



TOWN OF SAINT ANDREWS SPECIAL MEETING OF COUNCIL

Electronic Meeting

Wednesday, November 4, 2020, at 6:00 PM

MINUTES

RECORD OF ATTENDANCE

A Special Meeting of the Town of Saint Andrews Council was held on Wednesday, November 4, 2020, at 6:00 p.m. with the following members present Mayor Doug Naish, Deputy Mayor Henderson, Councillors Guy Groulx, Andrew Harrison, and Kurt Gumushel. Also, present: Chris Spear, CAO/Treasurer, Paul Nopper Clerk – Senior Administrator, Alex Henderson, Director of Planning, Southwest New Brunswick Service Commission, Alexander Gopen, Planner, Southwest New Brunswick Service Commission.

Late: Councillor Kate Akagi – 6:55 p.m.

Absent – Councillor Edie Bishop

Facebook – 16

Zoom - 2

APPROVAL OF AGENDA

Motion: 404 - 11/20

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx, and carried that the Agenda be approved as presented.

Carried 4 - 0

PRESENTATIONS

NONE

DISCLOSURE OF CONFLICT OF INTEREST

NONE

INTRODUCTION, CONSIDERATION, AND PASSING OF BY-LAW AND MOTIONS

PED200501

Council Workshop for Zoning By-Law Z20-02

Alexander Gopen, Planner, Southwest New Brunswick Service Commission provided an update on the latest changes to the Zoning By-Law Z20-02 including:

- *Short-Term Rentals – language drafted to be flexible until there is a by-law in place. The clause has been developed so that the Zoning By-Law does not need to be amended when a By-Law is established.*
- *Accessory Dwelling Units – recommend the allowance for units above garages or permanent garden suites.*
- *Duplexes/Triplexes/Converted Dwellings and the number of entrances and staircases. As long as stairs are not in the front or flankage yards, acceptable to have stairs to the second or third floor.*
- *Grade definition – Grade is defined as finished grade, once work has been completed that is the grade to start from.*
- *General setback requirements removed as all zones have required setbacks.*
- *Simplified loading standards.*
- *Bed and Breakfasts – an operator or agent must reside in the main dwelling. This was added in as it was not clear in the previous By-Law.*

Alexander Henderson, Director of Planning, Southwest New Brunswick Service Commission provided an update on the Development Permits for consideration.

- *New permit process to come under new Building Code Administration Act. This will not allow development permits issued under this new Act.*
- *Building permits and development permits currently under one system. This will be divided in the future under the new Act. Zoning questions will need to be addressed in a separate development permit.*
- *Currently waiting on the regulations from the Province on the upcoming changes.*
- *Right now, only going after an owner for structural alterations or changes of occupancy. New permits would be in place for changing of exterior cladding, doors, windows, etc.*
- *Building permits will not be issued without development approval.*

Councillor Groulx – Development permits are positive for the town. I would suggest any construction, alteration, or renovation of any structure get a development permit. This would allow for proper review of the Municipal Plan and Zoning By-Law. Additionally, can landscaping valued over \$3,000 be on a development permit?

Planner Henderson – Landscaping would be a good addition to this permit process. These permits would help the town regulate developments that currently do not need a permit. Landscape can be a dollar value or based on the alterations of land. Perhaps a few different ways to evaluate.

Mayor Naish – Council can consider this. Advent of this Act to be passed will be imminent once regulations are in place. Does this have direct effect on Zoning if we pass and wait? Would the regulations change much?

Planner Henderson – Timeframe expecting before legislature in the spring. We can see the draft online now with transitional provisions. We will have a one-year time frame to repeal the current Building By-Law after proclamation. The timing of this may be challenging with a municipal election in May.

Mayor Naish – So we either stand down or do something now and take our chances.

CAO Spear – We are a big proponent of this change. In places like Saint Andrews, minor parts of landscape changes or building changes can have an effect on stormwater management, etc. This would give some control on what is going on with infrastructure and meeting climate change issues.

Councillor Groulx – Putting this provision in the Zoning By-Law is airing on the side of caution. We can dial back as needed but positive way to take this.

Councillor Harrison – Who would this be administered by? Southwest New Brunswick Service Commission and does this fall under the current contract?

Planner Henderson – This would fall under the Southwest New Brunswick's responsibilities with the development officer and currently falls under the responsibilities of the contract.

