Southwest New Brunswick Service Commission

PLANNING REVIEW AND ADJUSTMENT COMMITTEE (PRAC)

MEETING #23-11 • Thursday, November 16, 2023
Online Meeting via Zoom and in person-Planning Office, St. Stephen NB

MEMBERS PRESENT:
Sam Walsh, Chair • Lorraine Thompson • Raymond Hall, Vice Chair • Vance Johnson • Brian Cornish • Mat Rouleau

MEMBERS ABSENT: None

STAFF PRESENT:
Alex Henderson, Planning Director
Judy Hartford, Senior Development Officer
Xander Gopen, Senior Planner/Housing Specialist

PUBLIC MEMBERS PRESENT/ZOOM:
William Pomeroy and two guests

CALL TO ORDER:

Chairperson, S. Walsh called the meeting to order at 6:38 PM, takes roll call, and welcomes all in attendance.

1. **APPROVAL OF AGENDA:**

Agenda is revised to include one (1) Temporary Use application, one (1) View on By-Law, and one (1) Rezoning application.
It was moved by V. Johnson and **seconded** by R. Hall to "approve the revised agenda."

Carried-Unanimously

2. **APPROVAL OF MINTUES:**

It was moved by V. Johnson and **seconded** by B. Cornish "that we approve the minutes as written."
Carried-Unanimously

3. **DECLARATION OF CONFLICT OF INTEREST:**

No conflicts were declared.

4. **PRAC APPLICATIONS:**

• Item 23-11-04 •William Pomeroy, Variance & Configuration •14 Pine Str., St. Stephen, NB • PID 15026883

•Applicant has requested the following: "Replace previous fire damaged mobile home with new Maple Leaf Mini Home, to go on existing concrete foundation."

A. Henderson presents an application for:

1) A variance to the minimum dimensions of a mini home required under section 3.8 of the Town of St. Stephen Zoning By-Law, approving a mini home width of 4.26m (14 Ft.), at its narrowest point, reduced from the minimum required 4.8m (16 Ft.) width; and,
2) An approval of a development, subject to terms & conditions as may be applied by the advisory committee, to allow a mini home where its longest side is **not** arranged parallel to, and where its main entrance does **not** face, the front lot line.

It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the requested variance for 14 Pine St., approving a mini home width of 4.26m (14 Ft.) as opposed to the minimum required 4.8m (16 Ft.) width, as it is reasonable and desirable for this parcel of land and is keeping in with the general intent of the Town of St. Stephen Municipal Plan By-Law.

It is further recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the configuration of this mini home, with the narrow-end facing the front lot line, subject to the terms & conditions that:

a) That the 'capped portion' over the foundation, the portions of the basement which will have a roof and will not have a super-structure placed on top of it, be permitted to be located on the western portion of the existing foundation, towards the rear lot line; and,

b) Prior to the issuance of a development approval of the building permit, that a revised site plan be submitted to the development officer clearly showing the location of the 'capped portion' on the site plan.

There were no online comments or concerns. Applicant and 2 guests were in attendance. Members of the PRAC common opinions were that the application was very clear and straightforward.
B. Cornish motions to approve item 23-11-04 based on staff recommendations and conditions.
Motion is seconded by R. Hall.
All in favor; motion carried

• Item 23-11-01 • Waldron Morrison SABINE, Subdivision •Basswood Ridge Road •PID 01275783

•Murphy Surveys has applied to the Commission for approval of a one-lot subdivision, accessed by an existing 10m wide private right-of-way. The primary use of the proposed lot is seasonal recreation. The proposed lot will be created around the existing use of a travel trailer.

J. Hartford presents an application for "approval of a private right-of-way for the development of land."
It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission "approve the private right-of-way for the development of land as shown on plan WALDRON MORRISON SABINE Subdivision 2023-1; The final plan of the subdivision must be stamped with the "Private-Right-of-Way" note, and the 30-metre buffer from Canoose Stream and the unmapped wetlands must be shown on, and the following statements added to the final plan:
'This area is subject to Regulation 90-80-Watercourse and Wetland Regulation- Clean Water Act' and, 'Watercourses, wetland and their 30-metre buffer are areas of environmental constraints that require obtaining a permit issued by the Department of Environment and Local Government before carrying out alterations such as excavation, cutting of vegetation, erosion control, etc. It is the responsibility of the landowner to ensure no alterations take place in those areas without a WAWA permit.'"

There were no online comments, concerns or applicants present. The members of the PRAC felt this the best use of the land.
It was moved by V. Johnson to approve Item 23-11-01 based on staff recommendations**. Motion is seconded** by M. Rouleau**.**
All in favor; motion carried

• Item 23-11-02 •Lori Frances & Richard Scott CALDWELL, Subdivision •Route 760, Bethel •PID 01275783

•Murphy Surveys has applied to the Commission for approval of a one-lot subdivision, accessed by a private right-of-way. The primary use of the proposed lot is seasonal recreation.

