



NOTICE OF PAC MEETING

There will be a Planning Advisory Committee Meeting on Wednesday, May 17, 2023, at 7:00 P.M. at the W.C. O'Neill Arena Complex Council Chambers and via Zoom. The public can participate in the meeting by attending in-person or by registering for Zoom on the Town of Saint Andrews website www.townofsaintandrews.ca under the Planning Advisory Committee Meeting Notice, Event Post, or using the following link:

https://us02web.zoom.us/webinar/register/WN_kKyMbwcOTV-ecO7SEMDVrw



**Paul Nopper,
Clerk – Senior Administrator**



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

May 17, 2023

7:00 p.m.

W.C. O'Neill Arena Complex Council Chambers

Pages

A. RECORD OF ATTENDANCE

B. APPROVAL OF AGENDA

Recommended Motion:

That the Agenda for the 230517 Planning Advisory Committee Meeting of Wednesday, May 17, 2023, at 7:00 p.m. be approved as presented.

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

Welcome and we recognize we are on the unceded traditional territory of the Passamaquoddy (Peskotomuhkati) (Besko-toe-moo-gati), people.

D. DECLARATION OF CONFLICT OF INTEREST

E. CONFIRMATION OF MINUTES

1. Minutes of the 230315 Planning Advisory Committee Meeting on Wednesday, March 15, 2023, 7:00 p.m.

1

Recommended Motion:

That the Minutes of the 230315 Planning Advisory Committee Meeting on Wednesday, March 15, 2023, at 7:00 p.m. be adopted.

F. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS
2. ZONING APPLICATIONS

1. Amendment MP20-07 to the Town of Saint Andrews Municipal Plan MP20-01, Rose Lane, PID 01325505, Henry Hansen, PAC230503

5

Recommended Motion:

That the Planning Advisory Committee for the Town of Saint Andrews provides the following views on Amendment MP20-07 to the Town of Saint Andrews Municipal Plan MP20-01, Rose Lane, PID 01325505, for Henry Hansen:

3. VARIANCE APPLICATIONS

4. TERMS AND CONDITIONS APPLICATION

- 1. Terms and Conditions Application for 228 Montague Street, PID 01320787, James Geneau, PAC230502**

30

Recommended Motion:

That the Planning Advisory Committee for the Town of Saint Andrews sets the following Terms and Conditions for an 8-ft. wooden fence to be located in the flankage yard for the property 228 Montague Street, PID 01320787, James Geneau:

- 1. The applicant shall ensure that no municipal infrastructure is damaged during fence installation.*
- 2. The fence shall be built with 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.*

5. SIGN APPLICATIONS

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

I. CLOSED ITEMS

J. ADJOURNMENT

Recommended Motion:

At _____ p.m. that the meeting be adjourned.



TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES

March 15, 2023, 7:00 p.m.
W.C. O'Neill Arena Complex Council Chambers

A. RECORD OF ATTENDANCE

At the Planning Advisory Committee Meeting on Wednesday, March 15, 2023, at 7:00 p.m. the following members were present:

Chair Jill Stewart, PAC Members Jeremiah Kerr, Kevin Simmonds, John Tanner, and Councillor Annette Harland.

Paul Nopper, Clerk - Senior Administrator, Alexander Gopen, Senior Planner, Southwest New Brunswick Service Commission.

Late: Vice Chair Jeff Cross, 7:06 p.m.

Absent: PAC Dwight Ingalls.

B. APPROVAL OF AGENDA

Motion: 010 - 03/23

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Agenda for the 230315 Planning Advisory Committee Meeting on Wednesday, March 15, 2023, at 7:00 p.m. be approved as presented.

4 – 0

Carried

C. DECLARATION OF CONFLICT OF INTEREST

D. CONFIRMATION OF MINUTES

- 1. Minutes of the 230215 Planning Advisory Committee for Wednesday, February 15, 2023, 7:00 p.m.**

Motion: 011 - 03/23

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Minutes of the 230215 Planning Advisory Committee Meeting of Wednesday, February 15, 2023, at 7:00 p.m. be adopted.

4 – 0

Carried

E. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS

- 1. Alexander Henderson, Director of Planning and Alexander Gopen, Senior Planner Presentation on Training for the Planning Advisory Committee**

Planner Gopen presented to the Planning Advisory Committee regarding Planning 101 for the PAC/PRAC. Mr. Gopen elaborated on the differences between Planning Advisory Committee (PAC) and the Planning Review and Adjustment Committee (PRAC) including processes, regulations, geographical areas, and policies developed under the Community Planning Act. Roles and Responsibilities were reviewed, and the approval process of the PAC. Approvals reviewed included variances, temporary uses, conditional uses, similar or compatible uses, extending non-confirming uses, subdividing property with suitable access other than public streets, and street names for new subdivisions. A guiding document showed the hierarchal processes from the Community Planning Act, Municipal Plans, Zoning By-Laws, Rural Plans, Subdivision By-Laws, and other By-Laws. The Municipal Plan, Secondary Municipal Plan, and Zoning By-Law were presented. The Southwest New Brunswick online Zoning Map was shown for reference. The decision-making process was discussed, and it was noted that decisions must be based on facts, applicable laws, and a reasonable rationale. It was noted that a decision of the PAC can be appealed under the Community Planning Act. Staff will try to prepare the PAC with facts and motions to help with the debate and review processes. The public consultation process was highlighted and discussed based on mailouts, in-person discussions, and how the public can participate in meetings. Tips for Committee members were reviewed based on ex-parte contacts, recognizing the conflict of interest, and being independent and informed about decision-making processes.

The Planning Advisory Committee thanked Mr. Gopen for the very detailed presentation and for how the process of the Planning Advisory Committee worked. It was greatly appreciated how prepared the staff is to support the PAC.

2. Planning Advisory Committee Updating Rules of Operation, PAC230303

Clerk Nopper provided a report to the Planning Advisory Committee regarding changes to the Operating Rules and Procedures for the PAC. It was highlighted that Section 33, Regular Meetings, of the Operating Rules should include a Land Recognition for the Peskotomohukati Nation at Skutik and the addition of Terms and Conditions. In addition, Land Recognition should also be added to Section 34 for Special Meetings. Clerk Nopper focused the Committee on the discussion around mailouts to the newly incorporated areas of Bayside and Chamcook under Section 37. There are concerns regarding the 100 m mailout process in these new areas due to the rural nature of the areas. It was suggested that the PAC review mailouts based on distance, a hybrid of distance and households, or just households. A recommendation by staff would be to have at least 15 households mailed out within a 500 m or 1000 m radius to allow for a good geographical radius and more options for review by the public.

The Planning Advisory Committee noted they would amend the current motion to include the new mailout regulations. The discussion was based on the 15 residential properties and the 1000 m radius. PAC noted that at minimum 15 residential properties need

to be provided with a letter but all properties in that radius, with or without residential properties should be notified. Clerk Nopper noted that the average amount of PAC letters that have gone out are averaged to 30 properties but can vary depending on location. The Committee had a consensus on 15 residential properties, a 1000 m radius, and that all property owners in that radius receive a letter even if there is no residential property on the land.

Motion: 012 - 03/23

Moved By Councillor Harland

Seconded By Vice Chair Cross

That the Planning Advisory Committee of the Town of Saint Andrews amends the Rules of Operation & Procedures Planning Advisory Committee to add the following changes:

- 1. Adding to Section 33 – Terms and Conditions.*
- 2. Adding to Section 33 – Land Recognition.*
- 3. Adding to Section 34 – Land Recognition.*

Amended

Motion: 013 - 03/23

Moved By Councillor Harland

Seconded By Vice Chair Cross

Wards of Bayside and Chamcook. Property owners within 1000 m, with a minimum of 15 residential properties, within the radius 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.

