



## Planning Review Adjustment Committee April 19, 2021

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Monday April 19, 2021 at 10:00 a.m. at Crane Mountain, Saint John via teleconference.

### 1. Call to Order

The acting Chairperson, Glen Baxter, called the meeting to order at 10:01 a.m.

### 2. Record of Attendance – via teleconference

#### BOARD MEMBERS

Dwight Allaby, Chairperson [**absent**]  
Joan Seeley, Vice Chairperson [**absent**]  
Glen Baxter, PRAC Member  
Donna Murchison, PRAC Member  
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  
Sandy Spinney (Terms and Conditions applicant – 2556 Route 111, St. Martins)

**Motion:** To appoint Glen Baxter as acting Chairperson for today's meeting due to the absence of Chairperson, Dwight Allaby and Vice Chairperson, Joan Seeley.

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

### 3. Approval of Order of Business

The Chairperson asked for approval of the agenda as presented.

**Motion:** To approve the April 19, 2021 Agenda as presented.

Moved: Donna Murchison  
Seconded: Walter Pollock  
Vote: *Motion Carried*

#### **4. Disclosure of Conflict of Interest**

None

#### **5. Approval of Minutes**

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

**Motion:** To approve the January 18, 2021 minutes as presented.

Moved: Brenda Rathburn  
Seconded: Donna Murchison  
Vote: *Motion Carried*

#### **6. Presentation of Application**

##### **a. Terms and Conditions**

Nick Cameron gave an overview of the presentation on the application for the Terms and Conditions Report.

*Applicant:* Spinney's Seafood Market (Sandy Spinney)

*Request:* The property owners have made an application for terms and conditions to offer take-out food services at their business located at 2556 Route 111 in St. Martins.

*Requirement for the Setting of Terms and Conditions on Development:*

The property is in a Mixed Development zone. As per section 4.2.3 of the St. Martins Rural Plan Bylaw, a take-out eating establishment may be permitted in a Mixed Development zone, if it is in compliance with terms and conditions set by the Planning Commission. Furthermore, section 13.6.3 states "In prescribing the purposes for which land, buildings and structures may be used, the Planning Commission may, where so empowered by other sections in this Rural Plan, impose terms and conditions on or may prohibit such uses where compliance with those terms and conditions cannot reasonably be expected. Terms and

conditions so imposed shall be limited to those considered necessary by the Planning Commission to protect: (a) properties within the zone or in abutting zones (b) the health, safety and welfare of the general public.”

*Consultation:*

As per section 13.5(1) of the St. Martins Rural Plan, notice was sent to the Village Council of St. Martins on March 23, 2021 to seek input on this application.

As per section 6.1 of the PRAC By-law and Operating Procedures, notices were sent to property owners within 60m of 2556 Route 111 (subject property) on March 23, 2021. In total, notices were sent to 11 property owners and the Village Council of St. Martins and a deadline for written submissions was set for April 12, 2021. To date, no written objections have been received.

*Overview of Application:*

*The proposed Terms and Conditions Report: -*

*The applicant built and opened Spinney Seafood Market in September, 2020 at 2556 Route 111. The proposal is to expand their offering to include take-out food, such as lobster rolls, and provide their customers with 5 outdoor picnic tables at the front of the building facing Main Street. Other than the addition of picnic tables, no further development of the property is proposed.*

*The hours of operations are from 10:00am to 6:00pm daily, from May to October. The applicant would like to begin offering take-out services by May 1, 2021.*

*Staff have discussed the proposal with the applicant, as well as the provisions of the rural plan. A site visit was also conducted.*

*The property is currently zoned as Mixed Development. A take-out eating establishment is a permitted use within this zone with terms and conditions considered by the Commission. Section 13.6.3 of the St. Martins Rural Plan provides a policy regarding consideration of such terms and conditions, stating "Terms and conditions so imposed shall be limited to those considered necessary by the Planning Commission to protect: (a) properties within the zone or in abutting zones. (b) the health, safety and welfare of the general public."*

The subject property is located at the intersection of Route 111 and Main Street. It is surrounded by other properties zoned as Mixed Development and across the street from the Four Seasons Complex, which is zoned as Open Space/Recreation. The abutting properties on the north and eastern sides are both residential uses. The proposed eating areas is approximately 19 metres from the closest property line to the east.

The rural plan includes minimum setbacks for commercial developments. However, a setback typically only applies to structures affixed to the ground. Therefore, clarification around moveable equipment such as outdoor furniture should be considered to protect against potential conflicts with neighbouring residential uses.

The current site plan includes a setback well beyond what is prescribed in the rural plan, however, clarifying the setback gives the applicant clear direction how their business can expand in the future while still protecting the neighbouring properties.

The rural plan also currently provides provisions for fencing or a 5-metre vegetative buffer between commercial uses and residential uses. Currently between the subject property and neighbouring residential properties, there are several trees, shrubs, and a buffer greater than 5-metres.

*Recommendation:*

The following terms and conditions are recommended for a take-out eating establishment at 2556 Route 111 in the Village of St. Martins (PID55182547):

1. Placement of the outdoor eating area, including moveable furniture and equipment, shall comply with the minimum setbacks provided in the rural plan under section 15.3.1, which are as follows:
  - a. Minimum Frontyard Setback: 7.5m (25ft)
  - b. Minimum Sideyard Setback: 3m (10ft)
  - c. Minimum Rearyard Setback: 9m (30ft)

**Motion:** To accept the recommendation by the Fundy Regional Service Commission to approve the proposed terms and conditions to offer take-out food services at their business located at 2556 Route 111 in St. Martins (PID 55182547).

Moved: Ron Bridges  
Seconded: Walter Pollock  
Vote: *Motion Carried*

## **7. Other Business**

The Rural Plan Reviews for the Village of St. Martins, Simonds LSD and St. Martins LSD were discussed.

It was explained that the Village of St. Martins Rural Plan review is well underway and should have something soon. The plan review for Simonds LSD needs authorization by LSD Advisory Committee and the Minister. Clarification is currently being sought from the Minister. It was also explained that we are looking to get legal authority to replace the Saint Martins Parish Basic Planning Statement with a modern rural plan. Ideally PRAC would like to combine the Saint Martins Parish Rural Plan with that of Simonds Parish, however that is something that would need to be approved by the Minister.


Concerns were raised over the work involved in developing a new rural plan and the potential for LSDs being amalgamated. It was explained that this is why PRAC is seeking clarification from the Minister.

**8. Motion to Adjourn**

**Motion:** The Chair called for a motion to adjourn at 10:28am.

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

APPROVED (date) 06/21/21

  
Glen Baxter, Interim-Chairperson

Alicia Raynes  
Alicia Raynes, Recording Secretary