



TOWN OF SAINT ANDREWS
SPECIAL PLANNING ADVISORY COMMITTEE MEETING

January 29, 2024, 6:30 p.m.
W.C. O'Neill Arena Complex Dining Room

1. RECORDING OF ATTENDANCE

At the Special Planning Advisory Committee Meeting on Monday, January 29, 2024, at 6:30 p.m. the following members were present:

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

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

2. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

3. APPROVAL OF AGENDA

Motion: 008-01/24

Moved By PAC Cross

Seconded By Annette Harland

That the Agenda for the 240129 Special Planning Advisory Committee Meeting be approved as presented.

7 – 0

Carried

4. DECLARATION OF CONFLICT OF INTEREST

5. AGENDA ITEMS

5.1 SPECIAL BUSINESS

5.1.1 St. Mary's First Nations Variance Application for a Lobster Holding Facility, PAC240101

Planner Alex Henderson provided a presentation to the Planning Advisory Committee on a Variance Application for a proposed Lobster Holding Facility to be located on St. Andrews North Road in Chamcook. Clerk Nopper noted that the PAC has received 20 letters from the public.

Background

The applicant is requesting that a lobster holding facility be considered similar to or compatible with light industrial use, a permitted use in the Rural (RU) Zone. The Variance was originally considered and approved by the Planning Review and Adjustment Committee (PRAC) in October of 2022. That approval was subject to an appeal to the Assessment and Planning Appeal Board of the Province of New Brunswick (APAB). The APAB referred the application back to PRAC (now the Planning Advisory Committee) with directions for the notice and the planning report. PAC may give consideration to the APAB's directions and may affirm, revoke or vary

the original decision that PRAC made in October 2022. The applicant was offered to submit additional information to address concerns raised by the appellants to the APAB. The applicant submitted more details on issues of noise, odour, and discharge, and revised the site plan that included a new plan for a buffer. Staff were tasked with addressing the APAB's questions in the planning report.

The main details of the development proposed remain the same as in October 2022. The owner of the subject lot has proposed developing a 7,000 sq. ft. cold water live lobster holding facility consisting of two holding tanks with a combined capacity of 80,000 lbs. of lobster. No on-site processing would occur. The holding tanks discharge into Chamcook Harbour. The outtake pipe is controlled by the Department of Natural Resources and Energy Development (DNRED) under a Licence of Occupation. The lobster holding facility itself does not trigger an Environmental Impact Assessment, but it may if their saltwater well consumption is beyond 7.6 gallons a minute or more than 50m² a day. Sand filters are used for the saltwater discharge of the lobster holding tanks. The applicant's facility is proposed to have the most activity during the lobster season but will remain largely dormant for part of the year (August to October). Traffic is projected to consist of 4 to 6 cube vans and 3 to 4 trucks daily with a maximum of 8 employees on site. Odour generated by waste (dead lobsters) is proposed to be controlled by storing waste in sealable 200 L drums. Once a drum is filled, it will be moved into a refrigerated trailer, which will be taken to the landfill.

PID 15044811, the subject lot, is an existing vacant shorefront lot adjacent to a residential lot to the north, PID 15056104, and it is also adjacent to a vacant lot to the south, encompassing the tip of Chamcook Point (the Point), which according to Service New Brunswick, is assessed as industrial land - unimproved and unserviced at PID 15044829. The Point and all the surrounding lands were historically used for a major, but short-lived sardine canning facility built in 1912 called the Canadian Sardine Company. Recently, the subject lot and surrounding shoreline on Chamcook Harbour have been used for clamming and seaweed harvesting activities. The Point is mapped as an access to intertidal area and the Rural Plan encourages public access to Chamcook Harbour for both commercial sea harvesting and recreational boating activities.

The subject lot and the surrounding area are zoned for general rural development under the Rural (RU) zone. RU permits mixed uses, including residential and non-polluting light industrial uses. The Light Industrial Use definition is the closest analogue in the Rural Plan to a lobster holding facility. The reason why there is a need for a similar to and compatible with variance is that the Rural Plan definition for light industrial does not reference handling live species, which can have different land use implications than storing, packaging, and shipping inert products or already prepared materials. The Rural Plan does not have a definition for fishery use occurring inside buildings, but outdoor fishery activities in Chamcook Harbour were envisioned by the Rural Plan.

Notice of this application was given to property owners within a 1000 m radius of the subject lot. More time was provided for property

owners to respond. The PAC has received multiple letters from residents who have been expressing their objections to this application, including but not limited to the loss of residential character, heavy industrial intrusion, traffic safety, poor road conditions, and concerns about noise, odour, enforcement, and pollution. Staff have consulted with officials/experts at the Department of Environment and Local Government of the Province of New Brunswick regarding the application and potential for pollution and recommendations for environmental conditions. Comments received from the Department of Transportation and Infrastructure of the Province of New Brunswick (district engineer/superintendent unavailable) the development and moving of the access will require a new culvert/setback permit, the finished top of the applicant's driveway is limited to 12 m wide if the applicant's well is within the right of way, they must also apply for a Highway Usage and Occupancy Permit.

Aerial photos, drone photos, and ground-level photos were provided to the PAC for review of the subject lot for context purposes. A detailed site plan was provided to the PAC and explained by Planner Henderson. A document was provided to the PAC explaining the applicant's updated buffer plans. The facility will include a minimum buffer of 5 m on all boundaries around the entire property. In those cases where the property is directly adjacent to a residential property, all efforts will be made to achieve a greater buffer than 5 m. On the property lines directly adjacent to residential properties, a 3 m tall residential-style concrete fence having a minimum sound transmission class (STC) rating of 37 will be installed. There will only be two pieces of mechanical equipment located outdoors that could generate noise pollution, namely, an electrical freezer and an electrical chilling compressor. Both the freezer and the compressor will be surrounded by an 8-inch ICP enclosure rated to a minimum STC of 55. An ICF concrete wall will be built around the unit on three sides with a solid wood sliding door on the fourth wall. These sliding doors will be required for each enclosure to allow access to the equipment. These doors will be insulated to ensure a minimum STC of 37 and will be located such that the door openings are directed away from residential property lines and will be kept closed when access is not required. All exterior lighting will be selected to meet Dark Sky compliance and designed to not encroach upon adjacent properties.

An additional document provided by the applicant in response to concerns raised from the PRAC meeting was provided to the PAC. It noted concerns with noise from the refrigeration trailers. The applicant indicated only one refrigeration trailer would be on site, powered electrically causing a low level of noise, and that a fence could be placed on the side towards the residential direction to dampen noise. Odour and odour mitigation were noted where dead lobster would be removed into odour-preventing sealed containers and would eventually be moved off-site. Noise was also addressed noting that noise levels would be mitigated by STCs and described reductions using a decibel meter. Engineered drawings of the 7000 sq. ft. proposed facility were provided to PAC for review.

