



TOWN OF SAINT ANDREWS
PLANNING ADVISORY COMMITTEE MEETING
MINUTES

April 17, 2024, 7:00 p.m.
W.C. O'Neill Arena Complex Council Chambers

A. RECORD OF ATTENDANCE

At the Planning Advisory Committee Meeting on Wednesday, April 17, 2024, at 7:00 p.m. the following members were present:

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

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

Absent - PAC Member John Tanner

B. APPROVAL OF AGENDA

Motion: 028-04/24

Moved By PAC Simmonds

Seconded By PAC Cross

That the Agenda for the 240417 Planning Advisory Committee Meeting be approved as presented.

Amended

Motion: 029-04/24

Moved By PAC Cross

Seconded By PAC Simmonds

That file PAC240406 on the Agenda be moved to the start of the Agenda.

5 – 0

Carried

Motion: 030-04/24

Moved By PAC Simmonds

Seconded By PAC Cross

That the Amended Agenda for the 240417 Planning Advisory Committee Meeting be approved as presented.

5 – 0

Carried

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

D. DECLARATION OF CONFLICT OF INTEREST

PAC Chair Jill Stewart declared a Conflict of Interest to file PAC240406.

E. CONFIRMATION OF MINUTES

1. **Minutes of the 240221 Planning Advisory Committee for Wednesday, February 21, 2024, 7:00 p.m.**

Motion: 031-04/24

Moved By Councillor Harland

Seconded By PAC Kerr

That the Minutes of the 240221 Planning Advisory Committee for Wednesday, February 21, 2024, at 7:00 p.m. be adopted.

5 – 0

Carried

2. **Minutes of the 240312 Special Planning Advisory Committee for Tuesday, March 12, 2024, 7:00 p.m.**

Motion: 032-04/24

Moved By PAC Kerr

Seconded By Councillor Harland

That the Minutes of the 240312 Special Planning Advisory Committee for Tuesday, March 12, 2024, at 7:00 p.m. be adopted.

5 – 0

Carried

F. AGENDA ITEMS

1. **PRESENTATIONS/DELEGATIONS**

2. **ZONING APPLICATIONS**

1. **Similar to or Compatible with Tourist Commercial Accommodation for St. Croix River Homes Inc. PID 15082993, PAC240406**

PAC Chair Stewart left the meeting at 7:03 p.m.

PAC Chair Stewart returned to the meeting at 8:27 p.m.

Planner Alexander Gopen gave a presentation on PID 15082993 River Road, Bayside for St. Croix River Homes Inc. seeking a similar to or compatible with Variance Applications or tourist accommodation use. This is a 17-acre flag lot with river frontage on the St. Croix River. The lot is accessed off Highway 127 with an almost 600-metre private road. The Variance Application for a Rural Zone seeks to allow for tourist accommodation use. They are seeking to build four cabins on engineered septic systems. Tourist accommodation use are the only types of dwellings that can be placed so that each dwelling unit does not have a minimum lot requirement. This property had a 15-lot subdivision with a tentative plan approved in 2021. 4-lots have been developed and received final approval. The majority of trees within the 30-metres of the high-water mark have been cleared which violates the St. Croix Corridor South Rural Plan Regulations. Condition of the tentative approval and to receive final approval for the 15-lots, which required a frontage variance, the applicant was required to replant trees by May 22, 2022. Order to Comply has been issued and trees must be planted by June 2024 regardless of further development. Site plans and aerial views were provided to the PAC for consideration. Communication was completed with residents of a 200-metre radius. Covenants on the properties are not regulated by or enforced by the municipality, so they have no bearing on the discussion. PAC shall consider whether

the proposed use is similar to or compatible with another permitted use in the Rural Plan is a tourist accommodation use. For example, this area can be a campground with over 100 RV sites. The definition for motel is "an establishment designed to accommodate the travelling public that consists of one or more buildings containing four or more attached accommodation units accessible from the exterior only and that may or may not have facilities for serving meals." Staff recommends the PAC of the Town of Saint Andrews approves the application subject to the following terms and conditions 1. A 5-metre buffer is installed and maintained between the development and any adjacent residential uses. 2. Any development of cabins shall not occur without the issuance of a Plumbing Permit issued by the Provincial Department of Public Safety. 3. Before any further development on PID 15082993 occurs, the applicant shows evidence that they have planted 40, 6' tall, 1.5" wide trees as per the attached "Replanting Plan" to the satisfaction of the Development Officer within the 30-metres of the Ordinary High-Water Mark of the St. Croix River.