5 – 0

Carried

Motion: 014 - 03/23

Moved By Councillor Harland

Seconded By Vice Chair Cross

That the Planning Advisory Committee of the Town of Saint Andrews amends the Rules of Operation and Procedures Planning Advisory Committee to add the following changes:

- 1. Adding to Section 33 - Terms and Conditions.*
- 2. Adding to Section 33 - Land Recognition.*
- 3. Adding to Section 34 - Land Recognition.*
- 4. Adding to Section 37 – Wards of Bayside and Chamcook. Property owners within 1000 m, with a minimum of 15 residential properties, within the radius 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.*

5 – 0

Carried

2. ZONING APPLICATIONS

3. VARIANCE APPLICATIONS

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

F. NEW BUSINESS

G. PAC MEMBER COMMENTS

PAC Simmonds -Wanted to welcome Jeremiah Kerr and John Tanner to the Planning Advisory Committee and look forward to working with you.

H. CLOSED ITEMS

I. ADJOURNMENT

Motion: 015 - 03/23

Moved By Chair Stewart

At 8:46 p.m. that the meeting be adjourned.

Carried

Jill Stewart, Chair

Paul Nopper, Clerk - Senior
Administrator



TOWN OF SAINT ANDREWS

Planning Advisory Committee

Chair: Jill Stewart

May 17, 2023 Planning Advisory Committee

Reference Number	Date	Submitted By	Subject
PAC230503	May 11, 2023	Jill Stewart	Amendment MP20-07 to the Town of Saint Andrews Municipal Plan MP20-01, Rose Lane, PID 01325505, Henry Hansen
Background	<p>The Town of Saint Andrews has received an Amendment request to the Municipal Plan MP20-01. Henry Hansen, PID 01325505, at Rose Lane, is seeking to remove the Residential Growth Area, from the Generalized Future Land Use Map, to develop a 1-lot subdivision. Please see the attached background Planning report for details.</p> <p>Council is seeking to obtain the views of the Planning Advisory Committee as it pertains to this file.</p>		
Action	<p>Motion:</p> <p><i>That the Planning Advisory Committee for the Town of Saint Andrews provides the following views on Amendment MP20-07 to the Town of Saint Andrews Municipal Plan MP20-01, Rose Lane, PID 01325505, for Henry Hansen:</i></p> <p>Moved by: _____</p> <p>Seconded by: _____ Motion Carried: _____</p> <p>Motion Defeated: _____</p>		

BY-LAW NO. MP20-07

**A BY-LAW TO AMEND BY-LAW NO. MP20-01, BEING A MUNICIPAL
PLAN BY-LAW FOR THE TOWN OF SAINT ANDREWS**

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

- 1. By-Law No. MP20-01, the Municipal Plan By-Law for the Town of Saint Andrews, is amended by removing the portion of the ‘Residential Growth Area’ designation as shown on the Generalized Future Land Use Map attached to the said By-Law as Schedule “A” thereof for the lands shown on Schedule “1” attached hereto.

Read the First Time this	17th day of	April,	2023
Public Hearing of Objections	____ day of	_____,	20____
Read the Second Time this	____ day of	_____,	20____
Read the Third Time this	____ day of	_____,	20____

Brad Henderson, Mayor

Paul Nopper, Clerk – Senior Administrator

I, **Paul Nopper**, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Town Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Town Clerk of the Town of Saint Andrews, a municipal corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Sections 110, 111, and 117 of the *Community Planning Act* have been complied with in respect to By-Law No. MP20-07, A By-Law to amend By-Law No. MP20-01, Being the Municipal Plan By-Law for the Town of Saint Andrews.
3. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town
of Saint Andrews, in the County of
Charlotte and Province of New
Brunswick, this ____ day of
_____, 20 ____

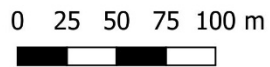
COMMISSIONER OF OATHS

Paul Nopper, Clerk – Senior Administrator

BY-LAW NO. MP20-07
Schedule “A”



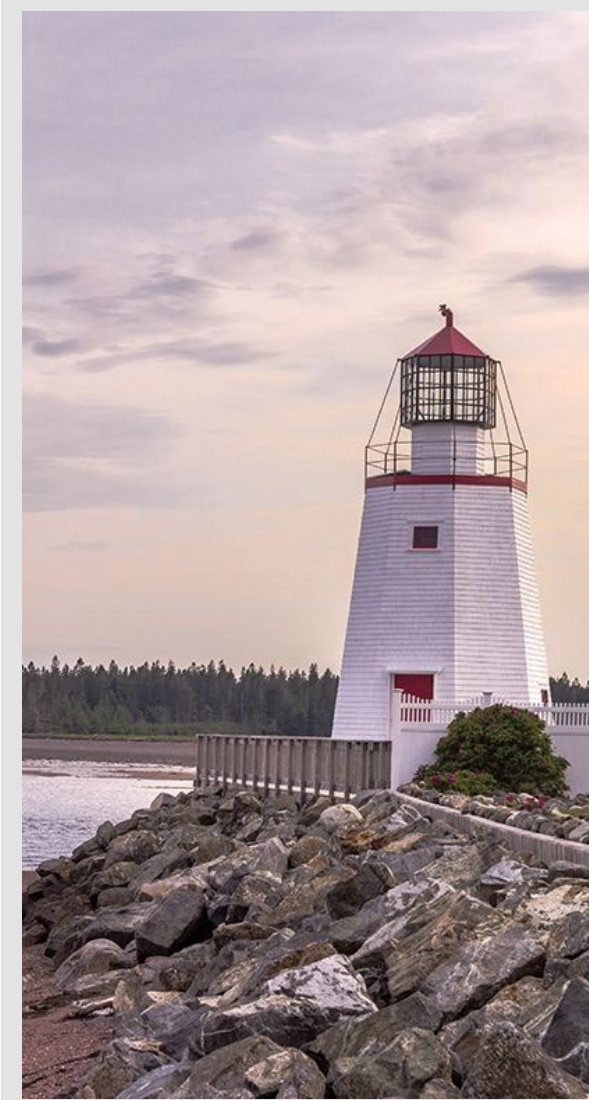
Future Land Use Designation
Residential
Institutional
Residential Growth Area