Objectives of the Chamcook Rural Plan were provided by Planner Henderson. The Rural Plan notes (a) to preserve the area's rural character and lifestyle, (c) to preserve the area's aesthetic beauty for both residents and tourists, (f) to improve the water quality of Chamcook Harbour, McCann Cove, Birch Cove, and the St. Croix River areas as to encourage fishing, aquaculture, and clam harvesting, and (k) to encourage the development of non-polluting light industrial uses within the area. Planner Henderson noted that fishing and non-polluting light industrial uses are encouraged as well as preserving the rural character/lifestyles, and aesthetic beauty. This development may be encouraged but only where conditions are established to ensure that the development does not undermine the environment, the water quality of Chamcook Harbour and the area's rural character/lifestyle, or aesthetics. Preserving character, lifestyles, and aesthetics is discretionary to the PAC. Environment and water quality are protected through accepted pollution-control standards. A Guideline for the Development of Rural Plans (2017) states that "a policy is a statement of interest; it is binding on the Minister, not individuals, and guides the framing of any subsequent proposal to zoning provision." When the Rural Plan was drafted, it was deemed by the Minister that non-polluting and no-harmful light industrial uses may be developed in a compatible manner alongside residential uses, as both uses are permitted by right in the same RU Zone.

Definitions of the Chamcook Rural Plan "Light Industrial Use" means the use of land, buildings, or structures for the making of finished products or parts, usually from already prepared materials, including the processing, fabrication, assembly, treatment, packaging, storing, sales, and distribution of such products or parts, but excluding conventional industrial uses, and not resulting in the emission of odours, fumes, noise, cinder, vibrations, heat, glare, or electrical interference.

Statements of Public Interest (SPI) were noted. 4(1) With respect to agriculture, fisheries, and aquaculture, it is a public interest and public priority to promote the agriculture, fishery, and aquaculture sectors and the production of food in the Province. 4(2) The following policies are established with respect to agriculture, fisheries, and aquaculture (b) identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses and (c) consider set-backs, including reciprocal set-backs if appropriate, between areas with agriculture use, fishery use or aquaculture use and areas used for incompatible purposes. The Planner's notes identify that the SPI regulations took effect province-wide in October 2023 and they prevail over local plans. The SPI's intent is to ensure fishery use has access to coastal areas. PAC decisions must consider the long-term impacts of all types of developments in coastal areas and balance the interests of year-round and seasonal residents with industry opportunities. PAC may consider the development subject to standards or conditions in its approval to help avoid, minimize, or mitigate potential land use conflicts.

PAC has a mandate to revisit the decisions made by the PRAC and it may affirm, revoke, or vary that original decision. A Guideline for

Applications to Permit a Proposed Use that is Sufficiently Similar or Compatible with a Permitted Use in a zoning Regulation (2007), the PAC "should consider determining that the proposed use of land, buildings, or structures does not compromise the intent of the permitted uses to such a degree as to be considered as being outside the purpose of the zone." The Rural Plan does not consider lobster holding as part of an 'agricultural use', but an agricultural use is also permitted within the RU Zone. Agricultural use in the RU Zone includes growing/raising, preparation, and processing of livestock, including pigs, cattle, poultry, etc. The Rural Plan does not require agricultural uses in the RU Zone to be specifically non-polluting; it does promote general watershed protection and organic practices. 'Agricultural use', has the potential for noise, odour, and other impacts in the Rural Zone and the PAC must consider that general rural resource developments are within the purpose of the RU Zone, which also hosts established rural residential areas. The purpose of the RU Zone, therefore, is not to protect a single-use, residential character at the expense of all other reasonable-impact rural resource uses.

The applicant's proposal for lobster holding does not involve any raising/growing, preparing, or processing of seafood, but rather the warehousing and distribution of living animal (albeit dormant) products. It is the opinion of the Planning Staff that the closest analogue for a lobster holding facility is still a non-polluting light industrial use. That definition does include packaging, storage, and distribution of products. The proposal is to have live lobster stored, packaged, and distributed from this facility. The definition excludes heavy industrial uses (or 'conventional industrial uses') that commonly result in odours, fumes, noise, cinder, vibrations, heat, glare, or electrical interference. Trucking is incidental to light industrial use, such as warehouses, which require the distribution of products using trucks with internal combustion engines. Freight trucks do cause certain noises, vibrations, and fumes, so it is obvious that the intent of the 'non-polluting' clause in the Rural Plan was not meant to be taken so broadly as to render the permitted use altogether meaningless. PAC may decide that the proposed lobster holding facility generates pollution that rises to the category of 'heavy industrial' or it is something else which has a greater impact beyond the general purpose of the RU Zone. If the applicant's proposal involved constructing a facility for packaging, warehousing, and distributing inert, frozen food products, there would be no requirement for a Variance Application and a Development Application would have to be granted by staff upon compliance with the Rural Plan, including Section 3.13. Section 3.13 would require the use to be non-polluting and it would require a 5-metre buffer. Where this is a Variance Application, the PAC has the opportunity to establish additional terms and conditions. These terms and conditions can be reasonable standards in order to balance the interests of year-round and seasonal residents with the fishery industry and be used to help avoid, minimize, or mitigate potential land use conflicts between users. These conditions may include standards for aesthetics, lighting, sound barriers, buffers, and setbacks.

Planner Henderson noted that the recommendation to the PAC of the Town of Saint Andrews is to approve the variance by considering the lobster holding facility, as proposed by the St. Mary's First Nations on the subject lot (PID 15044811), to be similar to or compatible with light industrial use - a permitted use in the Rural Zone, and varying the October 2022 PRAC decision by subjecting to the following terms and conditions:

- 1. That a copy of the Environmental Impact Assessment (EIA) approval, or EIA exemption, from the Department of Environment and Local Government for the proposed volume of saltwater consumption shall be provided to the development officer prior to building permit issuance.*
- 2. That a copy of the Licence of Occupation from the Department of Natural Resources and Energy Development for the saltwater discharge pipe, shall be provided to the Development Officer prior to the building permit issuance.*
- 3. That the arrangement of the buildings, structures, mechanical systems, parking, and loading areas be developed in general conformity with the information submitted with the application.*
- 4. That prior to the final inspection by the Building Inspector, a 5 to 8.5 metre-wide treed buffer and a 'residential-style' 3-metre tall concrete wall with a sound transmission class (STC) rating of 37 or greater be installed and completed according to the buffer design and site plan submitted with the Variance Application.*
- 5. That, other than the access points or the buffers referred to in the previous condition, a 5-metre naturally vegetated buffer is developed along other property lines and along the top of the bank, and that this buffer area is to be preserved for the planting, growth, and maintenance of trees.*
- 6. That prior to the final building inspection, the facility's exterior mechanical equipment be enclosed in solid structures with a STC of 55 or greater, with access doors with a STC of 37 or greater, to the satisfaction of the Building Inspector.*
- 7. That no heavy industrial uses, or other industrial processing of fish, aquaculture, or slaughter of live species may occur on the subject lot without a Zoning By-Law Amendment approved by the Council of the Town of Saint Andrews.*
- 8. That prior to the final building inspection, the facility's exterior siding be clad with either traditional building materials, such as cedar shakes, wooden facsimiles, or masonry, or be clad with metal materials painted with a bright primary colour.*
- 9. That prior to the final building inspection, any exterior lighting be shielded and directed downwards, and not directed at any neighbouring property or into Chamcook Harbour, to the satisfaction of the Development Officer.*
- 10. That all dead animal waste shall be stored in sealed, odour-proof containers inside the facility or in a refrigerated trailer on-site before being disposed at the regional landfill.*

11. That no loading or off-loading of lobsters, equipment, or other products shall occur between the hours of 8:00 p.m. and 7:00 a.m.

