



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

**December 18, 2024, 7:00 p.m.  
W.C. O'Neill Arena Complex Council Chambers**

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**A. RECORD OF ATTENDANCE**

*Chair Jill Stewart, Vice Chair Jeff Cross, PAC Dwight Ingalls, Jeremiah Kerr, John Tanner, Kevin Simmonds.*

*Paul Nopper, Clerk - Senior Administrator, Alexander Gopen, Senior Planner, Judy Hartford, Senior Development Officer, Southwest New Brunswick Service Commission.*

*Absent - Councillor Annette Harland*

**B. APPROVAL OF AGENDA**

**Motion: 076 - 12/24**

**Moved By** PAC Cross

**Seconded By** PAC Kerr

*That the Agenda for the 241218 Planning Advisory Committee Meeting be approved as presented.*

**5 – 0**

**Carried**

**C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION**

**D. DECLARATION OF CONFLICT OF INTEREST**

**E. CONFIRMATION OF MINUTES**

- 1. Minutes of the 241120 Planning Advisory Committee Meeting of Wednesday, November 20, 2024, 7:00 p.m.**

**Motion: 077 - 12/24**

**Moved By** PAC Cross

**Seconded By** PAC Tanner

*That the Minutes of the 241120 Planning Advisory Committee Meeting of Wednesday, November 20, 2024, at 7:00 p.m. be adopted.*

**5 – 0**

**Carried**

**F. AGENDA ITEMS**

- 1. PRESENTATIONS/DELEGATIONS**
- 2. ZONING APPLICATIONS**

### 3. VARIANCE APPLICATIONS

#### 1. Variance Application for 114 Water Street PID 01318369, Norman Belong, PAC241206

*Alexander Gopen, Senior Planner, presented a proposal to develop a 29 ft. tall, two-storey, accessory dwelling unit with a gross floor area of 1,320 sq. ft. in the rear yard. The ADU proposed is for a guest house on the property. The ADU needs the following variances; a variance to allow a two-storey garden suite where the Zoning By-Law only permits a one-storey garden suite, a variance to allow a two-storey accessory building that exceeds the height of the main dwelling, and a variance to allow a accessory building with a gross floor area of 1,320 sq. ft. where the Mixed-Use Zone only permits an accessory building with a gross floor area of up to 904.2 sq. ft. It was noted that additional variances may be needed based on the discovery of additional buildings without permits on the site. Site plans and visuals were provided to PAC for review. There was no correspondence received from the external consultation with the 100 m mailout. Mr. Gopen noted that ADU's are an important tool in meeting housing needs. The proposed ADU is far outside the scope of the Zoning By-Law. The accessory structure/buildings/uses are intended to be subordinate to the main structure. The proposal exceeds the height of the main building by over 6 ft. and is two storeys of dedicated space. There would be a need for numerous and significant variances to approve this. It is staff's recommendation to reject the proposed variance and ADU as they do not meet the general conformity of the Zoning By-law.*

*PAC thanked Mr. Gopen for the presentation. PAC asked if the Planner was aware of the additional three buildings that exist on the property besides the main structure. Planner Gopen noted yes after the site visit and that at least two buildings have no records of permits. PAC asked based on lot coverage, does the ADU fall within the lot coverage. Planner Gopen notes yes it would still be within the lot coverage. However, the Zoning By-Law does stipulate no more than two additional buildings on a property. There is a situation of more buildings there now. PAC asked if there was a proposed plot plan with the building site. Planner Gopen noted that a site plan was provided but did not highlight the location proposed for the ADU and did not show any additional buildings on the plan. This would need to be reviewed.*

#### *Applicant*

*Norman Belong of 114 Water Street spoke to PAC on the ADU. Mr. Belong noted that the plan was for a 1.5-storey building and it would be at 27 ft. high not 29 ft. high. It was noted that the square footage of the building could be reduced.*

*PAC noted that they can only make decisions on the plans currently before them and any changes would need to be made through a new application. It was recommended to Mr. Belong to reapply and submit a proper site plan for consideration with all buildings outlined on the property. Additionally, the other three buildings on the property will need to be addressed based on permits, placement, and if other*

variances are needed. This must be corrected first before PAC can proceed with a review of the file.

