



NOTICE OF PAC MEETING

There will be a Planning Advisory Committee Meeting on Wednesday, February 19, 2025, at 7:00 P.M. at the W.C. O'Neill Arena Complex Council Chambers and via Zoom. The public can participate in the meeting by attending in-person or by registering for Zoom on the Town of Saint Andrews website www.townofsaintandrews.ca under the Planning Advisory Committee Meeting Notice, Event Post, or using the following link:

https://us02web.zoom.us/webinar/register/WN_RaMhrnQiT5u2jH543KpYEw

**Paul Nopper,
Clerk – Senior Administrator**



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

February 19, 2025

7:00 p.m.

W.C. O'Neill Arena Complex Council Chambers

Pages

A. RECORD OF ATTENDANCE

B. APPROVAL OF AGENDA

Recommended Motion:

That the Agenda for the 250219 Planning Advisory Committee Meeting be approved as presented.

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

Welcome and we recognize we are on the unceded traditional territory of the Passamaquoddy (Peskotomuhkati) (Besko-toe-moo-gati), people.

D. DECLARATION OF CONFLICT OF INTEREST

E. CONFIRMATION OF MINUTES

1. Minutes of the 250122 Planning Advisory Committee Meeting of
Wednesday, January 22, 2025, 7:00 p.m.

1

Recommended Motion:

That the Planning Advisory Committee of the Town of Saint Andrews approves the Minutes of the 250122 Planning Advisory Committee of Wednesday, January 22, 2025, at 7:00 p.m.

F. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS
2. ZONING APPLICATIONS

1. Obtain Views of the Planning Advisory Committee to
Amendment Z22-11 to the Zoning By-Law Z22-01, PCD250102

7

Recommended Motion:

That the Planning Advisory Committee of the Town of Saint Andrews provides the following views to Council on Amendment Z22-11 to the Zoning By-Law Z22-01 as a text amendment regarding Fences:

3. VARIANCE APPLICATIONS

1. Terms and Conditions Application and Variance for PID 01318112, 9 Water Street, Michael Riley, PAC250214

13

Recommended Motion:

That the Planning Advisory Committee for the Town of Saint Andrews grants a variance to allow for a fence to be located 0.5 feet from the front property line and one foot from the side property line of a property in the SR Zone of the Town of Saint Andrews for PID 01318112, 9 Water Street, for Michael Riley.

Recommended Motion:

That the Planning Advisory Committee for the Town of Saint Andrews permits a 5.2-foot-high woven wire fence located within the front yard of a property in the SR Zone of the Town of Saint Andrews for PID 01318112, 9 Water Street, for Michael Riley 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 materials in its construction.*
2. *The fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.*

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

G. NEW BUSINESS

1. Discussion on Enforcement and Follow Up on Files of PAC, PAC250215

20

H. PAC MEMBER COMMENTS

I. CLOSED ITEMS

J. ADJOURNMENT

Recommended Motion:

At _____ p.m. that the meeting be adjourned.



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

**January 22, 2025, 7:00 p.m.
W.C. O'Neill Arena Complex Council Chambers**

A. RECORD OF ATTENDANCE

At the 250122 Planning Advisory Committee Meeting of Wednesday, January 22, 2025, at 7:00 p.m. the following members were present:

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

Paul Nopper, Clerk - Senior Administrator and Judy Hartford, Senior Development Officer, Southwest New Brunswick Service Commission.

Absent: PAC Member Dwight Ingalls.

B. APPROVAL OF AGENDA

Motion: 001 - 01/25

Moved By Councillor Harland

Seconded By PAC Tanner

That the Agenda for the 250122 Planning Advisory Committee Meeting be approved as presented.

4 – 0

Carried

C. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

D. DECLARATION OF CONFLICT OF INTEREST

E. CONFIRMATION OF MINUTES

- 1. Minutes of the 241218 Planning Advisory Committee Meeting, Wednesday, December 18, 2024, 7:00 p.m.**

Motion: 002 - 01/25

Moved By PAC Kerr

Seconded By PAC Tanner

That the Minutes of the 241218 Planning Advisory Committee Meeting of Wednesday, December 18, 2024, at 7:00 p.m. be adopted.

4 – 0

Carried

F. AGENDA ITEMS

1. PRESENTATIONS/DELEGATIONS

- 1. Planning Advisory Committee Rules of Operation Review and Appointments of Chair and Vice-Chair, PAC250110**

The Planning Advisory Committee reviewed the Rules of Operation as standard practice at the beginning of each year. PAC noted that they will change the term limits for members. The new term limits will be 2 years for all new members of PAC with the ability to renew for an additional 1, 2, or 3-year term.

