



MEETING MINUTES
Planning Review Adjustment Committee
Tuesday, November 28, 2023
6:30 PM virtually on Microsoft Teams

1. Call to Order

Members of the public were admitted to the virtual meeting at 6:32 p.m.

FRSC staff member, Nick Cameron, reminded the attendees that using the microphone mute and unmute function during the meeting, and added that the attendees and the committee members should use the raise hand function as well to indicate their turn to speak. The Chair of the meeting will call on individuals when required.

At 6:33 PM Nick Cameron and Cassie Silhanek had to exit the meeting and re-enter due to technical difficulties.

The Vice-Chairperson, John Cairns, called the meeting to order at 6:39 p.m.

2. Record of Attendance

John Cairns (Vice-Chair)
Rob Jeffrey
Bernard Brideau
Ron Bridges
Shawn Brown
Samara Carvell
Cindy MacCready
Greg Moran

Staff

Nick Cameron, Development Officer
Cassie Silhanek, Recording Secretary

Public

Joe Roberts
Kim Willar
Stephanie Rutherford

3. Approval of Order of Business

Motion: To approve the November 28, 2023, Agenda as circulated.

Moved: Bernard Brideau
Seconded: Shawn Brown
Vote: *Motion Carried*

4. Disclosure of Conflict of Interest

None.

5. Approval of Minutes

Vice-Chair Cairns, called for a motion to approve the minutes as circulated.

Motion: To approve the August 21, 2023, meeting minutes as circulated.

Moved: Bernard
Seconded: Ron Bridges
Vote: *Motion Carried*

Motion: To approve the August 29, 2023, special meeting minutes as circulated.

Moved: Ron Bridges
Seconded: Rob Jeffrey
Vote: *Motion Carried*

6. Presentation of Applications

a. Subdivision on a private access to create (1) building lot 1627 Route 845, Clifton Royal, Fundy Rural District

Staff member Nick Cameron provided an overview of the application of the subdivision on a private access to create (1) building lot 1627 Route 845, Clifton Royal, Fundy Rural District. Mr. Cameron provided an overview of the staff report and read the staff recommendation for the record.

Applicant: Ron Soucy

Land Owners: Cindy and Frederick MacFarland

Request: Ron Sourcy has made an application to subdivide a portion of PID 155697 along MacFarland Lane in Clifton Royal, Fundy Rural District. The proposal is to create one new building lot (lot 23-1) which would be accessed by MacFarland Lane (existing private lane).

Notice to Neighboring Residents:

- As per section 6.2 of the PRAC By-law and Operating Procedures, notices were sent to property owners within 100m of the subject property on October 30th, 2023.
- In total, notices were sent to four property owners. A deadline for written submissions was set for November 21, 2023.
- To-date, no letters have been received.

More information on this application can be found in the submitted staff report.

Discussion

Vice-Chair Cairns then opened the floor to the applicant or a party representing the applicant, Joe Roberts, from Donmore Surveys, was present to speak to the application for the applicant.

Mr. Roberts said that he would be available if any questions arise and had no additional information to provide to Mr. Cameron's presentation.

Vice-Chair Cairns asked for those who are in favour of the application if they have any comments; however, no comments, concerns or questions were raised.

Vice-Chair Cairns asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment; however, no comments, concerns or questions were raised.

Vice-Chair Cairns opened the floor to the committee for comments, questions or concerns;

Bernard Brideau asked a question about whether a septic tank will be added to this lot. Mr. Cameron noted that the owner of the lot plans to put a mini home and septic system approval is required before a building permit is issued for the planned mini home.

Gregory Moran entered the meeting at 6:52 p.m.

Motion: To approve the staff recommendation laid out in the November 22, 2023, report, read out by Vice-Chair Cairns.

Moved: Ron Bridges
Seconded: Shawn Brown
Vote: *Motion Carried*

Joe Roberts left the meeting at 6:54 p.m.

b. Subdivision on a private access to create (3) building lots 68 Waddell Road, Clifton Royal, Fundy Rural District

Staff member Nick Cameron provided an overview of the application. Subdivision on a private access to create (3) building lots 68 Waddell Road, Clifton Royal, Fundy Rural District. Mr. Cameron provided an overview of the staff report and read the staff recommendation for the record.

