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# PLANNING ADVISORY COMMITTEE



The City of Saint John

November 20, 2019

His Worship Mayor Don Darling and  
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Rezoning  
289 Sydney Street**

On October 21, 2019 Common Council referred the above matter to the Planning Advisory Committee for a report and recommendation. The Committee considered the attached report at its November 19, 2019 meeting.

Mr. Curtis Langille, the applicant with the City of Saint John Real Estate Services, appeared before the Committee and indicated he was in agreement with the recommendation. He noted the site is not a visible site in the Uptown as it is located on the periphery of the Uptown south of Lower Cove Loop,

In response to a question from the Committee related to the lack of curbing on site, Mr. Langille noted the existing chain link fence provides protection to the landscaping and curbing is not required for storm water management. He also noted the requirement for curbing could be reassessed if the parking were to continue for a period longer than five years as Staff are only recommending approval for a five-year period.

Mr. Langille also noted the grassed area in the western portion of the site would not be used for parking and that the chain-link fence existed on-site when the City acquired the property. The fence could be removed should a condition be imposed requiring its removal. He stated that if approved, the parking stalls would be delineated with striping. With respect to concerns related to garbage associated with the City snow lot on site, Mr. Langille stated these concerns would be forwarded to the City's Transportation and Environment Service Area who operate this portion of the site.

Committee members expressed a desire for enhanced landscaping along the Vulcan Street frontage through the removal of asphalt in the parking area. Mr. Langille noted subsurface contamination on-site might present limitations with this approach.

Mr. Bill Nugent, an area landowner, appeared before the Committee and expressed concern with the operation of a portion of the site as a snow lot, noting the impacts of truck traffic on area roadways and site access concerns related to a single shared access. Mr. Nugent also referenced the potential for contamination on the site given past uses of the site, which included an iron works.

Mark Reade noted the Committee could impose a condition relating to truck access to the snow lot. Reappearing before the Committee, Mr. Langille noted he did not object to limiting access to and from the snow lot to Charlotte Street and that, he did not object to removal of the chain link fence or enhanced landscaping along the Vulcan Street frontage. In response to further questions from the Committee, he noted the lot has limited nighttime use, which does not create a need for additional lighting. Planning staff also noted lighting could be provided from existing street light poles along the Vulcan Street frontage.

In response to concerns from Committee members regarding the lack of curbing on the site, Planning Staff noted that a relaxation of the curb requirement is appropriate given the site context as there is no curb on adjacent streets. Staff also noted the curb is not required to delineate site access or circulation paths, manage storm water or protect landscaping. Staff also noted the direction of the proposed Central Peninsula Secondary Plan is to permit parking as an interim use on sites such as this.

Committee members out of concern for the height and appearance of the fencing noted that additional conditions should be recommended that would require removal of the fence along the Vulcan Street and Sydney Street frontages and a similar edge treatment as that used at the parking lot at 35 Water Street, which incorporates wooden posts and rope.

One letter was received in support of the application.

After considering the report, letter and presentations, the Committee adopted an amended Staff recommendation to approve the application. The amended recommendation included an additional condition related to removal of the chain link fence and specific requirements for landscaping along the Vulcan Street frontage.

Although not a specific condition of the recommendation, the Committee also recommended that truck access to and from the snow lot, be limited to Charlotte Street and recommended that this matter be reviewed among City staff in Real Estate, Transportation and Environment and Growth and Community Development.

**RECOMMENDATION:**

1. That Common Council rezone land with an area of approximately 1.01 hectares, located at 289 Sydney Street, also identified as PID Nos. 00002444 and 55147482 from Waterfront Commercial (CW) to Integrated Development (ID).
2. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), hereby imposes the following conditions upon the development and use of the land having an area of approximately 1.01 hectares, located at 289 Sydney Street, also identified as PID Nos. 00002444 and 55147482:
  - a. That any development of the site shall be limited to the following or a combination thereof:
    - a commercial parking lot;
    - snow lot;
    - farmers market or seasonal retail use;
    - interpretive centre;
    - recreational use;
    - walking trail; and
    - special events and festivals held on the site on a temporary basis and associated infrastructure to support those events.
  - b. That the use of a commercial parking lot on the northern portion of the site be allowed until December 31, 2024.
  - c. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the Change of Use permit for the respective part or phase of the proposed development.