Motion: 003 - 01/25

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Planning Advisory Committee of the Town of Saint Andrews updates the Rules of Operation and Procedures for 2025 to change Section 31 to include that new members of PAC will be appointed for a term of 2 years. PAC members will have an option to renew their term on the Planning Advisory with a 1, 2 or 3 year term limit.

4 – 0

Carried

Motion: 004 - 01/25

Moved By Councillor Harland

Seconded By PAC Tanner

That the Planning Advisory Committee of the Town of Saint Andrews appoints Jill Stewart as Chair of the Planning Advisory Committee for 2025.

4 – 0

Carried

Motion: 005 - 01/25

Moved By PAC Stewart

Seconded By PAC Simmonds

That the Planning Advisory Committee of the Town of Saint Andrews appoints Jeremiah Kerr as Vice Chair of the Planning Advisory Committee for 2025.

4 – 0

Carried

2. Planning Advisory Committee 2024 Annual Report, PAC250111

Motion: 006 - 01/25

Moved By Councillor Harland

Seconded By PAC Simmonds

That the Planning Advisory Committee of the Town of Saint Andrews accepts the Planning Advisory Committee 2024 Annual Report as information.

4 – 0

Carried

2. ZONING APPLICATIONS

1. 1889863 Alberta Ltd. Private Access Subdivision Variance Application, PAC250107

Judy Hartford, Senior Development Officer, presented to the Planning Advisory Committee on a Subdivision Variance Application by 1889863 Alberta Ltd. to consider approving a private right-of-way for the proposed land. PAC is to consider the right-of-way based on the variance of the proposed length. A site plan was provided for review by the PAC. The lot is located in Bayside off Route 127. The

proposed lots will be accessed by an existing 20 m wide private access, approved by PRAC in 2015. The property is Zoned Rural under the Bayside Rural Plan and for use as a residential lot. The proposed lots have existing dwellings, septic, and drilled wells. The property is subject to the Town of Saint Andrews Subdivision By-Law Section C-1 standards. The private access was created before the enactment of the new Subdivision By-Law and exceeds the maximum length permitted. The request is for 365 m in length. Additional photos of the lot were provided for review by the PAC. PAC is being asked to consider the creation of three lots on the existing private access that do not meet the standards prescribed by the Subdivision By-Law for a Class C-1 Other Access regarding the length of the cul-de-sac. The proposed lots 1 and 2 are created around existing dwellings, currently accessed by the private right-of-way. As these structures exist, the proposed lots do not pose more of a safety concern than what currently exists. It is in staff's opinion that the proposed variance should be approved as it is reasonable or desirable for the development of land.

Questions for the Planner

PAC noted a housekeeping item that letters were provided for 200 m and not 1000 m as stated in the Rules of Operation. This was noted by Mrs. Hartford and future bailouts will be of 1000 m in Bayside and Chamcook. PAC asked how long the roadway is actually. Mrs. Hartford noted 680 m and would not expand. The new lots are 450 m - 500 m down the roadway.

Comments from the Applicant

Victor Morin - Some background on this land. This was formally owned by my parents and bought back 30 years ago. The right-of-way was created in 2015. I purchased land from my family on the water at this time and then bought the rest of the property after that. We moved back to the area and created two additional cottages on the property for rental which have been used for short-term rentals in the summer and students in the winter. We tried to sell everything as one lot but now trying to sell the cottages.

No comments from the Polling area or Public.

Motion: 007 - 01/25

Moved By PAC Kerr

Seconded By PAC Simmonds

That the Planning Advisory Committee of the Town of Saint Andrews approves the private right-of-way and the variance in the length of the cul-de-sac for the development of land shown on the plan "1889863 Alberta Ltd. Subdivision".

4 – 0

Carried

2. All Saints Corporation Proposal for Land for Public Purpose, PAC250109

Judy Hartford, Senior Development Officer, presented to the PAC on Land for Public Purpose from the All Saints Corporation near 512 Glebe Road, Chamcook. The parent property fronts on Route 127 and Glebe Road in Chamcook. The property is zoned Rural under

the Chamcook Rural Plan. The applicant will be conveying the large parcel of land to Nature Trust of New Brunswick, a small parcel of approximately 200 m² fronting Birch Cove is separate from the large parcel, that has been used as a public boat launch. A site plan and photos were provided to the PAC for review. The property is subject to the Subdivision By-Law as it relates to Land for Public Purpose. LFPP is not required for lots fronting on a rural road maintained by the Department of Transportation. The applicant is requesting the small parcel of land be considered for the location so that LFPP can continue the access use for the public. Staff are recommending that the Planning Advisory Committee recommend Council accept the land for public purposes.

