requirements between buildings with wording for a standard condition on detached garages or accessory buildings that are proposed to be built within the ten foot By-law allowance.

**9. Adjournment**

MOVED BY: David Carlson

*That the meeting be adjourned.*

The Planning Advisory Committee meeting was adjourned at 8:26 p.m.

The next Planning Advisory Committee meeting is scheduled for November 25, 2014.

Respectfully Submitted,

  
 \_\_\_\_\_  
 CHAIRMAN

  
 \_\_\_\_\_  
 SECRETARY