



TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES

September 20, 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, September 20, 2023, at 7:00 p.m. the following members were present:

Chair Jill Stewart, Vice Chair Jeff Cross, PAC Members Jeremiah Kerr, Kevin Simmonds, and Councillor Annette Harland.

Electronic - PAC Member John Tanner.

Paul Nopper, Clerk - Senior Administrator and Alex Henderson, Director of Planning, Southwest New Brunswick Service Commission.

Absent - PAC Member Dwight Ingalls.

B. APPROVAL OF AGENDA

Motion: 043 - 09/23

Moved By Councillor Harland

Seconded By PAC Kerr

That the Agenda for the 230920 Planning Advisory Committee Meeting on Wednesday, September 20, 2023, be approved as presented.

Amended

Motion: 044 - 09/23

Moved By Councillor Harland

Seconded By PAC Kerr

That the Planning Advisory Committee Amends the Agenda to move 79 Rankine Mill Road to the start of the Agenda to accommodate the Planner's schedule.

5 – 0

Carried

Motion: 045 - 09/23

Moved By PAC Kerr

Seconded By PAC Cross

That the Amended Agenda for the 230920 Planning Advisory Committee Meeting on Wednesday, September 20, 2023, be approved as presented.

5 – 0

Carried

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

D. DECLARATION OF CONFLICT OF INTEREST

E. CONFIRMATION OF MINUTES

1. **Minutes of the 230816 Planning Advisory Committee Meeting for Wednesday, August 16, 2023, 7:00 p.m.**

Motion: 046 - 09/23

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Minutes of the 230816 Planning Advisory Committee for Wednesday, August 16, 2023, be adopted.

5 – 0

Carried

F. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS

2. ZONING APPLICATIONS

3. VARIANCE APPLICATIONS

1. **Variance Application 79 Rankine Mill Road, Ryan Doherty, PID 01323701, PAC230906**

Director Alex Henderson provided a presentation on 79 Rankine Mill Road for Robert Doherty. The applicant is seeking to replace the existing 3-bedroom 1000 sq. ft. building with a 1200 sq. ft. building with 3 bedrooms and a 720 sq. ft. garage at one level with a basement of 1200 sq. ft. Sections 3.5.1 and 3.5.4 of the Chamcook Rural Plan are seeking to be varied. This is an existing lot on Chamcook Lake prior to the development and enforcement of the Chamcook Rural Plan. The current residential structure is considered a seasonal residence. It is in the Chamcook Watershed Zone. As this is a Watershed Zone, it is under the designation of the Clean Water Act. The Chamcook Rural Plan refers to this Act for Zoning regulations and must be followed. This is also the Town of Saint Andrews drinking water source. Any type of development will need a variance on an undersized lot. The applicant would like to put the building close to the front lot line and as it is not a road, but an easement to access, so the front line of 7 m away is not in question. A site plan was provided for review by the Planning Advisory Committee. The goal is to use the existing septic system on site. Under the Clean Water Act, there are three watershed zones that are identified, Chamcook Lake, Chamcook Lake Water Zone, and Rural Zone. The applicant is attempting to get out of the more restrictive zone for the development of the new home, which needs to be 75 m away. Pictures of the property were shown to the Planning Advisory Committee. The Southwest New Brunswick Service Commission has contacted the Department of Environment and Local Government on this file. Conditions outlined in the Planning Report would need to be followed for the build to be allowed and permits at the Municipal and Provincial levels to be issued.

The Planning Advisory Committee thanked Planner Henderson for his presentation. PAC asked if anyone knew the current age of the septic system and what the life expectancy would be. Planner Henderson noted that a plumbing inspection would need to occur before a building permit could be issued. Mr. Ryan Doherty noted that the septic was installed 20 years ago and was fully engineered for a 3-bedroom house. PAC asked if the property were to sell in the

future and a younger family were to move in and wanted more than 3 bedrooms, how would this be approached. Planner Henderson indicated that this would have to come for a variance and would also be flagged as the septic system would need to be upgraded. They cannot develop without an additional variance. There are other conditions including egresses that would need to be reviewed by the Building Inspector before the issuance of any permits. If they did not, they would be in violation of the Chamcook Rural Plan and other Acts of the Province of New Brunswick.

