



**TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES**

**August 17, 2022, 7:00 p.m.
W.C. O'Neill Arena**

A. RECORD OF ATTENDANCE

At the Planning Advisory Committee Meeting on Wednesday, August 17, 2022, at 7:00 p.m. with the following members present:

Vice Chair Jill Stewart, PAC Member Jeff Cross, Councillor Lee Heenan, Dwight Ingalls, Kevin Simmonds.

Paul Nopper, Clerk - Senior Administrator, Alex Henderson, Director of Planning, Alexander Gopen, Senior Planner, Qi Vivian Peng, Junior Planner, Southwest New Brunswick Service Commission.

Late: Chair Chris Flemming - 7:50 p.m.

B. APPROVAL OF AGENDA

Motion: 057 - 08/22

Moved By PAC Cross

Seconded By Councillor Heenan

That the Agenda be approved as presented.

4 – 0

Carried

C. DECLARATION OF CONFLICT OF INTEREST

Chair Chris Flemming - PAC220803 Obtaining Views of the PAC on Amendment MP20-02-01 to the Secondary Municipal Plan for 256 and 260 Water Street Bridle Path International Inc.

D. CONFIRMATION OF MINUTES

1. Minutes of the 220720 Planning Advisory Committee for Wednesday, July 20, 2022, 7:00 p.m.

Motion: 058 - 08/22

Moved By Councillor Heenan

Seconded By PAC Simmonds

That the Minutes of the 220720 Planning Advisory Committee Meeting of Wednesday, July 20, 2022, at 7:00 p.m. be adopted.

4 – 0

Carried

E. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS

2. ZONING APPLICATIONS

1. Obtaining Views of the PAC on Amendment MP20-02-01 to the Secondary Municipal Plan for 256 and 260 Water Street Bridle Path International Inc., PAC220803

Planner Gopen provided a presentation to the Planning Advisory Committee regarding Amendment MP20-02-01 to the Secondary Municipal Plan MP20-01 for the properties at 256 and 260 Water Street. The property has 3 vacant lots and is the former site of HMS Transportation. A developer is in talks to construct a 36-unit 12.2-metre high mixed-use development with parking underground. The Secondary Municipal Plan has regulations that control the height of development within the Historic Business District. As this is a Municipal Plan and not a By-Law, a variance cannot be issued but an amendment can be. Site visuals were provided for review of the property and concepts of the development. It was noted that the developer is open to the design and to work with the local community to ensure it fits within the contexts of the Historic Business District. The developer noted that they are seeking the Amendment as they need a fourth storey on the building to make it a sustainable development. The fourth storey would be set back in a pedestal style. Municipal Plan Policies 2.1.2(2)(8) Environment and Climate Change Policies, 2.5.2(1) Economic Policies, 2.5.2(6) economic Policies were provided. The land is an excellent location for a new mixed-use development and a bad location for a vacant lot. The intent of the Secondary Municipal Plan is to have a consistent streetscape. The majority of buildings on this streetscape are around 9.8 metres. A lidar map of building heights of adjacent buildings was provided for review. If the Amendment were to pass, it will exempt the development from matching the height of an existing building on the block, being 10% greater than the highest building on the block, and from an average height of buildings on the block. The development would still meet the height requirement of 12.5 metres or less in the downtown. Planner Gopen noted that Council may consider a Development Scheme By-Law for this property to allow for terms and conditions. This would still need to follow three readings of Council, Public Hearing of Objections, and Obtain Views of the Planning Advisory Committee. Items that can be addressed in a Development Scheme By-Law include timelines for construction, stormwater management, performance bonding, landscaping, and servicing. It is important that if the Amendment were to proceed that the development has a Development Scheme By-Law prior to the Third and Final Reading of Amendment MP20-02-01.

