



Regular Meeting

May 21, 2024

Simonds Fire Hall

184 Range Rd, Saint John

MEMBERS PRESENT John Cairns, Chair
Ron Bridges
Samara Carvell
Cindy MacCready
Shawn Brown
Rob Jeffrey
Bernard Brideau

MEMBERS ABSENT Vacant Position

STAFF Scott Borden, FRSC Planning Director
Cassie Silhanek, FRSC Recording Secretary
Nikhil Naik, FRSC Development Officer
Stephen Stone, Dillon Consulting

Meeting minutes of the Planning Review and Adjustment Committee.

1. Order of Business

1.a Call to Order

Chair Cairns called the meeting to order at 6:34 p.m.

1.b Record of Attendance

1.c Approval of Agenda

Chair Cairns called for a motion to approve the May 21, 2024, agenda.

Resolution Number: PRAC-2024-005

Moved by: Bernard Brideau

Seconded by: Ron Bridges

THAT the Committee approve the May 21, 2024, agenda as presented.

Motion Carried

1.d Approval of Minutes

Chair Cairns called for approval of the April 15, 2024, minutes.

Resolution Number: PRAC-2024-006

Moved by: Shawn Brown

Seconded by: Samara Carvell

THAT the Committee approve the April 15, 2024, meeting minutes as presented.

Motion Carried

1.e Disclosure of Conflict of Interest

Chair Cairns called for acknowledgement of any conflicts of interest, there were none presented.

2. Fundy St. Martins Council Request

Chair Cairns touched on the rural plan, stating that it goes to council and then refers it to PRAC for any changes or additions. These proposed changes around the table at PRAC are not mandatory, but valuable input for the Council in its consideration of this plan. Chair Cairns addressed the public in the room to state that this meeting is not to engage in a deep dive, or for general public consultation, and mentioned two dates that are open to the community to give input to the plan through the public consultation process June 11, 2024, in St. Martins and June 13, 2024, in Simonds.

Stephen Stone, Dillon Consulting presented on the Rural Plan and the report submitted to the committee, as well as the request for written views regarding the proposed Fundy-St. Martins Rural Plan.

Chair Cairns opened the floor to the committee for comment, questions, suggestions or concerns.

General input from around the table included questions surrounding water and sewage services, set-back changes, application fees, water protection, campgrounds and bonfire regulations, reference material for the numbers surrounding animals in the area, and the personal service use definition.

Chair Cairns noted that the councillors that are in the room were involved in an in-depth review of the plan, so may not have additional notes at this time.

Chair Cairns opened the floor to the public.

Anna, Willow Grove, asked for further clarification on a change of zoning and public notice regarding those changes. Mr. Stone answered that it is a nuanced question as there are many requirements regarding notice, specifically through the PRAC committee it would be noted if there is a variance or subdivision

application that requires consideration, otherwise the municipality would have requirements surrounding rezoning.

Shawn Brown noted that rezoning would go to council, but there are notification standards for a rezoning application being put forth, they are however held in open session for discussion.

Chair Cairns noted to the public present that there is an emailing list through the FRSC website that allows citizens to be notified of the applications in the area.

Nick, Fairfield, asked for further clarification on hoofed animals that are addressed in the plan, wondering if the property size is inclusive of a house on the property? Mr. Stone, answered that it does encompass the entire property footprint with or without a structure on it.

Kevin, Fairfield, requested further information on grandfathering the lots if they are in use currently and Mr. Stone stated that as the plan is not finalized and enforced yet the work could continue.

Chair Cairns completed a final call for questions from the public three (3) times.

Chair Cairns asked the committee to present any further questions, however, none were raised.

Further comments, concerns, suggestions or recommendations from the committee members should be submitted to Scott Borden, Director of Community Planning with the Fundy Regional Service Commission before May 28, 2024.

Resolution Number: PRAC-2024-007

Moved by: Bernard Brideau

Seconded by: Cindy MacCready

THAT the Committee, through the Chair, submit the suggestions and recommendations from this meeting to the Council by May 28, 2024.

Motion Carried

3. Presentation of Applications

3.a Subdivision on a Private Access PID# 00420117, Shore Lane off of Tynemouth Creek Road, Tynemouth Creek

Stephen Stone, Dillon Consulting, presented the information from the staff report provided to the Committee. The details presented by Mr. Stone regarding this application are laid out in the staff report.

Chair Cairns opened the floor to the applicant to speak, Mr. Roberts, representing the client, spoke about the application there were concerns about section b. ii. and b. iv. of the recommendation, noting that during his interpretation he believed there would be an extraordinary and prohibitive

cost of surveying for this subdivision that could prevent the applicant from proceeding with the application.

Chair Cairns opened the floor for questions from the Committee members to the applicant, or party representing the applicant.

Shawn Brown noted that there was a previous application in June of 2023 that had noted a temporary turn around area for emergency services that was not built. Mr. Roberts interpreted that requirement to mean it had to be shown in the plan, not that it was a requirement to be built at the time.

Greg Moran asked who enforces the building of such requirements and Mr. Stone explained that it would be up to the municipality to enforce any requirements, however, the committee could impose a condition of this application that the approval would be contingent on the turn around being built.

Chair Cairns opened the floor for those in favour of the application to speak, however, no comments, questions or concerns were brought forward.

Chair Cairns opened the floor for those opposed to the application to speak, however, no comments, questions or concerns were brought forward.