Motion: 047 - 09/23

Moved By PAC Simmonds

Seconded By PAC Kerr

That the Planning Advisory Committee of the Town of Saint Andrews approves the following variances and terms and conditions for 79 Rankine Mill Road, PID 01323701, for Ryan Doherty:

- 1. A proposed 1,321m² lot area reduced from the required 4,000 m².*
- 2. A proposed 27m lot width reduced from the required 54 m.*
- 3. That prior to the issuance of a building or demolition permit, that the applicant submits a building plan for a new dwelling that does not exceed the number of bedrooms that exist in the current dwelling using the septic system.*
- 4. That prior to the development of any additional bedrooms in excess of three (3) at 79 Rankine Mill Road, a copy of the approval under the Public Health Act on-site sewage disposal, and Ministerial exemption under the Clean Water Act, shall be provided to the Development Officer.*

5 – 0

Carried

2. Variance Application 62 Edward Street, Ann McIntosh PID 01318443, PAC230903

Clerk Nopper provided a report to the Planning Advisory Committee for 62 Edward Street, PID 01318443, for Ann MacIntosh seeking a variance to allow an accessory building 6 ft. from a rear property line instead of the required 10 ft. and to allow the total square footage of the accessory building to be 1,224 sq. ft. instead of the maximum 904.2 sq. ft. It was noted that the property has another 600 sq. ft. detached garage on the property and this is why there is a request for a variance above the 904.2 sq. ft. A site plan and drawings were provided to the Planning Advisory Committee for review. Municipal Plan Section 2.1.2(5) Environment and Climate Change and 2.8.2(5) Housing were reviewed. A mailout was sent within 100 m of the property and received two letters with no concerns and support for the project. It was noted that Accessory Dwelling Units are a good way to gently increase density in built up areas and allow for residents to continue living on their property. It was recommended by the Planning Staff to move forward with the variance approval.

The Planning Advisory Committee thanked Clerk Nopper for the review of the document. PAC asked that the report noted height will not be met and what that means. Clerk Nopper noted that the building will contain cathedral ceilings and no additional variance is required for the height. The ADU cannot be bigger than the main building. PAC noted that this is for a long-term rental and not a short-

term rental. Clerk Nopper noted that it is for the homeowner to remain on the premises for long-term use.

Motion: 048 - 09/23

Moved By PAC Kerr

Seconded By PAC Tanner

That the Planning Advisory Committee for the Town of Saint Andrews approves the following variances and conditions for PID 01318443, 62 Edward Street for Ann McIntosh:

1. To allow for an accessory building 6 ft. from the rear property line instead of the required 10 ft.

2. To allow the total square footage of the accessory buildings on the property to be 1,224 sq. ft.

3. Approval from Public Works is required for water and sewer hookups and a new driveway if necessary before construction begins.

4. If used as a short-term rental, complies with By-Law 23-01, Tourism Accommodation Levy By-Law.

5 – 0

Carried

4. TERMS AND CONDITIONS APPLICATION

1. Terms and Conditions Application for 29 Thomas Avenue, PID 01326263, Marie France Devaux, PAC230904

Clerk Nopper provided a presentation on the Terms and Conditions Application for 29 Thomas Avenue, PID 01326263, for Marie France Devaux to have a 5 ft. fence located within the front yard. 29 Thomas Avenue is a through lot running between Thomas Avenue and Bayview Drive. The applicant wishes to place a 5 ft. fence, black chain link, in the front yard. The proposed fence meets all other zoning standards. Town Public Works was consulted and there is a municipal storm sewer easement along the southwest property line and a structure cannot be placed on the easement. A site plan was provided for review by the Planning Advisory Committee. A mailout was sent to properties within 100 m and no feedback was received. The intent of requiring conditions for a fence over 3.3 ft. in the front yard is to ensure there is a reasonable degree of transparency. Chain link fencing meets that intention. It was recommended by the Planners to approve the Terms and Conditions as stipulated.

The Planning Advisory Committee thanked Clerk Nopper for the review of the report. PAC asked why a variance is needed as the fence is along the side of the property. Clerk Nopper noted that there is a small section of fencing that would be located in the front yard, which would require the Terms and Conditions outlined in the report. PAC cannot turn down Terms and Conditions, PAC can modify and approve as necessary. Mrs. Marie France Deveaux noted she would meet all requirements of the Zoning By-Law and any stipulations by the PAC. PAC asked Mrs. Deveaux if they had ever thought of extending the wooden fence that already existed and if was this considered. Mrs. Deveaux noted they had to look at the chain link for transparency as per the Planner's recommendation. No further comments or questions were asked.