- d. That any development of the site shall be subject to Part 9 of the Zoning By-law regarding Uses Permitted in Other Zones.
- e. Notwithstanding paragraph 4.2(5) (a) of the Zoning By-law, no concrete curb and gutter is required for the proposed parking lot.
- f. Notwithstanding section 8.17 of the Zoning By-law, a shipping container may be placed on site for a main or accessory building to house a main, secondary, or accessory use.
- g. That the applicant prepare a Landscaping Plan detailing enhanced landscaping along the grassed area in the southern portion of the Vulcan Street right-of-way adjacent to the site, and that this landscaping incorporate ornamental grasses and/or shrubs. Along the Vulcan Street frontage, separation between the paved area and landscaped area is to be provided by wooden posts and rope, of a design consistent to that found at the site located at 35 Water Street. This landscaping plan to be prepared by the proponent is to be submitted with the required application for a Change of Use permit. This landscaping must be completed by June 30, 2020.
- h. That the existing chain link fence along the Sydney Street frontage and along the paved area of the site adjacent to Vulcan Street be removed by June 30, 2020.

Respectfully submitted,



Rick Stephen  
Vice Chair  
Attachments



The City of Saint John

**Date:** November 15, 2019

**To:** Planning Advisory Committee

**From:** Growth & Community Planning  
Growth & Community Development Services

**For:** **Meeting of Tuesday, November 19, 2019**

**SUBJECT**

**Applicant:** City of Saint John (Real Estate Services)

**Owner:** City of Saint John

**Location:** 289 Sydney Street

**PID:** 00002444 and 55147482

**Plan Designation:** Primary Centre

**Existing Zoning:** Waterfront Commercial (CW)

**Proposed Zoning:** Integrated Development (ID)

**Application Type:** Rezoning

**Jurisdiction:** The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council concerning proposed amendments to the Zoning By-law. Common Council will consider the Committee recommendation at a public hearing on **Monday, December 2, 2019**.

## **SUMMARY**

The applicant is proposing to establish a commercial parking lot on a portion of the site to support the needs of area businesses. Approval of the rezoning is recommended to allow the commercial parking lot, the continued use of the site for a snow lot, and interim and seasonal uses of the site related to cultural and special events.

## **RECOMMENDATION**

1. That Common Council rezone land with an area of approximately 1.01 hectares, located at 289 Sydney Street, also identified as PID Nos. 00002444 and 55147482 from Waterfront Commercial (CW) to Integrated Development (ID).
2. That Common Council pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), hereby imposes the following conditions upon the development and use of the land having an area of approximately 1.01 hectares, located at 289 Sydney Street, also identified as PID Nos. 00002444 and 55147482:
  - a. That any development of the site shall be limited to a the following or a combination thereof:
    - a commercial parking lot,
    - snow lot,
    - farmers market or seasonal retail use;
    - interpretive centre
    - recreational use
    - walking trail, and
    - special events and festivals held on the site on a temporary basis and associated infrastructure to support those events.
  - b. That the use of a commercial parking lot on the northern portion of the site be allowed until December 31, 2024.
  - c. That any development of the site be in accordance with a detailed site plan to be prepared by the proponent and subject to the approval of the Development Officer, indicating the location of all buildings, structures, parking areas, driveways, loading areas, signs, exterior lighting, outdoor storage areas, amenity areas, pedestrian circulation elements and other site features. This site plan is to be attached to the application for the Change of Use permit for the respective part or phase of the proposed development.
  - d. That any development of the site shall be subject to Part 9 of the Zoning

By-law regarding Uses Permitted in Other Zones.

- e. Notwithstanding paragraph 4.2(5) (a) of the Zoning By-law, no concrete curb and gutter is required for the proposed parking lot.
- f. Notwithstanding section 8.17 of the Zoning By-law, a shipping container may be placed on site for a main or accessory building to house a main, secondary, or accessory use.
- g. That the applicant prepare a Landscaping Plan detailing enhanced landscaping along the Vulcan Street right-of-way of the site and that this landscaping plan be submitted with the required application for a Change of Use permit. This landscaping must be completed by June 30, 2020.

### **DECISION HISTORY**

No decisions have been rendered regarding this site.