12. That all other requirements of the Chamcook Planning Area Rural Plan and all environmental Provincial and Federal Acts or Regulations are complied with.

PAC thanked Planner Henderson for the detailed presentation on the proposed Variance Application for the lobster holding facility from the St. Mary's First Nations. PAC asked if the refrigeration systems will be encompassed with structures with STC ratings of 55 and 37 accordingly. Planner Henderson noted that any exterior equipment will have walls built around them with an STC rating of 55 and doors that are of an STC rating of 37 or greater. The walls on three sides would provide sound-proof mitigation while doors are still needed to access the equipment. PAC asked about the saltwater well to be drilled on site and how much saltwater is required to run a facility. Planner Henderson stated that there are two ways to do saltwater draw; either through an intake and outtake pipe system or a saltwater well. The intake pipe would need approval through the Department of Natural Resources and Energy Development and or would need an exemption from them. For the saltwater well, there would need to be a determination on the draw volume and that would be best answered by the applicant. We need to see an EIA to exempt the development and to know the specific needs on the draw level. Licencing for this would need approval from the Department of Environment and Local Government or the Department of Natural Resources and Energy Development. PAC further asked about other lobster holding facilities and the saltwater use for 100,000 lobsters as it is half an Olympic sized swimming pool. Could the draw from the wells affect other wells? Planner Henderson noted that is why an EIA is needed to meet the requirements and if there is that level of draw needed, that will need to be discussed with the DELG. PAC asked about the effluent that would be discharged into Chamcook Harbour, before the construction of the facility, would an EIA be done on the effluent? There is an active clam bed down from that property and the Harbour does not flush out like the rest of Passamaquoddy Bay. What are the concerns about this? Planner Henderson noted the applicant can discuss the filtration system, but across the region, sand filters are good as they are not feeding the lobster. With feeding, further filtration is needed. If you have a dormant passthrough system, the waste would be less. The filters are more used to capture plastics and rubber from the lobster holding process. It is considered a cleaner process. PAC asked about the holding tanks and the maintenance to clean them, and what chemicals would be used to clean the tanks and would be flushed out. Planner Henderson noted he does not have details on this but a good question for the applicant. PAC asked if a traffic study was done by the Department of Transportation and Infrastructure on the traffic for this road. Planner Henderson noted that no traffic study has been completed. Other jurisdictions' PRACs have asked for traffic studies, one example is Back Bay. As the road control is done by DTI and not the Town, it is not necessarily recommended to ask for it. The applicant would need to get approval from DTI for access to the property with the culvert. DTI can set weight restrictions for trucks on the road. As much as we

would like to deal with traffic issues, and might be good information to have, we cannot set conditions on DTI as they are independent of the planning process and the Town. PAC will have a limited scope of what they can do with the traffic study information.

Applicant - St. Mary's First Nation Representatives Jeremy Paul, Adrian Desbarats, Rick Doucette, and Jennifer Ingram.

Clarification was provided on the saltwater well as there has been one on-site for almost 20 years and tested and serviced by Frack Flo. Mr. Desbarats is a biologist and worked in the fishery and aquaculture industry for 30 years; worked for 6 years with Clearwater Lobster as a senior biologist. I have designed and developed aquaculture facilities. Regarding water supply, drawdown tests were performed for the saltwater well. It is a 6- inch well and was determined that the well can draw 300 litres per minute. We do not require that volume of water, we need 20 gallons per minute or 75 litres per minute for the facility. This does exceed the 7.6 gallons per minute and would fall under an EIA. We are still reviewing either a pipeline draw-in or the use of the well.

Regarding the effluent, the amount of solid discharge from this application is very low. It is difficult to get data on the fecal solids held in the dormant stages of lobster as they do not exist. Lobster to be held at 1 or 2 degrees Celsius and unfed. The article referenced was Organic Matter Production of American Lobsters During Impoundment in Maine, Tlusty and Preisner 2005. According to their data, they were fed either once per day to three times per day with different temperature regimes to count the fecal excretion. Based on the data 1.85×10^{-5} grams of weight was excreted. This is a very small amount of excretion. As lobsters will not be fed at this location, only excretion would be from what was in their systems when caught. It would be 7 days of excretion. Looking at 7 kg of excretion per month. The excretion needs to be compared to manmade inputs and runoff to the Bay. for example, there is 600 kg of solids released to the Bay from the Town of Saint Andrews waste treatment system. This is a very low impact from the facility.

Cleaning agents were discussed and it is recommended the use of pressure washers and fresh water to clean out the tanks. There is no need for fancy cleaning agents. With a low biological loaded system, we are not concerned about the levels of bacteria, particularly protozoans that can cause issues. If flushed and cleaned regularly, this should not be an issue. The key is to pressure wash, air dry, and refill.

PAC asked where the lobsters would be coming from for this facility. Mr. Desbarats noted that they would be coming locally with 7 boats and 3 fisheries from the area with some directly coming from the Bay. PAC asked about the discharge of water into the Bay, what control points are there for testing for diseases and what the action plan is when you discover the lobsters have a disease. Mr. Desbarats noted they can develop an action plan and have it in place before the opening of the facility. It was noted that lobsters have limited diseases that are of concern. Vibrio, a cold-water disease is slow-moving and does not impact consumption for humans. Ciliate disease is faster moving but I have never seen it in a pound before.

It generally would come in with the product versus growing from the facility. We do encourage clients to screen for diseases as lobsters are moved into the facility to ensure a clean-in and clean-out process. Good quality controls need to be developed to ensure this does not occur. PAC asked that if a lobster came in with a disease, would fresh water be enough to clean the tanks? Mr. Desbarats noted that fresh water and air drying are the best mechanisms for cleaning and sterilizing the tanks. PAC noted that in other holding facilities in Prince Edward Island and Nova Scotia, lobsters are put into a purge tank for 72 hours before being moved into the general population. Will this be the case for this facility? The plan also discusses sorting the lobster but are not sure about holding it before they go into the chiller. Mr. Desbarats asked if the purge tanks were held at a different temperature. PAC was unsure but asked if there would be a purge tank at this facility. Mr. Desbarats noted there would not be a purge tank. Product will come in on crates and they will be moved to long-term storage. The product is held for 24 - 48 hours in crates before being moved into the full recirculation system.

