

**Tantramar Planning Review and Adjustment Committee
Comité de révision de la planification de Tantramar**

Sackville Town Hall, Council Chambers,
31 Main Street, 2nd floor, Sackville

September 24, 2014 at 7:00 pm • 24 septembre 2014 à 19h

MINUTESprocès-verbal

Members Present/membres présents:

Randy Trenholm	Chairperson/président
Stanley Dixon	Committee Member/membre du comité
Heather Gilbert-Patterson	Committee Member/membre du comité
Mike Tower	Committee Member/membre du comité
Greg Partridge	Committee Member/membre du comité
Mark Istvanffy	Committee Member/membre du comité

Staff Present/membres du personnel présents:

Lori Bickford	Office Manager/Planner
Tracey McDonald	Recorder/rapporteuse

Public Present:

Susan Pauley
Justin Pauley
Duane Pauley
Jamie Burke

1. Call Meeting to Order / Convocation d'une assemblée à l'ordre

The meeting was called to order at 7:00 p.m., with Chairperson Randy Trenholm presiding. / Le président Randy Trenholm ouvre la réunion vers 19 h.

2. Declaration of Conflict of Interest / Déclaration de conflit d'intérêts

None / Aucune

3. Adoption of the Agenda / Adoption de l'ordre du jour

It was moved by Committee Member Stanley Dixon and seconded by Committee Member Heather Gilbert-Patterson to adopt tonight's Agenda as presented. / Il est proposé par Stanley Dixon, membre du comité, et appuyé par Heather Gilbert-Patterson, membre du comité, d'adopter l'ordre du jour de ce soir tel quel.

MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ

4. Adoption of the Minutes of the April 3, 2014 meeting / Adoption du procès-verbal de la réunion du 3 avril 2014

It was moved by Committee Member Mike Tower and seconded by Committee

Member Stanley Dixon to adopted the Minutes of the Regular Meeting of April 3, 2014 as presented. / Il est proposé par, Mike Tower, membre du comité, et appuyé par Stanley Dixon, membre du comité, d'approuver le procès-verbal de la réunion ordinaire tenue le 3 avril 2014 tel quel.

MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ

5. Business Arising from the Minutes / Affaires découlant du procès-verbal

None/acucune

6. Variance Requests / Demandes de dérogations

- (a) Duane Pauley, rue Main Street (PID/NID #70344544 and 70344551), Town of/Ville de Sackville -
Proposing to vary the rear yard setback at the north corner of Building A (a portion of 8'10" in length of the rear wall) from the required 35' to 33' and to vary the front yard setback of the southeastern corner of Building B (a portion of ~33' in length of the front wall) from 33' to 29'. (File/Dossier #14-1209)

Staff Member Lori Bickford presented the request of Duane Pauley to vary the setbacks on the properties known as PID #70344544 and 70344551 to allow for the construction of two 2 storey 6 unit multiple dwelling structures. Both of these variances are for a shared property line between the two properties, of which the applicant owns both.

Committee Member Mark Istvanffy arrived at 7:10 pm

Lori Bickford reported that both parcels were presently vacant and are zoned R2 which permits this use. She explained that this area of Main Street has been transitioning over the past few years with more high density structures being built in this area. The proposed structures will contain six 2 bedroom units each with direct outdoor entry. There will be no interior corridors to the structures. Staff explained that the properties are capable of meeting or exceeding all other requirements of the Zoning By-Law. There is an existing fence between the property and the Civic Centre but privacy fencing will be required along Wry Lane to limit the glare of headlights on the adjacent residential lots.

Views and recommendations were sought from internal and external departments.

The Town of Sackville Engineer has expressed his concern regarding the grade of the land and will require a storm water management plan. Servicing will need to be upgraded to accomodate the high density of the lots and he is suggesting that all traffic be routed through one entrance on Main Street. The Town Engineer added that Wry Street will need to remain unobstructed which may require regrading to increase visibility.

The Town of Sackville Fire Chief expressed no issues with this variance request. He reported that the fire hydrant in front of the Drew Nursing Home would be used if required and the traffic would be routed via Moffat Avenue.

