



**MEETING MINUTES**  
**Planning Review Adjustment Committee**  
**Monday, December 18, 2023**  
**6:30 PM virtually on Microsoft Teams**

**1. Call to Order**

Members of the public were admitted to the virtual meeting at 6:30 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 they have the floor.

The Chairperson, John Cairns, called the meeting to order at 6:40 p.m.

**2. Record of Attendance**

**Members Present**

John Cairns (Chair)  
Rob Jeffrey  
Bernard Brideau  
Ron Bridges  
Samara Carvell  
Greg Moran

**Members Absent**

Cindy MacCready  
Shawn Brown

**Staff**

Nick Cameron, Development Officer  
Cassie Silhanek, Recording Secretary

**Public**

Donna and Warren Jones  
Rick Stewart  
Shawn Tucker  
Scott Stewart  
John Lennan  
Johnathan Rasenberg  
Conan Clarke  
Tim Badger

### 3. Approval of Order of Business

**Motion:** To approve the agenda as circulated.

**Moved:** Bernard

**Seconded:** Rob Jeffery

**Vote:** Motion Carried

### 4. Disclosure of Conflict of Interest

None.

### 5. Approval of Minutes

None.

### 6. Presentation of Applications

#### a. Subdivision of (1) new building lot abutting a private access – Parent PID 00213512, off Carters Wharf Road, Carters Point, Fundy Rural District

Applicant: John McKelvey of Fundy Engineering on behalf of John and Glenda Lennan

Request: to approve a private right-of-way as a suitable access for one new building lot (2023-1) intended for residential use.

FRSC Staff Nick Cameron presented an overview of the application, the staff report and read the staff recommendation for the record.

*Whereas the proposed building lot would be accessed by previously approved private access;*

*And whereas the proposed building lot and its intended use is consistent with development trends in the area;*

*Therefore, it is recommended that PRAC approve the private access as shown in Appendix D of the FRSC staff report as a suitable access for the proposed lot in the provided tentative subdivision plan of PID 00213512 as shown in Appendix A with the following conditions:*

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*
- 3. The private access to be used by the proposed lot shall be labeled as "Private Access" on the final plan, have a width of at least 20-metres, and include a note*

*advising development along the private access shall not receive public services, construction and maintenance of the private access is the responsibility of the owner, and the private access is not suitable for a public street.*

## **Discussion**

Chair Cairns opened the floor to the applicant John Lennan to speak, however Mr. Lennan was not present at the time.

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.

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.

Chair Cairns opened the floor to the committee for comments, questions, or concerns; however, no comments, concerns or questions were raised.

**Motion:** To approve the staff recommendation.

**Moved:** Bernard Brideau

**Seconded:** Ron Bridges

**Vote:** *Motion Carried*

### **b. Similar/compatible use variance to facilitate a tourist accommodation of (5) cottages – PID 55217749, 2090 Route 111, Bains Corner, Fundy-St. Martins Village**

Applicant: Conan Clarke

Request: to approve five cottages for short term rental as similar-to or compatible with permitted uses under the Saint Martins Parish Basic Planning Statement.

FRSC Staff Nick Cameron presented an overview of the application, the staff report and read the staff recommendation for the record.

*Whereas, a seasonal residence as described in the Saint Martins Parish Planning Area Basic Planning Statement includes camps, cottages and other single family dwellings that are not winterized and are only inhabited during part of the year;*

*And whereas the proposed use is cabins to be rented on a short-term basis;*

*And whereas short term rental is a land use found across the Saint Martins Parish Planning Area;*

*And whereas the Basic Planning Statement proposes that new commercial uses shall not exceed a total floor area of 140 square metres;*

*And whereas objectives of the Basic Planning Statement include: to promote orderly future development, to reduce conflicts between different types of land use activities, and maintain the existing character of the Saint Martins Planning Area;*

*And whereas Section 55(1)(a) of the Community Planning Act authorizes a regional service commission to permit a proposed use of land that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law;*

*It is recommended that cabins for short-term rental at 2090 Route 111, Bains Corner (PID 55217749) be permitted with the following terms and conditions:*

- 1. At least one off-street parking space be provided for each cottage or dwelling on the property.*
- 2. The combined floor area of all existing and future buildings being used for commercial purposes shall not exceed 140 square metres (1,500 sq. ft.).*
- 3. A buffer no less than 6 metres in width shall be provided and maintained between the short-term rental use and abutting residential lots. The buffer shall contain a fence, thick vegetative, or landscaped buffer, and no other development.*
- 4. The property owner shall be responsible for ensuring garbage pickup services are in accordance with the local government's bylaws, policies and procedures.*
- 5. Any exterior lighting must be downcast and directed away from neighbouring residences.*

## **Discussion**

Chair Cairns opened the floor to the applicant who was not present at the time.

