



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

**November 8, 2023, 7:00 p.m.
W.C. O'Neill Arena Complex Council Chambers**

A. RECORD OF ATTENDANCE

At the Special Planning Advisory Committee Meeting on Wednesday, November 8, 2023, at 7:00 p.m. the following members were present:

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

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

Absent - Vice Chair Jeff Cross.

B. APPROVAL OF AGENDA

Motion: 058 - 11/23

Moved By Councillor Harland

Seconded By PAC Kerr

That the Agenda for the 231108 Special Planning Advisory Committee Meeting be approved as presented.

Amended

Motion: 059 - 11/23

Moved By PAC Simmonds

Seconded By PAC Kerr

That the Agenda be amended to move the file PAC231107 Compatible Use Cannabis Xpress 218 Water Street for Christopher Jones to be the first item discussed.

5 – 0

Carried

Motion: 060 - 11/23

Moved By Councillor Harland

Seconded By PAC Kerr

That the Amended Agenda for the 231108 Special Planning Advisory Committee Meeting 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 231018 Planning Advisory Committee Meeting of Wednesday, October 18, 2023, 7:00 p.m.**

Motion: 061 - 11/23

Moved By PAC Kerr

Seconded By PAC Tanner

That the Minutes of the 231018 Planning Advisory Committee Meeting of Wednesday, October 18, 2023, at 7:00 p.m. be adopted.

5 – 0

Carried

F. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS

1. Obtain Views of the PAC on Proposed By-Law No. 23-05, Subdivision By-Law, PAC231106

Planner Gopen provided a presentation on the proposed By-Law No. 23-05, Subdivision By-Law for the Town of Saint Andrews. Council is seeking the opinion of the Planning Advisory Committee on this By-Law. The Provincial Subdivision regulations have been in place since 1980 for Bayside and Chamcook and Saint Andrews By-Law No., 69 Subdivision has been in place since 1984. Limited to no revisions have been done. The new Municipal Plan was adopted in 2020 and noted to review the By-Law for updates and changes. With Local Governance Reform in 2023, it is appropriate to review a new By-Law for the whole new community. The current By-Law follows the 2017 Department of Transportation and Infrastructure road-building standards but does not give flexibility in designs. The proposed new By-Law would include 8% for land for public purposes, trails and connectivity to recreation, innovative green infrastructure solutions for drainage, new roads must consider active transportation, traffic calming measures on residential streets, and tree-lined streets. It was noted that the By-Law promotes more sustainable, healthy, and safe infrastructure policies as outlined in the Municipal Plan and Transportation Master Plan. It also includes green and climate change resilience infrastructure. The By-Law also complies with the new Statements of Public Interest Regulation 2023-53 from the Province of New Brunswick. All standards were presented and reviewed from arterial roads, local collectors, local streets, laneways, or other accesses. It was noted that some changes in classes and standards will be modified for approval by Council.

PAC thanked Mr. Gopen for the presentation. PAC noted that they liked the linkages to active transportation and green infrastructure. It was suggested urban forestry be looked at in future processes. PAC was happy to see that there could be fewer private roads in Town and that it is comprehensive of the amalgamation. PAC was excited to see green infrastructure being included along with climate change resilience.

Motion: 065 - 11/23

Moved By PAC Ingalls

Seconded By PAC Simmonds

That the Planning Advisory Committee for the Town of Saint Andrews provides the following views on the proposed By-Law No. 23-05, Subdivision By-Law:

That the Planning Advisory Committee has no concerns or objections to this proposed By-Law No. 23-05, Subdivision By-Law. The Committee was very supportive of the language around Active Transportation and Green Infrastructure. Less resilience on private roads is also something the Committee supports.