Public notices were sent to all landowners within 60 metres of the proposal. Staff Member Lori Bickford reported that, at this time, only one neighbour has informally contacted the office. She informed the Committee that the neighbour is not opposed to the variance request but voiced his concerns pertaining to the architectural compatibility of the neighbourhood and the requirement of a fence/buffer on Wry Lane. The Committee was informed that these issues are addressed in the terms and conditions attached to the variance.

Lori Bickford reported that the proposal satisfies all elements of the variance criteria test. The proposal is found to be reasonable as only a portion of the buildings are unable to meet the setback and the property line being affected is the applicant's and is not shared with another landowner. The proposal is desirable as the use is allowable in the present zone and the surrounding area is already developing as a high density area. The proposal is also within the general intent of both the Town of Sackville Zoning By-law and the Municipal Plan. Staff is, therefore, recommending this variance request subject to terms and conditions. Staff read the terms and conditions as presented in the staff report.

Chairman Randy Trenholm questioned if the neighbour's concerns had been addressed. Lori Bickford answered that the neighbour had been shown the architectural drawings and that one of the conditions stipulated that the applicant must construct the buildings compatible with these drawings and include a fence.

It was moved by Committee Member Mike Tower and seconded by Committee Member Heather Gilbert-Patterson that the request by Duane Pauley to vary the rear yard setback requirements for building A and the front yard setback for Building B in accordance with the submitted and attached site plan, for the properties located at 186 and 188 Main Street, Sackville, known as PID#s 70344544 and 70344551, BE GRANTED subject to the following terms and conditions:

- 1. A privacy fence of solid construction, 5' to 8' in height, is provided along Wry Lane beginning from the front yard setback of Building A to the rear of lot line of PID# 70344551;**
- 2. That the garbage receptacle be located in the vicinity of the shared parking area located between the two buildings to accommodate the storage of garbage for the two structures;**
- 3. That the buildings be constructed architecturally compatible with the submitted drawings;**
- 4. That a storm water management plan be prepared by a licensed New Brunswick Engineer be approved by the Town Engineer prior to undertaking any work on the properties;**
- 5. That the sewer and water connections for the proposed new structures be upgraded to the satisfaction of the Town Engineer to adequately accommodate the increased density on the lot;**
- 6. That a legalized right-of-way be provided on the access and servicing located on PID# 70344551 in favour of PID# 70344544;**
- 7. That visibility from the intersection of Wry Lane and Main Street shall remain unobstructed by vegetation or structures and may require additional changes to the grade as required by the Engineer; and**
- 8. That a licensed New Brunswick Land Surveyor pin all corners of both buildings to ensure the placement of the structure prior to commencing foundation work.**

MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ

- (b) Atlantic All Weather Windows, 34 rue East Main Street (PID/NID #00792044), Village of/de Port Elgin -
Proposing to vary the front yard setback from the required 25' to 15' for the construction of new storage building. (File/Dossier #14-1249)

Staff Member Lori Bickford presented the request of Dany Duguay of Bird Construction for the property owner Atlantic All Weather Windows to construct a 1 storey storage building for Atlantic Windows. At this time, Atlantic Windows is utilizing the former school for storage purposes. The former school is in a state of deterioration and will be demolished once the new structure is built and all inventory is moved into the new building. Lori Bickford explained to the Committee that, for a period of time, there will be two main buildings on this lot and that the new structure would be 15' from the front yard setback instead of the required 25'.

Staff member Lori Bickford reported that the paved surface of Main Street was not in the center of the right-of-way which, visually, makes the buildings on the eastern side of Main street appear closer than today's standards and gives the appearance of a larger front yard setback on the Atlantic Windows property. Staff Member Lori Bickford added that the 25' setback in the Village center was a requirement that would be looked at when the Village of Port Elgin Plan is reviewed.

Staff Member Lori Bickford reported that she had recently been notified that there was a Petroleum flag placed on the property of which the applicant was not aware. The Department of Environment has indicated that there might have been a storage tank on the property and even if it was an above ground tank which had been removed the flag would still be attached to the property. They indicated that if the tanks are encountered during excavation the construction would be halted until the situation was rectified. Lori Bickford informed the Committee that the applicant was in the process of getting a copy of this report.

