

Southwest New Brunswick Service Commission

PLANNING REVIEW AND ADJUSTMENT COMMITTEE (PRAC)

MEETING #20-07 Thursday, July 16, 2020
Online Meeting via Zoom

MEMBERS PRESENT:

Dennis Blair	Gerald Gass	Annette Townes	Jill Stewart
Sam Walsh	Vance Johnson	Dean Fletcher	Raymond Hall

MEMBERS ABSENT:

STAFF PRESENT:

Alex Henderson, Planning Director	Connie Klein, Recording Secretary
Alexander Gopen, Planner	Judy Hartford, Development Officer

PUBLIC MEMBERS PRESENT:

See attached registration report

CALL TO ORDER:

Chairperson, Sam Walsh called the meeting to order at 6:30PM and welcomed all in attendance.

1. APPROVAL OF AGENDA:

It was moved by G. Gass and seconded by A. Townes “that we approve the agenda as presented.”

Carried – Unanimously

2. APPROVAL OF MINUTES:

It was moved by J. Stewart and seconded by D. Blair “that we approve the minutes as presented.”

3. DECLARATION OF CONFLICT OF INTEREST:

No conflicts were declared.

4. VARIANCE APPLICATIONS:

Item 20-07-01 Applicant: Randy Huber

(3:56) J. Hartford presented an application for 28 Boundary Street in St. Stephen, to permit three variances to a proposed accessory building.

- 0.6 metre (2ft) variance in height;
- 4.5 metre variance from the rear property line to construct a 3 metres from the line; and,
- variance of 1015.8ft² to construct the proposed building with an area of 1920 ft²

Staff recommends in favor.

(8:50) **It was moved** by V. Johnson and seconded by A. Townes that “we accept staff’s recommendation to approve the three variances as presented.”

Carried - Unanimously

Item 20-07-05 Applicant: Lesa Pomeroy

(9:35) V. Peng presented an application for 358 Water Street in St. Andrews to permit 2 variances to a proposed fence replacement.

- be exempt from the requirements associated with a minimum flankage yard (i.e., a 6.5 ft setback and a 3.3 ft height limitation); and
- reduce the fence setback requirement from 3.3 ft to 0 ft.

Staff recommends in favor of the application with the following terms and conditions;

- That the development be carried out and maintained in accordance with the proposed site plan, fence height, and building materials as attached in this application.
- That all other sections of the *Town of Saint Andrews Zoning By-Law No. Z18-04* be followed, including:
 - Section 3.22(2)(c) – no fence shall be electrified or incorporate barbed wire or other sharp dangerous material.

(16:35) Shawn Robinson, the applicant, spoke briefly about wanting to keep the house in the original condition and following all by laws.

(18:06) It was moved by J. Stewart and seconded by A. Townes that “based on the unique layout of the property, we recommend the exemption for the minimum flankage yard.”

Carried – Unanimously

(19:15) It was moved by J. Stewart and seconded by B. Cornish that “based on the unique layout of the property, we recommend to reduce the fence setback requirement from 3.3 ft to 0 ft.”

Carried - Unanimously

5. SIMILAR OR COMPATIBLE APPLICATIONS:

Item 20-07-02 Applicant: Scott Wright

(20:28) A. Gopen presented an application for PID: 01215847 (Lepreau) for a private campground facility to be considered similar or compatible with a tourism use, a use allowed in the Mixed-Use zone of the Rural Plan.

Staff recommends in favor of the application as being similar to, or compatible with a tourism use subject to the following terms and conditions:

1. That prior to the issuance of a development permit, the owner of PID 01215847 and PID 15054703 consolidate the two lots into one lot.
2. No more than eight recreational vehicles may be located on the property.
3. That any private campground facility be used as a secondary use in-conjunction with a main residential use on the same lot.
4. Any communal gathering areas (areas where more than just the occupants of an individual site gather including communal firepits and communal dining areas) must be located at least 20 m from any property line shared with an adjacent residential use.
5. That no making of noise likely to cause a public nuisance or otherwise disturb inhabitants shall occur between the hours of 11 p.m. – 7 a.m.
6. The property shall be kept in a neat and orderly manner and animal-proof refuse bins shall be placed at each site.
7. All other requirements of the Lepreau Musquash Planning Area Rural Plan are to be followed including Section 3.16 requiring a 5 m wide landscaped buffer, including a fence, or hedge or shelter belt of trees on the boundary of any property line adjacent to a property containing a residential use.
8. All outdoor lighting be directed downward, and motion activated.