PAC thanked Planner Gopen for the presentation. PAC asked the likelihood of the subdivision coming before PAC with respect to the property. Planner Gopen noted that there are plans to bring that file forward for consideration. PAC noted that they wanted to see the subdivision plan first to understand the applicant's full vision for the property. Planner Gopen noted when the application is received it will be brought forward for consideration. PAC asked about the 5-metre buffer and if this was standard. Planner Gopen noted the standards in the Rural Plan and that this is the separation between residential and tourist accommodation. PAC asked if they could extend the 5-metre buffer. Planner Gopen indicated yes, and that 15-metres is recommended for industrial developments. PAC asked about the 30-metre setback from the high-water mark and if this would still need to be followed. Planner Gopen noted yes. PAC asked about the replacement of the septic systems on the site plan and how they are regulated. Planner Gopen indicated they would need approval through the Provincial Plumbing Permit from a regional inspector. PAC asked about the trees and the length of time it has taken to have them replanted. Planner Gopen noted that this is a question for the applicant.

Applicant Brock Merchant, St. Croix River Homes

Mr. Merchant noted he misunderstood the process of planting and thought he had to the end of the subdivision to replant. Noted clearing of the whole property was underway and that this was an expensive project to undertake. Mr. Merchant indicated that three homes have been built, however legal issues have come up between the builder and property owners. This has limited the capital investment needed to move the project forward. Issues of burn piles were brought up to the PAC. The goal of the tourist accommodations is to create an ongoing revenue stream to help with the ongoing development and ensure funds are flowing into the business. The cabins would be high-end and target high-end clientele. PAC asked about the subdivision that will be filed and if he could provide more information on it. Mr. Merchant noted that he failed to renew his subdivision as he did not know he had to do that every year. The

subdivision would be similar to the previous one approved and contain a larger buffer between the residential property and the tourist accommodation. There will be propane fire pits, hot tubs, etc. for the tourist accommodations. PAC commented that they want to see the subdivision plan as part of this review process. PAC questioned Mr. Merchant about the Orders to Comply with the installation of the trees and why he failed to replant based on the 2022 deadline. Mr. Merchant noted that he has put all his money into building the homes currently on site and would invest in that area down the line. Planting trees is expensive.

Public Comments

Dan Desaulniers, 31 River Road. There have been promises made to homeowners and what the community would be structured as. We have only been here less than 2 years and were told at the beginning this would be a 15-lot subdivision with homes. There were covenants put on each property between the developer and the homeowner. Those rules are potentially broken with the decision of the PAC and Planners. There is only one roadway and one view of the water. What is at the base of the property will affect the view. Now we are told rental units will be going into this development with random tenants coming and going. There is a right place for everything, and we do not think our community is the place for this. Our properties have covenants about size, type of home, style, etc. outlined in them. We are also concerned with noise and traffic all going down one road that property owners pay to have maintained. We also have concerns about the oversight of these cabins and how they will affect the enjoyment of our properties. We still do not have access to the beach zone, the road is not fully built out, and the waterfront has been cleared. The developer is not following through on the promises and agreements with the property owners. There are many issues with this property, the developer, and what they have promised. We fear decreases in our property values due to the issues presented. Mr. Desaulniers asked about the ability in the zone to have tourist commercial properties.

Planner Gopen noted that it is allowed to use in the Rural Zone and what they are seeking is consideration for four cabins similar to. Mr. Desaulniers commented that they do not agree with the proposed development and that they are concerned the developer is overstepping the covenants in place with each property owner.

