



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

**June 19, 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, June 19, 2024, at 7:00 p.m. the following members were present:

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

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

Absent - Vice Chair Jeff Cross and PAC Kevin Simmonds.

B. APPROVAL OF AGENDA

Motion: 051-06/24

Moved By Councillor Harland

Seconded By PAC Tanner

That the Agenda for the 240619 Planning Advisory Committee Meeting be approved as presented.

Amended

Motion: 052-06/24

Moved By Councillor Harland

Seconded By PAC Tanner

That the Agenda for the 240619 Planning Advisory Committee Meeting be amended to move file PAC240608 to the start of the meeting and approve as presented.

4 – 0

Carried

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

D. DECLARATION OF CONFLICT OF INTEREST

Chair Stewart noted that she had declared a Conflict of Interest at a previous meeting to File PAC240607 however has identified she does not have a conflict and will continue to be Chair on that file.

E. CONFIRMATION OF MINUTES

- 1. Minutes of the 240417 Planning Advisory Committee Meeting Wednesday, April 17, 2024, 7:00 p.m.**

Motion: 053 - 06/24

Moved By Councillor Harland

Seconded By PAC Ingalls

That the Minutes of the 240417 Planning Advisory Committee for Wednesday, April 17, 2024, at 7:00 p.m. be adopted.

4 – 0

Carried

- 2. Minutes of the 240522 Planning Advisory Committee Meeting Wednesday, May 22, 2024**

Motion: 054-06/24

Moved By PAC Kerr

Seconded By PAC Tanner

That the Minutes of the 240522 Planning Advisory Committee for Wednesday, May 22, 2024, at 7:00 p.m. be adopted.

4 – 0

Carried

F. AGENDA ITEMS

- 1. PRESENTATIONS/DELEGATIONS**

- 2. TERMS AND CONDITIONS APPLICATION**

- 1. Terms and Conditions and Variance for Fence at 11 Montague Street for Tim Crosby PID 01319219, PAC240608**

Planner Gopen presented to the Planning Advisory Committee regarding a Variance and Terms and Conditions for a fence at 11 Montague Street PID01319219 for Tim Crosby. The application is for a 6.5 foot fence in the front yard to screen neighbouring commercial property. The adjacent landowner provided consent to place the fence on the property line. Section 3.21(3) of the Zoning By-Law was referenced. It was noted that a water line runs under the front of the property and Public Works will need to be consulted before installation. Site plans and visuals of the fence were provided to PAC.

PAC thanked Planner Gopen for the presentation. PAC asked if there was a cost for the Town to mark out the water lines. Clerk Nopper noted no. PAC asked how far away from the road would the fence be. Planner Gopen indicated 4 feet. PAC had concerns about the commercial property beside and visual lines for vehicles backing out. Planner Gopen noted trees are already in the site lines and the fence would be somewhat transparent.

Motion: 055-06/24

Moved By Councillor Harland

Seconded By PAC Kerr

That the Planning Advisory Committee of the Town of Saint Andrews approves the fence Variance for 11 Montague Street, PID 01319219, for Tim Crosby to allow the fence to be closer than 1 metre to the property line and to add the following Terms and Conditions:

- 1. The applicant contacts Public Works prior to the installation of the fence so the location of water laterals can be marked to prevent damage during installation.**

2. No fence in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous materials in its construction.
3. The fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.

4 – 0
Carried

3. ZONING APPLICATIONS

1. **Similar to or Compatible with Tourist Accommodation St. Croix River Homes Inc. PID15082933 for 11 Cabins, PAC240607**

Planner Gopen presented to the Planning Advisory Committee on a Similar to or Compatible with Tourism Accommodation for PID 15082933 River Road, Bayside for St. Croix River Homes. This is a 17-acre flag lot with frontage on the St. Croix River. It is accessed off Highway 127 and was recently subdivided in a previous subdivision with lots sold. The Variance request is for eleven cabins to be classified as Similar to or Comparable with a Tourist Accommodation, i.e. hotel, motel, or campground. Originally this file requested four cabins but has since increased. The original intention of the property was a 15-acre subdivision with a tentative plan approval in 2021. Four lots have received approval with three lots developed with single-unit dwellings. An issue was raised under the St. Croix Corridor Plan that trees could not be cleared within 30-metres of the water's edge. The developers violated this order and have an Order to Comply to replant the trees. This was required as of May 22, 2022. An Order was issued to comply by June 24, 2024, before further development would be considered. No trees had been planted as of June 19, 2024. Site plans and visuals of the property were provided for review including the waterfront area where trees were to be replanted. Consideration of the PAC was given on whether the proposed use is Similar or Compatible with another permitted use in the Bayside Rural Plan. Note a campground is acceptable in this zone without PAC approval and can have over 100 RV sites. It was noted to PAC that no progress has occurred with the Order to Comply issued on April 15, 2024. Planner Gopen also indicated that there is evidence of a potential wetland being created in the 30-metre buffer zone and the Department of Environment and Local Government have been made aware of this issue.

PAC thanked Planner Gopen for the presentation. PAC asked what would happen if the trees were not planted by June 24, 2024. Planner Gopen noted they are required to plant trees of a certain height and width. If the date expires, there will be further enforcement. PAC asked if a renewed Subdivision Plan had been submitted as per the request of the April PAC meeting. Planner Gopen noted an incomplete Subdivision Plan has been submitted but this does not meet the PAC request and this request could be Tabled. PAC asked about setbacks as it relates to the Clean Water Act. Planner Gopen noted that they may need a WAWA permit from the Department of Environment and Local Government and any work within that 30-metre buffer, i.e. shovels in the ground, would need a permit. It was noted to wait to hear back from DELG on comments of a wetland.