Questions for Planner

Clerk Nopper noted to PAC that this file has been discussed with Council. There are concerns about safety, liability, parking, access, etc. It was brought forward that the Town has recently spent funds to update Dock Road which has more parking opportunities, off the main roadway, and provides safer access to the water for the launching of vessels. PAC addressed the concerns of staff and debated the use of the property in question. PAC had similar concerns to what was presented by Town Staff.

Motion: 008 - 01/25

Moved By PAC Simmonds

Seconded By Councillor Harland

That the Planning Advisory Committee for the Town of Saint Andrews does not recommend to Council the location of land for public purposes as shown on the plan "All Saints Corporation Subdivision" due to the following concerns of liability, safety, limited uses of land, and ongoing maintenance.

4 – 0

Carried

3. Charles and Troylyn Ball Private Right of Way Subdivision Request, PAC250108

Judy Hartford, Senior Development Officer, presented to the Planning Advisory Committee on a private right-of-way request for Charles and Troylyn Ball. The proposal is for one residential lot located off Beandy Cove Road. The parent property is accessed by an existing driveway. This proposal will create a parcel of land to be added to an adjacent property, creating the need for the private right-of-way. The property is subject to the Subdivision By-Law Section C-2 noting standards of 10 m minimum width and a total length of a cul-de-sac shall not exceed 90 m from the point of access from a publicly maintained road. The property is zoned Estate Residential, allowing for the existing use of residential. The proposed lot exceeds the dimensional standards for lots within the Estate Residential Zone. Site plans and pictures of the property were provided to the PAC for review. PAC is being asked to consider the creation of a lot accessed by a private right-of-way. The tentative plan meets the requirements for minimum lot sizes as prescribed by the Zoning By-Law Z22-01 and all standards prescribed form Class 2 Other Accesses under the

Subdivision By-Law. Staff recommends that the PAC approves the private right-of-way for the development of lands.

Questions for the Planner

PAC thanked Mrs. Hartford for the presentation. Council asked for clarification on the division of property and how the accesses will be defined off of the public access. Mrs. Hartford provided visuals to the PAC on the division of land, how the properties will be reconfigured, and the location of the accesses for the properties in question. PAC asked if there would be any interference with the subdivision of the land and the access as it relates to the creeks feeding Pottery Creek. Mrs. Harford indicated that the creeks would not be affected by the subdivision of property nor would the private access affect it. However, as the work could be within the watercourse area, the project would need approval under the Clean Water Act before proceeding.

Motion: 009 - 01/25

Moved By Councillor Harland

Seconded By PAC Simmonds

That the Planning Advisory Committee of the Town of Saint Andrews approves the private right-of-way for the development of land as shown on the plan "Charles and Troylyn Ball Subdivision". The final plan of subdivision must be stamped with the "Private Right-of-Way" note and the following statement must be present on the final plan: "this area is subject to Regulation 90-80 – Watercourse and Wetland Regulation – Clean Water Act."

4 – 0

Carried

3. VARIANCE APPLICATIONS

4. TERMS AND CONDITIONS APPLICATION

5. SIGN APPLICATIONS

G. NEW BUSINESS

PAC Member Tanner asked about compliance and enforcement of the decisions of the Planning Advisory Committee and what follow-up occurs specifically as it relates to files that are rejected or pending a decision of the PAC.

Clerk Nopper noted that there are enforcement processes on files that are rejected. Rejected PAC files are enforced by the Town By-Law Enforcement and the Southwest New Brunswick Service Commission. If the mechanisms in place are not followed by the applicant, files can go before the Council of the Town of Saint Andrews for further enforcement or for enforcement that can be applied by the Town to rectify a rejected file. There are levels to the enforcement and the goal is to gain compliance with the By-Laws.

PAC asked that at the next meeting if staff can provide a background report on the processes related to rejected files and the enforcement process, this will help PAC better understand how the system works. Clerk Nopper noted that staff will work together to develop a report and perhaps provide additional training in the future based on enforcement processes.

H. PAC MEMBER COMMENTS

I. CLOSED ITEMS

J. ADJOURNMENT

Motion: 010 - 01/25

Moved By PAC Stewart

At 8:29 p.m. that the meeting be adjourned.