Questions to Planner

The Planning Advisory Committee asked if cupolas or other small roofline additions counted for the overall height of the buildings. Planner Gopen stated that cupolas and other additions were not included, and heights were focused on rooflines. The photos used in the lidar map are from 2018. The PAC acknowledged Mr. Greenaway's letter to remind everyone about the height of the building. PAC asked if we used the Development Scheme By-Law, would the height be added to this document? Planner Gopen said that the Development Scheme By-Law overrides the Zoning By-Law but not Municipal Plans. It would need to be in both the Amendment and Development Scheme By-Law terms. PAC further discussed the

context of height and the transition between the adjacent buildings with the concern on the look and feel from one building to another based on a larger height. It was noted that there should be a good and level transition between the two buildings and that there should be a streetscape view of the new building and how it would fit in with the other buildings on the street to see the transition. The PAC asked about other examples of height transitions and new buildings in town. Planner Gopen noted 131 Water Street and the 10% variance granted for that new development and how it had to incorporate into the streetscape. For reference, PAC also discussed the heights of adjacent buildings including Drewhaven, the Kennedy Inn, and the Inn on Frederick, which range from 10.5 metres to 14.4 metres. It was noted that the Developer intends to make another presentation to the Council in September with a new design of the building based on feedback attained.

Opinion of the Planning Advisory Committee

The Planning Advisory Committee asked each member for input on Obtaining Views of the PAC for Amendment MP20-02-01 to the Secondary Municipal Plan MP20-02. PAC noted that if the development were to move forward that a Development Scheme By-Law should be in place prior to the Third and Final Reading of Amendment MP20-02-01. The Development Scheme By-Law should address the points of ensuring appropriate transitions between the existing built form and the new built form and that there should be a streetscape rendering visual provided to Council of the adjacent buildings on Water Street and Princess Royal Street to the new development. The Planning Advisory Committee has concerns about the outright exemption from the Secondary Municipal Plan to this area and should be addressed through a Development Scheme By-Law.

Motion: 059 - 08/22

Moved By PAC Simmonds

Seconded By Councillor Heenan

That the Planning Advisory Committee of the Town of Saint Andrews provides the following views, as per Section 110 of the Community Planning Act, on Amendment MP20-02-01 to the Secondary Municipal Plan MP20-02 for 256 and 260 Water Street, Bridle Path International Inc:

Highly suggest a Development Scheme By-Law Agreement to address the following:

- *Streetscape renderings to adjacent buildings on Water Street and Princess Royal Street of the new design.*
- *Concerns about the outright exemption of heights to this area as per the Secondary Municipal Plan and that a Development Scheme By-Law needs to address the concerns of height.*
- *That there are appropriate transitions shown between the built form and the proposed development along the streetscape.*

4 – 0

Carried

3. VARIANCE APPLICATIONS

1. Variance and Terms and Conditions Application for 140 Mary Street Fence Request, PAC220804

Chair Flemming attended the meeting at 7:50 p.m.

Planner Peng presented to the Planning Advisory Committee on two variance requests and terms and conditions for a fence at 140 Mary Street. The property is zoned Serviced Residential and within the Town Plat. The applicant, Mr. Michael Beattie, is asking for a 4-foot fence to be placed on the front and side yards of the property. A site plan with pictures of the fence, black chainlink, and rot iron, was provided for review. Terms and Conditions Section 2.3(3) of the Zoning By-Law was reviewed. The Planners have consulted with Public Works staff and noted that water and sewer laterals would need to be marked out to ensure infrastructure would not be interfered with. The variances were discussed with the Secondary Municipal Plan Section 3.6.2 of best practices reviewed. Planner Peng noted points of streetscape, right-of-way and safety were all consistent with the intended rules of the By-Laws. Examples of other fencing in the area were provided for review. Planner Peng outlined the recommendations for variances and terms and conditions for the PAC.

Questions for Planners

PAC thanked Planner Peng for outlining the ditching in the area and how this area would be affected by snow removal with the fence and determined that there would be no issue with snow clearing.

No applicant was present to speak on behalf of the proposed fence and the request of the Planning Advisory Committee.

The Planning Advisory

The Planning Advisory Committee discussed the variances and terms and conditions. The PAC had some concerns over the high quality of the fence and should a chainlink fence be allowed in the Town Plat based on the visibility of the fence on the property. Although there are other chainlink fences in the general area, it was noted that the aesthetics of the area and the chainlink might not be the best look. PAC further discussed the variety of fencing in the area and noted that the fence was of high quality and would surpass many fences in aesthetic looks in the area.