MP20-07 Public Presentation

Xander Gopen, MCIP, RPP

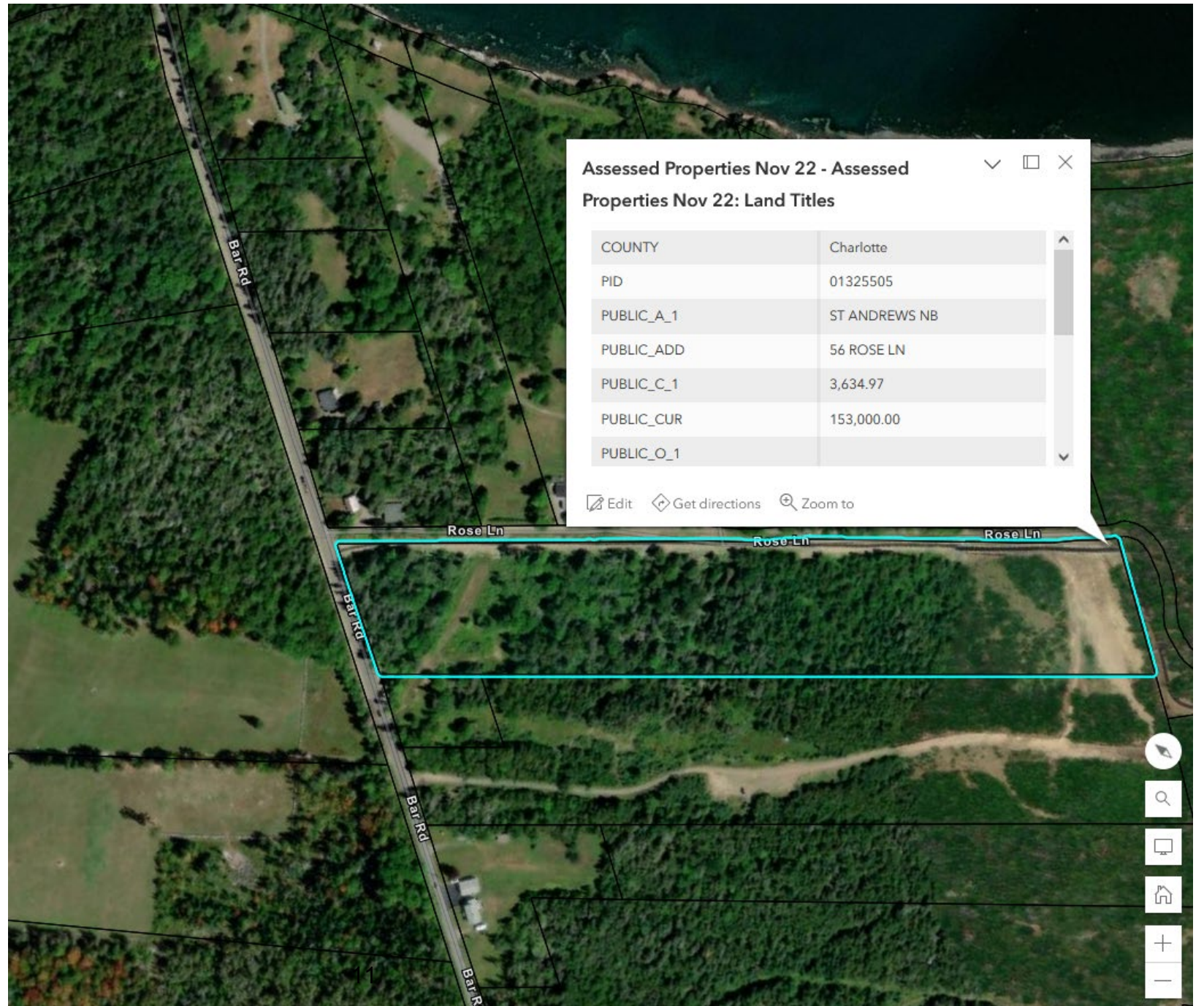
Senior Planner, SNBSC



Background

- PID 01325505 is unserviced 13.5 acre lot abutting Bar Rd. and Rose Ln.
- Estate Residential (ER) Zone currently
 - Allows for proposed subdivision
- MP20-01 requires rezoning to High Density Multiple Residential (MR-2) Zone in Residential Growth Area (includes subject property)
- Applicant seeks amendment (MP20-07) to Municipal Plan MP20-01 to allow for a 1-lot subdivision to be used for a use allowed in the ER Zone
- New lot and remainder would have frontage on Bar Rd.