5 – 0

Carried

2. ZONING APPLICATIONS

1. Compatible Use Cannabis Xpress 218 Water Street PID 15163918 for Christopher Jones, PAC231107

Alexander Gopen, Senior Planner, provided a presentation to the Planning Advisory Committee regarding the similar to or compatible use variance for Cannabis Xpress at 218 Water Street, Suite C, PID 15163918, for applicant Christopher Jones. Saint Andrews was chosen by Cannabis New Brunswick for a private distribution licence for cannabis. 10 communities across New Brunswick were selected for a private licence. The business must follow all relevant Provincial Acts and Regulations, including the proper zoning within a community. Currently, a cannabis store does not have a clear allowed use in the Central Commercial Zone, but it is not explicitly prohibited. The proposed location of the business is in the rear portion of the Kennedy House. A site map of the property and visuals of the proposed location were provided to PAC for review including placement of proposed signage. Statements of Public Interest were reviewed with a focus on the service providing opportunities for adaptive reuse of buildings and opportunities for innovative and/or compact building design, where services are provided. The Municipal Plan Section 2.5.2(10) Economy noted that the Council shall monitor, and if deemed necessary, regulate cannabis retail stores. Planning staff interprets this policy as being about the proliferation of cannabis retail and not a single store (although if it was excessively large it may be relevant). External consultation noted that the Council has no desire to regulate cannabis businesses at this time except for signage. The Building Inspector noted that a building permit will be required to comply with the fire safety plans of the building. In review of the Municipality of Grand-Bay Westfield, the location of the Cannabis Xpress business is allowed use in the Central Commercial Zone and is subject to terms and conditions. No issues have been reported with the business since the start of the operation. Public consultation was noted with a 100 metre mailout and 7 letters received with 3 from the polling area. Concerns were noted over the type of business, the location of the business, compliance with other By-Laws, and concerns of a "slippery slope" of the proliferation of business. In the discussion, the Statement of Public Interest and the Municipal Plan point to retail and commercial uses in the Central Commercial Zone, that private cannabis licences are a new landscape in New Brunswick and in other communities

located in the Commercial Zones, that the application is about the use and not compliance with other By-Laws as building permit application is still required, and Council's desire to regulate is about signage. The applicant has agreed not to use a cannabis leaf on signage, the best practices of the Secondary Municipal Plan are conditional, the Zoning By-Law regulates and requires specific permits, and the Council could add additional regulations through the Municipal Plan and Zoning By-Law updates. Legal authority was listed under the Community Planning Act Section 55(1). Staff recommend the following motion, Before any signage is installed, a sign permit application is submitted and that any signs are appropriate to the character of the Historic Business District and made of durable and traditional materials (or facsimiles) in the opinion of the Development Officer. PAC can motion to approve use variances and accept staff recommendations for conditions, motion to approve use variance with modified/additional conditions, motion to table the application for more information (specify what information), or motion to reject variance and give reasoning as to why the use is not similar to or compatible with other uses allowed in the Central Commercial Zone.

The PAC thanked Planner Gopen for his presentation. PAC asked if parking was ever brought up as an issue as there is limited parking in the lot and around the community and exiting the area can be difficult due to traffic. Planner Gopen noted that the Zoning By-Law exempts parking restrictions for commercial uses. It was noted that there may be traffic flow in and out of the parking lot but there is limited information on the impacts. PAC asked about the adjacent property owner in the back and if there is a potential for a fence to be built and if that would prevent walk-through traffic. Clerk Nopper noted that the Town has spoken with the rear property owner and they are looking for a fence on the property line that would limit walkthrough traffic, however, it would not stop walkthrough traffic behind the Kennedy House as the fence would not connect to the Kennedy House. PAC asked if there are other businesses in Town with secondary businesses in the back end. Planner Gopen noted that the post office building has the Saint Andrews Brewery Company located in the back, that there is retail space behind the Dollar Store, and that the Day Adventure Centre buildings were noted. PAC asked about the hours of operation. Clerk Nopper noted that PAC should ask the applicant about the business hours. PAC asked what other communities were selected to have a private licence for cannabis retail in New Brunswick. Planner Gopen noted Blackville, Bouctouche, Caraquet, Chipman, Dalhousie, Grand-Bay Westfield, Saint Andrews, Saint-Quentin, and Salisbury. PAC asked about compatibility and what is the view or mindset of the business. Planner Gopen noted that it is not the area but the use allowed in the zone that needs to be discussed. The Central Commercial Zone allows for art and craft shops, baking shops, cultural uses, daycares, financial, government, hairdressers and barbers, health clubs, hotels, institutional uses, laundromats, personal service shops, printing, restaurants, retail, pharmacy, grocery, and bicycle sales. PAC asked about heavy industrial use in the zone. Planner Gopen noted that was not a use listed. PAC asked, similar to lounge licences, can they put a term and condition for 1 year of use with a review of how the

