

Southwest New Brunswick Service Commission

PLANNING REVIEW AND ADJUSTMENT COMMITTEE (PRAC)

MEETING #23-12 • Thursday, December 14, 2023
Online Meeting via Zoom and in person-Planning Office, St. Stephen NB

MEMBERS PRESENT:

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

MEMBERS ABSENT: None

STAFF PRESENT:

Alex Henderson, Planning Director
Judy Hartford, Senior Development Officer

PUBLIC MEMBERS PRESENT/ZOOM:

David Stevens • Michael Szemerda • Rick Doucette • Mike Thompson • Leigh Mitchell • Jeff Holden

CALL TO ORDER:

Chairperson, S. Walsh called the meeting to order at 6:32 PM, takes roll call, and welcomes all in attendance.

1. APPROVAL OF AGENDA:

It was moved by B. Cornish and seconded by R. Hall to “approve the 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 23-12-01 • Donald Blair, Terms & Conditions • Lower Palfrey Neck, NB • PID 75097485

- Applicant is requesting terms & conditions to allow for recreational use within the Conservation Zone.

J. Hartford presents an application for:

“Requesting to construct an additional small dry camp, having a footprint of 53.5 square metres. No plumbing; eco toilet.”

It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the construction of a 53.5 square metre camp to be constructed within the Conservation Zone, subject to terms and conditions that:

- 1) No development shall have a footprint greater than 185 square metres,
- 2) The development shall be visually screened by trees large enough to conceal the addition,
- 3) The development is setback 30 metres from the ordinary high-water mark,

- 4) The access path is not wider than two metres at the shore and provides no clear line of sight of inland structures,
- 5) Any removal of trees other than the removal of individual trees which pose a reasonable risk to the safety of life or property, shall be permitted if a detailed site-plan is submitted to the Commission by the owner, and
- 6) Any development within the 30 metres from the high-water mark is regulated by Regulation 90-80- Watercourse and Wetland Regulation- Clean Water Act and requires a WAWA permit.

There are no public comments.

The Planning Review and Adjustment Committee discuss the terms and conditions. The applicant has already applied for the development permit to allow for the construction of the camp.

More discussion on Condition #2: In rural plan, any condition cannot make it visually from the water. The wording 'generally concealed' was discussed, but ultimately, no changes were made.

B. Cornish makes a motion to accept staff recommendations to approve the construction subject to the 6 terms and conditions. **V. Johnson seconds.**

All in favor; motion carried

• Item 23-12-02 • Crow Island Lobster Corp., Terms & Conditions • Back Bay Cemetery Road • PID 15205636

A. Henderson presents an application "to develop a light industrial use (lobster holding facility), which is a permitted use in the zone subject to terms and conditions as may be applied by the Regional Service Commission, according to section 6.1 of the Fundy Bay Planning Area Rural Plan Regulation."

It is recommended that the Planning Review and Adjustment Committee of the Southwest New Brunswick Service Commission approve the development of a light industrial use (lobster holding facility) for PID 15205636, subject to the terms & conditions that:

- 1) That the arrangement of the buildings, structures, parking, and loading areas be developed in general conformity with the submitted application and that a 5-metre-wide treed buffer or 2-m tall opaque fence be maintained around all property lines to screen the development from the adjacent residential uses;
- 2) That if any other future buildings, structures, parking and loading areas are developed beyond what is proposed in the submitted application, that they may not be located closer than 90m to a residential use on another lot, and that any warehousing or storage areas may not exceed 740m squared of total gross floor area;
- 3) That no industrial processing of fish or live aquatic species may occur on the subject lot without a rezoning application approved by the Council of Eastern Charlotte;
- 4) That prior to the final building inspection, the lobster holding facility's exterior cladding materials be painted with a bright primary colour, to the satisfaction of the development officer;
- 5) That prior to the final building inspection, the lobster holding facility's exterior lighting be shielded and downwards facing to the satisfaction of the development officer;
- 6) That prior to the final building inspection, the lobster holding facility's exterior mechanical equipment be enclosed in solid structures with a sound transmission class (STC) of 40 or greater, to the satisfaction of the building inspector, so as to restrict noises from affecting other properties;
- 7) That a copy of the Watercourse and Wetland Alteration Permit from the Department of Environment and Local Government for the soil disturbance and a copy of the License of Occupation from the Department of Resources and Energy Development for the water intake/outtake line, shall be provided to the development officer prior to building permit issuance;
- 8) That all dead animal products be stored indoors in refrigerated or sealed containers;

- 9) That all other Acts and Regulations are complied with, including section 10.2 of the Rural Plan relating to setting-aside 75% of all ES Zoned land for the preservation, growth, and maintenance of trees.
- 10) That prior to the final building inspection, evidence is supplied to the building inspector that the saltwater intake system has a shut-off valve to deal with the risks being located in proximity to leased aquaculture sites that are permitted to use pesticides that may be hazardous to lobsters; and,
- 11) That the development officer post a notice on land gazette for PID 15205636 informing the public of the terms and conditions that apply to this development.