PAC asked if the lobster from the 7 boats and from the Bay, are all from LFA 37. Mr. Paul noted they would be from LFA 36, not 37. PAC noted that the Planners are recommending trucking would occur between 7:00 a.m. and 8:00 p.m. Mr. Paul clarified they would work within the timeframes allowed. PAC asked about the sorting of lobsters and how many people would be on site. Mr. Paul indicated lobster would be sorted and graded with 4 to 5 workers on-site during peak season. The majority of the time there would be 2 workers at low times. PAC asked how long the lobsters would be held for. Mr. Paul indicated daily and monthly depending on the price but no more than one month of holding.

Mr. Desbarats provided PAC with an excel spreadsheet outlining the estimation of truck traffic. Information was based on landings in the last fiscal year. In November 2023, 100,000 pounds of lobster landed with an estimated 9,000 pounds per day with 12 fishing gains per month. Some lobster goes directly to market while others might stay for a few days in the pound before being shipped out. It is estimated at 12 truck trips from the landing with 3 trucks sent to market. So 15 truck trips on the road for November. Most vehicle traffic would be from Wednesday to Friday depending on shipping times with truck traffic spread out. For out-of-season, we will hold the lobster until the price rises and then send out some volumes over time.

PAC asked if the St. Mary's First Nations have a plan if the lobster industry is disrupted or has reduced or a decline in the number of lobsters being harvested. Is there a plan for decommissioning? Mr. Paul noted that in 23 years there have been cycles of up and downs 3 times. If we have a trend of lower amounts of lobster then we will look at bridging this with lobster from other vessels and other LFA areas such as 38.

PAC asked about trucking during the start of the spring season with road restrictions being 80% until after the spring and if they had taken this into account. Mr. Paul noted that they would run lighter loads and more trucks during that period with mostly cube trucks and no tractor-trailers. PAC asked for clarification on the types of trucks to be used

for this facility. Mr. Paul noted that they do not intend to use tractor-trailers but more cube trucks as the roads are not wide enough for larger vehicles. Mr. Doucette noted for clarification that the Department of Transportation notes that road weights in the province are 43,500 kg and that the road can handle tractor-trailers if needed. We plan to use more cube vans, random trucks, and straight vans.

Public Comment Period

Brenda Waiwood, 31 St. Andrews North Road, Chamcook.

Built our house in 1989 with a footprint of 60 ft. x 30 ft. or 1,800 sq. ft. on a 1.6 acre in size. It was noted the proponent is looking to build a 7,000 sq. ft. facility which is approximately three times the size of our home on a lot two-thirds the size of our lot. When we built our home there were no other buildings around. In 2010 a facility was demolished on this property in question and also had a residence. Noted that Mrs. Waiwood sat on the Chamcook Local Service District Advisory Committee for 15 years and worked with the Rural Plan enacted in 2012. The area in question has been residential and any fishery activities i.e. clamming, rockweed harvesting, etc. have been seasonal. There is no capacity to offload vessels in this area since the wharf has collapsed. The point is used sporadically for launching vessels. I note the Rural Plan intended to encourage development, tourism, agriculture, forestry and home-based business to preserve the area's rural character and lifestyle. The residential use policy is to discourage the intrusion of incompatible uses into established residential areas. The Rural Plan notes that a building should be compatible with the structures surrounding and contends that a 7,000 sq. ft. facility is not compatible with the surrounding structures. I also question the suggestion of one painted in a primary colour as per the Planning Report. We now have neighbours on both sides of our lot and throughout the area. The buffer zones indicated in the plan are not agreeable with the lot lines. Where are the lot lines for this property? There are two different barring depending on the lot and discrepancies of the lot lines. Buffers are drawn and listed as trees but not treed at this time. Currently only bushes on the lot. Given buffers are required, have these been included to ensure that the applicant is not using more than 35% of the lot which is a requirement in the Rural Plan? There are at least 5 home-based businesses in the area and none have a 7,000 sq. ft. building. If this plan goes ahead there will be a loss of property values. Earlier the Town noted that they will be consolidating the Zoning By-Laws for all Wards, I am asking the PAC to hold this decision until the new Zoning is in place.

Ken Waiwood, 31 St. Andrews North Road, Chamcook.

This proposal would be bad for Saint Andrews as there is overwhelming opposition from the residents of this area. This concern and opposition goes further than Chamcook, but the entire community. If there was a business proposal on Water Street like this, it would be dead in the water. It would be bad for Saint Andrews to approve this facility and disregard its citizens. This is going to be a major headache for the community including 12 conditions or restrictions related to this proposal. PAC can have additional terms and conditions that can be applied. Failure to comply with any

conditions is going to cause complaints. The Town will have to review and provide corrective measures to the operator and monitor compliance. This could potentially lead to level actions. This will be a long-term policing process. Over time this facility will deteriorate and how will it be managed if there is a change in ownership? I worked at the Biological Station and our wet labs were removed due to cost and deterioration. This should not be considered until the Zoning process has been reviewed by the Town. An alternative plan is to continue with residential development, increase the tax base in residential properties, would not cause headaches for the town, and would like to see this development in the Industrial Park where it would not interfere with other residential properties.

Gayle Reed, 39 St. Andrews North Road, Chamcook.

We are directly adjacent to the north of the property in question. Thank you to everyone for the time and energy in this process. The reason why we are here is to look at a similar to or compatible with variance for light industrial use in the Rural Zone. Is this light industrial? In 2011, lobsters were held below the high-water mark and these facilities did not exist in this area of the province. The Rural Plan does not note them as agricultural, fishery, or aquaculture use. We are trying to find a way to make it fit into the Rural Plan. We are talking about live species and as such need a variance for development versus inert products. This facility has land use implications including a large facility on a small property, altered traffic patterns and road infrastructure, significant safety concerns, and water and pollution concerns. Attention is drawn to agricultural use being permitted within the RU Zone. However, there are regulations for how many animal units are permitted. The average size of lobster is 1.5 lbs. so at 80,000 lbs. of lobster this is approximately 50,000 lobsters that will be held at this location. This has very different land use implications compared to other live animals. Here you are warehousing and distributing live species. The term used is the closest analog to light industrial, does not mean this is light industrial. Light industrial has to be non-polluting and half of the requests have noted trying to mitigate pollution. This does not stop the pollution from the workers and traffic. These are attempts to mitigate the pollution. I do not know what requires a 3 m 10 ft. high wall to mitigate pollution. The property to the south was discussed. A picture of the property of the 7000 sq. ft. facility was compared to adjacent properties. This live species is to be kept alive. I want to bring up the protection of water supplies. I am concerned about the protection of groundwater and surface water supplies. I live on a well and so do our neighbouring properties. If we experience saltwater intrusion, who pays for that or who pays for our wells when compromised? Planning is needed ahead of time. What are the water requirements, capacity, and intrusion? Noted a letter from Bob Sweeney about well issues. In the new Statements of Public Interest, noted to identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses. Currently, no plan has been done on this to date. Mrs. Reed spoke to the SPI Guidelines. I argue this location is not the right location for this fishery operation. Pictures of St. Andrews North Road and Harkness Road were provided to the PAC noting the

width of the road, poor quality of the road, and that trucks have to back up the road along sharp corners as there is nowhere safe to turn around. They have to back up to Moss Drive to turn around. Beside that is an s-turn and blind hill by the public mailboxes. I would hate to see safety issues with multiple large vehicles trying to pass. They are asking for variances for rezoning in this process. A picture of the property was provided noting there is no 8.5 m existing tree coverage and the fence needs to be set back. There is constant erosion along the shoreline and no plan for this for buffering. I discovered a new survey marker on my property and have issues with this. I ask the PAC to reject this application for a rezoning by variance. Thank you.