Motion: 060 - 08/22

Moved By PAC Stewart

Seconded By PAC Cross

That the Planning Advisory Committee of the Town of Saint Andrews applies the following terms and conditions to the proposed fence at 140 Mary Street, PID 01319060, for Michael Beattie:

- 1. The applicant shall be responsible for locating the water and sewer lateral and ensuring that those lines are not damaged during fence installation.*
- 2. The fence shall be built with see-through, high-quality materials as presented in the Development Permit Application and the fence shall be properly maintained to not*

become a hazard to the safety of the public or become dilapidated.

- 3. *No fence shall be electrified or incorporate barbed wire or other sharp dangerous materials in its construction.*

**4 – 1, Nay PAC Ingalls
Carried**

Motion: 061 - 08/22

Moved By Councillor Heenan

Seconded By PAC Stewart

That the Planning Advisory Committee of the Town of Saint Andrews applies the following variances to the proposed fence at 140 Mary Street, PID 01319060, for Michael Beattie:

- 1. *A variance of 3.3 feet to allow the fence to be located on the property lines on Mary Street and Parr Street.*
- 2. *A variance to allow a 4-foot chainlink fence to be located in the sight triangle of Mary Street and Parr Street.*

**4 – 1, Nay PAC Ingalls
Carried**

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

F. NEW BUSINESS

1. Planning Advisory Committee Approval of Rules of Operation and Procedures Update, PAC220801

The Planning Advisory Committee noted that at the July 20, 2022, Meeting, the Rules and Operating Procedures for PAC should be reviewed specifically on Section 37: Neighbourhood Polling. It was noted that the PAC Rules of Operating Procedure go above and beyond the Community Planning Act and that PAC should be aligned with the Act. Planner Henderson provided a report on the recommended changes to the Rules and Operating Procedures with a focus on variances as rezoning is a Council process. The PAC further discussed the changes and noted the final paragraph in the recommendation can be removed as this could be interpreted differently as written. Without the final paragraph, the recommendation aligns with the Community Planning Act.

Motion: 062 - 08/22

Moved By PAC Cross

Seconded By PAC Stewart

That the Planning Advisory Committee make the following changes to the Town of Saint Andrews Rules of Operation and Procedure for the Planning Advisory Committee for Section 37: Neighbourhood Polling to state:

Section 37: Notice

Property owners within 100 m of a property which is subject to an application for a variance, terms and conditions, temporary use, or legally non-conforming, shall be notified and polled by mail, of the meeting time, date, location of the meeting, and nature of the application that will be considered prior to a Planning Advisory Committee Meeting.

The notice will indicate that their view can be made by letter or in person before the Planning Advisory Committee at the meeting. All letters received will be public documents and they must be signed either by hand or digitally. The Planning Advisory Committee will not accept any unsigned letters.

The notice will indicate that a staff report is available six (6) days prior to the Planning Advisory Committee Meeting.

An electronic copy of the notice will be made public on the Town of Saint Andrews website along with the Agenda at least six (6) days prior to the meeting date.

Where an application before the Planning Advisory Committee is tabled to a later meeting date, a revised notice shall be made on the Town's website.

The Planning Advisory Committee provides views to the Council on matters of proposed planning by-laws, subdivisions, Municipal Plan Amendments, Secondary Municipal Plan Amendments, and Rezoning. The Planning Advisory Committee does not provide polling to property owners within 100 m of a property subject to an amendment or subdivision. The Public Hearing of Objection set by the Council of the Town of Saint Andrews is the appropriate forum to receive public input on these amendment processes.

Amended

Motion: 063 - 08/22

Moved By PAC Cross

Seconded By PAC Stewart

That the Planning Advisory Committee make the following changes to the Town of Saint Andrews Rules of Operation and Procedure for the Planning Advisory Committee for Section 37: Neighbourhood Polling to state:

Section 37: Notice

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5 – 0

Carried

G. PAC MEMBER COMMENTS

Councillor Heenan wished Chair Chris Flemming a happy upcoming birthday.

H. CLOSED ITEMS

I. ADJOURNMENT

Motion: 064 - 08/22


Moved By Chair Flemming

At 8:20 p.m. that the meeting be adjourned.

Carried



Jill Stewart, Acting Chair



Paul Nopper, Clerk - Senior
Administrator