4 – 0

Carried

Jill Stewart, Chair

Paul Nopper, Clerk - Senior
Administrator



TOWN OF SAINT ANDREWS

Planning Advisory Committee

Chair: Jill Stewart

February 19, 2025 Planning Advisory Committee

Reference Number	Date	Submitted By	Subject
PCD250102	February 12, 2025	Jill Stewart	Obtaining Views of the Planning Advisory Committee on Amendment Z22-11 to the Zoning By-Law Z22-01
Background	<p>It has been identified by the Planners at the Southwest New Brunswick Service Commission and Town Staff that there needs to be proposed text amendment changes to the Zoning By-Law specifically related to fencing. Challenges with this section of the By-Law have been highlighted, especially through the Planning Advisory Committee processes. Staff are looking to amend this section of the Zoning By-Law to reduce the issues and stresses caused by the fence permitting process before the spring season. Please see the attached Planning Report from Alexander Gopen, Senior Planner for details. A copy of Amendment Z22-11 has been provided for Council review.</p> <p>As part of the review process, the Planning Advisory Committee is being requested for views on Amendment Z22-11.</p>		
Action	<p>Motion: <i>That the Planning Advisory Committee of the Town of Saint Andrews provides the following views to Council on Amendment Z22-11 to the Zoning By-Law Z22-01 as a text amendment regarding Fences:</i></p> <p>Moved by: _____ Seconded by: _____ Motion Carried: _____ Motion Defeated: _____</p>		

Town of Saint Andrews

Planning Report

To: Council

From: Xander Gopen, MCIP, RPP (NB)
Southwest New Brunswick Service Commission

Date: January 14th, 2025

Summary: Staff is recommending administrative text amendments to the zoning by-law to streamline and rationalize approvals for fences as well as to increase compliance.

While fences rarely rise to the level of Council, the fence section of Zoning By-law Z22-01 has been causing challenges and frustration for residents, town staff, and the Planning Advisory Committee (PAC) since inception. There are two main issues:

1. Fences do not technically require development permits, while they are required to meet the standards laid out in Z22-01. Numerous fences have been constructed that are too tall, too close to property lines, or in some cases entirely in a right-of-way requiring further variances and/or terms and conditions from PAC. While enforcement is still possible, it is much more challenging once fences are already constructed, and PAC may feel a certain pressure to approve these to not cause hardship. PAC members are understandably frustrated when fences requiring their input (through terms and conditions) are constructed prior to their receiving the file and rendering a decision.
 - Z22-11 amends Z22-01 so that any new fences require development permits.
2. In residential zones (but not residential uses in the Mixed-Use zone, which for all intents and purposes appear as residential uses in residential zones) fences in front and flankage yards exceeding 3.3 ft in height require terms and conditions from PAC. The main purpose of fences in Saint Andrews is protection from deer and 3.3 ft is not sufficient for that. Therefore, a large number of files that PAC hears are for terms and conditions for such fences. Sometimes this is as many as 3 fence applications in a single night. Not only is that not the best use of PAC and staff time, it means there is less energy and capacity to handle challenging files that may also be before PAC.

The intent of the by-law is clear in that fences in public view should maintain a level of transparency so that properties do not become ‘walled off’ a la Johannesburg:



This can be achieved without PAC involvement with clear standards in the tex. In addition to streamlining process, this will also be a more consistent approach than every case being decided on an individual basis.

- Z22-11 amends Z22-01 by replacing terms and conditions from PAC as requirements for fences over 3.3 ft in front and flankage yards with the following requirements for fences in front and flankage yards:
 - Front/Flankage yard fences for all residential uses (regardless of zone) in the Town Plat & Environs (includes Historic Business District) over 3.3 ft in height (still limited to overall height of 6.6 ft) must be constructed to have at least 50% transparency. This is a best practice from other jurisdictions and transparency is one of the standards PAC has used in setting terms and conditions.
 - Front/Flankage yard fences in the Historic Business District must be constructed of traditional building materials (wood, brick, stone, wrought iron, or adequate facsimiles) regardless of use or height.
- 3. One additional amendment will remove the need for variances where abutting property owners have a signed agreement and wish to place a fence closer than the allowed distance from that shared property line.

Recommendation:

Staff recommends that Council set a date for a Public Hearing and request views of PAC as per Sections 110 and 111 of the Community Planning Act for By-law Z22-11.