Aerial



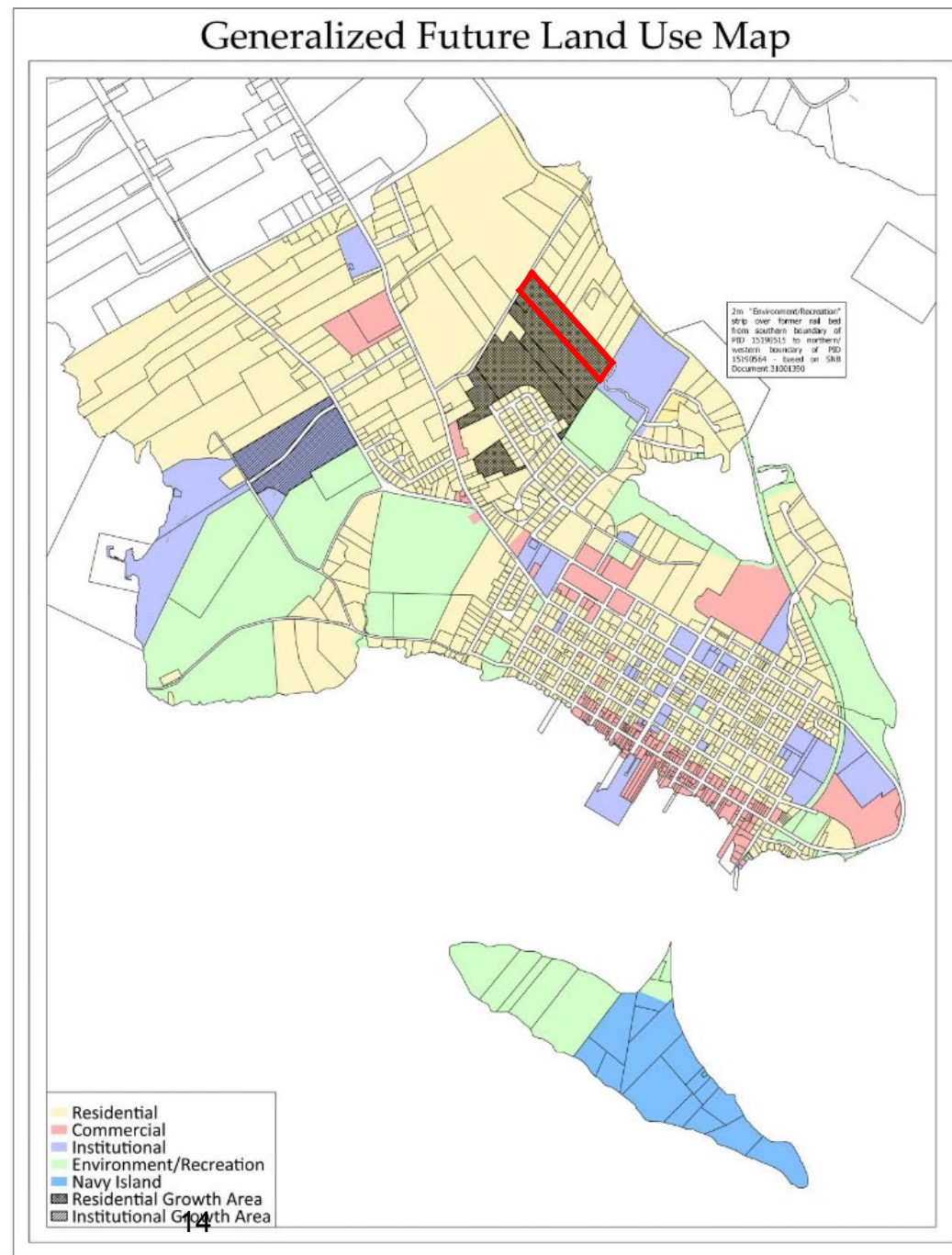
Street View



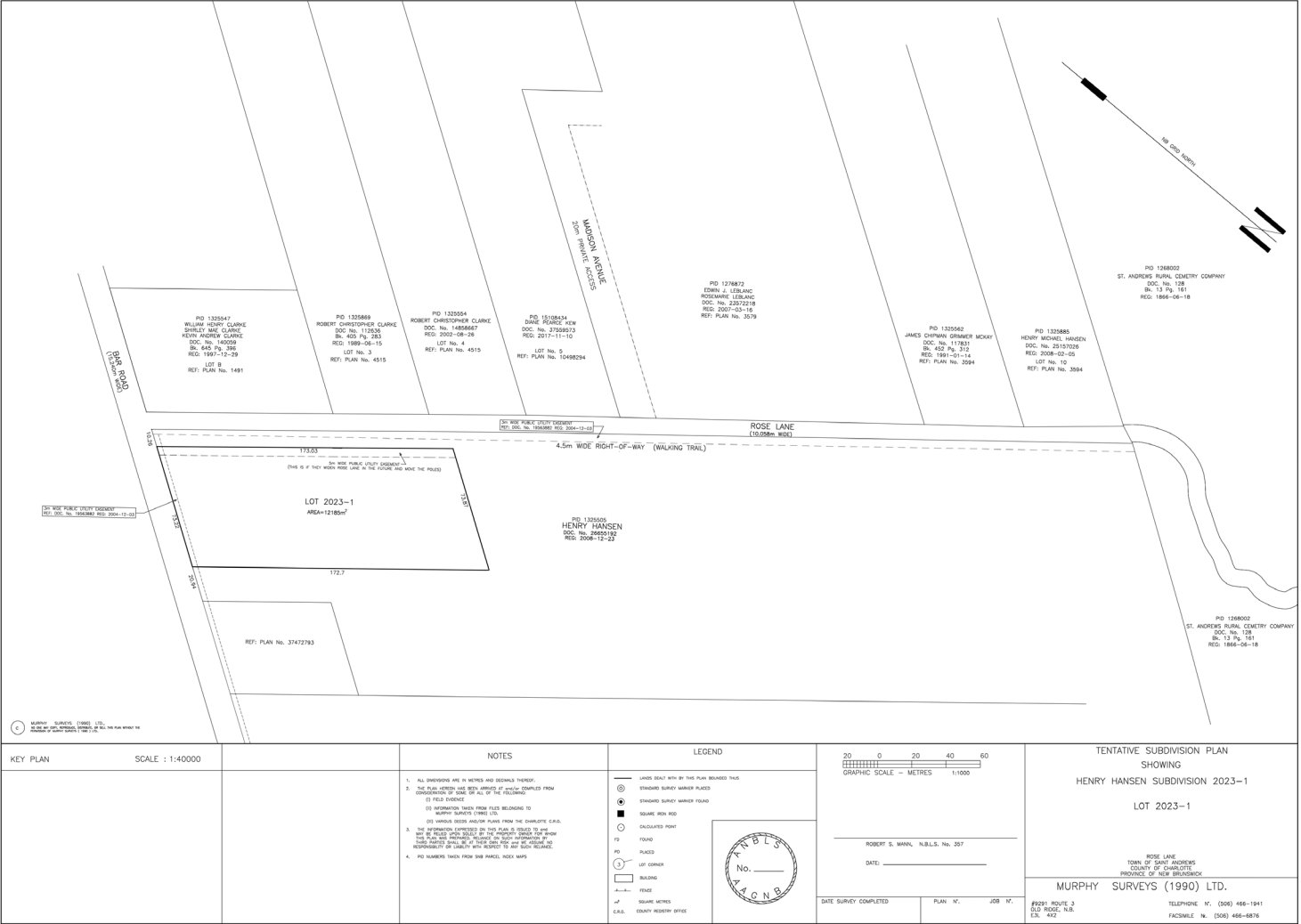
Zoning



Generalized Future Land Use Map (Municipal Plan)



Site Plan



MP20-07 Schedule A

BY-LAW NO. MP20-07 Schedule "A"



Future Land Use Designation
✕✕ Residential Growth Area
Residential

0 10 20 30 40 50 m



Municipal Plan Policies

2.4.2 General Land Use and Development Policies

(3) Council shall restrict types of development in designated growth areas as shown on the Generalized Future Land Use Map (Schedule B) if it has the potential to limit the full desired development envisaged by the Municipal Plan.

2.8.3 Housing Proposals

(3) It is proposed that Council develop additional land for housing in the Designated Residential Growth Area (as identified in Schedule B), in partnership with other levels of government, landowners, or private developers, prioritizing affordable rental units and multi-family housing.

(4) It is proposed that any development in the Designated Residential Growth Area (as identified in Schedule B) is subject to Section 59 of the *Community Planning Act*, re-zoning to the High Density Multiple Residential “MR2” Zone including a servicing agreement and a site-plan showing adequate measures to create a high-quality image for the Town and appropriate integration with adjacent land uses and incorporating green space and active transportation corridors.

Discussion

- Amendment would not compromise overall intent of Residential Growth Area
 - Still potential for future higher-density development
 - Space left adjacent to Rose Ln. for expansion of Right of Way
- Future development on remainder PID still regulated by Residential Growth Area
 - Development Scheme By-law would assist private developers in aligning plans with Town goals

Town of Saint Andrews

Planning Report

To: Council

From: Xander Gopen, MCIP, RPP (NB)
Southwest New Brunswick Service Commission

Date: March 27, 2023

Property: PID 01325505, Rose Lane.

Owners: Henry Hansen

Applicant: Same

Zoning By-law: Z22-01, ER (Estate Residential) Zone

Municipal Plan: MP20-01 – Residential Growth Area

Summary: The applicant is seeking an amendment to MP20-01 (proposed by-law MP20-06) to allow for a 1-lot subdivision.

Background:

PID 01325505 is an unserviced 13.5 acre lot abutting Bar Rd. and Rose Lane. It is in the Estate Residential zone but is in a Designated Residential Growth Area under the Municipal Plan. Over the years, many development concepts and subdivision plans for this PID have been presented. Most recently, municipal staff discussed the issues involved with subdivisions off Rose Lane at the regular December meeting of Council. At that meeting Council expressed no desire to commit to extending public roads or services to facilitate development on PID 01325505.

Numerous discussions with the applicant and their agents occurred prior to the submission of the attached site plan on March 26 for a 1-lot that would remain in the Estate Residential zone. As it has sufficient frontage on Bar Rd., the issues with Rose Ln. are not relevant.

Municipal Plan:

2.4.2 General Land Use and Development Policies

(3) Council shall restrict types of development in designated growth areas as shown on the Generalized Future Land Use Map (Schedule B) if it has the potential to limit the full desired development envisaged by the Municipal Plan.

2.8.3 Housing Proposals

(3) It is proposed that Council develop additional land for housing in the Designated Residential Growth Area

(as identified in Schedule B), in partnership with other levels of government, landowners, or private developers, prioritizing affordable rental units and multi-family housing.

(4) It is proposed that any development in the Designated Residential Growth Area (as identified in Schedule B) is subject to Section 59 of the *Community Planning Act*, re-zoning to the High Density Multiple Residential “MR2” Zone including a servicing agreement and a site-plan showing adequate measures to create a high-quality image for the Town and appropriate integration with adjacent land uses and incorporating green space and active transportation corridors.

Planners note: An amendment is required to remove PID 01325505 from the Designated Residential Growth Area

Discussion:

Staff’s opinion is that while this amendment removes a portion of the Residential Growth Area designation, it does not compromise the overall intent of the designated area and will not hinder future higher-density residential uses for the remaining designated area. The remainder lot will become a flag lot and need a frontage variance for the portion on Bar Rd. Sufficient space has been left to widen Rose Ln., but until the Town commits to taking over that portion, Rose Ln. cannot be considered a public street.

Further development on PID 01325505 should still be regulated under the municipal plan as a Designated Residential Growth area. To make it more straightforward and desirable for developers to work with land in the growth area, Council could consider using a Development Scheme By-law to lay out a plan for the entirety of the growth area that integrates with adjacent land uses and connects logically and efficiently to other areas of Town. This could be phased with buildouts based on servicing plans and available infrastructure – see attachment 6 for a concept plan.