Public notices were sent to all landowners within 60 metres of the proposal. Staff Member Lori Bickford reported that, although she had an inquiry from a neighbour they were not against the development but were merely looking for clarification.

Lori Bickford reported that the proposal satisfies all elements of the variance criteria test. The proposal is found to be reasonable due to the existing green space which gives the illusion of a greater front yard setback and the built environment in the area. The proposal is



found to be desirable as the existing building is in a state of deterioration and the new structure is in conformity with the established street line. The proposal is also within the general intent of the Village of Port Elgin Zoning By-laws and Municipal Plan which encourages growth and rehabilitation of the existing commercial base of the Village. Staff is, therefore, recommending this variance request subject to terms and conditions. Staff Member Lori Bickford informed the Committee that an additional condition had been added based on the recent discovery of the Department of Environment flag on the property.

Committee Member Mike Tower questioned the visual desirability and impact of structure, commenting that architecturally it was very flat and industrial looking. Staff Member Lori Bickford answered that there is no design criteria and that the Village of Port Elgin is glad to see some building activity and growth. Committee Member Greg Partridge agreed that the structure was visually non-descript for the Village center but felt that as long as the Village didn't have a problem with the building's appearance it was not an issue. Staff Member Lori Bickford reminded the Committee that Port Elgin has no actual Industrial park.

Chairman Randy Trenholm informed the Committee that the school, which is presently being used for storage, has been condemned and a new structure is necessary but questioned how to enforce the 2 year deadline for demolition of the school. Lori Bickford answered that the building inspector would follow up on that issue. She reported that the new structure is scheduled to be completed in January 2015 but this was not an ideal time to be transferring inventory and demolishing a building.

It was moved by Committee Member Stanley Dixon and seconded by Committee Member Greg Partridge that the request by Bird Construction, on behalf of Atlantic All Weather Windows, to vary the front yard setback requirements from 25' to 15' on the property located at 34 East Main Street, Port Elgin, known as PID# 00792044, BE GRANTED subject to the following conditions:

- 1. As this request will result in more than one main building to be temporarily be located on the property, that the existing structure (known as the former school) shall be demolished within 2 years of granting this variance; and**
- 2. That the applicants obtain a copy of the petroleum storage report registered against the property to provide details on the Gazette flag prior to excavation of the site. Should an underground storage tank be found during excavation, the applicant is to cease further work until they have made satisfactory arrangements through Department of Environment to comply with any applicable regulations and imposed requirements.**

MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ

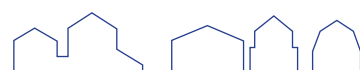
(c) Duane Arsenault, 1-7 rue East Main Street (PID/NID #00791699), Village of/de Port Elgin - Proposing to vary the front yard and flankage yard setback to 3.5'. (File/Dossier #14-1251)

Staff Member Lori Bickford presented the request of Duane Arsenault for property owners Richard and Kelvin Strang to vary the front and flankage setbacks to allow the construction of a 1 storey retail structure for the purpose of selling auto parts and tires. This area of the Village center is zoned mixed use and commercial, however, half of this building lot is located 100' setback of the Gasperaux River. The applicant is requesting this variance to allow the construction outside of the watercourse setback. Lori Bickford reported that the applicant is proposing to position the new structure on the footprint of the original structure which was destroyed by fire 10 years previous.

Staff Member Lori Bickford informed the Committee that the majority of the buildings in the Village center are situated close to or on the property line and that to impose the 25' setback on this building would seem visually out of place. Lori Bickford reported that this variance is in keeping with the overall feel and atmosphere of the downtown core. Consistent with the architectural components of buildings in the Village center, the applicant's proposed building will have its main entrance off of Main Street and have larger windows on the front of the building.

Committee Member Mike Tower questioned what the applicant was selling. Staff Member Lori Bickford answered that the applicant intends to sell auto parts and tires. This location would provide a higher visibility for the sale of tires.