Xander Gopen, MCIP, RPP(NB)
Senior Planner

BY-LAW NO. Z22-11

A BY-LAW TO AMEND BY-LAWS NO. Z22-01, BEING THE ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

By-Law Z22-01 is amended:

1. By adding to Section 2.12 Development Permits & Fees:
2.12(2).
 - (i) the *development* of an *accessory use* in the form of a *fence*
2. By replacing Section 3.21 Fences with the following:
 - (1) Subject to 3.21 a *fence* may be constructed, or a hedge may be planted at a distance of at least 1 m (3.3 ft) from a property line.
 - (a) Notwithstanding 3.21(2), where a documented agreement exists between the applicant and abutting property owner, a *fence* may be placed up to that abutting property line.
 - (2) Notwithstanding any other provision of this By-Law, a *fence* may be placed or located in any required *yard*, subject to the following:
 - (a) Except for a security *fence* of chain link for Commercial or Institutional *uses* in Commercial or Institutional zones, no *fence* located within the required *front yard* or *flankage yard* shall exceed 2 m (6.6 ft) in height.
 - (b) No *fence* shall exceed in height:
 - (i) 1.82 m (6 ft) within the NI (Navy Island) Zone
 - (ii) 2 m (6.6 ft) in any Residential *zone* or for Residential *uses* in the MU (Mixed-Use) *zone*
 - (iii) 2.5 m (8.2 ft) in any other *zone*
 - (3) *Fences* located within the *front yard* or *flankage yard* of any property in the *Town Plat & Environs* exceeding 1 m (3.3 ft) in height shall be constructed so that at least 50% of the *fence* structure is visually transparent.
 - (4) *Fences* located within the *front yard* or *flankage yard* of any property in the *Historic Business District* shall be constructed of traditional building materials (wood, stone, brick, or wrought iron) or adequate facsimiles.

Public Hearing of Objections this	___ day of	_____	2025
Obtain views of the PAC this	___ day of	_____	2025
Read the First Time this	___ day of	_____	2025
Read the Second Time this	___ day of	_____	2025
Read the Third Time this	___ day of	_____	2025

Brad Henderson, Mayor

Paul Nopper, Clerk – Senior
Administrator

I, **Paul Nopper**, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Town Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Town Clerk of the Town of Saint Andrews, a Municipal Corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Sections 110 and 111 of the *Community Planning Act* have been complied with in respect to Bylaw No. Z22-11, A By-Law to amend Bylaw No. Z22-01, Being the Zoning By-Law for the Town of Saint Andrews.
3. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town
of Saint Andrews, in the County of
Charlotte and Province of New
Brunswick, this day of

<hr/> COMMISSIONER OF OATHS	<hr/> Paul Nopper, Clerk
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TOWN OF SAINT ANDREWS

Planning & Community Development Committee

Chair: Jill Stewart

February 19, 2025 Planning Advisory Committee

Reference Number	Date	Submitted By	Subject
PAC250214	February 12, 2025	Choose a Councillor.	Terms and Conditions Application and Variance for PID 01318112, 9 Water Street, Michael Riley
Background	The Town of Saint Andrews has received a revised Variance Application and Terms and Conditions Application for fences at PID01318112, 9 Water Street, for Michael Riley. The applicant requires terms and conditions to erect a 5.2-foot fence within the front yard, requesting to vary the minimum distance from the front property line and to vary the minimum distance from the side property line. Please see the attached Planning Report from Judy Hartford, Senior Development Officer for more details.		
Action	Motion: <i>That the Planning Advisory Committee for the Town of Saint Andrews grants a variance to allow for a fence to be located 0.5 feet from the front property line and one foot from the side property line of a property in the SR Zone of the Town of Saint Andrews for PID 01318112, 9 Water Street, for Michael Riley.</i> Moved by: _____ Seconded by: _____ Motion Carried: _____ Motion Defeated: _____		
	Motion: <i>That the Planning Advisory Committee for the Town of Saint Andrews permits a 5.2-foot-high woven wire fence located within the front yard of a property in the SR Zone of the Town of Saint Andrews for PID 01318112, 9 Water Street, for Michael Riley with the following terms and conditions:</i> <ol style="list-style-type: none"><i>1. No fence in any Residential or Commercial Zone shall be electrified or incorporate barbed wire or other sharp dangerous materials in its construction.</i><i>2. The fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.</i> Moved by: _____ Seconded by: _____ Motion Carried: _____ Motion Defeated: _____		

PAC
Planning Report

To: Planning Advisory Committee (PAC)

From: Judy Hartford
Senior Development Officer
Southwest New Brunswick Service Commission

File Number: PAC 250214

Date: February 19, 2025

Property: 9 Water Street, Saint Andrews
PID 01318112

Owner: Michael Riley

Applicant: Same as above

Zoning By-law: Z22-01, Serviced Residential (SR) Zone, Town Plat

Summary: The applicant requires terms and conditions to erect a 5.2-foot fence within the front yard.