operation has affected the Town. Planner Gopen stated that a term and condition like that can only come under a Temporary Use Application. It was noted that Grand-Bay Westfield treats cannabis like a lounge licence. In Saint Andrews, with the recent updates to the Zoning By-Law, the Council can set terms and conditions on lounge licences. PAC asked if they could set terms and conditions on the hours of operation. Planner Gopen said yes they can set terms and conditions on operating hours. He noted that if Council wanted to further regulate cannabis businesses they could do so through the Municipal Plan and make further restrictions if they wish. PAC noted some concerns about the comparison between lounge licencing and cannabis licencing with the hours of operation. There was concern about the optics of the location in an ally. PAC debated the nuances between different business types if in the same location and how optics would be. It was noted that PAC needed to focus on land use and not optics. Clerk Nopper provided the hours of operation of the liquor store in Saint Andrews for reference. Planner Gopen also noted hours of operation would be regulated under Cannabis New Brunswick. PAC discussed the concern of traffic flow between two buildings and if they can put terms and conditions on this. Planner Gopen indicated this was a private driveway and therefore it was up to the owner to regulate it. PAC asked about lighting the exterior of the business and if this had been discussed. Planner Gopen said he had walked the property earlier in the evening and it was not super lit up beyond the current street lighting from Water Street. PAC continued to discuss the traffic flow and noted the blind spots coming out of the area around the Kennedy House deck and the parking on Water Street. It was discussed to have a convex mirror on the buildings or street poles to see walking, active transportation, and vehicular traffic. PAC asked about the concept of the "slippery slope" and if the decisions made tonight open the door for more cannabis retailers. Planner Gopen indicated that the variance tonight is about a specific location and application but that it is up to Council to add more regulations as they deem.

Questions to the Applicant

Mr. Christopher Jones provided background to PAC on his business model and his want to open Cannabis Xpress in Saint Andrews. He has a Bachelor's and Master's Degree in business. He indicated that he has 14 cannabis distribution stores in Ontario and was awarded three licences for New Brunswick through the Cannabis New Brunswick Bidding process. The locations selected are Hampton, Grand-Bay Westfield, and Saint Andrews. Currently, he has the Grand-Bay Westfield business open. He noted that the bidding process had them submit all Standard Operating Procedure documents, financial capabilities, store hours, etc. Their goal is to provide a high level of rapid service that is educational and meets all legal regulations. Mr. Jones noted that the hardest part of getting into the New Brunswick market is the availability of real estate to access and set up shop. He has been trying to set up in Saint Andrews for approximately 10 months and has had several discussions with property owners in town. Mr. Jones noted he wants to create a positive relationship with the Town and will comply with any regulations that are submitted. Their number 1 goal is customer

safety, which includes entry and exit from the business and traffic flows. The store will be small and make it convenient for rapid transactions and selection of products. Under the Cannabis New Brunswick regulations, many security features have to be installed including locked cabinets, security cameras, etc. He hopes to provide a top-class business in Saint Andrews.

PAC thanked Mr. Jones for his background. PAC asked about the hours of operation he is proposing. Mr. Jones noted his store in Grand-Bay is open 10:00 a.m. - 8:00 p.m. Monday to Saturday and 11:00 a.m. - 5:00 p.m. on Sundays. The hours have to be submitted to Cannabis New Brunswick as part of the business application process. The hope is to mimic these hours in Saint Andrews.