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.

Chair Cairns asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment.

Member of the public, Shawn Tucker, said that he agrees with the concerns in the submitted letters, and that he believes the lot is too small for the proposed use. Mr. Tucker said that his

property abuts the subject property, and that he is concerned about parking, garbage, and trespassing on his property. He stated that he owns the portion of the pipeline road which Mr. Clarke has proposed for access and that visitors of the subject property would likely be parking on. Mr. Tucker asked whether there should be a buffer along property lines, including the western property line which abuts the private pipeline road and, if there is a right-of-way, could it be used for commercial purposes?

Chair Cairns asked if staff could speak to Mr. Tuckers questions. Mr. Cameron stated that a right of way is an agreement between property owners and can be as detailed as the parties want. Mr. Cameron said if Mr. Clarke does not have permission to use the pipeline road for this purpose, he could apply to the New Brunswick Department of Transportation to have a new driveway location approved where his property fronts Route 111. Mr. Cameron explained that any associated use, including parking, must be excluded from buffer areas and if natural vegetation is missing from the buffer, landscaping or fencing may be required for noise abatement, demarcation of property boundaries and addressing other potential nuisances, such as car headlights.

Mr. Jeffrey asked if there are other commercial uses in the immediate area?

Mr. Cameron answered that he is not aware of any commercial uses in the immediate area, other than home occupations.

Chair Cairns recognized that Mr. Clarke has since joined the meeting and asked if there was anything he would like to speak to regarding his application. Mr. Clarke stated that he is willing to make adjustments to his proposal to meet conditions set by PRAC and that he does not have any expansion plans.

Mr. Moran asked Mr. Clarke if he had right-of-way on the pipeline road. Mr. Clarke responded that he believes he does based on information provided by his realtor, but he was open to having a new driveway put in if that were not the case. Mr. Clark said he preferred access from the pipeline road because he felt it was a safer access point. Mr. Moran stated he would like to see written confirmation of an access and proposed that it be added to the recommended motion.

Chair Cairns gave an opportunity to Mr. Tucker to respond to Mr. Clarke's comments. Mr. Tucker said he was concerned about on-going maintenance of the pipeline road and whether Mr. Clarke has legal rights to use it. Mr. Tucker asked that the right-of-way be verified. Mr. Tucker said he is concerned about the clearing of trees and parking areas near his property.

Mr. Cameron clarified that proof of access is a requirement to receive a development permit, but recommended a condition be added to the staff recommended motion as well. Mr. Cameron explained that the buffer condition in the staff recommendation means that development cannot occur within 6 metres of all property line and that any areas lacking thick vegetation should be

supplemented with landscaping or fencing. This also means that parking areas must be outside the 6-metre buffer or supplemented with landscaping or fencing. Reasons for this condition are to address concerns such as noise abatement, delineation of the property to discourage trespassing, and reducing other potential nuisances such as blocking headlights from cars.

Mr. Brideau asked how garbage would be collected? Mr. Clarke responded that the Village's garbage collection provider (Fero) currently collects garbage at the site and if commercial properties are not eligible for collection once the development is built, Mr. Clarke would contact Fero to pay directly for service.

Chair Cairns clarified that businesses within the Village will be responsible for their own garbage collection after June 2024. Mr. Cameron added that garbage pickup is a condition within the staff recommendation.

Ms. Carvell asked Mr. Clarke if a manager would be on-site? Mr. Clarke responded that he and his family live on Main Street in St. Martins and they would be managing the property.

Ms. Carvell asked Mr. Cameron if there are similar short term rentals in the area, the number of units and size of the lot in those cases. Mr. Cameron said in West Quaco PRAC has approved short term rentals developments at two properties with as many as 8 units on a 5 acre lot and 3 units on 1.5 acres, and in each case the use was approved as a home occupation. Mr. Cameron said the staff recommendation has a condition which limits Mr. Clarke's proposal to a total floor area of 1,500 square feet based on guidance of the Basic Planning Statement, but with reasoning, PRAC could set a condition that limits a specific number of units. Mr. Clarke clarified that Mr. Clarke's proposal is a standalone commercial use, not a home occupation.