The applicant is requesting to vary the minimum distance from the front property line.

The applicant is requesting to vary the minimum distance from the side property line.

Background:

The Planning Advisory Committee (PAC) initially heard this file in December 2024 for approval of the location of an existing fence that was erected prior to development approval. The applicant requested approval for a fence exceeding one metre in height within the front yard and a variance for the encroachment of setback on the front property line. PAC required more information regarding the location of the fence in relation to the sideline prior to making a decision. A revised site plan showing the setback from the sideline has been received and does encroach within the minimum setback as required by the Zoning Bylaw, therefore, an additional variance is requested.

The subject lot is currently used for a single-unit dwelling, which is an allowed main use in the Serviced Residential (SR) Zone. The applicant wishes to obtain approval for a 5.2-foot-high woven wire fence within the front yard, 0.5 feet from the front property line and one foot from the side property line. The hedging is on the interior side of the fence.

As per Section 3.21 of the Zoning Bylaw, the following standards apply to this development:

- (1) a fence may be constructed, or a hedge may be planted at a distance of at least 1 m (3.3 ft) from a property line.
- (2) Notwithstanding any other provision of this By-law, a fence may be placed or located in any required yard, however:

(a) Except for a security fence of chain link construction in any Commercial or Institutional Zone, no fence located within the required front and flankage yard shall exceed 2 m (6.6 ft) in height.

(b) No fence shall exceed in height:

- (i) 1.82 m (6 ft) within the NI (Navy Island) Zone;
- (ii) 2 m (6.6 ft) in any Residential zone; or
- (iii) 2.5 m (8.2 ft) in any other zone.

(3) a fence located within the front yard or flankage yard of any property in a Residential zone exceeding 1m (3.3 feet) in height shall be subject to such terms and conditions as the PAC considers necessary.

Consultation:

Notification of this Planning Advisory Committee meeting has been sent to the neighbours located within 100 metres of the property in question.

Discussion:

The owner wishes to obtain approval for an erected 5.2-foot-tall, woven wire fence within the front yard of a property inside the Town Plat requiring variances for the location. Woven wire fences remain strong in different environmental conditions and will protect the hedge from being eaten by wild animals, without losing visibility of the property. Fences at 5.2 feet in height are allowed use under the zoning bylaw. As it is in a Residential zone, PAC can apply terms and conditions as it deems necessary. Terms and conditions so imposed shall be limited to those considered necessary by the PAC to protect:

- (a) properties within the zone or in abutting zones;
- (b) the health, safety, and welfare of the general public; and
- (c) the integrity of the objectives and policies established in the Municipal Development Plan.

Applications for permitted uses subject to terms and conditions may only be prohibited by the PAC where the terms and conditions imposed cannot reasonably be expected.

Variances can be applied in situations where it is reasonable and desirable for the development of land and within the general intent of the by-law. The general intent of the bylaw is to regulate fence height and placement to ensure that overly high fences are not erected and that no fence in the front yard is situated within the sight triangle that provides a line of sight at intersections. The proposed fence is less than the maximum allowed height in residential zones and is not within 4.6m of an intersection.

The fence on the side property line is within the property boundary located one foot away from the shared property line. The fence is constructed with a low maintenance material, staff feels that the setback of one foot will provide enough space to perform any upkeep required. The reduced setback does not hinder any development on the adjacent property.

It is in staff's opinion that the proposed fence is reasonable and desirable for the development of land subject to the recommended terms and conditions.

Recommendation:

Staff recommends that the Planning Advisory Committee (PAC) grant a variance to allow for a fence to be located 0.5 feet from the front property line and one foot from the side property line of a property in the SR Zone of the Town of Saint Andrews Zoning Bylaw Z22-01.

Staff recommends that the Planning Advisory Committee (PAC) permit a 5.2-foot-high woven wire fence located within the front yard of a property in the SR Zone of the Town of Saint Andrews Zoning Bylaw 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; and
- b) the fence shall be maintained so that it does not become unsightly, dilapidated, or unsafe.