Victoria Smith, 35 River Road. We were sold a vision, beautiful views, large lots, close to town, and everything appealed to us. Now we are trying to fight this new development to protect and maintain the vision we were sold and bought into. It has been made clear that the developer does not follow the covenants established. PAC should take these into concern as they are closely related to the requested change of use. If approved by the PAC, do you become complicit in the support of the document and the overstepping of covenants? It is difficult to understand the process. Any development below us will have cars passing on a road we pay for monthly. The more traffic, the greater the maintenance needed, and the costs associated. Our properties could see a decrease in property values with short-term rentals below us. We are still waiting for our deeded access to the

waterfront, landscaping, and dealing with the property issues already there. I am dismayed to hear this.

Jane Spicer-Tremblay, 39 River Road. Not sure if you saw our letter submitted to the PAC, but our understanding when we purchased, was that this would be a private residential area for single-family dwellings. There was no mention of revenues gained from rentals. We are a little community. The developer mentioned controlled burns that needed to happen but there have been issues with this too, like them leaving the burning unattended and putting our homes at risk. We all have deeded access to the beach that we are not receiving. There is a lot of what has been said will happen versus reality. I am a businesswoman and several of us are fed up. We are all adults and must take responsibility for our decisions.

Michel Tremblay, 39 River Road. I wanted to put a few words out about what has happened since we purchased. The developer mentioned revenue not coming in. There are legal reasons for this. There have been issues with the controlled burns noted and has left us concerned about our homes and insurance. We are lacking our deeded access to the beach and the landscaping associated with this. There are also road repairs that have not happened and have been requested several times to no avail. The road is not safe, and we are still waiting for trees to be planted. It is never going to happen, and we know it. Thank you for listening to me out.

Mike Pomponie, Route 127, Bayside. In the event the developers are granted the variance, what are the limitations on the variance? Could this expand into more variance if granted? What about the controlled burns, who deals with those issues, 911?

Vice Chair Cross noted some of those questions cannot be answered by the PAC, however, if you do feel unsafe, call 911. Planner Gopen noted in the current zone there are no limits when it comes to tourist accommodations like RV campsites but could hit a limit for a need for an Environmental Assessment. There could be conditions on the number of units, cabins, etc. that can be placed on a single property.

Brenda Hooper-Rowland, Route 127, Bayside. I live across from this development and appreciate what has been done by the developer. However, I do have concerns with the variance. This is a single-family residential area, not a commercial thing. You must look at the impact of the surrounding properties when making this decision and how they will be negatively affected. Please take that into consideration. I know what it is like to have renters and be absentee landlords. We could see increased traffic on this road which will be a disturbance. With a 100-space campground, this will certainly have negative impacts. You have to look at the bigger picture for this property. The benefits to one cannot outweigh the negatives to the others. They need to come to some sort of terms that will work for everyone and find a solution.

Diana Desaulniers, 31 River Road. We would have never purchased a house in this development if there had been rentals at the bottom. No matter how fancy you make them, they bring our property values down. No one is going to buy the adjacent lots to those cabins. This could create a domino effect on all the properties. We are sorry you

have not sold more homes, but we have also told you how to make it a better development and clean it up. Lots of concern about the large brush piles for burning and concerns for our homes.

PAC Discussion

PAC asked if there are any conditions attached to the original subdivision plan. Planner Gopen noted the subdivision no longer exists and you are dealing with one large PID and several smaller ones. Theoretically, the rest of the planned subdivision does not need to happen, but development can happen on the large PID. PAC noted that this is a variance for the 14-acres remaining. Planner Gopen noted yes. PAC about lot 15 and if it met the setback and building requirements for lot size. Planner Gopen noted if it is declared tourist accommodation. PAC asked about the upcoming subdivision plan and if this is approved, how the setbacks will work. Planner Gopen noted that that will come the zoning but currently a 3-meter setback. PAC asked about the new Subdivision By-Law and how does the road length play into this. Planner Gopen noted it is a legal existing private road. New access would need to be approved with the road under a new subdivision. PAC asked about the report and reference to arsenic testing and well contamination. Is there concern for this? Planner Gopen noted water supply is investigated through the subdivision plan process. A few of the wells drilled have shown arsenic but others have not. PAC noted concerns on the arsenic being seen in the well water. Planner Gopen noted any future wells and abbreviated water supply would need to be stamped and approved before use. PAC asked about the road condition and how it relates to rentals. Planner Gopen noted the road conditions do not apply to the rentals, but the only condition is frontage for the 15-lots. PAC asked about the expired subdivision plan and the implications on that. Planner Gopen noted the new plan would need to meet the conditions of the Subdivision By-Law. PAC noted they wanted to see the subdivision plan for this property prior to making any further decisions.