- (32:00)** S. Walsh had a question on condition #3. Is this condition meaning that it cannot be rented to anyone else besides family and friends? A. Gopen replied that by right and commercial campground is an allowed use and that the properties could be combined and that the two properties would be owned by the same person.
- (35:28)** Scott Wright, the applicant, spoke briefly and agrees to the conditions proposed.
- (37:35)** Laurie Comeau, neighbour, spoke against the application as it directly affects his property. He said it is a rural area and there is no benefit to the area. It has an impact to him financially as it will decrease the value of his house, the noise and increase activity will also affect him.
- (52:15)** Kevin Rogers, neighbour, stated that it is a growing residential community. The road has a blind hill and feels this development is a danger to the area.
- (55:02)** Enzo Carboni, neighbour, expressed a safety concern regarding traffic.
- (56:45)** Terry Craft, neighbour, expressed a safety concerns regarding traffic, security, and policing.
- (1:00:14)** Keith Smith, neighbour, concerned about the safety of the children in the area, financial burden to him with the value of his property and the increased noise and pollution.
- (1:06:35)** Ann Jamieson, neighbour, stated she was opposed to this development because of the extra water use, noise, and litter.
- (1:13:30)** The applicant responded sympathetically to the concerns raised. He has not received any complaints from neighbours until now. He applied and was approved for a building permit in the past and stop the project because of financial reasons. He also has a young child and would be first to enforce any problems with the friends and family. His intent is not to use this commercially, but if that were to change in the future, he would obtain the proper permits.
- (1:17:20)** S. Walsh asked what his electrical permit was for and if the commission was aware of the work being done. The applicant told him that it was for the entrance and service to the eight lots. The building permit did not indicate the lot work, but the plumbing and electrical did.
- (1:19:32)** V. Johnson stated that the proposed condition of approval is to consolidate the two properties, and this would make a commercial campground legal. Then asked the applicant why he has not chosen that route rather than come to the commission for approval? The applicant stated that a commercial campground is not what he wanted to do and he didn't want to consolidate the properties but is willing to do so.
- (1:21:12)** V. Johnson asked staff when the requests for comments went out. A. Gopen told him that the requests were sent out on June 30th.
- (1:23:00)** D. Blair asked staff about the process of someone developing land without a permit. A. Gopen replied that in this case there is no subdivision of land, and no structures being placed, so a permit would not be required. There was a development permit issued for the shed which was used to get the electrical permit. D. Blair also asked if the electrical permit should have only been for the shed. A. Henderson stated that the development permit covers the entrance of power.
- (1:31:32)** B. Cornish asked about the process if this is denied. A. Henderson if this is denied, the applicant can appeal to the province. The applicant can also consolidate the 2 PID's and go forth with a commercial campground.

- (1:35:13) V. Johnson ask that if the applicant decided to go the commercial route, would these conditions apply and if this was approved what is the Service Commissions plan to police or enforce the conditions. A. Gopen stated that these terms and conditions are for a private facility and if the applicant chose to go commercial, there would not be any conditions except those in the rural plan. A. Henderson stated that the commission has the right under the community planning act. to enforce and investigate. We would look at the evidence presented to us or evidence we find by patrolling, we would start with sending a letter, then order to copy and then it would go to the minister and potentially fines would be issued.
- (1:40:15) V. Johnson asked A. Henderson to speak to how allowing these private sites would impact the commercial sites nearby and if this is approved then the next person to do this will reference this file. A. Gopen answered that each file is done on an individual basis.
- (1:46:22) J. Stewart asked how we would reconcile a significant amount of push back with this being a desirable development. The rural plan does not have a lot of direction and it is almost 10 years old. It would be reasonable to look at this plan and see if it is still serving the community.
- (1:48:18) G. Gass asked for clarification on the process and if this would cause a precedence. A. Henderson told the committee that the decision of PRAC is to determine if the file is similar to or compatible with a use that is allowed in the zone. Each file is dealt with on a case to case basis. S. Walsh stated that a future file could not appeal based on precedence.
- (1:52:27) S. Walsh asked A. Gopen about page 2 of the presentation, it states “ it is policy that those tourism uses and home occupations which are intrinsic to rural areas shall be permitted where appropriate, while minimizing negative impacts to the natural environment and conflicts with nearby properties”. So is this a desirable project if we go against this policy. A. Gopen said that the way rural plans general work is that the policies inform the zoning, so his interpretation is that commercial opportunities should be allowed in mixed use zones with impacts that can be address with terms and conditions.
- (1:59:27) **It was moved** by V. Johnson and seconded by D. Fletcher that “based on the introduction to 8 terms and conditions set in an effort to make this similar to or compatible with and a commercial venture being a viable alternative, we reject the application, that it is not in fact similar to or compatible with.”

Rejected – Unanimously

Item 20-07-07 Applicant: Robert Beech

- (2:01:35) A. Henderson presented an application for 60 Riverside Drive in St. Stephen for consideration of an accessory residential garage structure as being similar to or compatible with other uses permitted in the Open Space “OS” zone under the *Town of St. Stephen Zoning By-Law No. Z-1 – Community Planning Act.*

Staff recommends in favor subject to a term and condition:

- That the main use of PID: 15203672 be maintained as a use permitted under the Open Space “OS” Zone and that no additional accessory buildings or structures be developed on that parcel until such a time that rezoning of the land takes place.

(2:13:05) At this time, the applicant assured the committee that the garage would be the only structure to be located on the property besides some play-ground equipment and that the rest of the lot would be maintained.