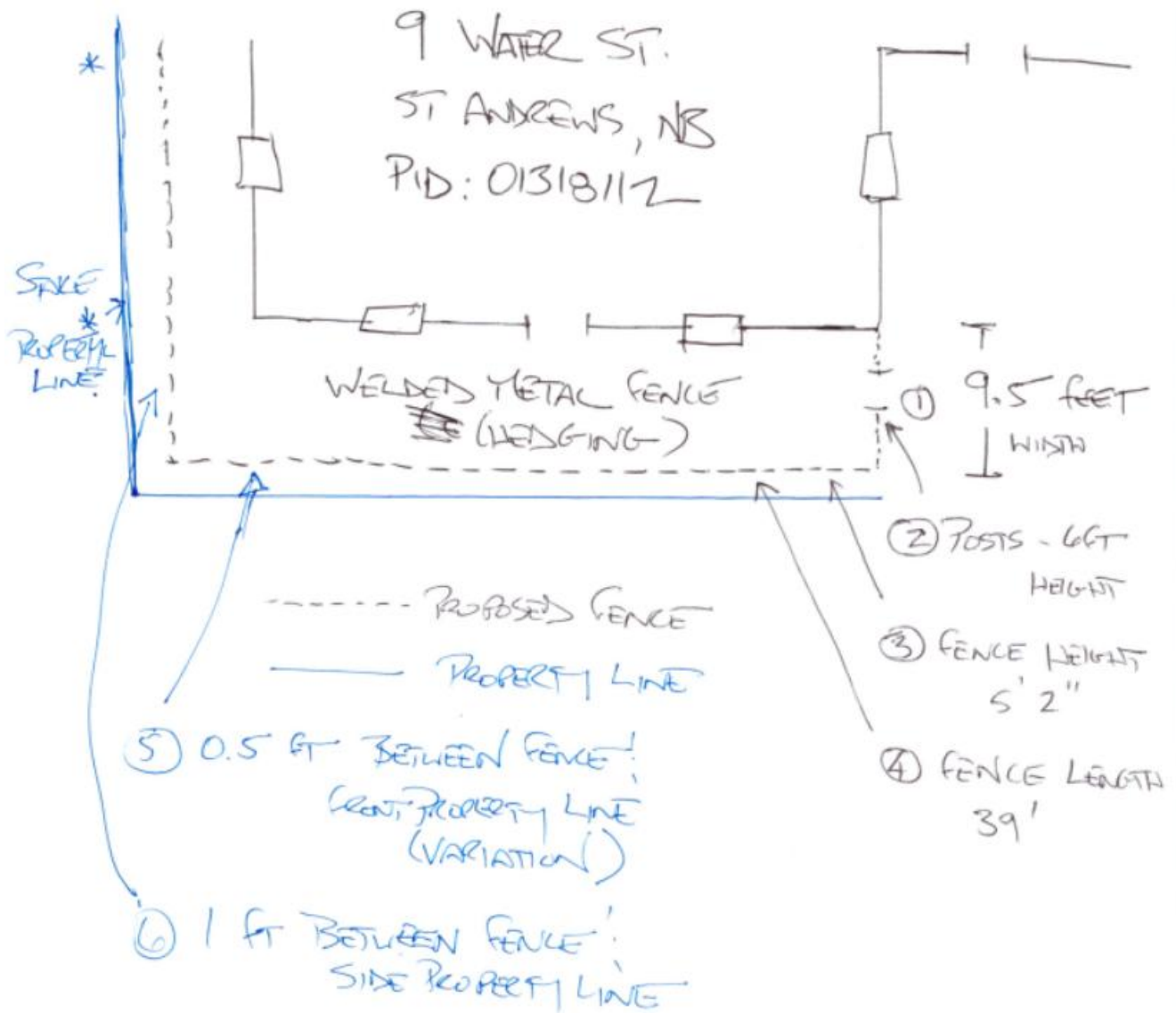
Judy Hartford

Judy Hartford
Senior Development Officer
Southwest New Brunswick Service Commission

February 12, 2025
~~February 12, 2025~~

Attachment 1: Revised Site Plan
Attachment 2: Woven Wire Fence

Attachment 1:



Attachment 2:

Water Street -- Render of new fence (with hedging)





RECEIVED

COK250220

FEB - 7 2025

9 water street

**Town of
Saint Andrews**

From William Smith <whrsmith@bellaliant.net>

Date Fri 2/7/2025 9:46 AM

To Paul Nopper <pnopper@townofstandrews.ca>

[You don't often get email from whrsmith@bellaliant.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

We are aware of this property and have no problems with the fence facing Water St or the fence on the property line.