Motion: 033-04/24

Moved By PAC Ingalls

Seconded By PAC Kerr

That the Planning Advisory Committee of the Town of Saint Andrews approves the application for similar to or compatible with a tourist accommodation for St. Croix River Homes at PID 15082993 with the following terms and conditions:

- 1. A 5-metre landscaped buffer is installed and maintained between the development and any adjacent residential use.*
- 2. Any development of cabins shall not occur without the issuance of a Plumbing Permit issued by the Provincial Department of Public Safety.*
- 3. Before any further development on PID 15082993 occurs, the applicant shows evidence that they have planted 30 6-foot tall, 1.5-inch wide trees as per the attached "Replanting Plan" to the satisfaction of the Development Officer within the 30 metre of the Ordinary High-Water Mark of the St. Croix River.*

Amended

Motion: 034-04/24

Moved By PAC Ingalls

Seconded By PAC Kerr

That the Planning Advisory Committee Tables the Similar to or Compatible with Tourist Commercial Accommodation for St. Croix River Homes Inc. PID 15082993, PAC240406, in order to understand and hear the application of subdivision before making a decision. Scaled drawings must be provided.

4 – 0

Carried

2. Obtain Views of the PAC for MP20-08 and Z22-06 for Lynn and David Mayo, PIDs 01323294 and 15097066, 222 Prince of Wales St., PAC240411

Planner Gopen provided a presentation on the Wee Fabric Shop Municipal Plan MP20-08 and Zoning By-Law Z22-06 Amendments to obtain the views of the Planning Advisory Committee. This is for PIDs 01323294 and 15097066 at 222 Prince of Wales Street. It is a 0.66-acre lot in the Serviced Residential Zone. The plan is to demolish the current garage and replace it with a 50' x 40', two-storey building for commercial use. This will be a retail and studio space for a fabric shop. Site plans were provided to the PAC for review. Statements of Public Interest 5. Promote and prioritize development in areas of communities with existing or planned public infrastructure and services and 9. Promote development in downtown and urban cores through increased density, infill, and brownfield development were listed. Municipal Plan Policies 2.5.2(1) Economic Policies, 2.5.2(2) Economic Policies, and 2.5.2(6) Economic Policies were noted. This property is adjacent to other commercial uses such as Kingsbrae Garden and Kingsbrae Arms and is adjacent to institutional uses such as Sir James Dunn Academy, the Scouts building, and the cemetery. There will be no smoke, dust, noise, or electrical interference from this development. The establishment of this business will have minimum impact on the adjacent area.

PAC thanked Planner Gopen for the presentation. PAC asked if Council is adding terms and conditions to this application. Planner Gopen noted Council can when a change of use occurs. They could limit types of businesses, size of buildings, etc. PAC noted if this business were to change in the future and the concerns of impacts on adjacent businesses and schools. PAC did not that most of the business around is commercial or institutional. PAC noted the change in use for this property makes common sense and that it fits in the zone. PAC noted the new building should be in a reflective style and colouring as the main house. It was recommended that Council consider limiting the uses on this property for future businesses.

Motion: 035-04/24

Moved By PAC Cross

Seconded By PAC Simmonds

That the Planning Advisory Committee of the Town of Saint Andrews provided the following views to Council on Amendment MP20-08 to the Municipal Plan MP20-01 and Amendment Z22-06 to the Zoning

By-Law Z22-01 for the proposed rezoning of PIDs 01323294 and 15097066, 222 Prince of Wales Street to Mixed-Use Zone for Lynn and David Mayo:

That the Planning Advisory Committee has no concerns or objections to the proposed amendments to MP20-08 or Z22-06. We note from the proposal that building design will be compatible with the existing building.