### **ANALYSIS**

#### **Proposal**

The applicant is proposing to rezone the site to permit a commercial parking lot for area businesses. The rezoning also seeks to allow for the continued use of the southern portion of the site as a snow lot (snow dump) by the City's Transportation and Environment service area.

#### **Site and Neighbourhood**

The majority of the site is a paved parking area formerly used for the Lantic Sugar refinery. Since demolition of the sugar refinery in the early 2000's the site has been informally used for parking for area business and for visitors to Tin Can Beach, located southeast of the site at the end of Sydney Street. During the winter months, the City's Transportation and Environment service area uses the southern portion of the site as a snow dump to dispose of snow removed from the Uptown.

The site is bounded by Vulcan Street to the north and Sydney Street to the east. An undeveloped parcel of land is located west of the site at the terminus of Charlotte Street and a former rail spur is located south of the site. Commercial buildings are located to the north and northeast of the site across Vulcan Street and Sydney Street. A large laydown area operated by the port is located to the west of the site.

The surrounding area contains a mix of commercial and industrial zoning. Lands north and east of the site are zoned Business Park Commercial (CBP), with lands immediately west and south of the site zoned Waterfront Commercial (CW). Port lands, located further to the west of the site are zoned Transportation (T).

## **Municipal Plan, Central Peninsula Secondary Plan (Proposed) and Rezoning**

### Municipal Plan and Central Peninsula Secondary Plan (Proposed)

A detailed assessment of conformance with Municipal Plan policies is provided in Appendix A.

In addition to those policies examined in Appendix A, policies UD-9 and UD-12 of the Plan provide general urban design principles and considerations. Key aspects relating to this application include screening or softening the effect of the parking area on the Public Street realm through locating parking to the side and rear of buildings and providing landscaping along the public street frontage.

Minimizing the number of driveways accessing parking areas from adjacent Public Streets is also a consideration of the Municipal Plan. Policies UD-11, UD-12 and TM-67 encourage shared or common access driveways for adjacent parking areas on neighbouring lots. In this case, access to the proposed parking area is provided from Sydney Street via an existing driveway.

The proposal for additional parking also conforms to the Economic Prosperity goals of the Municipal Plan, which seek to support economic development through workforce expansion.

Staff consider the proposed development to be in conformity with the Municipal Plan given the above considerations and analysis presented in Appendix A.

The Central Peninsula Secondary Plan (CPSP), currently in the adoption process, seeks to develop a new recreation and entertainment destination on the Lantic Sugar site. As both the proposed parking lot and snow lot do not involve construction of a building, they are appropriate interim uses that conform to the long-term vision established in the CPSP.

Zoning By-law amendments proposed in conjunction with the CPSP include amendments to the CW zone to provide for the use of a commercial parking lot as a conditional use. This conditional use would be for a 5-year term recognizing parking can provide an interim use while redevelopment of a site is being pursued. A Section 59 condition is recommended in this regard.

The proposal is consistent with the goals of the CPSP as it recognizes interim uses until the site is redeveloped. As part of the adoption process of the proposed CPSP, a number of policy amendments are proposed including LU-28. Changes to this policy will clarify the existing policy direction for the Peninsula, that new parking areas as a result of demolition should be discouraged but may occur provided they are not in a heritage conservation area and are located on the periphery of the Uptown. The proposed parking area on the site conforms to this proposed policy.

### Zoning

The site is currently zoned Waterfront Commercial (CW), which provides for the use of the property for commercial, community facility, port or residential uses, provided Common Council has approved a specific proposal pursuant to Section 59 of the *Community Planning Act*. The



proposed rezoning to Integrated Development (ID) provides for a similar regulatory framework that allows for development of a specific proposal described in a resolution adopted under Section 59 of the *Act*. Site development standards such as parking and landscaping are not subject to Parts 4 to 9 of the Zoning By-law, but instead subject to standards adopted in accordance with the specific proposal adopted by Common Council.

This specific proposal includes use of the northern portion of the site as a 63-space commercial parking lot that will provide monthly parking administered by the Saint John Parking Commission. This will provide employee parking for area businesses. This additional parking will enable additional employment growth and expansion at area businesses.

As site-specific development standards can be provided through the ID zoning, Staff have reviewed the proposal with respect to general conformance with the Zoning By-law and this review is provided below.