**Motion: 078 - 12/24**

**Moved By** PAC Cross

**Seconded By** PAC Ingalls

*That the Planning Advisory Committee for the Town of Saint Andrews rejects the variance application for PID 01318369, 114 Water Street, for Norman Belong based on it not being within the general intent of the Zoning By-Law Z22-01.*

**5 – 0**

**Carried**

#### **4. TERMS AND CONDITIONS APPLICATION**

##### **1. Terms and Conditions Application for PID 01318633 for 93 Montague Street, John Fothergill, PAC241112**

*Judy Hartford, Senior Development Officer, presented to the Planning Advisory Committee on updated information on the Terms and Conditions for a fence at 93 Montague Street. This application file was tabled by PAC as a request for additional information made from the November 2024 meeting. The property is on the corner of Montague Street and Elizabeth Street and is in the Serviced Residential Zone in the Town Plat. The owner wishes to replace the existing wooden fence and erect a 6 ft. ornamental fence. The existing fence on Montague Street will be removed. The fence in the front/flankage yard exceeding 1 m is permitted but subject to Terms and Conditions. A fence in a residential zone cannot exceed 6.6 ft. and shall be located 1 m from the property line. Notice for this file was sent within 100 m of the property and we received one letter of support. Site plans were provided to the PAC for review and consideration. It is in staff's opinion that the proposed fence is reasonable and desirable and should be approved with the Terms and Conditions established by the PAC.*

*The PAC thanked Mrs. Hartford for her presentation. PAC had no questions for the Planner.*

*Applicant*

*John Fothergill of 93 Montague Street noted that the fence along Montague Street is being removed and the fence posts are coming out soon. The old white picket fence will also be removed for the new ornamental fence. PAC thanked Mr. Fothergill and had no additional questions.*

**Motion: 079 - 12/24**

**Moved By** PAC Simmonds

**Seconded By** PAC Kerr

*That the Planning Advisory Committee for the Town of Saint Andrews permits a six-foot-high ornamental fence located within the front/flankage yard of 93 Montague Street, PID 01318633, for John Fothergill, a property in the SR Zone of the Zoning By-Law Z22-01 with the following Terms and Conditions:*

- 1. No fence in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous material in its construction.*

- 2. The fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.*

**5 – 0**

**Carried**

**2. Terms and Conditions Application for PID 15205305, 88 Joe's Point Road, James Smith, PAC241205**

Judy Harford, Senior Development Officer, presented to the Planning Advisory Committee on a Terms and Conditions application for a fence at 88 Joe's Point Road. It is in the Serviced Residential Zone outside the Town Plat. The owner wishes to install a 6 ft. ornamental fence in the front yard. Fences exceeding 1 m in the front yard need Terms and Conditions from the PAC. Notice was provided to neighbours within 100 m of the property and we received one letter of support. Site plans and visuals were provided to the PAC for review and consideration. It is in staff's opinion that the proposed fence is reasonable and desirable for the development of land subject to Terms and Conditions.

*PAC thanked Mrs. Hartford for her presentation. PAC asked, based on the photos provided, if fence posts had already been installed. Mrs. Hartford noted no posts had been installed at the point of the site review. The fencing seen are for covering the trees currently on the property and would not be subject to the fence request. Clerk Nopper asked PAC to ensure that the motion provided ensures it does not contain sharp pointed tops based on the photos provided. The applicant was not present at the meeting and no further questions were provided.*

**Motion: 080 - 12/24**

**Moved By** PAC Kerr

**Seconded By** PAC Simmonds

*That the Planning Advisory Committee for the Town of Saint Andrews approves a six-foot-high decorative fence located within the front yard of 88 Joe's Point Road, PID 15205305 for James Smith, in the SR Zone of Zoning By-Law Z22-01, subject to the following terms and conditions:*

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

**5 – 0**

**Carried**

**3. Terms and Conditions Application and Variance for PID 01318112, 9 Water Street, Michael Riley, PAC241208**

*Judy Hartford, Senior Development Officer, presented to the Planning Advisory Committee on a Terms and Conditions and Variance Application for a fence at 9 Water Street. The property is in the Serviced Residential Zone of the Town Plat. The applicant is seeking to erect a 5.2 ft woven wire fence in the front yard, located 0.5 ft from the front property line. The fence in the front yard exceeds*