(2:14:34) B. Cornish asked if there was a structure on the spot before. A. Henderson replied that yes there was a garage there previously. B. Cornish wanted to know if it infringed on the neighbouring property. A. Henderson replied that it didn’t cross any lines, but it was close.

(2:15:45) B. Cornish asked how far over the line will the building be. A. Henderson replied that the building will cross the line by 21 feet.

(2:16:59) **It was moved** by A. Townes and seconded by G. Gass that “we accept the recommendation of the staff.”

Carried – Unanimously

6. TERMS AND CONDITIONS APPLICATIONS:

Item 20-07-04 Applicant: Richard Pierce

(2:17:59) A. Gopen presented an application for a property on Giddens Lane in Oak Bay to place a dwelling in the “Limited Development” Zone of the St. Croix Corridor Zoning Regulation.

Staff recommends in favor with the following terms and conditions:

1. All other sections of the St. Croix Corridor Regulation are followed, including section 9(3) regarding the removal of trees.
2. Pursuant to section 9(3), that a site plan be submitted to the development officer demonstrating what trees shall remain on the site post-development and that no further removals of trees be undertaken except for safety reasons as per section 9(3)(b) of the regulation;
3. No habitable spaces, electrical, or mechanical equipment be placed below 5.3m current sea level (Canadian Geodetic Vertical Datum of 2013).
4. All other Provincial and Federal regulations are followed.

(2:27:18) Applicant spoke briefly on wanting to develop on this property.

- (2:29:35) Matt Rees (neighbour) said that the lot is a drainage lot and issues may arise if a septic tank or field is put on that lot.
- (2:33:16) Todd Hansen who wanted to speak was having technical difficulties, so A. Gopen read for the committee the email that Todd had submitted. He wrote against the application showing concerns with the development which include well, septic system, the structure's placement being close to his line, environmental impact, and the high tide water mark.
- (2:39:17) Applicant spoke to the drainage on the lot. There is a 6" culvert and could be moved if needed. A travel trailer would be temporary, and a dwelling would be built in the future.
- (2:41:11) S. Walsh asked for clarification on what the size of the structure to be place will be. The applicant replied that a 30'x40' cement slab has been measured out. This would be for a future dwelling but would temporarily be occupied by a 5th wheel camper trailer.
- (2:43:35) G. Gass asked if there is legal access to the property. The applicant replied that there is access granted in the deed.
- (2:44:45) S. Walsh asked A. Gopen for clarification on what is being asked for. A. Gopen replied that according to the application, approval is wanted to erect a dwelling with well and septic and shore protection.
- (2:45:48) G. Gass asked about the gasoline in the wells and if an additional well would affect the coast line. A. Gopen was unsure.
- (2:48:31) S. Walsh stated that we do not have authority over well and septic but, we could ask for an environmental impact assessment and a surface water mitigation plan.

It was moved by V. Johnson and seconded by J. Stewart that "we allow the dwelling to be place in the limited zone of the St. Croix Corridor given the terms and conditions as recommended."

Carried – Unanimously

7. SUBDIVISION APPLICATIONS:

Item 20-07-03 Applicant: Bowland

- (2:51:22) J. Hartford presented an application for a property in the Parish of Saint Andrews to create two lots on a private access owned and maintained by a road association.

Staff recommends in favor with the final plan being stamped with a "Private Access" note.

(2:5:05) It was moved by G. Gass and seconded by A. Townes that “we accept the application to approve the private access owned and maintained by a road association for the development of the lots shown in the Bowland Subdivision.”

Carried – Unanimously

Item 20-07-06 Applicant: Michael & Christine Sheran

(2:55:05) J. Hartford presented an application for a property in the Parish of Dufferin to create a lot on a 20-metre private access owned and maintained by a road association.

Staff recommends in favor with the final plan being stamped with a “Private Access” note.

(2:57:00) It was moved by J. Stewart and seconded by B. Cornish that “we accept staff recommendation to create a lot on a 20-metre wide private access to be owned and maintained by a road association.”

Carried – Unanimously

8. VIEWS ON BY-LAWS AND REGULATIONS:

(2:58:50) A. Gopen presented an update on the amendments for the draft St. Andrews Municipal Plan MP-01.

Staff recommends that the committee send their written views to Saint Andrews Council in support of the amendment.

Round Table Vote – All in favor

9. UPDATE FROM PLANNING DIRECTOR

(2:58:50) A. Henderson received an email from the CAO of St. George naming the PRAC the appeal committee for the purpose of By-Law 8-D relating the Dangerous & Unsightly Premises. It shall comprise of a minimum of three members.

This is for a dwelling that is currently inhabited and needs to be demolished.

(3:11:30) S. Walsh suggested to discuss this later as this is a sensitive issue.

10. NEXT MEETING:

The next meeting will be on August 20, 2020 location online via zoom.

11. ADJOURNMENT:

With there being no further business, **it was moved** by D. Blair “that we adjourn at 10:03PM.”

Sam Walsh, Chairperson

Alex Henderson, Planning Director

Connie Klein, Recording Secretary