#### *Parking Area*

The proposed site layout conforms to the standards of the Zoning By-law with respect to aisle and stall dimensions. A pedestrian connection to Vulcan Street is provided through a gate in the existing fence. This facilitates pedestrian connectivity to the buildings located on the north side of Vulcan Street. The lot is accessed by an existing driveway from Sydney Street.

The existing lot does not have cast in place concrete curbs or landscaped islands as it was constructed as part of the original Lantic Sugar Factory, long before these requirements came into effect. The applicant notes there is subsurface contamination at the site, which limits the ability for the required excavation to install concrete curb and gutter around the periphery of the parking area or internal landscape islands. Staff note adjacent public streets do not have concrete curb and gutter. Staff believes the current construction of the parking area is adequate.

Surface parking areas typically provide landscaping along the Public Street frontages of the site. At this site, coniferous and deciduous trees are located along the Sydney Street frontage of the site, which provide a buffer between the site and travelled portion of the Public Street right-of-way. Along the Vulcan Street frontage, landscaping consists of a narrow strip of tall grass located within the Public Street right-of-way. Staff recommend that the landscaping along this frontage be improved through plantings such as shrubs or ornamental grasses and that this landscaping be shown on a plan submitted by the proponent with the application for the required Change of Use permit for the approval of the Development Officer. Staff also recommend a site plan be required with the application for the Change of Use permit showing the limits of the existing and proposed uses on the site.

#### *Snow Lot*

City-operated snow lots (commonly referred to as snow dumps) in the Zoning By-law are permitted in any zone in accordance with Section 9.19 of the Zoning By-law and do not require the issuance of a Development Permit for their establishment. Staff recommend a condition that

Section 9 of the Zoning By-law apply to the rezoned area, which would permit the continued use of the snow lot on the site in conjunction with the ID zoning.

A Section 59 condition is recommended to limit the use of the commercial parking lot to a 5-year period concluding December 31, 2024. This conforms to the policy direction proposed in the Central Peninsula Secondary Plan. Future extensions will require an amendment to the Section 59 conditions. The 5-year time limit will allow for re-evaluation of the use in the future should site contamination issues be addressed.

Staff also propose additional uses that are envisioned to occur on an interim or seasonal basis until the site is permanently developed. These uses include a farmers market, cultural events and festivals. This aligns with the proposed approach for amendments to the CW zone in association with the CPSP. As shipping containers are increasingly being used as structures in association with festivals, events and seasonal uses, Staff are proposing a Section 59 condition to provide for their use on the site.

### **Conclusion**

The proposal is appropriate within the surrounding community context. Staff recommend approval of the application subject to conditions requiring the proponent to submit landscaping and site plans with the application for the Change of Use permit for the approval of the Development Officer.

### **ALTERNATIVES AND OTHER CONSIDERATIONS**

No alternatives were considered.

### **ENGAGEMENT**

#### **Public**

In accordance with the Committee's Rules of Procedure, notification of the proposal was sent to landowners within 100 metres of the subject property on November 7, 2019. The public hearing for the rezoning was advertised on the City's website beginning on November 8, 2019.

### **SIGNATURES AND CONTACT**

<b>Primary Author</b>	<b>Senior Planner/Manager</b>	<b>Commissioner/Dept. Heads</b>
Mark Reade, P.Eng, RPP, MCIP	Kenneth Melanson, RPP, MCIP	Jacqueline Hamilton, RPP, MCIP Phil Ouellette