Lynn Kozak, 12 Moss Drive, Chamcook.

Thank you for the opportunity to speak. The St. Andrew North Road area is a residential area that has been there for 30 years. Some seafood harvesting does occur here but is done through an adjacent property with gates. Rockweed harvesting, clamming, and boat launching occur here. The Rural Plan's objective is to preserve the rural area and lifestyle. The lobster holding facility is not within this goal. Light industrial use must be non-polluting. The application notes mitigating pollution but not all. Who will enforce the regulations? The facility will use lots of saltwater. Has there been a study on this and how will it impact neighbouring wells? Is there potential for the effluent to have an impact on Chamcook Harbour? Will it be closed to clammers due to contamination more frequently? Increased traffic is a concern for residents on Harkness Road and St. Andrews North Road. With already poor road conditions, people are concerned. From a transportation engineer's comments, St. Andrews North Road is a maintained rural road by the province. The age of the road is not known but has been there for many decades. The roadway has primarily served for residential use for seasonal and year-round residents. Normally this road is used by residents, walkers, and light industrial uses like Rockweed harvesting. The existing roadway is narrow and challenging in spots for two vehicles to pass. With the nature of these vehicles that use St. Andrews North Road, the increased truck traffic is not consistent with the type of traffic currently on the road and expectations for the classification of the roadway. Both St. Andrews North Road and Harkness Road are in poor condition with chip seal cracking, alligating, and falling apart. Its current condition would not support increased truck traffic weight and multiple trucks per day, or transport trucks. There is a need for both short and long-term repair. There is not a cul-de-sac at the end of St. Andrews North Road and trucks including garbage trucks and plow trucks have to back up to Moss Road. There should be improvements made to allow for trucks to turn around. The road near the property in question is quite narrow for the provision of two-way traffic. The gravel shoulders have become grown over and do not provide adequate space for pulling over. The narrowness of the road is a potential safety concern with passing vehicles. Will there be parking restrictions on St. Andrews North Road? The horizontal alignment of St. Andrews North Road has two sharp corners with a radius of 42 m and 52 m. Transport trucks coming and going from the proposed development will have issues with the turns and off-

tracking into other lanes. The vegetation growth in this area impedes views and sight lines. The increased traffic and truck use will cause safety issues. There should be a study to review this in reviewing the application. I also understand that there are no plans for either of these roads to be upgraded. The Rural Plan advocates liaisons and collaboration with organizations and communities in the area and no discussions of this. Variances from a Zoning By-Law or Subdivision By-Law, a variance is typically minor in changes for land use planning. Similar to and compatible with notes development in an appropriate place and a reasonable adjustment to planning conditions. The Statements of Public Interest are noting settlement patterns and avoiding those that cause environmental, health, or safety issues. The purpose of the policy is to balance the need for development in safe and appropriate ways. It is less expensive to mitigate risk versus being reactive due to unplanned development. Mr. Chris Spear at a recent Council Meeting spoke about complementary development. We are asking for complementary development of our area concerning the lifestyle, character, environment and safety. Is the gain worth the risk? The short, medium, and long-term implications must be considered. This is precedence-setting for other areas of our community. Our responsibility is stewardship for the future of our community.

Wendy Jones, 171 Ross Point Road, Chamcook.

I want to compliment all the speakers for their presentations as they have answered a number of my questions, however, I still have some follow-up questions. The number one question is pollution. We have heard from the scientists and the public on this. There will be noise and what I do not understand, is that the filters and air conditioners will be running all year round 24 hours a day. I know that there are different times for truck traffic but these filters are going to be very loud. It was noted in the application that the noise was noted to be as loud as a lawnmower or chainsaw. With this noise, it will carry across the Bay. To have something running like a lawnmower or chainsaw over a year, is damaging. The noise of the diesel trucks, coming from them are loud and noise pollution will be significant including the diesel boats. Sounds like a combination of the two to move product. This will affect people, dozens to hundreds of people in the various Bays in the area. It will also impact the many species of animals including bald eagles, herring, and deer in this area. The noise and water pollution will cause issues for these species. People move to New Brunswick to appreciate the beauty of the area and nature. If we look at water pollution, many questions are answered, however, I do believe there will be a smell. Transporting lobster and fish, there will be a smell, on the hot days, etc. Anytime I have been around a fishing process or experience, there is going to be a smell and operating 24 hours a day, 7 days a week, 365 days a year. No vacation to this. I agree with the previous speakers that this is not light industrial use. If working 24 hours a day to keep the lobsters alive at the correct temperature, how does that fit with light industrial? I checked two other businesses, one in St. Stephen called Classic Woodworking operating 8:00 a.m. - 5:00 p.m. and Ghost Road Auto operating 8:00 a.m. - 5:00 p.m. with both working Monday to Friday. The hours listed for this variance far exceed the light industrial use

and do not think it meets the intended use. To go over economics, this area is not set in stone, the lobster plant will affect dozens of residential homes around and new homes will be built that fit into the area. The cost to build a new home is \$400,000 to \$1,000,000. These investments go into our local contractors. Contractors, electricians, and other trades would be affected by the impact of a lobster holding facility in this area. There would be a significant loss in the value of the property and people can apply for reassessment values. We could see a drop of 20%-30% in value. We could see decreases in sales, taxes, and the value of the home. This would be a horrible idea when more homes are being built and put in and millions of dollars are spent. So comparing residential versus light industrial and the long-term value. The roads are not in good repair and this needs to be looked at. There seem to be a lot of questions that still need to be answered and to have it approved would be hasty. This is new to Saint Andrews and pushing forward to having this proposal go through would not be a considerate idea. Thank you for your time.

Debbie Grant, 170 Ross Point Road, Chamcook.

I am speaking to you not just as a real estate agent but as a concerned citizen near St. Andrews North Road. I am compelled to address the significant issue of the well-being of our neighbourhood and the value of our homes. We became aware of the lobster holding facility in the fall of 2022. This could alter the essence of our cherished neighbourhood. I express deep concern and strong objection to this. St. Andrews North Road has been long more than just a location, it is a symbol of peaceful waterfront living and a haven of higher property values. In my professional opinion, the lobster holding facility close to our residential properties will impact our property values negatively. The potential consequences of this development are multifaceted. The noise as everyone has noted, from daily operations, the constant hum of noise and transportation will impact our tranquility. The serenity that attracted us to this area was the low traffic, beach walking, and quiet lifestyle that will be impacted by this light industrial development. We moved here to avoid this in our lives. This is an industrial intrusion into our daily lives in a residential area. There are safety concerns, traffic concerns, and other hazards we cannot ignore. When someone sells a residential home, we have to fill out a property disclosure statement for buyers and sellers. In Clause 10 Section G, are you aware of any public projects or real estate developments in your neighbourhood? No one in our area cannot answer no to that as this development will have an impact on our sales in the future. As residents who have invested significantly in our homes, we cannot stand by idly and allow this proposal to proceed unchecked. We implore those in the decision-making process to carefully consider the broader implications of this and prevent the construction. In closing thank you for your time and hope our concerns will be considered to preserve our livelihoods in Chamcook.