Mr. Clarke clarified three of the units will have a half loft for a total floor area of approximately 160 square feet each and two units do not have a loft for a floor area of 100 square feet.

**Motion:** To approve the recommendation in the staff report with the addition of a condition that proof of a suitable access to Route 111 be provided prior to development approval.

**Moved:** Greg Moran

**Seconded:** Ron Bridges

**Votes For:** Greg Moran, Ron Bridges, John Cairns

**Votes Against:** Samara Carvell, Bernard Brideau, Rob Jefferys

*Motion Defeated*

The chair asked for any other motion. Hearing no further motion on this item, the chair called for the next agenda item.

**c. Subdivision of (1) new building lot abutting a private access – Parent PID  
00166298, Russell’s Lane, Long Reach, Fundy Rural District**

Applicant: Tim Badger

Request: to approve a Russell’s Lane as a suitable access for one new building lot (2023-01) intended for residential use.

FRSC Staff Nick Cameron presented an overview of the application, the staff report and read the staff recommendation for the record.

*Whereas the proposed building lot would be accessed by an existing private lane with a surface in good condition;*

*And whereas the proposed building lot and its intended use is consistent with development trends in the area;*

*Therefore, it is recommended that PRAC approve Russell’s Lane as a suitable access for Lot 23-01 in the provided tentative subdivision plan of PID 00166289 (prepared by Hughes Surveys dated July 19th, 2023) with the following conditions:*

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*
- 3. The private right-of-way to be used by the proposed lot shall be labeled as “Private Access” on the final plan, have a width of at least 20-metres, and include a note advising development along the private access shall not receive public services, construction and maintenance of the private access is the responsibility of the owner, and the private access is not suitable for a public street.*

### **Discussion**

Chair Cairns opened the floor to the applicant. Mr. Badger would like to build a home on the lot for a buyer. He is willing to work with the people around him to ensure the private lane continues to be accessible.

Chair Cairns opened the floor to other members of the public, starting with Rick Stewart. He stated that he supports the staff recommendation. Mr. Stewart noted that right-of-way established by several deeds in the area does not specify a width. Mr. Stewart felt that the staff recommended width of 20 metres will ensure the access is safe and assist with on-going maintenance.

Chair Cairns recognized Scott Stewart who had no further comment.

Chair recognized Warren Jones had registered to speak, but were experiencing technical difficulties. The Chair opened the floor to questions and comments from PRAC members while Mr. Jones resolved the technical issue.

Mr. Brideau asked for clarification regarding changes to the existing right-of-way. Mr. Cameron stated there are several deeds which provide right-of-way to several owners, some of which mention a width of 15 m. Mr. Cameron clarified that the staff recommendation is that the private access for the proposed lot in the subdivision plan be labeled as '*private access*' and have a width of 20 metres. Mr. Cameron clarified that a PRAC decision cannot establish a new right-of-way or change an existing right-of-way. Rather, PRAC approves what would be suitable for a private access to a proposed lot and in this case a private access of 20 metres wide is what staff is recommending.

Chair Cairns recognized Mr. Jones. Mr. Jones said asked for clarification regarding condition #1 in the staff recommendation. Mr. Cameron clarified the condition is regarding assuring access to owners of the proposed lot in the provided tentative subdivision plan and PRAC does not have the authority to amend previously established rights-of-way for adjacent properties outside the tentative subdivision plan.

Mr. Jones stated he was concerned about safety along Russell's Lane including lack of turnaround area for emergency vehicles, the location of the proposed driveway to the proposed lot and steepness of the grade. Mr. Jones asked that PRAC use this opportunity to make further improvements to Russell's Lane.

Chair Cairns recognized Mr. Badger who stated he has made improvements to Russell's Lane since taking ownership. Mr. Badger said he has widened the lane surface and improved visibility. He said he's cement trucks and other large trucks on the lane without concern.

Chair Cairns recognized Mr. Moran. Mr. Moran asked if and how a private lane can be changed to a public road? Mr. Cameron responded that the landowner would submit a proposal to the New Brunswick Department of Transportation which would have to meet their standards. Mr. Cameron said that the staff recommendation for this application includes a condition that it is noted on the final subdivision plan that the private access is not suitable for a public road.