Joan and Bill Smith, 48 Mary Street

Sent from my iPhone



TOWN OF SAINT ANDREWS

BACKGROUND STAFF REPORT

From:	Paul Nopper, Clerk – Senior Administrator	Register #:	PAC250215
Subject	Discussion on Enforcement and Follow Up on Files of PAC	Date:	February 13, 2025

PAC,

At the last meeting, PAC inquired about how the Town and the Southwest New Brunswick Service Commission follow up on files if they are rejected and what the enforcement process is. Please see the attached staff report from Alexander Gopen, Senior Planner, and Alex Henderson, Director of Planning on an overview of the Community Planning Act Enforcement and the PAC. The Planners are able to follow up with any questions PAC has on this topic.

Town of Saint Andrews

Planning Report

To: PAC

From: Xander Gopen, MCIP, RPP (NB)
Alex Henderson, MCIP, RPP (NB)
Southwest New Brunswick Service Commission

Date: February 12, 2025

Summary: Overview of Community Planning Act Enforcement and the PAC

Enforcement becomes necessary when a violation of a local planning by-law is discovered by a development officer. While Section 134 of the Community Planning Act outlines the process of forcing the removal of a development, it is the last, and typically an unnecessary step in enforcement. Development officers have the authority to interpret zoning by-laws and determine if a violation has actually occurred – this includes determining if a development permit is required or if another planning approval is possible. While development officers may use site visits and photographic evidence from the vantage point of a public place to determine if a particular development represents a violation, development officers do not have the authority to conduct any inspection on a property until the property owner's consent is received or a warrant is obtained. If a violation is confirmed and the development is ordered to cease, the applicant has the right (like any other developer) to make an application to bring their development into compliance. Section 134 does give development officers the power to order:

- A) The cessation of the development,
- B) The alteration of the development in order to remove the violation, or
- C) The doing of anything required to restore the land, building or structure to its condition immediately before the undertaking of the development

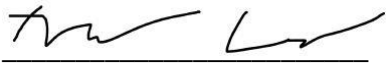
If a development is ongoing in violation of a by-law under the Community Planning Act, an order will be issued to cease development. However B) and C) are used to rectify or remove an existing development. If an order is issued to rectify or remove a development and the timeline for complying elapses, Council may order its staff or hire contractors to go onto the property and undertake the order at its own expense. Council may then seek recompense of its expenses in court and get a lien placed on the property.

While enforcement is necessary in cases where a PAC decides to reject an application for a pre-built structure that did not first obtain all its necessary permits, PAC has absolutely no follow-up role. Enforcement is a responsibility shared between staff and Council under law. In fact, PAC must strictly stay out of the enforcement questions in order to fulfill its job correctly under the Community Planning Act. For example, if a PAC is presented with a variance request, and PAC is not inclined to approve the request, the PAC cannot base its rejection on the fact that an applicant did not obtain all necessary permits first before starting construction. Reasons for rejections may only be based on section 55 of the Act. PAC must give a reason why the variance itself (e.g. a 1.5 m setback vs. 3 m setback) is not reasonable, not desirable for the development of land, and not within the general intent of the by-law. It therefore is advisable for the PAC to treat all applications made to

the committee if they are conceptual. Rejecting an application because PAC is not happy with the process of how the application came about is not appropriate and will lead to PAC decisions being overturned on appeal.

Development officers determine if violations have taken place and ensure the processes outlined in the Community Planning Act are followed. PAC approves, rejects, and/or sets terms and conditions for certain development applications within its purview. Council determines if a violation requires further enforcement action to force compliance. PACs only job as it relates to enforcement is to make sure that the terms and conditions are reasonably enforceable by development officers. Ideally terms and conditions are quantitative, and based on established standards, and can be enforced through a building inspection or site plan approval (i.e. requiring specific lighting standards). Terms and conditions can be unenforceable if they are dependent on the subjective opinion of neighbouring property owners or require constant monitoring by staff for perpetuity (i.e. requiring lightning to “not cause a nuisance to neighbouring properties”).

In some cases, violations are unintentional and applicants may be eager to come into compliance with the by-laws without sacrificing their construction work if possible. Of course, such individuals face a significant risk that their development may not be approved or rectified and it will have to be demolished in the end. It is always better, safer, and easier to apply for and obtain all necessary planning approvals prior to undertaking a development.



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