Patrick and Holly Blagrove, PID 15210610, 6 Queen St. Saint Andrews.

Thank you all for the informative and interesting presentations. We own a seasonal property across the Bay. I am an economist as a

professional. I speak tonight as a concerned citizen. I will speak on the proposed economic benefits noted. There is a distinct disadvantage from the perspective of the speaker in quantifying the things that many of us believe to be true. Many of us do not have the time or the access to the necessary data to quantify the information. The estimated economic benefit presented is a simplistic calculation. Only of the direct or first round impact has been estimated for the local economy. Without knowing more about the factors of this calculation, it is hard to determine if it is a sound calculation. If there are already 7 fishing boats producing lobster in the area, how does the construction of this facility provide economic benefit. I do not know where the lobsters are currently processed and held. So this must be displacing activity elsewhere in the province or there is a vision for the expansion of the facility. We are already seeing the production of the lobsters for the 7 boats happening in New Brunswick. There is no show of economic benefit to this area. If you believe the true economic impact, on the broader local economy, has to take into secondary or negative spillover effects. The negative effects would currently overshadow or reverse the estimated first round of positive economic impacts. As stated earlier, Sections A, C, and K of the Rural Plan have been included precisely in the development plan because they recognize that economic and other damages must be avoided in considering development. I would contend secondary impacts include negative impacts on property values and tax collection, reduced likelihood of further residential development and improvements, and a variance of use, in this case, could have a broader impact on the Chamcook area if similar facilities are built on residential sites. There are also nuisance elements including noise, environment, etc. They are hard to quantify but cannot be negated in the process. There are recreational and tourism negative impacts to this with Ministers Island directly across the Bay. You can harm marine life and other activities in Chamcook Harbour. These should not be dismissed. The first round economic benefit is not the actual ultimate equilibrium economic impact. You have to net out the negatives against the possible positives and be careful that the first positive impacts are not crowding out activities elsewhere. If it is crowding out activity elsewhere then their impact is overstated. No matter where you settle on the quantification of the first round of economic benefit and secondary negative impacts, the one thing we can say for sure is that the construction of this facility will result in a transfer of economic well-being away from existing residents in the Chamcook Harbour area and towards some combination of the developer and future employees of the facility. Thank you for your time.

Juliet Aurora, 181 Ross Point Road, Chamcook.

Good evening and thank you to the Committee for giving up your evening. This is an important issue so thank you for your time. Most of what I was going to say has been noted. The applicant referred to the property being used by something similar. In 1912 there was a sardine facility there. Now there is residential build-up throughout this area with no industrial uses in the area. Within a 1 km area radius from the map provided shows the residential properties to be impacted and across the Bay. When the original application was

submitted, in 2022, it was suggested to residents to apply for a change in zoning to make it residential if we did not want a light industrial use there. This was before Local Governance Reform and there was no residential option for Chamcook. This has not been made available to us after amalgamation. The Saint Andrews Council noted in August 2023 that they would be reopening a zoning review. It is in the best interest of the Town to allow this process to proceed before any decision is made on this development and if this property should be residential. Thank you for your time.

Dr. Julie Levesque-Taylor, 163 Ross Point Road, Chamcook.

I am taking more of a personal approach to this. I agree 100% with my neighbours. I came here three years ago and what Debbie Grant noted about property values, how we view things, and how to make decisions as a doctor was needed for this area, I moved here for the trees, ocean, and peace and quiet. I was on call today, I took care of patients, I am exhausted, I did not get lunch, and I got up for work at 5:00 a.m. and finished at 6:15 p.m. I would like to go home to my trees, the quiet, and the ocean. I bought two lots so I had more trees, quiet, and ocean. That is why I live there and so do our neighbours. It is going to be noisy with backup trucks. As much as they are going to mitigate noise, we will still hear it. It is going to be noisy. We have a rule in our area to not use chainsaws on Sundays to keep with the quiet nature of the area. If I had to move here today, our original plan was to come in 2025, and if I were going to buy a property from Gisela, I would not be here at this point with the proposed development. I would have picked somewhere in Moncton or the area that is closer to the rest of my family. I would not have nearly as beautiful of an area as I have today. I plan to stay here because I have trees, the ocean, and peace and quiet with nature. Our neighbours believe in the same. In addition, my children walk that road every day, around the blind corners, to get to the school bus, which picks them up at Harkness Road and St. Andrews North Road. This is not a safe road for this level of truck traffic, it is dangerous. Thank you.

Gisela Lindlau, 187 Ross Point Road, Chamcook.

I have been a citizen of Saint Andrews for 30 years, and a full-time citizen. I bought a retirement project, the area adjacent to the proposed lobster holding facility. I have more properties for sale all of a larger size and protected by covenants. They cannot do larger businesses there and have to follow those rules. With this proposed facility, those covenants, I have asked for them to be followed, are a joke. We are protecting our trees and I have a subdivision plan for 13 properties which was done 20 years ago. I will incur a lot of financial damage if we have that reduction of views in a quiet way. I also see the light industrial use setting precedence for the area and other areas around me. Saint Andrews is a peninsula. The St. Andrews North Area is building houses and I have land there with three more potential subdivisions which would be protected with covenants first for the environment. I would sincerely ask we protect this area for the chance to continue to grow as a residential area with the environment protected. Thank you.

Mike McQuoid, PID 15211378

Thank you for the opportunity to speak. My roots in Saint Andrews go back to the 1800's. I am very familiar with the area and want to see it protected for residents, tourists, and those who want to enjoy the way of life. I agree with everyone on light industrial classification and cannot understand how something can be force-fitted under this definition. Like this lobster holding facility, this is clearly a residential area. Over 100 years ago it was used as noted, and the area more recently has been a staging area. I do not think the previous uses should justify the future uses. As far as the residential nature of the area, it is clearly spelled out in the Town of Saint Andrews Municipal Plan By-Law MP20-01, the objectives noted protection of the environment and quality of life. I would like to point out, that if you look at the Municipal Plan, you only have to turn one page to see a quote that encompasses the thoughts of the Municipal Plan. I would encourage everyone to read this quote from a local resident. The last sentence states our environment in Saint Andrews makes us a different place than anywhere else in the world. We truly believe it and as others have noted, it is the trees, the environment, it is the ocean and the quiet. I think we need to preserve that. I would like to shift the nature of comments to an area not addressed, there is little to no reference to construction activities below the water line, and little reference to ongoing operations and maintenance. I have submitted comments to the PAC. My first question is how will the offshore lines be installed. There is a previous pier in the area, will it be restored or dismantled? Where will the effluent be terminated in the Harbour? Will the effluent be monitored and the quality of it? Have there been any studies on effluent plumes? Does anyone know where the flow of the effluent will go and the impacts? We need to clearly understand the effluent flows. What are the facility turnaround and cleaning schedules? I think this has been covered briefly. We know there will be discharge into the Bay and what will be the maintenance and operations of this? Will there be hazardous waste and spill compliance? What are the mitigation measures? Will there be monitoring of ground water contamination? What is the long-term impact on the Bay? I too object to the installation of this facility. Our property lies across the Bay and sound, smells, and light travel quickly over water. I would like PAC to consider my comments. Thank you.