**Contact:** Mark Reade  
**Phone:** (506) 721-0736  
**E-mail:** mark.reade@saintjohn.ca  
**Project:** 19-220

## **APPENDIX**

Map 1: **Site Location**

Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

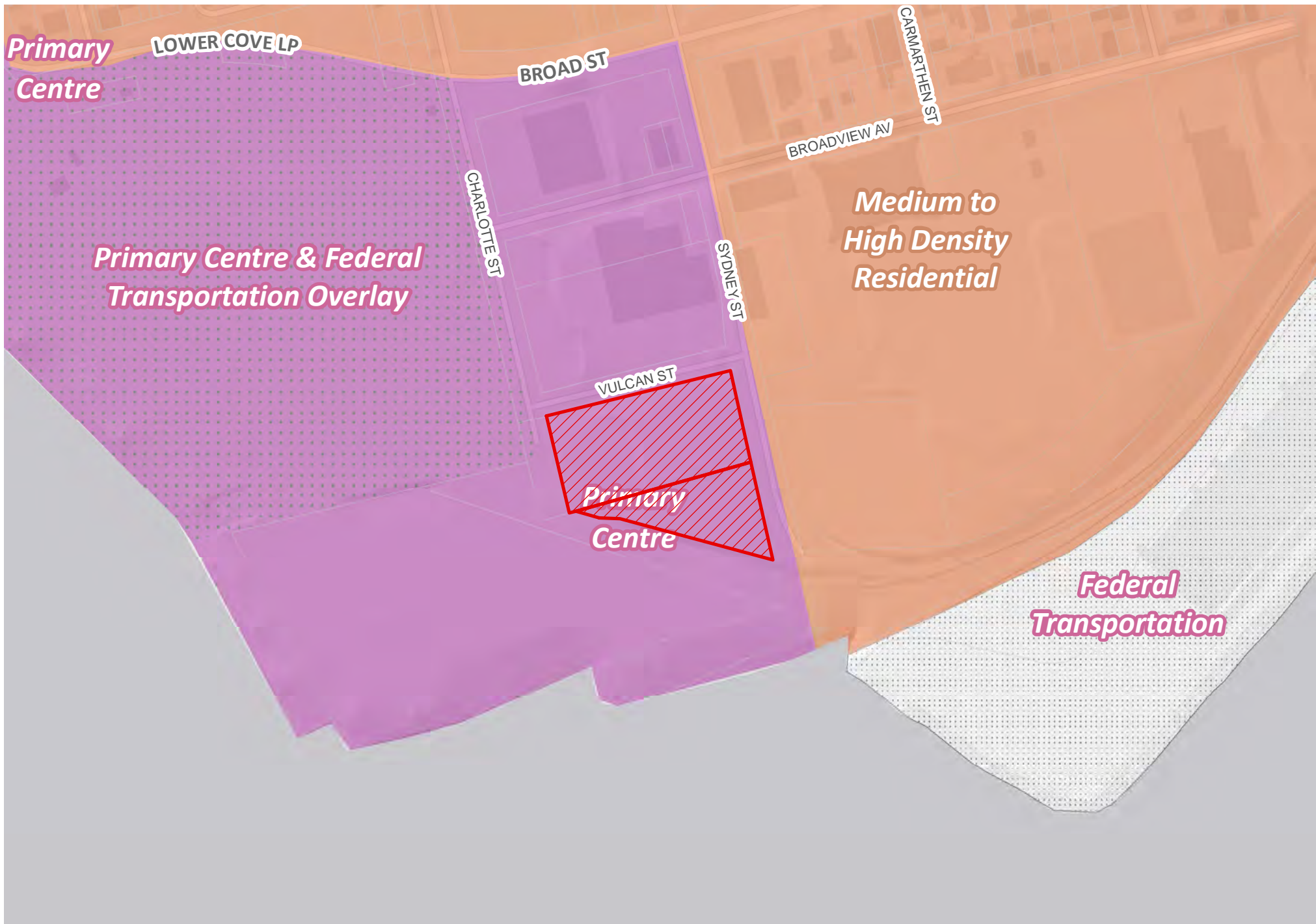
Map 5: **Site Photography**

Submission 1: **Site Plan**

Appendix A: **Municipal Plan Policy Review 289 Sydney Street**



**Map 1 - Site Location**  
City of Saint John - 289 Sydney Street



## Map 2 - Future Land Use

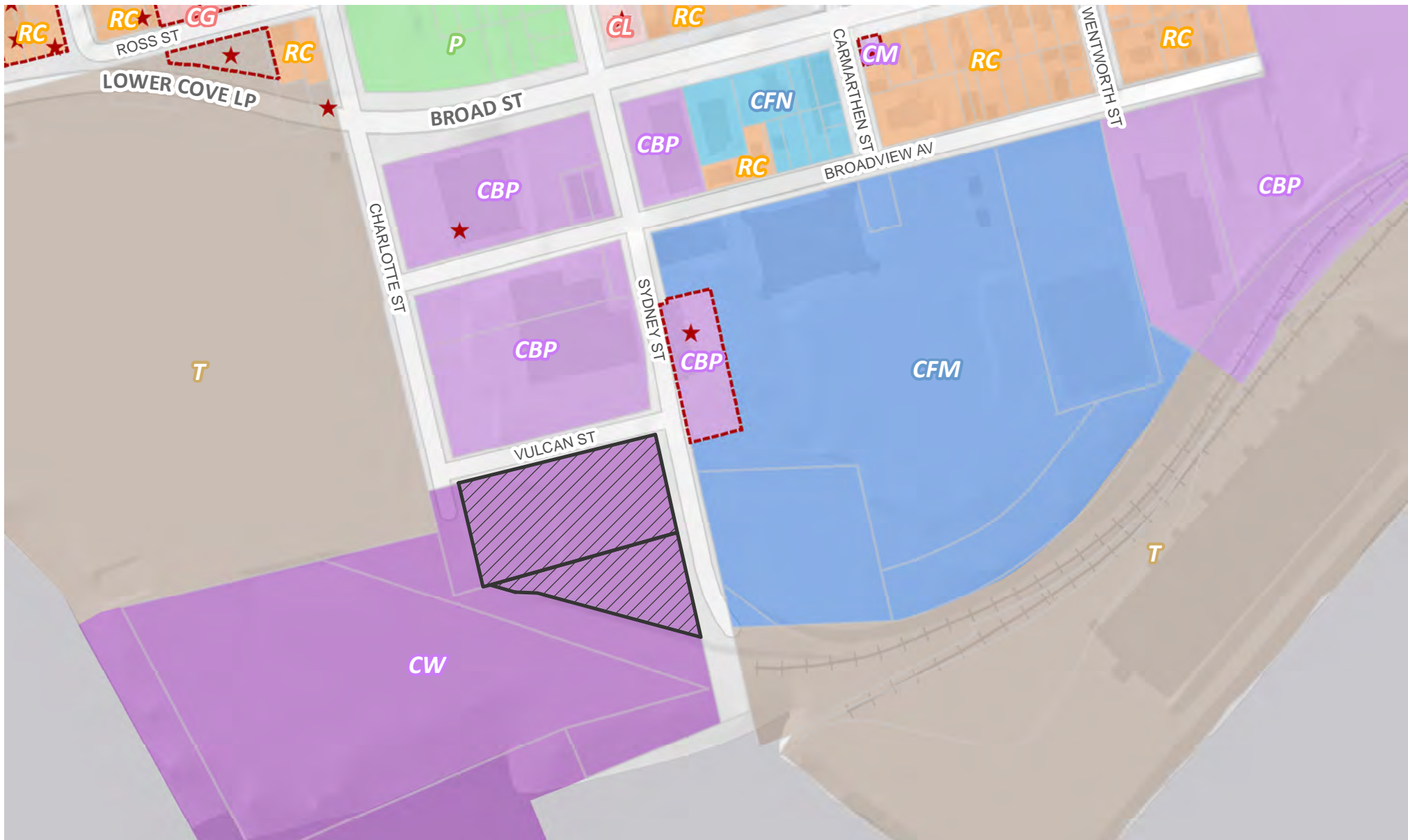
City of Saint John - 289 Sydney Street

The City of Saint John  
Date: October 28, 2019

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- |  |                               |
|--|-------------------------------|
| (CBP) Business Park Commercial         | (CM) Mixed Commercial         |
| (CFM) Major Community Facility         | (CW) Waterfront Commercial    |
| (CFN) Neighbourhood Community Facility | (P) Park                      |
| (CG) General Commercial                | (RC) Urban Centre Residential |
| (CL) Local Commercial                  | (T) Transportation            |