Councillor Harrison – To Councillor Groulx's point, it would be the Commission in the loop but not necessarily Council correct? Does this fit in with the By-Law?

Planner Henderson – With the change of use examples going from one secondary use to another, bit of a grey area when you get a permit for that and approval, even if you do not need the permit. Section 108 of the Community Planning Act has the potential and states this. There is flexibility of Council to adopt this.

Councillor Gumushel – Would there be a retroactive development permit?

Planner Henderson – Development permits are colloquial. In some cases, only looking at Zoning since it is combined with building permits. Currently projects not needing a permit are not coming by for development review and any enforcement would need to be retroactive at this point.

Councillor Gumushel – In the buildup to the Heritage By-Law, we had a building boom. Can we expect something like this before the new Act is in place?

Planner Henderson – In the Secondary Municipal Plan MP 20-02, when it takes place, there is a development freeze. We cannot be out of sink with this. This is already in force unless not given third reading or elapses. So short answer is no.

Councillor Harrison – So with a certain window change in town, this would have been picked up through development permits?

Planner Gopen – This would catch changes like this.

Planner Henderson – The one thing with windows, replacements, if you look at the Secondary Municipal Plan MP 20-02, not putting in false windows would not be part of the Town's potential for build.

Councillor Harrison – Would the Historic Business District not have style guides.

Planner Gopen – There are material designations not style guidelines. Not specifically to that level. There is more focus on the materials that are used.

Councillor Harrison – We need to be able to enforce these regulations.

Planner Henderson – Cladding on doors, materials relating to windows, etc. is exterior. This could be added to the Secondary Municipal Plan but would have to go to another public hearing.

Planner Gopen – We do not say that you must fit into a specific heritage style but fit within the styles of town.

Councillor Gumushel – We are tip toeing around a Heritage By-Law. If asking for recommendations, it would be more expensive and keeping with the style. Without a Heritage By-Law, no way to leverage this.

Councillor Harrison – Can we have a small Heritage By-Law for the Historic Business District? We need to take this seriously and have enforcement measures.

Councillor Gumushel – Seems like we are trying to close the loopholes to catch development that is not caught now.

Councillor Harrison – The development permit would not have caught switching out of windows with other windows. If it does fit in the district great, if not we have a problem. Where do we draw the line?

Councillor Gumushel – We do not have a Heritage By-Law, but we do have Section 9 of the Zoning By-Law.

Planner Gopen – Section 9 would not catch this either. This kind of regulation on heritage style would need a Heritage By-Law.

Planner Henderson – There is value to having a Heritage Conservation By-Law and protect features and styles. We cannot do this under the Zoning By-Law. Maybe a valued approach to look at. If regulating under the Planning act, district phrases would be needed. This cannot be a grey area if developed. We would need to be very clear for enforcement. The way Section 9 is worded now, it is not to an enforceability quality.

Deputy Mayor Henderson – There is an opportunity for the planning team to take away to the Secondary Municipal Plan and see how windows fit into this.

Planner Henderson – There are two issues. The first is the current Zoning By-Law with Section 9 and the Secondary Municipal Plan to have enforceable provisions on windows, etc. To Deputy Mayor Henderson, yes but need to be clear what is permitted and what is

not. We can draft and bring back for review. Two years ago, this was discussed at the steering committee and we had concerns with Section 9 and it was to be taken out in favour of the Secondary Municipal Plan.

Councillor Gumushel – If you do not have a way for people to support to keep the heritage look, it will continue to be a problem with issues with windows and siding.

Councillor Groulx – Perhaps if we implement development permits, one thing that can be addresses is what you are discussing. Planning staff can look at windows and suggest insistencies with the Secondary Plan. Could use influence on what is being done through the permit process.

Mayor Naish – If Council wishes to do a double take on this, the planners would draft something to put into the Secondary Municipal Plan and more regulatory versus educational. Sometimes this works in certain circumstances. You do not have to spend more money to have something look historical. The failure of the Heritage By-Law was the misconception of replication and the huge cost of labour and materials. There are good replica materials available now.

Planner Gopen – We could build on the best practices and persuasion as it comes up. We can give education on this with suggestions, this would not derail the planning process. This would not be a substantial change to the document. If people are not listening, Council can amend the document and put in the proposal section.

Planner Henderson – Without opening the Secondary Municipal Plan, you could add windows to Zoning. Recommend the secondary Municipal Plan as this is the way it is. Maybe windows could go into Zoning based on size, could be the way to move forward.