PAC Chair Jill Stewart noted the meeting has been over two hours and if the PAC is willing to continue. PAC noted to continue with the process.

Beth Campbell and David Sullivan, Lot 88-2 PID 15056112, Chamcook.

We are currently building a house and the facility would be two lots down from ours. I appreciate the applicants time on improving their plan. buffer, and mitigation plans. I do share concerns voiced tonight but want to focus on the roads. The roads have been mentioned several times. There are associated safety concerns for residents. For 12 years we have witnessed residents of St. Andrews North Road and Harkness Road walking this area. These roads are narrow, unlit, limited to no shoulders, covered in cracks, no line marking, blind

hills, sharp turns, s turns, no speed signs, and weight restrictions during the spring thaw. Both roads are in bad shape and St. Andrews North Road is the worst. In front of our property, the road is only 18 ft. wide. The proposed facility would be located at the end of this road and the truck traffic, only can go based on the applicant's documents, we were initially told 4 - 6 cube trucks and other significant trucks would be navigating the road daily, 7 days a week. As a resident of St. Andrews North Area, I had hoped to walk to my mailbox, ride my e-bike, or take a neighbourhood stroll. I do not think the level of trucking is safe or viable for the road. Although there is no mention of a permitted use for a lobster holding facility in the Rural Plan there is also no indication of road conditions and safety in the plan. This does not mean that it should not be considered. I do not know how the facility can be approved without repairs to the road as it is not safe. Failure to have these repairs and approve the facility would abandon us to unnecessary risk. Thank you.

Jessie Davies, 4 O'Neill Farm Road, Saint Andrews.

Some of the items I planned to mention have been said. I am a resident of Saint Andrews but not the area. I was the Director of Environment and Sustainable Development for the University of New Brunswick, participated in the Municipal Planning process, and am a member of the Environmental Advisory Committee for the Town. You have heard that the Rural Plan states clearly that the policy is to discourage incompatible use and any normal thinking of this incompatible use. For one small building lot, to impact negatively on so many other properties does not seem in the interest of our Town. More than 60 residents were notified of this and even more properties would be impacted by the heavy truck traffic on a narrow road. We will all pay for that. We moved to the area 20 years ago and looked to purchase the lot across from the proposed development. My first reaction when I heard of this was very selfish and relieved we chose to build elsewhere. This development would have destroyed our enjoyment of our property, and natural environment, and decreased our property values. It goes further than that. If this is approved, it sets a very dangerous precedence for other areas and intrusions into our community. Property values will decrease, not just for adjacent residents, but for all residents. It cannot be called light industrial use. Just because the Rural Plan does not prohibit this specific use, it is quite a stretch to say it is within the scope of the plan. There are appropriate locations, if a good project, could be in the industrial park. Our waters are warming and we do not know how long this project will be there for a long time. We do not see a decommissioning plan, facilities have to euthanize egg-bearing females, and finally, who will police the smell, traffic, and vermin? Think about the Richibucto facility, although different, does cause a smell. I guess what we want to do is prevent the stink. Once a development is approved, it is hard to right the wrong. I would ask you to reject this proposal for this location. Thank you.

Mike Craig, 94 Alexandra Cres. Saint Andrews.

I am just curious why Chief Akagi was not contacted about this proposal and process.

Clerk Nopper noted that the process is to provide mailouts within 1000 m of the proposed development and that the meeting is posted out to the public for anyone to participate. It is up to the public to participate if they want. The straight answer is Chief Akagi was not directly contacted.

Planner Henderson noted the Passamaquoddy First Nations were not notified.

Mr. Craig noted that there is a preamble at the beginning of the meeting noting the unceded traditional territory of the Passamaquoddy First Nations. Presumably, they would have skin in this and do not know why they were not contacted. Thank you.

Conclusion of Registered Presenters

Rick Doucette, St. Mary's First Nations asked for PAC to make a decision on the night of the meeting. He thanked the PAC for their perseverance in the process. He noted the issues of the public, and the fear of the unknown, but that not one person has come in with scientific information to support their claims. The St. Mary's First Nations have spent a lot of money and time in the development of this facility. Over four years of time has been spent on this. He noted the comments from the July appeals process. The intention is to spend a lot of funds to move forward and employ people with good jobs. What is wrong with that equation? Why are we going to stop and halt them? They want to give back to the community. We need to keep this in mind but please do not drag the process out. They were hoping to have lobsters in the tanks now but now this process continues. We cannot do this to them anymore.

Jeremy Paul, St. Mary's First Nations wanted to rebuttal some of the comments. Mrs. Reed's slide which showed the entire property in red, was not the accurate size of that building. The big trucks down the road, everyone can turn around in our driveway after. I am not sure what the issue is with the land survey but Murphy's Surveys did the survey in February 2022, and we can have it redone if not accurate. The property at the end of the road L and B allows us to use the property and we have a key to the gate. Thank you.

Chief Allan Polchies Jr. St Mary's First Nations. I am here with my Council members and representing our people. I would like to first recognize we are on the unceded traditional territory of the Peskotomuhkati People. I would also like to thank the residents of this beautiful territory for coming out and voicing their concerns tonight. We are in a society of reconciliation and to get there, we as treaty people, the committee, and those who live here, are all treaty people and we all have a responsibility. Tonight I have not heard one positive comment about this project and this plant. I became Chief in 2018 to do good for my people and to make a path forward for healing. We all know the dark history of Indigenous people in this province and country. It is my responsibility to lead my 2,200 people. We have been put on reserves. We have reached out to find land. Not sure if you hear the headlines, the province, economic genocide, and we just want to move forward and bring opportunity to our people and your people. It took us four years to come up with and work on this project. We worked with several experts and it is my

responsibility to have an economic drive for our people and to feed 2,200 people. We want to provide jobs, help to fix the roads and make partnerships for the next generation. We want to create a path forward and teach our children about relationship building. We are teaching them about responsibility and value. We have heard a lot about property values. Unfortunately, the Indigenous people do not have that much property because we were not given that much. Moving forward we need to expand, come together, and move forward for all children. I just want to be standing here and acknowledging this business plan that we want to share and hope that you find in your hearts and the technicalities of the plan that you make a sound decision and if there is something we can have a path forward, on behalf of my Council and my people for this forum and the voices this evening. Thank you.

Brenda Waiwood, 31 St. Andrews North Road, Chamcook.

The fact that this proposal, from the St. Mary's First Nations, to my mind, it does not matter who the proponent is providing the plan, this particular project should be in the industrial park. Saint Andrews has that for industry. It would not matter if it came from any other business person, I would still be requesting it not be approved on that lot.