Applicant and Land Owners: Helen Clark, Kim Willar, Kenneth Willar

Request: Kim Willar has made an application to subdivide a portion of PID 30335590 along Waddell Road in Clifton Royal, Fundy Rural District. The proposal is to create two additional building lots for a total of three lots. All three lots would be accessed by Waddell Road, an existing private road.

Notice to Neighboring Residents:

- As per section 6.2 of the PRAC By-law and Operating Procedures, notices were sent to property owners within 100m of the subject property on November 6th, 2023.
- In total, notices were sent to four property owners. A deadline for written submissions was set for November 21, 2023.
- To-date, no letters have been received.

Mr. Cameron read out the staff recommendation. More information on this application can be found in the submitted staff report.

Discussion

Vice-Chair Cairns opened the floor to the applicant or a party representing the applicant. Kim Willar was present to speak to the application if there were any questions, emphasizing that the two lots are intended for her children, and only one lot (the middle lot) is intended for development, at the moment.

Vice-Chair Cairns asked for those who are in favour of the application if they have any comments; however, no comments, concerns or questions were raised.

Vice-Chair Cairns asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment; however, no comments, concerns or questions were raised.

Vice-Chair Cairns opened the floor to the committee for comments, questions or concerns;

Shawn Brown asked about the civic numbers and how these lots would be identified by emergency services. Additionally, how many full time residents live on this road? Mrs. Willar answered there is no one beyond their property, however there are 5 to 6 households that are before their property on this road. Kim went on to indicate that the appropriate civic number would be registered in the future.

Ron Bridges asked if there will be enough room for well and septic since there is wetland within the property? Mr. Cameron said the proposed lots meet the minimum dimensions, but developable area is impacted by regulated wetland, particularly on Lot 23-01. Mr. Cameron said the applicant intends to use Lot 23-01 seasonally for a RV, therefore no further development to the proposed lot is planned. Mr. Cameron said the applicant has no plans for Lot 23-03, but would most likely be recreational. Mr Cameron said Lot 2020-02 is intended for year round residential which will require septic system approval prior to a building permit being issued. Mr. Cameron said additionally a WAWA permit is required if any work is occurring near potential wetlands, as identified by DELG in their review.

Cindy McCready requested more information on the driveway photograph in the presentation, and whether this is going through all 3 proposed lots. Mr. Cameron explained there is currently a driveway which crosses all three lots, but the private access (Waddell Road) is on an adjacent lot.

Samara Carvell asked if the right of way is the responsibility of the grantee or the property owner? Furthermore, would the applicant be able to maintain the private access to ensure access for emergency vehicle. Mr. Cameron said he did not know the details of the existing right-of-way agreement, but there are no historical issues with the existing private road, and it is properly maintained, noting that PRAC cannot impose maintenance responsibilities on property owners of adjacent lands that may have right-of-way but are not part of this application. No concerns were raised when Mr. Cameron was out doing his assessment, which included discussions with two neighbouring landowners. Mrs. Willar addressed the concerns stating that it is a shared duty of all on the road, they all contribute financially to the upkeep and someone keeps the lane open in the wintertime.

Motion: To approve the staff recommendation laid out in the November 22, 2023, report, read out by Vice-Chair Cairns.

Moved: Rob Jeffery
Seconded: Bernard Brideau
Vote: *Motion Carried*

Kim Willar left the meeting at 7:30 p.m.

7. Other Business

a. Provide views to the Minister regarding a proposed amendment to the Simonds Rural Plan to facilitate a tourism establishment comprised of four glamping domes at 3479 Red Head Road, Mispec, Fundy Rural District.

Nick Cameron spoke to this stating that the Minister would like to have comment from the committee on this application, the owner and applicant, Stephanie Rutherford, is in attendance. Mispec is part of the rural district and currently subject to the Simonds Parish Rural Plan Regulation.

Stephanie Rutherford is seeking to create a small tourism accommodation establishment comprised of four (4) geodesic glamping domes on platform structures, in addition to a new residential home at 3479 Red Head Road, Mispec.