Applicant Comments

The Applicant was not present at the meeting.

Public Comments

Gerhard Pohle, resident of Bayside. Two comments, one concerns what has been discussed with the technicalities to the replanting of the trees and concerns about erosion to their property and adjacent properties. With the new trees to be planted, they will be shallow to start and protection of the shoreline will be difficult. Mr. Pollen noted that the Applicant has failed to fulfil their obligations. The second comment was about the proposed development and how such a development could occur there now that Bayside was part of Saint Andrews. Most people move to Bayside to be in the peace and quiet and outside the Town limits. The consideration of eleven cabins would bring additional noise and issues to the quiet area. An example was brought forward of motorcyclists all renting the cabins and the noise that would bring to adjacent property owners.

Barry Morris, Lawyer representing the Desaulniers and Smiths. I fully understand the intent of the plans but PAC kicking this file down the line is not a good thing. The Applicant did not show up. I have been a Lawyer for 50 years and can see this being an abuse of process. This is a waste of time, money, and the PAC. We are issuing a claim in the Court of Kings Bench against the Applicant. I would request this file be stricken down by the PAC.

Brenda Hooper Rowland, resident of Bayside. It is a little surprising to see the increase in units requested from four to eleven. There are concerns about the Applicant being able to afford to build the new proposed development based on their discussions of financial issues. My concern is the precedence this is starting and asking to change plans in the middle of a subdivision process to switch from single-unit dwellings to Airbnbs. They had a plan that was approved and should be committed to it. They have also had issues of clear-cutting adjacent landowner's property. Saying sorry is disingenuous. He is asking for forgiveness, not permission.

Jane Tremblay, 34 River Road. I want to reiterate all the comments made this evening and appreciate that they have been said. The letter submitted by Mary Kay summarizes the situation for all of us. One wonders if St. Croix River Homes is toying with the judicial system process by pursuing this at little cost to them and their lack of business planning and expertise demonstrates the shortcomings and should not be allowed.

PAC Comments

PAC asked for clarification and understanding about the Subdivision Plan that has not been fully executed and now making significant shifts in the Development Plan. What are the rules around that? Planner Gopen noted it depends on the Zoning changes and uses. What is allowed in the zone is the most important aspect in my opinion of the views of the Rural Plan and Community Planning Act. You have to finish the plan first and if you do not meet those regulations you lose sections of development. As regulations change, the expectations of what started, in this case, are no longer

valid. In certain cases, with municipal infrastructure, performance bonds can be used to finish sections of a subdivision if the developer cannot complete the work. As there is no municipal infrastructure in the Wards and a private road, there is limited powers to force completion. A new process would need to be started as the subdivision has expired. PAC noted the request is drastically different from a single-unit dwelling subdivision to a tourist accommodation process. Planner Gopen noted PAC has discretion on interpretation. PAC had concerns about the potential for a wetland in the area, the need for additional information from DELG, the lack of information brought forward based on previous requests, the lack of follow-through on the Order to Comply, and that this development seems to be contrary to the original Subdivision Plans sold to residents.

Motion: 056-06/24

Moved By PAC Kerr

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews tables the application from St. Croix River Homes Inc. for similar to or compatible with Tourist Accommodation for 11 cabins until the Order to Comply for replanting trees has been completed and approved by the Southwest New Brunswick Service Commission.

Amended

Motion: 057-06/24

Moved By PAC Kerr

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews rejects the application from St. Croix River Homes for similar to or compatible with Tourist Accommodation for 11 cabins based on the fact the applicant has not complied with the Order to Comply for replanting trees and shrubs along the St. Croix River, the applicant has not followed any promises to residents whom they had previously sold to, that it is not similar to or compatible with any Tourist Accommodation within Bayside or Chamcook, there has been no approvals of any neighbours within the mailout area to coincide support for 11 cabins, and that there are only people against the application being proposed.

Amended

Motion: 058-06/24

Moved By PAC Kerr

Seconded By PAC Ingalls

That the Planning Advisory Committee of the Town of Saint Andrews rejects the application from St. Croix River Homes for similar to or compatible with Tourist Accommodation for 11 cabins based on the fact the applicant has not complied with the Order to Comply for replanting trees and shrubs along the St. Croix River, the applicant has not followed any promises to residents whom they had previously sold to, that it is not similar to or compatible with any Tourist Accommodation within Bayside or Chamcook, there has been no approvals of any neighbours within the mailout area to coincide support for 11 cabins, that there are only people against the application being proposed, that the applicant was requested to submit additional Subdivision Plan documentation for review which

has not been received, and that the plan has changed from the original proposed submission of 4 cabins to 11 cabins.

4 – 0

Carried

4. VARIANCE APPLICATIONS

5. SIGN APPLICATIONS

G. NEW BUSINESS

H. PAC MEMBER COMMENTS

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 059-06/24

Moved By PAC Stewart

At 8:09 p.m. that the meeting be adjourned.

4 – 0

Carried

Jill Stewart, Chair

Paul Nopper, Clerk – Senior
Administrator