Chair Jill Stewart thanked all who came to the meeting and had volumes of information to review. The PAC had no further comments and suggested to table for the next meeting. The PAC needs time to digest the information and come back at a later date.

Motion: 009-01/24

Moved By Annette Harland

Seconded By Jeremiah Kerr

That the Planning Advisory Committee of the Town of Saint Andrews _____ the variance by considering the lobster holding facility, as proposed by the St. Mary's First Nations on the subject lot (PID 15044811), to be similar to or compatible with a light industrial use – a permitted use in the Rural (RU) Zone, and varying the October 2022 PRAC decision by subjecting it to the following terms and conditions:

- 1. That a copy of the Environmental Impact Assessment (EIA) approval, or EIA exemption, from the Department of Environment and Local Government for the proposed volume of saltwater consumption shall be provided to the Development Officer prior to building permit issuance.*
- 2. That a copy of the Licence of Occupation from the Department of Natural Resources and Energy Development for the saltwater discharge pipe, shall be provided to the Development Officer prior to building permit issuance.*
- 3. That the arrangement of the buildings, structures, mechanical systems, parking, and loading areas be developed in general conformity with the information submitted with the application.*
- 4. That prior to the final inspection by the Building Inspector, a 5 to 8.5 metre-wide treed buffer and a 'residential-style' 3-metre-tall concrete wall with a sound transmission class (STC) rating of 37 or greater be installed and completed according to the buffer design and site plan submitted with the variance application.*

5. *That, other than the access points or the buffers referred to in the previous condition, a 5-metre naturally vegetated buffer is developed along other property lines and along the top of the bank, and that this buffer area is to be preserved for the planting, growing, and maintenance for trees.*
6. *That prior to the final building inspection, the facility's exterior mechanical equipment be enclosed in solid structures with an STC of 55 or greater, with access doors with a STC of 37 or greater, to the satisfaction of the Building Inspector.*
7. *That no heavy industrial uses, or other industrial processing of fish, aquaculture, or slaughter of live species may occur on the subject lot without a Zoning By-Law amendment approved by the Council of the Town of Saint Andrews.*
8. *That prior to the final building inspection, the facility's exterior siding be clad with either traditional building materials, such as cedar shakes, wooden facsimiles, masonry or be clad with metal material painted with a bright primary colour.*
9. *That prior to the final building inspection, any exterior lighting be shielded and directed downward, and not directed at any neighbouring property or into Chamcook Harbour, to the satisfaction of the Development Officer.*
10. *That all dead animal waste shall be stored in sealed, odour-proof containers inside the facility or in a refrigerated trailer on-site before being disposed at the regional landfill.*
11. *That no loading or off-loading of lobsters, equipment, or other products shall occur between the hours of 8:00 p.m. – 7:00 a.m.*
12. *That all other requirements of the Chamcook Planning Area Rural Plan and all environmental Provincial and Federal Acts or regulations are complied with.*

Amended

Motion: 010-01/24

Moved By Annette Harland

Seconded By Jeremiah Kerr

That the Planning Advisory Committee of the Town of Saint Andrews Tables the variance, to allow for time to review and digest the information presented, to the lobster holding facility, as proposed by the St. Mary's First Nations on the subject lot (PID 15044811), to be similar to or compatible with a light industrial use – a permitted use in the Rural (RU) Zone, and varying the October 2022 PRAC decision by subjecting it to the following terms and conditions:

1. *That a copy of the Environmental Impact Assessment (EIA) approval, or EIA exemption, from the Department of Environment and Local Government for the proposed volume of saltwater consumption shall be provided to the Development Officer prior to building permit issuance.*
2. *That a copy of the Licence of Occupation from the Department of Natural Resources and Energy Development for the saltwater discharge pipe, shall be provided to the Development Officer prior to building permit issuance.*
3. *That the arrangement of the buildings, structures, mechanical systems, parking, and loading areas be developed in general conformity with the information submitted with the application.*

4. That prior to the final inspection by the Building Inspector, a 5 to 8.5 metre-wide treed buffer and a 'residential-style' 3-metre-tall concrete wall with a sound transmission class (STC) rating of 37 or greater be installed and completed according to the buffer design and site plan submitted with the variance application.
5. That, other than the access points or the buffers referred to in the previous condition, a 5-metre naturally vegetated buffer is developed along other property lines and along the top of the bank, and that this buffer area is to be preserved for the planting, growing, and maintenance for trees.
6. That prior to the final building inspection, the facility's exterior mechanical equipment be enclosed in solid structures with an STC of 55 or greater, with access doors with a STC of 37 or greater, to the satisfaction of the Building Inspector.
7. That no heavy industrial uses, or other industrial processing of fish, aquaculture, or slaughter of live species may occur on the subject lot without a Zoning By-Law amendment approved by the Council of the Town of Saint Andrews.
8. That prior to the final building inspection, the facility's exterior siding be clad with either traditional building materials, such as cedar shakes, wooden facsimiles, masonry or be clad with metal material painted with a bright primary colour.
9. That prior to the final building inspection, any exterior lighting be shielded and directed downward, and not directed at any neighbouring property or into Chamcook Harbour, to the satisfaction of the Development Officer.
10. That all dead animal waste shall be stored in sealed, odour-proof containers inside the facility or in a refrigerated trailer on-site before being disposed at the regional landfill.
11. That no loading or off-loading of lobsters, equipment, or other products shall occur between the hours of 8:00 p.m. – 7:00 a.m.
12. That all other requirements of the Chamcook Planning Area Rural Plan and all environmental Provincial and Federal Acts or regulations are complied with.

7 – 0

Tabled

6. QUESTION PERIOD

Ken Waiwood, 31 St. Andrews North Road, Chamcook.

The question is the 200 litres per minute. Corrected at 70 litres per minute. If they cannot get 200 litres per minute, then is this proposal dead? I think that they should prove that and not cause saltwater intrusion into freshwater wells. Thank you.

Adrian Desbarats noted that they have explained that we would have to go through an EIA to do the saltwater test and the EIA would consider the ability to sustain the 75 litres a minute needed. We did preliminary testing but an EIA is still needed. If the EIA noted the well was not sustainable, we would look for a pipeline. But this would be done with the Federal Government.

7. PAC MEMBER COMMENTS

Clerk Nopper noted that due to members of the PAC being away in February the next meeting would take place in March.

8. **ADJOURNMENT**

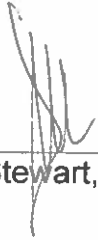
Motion: 011-01/24

Moved By PAC Stewart

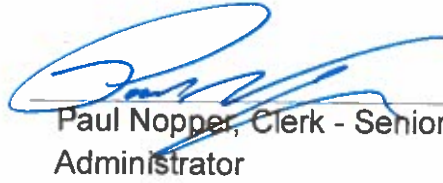
At 9:10 p.m. that the meeting be adjourned.

7 – 0

Carried



Jill Stewart, Chair



Paul Nopper, Clerk - Senior
Administrator