Chairman Randy Trenholm questioned the size of the windows adding that the other stores in this areas have larger windows. Staff Member Lori Bickford answered that adequate windows are a condition of the variance but the Committee might want to adjust the condition to include window size.



Public notices were sent to all landowners within 60 metres of the proposal. Staff Member Lori Bickford reported that she received 2 responses both of which were for clarification and basic information. There were no adverse responses.

Lori Bickford reported that the proposal satisfies all elements of the variance criteria test. The proposal is found to be reasonable as it maintains the established street line in the area while keeping the proposed structure out of the watercourse setback. The proposal is found to be desirable as the property is consistent with the built environment within the Village center. The proposal is also within the intent of the Village of Port Elgin Zoning By-laws and Municipal Plan as it encourages in-fill development as well as the reconstruction and expansion of structures in the commercial base of the Village. Staff is, therefore, recommending this variance request subject to terms and conditions.

Staff Member Lori Bickford reported that this is the biggest variance request submitted to the Committee and explained that this was due to the environmental setback and the built environment of Port Elgin's downtown core. She reminded the Committee that variances are site specific.

Lori Bickford expressed surprise that a 25' setback had been invoked in the main core of the Village. Committee Member Mike Tower questioned when the Village Plan was done. Staff Member Lori Bickford answered that the Plan is not that old but that she has been trying to coordinate a review of the Plan and reported that a 25' setback in this area would not be recommended when the plan is reviewed.

Committee Member Mike Tower questioned if they were going against the intent of the By-laws and Municipal Plan. He commented that although he felt a 25' setback was not preferable in the downtown core he was concerned that they must have had a reason and was unsure if this was now going against their intent. Staff Member Lori Bickford answered that the intent is to protect the environment and increase business. She added that it is an overwhelming amount of information for the Village to review during a plan review and they, in general, are not reading for the details.

Committee Member Mike Tower questioned the roof line of the proposed building and questioned whether water run off would be an issue in a storm situation. Staff Member Lori Bickford answered that, although there would be added water, it would not have a significant impact in the watercourse for flooding to be a concern. She added that flood scenerio data has been compiled for Port Elgin (similar to Sackville) but it has not been adopted as part of their by-law.

Committee Member Mike Tower questioned a storm management plan. Staff Member Lori Bickford answered that they will be looking at a storm management plan for Port Elgin when the plan is reviewed.

Committee Member Mark Istvanffy requested that condition one of the motion be modified to read "adequate size and style of windows".

It was moved by Committee Member Mark Istvanffy and seconded by Committee Member Mike Tower that the request by Duane Arsenault to vary the front and flankage yard setback requirements from 7.62m to 1.04 m on the property located at 1-7 East Main Street, Port Elgin, known as PID# 00791699, so the established street line of the Village center in maintained as well as the 30m setback from the Gaspereau River is maintained, BE GRANTED subject to the following conditions:

- 1. That the portion of the building facing MAin Street contain the main entrance to the business and that adequate size and style of windows consistent with the architecture found in the Village Centre be added to the front of the structure;**
- 2. That no development or activities are to be carried within the 100' buffer; and**
- 3. That a licensed New Brunswick Land Surveyor pin all corners of the building to ensure the placemnet of the structure prior to commencing foundation work.**

MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ

7. Temporary Approvals, Conditional Uses, Rulings of Compatibility and Non-Conforming Uses / *Approbations temporaires, usages conditionnels, déterminations de compatibilités et usages non-conformes*

None/*acucune*



8. Tentative Subdivisions / Lotissements provisoires

None/*aucune*

9. By-law Amendments, Zoning and Municipal Plan Matters / Questions de zonage et questions relatives aux plans municipaux

None/*aucune*

10. Other Business / Autres affaires

None/*aucune*

11. Next Meeting / Prochaine réunion

Next monthly meeting will be held October 22, 2014 at 7:00 pm /*La prochaine réunion mensuelle aura lieu à 22 octobre 2014 à 19h.*

12. Adjournment / Levée de la réunion

It was moved by Committee Member Mike Tower to adjourn the meeting at 8:07 pm.

Randy Trenholm - Chairman

