

**PLANNING ADVISORY COMMITTEE  
MINUTES OF SPECIAL MEETING**

**February 22, 2017**

The Planning Advisory Committee (PAC) met in the Arena Complex (Theatre) with the following attendance:

**Present:** Chair Jill Stewart and Committee Members Kate Akagi, Darren Turner, Shannon-May Pringle, and Esma Taylor. Also present were Angela McLean, CAO/Town Clerk, and Nikki Mott, Receptionist.

**Regrets:** Vice-Chair Jeff Cross, Committee Members David Johnson and Lindy Townsend, and Hap Stelling, Manager of Planning

**1. CALL TO ORDER**

The meeting was called to order at 7:01 p.m. by the Chairperson, Jill Stewart.

**2. DECLARATIONS OF CONFLICT OF INTEREST, IF ANY**

NONE

**3. ADDITIONS TO AND/OR APPROVAL OF AGENDA**

Due to the absence of Hap Stelling, Manager of Planning and Chris Spear, Deputy Development Officer; Chairperson Jill Stewart asked for a motion to appoint Angela McLean, CAO/Town Clerk as the Secretary for the evening. *It was moved by Kate Akagi, seconded by Darren Turner to appoint Angela McLean, CAO/Town Clerk as the acting Secretary.* With none opposed the motion was carried.

*It was moved by Shannon-May Pringle, seconded by Kate Akagi to approve the agenda as presented.*

**4. DEVELOPMENT APPLICATIONS**

- 4.1 The Landing/209 Water Street - Mydobies Inc./Comeau MacKenzie Architecture is seeking permission to excavate a lot in excess of 1.0 m (3.28 ft), as well as seeking relief from requirements for setback from the ordinary high water mark at PID 01319821. - This is a continuation of the Special Meeting that was held on February 7, 2017.

The applicant is requesting the following from the PAC:

- A. Permission to excavate a lot in excess of 1.0 m (3.28 ft) as per Section 3.24 of the Zoning Bylaw, which states *“In any zone, any changes in the elevation of the existing ground involving cutting, or filling to a depth in excess of 1.0m (3.28 ft) shall be subject to such terms and conditions as the Planning Advisory Committee considers necessary.”*
- B. Seeking relief from requirements for setback from the ordinary high water mark per Section 3.32 of the Zoning Bylaw, which states *“No building or structure shall be located within 20.0 m (65.6 ft) of the ordinary high water mark of a coastal body of water.”*The Interim Building Inspector has identified the engineered pad as a “structure”.

During the previous PAC meeting the Committee requested that the Town provide more information in relation to the insurance and bonding between the Developer and the Town to ensure that all legal aspects are covered. Angela McLean opened the meeting by stating that the Town, our legal advisor, and the Developer have all come to an agreement on the terms and conditions for a “Development Agreement”. Hap Stelling had previously presented the members with an updated Planning Report, which also included all recommendations that the committee was being asked to consider.

The Developer, Dan Murphy, was present via conference call from Ottawa and his Contractor, Peter Gowan, was physically present.

There was some discussion about whether the bonding and insurance was adequate, but Chairperson Jill Stewart encouraged the committee to stay on point as the Committee is not responsible to make decisions on legal matters and to trust the Town has taken the proper measures to insure the assets of Market Square. The Committee is being asked to move forward with the variance and relief from setback requirements and excavation in excess of one (1) meter.

During the previous meeting, Hap Stelling asked the Developer and his Contractor to seek permission to use the back section behind the Post Office from owner Stephen MacLeod as a “Safe Route” for the heavy equipment to travel. Kate Akagi asked if the Developer has received permission, to which the answer was yes.

There was some discussion that with the absence of a Development Plan, it made it challenging to make a decision when the Committee does not know the final result of the project. The Chair reminded that this decision is being based on the site plan, not a building plan and also reminded the PAC that Mr. Murphy is doing this project in stages and each variance application will be considered on its merit. The Committee will be visited by Mr. Murphy on a continuous basis throughout the project to ensure that he is compliant. Mr. Gowan also mentioned that even if Mr. Murphy builds the pad and fills in around Market Square and does not place a building on the pad, then the Town is still benefiting as he would have stabilized the square more so than the current state it is in. He also noted that the fence that is currently in

place is actually protecting the Town property. If it wasn't there the damage to the Square would be much more severe.

Due to the meeting being a continuation of the February 7, 2017 meeting, there were no new polling letters sent out. There was also no one present to make a presentation.

- A. Motion: *It was moved by Esma Taylor, seconded by Kate Akagi to approve the applicant, Dan Murphy/Mydobies Inc.'s request to seek permission to excavate a lot in excess of 1.0 m (3.28 ft). With none opposed the motion was carried.*
  
- B. Motion: *It was moved by Darren Turner, seconded by Kate Akagi to approve the applicant's request to seek relief from requirements for setback from the ordinary high water mark. As well as, the recommendations submitted by the Town and the Manager of Planning be consolidated in the agreed upon "Development Plan" between the Town of Saint Andrews and Mr. Murphy/Mydobies Inc. With none opposed the motion was carried.*

The agreed conditions are as follows:

1. *That the developer provide bonding in the amount of \$15,000 for the rehabilitation of the site if the engineered pad construction work is not completed, or if an application for a foundation and building envelope is not presented within six (6) months of the permit for the engineered pad being issued, or if such application is not approved.*
2. *That the developer's bonding include provision for any damage to Town property that may occur as a result of construction of the engineered pad.*
3. *That after construction of the engineered pad is complete, the developer provide certification by an engineer licensed in New Brunswick that Market Square has not suffered structural damage as a result of the developer's construction activity.*
4. *That the applicant sign a release and waiver confirming that the issuance of a permit for the engineered pad does not guarantee the issuance of a subsequent permit for the foundation and building envelope nor approval of any required variances or related zoning issues.*
5. *That the developer provide liability insurance of \$1,000,000 for this project.*
6. *That the developer confirm that he has permission from Mr. Stephen MacLeod to cross the Post Office property for this project (Note: the Town has received this confirmation).*
7. *When accessing the work site from Market Square, construction equipment must follow a traffic path identified by the Town's engineering consultant (Note: this path has been identified by the engineering consultant to Town staff).*
8. *The work schedule is to be approved by Town staff and will make all reasonable effort to minimize disruption to Market Square during the tourist season.*
9. *That the developer follow WorkSafe NB protocols for public safety mitigation and markings both on the work site and off-site (Market Square traffic path).*
10. *That the developer provide the Town with proof of good standing with WorkSafe NB.*
11. *That the developer obtain all necessary approvals required by senior levels of government.*

- 12. That the developer take all reasonable and required measures to mitigate any pollution that may arise from construction activities and maintain daily site cleanliness.*
- 13. That, upon completion of site work, the developer restore Market Square to its pre-development condition (underground supports, landscaping, hardscaping, utilities, etc.).*

**5. OTHER BUSINESS**

Chairperson Jill Stewart offered to draft a letter to Mayor and Council with any concerns and/or recommendations from the Committee to be considered during future negotiations between the Town and Mr. Murphy. This letter will then be circulated amongst the Committee for additional input prior to being submitted to Council.

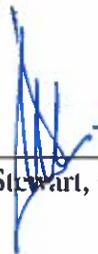
**6. QUESTION PERIOD**

NONE

**7. MOTION FOR ADJOURNMENT**

It was moved by Kate Akagi to adjourn the meeting at 7:31 p.m.

The next Regular meeting will be held March 15<sup>th</sup>, 2017.



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Jill Stewart, Chairperson