Motion: 049 - 09/23

Moved By PAC Cross

Seconded By PAC Simmonds

That the Planning Advisory Committee for the Town of Saint Andrews approves the following terms and conditions for a 5 ft. fence in the front yard located at 29 Thomas Avenue, PID 01326263 for Marie France Devaux:

- 1. Town staff shall be alerted prior to installation of the fence to ensure the Municipal easement is maintained.*
- 2. The fence shall be placed at least 5 ft. from the southwest property line, adjacent to 35 Thomas Avenue.*

5 – 0

Carried

2. Terms and Conditions Application for 300 Montague Street, PID 01322759, Marc-Alain Mallet, PAC230905

Clerk Nopper provided an overview of the report for 300 Montague Street, PID 01322759, for Marc-Alain Mallet. The applicant is seeking a Terms and Conditions Application and a Variance Application for a 5 ft. fence located in the flankage yard and to provide a variance to allow for the fence to be closer than 1 m to the property line. It was noted that the Town of Saint Andrews has been consulted on this and has established an Encroachment Agreement with Mr. Mallet as the fence encroaches into the right-of-way of the Town. A mailout was sent out to properties within 100 m and no comments were received. The intent of requiring conditions for a fence over 3.3 ft. in the front and flankage yards is to ensure there is a reasonable degree of transparency. A chain link fence meets the intentions the Zoning By-Law. It was recommended by the Planners to approve the Terms and Conditions and the Variance request for 300 Montague Street.

The Planning Advisory Committee thanked Clerk Nopper for the review of the report. PAC asked for clarification on the placement of the fence and how it relates to the front yard and flankage yard. Clerk Nopper noted that this is a corner lot and has two frontages and this is why there needs to be the Terms and Conditions for the 5 ft. fence. PAC asked why the variance was needed. Clerk Nopper noted that the Town owns rights-of-way into most properties into the Town Plat as the Town width of roads is 60 ft. As the fence was put closer to the property line and encroaching in the right-of-way, an Encroachment Agreement was needed and a variance approval. PAC asked if a letter could be sent to Fundy Fencing about the placement of the fence and ensuring they are meeting our Zoning By-Laws. Clerk Nopper noted that we can look at this however it is also up to the homeowner to ensure that the fence is being placed in the right spot. Mr. Marc-Alain Mallet thought the letter to the fencing companies was a good idea as when they procured their services it was not discussed about ensuring following the placement of the fence. PAC asked why the chain link fences are being installed if it is a deer issue. Clerk Nopper noted that the majority of the time it is to keep the deer out. Most people are trying to protect their gardens and landscaping. No further comments and questions were provided.

Motion: 050 - 09/23

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Planning Advisory Committee of the Town of Saint Andrews approves the variance application and terms and conditions for 300 Montague Street, PID 01322759, for Marc-Alain Mallet:

1. That the fence can be located closer than 1 m from the property line.

2. A 5 ft. fence can be located within the flankage yard.

3. All aspects of the Encroachment Agreement, dated August 22, 2023, between Marc-Alain Mallet and the Town of Saint Andrews are followed.

5 – 0

Carried

5. SIGN APPLICATIONS

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

Councillor Harland - How do we follow up with PAC Simmonds's idea of providing a letter to the fencing companies about following the Zoning By-Law rules and the placement of the fences?

Chair Stewart - This is on the homeowners to ensure that the fencing is placed in the appropriate locations based on the plans and to instruct the fencing company about placement.

Councillor Harland - Could we as a PAC make a recommendation to the Regional Service Commission about reaching out.

Chair Stewart - If they do not apply for a permit then I am not sure of the course of action.

Clerk Nopper - Noted that they still need a Development Permit for a fence. If they put the fence too close to the property line, they would need to come for a variance or would have to remove the fencing and rebuild in the right area. Fence projects still need a site plan and are reviewed by the Planners. We can speak to the Planners on how to address a letter to the fencing companies.

PAC Simmonds - Since we continue to see fences built after the fact and need compliance, would it not be worthwhile for the Town to send out a mass mailout to focus on the fencing processes and rules in the community? It makes people aware of the processes.

PAC Cross - Noted that information could be added to the water bills and newsletters.

Councillor Harland - Asked if information could be put on the website for more information on fencing.

Clerk Nopper - The website is directly linked to the Southwest New Brunswick Service Commission, but we can look at putting some simple information on the site to help guide the public.

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 051 - 09/23

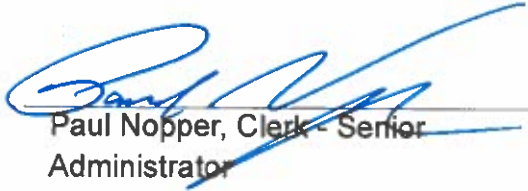
Moved By PAC Stewart

At 8:10 p.m. that the meeting be adjourned.

Carried



Jill Stewart, Chair



Paul Nopper, Clerk - Senior
Administrator