Recommendation:

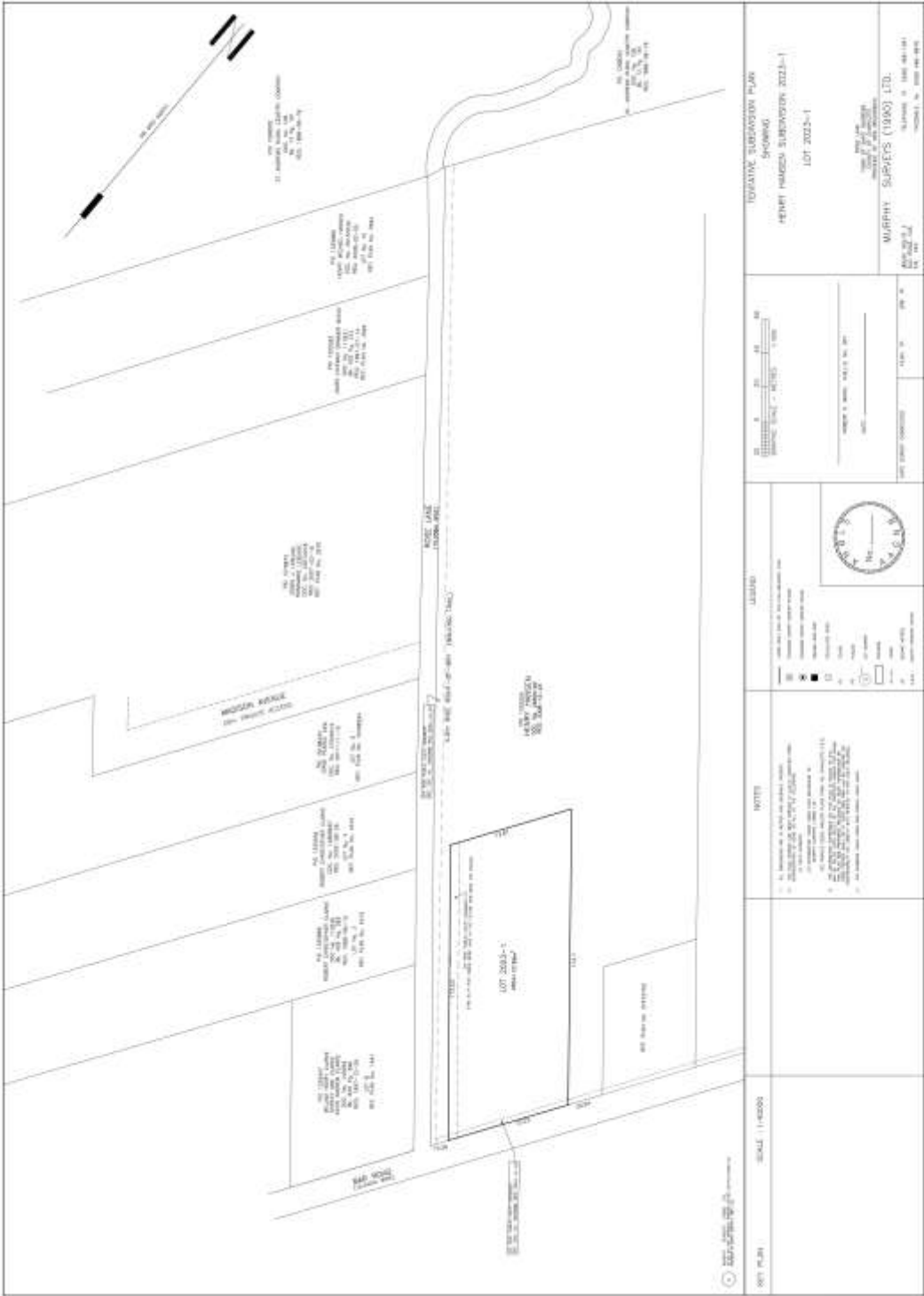
Staff recommends that Council begins the process to amend MP20-01 to allow for a 1-lot subdivision on PID 01325505 by giving first reading to proposed by-law MP2-07 and setting a date for a public presentation.



Xander Gopen, MCIP, RPP(NB)
Senior Planner

Attachments:

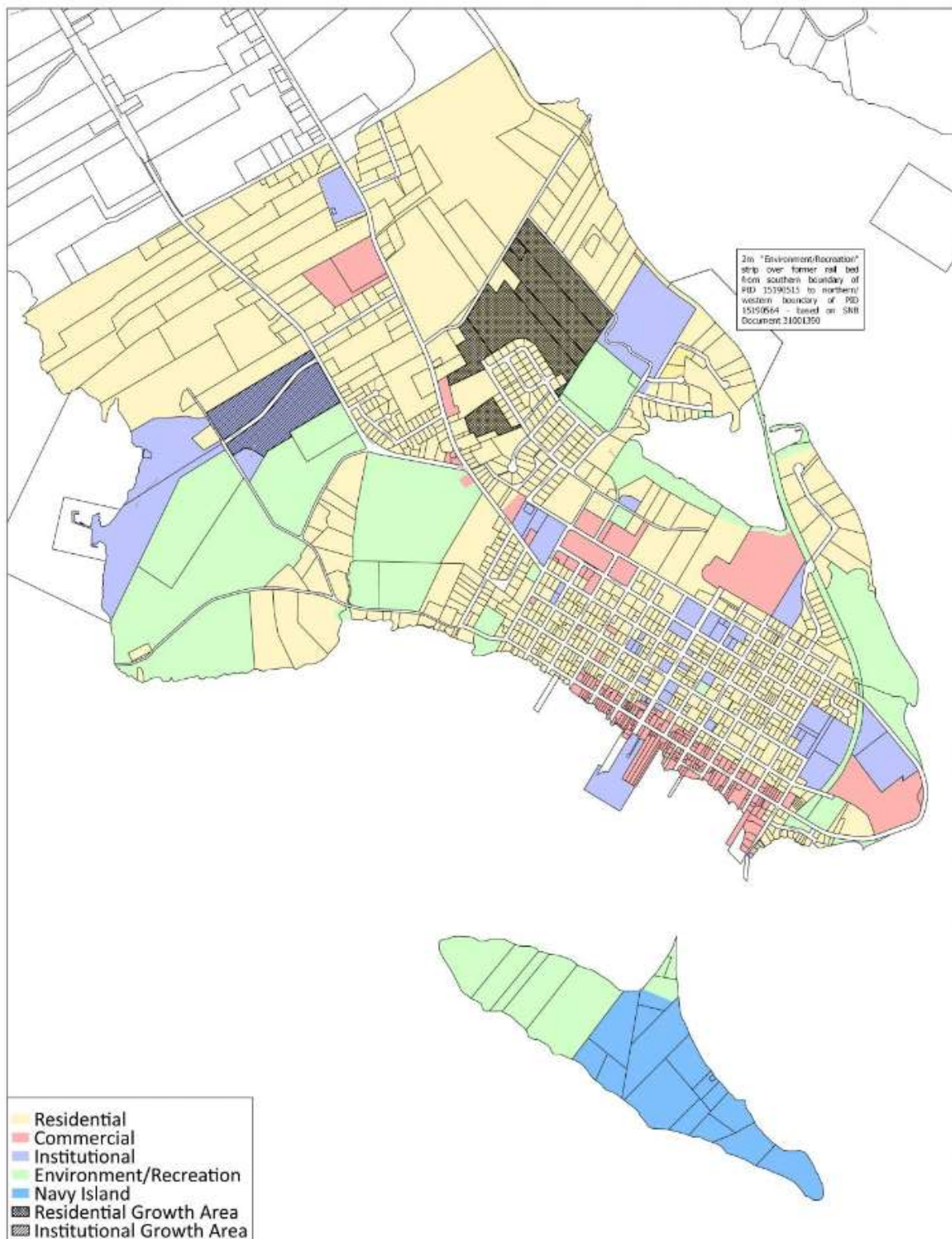
1. Site Plan
2. Aerial imagery
3. Site photo
4. Municipal Plan Map
5. Zoning Map
6. SNBSC Concept Plan
7. CAO Report – November 30, 2022