Chair Cairns opened the floor one last time to the committee, however, no further comments, questions or concerns were brought forward.

Members of the public in attendance left the meeting at 7:41 p.m. during a 30 second break between applications.

Resolution Number: PRAC-2024-008

Moved by: Shawn Brown

Seconded by: Rob Jeffrey

WHEREAS the subject property contains a moderate slope and there is a minimal change in grade along the proposed private access;
WHEREAS the proposed lots are suitable for their intended use;
WHEREAS the proposed private access follows an existing right-of-way;
WHEREAS the proposed private access supports convenient access to proposed Lot 24-1 and the remnant parcel;
AND WHEREAS the proposed subdivision may allow for further subdividing of the subject property and is not expected to prejudice further subdividing of adjoining land;

The Planning Review and Advisory Committee deems the proposed private access in the Tentative Subdivision Plan as advisable for development of the property located off Tynemouth Creek Road, Tynemouth Creek (PID# 00420117), subject to the following conditions:

1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, shall be assured to subsequent owners, assigns, heirs and successors.
2. That a turn round for emergency services
3. The Final Subdivision Plan:
 - a. Shall include notes advising owners, assigns, heirs and successors that:
 - i. Development along the private access shall not receive public services (e.g.: school bus, garbage pick-up, snowplow or maintenance services) unless upgraded to the satisfaction of the Provincial Department of Transportation and Infrastructure;
 - ii. They shall assume ownership and responsibility for any construction, repair and maintenance associated with the private access;
 - iii. Watercourses, wetlands, and their respective 30-metre buffers are provincially regulated features and any alterations within these areas require a Watercourse and Wetland Alteration (WAWA) Permit issued by the Department of Environment and Local Government.
 - b. Shall clearly delineate:
 - i. Watercourse and 30-metre buffers with text indicating, "Area subject to the Watercourse and Wetland Alteration Regulation of the Clean Water Act."
 - ii. Lot 24-1 including width, depth and size; and
 - iii. The private access including a width and length dimensions, as well as a "Private Access" label.

Motion Carried

3.b Subdivision on a Private Access PID# 00097303 off Route 845, Kingston

Stephen Stone, Dillon Consulting, presented the information from the staff report provided to the Committee. The details presented by Stephen regarding this application are laid out in the staff report.

Chair Cairns opened the floor to the applicant, or party representing the applicant, to speak. Mr. Roberts, who was in attendance for this applicant as well, noted that he is there to answer questions from the committee.

Chair Cairns opened the floor for questions from the Committee members to the applicant, or party representing the applicant, however no comments, questions or concerns were brought forward.

Chair Cairns opened the floor for those in favour of the application to speak, however, no comments, questions or concerns were brought forward as no members of the public were present.

Chair Cairns opened the floor for those opposed to the application to speak, however, no comments, questions or concerns were brought forward as no members of the public were present.

Chair Cairns opened the floor a final time to the Committee, however, no further comments, questions or concerns were brought forward.

Resolution Number: PRAC-2024-009

Moved by: Rob Jeffrey

Seconded by: Bernard Brideau

WHEREAS the subject property contains a moderate and gradual change in grade;

WHEREAS the proposed lots are suitable for their intended use;

WHEREAS the proposed private access intersects Route 845 at a right-angle following the path of an existing right-of-way;

WHEREAS the proposed private access supports convenient access to proposed Lot 24-1;

AND WHEREAS the proposed subdivision is not expected to prejudice further subdividing of adjoining land;

The Planning Review and Advisory Committee deems the proposed private access in the Tentative Subdivision Plan as advisable for the development of the property located off Route 845, Kingston (PID# 00097303), subject to the following conditions:

1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, shall be assured to subsequent owners, assigns, heirs and successors.
2. The Final Subdivision Plan:

- a. Shall include notes advising owners, assigns, heirs and successors that:
 - i. Development along the private access shall not receive public services (e.g.: school bus, garbage pick-up, snowplow or maintenance services) unless upgraded to the satisfaction of the Provincial Department of Transportation and Infrastructure;
 - ii. They shall assume ownership and responsibility for any construction, repair and maintenance associated with the private access;
 - iii. Watercourses, wetlands, and their respective 30-metre buffers are provincially regulated features and any alterations within these areas require a permit issued by the Department of Environment and Local Government. Alterations may include, but are not limited to: soil disturbance, removal of vegetation, placement of a structure, etc. These features are regulated as per their presence on the ground and their representation on this plan may not be accurate. It is the responsibility of the landowner to ensure no alterations take place in these areas without a Watercourse and Wetland Alteration (WAWA) Permit.
- b. Shall clearly delineate:
 - i. The watercourse and 30-metre buffer measured from the shoulder of the watercourse bank with the following text, "Area subject to the Watercourse and Wetland Alteration Regulation of the Clean Water Act."
 - ii. Lot 24-1 including width, depth and size;
 - iii. The private access including a width and length dimensions, as well as a "Private Access" label.

Motion Carried

4. Next Meeting

To be determined.

5. Adjournment

Chair Cairns called for a motion to adjourn at 7:54 p.m.

Resolution Number: PRAC-2024-010

Moved by: Shawn Brown

THAT the Committee adjourn the meeting at 7:54 p.m.

Motion Carried

ORIGINAL SIGNED

John Cairns, Chairperson

ORIGINAL SIGNED

Cassie Silhanek, Recording Secretary

August 26, 2024

Date