5 to 0

Carried

3. Obtain Views on Amendment Z22-07, Text Amendments to the Zoning By-Law Z22-01, PAC240412

Planner Gopen provided a presentation on Amendment Z22-07 to the Zoning By-Law Z22-01 for text amendments and sought to obtain the views of the Planning Advisory Committee. The amendment changes are reflective of text amendments being brought forward by staff. The amendment includes the addition of a new Integrated Development Zone which would give the opportunity to apply terms and conditions to zones that might not fit within the current Zoning By-Law. Another amendment is regarding the issuing of Special Occasion Permits through the Department of Public Safety as it relates to certain zones. Under changes in Public Safety, they require zoning confirmation now. Some zones are unable to obtain them, i.e. churches, under the current zoning processes. This would open up zones to have the opportunity to access Special Occasion Permits. The third amendment is to allow the Town of Saint Andrews to place a digital sign at the W.C. O'Neill Arena Complex. Currently, no zones are allowed to have digital display signs.

PAC thanked Planner Gopen for the explanations to Amendment Z22-07. PAC asked about the new Integrated Development Zone and if it is something used when something does not fit in the Zoning By-Law. Planner Gopen noted this was the case and that the goal is to deal with properties, like the Algonquin Hotel and Resort, that have limitations under the Zoning By-Law and conformity issues. It was noted that the Integrated Development Zone would still need to follow the standard processes under the Community Planning Act, i.e. three Readings, Public Hearings, and Views of PAC. PAC noted the digital sign and the specifications for only municipal use. It was noted that the safety issues of the Stein Lake Fire would give the municipality the ability to further communicate with the public and visitors. PAC noted they may want to consider times of use and that the digital sign be shut off later into the night.

Motion: 036-04/24

Moved By PAC Kerr

Seconded By PAC Cross

That the Planning Advisory Committee of the Town of Saint Andrews provides the following views to Council on Amendment Z22-07, text amendments to the Zoning By-Law Z22-01:

PAC has no concerns or objections to the proposed Amendment Z22-07. We believe that the digital signage will enhance communications for residents and tourists.

5 – 0

Carried

3. VARIANCE APPLICATIONS

1. Variance Application for 701816 N.B. Inc. Judy MacDonald PID 15186422 46 Reed Avenue, PAC240407

Planner Gopen noted that this file has appeared previously to the PAC and that the applicant is seeking to have a term and condition allowing them to have the temporary garage up all year round. There were no questions for the Planner.

Applicant

Brian MacDonald, 3-46 Reed Avenue. The goal is to park my antique truck in this garage all year. The truck is stored indoors in the winter and outside in the summer, however, I want to further protect the truck from the sun and weather with the garage all year round. I purchased it from Coverttech in Woodstock. To my knowledge, when I purchased this garage there were no restrictions on my property based on zoning. I would like to keep the truck and structure for 3 to 5 years.

PAC asked where the truck was previously stored. Mr. MacDonald noted in a storage shed in the winter and outdoors in the summer. PAC noted that the zone is Central Commercial and that the current rules in the Town are the allowance to have the temporary garages up from October to April. Planner Gopen clarified this as only in residential zones and that the Historic Business District does not allow them. PAC noted that for future changes to the Zoning By-Law rules need to be in place for commercial properties outside the Historic Business District.

Motion: 037-04/24

Moved By PAC Kerr

Seconded By PAC Harland

That the Planning Advisory Committee of the Town of Saint Andrews does not modify the conditions set by the PAC for the temporary structure at 46 Reed Avenue for PID 15186422 for 701816 N.B. Inc. Judy MacDonald.

5 – 0

Carried

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

PAC Simmonds asked about the term limits of the PAC Members and when will this term come to an end.

Clerk Nopper noted in January 2025, staff will bring forward requests for an extension to the current members or if they wish to resign. Members are staggered to keep consistency in the PAC.

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 038-04/24

Moved By PAC Stewart

At 9:17 p.m. that the meeting be adjourned.

5 – 0

Carried

Jill Stewart, Chair

Paul Nopper, Clerk - Senior
Administrator