In order to achieve this, an amendment to the Rural Plan in the form of a rezoning from *Mixed Use* is required as the *Mixed Use Zone* does not currently permit tourist accommodations such as geodesic glamping domes. The application is to allow this proposed use under a new site-specific zone.

Mr. Cameron presented a planning prepared by FRSC staff. More information on this application can be found in the submitted report. PRAC, through a letter by the Chair, may send their views of this application to the Minister for his consideration in his to decision to approve or deny the application.

Vice-Chair Cairns opened the floor for questions, comments, concerns and Stephanie Rutherford spoke about to the intent on the land and its development.

Bernard Brideau shared his screen and asked about the access to the property. Ms. Rutherford said that there is a private right of way used to access the property within their family. Further Bernard asked about the grade of the property. Ms. Rutherford says that the area for the domes it is flat, where the house is intended to be built it is up a hill.

Vice-Chair Cairns put out a last call for comment, concerns or recommendations.

Motion: To direct the Vice-Chair to submit at letter on behalf of PRAC to indicate their support of the application with the rezoning amendment.

Moved: Shawn Brown
Seconded: Ron Bridges
Vote: *Motion Carried*

Ms. Rutherford wrapped up that there is an intent to help upkeep the lighthouse at the end of the road and hopes this project will be a benefit to the community.

Stephanie Rutherford left the meeting at 7:58 p.m.

b. PRAC Procedural Bylaw - Housekeeping Amendments

Mr. Cameron brought forward anticipated changes to the PRAC bylaw to be approved by the FRSC Board who will be looking for PRAC's thoughts. A change recommended by FRSC staff is to allow regular meetings to be held on any day during in the 3rd week of the month to accommodate the venue availability, noting that the Simonds Fire Hall is not typically available on Monday evenings.

FRSC staff also recommend clarifying notice to residents in the area of an application. The current wording provides different radius measurement depending on whether the property is in a municipality of Local Service District. This needs to be reviewed since municipal boundaries have changed at the beginning of 2023. Furthermore, the Community Planning Act only states that notice may only be provided regarding variance applications and amendment applications, not the approval of a private access. Therefore, this section of the bylaw must be clarified to align with the Community Planning Act.

Mr. Cameron advised PRAC that FRSC staff may record the audio of meetings to assist with minute taking. Mr. Cameron told PRAC that once minutes were complete, the recording would be destroyed and asked PRAC if they had any concerns.

Vice-Chair Cairns opened the floor for comments or concerns.

Shawn Brown voiced that they are public meeting standards since these meetings are open to the public, and asked whether the recording is for in-person and just Teams? Mr. Cameron stated that all the business in PRAC must be in open, so there should not be privacy issues, but the intent is that it would be both in person and online recording for internal use only and destroyed once minutes have been approved.

Vice-Chair Cairns states that there are other venues to meet if necessary. He is comfortable with the time of the meeting; he supports the reduction of the notices for private access applications, and he supports the recording of the meetings for minute taking.

c. Selection of PRAC Chair and Vice Chair

Nick Cameron spoke on the selection process and had previously asked the members to expressed interest to Nick.

John Cairns is offering for Chair and Cindy MacCready is interested in Vice-Chair.

The biggest undertaking as Chair is that if there is an appeal to an application you are expected to speak on behalf of the committee to anything that was not a staff recommendation. The Vice-

Chair role is used to step into the Chair role if there is a need to Chair a meeting or represent the committee when the Chair is not available.

Nominations for Chair or Vice-Chair were called for:

Shawn Brown nominated John Cairns for position of Chair and Cindy MacCready for the position of Vice-Chair.

Motion: To appoint John Cairns for position of chair and Cindy MacCready as Vice-Chair

Moved: Shawn Brown

Seconded: Bernard Brideau

Vote: *Motion Carried*

8. Adjournment

Motion: To adjourn the meeting at 8:28 p.m.

Moved: Shawn Brown

Vote: *Motion Carried*

APPROVED (date) March 18th 2024

ORIGINALS SIGNED

John Cairns, Vice-Chair

ORIGINALS SIGNED

Cassie Silhanek, Recording Secretary