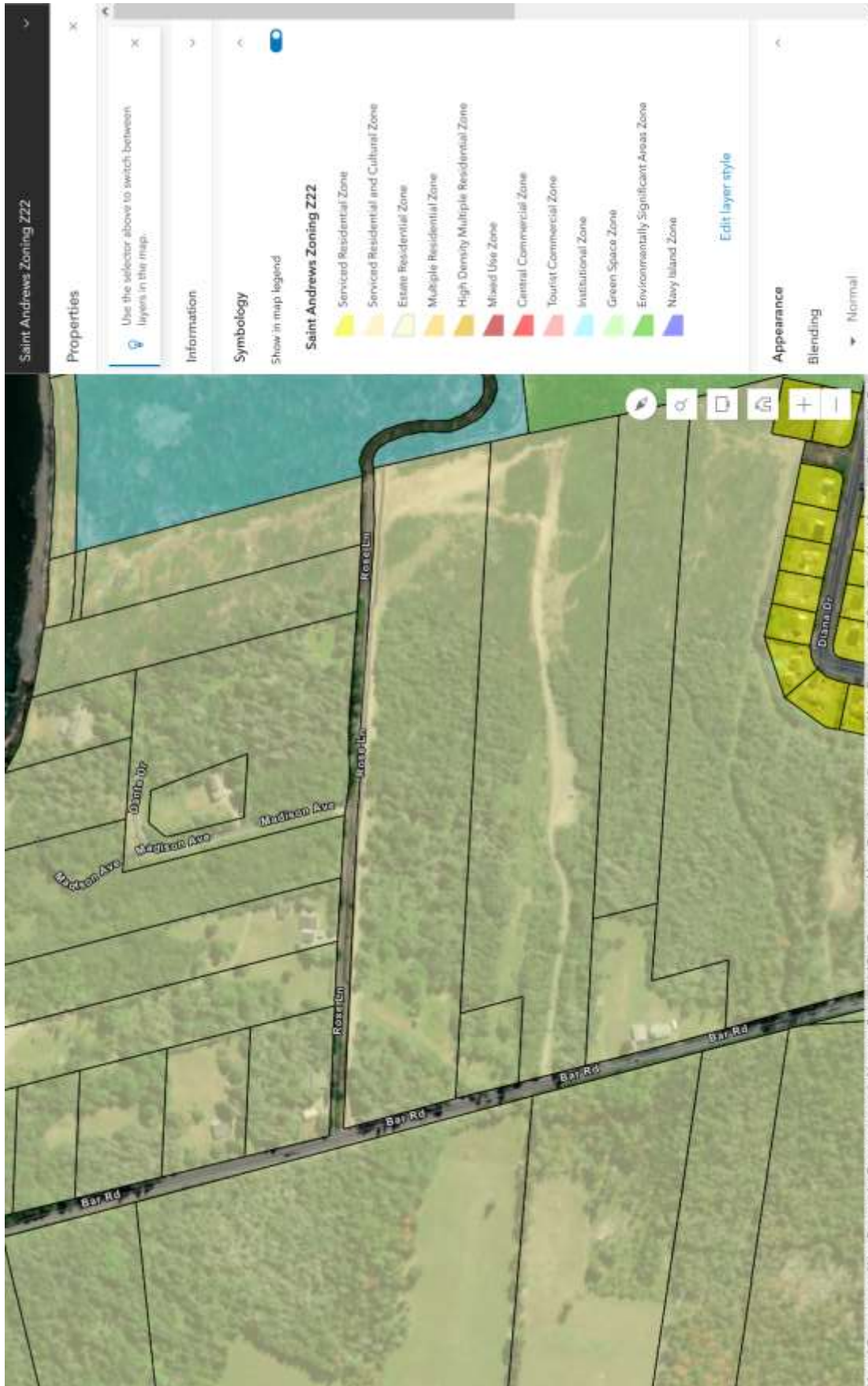


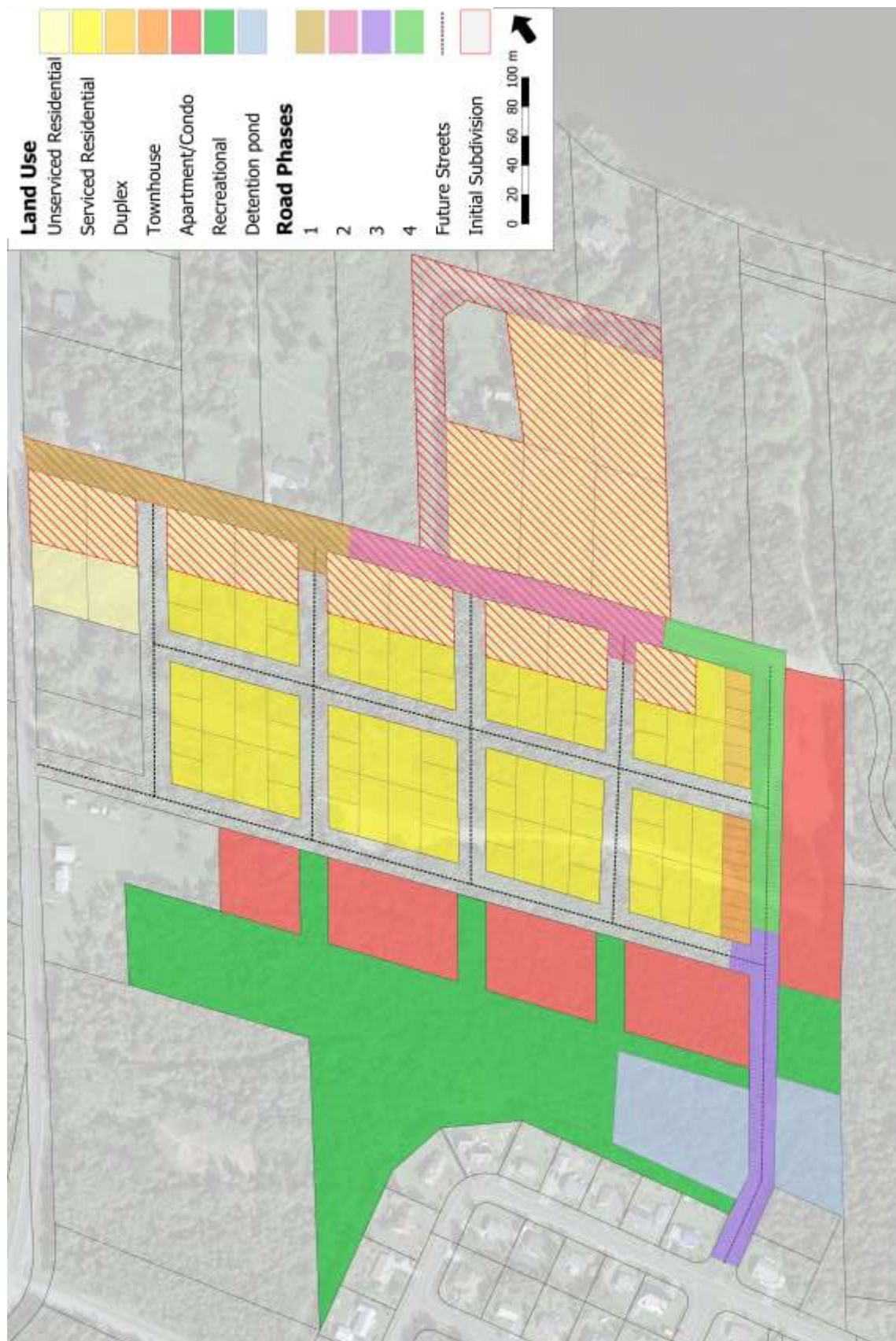




Generalized Future Land Use Map









TOWN OF SAINT ANDREWS

BACKGROUND STAFF REPORT

From:	Chris Spear, CAO/Treasurer	Register #:	PED221206
Subject	Rose Lane Upgrade Request	Date:	November 30, 2022

Council,

We received a letter from Mr. Edward LeBlanc regarding approval for a subdivision of property along Rose Lane. This has come up before, but I would like to give a high-level overview and possible solutions.

