



**Planning Review Adjustment Committee
November 30, 2020**

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Monday October 19, 2020 at 10:00 a.m. at Crane Mountain, Saint John via teleconference.

1. Call to Order

The Chairperson, Dwight Allaby, called the meeting to order at 10:01 a.m.

2. Record of Attendance – via teleconference

BOARD MEMBERS

Dwight Allaby, Chairperson
Joan Seeley, Vice Chairperson
Glen Baxter, PRAC Member
Donna Murchison, PRAC Member **[Absent]**
Ron Bridges, PRAC Member
Walter Pollock, PRAC Member
Brenda Rathburn, PRAC Member
Midge Thompson, PRAC Member

OTHERS

Brian Shannon, Building Inspector/Development Officer, FRSC
Alicia Raynes, Recording Secretary, FRSC
Nick Cameron, Assistant Development Officer
Ryan Rohloff and Jennifer Allaert,

3. Approval of Order of Business

The Chairperson asked for approval of the agenda as presented.

Motion: To approve the November 30, 2020 Agenda as presented.

Moved: Brenda Rathburn
Seconded: Ron Bridges
Vote: *Motion Carried*

4. Disclosure of Conflict of Interest

Ron Bridges noted that there was a conflict of interest for him with regards to item number six (6) b. Public Street at Sandy Hill Estates Subdivision. He will be able to attend the discussion, however, he will not be able to participate.

5. Approval of Minutes

The Chairperson called for a motion to approve the minutes as circulated.

Motion: To approve the October 19, 2020 minutes as presented.

Moved: Midge Thompson
Seconded: Brenda Rathburn
Vote: *Motion Carried*

6. Presentation of Application

a. Home Occupation In the Main Building

Nick Cameron gave an overview of the presentation on the application for the Home Occupation in the Main Building Proposal.

Applicant: Ryan Rohloff and Jennifer Allaert

Request: The property owners have made an application to use a portion of their residence located at 1282 Route 825 in Gardner Creek to operate a massage therapy business as a home occupation.

Requirement for the home occupation in the main building:

The property is located in a Mixed-Use zone. Section 4.17(1) of the Simonds Parish Planning Area Rural Plan Regulation states that Subject to subsection (2), where a home occupation is permitted under this Regulation, there are certain occupations that may be conducted as a home occupation in the main building. A massage therapist would fall under this regulation. Section 4.17(2) lists a number of requirements that must be met in order to proceed with a home occupation, all of which have been met in this case.

Consultation:

As per section 6.2 of the PRAC By-law and Operating Procedures, notices were sent to property owners within 100m of PID 55220966 (subject property) on November 6, 2020. In total, notices were sent to seven (7) property owners and a deadline for written submissions was set for 12 days. To date, no written comments have been received.

Overview of Application:

The proposed home occupation: -

The applicant would like to operate a massage therapy business from a portion of their residence. Subject to requirements in section 4.17, the Simonds Rural Plan permits a list of home occupations including "the operation of a beauty shop or barber shop or other similar professions as may be approved by the Commission."

Staff had multiple discussions with the applicant regarding the proposal and requirements of the rural plan and a site visit was conducted. The home occupation will be confined to 17 square metres of the main dwelling, which is 15% of the total floor area of the building.

One person will be engaged in the home occupation and no changes will be made which modify the residential characteristic of the main dwelling. No equipment or material used in the home occupation will be stored in any other place than in the main dwelling. Three additional parking spots are available on the premises with adequate maneuvering room provided on-site to allow vehicles to leave the property front end first.

Recommendation:

The proposed home occupation is similar to those cited in subsection 4.17(1)(b) of the Simonds Parish Planning Area Rural Plan Regulation and all requirements within subsection 4.17(2) are satisfied.

Recommendation to approve the application from Ryan Rohloff and Jennifer Allaert to allow massage therapy as a home occupation in the main dwelling located at 1282 Route 825, Gardner Creek (PID 55220966).

Motion: To accept the recommendation by the Fundy Regional Service Commission to approve the proposed massage therapy as a home occupation in the main dwelling located at 1282 Route 825, Gardner Creek (PID 55220966).

Moved: Joan Seely
Seconded: Walter Pollock
Vote: Motion Carried

b. Sandy Hill Estates Subdivision

Brian Shannon gave an overview of the presentation on the application for the Sandy Hill Estates Subdivision.

Applicant: Don-More Surveys & Engineering Ltd. (for property owners K & R Bridges Investments Ltd.)

Request: Subdivide PID 55176622, undeveloped lands located at Saint Martins North in Saint Martins LSD, to be known as Sandy Hill Estates. The proposal is to create a public street, Sandy Hill Drive, a loop street with twenty-one lots abutting the street which will be the access to Route 111, a collector highway.