The applicant, David Stevens, is present via zoom and available for comments and questions.

Speaking in favor of the application, Michael Szemerda attends via zoom.

Rick Doucette also joins via zoom, explaining that there is an application already on file for Environmentally Sensitive Zones, ES.

Opened to all public comments, Mike Thompson, Councillor of Eastern Charlotte, joins via zoom with comments from townspeople who are not computer/zoom savvy. The first concern mentioned is the roadway infrastructure, showing 3 collapsed culverts, and its ability to handle large equipment and bigger trucks.

Another concern is the size of the town, a small fishing community, which is not ideal for 18-wheelers trying to get around. There is also some discussion in terms of processing definitions, and the need of pumping water through the facility everyday. Alex Henderson is able to address some of these questions, as is David Stevens.

Leigh Mitchell, commercial fisherman and property owner next to the building proposed, joins via zoom. He is speaking against the application. He feels the lobster industry is going downhill fast; therefore, he feels the money being spent on this project is unnecessary. L. Mitchell continues, mirroring the concerns regarding tractor trailer traffic, specifically the sharp, narrow corners, and the width of the road. He also has concerns for the children in the area and potential garbage on the beach. The committee discuss several aspects to the application. Questions on what type of trucks will be utilized, the valuation of the road by Department of Transportation Infrastructure, what “seasonal” is defined as, and what is the weight (lbs.) capacity of the tank house.

R. Hall mentions in previous applications of this type, hours of operation were put in the terms & conditions, specifically for trucking purposes. The committee agrees that more information is needed; specifically:

- Hours of Operation
- Tank House Capacity
- Trucks: how many, how big.
- DOT upgrades
- Lighting
- Seasonal Definition

The final public commentor is Jeff Holden, property owner. J. Holden responds that this is going to be a small-scale operation, with trucks being mostly incoming product, seasonally, and will be 20-25 foot trucks. He also adds most deliveries will take place during the Spring, when the fishing is more active in Canada.

PRAC can table this application, based on the road issues. M. Rouleau feels it is in the best interest of the applicant to look into the road issues.

A. Henderson notifies the committee that they can pose a condition for the development would be a traffic impact study conducted prior- that shows the level of traffic and trucking would not cause any impact on surrounding properties.

It was moved by M. Rouleau to table application 23-12-02 pending further information on the following:

- The condition(s) of the road (professional traffic impact study);
- The missing hours of operation (in terms loading and unloading);
- The definition of seasonal; and

- The capacity of the plant.

Therefore, giving the applicant the opportunity to provide the information.

R. Hall **seconds**.

All in favor; Application Tabled

5. PRAC BUSINESS:

A. Henderson gives the committee an overview of their member appointments and renewals. He notifies the committee that tentatively in February, the PRAC may have new committee members, so renewals needed could be done at that time.

Private Access Guidelines: The members of PRAC chose to add this to the agenda for the next meeting as tonight's meeting has run long. The committee quickly goes over the minor changes expected to discuss at the January meeting.

6. VIEWS ON BY-LAWS AND REGULATIONS:

- A. Henderson. Municipality of Eastern Charlotte. Building Permit and Enforcement.

Fees: LSD vs. Town Rates. New proposed fees for Eastern Charlotte. To harmonize with the provincial standard.

All in favor; Recommended by the committee.

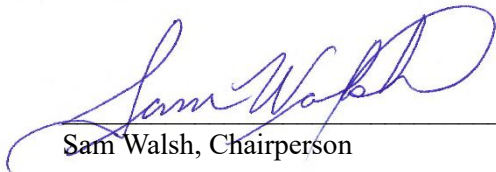
7. NEXT MEETING:

The next regular meeting will be on Thursday, January 18, 2024, at 6:30pm at the 33 Wall Street Planning Office or via zoom.

8. ADJOURNMENT:

With there being no further business, R. Hall motions to adjourn the meeting.

The time is 9:04 pm.



Sam Walsh, Chairperson



Alex Henderson, Planning Director