1 m and would need Terms and Conditions from PAC. Fences in residential areas cannot exceed 6.6.ft and shall be 1 m from the property line. Neighbours were polled within 100 m and PAC received one letter in support of the front yard fence and one letter of objection regarding a side yard fence that was not part of this application but needs to be included in the discussion. Site plans and visuals were provided to the PAC for review and consideration. Terms and Conditions are imposed to protect properties within the zone or abutting zones, the health, safety, and welfare of the general public and the integrity of the objectives of the Municipal Plan. The general intent of the Zoning By-Law is to regulate fence height and placement to ensure that overly high fences are not erected and that no fence in the front yard shall cause issues with the sight triangle at intersections. It should be noted that the fence has been installed already and a side yard fence installed. This side yard fence will need to be reviewed as it appears to be on the property line and no variance has been requested. It is in staff's opinion to approve the front yard fence with the variance as it is reasonable and desirable to the Zoning By-Law while being subject to Terms and Conditions. PAC may decide to differ a decision on this file until the side yard fence is dealt with.

PAC thanked Mrs. Hartford for the report. PAC noted they are disappointed again that a fence has been installed without the proper approvals and people asking for forgiveness versus permission. The proposal does not reflect what is on-site now with the addition of the side yard fence. The Planning Report should have addressed that the fence was already built. Mrs. Hartford noted upon the original site visit that the fence was not installed and that they were notified by Town staff that the fence had been installed without the proper approvals. The goal is to attain compliance with the By-Law. PAC reiterated concerns about fences being installed and need to come back for compliance. Further education to the public is needed on the policies and procedures of the Town and By-Laws.

#### *Applicant*

Mr. Michael Riley of 9 Water Street spoke to PAC noting he was not aware of the need for a permit and that he is new to the community. Mr. Riley noted he would like to get into compliance and apologized for not getting permits and approvals prior to the installation. He is thrilled to be in the community and looks forward to continuing to beautify his property. PAC asked Mr. Riley why he picked the woven fence and not another style like iron as his property has a lot of visuals and curb appeal entering Water Street. Mr. Riley acknowledged he was following the styles that had been built by his neighbours. PAC asked if the front yard fence was to remain permanently or would be removed once the hedges had grown in. Mr. Riley noted his goal was to keep the fence and trim the hedges at a similar height to the fence to keep consistency. PAC noted that the type of hedge selected will be hard to maintain and will continue to grow large and that he might want to consider a change to the hedge for easier maintenance.

#### *Polling Area*

*Brian Kaye, owner of the property to the east of 9 Water Street, has no civic address for the parcel of land. Mr. Kaye noted that the fence along the side yard was installed along the property line and should be 1 m from it. Permission was not provided by the neighbour to have it installed on the property line and noted that the property marker that was near Water Street was no longer there and had been removed by someone. It was noted that the fence location will cause issues with snow clearing and removal. It was also noted that the hedges selected will not be protected by the fence proposed as the deer will still be able to access it. This could cause road hazards at the intersection of Harriet Street and Water Street.*

*Mary Kaye, adjacent property owner noted that she spoke to the contractor who was installing the fence and they thought the fence location was not allowed in that location but was still installed. We contacted the Regional Service Commission about the rules of fences and setbacks. Mrs. Kaye noted concerns about site lines and hazards that could be associated with both the side yard and front yard fences.*

*Mr. Riley responded to the comments and noted the last time he was on the property the markers were there. He was happy to review the property lines and make sure the markers were in the right locations.*

*PAC made a motion to approve the fence Terms and Conditions and Variance, however, there was no seconder to support the motion.*

**Motion: 081 - 12/24**

**Moved By** PAC Ingalls

**Seconded By** \_\_\_\_\_

*That the Planning Advisory Committee for the Town of Saint Andrews approves a variance to allow for a fence to be located 0.5 feet from the front property line in the SR Zone of Zoning By-Law Z22-01 for PID 01318112, 9 Water Street, for Michael Riley.*

**No Seconder for Motion.**

**Motion: 082 - 12/24**

**Moved By** PAC Cross

**Seconded By** PAC Tanner

*That the Planning Advisory Committee for the Town of Saint Andrews tables a 5.2-foot-high woven wire fence located within the front yard in an SR Zone for the Zoning By-Law Z22-01 for PID 01318112, 9 Water Street, for Michael Riley, as additional information is needed based on the side yard fence installation and setbacks that need to be reviewed.*