Public Comments

James Geneau, 228 Montague Street. I have submitted two letters and wanted to clarify something. New Brunswick and Ontario have two different systems for Cannabis licencing. Ontario allowed the rollout of private retailing. Municipalities have the opportunity to opt in or opt-out. If you opted out you could opt in later on. If you opted in you could not opt out. 77 municipalities opted out including Niagra on the Lake and Oakville. They did not want this type of retailer in their historic downtowns. Where we lived in Ontario, within a 15-minute walk 5 Cannabis retailers opened in the community. They displaced barber shops, bakeries, our favourite Thai restaurant and several other businesses. Cannabis is a highly regulated product and no one under the age of 19 can go in. This is not a typical retail store so I question why would we allow it. It has higher regulations than a casino does. I am not against Cannabis however do we want this in our community? We moved here to get away from this in Toronto. If this comes to the community we may move to Nova Scotia where it is regulated in their liquor stores instead.

Lee Wells, 225 Water Street, Drewhaven. I have invested over \$1 million dollars into the building. We have a bad parking situation here and it will be disastrous for vehicles coming in and out of the Kennedy lot. With grandmothers and kids coming out of the restaurant and people scooting in to buy Cannabis, we are taking away the values of this town. We have a Cannabis shop in St. Stephen beside the MacDonalds. Are you now going to allow this in town? Let people travel there to get their product. I am a Cannabis user for my arthritis and not against it but we should not have this in our town. I am opposed to this. Mr. Jones chose New Brunswick for his stores. Grand Bay is not Saint Andrews. Moncton is not Saint Andrews. These are cities and we are a town. With all the money invested, I do not understand how it can be approved. It floors me. Look at the troubles coming to this town; there are sirens, cars being broken into, people being dropped off on buses, regrettably so, reckless behaviour. Having it distributed next to a small school and community college is horrific. I see people in St. Stephen walking up the street smoking crack and joints in front of children and families walking pets. I hope you look at postponing until you get more information. Greed is not everything.

PAC Committee Discussion

PAC further discussed the compatible or similar use of the business in the community. PAC noted that Council can further impose rules and regulations through the Municipal Plan and Zoning By-Law. Planner Gopen noted that the Municipal Plan was approved in 2020 and a policy of monitoring and regulating the proliferation was added. Council can amend and create legally non-conforming rules but that relates to new ones beyond the one being discussed. PAC asked about other municipalities and how they regulate it. Planner Gopen noted that Grand Bay allows it in their Commercial Zone. They compare it to licenced lounges. Each community is different. PAC asked if they could put a term trial period as a term and condition. Planner Gopen noted that comes under a different variance, i.e. temporary use. PAC asked if any other variances on this file would come to PAC. Planner Gopen noted unless a sign variance, there should not be another review. Other By-Laws and regulations will be reviewed including Building Code. PAC asked if they could set terms on hours of operation. Gopen noted that PAC can and is easier to enforce. PAC noted and discussed parking, lighting, customer safety, fencing, and the public right of way.

Mr. Dominique Berlenger, 218 Water Street owner of the Kennedy House noted that he has spoken to the adjacent rear land owner and is open to installing a fence on the property line to prevent additional public walking through his property. The fence will not be connected to the Kennedy House due to safety and fire escape processes. Mr. Karl Savoie, 219 Queen Street, adjacent landowner, noted that he has spoken with Mr. Berlenger and the Town about a privacy fence along the property lines. There would still be access from the Town lot due to fire escape and safety.

Mr. Christopher Jones noted that concerns about safety have come up. As regulated under Cannabis NB and cannot allow children in. We do not sell to underaged persons. We are highly regulated for public safety and staff are well trained. From our business people buy Cannabis and then take it home to use. We do not see use outside of our stores. A legal business helps to reduce the illegal business of selling Cannabis on the black market. All of our product is locked up under the Cannabis NB regulations. We are open to any additional measures the Planning Advisory Committee would impose. We have the support of the property owner to operate and are happy to meet all requirements.