**Motion:** To approve the staff recommendation.

**Moved:** Greg Moran

**Seconded:** Bernard Brideau

**Vote:** *Motion Carried*



**d. Subdivision of (3) new building lots abutting a private access - Parent PID  
30192793, off Route 845, Carters Point, Fundy Rural District**

Applicant: Jonathon Rasenberg on behalf of Chelsea Brown (owner)

Request: approve a new private right-of-way following an existing driveway as a suitable access for three proposed lots intended for residential use.

FRSC Staff Nick Cameron presented an overview of the application, the staff report and read the staff recommendation for the record.

*Whereas the proposed building lots would be accessed by an existing driveway with a surface in good condition;*

*And whereas the proposed building lots and their intended uses are consistent with development trends in the area;*

*Therefore, it is recommended that PRAC approve the proposed right-of-way as a suitable access for the proposed lots in the provided tentative subdivision plan of PID 30192793 with the following conditions:*

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*
- 3. The proposed private right-of-way to be used by the proposed lots shall be labeled as "Private Access" on the final plan, have a width of at least 20-metres, and include a note advising development along the private access shall not receive public services, construction and maintenance of the private access is the responsibility of the owner, and the private access is not suitable for a public street.*
- 4. The final subdivision plan shall include a turnaround area within 90 metres of the private access's western terminus.*

## **Discussion**

Chair Cairns opened the floor to the applicant. Mr. Rasenberg said the new lots are intended for immediately family. Mr. Rasenberg plans to have covenants in the deed that requires sharing on-going maintenance costs for the private access.

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.

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.

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

Mr. Moran said he was pleased to hear cost sharing of maintenance was part of this proposal and suggested it should be considered as a condition in future applications. Mr. Cameron said it is recommended to applicants proposing a new private access, but it cannot be imposed adjacent landowners that are not included in the provided tentative subdivision plan when considering an existing private right-of-way.

**Motion:** To approve the staff recommendation.

**Moved:** Greg Moran

**Seconded:** Bernard Brideau

**Vote:** *Motion Carried*

**7. Other Business: revisiting item 6.b. Similar/compatible use variance to facilitate a tourist accommodation of (5) cottages – PID 55217749, 2090 Route 111, Bains Corner, Fundy-St. Martins Village**

Mr. Cameron advised that PRAC must come to a decision regarding item 6.b. by resolution. A motion to approve with conditions was defeated, and therefore a decision has not yet been made. Mr. Cameron provided a summary of options, including an amended motion to approve, motion to deny or motion to table a decision to a future meeting. Mr. Cameron advised that a decision to approve or deny should include reasoning.

**Motion:** To deny the application based on the fact that it does not meet the requirements of being close enough to the community plan having five (5) small camping units that are unsupervised by anyone on site.

**Moved:** Rob Jeffrey

**Second:** Bernard Brideau

Chair Cairns opened the floor for discussion amongst the committee members.

Mr. Bridges asked the committee how this proposal differs from similar variance approvals within a 5-kilometre radius.

Mr. Brideau responded that the property being unsupervised was a cause for concern.

Ms. Carvell responded that the number of cabins on the property was a concern and fewer cabins would be preferable, and agreed with Mr. Brideau that no on-site supervision was a concern.

Chair Cairns, Mr. Moran and Mr. Bridges said that they would like to have the applicant provide more detailed drawings for review. Mr. Moran also stated he supported the staff recommendation due to the square footage limit on the development.

Mr. Jeffrey stated that lighting on the property and guests wandering onto neighbouring properties were concerns and suggested that a reconsideration of the application include a clearer demarcation of the property boundaries. Mr. Jeffrey was also concerned about traffic generated by the proposed five units.

**Motion:** To table further consideration of this application until the next available meeting.

**Moved:** Greg Moran

**Seconded:** Ron Bridges

**Vote:** *Motion carried*

## 8. Next meeting

Tentative date: January 16, 2024

## 9. Adjournment

**Motion:** To adjourn the meeting at 10:00 pm

**Moved:** Bernard Brideau

**Vote:** *Motion Carried*

APPROVED (date) March 18<sup>th</sup> 2024

ORIGINALS SIGNED

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John Cairns, Vice-Chair

ORIGINALS SIGNED

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Cassie Silhanek, Recording Secretary