Deputy mayor Henderson – I would like to see best practices, but this should give us next steps without going backwards.

Mayor Naish – I think we need the planners to bring something back for review and discussion.

Deputy Mayor Henderson – I am wondering, building permits are to Service New Brunswick, assessment value to go up. Would this trigger Service NB?

Planner Henderson – The info on building permits is remitted to Service NB.

Deputy Mayor Henderson – Landscaping would be the same thing. We must make this flexible. If people are redoing gardens, this should not be a hit to the tax assessment. I do not want to handicap development.

Councillor Gumushel – Would another option be to simplify Section 9 and any major development in the town of one year. Allow all new developments to come to Council. This would make sure there are no surprises.

Planner Henderson – The idea of development freezing can be done. We cannot circumvent the Municipal Plan and Secondary Plan which have had public hearings. If Council made a special motion on the Zoning By-Law to freeze, we can do so with special resolution. We can provide feedback on this process.

Deputy Mayor Henderson – Broad question, Council control and PRAC, can we make some of those decisions more locally? There has been some development lately that Council has had no say. Community comes to me and asks if we can get more control back on planning matters. I am first to admit that each community and feel is completely different. I appreciate the effort and uniqueness; we are losing a bit without a say.

Planner Gopen – We took that into consideration with the Secondary Municipal Plan. That will never go to PRAC and anything contrary would have to come to Council. Character defining in the town.

Planner Henderson – The Service Commission does not want to take authority away from Council. Our objective is to enforce this. Temporary uses are sent to PRAC and the Regional Service Commission. We can say we need to consult with the community before a decision is made. This would be a clear line on who does what. We can provide Council with more reports beyond what we provide monthly. We meet with the Clerk and CAO on a monthly basis.

CAO Spear – PRAC meetings are advertised online. Staff can work to download and forward to Council for awareness purposes. Council can send letters of support or concern to PRAC. As Deputy Mayor Henderson stated, Council has been taken out of the process even if we localized PAC, still independent positions will be made. We can take better communication steps to get information to Council.

Mayor Naish – The issue is the weakness of the Community Planning act and I was on PAC and it was dysfunctional. Other side of the coin, PAC decisions were varying prohibitions in Zoning By-Law.

Deputy Mayor Henderson – On CAO Spears comments, thought is wonderful and hate to add on more work. Stuff in the Town Plat and Historical Business District Council should weigh in on. I enjoy the partnership with the Service Commission and diverse professional opinions. One thing in the community, they feel they have lost our local voice in these discussions. If we can send a letter of support or concern to PRAC, I think this is important and an option.

Planner Henderson – Some Service Commissions work with towns varies. Shediac has their own service commission and they have their own PAC. In Fredericton, they will put variance requests before Council before PRAC has a chance to review. There is no harm with this process if Council would like to go this direction. There might be issues of disagreement between Council and PRAC but that is why we have an appeal process.

Councillor Groulx – Is there an option for having a local Saint Andrews PAC?

Planner Henderson – There is an option to have a local PAC. We would have to revisit this in our contract. This would have to be run by the Municipality and Service Commission Reports. This would mean an extra meeting a month and is possible. There can be objectivity issues. You can have a local PAC without losing the Service Commission.

Deputy Mayor Henderson – I know we have a representative on PRAC, but if we have public input from a group of citizens, this would give more focus on local. Only criticism of our partnership is that I would rather a PAC then a PRAC. No disrespect to the process, but lots of people think we do not have a say in our community, we are seeing quiet a few variance requests and decisions make out of our community. Need a more local voice.

Mayor Naish – There are issues with the Community Planning Act. Everything is eligible for a variance. We need some sort of procedure to stop this and need decisions by Council. PAC members can be fly by night. I would like to see what our options are and look at this again.

Clerk Nopper – Provided a report and presentation on Deer Fencing options. The presentation highlighted current issues, Zoning By-Law review, deer background information, Council process

QUESTION PERIOD

COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS

MAYOR'S COMMENTS

CLOSED SESSION

ADJOURNMENT

Motion: 405 - 11/20

At 7:50 p.m., it was move by Councillor Harrison, seconded Councillor Gumushel that the meeting be adjourned.

Carried 5 - 0



Doug Naish, Mayor



Paul Nopper, Clerk - Senior
Administrator