★ Section 59 Conditions

# Map 3 - Zoning

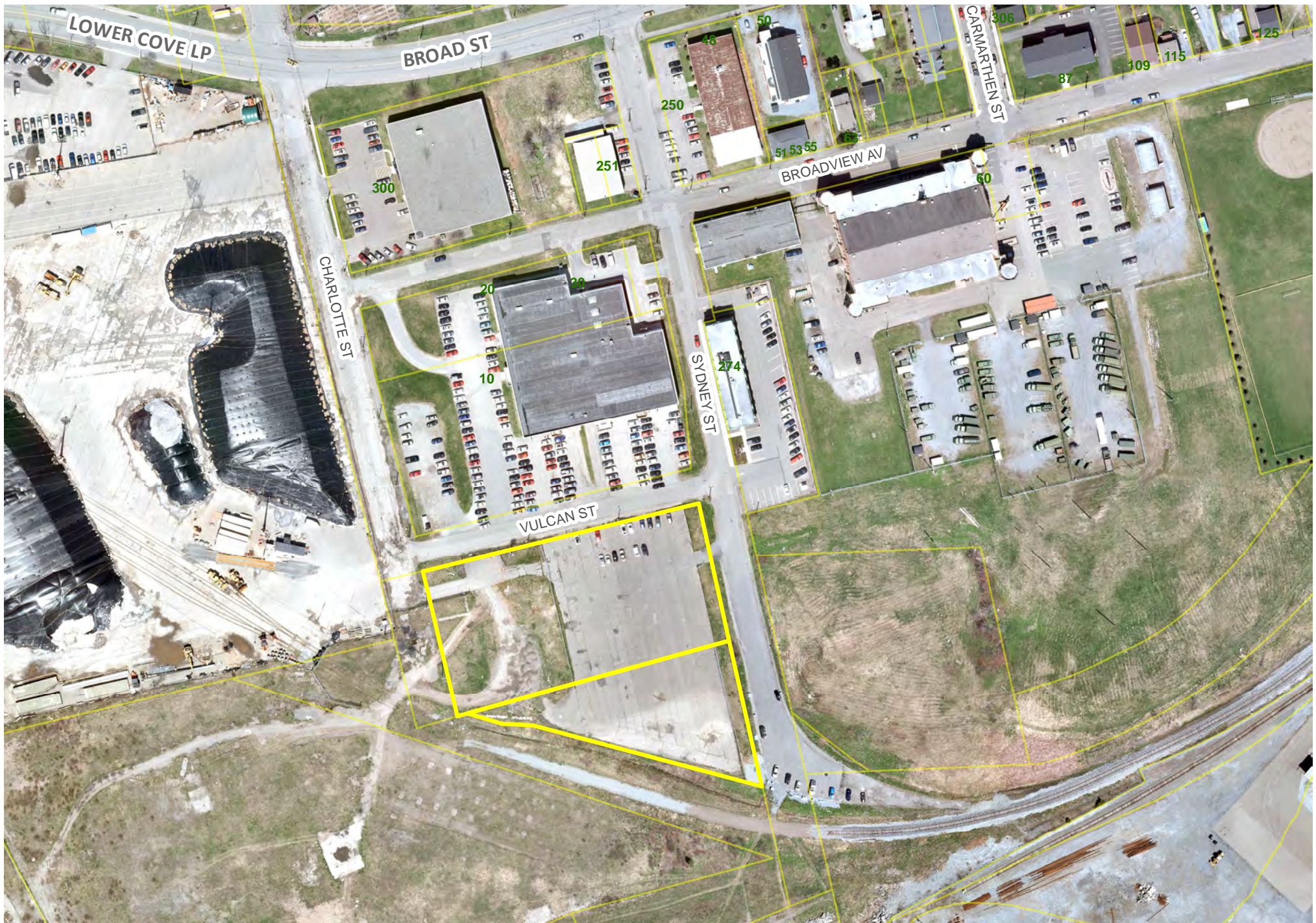
City of Saint John - 289 Sydney Street

The City of Saint John  
Date: October 28, 2019

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**Map 4A - Aerial Photography**  
City of Saint John - 289 Sydney Street

The City of Saint John  
Date: October 28, 2019

0 50 m







**Map 4B - Aerial Photography**  
City of Saint John - 289 Sydney Street

The City of Saint John  
Date: October 28, 2019







View along Sydney Street frontage



View along Vulcan Street frontage



View of site from Sydney Street / Vulcan Street intersection





EXP Services Inc.  
t: +1.506.646.8020 | f: 1.506.646.8025  
602 Robbsey Avenue  
Saint John, N.B. E2H 2H1  
CANADA  
www.exp.com

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No.	Issue	Date

KEY PLAN  
SCALE 1:20000

No.	Revision	Date

PRELIMINARY

Professional Seal(s)

Drawn By: OSE

Dwg Standards Ckd By:

Designed By: ACM

Design Checked By:

Scale: 1:250

Project Title

VULCAN STREET  
PARKING

Dwg. Title

SITE PLAN

Project No. SNB-00255708-A0

Dwg. No.	Rev. No.
C-1	0

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## **Appendix A- Municipal Plan Policy Review 289 Sydney Street**