J. Hartford presents an application for "approval of a private right-of-way for the development of land and approval of a variance in area of the proposed lot."

The proposed lot will be serviced with an on-site sewage disposal system and an on-site well to be drilled.

It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve a private access for the development of land as shown on plan "LORI FRANCES CALDWELL & RICHARD SCOTT CALDWELL Subdivision 2023-1, and it is also recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve a variance of 324 square metres to create lot 2023-1. The final plan of the subdivision must be stamped with the 'Private Right-of-Way' note."

Hearing no questions or concerns, **It is moved** by M. Rouleau to approved Item 23-11-02, based on staff recommendations**. It is seconded** by V. Johnson.
All in favor; motion carried

5. PRAC BUSINESS:

Chair, S. Walsh inquired about any further information on additional committee members. A. Henderson has no more information at this time.

6. **VIEWS ON BY-LAWS AND REGULATIONS:**

•St. Croix Vocational Centre
129 Union Street, St. Stephen
PID 01298454 & PID 15034531
Presented by X. Gopen

Summary: Temporary use application to allow extension of non-conforming use (heat-pump installation) prior to administrative amendments to correct mapping errors.
It is unclear why in the 2011 Zoning By-Law (Z-1) these properties were zoned for residential uses. That zoning carried through to the 2020 Municipal Plan M-2 and Zoning By -Law (Z-3). As these are by-laws currently in force, the formal process of amending By-Laws M-2 and Z-3 must be carried out for any future development on these properties. The municipality has begun and administrative amendment process, but that statutory process will not conclude until December- and ideally installation of the heat pump should be completed as soon as possible. A temporary use authorization will allow the installation and preclude any other zoning related issues that may arise until the amendment process is complete.

The Southwest New Brunswick Service Commission staff recommends that PRAC approve the temporary use authorization for a period of up to one year, as per Section 2.4 (2) of the Town of St. Stephen Zoning By-Law Z-3 to allow an institutional use to be extended.

It is moved by R. Hall to approve the temporary use authorization for a period on up to one year, as recommended by staff. **It is seconded** by B. Cornish.
All in favor; motion carried

•Views on By-Laws, St. Stephen

Background: 129 Union Street (PID 15034531 & PID 01298454), home of the St. Croix Vocational Centre, an institutional use since 1976.
113 Union Street (PID 15027048) residential use since at least 1993.
2011 Zoning By-Law (Z-1) shows 129 Union zoned as residential/ 113 Union zoned as utility.
2020 Municipal Plan (M-2) based on Z-1, Z-2/3 based on M-2.
Current uses can continue but not expand without rezoning, which requires amendment of M-2 (M-2-05).
Municipal Plan: 3.3 Policy LU-4-Proposal 5: Council will encourage the relocation of non-conforming uses to appropriately designated and planned sites through appropriate mechanisms where feasible.
Discussion: Municipal Plan policies clearly support rezoning in this circumstance.

Chair S. Walsh and members of the committee recommend to the Municipality of St. Stephen that the administrative amendment be made, therefore re-zoning PID 15034531 & PID 01298454.
All in favor

Action Point: A letter of recommendation from PRAC to the Municipality of St. Stephen.

Chair, S. Walsh recuses himself. Vice Chair, V. Johnson oversees the following application:

•Rezoning Application for Clover Leaf Seafoods Corp.
Background: Section 39 of the local Governance Act, any Rural Plan in an incorporated area becomes a rural plan of the incorporating local government.
Proposal to covert former Village Office to 6-8 dwelling units for employees.
No Change in building footprint.
Institutional zoning does not allow this type of residential use.
Rural Plan: SP. 2 Promote a range of housing options such as size, type, density, and design.
SP. 5 Promote and prioritize development in areas of Communities with existing or planned public infrastructure and services.
Discussion: *Housing needed
*Existing services (and building)
*No specific plans for future development
*Section 59 Development Agreement to limit development to existing building.
*Agreement can be amended by Council – requires public hearing, views of PRAC.
Recommendation: The Southwest New Brunswick Service Commission staff recommends that Council request the views of PRAC as per Section 110 of the Community Planning Act and set a date for a public hearing of objections as per section 111 of the Community Planning Act (at least 21 days after a notice has advertised on the Municipal website.

Vice Chair, V. Johnson and members of the committee agree with staff recommendations to take this back to council.
All in favor.

Action Point: A letter of recommendation from PRAC to Council.

7. **NEXT MEETING:**
The next regular meeting will be on Thursday, December 14 , 2023, at 6:30pm at the 33 Wall Street Planning Office or via zoom. Original meeting date of December 21 is too close to the holiday.

8. **ADJOURNMENT:**
With there being no further business, **R. Hall moved** "that the meeting is adjourned."
The time is 7:49pm.

Sam Walsh, Chairperson

Alex Henderson, Planning Director