**5 – 0**

**Carried**

## **5. SIGN APPLICATIONS**

### **1. Variance Application for Signs PID 013211280, 218 Water Street, Cannabis Xpress, PAC241207**

*Judy Harford, Senior Development Officer presented to the PAC on a Sign Variance application for 218 Water Street, Cannabis Xpress. They are located in the Central Commercial Zone and the Historic Business District. They are seeking to have 5 signs, allowed for businesses, but wish to have a variance on the type of signs. They*

are requesting one flag sign and one additional sandwich board sign. A mailout was provided to neighbours within 100 m and the PAC received one letter of support and one letter of objection to the proposal. Site plans and visuals were provided to the PAC for review and consideration. Staff note that the 5 signs allowed and requested are reasonable and desirable based on the Zoning By-Law. As the business is not directly on Water Street, these signs will help provide more direction to the business. Staff recommend approving the sign variance request as presented.

PAC thanked Mrs. Hartford for her presentation. PAC asked about the location of the second sandwich board sign. Mrs. Hartford noted it would be located in the parking lot visible from Water Street to help provide direction. This will help direct people to the store versus entering the kitchen of the Kennedy House which has been an issue. PAC asked about the location of the feather sign. Mrs. Hartford noted it would be placed on the fence near the back of the property to provide further visual guidance to the location of the store.

#### *Applicant*

Chris Jones of Cannabis Xpress noted the ongoing issues of people trying to find the location of the business and they keep entering the Kennedy House, walking into the kitchen, or entering the business and trying to walk through to the back of the Kennedy House to find the store. The goal is to provide more direction with the signage. We are trying to address the concerns of the landlord. PAC thanked Mr. Jones for the information. PAC noted that the signs would help but also that the Kennedy House should put some sign on their exterior kitchen door noting that this was a kitchen and not the Cannabis store. PAC noted that a secondary sandwich board sign was already being placed out before approval. Mr. Jones noted the hiring of a new staff member and they were unaware of the processes in place.

*There were no comments from the public.*

#### *Committee Comments*

PAC commended the applicant for coming back to the table with a new variance application and a more defined request for signs. PAC noted they are not fans of flag signs but can understand the need and why it could be requested. PAC noted that each file needs to be reviewed for its own merits and that this is not creating a precedence in the community. PAC noted that the location of the business is not a marquee spot and that the request for signage is not out of the realm of reasonable.

#### **Motion: 083 - 12/24**

**Moved By** PAC Cross

**Seconded By** PAC Tanner

*That the Planning Advisory Committee for the Town of Saint Andrews approves the requested variance to allow for additional sign types as the variance is within the general intent of the Zoning By-Law Z22-01 for PID 013211280, 218 Water Street, Cannabis Xpress, subject to the following terms and conditions:*

1. *The signs shall not be more than one metre from the property line of the commercial property so as not to impede pedestrian flow.*

**3 – 2, Nay PAC Simmonds and Ingalls  
Carried**

**G. NEW BUSINESS**

**1. Discussion on Appointments of Planning Advisory Committee, PAC241210**

*Clerk Nopper noted that under the Rules of Operation and Procedure all members of PAC terms are up. PAC members will need to identify if they wish to continue or not for 2025. It was recommended that the Rules of Operation and Procedure be reviewed to look at creating more options for term limits of PAC members. Members can provide feedback to staff on remaining with the PAC and what term limits they would like after the January meeting. Vice Chair Cross noted that with the changes to his employment, he would not be able to commit to a further term on PAC and would be stepping down. All other members noted they will review the options at the January meeting and inform staff at that time. PAC thanked Mr. Cross for all of his time and support on PAC and would welcome him back in the future. Chair Stewart, PAC Member Simmonds and Kerr noted they would like to return but will need to review term limits first.*

**H. PAC MEMBER COMMENTS**

**I. CLOSED ITEMS**

**J. ADJOURNMENT**

**Motion: 084 - 12/24**

**Moved By PAC Stewart**

**Seconded By \_\_\_\_\_**

*At 8:57 p.m. that the meeting be adjourned.*

**5 – 0**

**Carried**

\_\_\_\_\_  
Jill Stewart, Chair

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Paul Nopper, Clerk - Senior  
Administrator