CHALLENGES

- Rose Lane is approximately 600m in length with a width of 13 m, which does not meet present-day standards for municipal streets.
- There were 2 major landholders at the time the Town took it over in the late 1960s, Mr. Leblanc and Mrs. Hansen.
- There are several issues for development in that area including undersized roads, a single entry/exit, and stormwater issues.

ROAD GUIDELINES

- Following best practices, the Town has followed the Department of Transportation and Infrastructure's guidelines for the new construction of roads. This is based on national standards.
- The recommended width (total easement) is 24m. 20m easements apply mostly across Saint Andrews today.
- A road serviced by a cul-de-sac may not exceed 200m, which would end at Mr. Rober Clark's property at 16 Rose Lane and not reach Mr. LeBlanc's property.
- Mr. LeBlanc, Mr. Hansen, and other property owners would likely have to give up land for a cul-de-sac and wider road surfaces.
- If Rose Lane was widened and more lots were developed, the subdivision guidelines would require a second means of egress to avoid an overly long cul-de-sac, a dead end, which would be unadvisable from a transportation planning, public work, and emergency services perspective.

STORMWATER

- As of today, there is a ditching system that services the properties there. The problem, it currently is directed to private property, and the water heads towards the beach on an unknown path.
- If the area was to be further developed, an engineering Stormwater Management Plan would have to be designed to assure the proper discharge of stormwater.



TOWN OF SAINT ANDREWS

BY-LAW NO. 69, SUBDIVISION BY-LAW

Section 3.2 Where entry will be gained to a subdivision by means of an existing street or other access, by whomever owned, the person seeking approval of the plan of such subdivision shall make provision to bring the existing access to the same standard as is required for streets within the proposed subdivision.

- It is currently written within our By-Law, and Section 75 of the *Community Planning Act*, that it is up to the developer to bring the road up to the standards, not the Municipality.
- This prohibits the Regional Service Commission from approving any plan until the road is brought up to Municipal standards for a subdivision, (or at least there is a commitment to do so on paper). A future commitment can include entering into a Subdivision Agreement with a developer to upgrade a road in phases. This would also need to be done in conjunction with the Town making/approving a Subdivision Plan that lays out an interconnecting grid of future streets (unbuilt legal right of ways) to avoid permanently making Rose Lane an overly-long, dead-end cul-de-sac.

PLANNING CONSIDERATIONS

- It needs to be noted that Rose Lane is on the very edge of the "Residential Growth Area" of the Town. As witnessed more recently, potential homeowners prefer to be closer to the downtown than not. There will be a significant investment needed to complete the earlier discussed work. To justify any Council investment, we should be assured there will be tangible projects coming forward.

MOVING FORWARD

- As discussed earlier, a cul-de-sac could be put partway down the road to meet the obligation and potentially allow more development from Bar Road to that point.
- The road would need to be significantly upgraded which may require property owners to give up land to accommodate this.
- The Planners have also reviewed this and recommended we discuss a long-term plan to address the challenges. It may also be beneficial to connect Diana Drive with Rose Lane and add it as a future street that would be part of a larger residential Development Scheme. However, that should be in partnership with developers.
- Staff recommends a letter be forwarded to Mr. LeBlanc outlining the regulations and challenges. If he would like to bring a proposal forward, Council would entertain that.
- Staff would also recommend any engineering estimates needed would also be borne by the proponent.



TOWN OF SAINT ANDREWS

Planning Advisory Committee

Chair: Jill Stewart

May 17, 2023 Planning Advisory Committee

Reference Number	Date	Submitted By	Subject
PAC230502	May 17, 2023	Jill Stewart	Terms and Conditions Application for 228 Montague Street, PID 01320787, James Geneau
Background	The Town of Saint Andrews has received a Terms and Conditions Application for 228 Montague Street, PID 01320787, James Geneau, for a portion of an 8-ft. wooden fence to be located in the flankage yard of the property. Please see the attached background Planning report for details.		
Action	<p>Motion:</p> <p><i>That the Planning Advisory Committee for the Town of Saint Andrews sets the following Terms and Conditions for an 8-ft. wooden fence to be located in the flankage yard for the property 228 Montague Street, PID 01320787, James Geneau:</i></p> <ol style="list-style-type: none"><i>1. The applicant shall ensure that no municipal infrastructure is damaged during fence installation.</i><i>2. The fence shall be built with 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.</i><i>3. No fence shall be electrified or incorporate barbed wire or other sharp dangerous materials in its construction.</i> <p>Moved by: _____</p> <p>Seconded by: _____ Motion Carried: _____</p> <p>Motion Defeated: _____</p>		

Re: Fence

Paul Nopper <pnopper@townofstandrews.ca>

Mon 5/8/2023 9:27 AM

To: PETER HIGSON <peterhigson@rogers.com>; Qi Vivian Peng <qi.peng@snbsc.ca>

Good Morning Peter

RECEIVED

Cor 230528
MAY - 8 2023

**Town of
Saint Andrews**

There are provisions in the Zoning By-Law that allow Flankage Yard or Side Yard fencing to go to a maximum of 8 ft. tall. This can

"FLANKAGE YARD"

Means the side yard of a corner lot, which abuts a street, and "required flankage yard" or "minimum flankage yard," means the minimum side yard required by this By-law where the yard abuts a street.

"SIDE YARD"

Means a yard extending between the front yard and the rear yard between a side lot line and the nearest main wall of any building on the lot; and 'required side yard' or 'minimum side yard' means the minimum distance required by this By-law between a side lot line and the nearest main wall of any building or structure on the lot.

3.21 Fences

(1) Subject to Section 3.12, a fence may be constructed, or a hedge may be planted at a distance of at least 1 m (3.3 ft) from a property line.

(2) Notwithstanding any other provision of this By-law, a fence may be placed or located in any required yard, however:

(a) Except for a security fence of chain link construction in any Commercial or Institutional Zone, no fence located within the required front and flankage yard shall exceed 2 m (6.6 ft) in height.

(b) No fence shall exceed in height:

(i) 1.82 m (6 ft) within the NI (Navy Island) Zone;

(ii) 2 m (6.6 ft) in any Residential zone; or

(iii) 2.5 m (8.2 ft) in any other zone.

(c) No fence in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.

(3) Notwithstanding section 3.21(2), a fence located within the front yard or flankage yard of any property in a Residential zone exceeding 1 m (3.3 feet) in height shall be subject to such terms and conditions as the Planning Advisory Committee considers necessary.

(4) Notwithstanding section 3.21(2), any fence located within the front yard or flankage yard of any property within the Town plat & environs and Historic Business District shall be subject to the Secondary Municipal Plan.

(5) Notwithstanding 3.21(2)(b), a fence of up to 2.5 m (8.2 ft) may be placed in a side yard or rear yard if it meets the following specifications:

(a) is metal, with a square grid pattern of openings no less than 2"x 2" (5.1 cm x 5.1 cm);

and

(b) may be uncoated or coated with black or dark green vinyl with fenceposts of the same colour.

