

**AUGUST 14, 2013**  
**SUBMISSION MINUTES**

**SUBMISSION**

The regularly scheduled submission meeting of the Planning Review and Adjustment Committee (PRAC) of the Fundy Regional Service Commission (RSC9) was held on Wednesday, August 14, 2013 at 1:00 p.m. at Crane Mountain, Saint John, with Dwight Allaby, Chairperson, presiding.

The meeting began at 6:30 PM.

**1. Call to Order**

The Chairperson, Dwight Allaby, called the meeting to order at 1:00 p.m.

**2. Record of Attendance**

**Planning Review and Adjustment Committee Members attending were:**

Dwight Allaby, Chairperson  
Joan Seeley, Vice Chairperson  
Glen Baxter, PRAC Member  
Robert Buck, PRAC Member  
Paul Gordon, PRAC Member  
Merv Hebb, PRAC Member  
Walter Pollock, PRAC Member  
Brenda Rathburn, PRAC Member

**Staff attending were:**

Tina McCallum, Director of Planning/Development Officer, Fundy Regional Service Commission  
Brian Shannon, Chief Building Inspector/Development Officer, Fundy Regional Service Commission  
Donald Daye, Applicant  
Jeanne DeCourville, Office Assistant/Recording Secretary

**3. Approval of Order of Business**

The Chairperson asked for approval of the agenda as presented.

**Motion:** To approve the agenda August 14, 2013 as presented.

Moved: Paul Gordon  
Seconded: Joan Seeley  
Vote: Motion Carried

**4. Disclosure of Conflict of Interest**

None

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**5. Presentation of Donald Daye Subdivision and Variance Application**

**Decision Required**

Variance from the requirements of the *Provincial Subdivision Regulation 80-159*: LOT A (well-drilling business) a Width Variance of 7m and an Area Variance of 837.2 sq m; LOT B (residential) a Width Variance of 15.5m and an Area Variance of 1659 sq m.

**Staff Presentation**

Tina McCallum gave an overview of the presentation on the application for the subdivision, which included the Committees function and legal authority.

*Applicant:* Donald Daye

*Request:* Subdivision of property located at 173 Gorham Road, Browns Flat, PID 30030449 into two lots in order to separate the existing residential and commercial land

*Requirement for the subdivision:* Variances must be granted for the minimum lot frontages and areas to each of the proposed lots.

*Overview of Application:* The area called Lot A was created in 1955 by Deed and was a separate parcel until the 1979 survey consolidated Lot A and the parent lot to create Lot 79-1 (PID 30030449)

The well-drilling business was established on Lot A, prior to the 1979 lot consolidation. When the home was being constructed in 1979, the lots were consolidated (Lot 79-1) for the purpose of having the business and the residence together.

All properties surrounding the well-drilling business are visually and audibly buffered by a mature tree line. The Applicant intends to maintain the mature tree lines as visual and audible buffers.

There is no Rural Plan or Basic Planning Statement in place in the LSD, therefore there are no zoning restrictions and both the commercial and residential uses are acceptable.

**Consultations:**

Notices - As required notices were sent to neighbours within 100 metres of the address, a total of 15, no responses were received within the 10day requirement or to date.

Approval of Septic System: Received from Department of Health, June 5, 2013.

**Discussion**

Donnie Daye, the applicant provided clarification on the history of the property and reasons for the request.

**Motion:** To grant the width variance for Lot A (Business) of 7m and an area variance of 837.2m<sup>2</sup> and a width variance for Lot B (Residence) of 15.5 m and an area variance of 1659 m<sup>2</sup>.

Moved: Robert Buck  
Seconded: Glen Baxter  
Vote: Motion Carried

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**Legal Authority for Decision**

In accordance with section 46(1) of the Community Planning Act, an advisory committee or regional service commission may

- (a) subject to such terms and conditions as it considers fit, permit such reasonable variance from the requirements of the subdivision by-law as, in its opinion, is desirable for the development of land in accord with the general intent of the by-law and any plan, statement or scheme hereunder affecting the land,
- (b) require that the subdivision plan include any terms and conditions attached to a variance permitted under paragraph (a), or
- (c) by resolution effective only on the filing of an approved amending subdivision plan in the registry office, withdraw any or all terms and conditions included under paragraph (b).

**6. Other Business**

The Chair commented that he wished to discuss ways to streamline the process for meetings going forward as follows:

- Save any questions regarding the application to the end of the presentation.
- Pre-establish the motion.
- Write the recommendation as such that it can then be used for the motion.
- Motion should be made, followed by discussion then the vote.

The Chair suggested that a schedule of review of 6 months to a year be set up on approved applications in order to confirm that all conditions have been completed.

Building Inspector, Brian Shannon advised that there is a 1 year expiration date on any variance, if the applicant fails to register the papers the approval is null and void.

**7. Motion to Adjourn**

**Motion:** The Chair called for a motion to adjourn at 1:50 pm.

Moved: Joan Seeley  
Seconded: Paul Gordon  
Vote: Motion Carried

APPROVED (date) Nov 12, 2013

  
Dwight Allaby, Chairperson

  
Tina McCallum, Director of Planning