PAC thanked everyone for their additional information. PAC further debated the decision of the Cannabis retail as similar or compatible to a liquor store. It was noted that Cannabis has higher restrictions on the sale and distribution than alcohol. It was noted that there has been literature noting the reduction of illegal sales with a legal sales business. The casino regulations were brought up noting that they are more restrictive than a casino however there are some legal gambling establishments in Town. PAC asked about an alternative location on a main storefront in Saint Andrews for the Cannabis business and what regulations would be in place for that. Planner Gopen noted that other challenges would occur with the facade and the need for a high degree of transparency in the windows, which cannot happen for Cannabis under current regulations, and that it would need to be located on a second floor. PAC further debated the

similar to or compatible to business items. PAC asked if they could set conditions for the fence to be put between adjacent landowners. Planner Gopen indicated PAC can but it would be better to leave the final decisions to the Development Officer. PAC asked about light pollution, the fence, and if the fence can reduce light. Planner Gopen noted a condition can be around the blocking of light and the opaqueness of the fence. PAC further discussed stories of when Cannabis was approved 5 years ago and the changes to the industry and perceptions in the community to Cannabis. PAC noted the biggest concerns were traffic, safety, and the neighbours with the fencing.

Motion: 062 - 11/23

Moved By PAC Simmonds

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews approves the application to consider a retail cannabis store similar to or compatible with a liquor store subject to the following conditions:

- 1. Before any signage is installed, a sign permit application is submitted and that any signs are appropriate to the character of the Historic Business District and made of durable and traditional materials (or facsimiles) in the opinion of the Development Officer.*

Amended

Motion: 063 - 11/23

Moved By PAC Simmonds

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews approves the application to consider a retail cannabis store similar to or compatible with a liquor store subject to the following conditions:

- 1. Before any signage is installed, a sign permit application is submitted and that any signs are appropriate to the character of the Historic Business District and made of durable and traditional materials (or facsimiles) in the opinion of the Development Officer.*
- 2. That an opaque rear-yard fence at adequate height be installed to prevent light pollution.*
- 3. That adequate lighting be installed that is downward facing that is satisfactory as deemed by the Chief Administrative Officer of the Town of Saint Andrews.*
- 4. Hours of operation will be 11:00 a.m. - 8:00 p.m. Monday to Saturday and 11:00 a.m. to 5:00 p.m. on Sunday.*
- 5. Convex mirrors are installed at the entrance to the parking lot of the Kennedy House to provide safety.*

4 – 1, Nay Councillor Harland

Carried

Motion: 064 - 11/23

Moved By PAC Simmonds

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews approves as amended the application to consider a retail cannabis store similar to or compatible with a liquor store subject to the following conditions:

- 1. Before any signage is installed, a sign permit application is submitted and that any signs are appropriate to the character of the Historic Business District and made of durable and traditional materials (or facsimiles) in the opinion of the Development Officer.*
- 2. That an opaque rear-yard fence at adequate height be installed to prevent light pollution.*
- 3. That adequate lighting be installed that is downward facing that is satisfactory as deemed by the Chief Administrative Officer of the Town of Saint Andrews.*
- 4. Hours of operation will be 11:00 a.m. - 8:00 p.m. Monday to Saturday and 11:00 a.m. to 5:00 p.m. on Sunday.*
- 5. Convex mirrors are installed at the entrance to the parking lot of the Kennedy House to provide safety.*

4 – 1, Nay Councillor Harland

Carried

- 3. VARIANCE APPLICATIONS**
- 4. TERMS AND CONDITIONS APPLICATION**
- 5. SIGN APPLICATIONS**

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

Councillor Harland - Thought that the Planning Advisory Committee had a hard file to discuss tonight and appreciates being on a Committee that enters the discussion with thoughtfulness and consideration of all points.

Chair Stewart - Seconded that thought from Councillor Harland. I am grateful that the Planning Advisory Committee reviewed this challenging file and stuck with it to make a decision.

PAC Ingalls - We could have tabled this and asked for more information but would have made it more difficult in the decision-making process.

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 066 - 11/23

Moved By PAC Stewart

Seconded By

At 9:35 p.m. that the meeting be adjourned.

5 – 0

Carried

Jill Stewart, Chair

Paul Nopper, Clerk - Senior
Administrator