(c) an existing fence meeting the specifications of 3.21(2)(b)(ii) may be extended vertically with vertical supports the same colour as the existing fence and horizontal metal wires spaced no less than 6" (15.3 cm) apart extending no more than 18" (45.7 cm) from the existing fence.

As this is a Side Yard/Flankage Yard, there are provisions that the height of the fence can be at 8 ft. with terms and conditions. If you are noting fencing for your own property, then as long as you are meeting the terms and conditions associated with the Zoning By-Law and what PAC allows, then you can have an 8 ft. fence.

If you need further clarification, please let me know.

Have a great day.

Paul Nopper
Clerk - Senior Administrator
Town of Saint Andrews
P: (506) 529-5120
E: pnopper@townofstandrews.ca

Any correspondence with employees, agents or elected officials of the Town of Saint Andrews may be subject to disclosure under the provisions of the Right to Information and Protection of Privacy Act of the Province of New Brunswick.

From: PETER HIGSON <peterhigson@rogers.com>
Sent: Sunday, May 7, 2023 6:19 PM
To: Paul Nopper <pnopper@townofstandrews.ca>
Subject: Fence

Sorry Paul please disregard the previous email , I got a bit ahead of myself. Regarding the notice for PAC and the fence at 228. Montague. I wondered if this 8 ft is an allowable height for the fence in this area. I always thought 6 ft was the height. If 8ft is allowed then are we able to use this height for garden protection and privacy?

[Sent from Rogers Yahoo Mail on Android](#)

PAC
Planning Report

To: Planning Advisory Committee (PAC)

From: Qi (Vivian) Peng, MEM
Southwest New Brunswick Service Commission

Supervised by:
Xander Gopen, MCIP, RPP

Date: May 3, 2023

Property: 228 Montague Street, Saint Andrews
PID 01320787

Owner: James Geneau

Applicant: Harbour Town Builders

Zoning By-law: *Town of Saint Andrews Zoning By-law Z22-01*

Zone: Serviced Residential (SR) Zone & Town Plat

Summary: This is an application to apply terms and conditions to a portion of an 8-ft fence located within the flankage yard;

Background:

The subject lot is located at the corner of Montague Street and Frederick Street. It is currently used for a single-family dwelling – a local historic place known as the Chase Residence. The owners have been renovating the building during the past year. Now the owners want to erect a perimeter fence in the rear yard to partially replace a chain-link fence that was shared with 108 Frederick Street to the back of the lot. The new fence will still be shared by the 2 properties. A small portion of the fence will be located in the flankage yard in order to enclose and screen an existing heat pump unit at the corner of the house (Attachment C). The contractor has confirmed that there is no alternative route for the fence, therefore that portion of the fence must intrude into the flankage yard.

The fence is made of hemlock in a style that is consistent with the heritage character of the house and will be 8 feet tall. Development Office has issued a variance of 1.4 feet on fence height.

As per section 3.21 (3) of the Zoning By-law, a fence located within the front and flankage yard of any property in a residential zone exceeding 1 m (3.3 feet) in height shall be subject to such terms and conditions as the Planning Advisory Committee considers necessary.

Planning Comments:

The *Saint Andrews Secondary Municipal Plan By-law MP 20-02* states that:

“3.6.2 Best Practices

When delineating property boundaries, either with plantings or fencing, the highest quality materials should be selected.”

Consultation

Town Public Works has no infrastructure concern regarding fence installation.

A mailout has been sent to properties within 100 metres of the subject property.

The 2 immediate neighbours had provided written support of the new fence.

Discussion

In a residential zone, a fence over 1 m (3.3 feet) in height is subject to terms and conditions when located within the flankage yard.

Section 2.3 (3) of the *Town of Saint Andrews Zoning By-law Z22-01* provides guidelines for PAC when considering such terms and conditions, stating:

“Terms and conditions so imposed shall be limited to those considered necessary by the Planning Advisory Committee to protect: (a) properties within the zone or in abutting zones; (b) the health, safety and welfare of the general public; and (c) the integrity of the objectives and policies established in the Municipal Development Plan.”

The applicant has submitted design concepts (Attachment D) that shows proof that the proposed hemlock fence is consistent with the heritage characteristics of the Chase Residence and would be considered desirable for the development of the property.

Since the fence will be located in Town Plat and be highly visible, it is recommended that the fence should be built with high quality materials as presented in the Development Permit Application and the fence should be kept in a decent condition at all times without becoming a

safety hazard or an unsightly structure. Section 3.21 (2) (c) regarding the prohibition of electrified fence and fence with barbed wire or other sharp dangerous material also applies.

Recommendation:

Staff recommends the Planning Advisory Committee (PAC) of the Town of Saint Andrews apply the following terms and conditions to the proposed fence located in the flankage yard:

1. The applicant shall ensure that no municipal infrastructure is damaged during fence installation.
2. The fence shall be built with 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.



Qi (Vivian) Peng, MEM

Junior Planner, Southwest New Brunswick Service Commission

Overseen by:



Xander Gopen, MCIP, RPP.

Senior Planner, Southwest New Brunswick Service Commission

Attachment A: Zoning Map

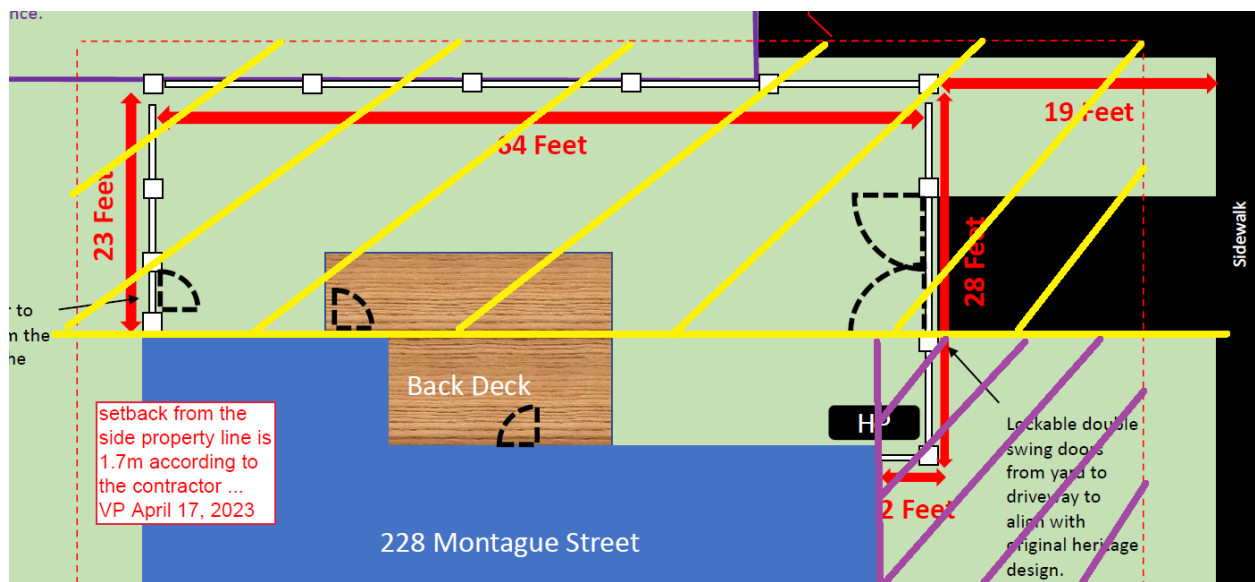


Attachment B: Site photos

-view from Frederick Street



Attachment C: Site Plan



Yellow shaded area – rear yard

Purple shaded area – flankage yard

Attachment D: fencing design concept (see attached)