Requirement for the subdivision:

Subject to the Provincial Subdivision Regulation 80-159 section 6(1) this development is proposing a public street to comply with 6(1)(a). New streets require PRAC consideration and comment to the Minister of Transportation & Infrastructure for compliance with CPA section 87(2)].

Consultation:

The FRSC water Supply Assessment Guidelines require a subdivision proposing to create more than ten lots but less than 25 lots, would require an "abbreviated water supply assessment". That was completed with the original application in 2005. There have been no developments in the area since 2005 that would have a significant impact on the original report results.

The assessment states that based on available information, the proposed development will not negatively impact the St. Martins Water Company wells. The discussion of the report notes that the St. Martins Water Company should be treated as a public water supply and should have to conform to Provincial Standards for operation in the supply of water to the public. The Department of Environment and Local Government agrees that the proposed development of 24 lots is not likely to pose a threat to the St. Martins Water Company well. (NOTE: the water study was based on the potential of 24 lots. 21 lots will be the maximum number of lots created)

In 2006, the Subdivision Assessment from the Department of Health notes some lots will require some modification prior to the installation of an on-site sewage disposal system. Some lots are acceptable and do not require modification. In 2020, all lots meet the area and dimension requirements for an onsite system.

Overview of Application:

The proposed subdivision: -

The developer would like to complete the subdivision proposal initiated in 2005. Due to number of years that have passed and changes to the Minimum Standards of road construction, the previous approval and road design needed to be updated. An updated subdivision plan was received and sent to DTI for their review and comment. The plan proposes to create the same number (21) of lots. To meet the new "Minimum Standards for Road & Street Construction", the new Right of Way width of 24 meters required some adjustment to the road design. This had very little impact to the original subdivision design being only a small reduction in the depth to some of the lots.

A pre- and post-development storm water analysis was completed and the results show the road ditch and road culvert storm water system can handle future calculated flows.

The water supply assessment shows the area has sufficient water to support the additional lots in the area.

All lots exceed the minimum required area and all have rectangular dimensions to allow for separation of the well and septic on each lot to be developed.

As per the requirements of the Provincial Subdivision Regulation, the proposed lots are to abut a public street owned by the Crown, or other access approved by the Commission. In this case, the proponent wishes to construct a new public street to meet the requirements of Subdivision Reg 80-159 Section 6(1)(a).

Lot Requirements: - Provincial Subdivision Regulation 80-159

- Minimum Width – 54m (177 ft)
- Minimum Depth – 38m (124 ft)
- Minimum Area – 4000m² (1 acre)

Environment & Location:

- The 12.05-hectare property is vacant land and located approximately two kilometers in easterly direction from the intersection of St. Martins Main Street & Route 111 on the left (north) side of Route 111. All 21 lots exceed 4000 square meters in area and will have their own on-site private water wells and septic systems. Land uses in the area are scattered residential uses, blue berry fields and forest covered vacant lands.

Legal Authority:

Subject to the Provincial Subdivision Regulation 80-159 section 6(1) the PRAC is asked to consider an access other than a public street as being advisable for the development of the proposed lot.

Following is an excerpt from Regulation 80-159, Section 6; Lots, Blocks and Other Parcels

- (1) Every lot, block and other parcel of land in a proposed subdivision shall abut.
 - (a) a street owned by the Crown,
 - (b) such other access as may be approved by the Regional Service Commission as being advisable for the development of land.

Recommendation:

Based on the assessment and the review of existing land uses in the area including discussions with the Department of Transportation staff, it is felt that the proposed location of the new street is acceptable for the development of the proposed lots. It is recommended to give positive approval comments to the Minister of Transportation & Infrastructure to the location and creation of Sandy Hill Drive, a loop road off Route 111 in St. Martins North.

Motion: To accept the recommendation by the Fundy Regional Service Commission to give positive approval comments to the Minister of Transportation &

Infrastructure to the location and creation of Sandy Hill Drive, a loop road off Route 111 in St. Martins North.

Moved: Joan Seely
Seconded: Brenda Rathburn
Vote: Motion Carried

7. Other Business

It was noted that in reviewing PRAC by-laws, some terms are coming up in April, 2021. Director Darling, Mayor, City of Saint John commented that PRAC should review the appointment process and how vacancies are advertised. Once something is drafted, it will be shared with members and taken back to the Commission.

8. Motion to Adjourn

Motion: The Chair called for a motion to adjourn at 10:36am.

Moved: Joan Seely
Seconded: Brenda Rathburn
Vote: Motion Carried

APPROVED (date) January 18 2021

Dwight Allaby
Dwight Allaby, Chairperson

Alicia Raynes
Alicia Raynes, Recording Secretary