<b>Policy</b>	<b>Staff Comments</b>
Policy LU-15 c. iv. Permit shared parking areas between uses, where zoning permits.	The proposal seeks to utilize an existing paved lot as a parking area to support overflow parking for area businesses. This conforms to the overall intent of the policy to provide shared parking.
Policy LU-16 Identify and pursue business development opportunities that attract new investment and new ideas and provide a positive environment for new businesses and the retention of existing businesses in the Uptown.	The use of a portion of the site as a commercial parking lot provides employee parking which is a positive amenity for new and existing businesses in the area of the site. It also makes use of an existing paved parking area that is not readily developable due to subsurface contamination.
Policy LU-28 Generally discourage the development of surface parking lots in the Uptown, particularly where building demolition is required to accommodate the proposed parking. However, where deemed appropriate, surface parking may be permitted on vacant or underutilized land on the fringe of the Uptown, in areas not visible from the street.	<p>In this particular instance, the paved portion of the site was used as a parking area and the site is located on the fringe of the Uptown.</p> <p>Recent tree planning along the Sydney Street frontage seeks to limit the visibility of the site from Sydney Street, the more heavily travelled of the abutting streets. Additional plantings along the Vulcan Street frontage can limit the visibility along this site frontage.</p> <p>This policy is proposed to be updated in conjunction with the CPSP to provide that areas developed for parking be on the fringe of the Uptown and not within a Heritage Conservation area. This site conforms to the proposed policy.</p>
Policy TM-59 Encourage the Saint John Parking Commission, Saint John Transit, and other partners to balance the parking supply in the Central Peninsula with public transit service and access to active modes of transportation. – interim – parking will be removed when development occurs	The Parking Strategy completed for Phase 2 of the City's Transportation Plan did not examine this area of the South Central Peninsula in detail. Through discussions with Staff of the City's Real Estate Service Area it was noted there is localized parking demand in this area associated with business expansion in particular for the development located on the north side of Vulcan Street.
Policy TM-62 Generally prohibit the demolition of existing buildings for the express purpose of providing commercial surface parking, through appropriate provisions in the Zoning Bylaw.	The proposed commercial parking area is located on an area that has been a long-standing paved area and no recent building demolition has occurred.

**From:** [Proximity](#)  
**To:** [Reade, Mark](#)  
**Subject:** Saint John 289 Sydney Street - rezoning - CN Comments  
**Date:** November 19, 2019 12:20:25 PM  
**Attachments:** [Saint John 289 Sydney Street - rezoning.pdf](#)

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Good afternoon Mark

Thank You for circulating CN Rail on the proposed rezoning of 289 Sydney Street. I have reviewed the information circulated and CN has no comments on the rezoning.

Future planning and development notifications can be sent to [proximity@cn.ca](mailto:proximity@cn.ca). If hard copy circulation is required by the municipality's processes, they can be sent to my attention at the coordinate below.

Regards

Susanne

**Susanne Glenn-Rigny, MCIP, RPP, OUQ**

Agente principale/Senior Officer  
Planification et développement communautaires/  
Community Planning and Development  
 Affaires juridiques/Law Department  
935, rue de La Gauchetière Ouest  
15e étage  
Montréal (Québec) H3B 2M9  
Téléphone: (514) 399-7844  
Télécopieur: (514) 399-4296  
Cell (514) 919-7844  
Email: [susanne.glenn-rigny@cn.ca](mailto:susanne.glenn-rigny@cn.ca)

**Precision Railroading:** Doing it well and always improving

**From:** [Brian Bell](#)  
**To:** [Reade, Mark](#); [Brian Bell](#); [Darling, Don](#)  
**Subject:** 289 Sydney Street - project No. 19-220  
**Date:** November 19, 2019 8:19:08 PM

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Good evening Mark,

Due to the short notice, I was unable to attend the meeting scheduled for tonight, November 19th, 2019 to discuss a rezoning application.

I would like my concerns relayed to your team, PAC and city council in regards to the issues below:

Federal Government comments and personal comments:

There has been a new directive from the federal government that the city is no longer allowed to dump snow in the harbour because of any litter that may be in it and contamination from chlorides. Although, the City of Saint John is not dumping "directly into the harbour", I view the property location as a grey area, perhaps argumentatively in direct conflict with the Federals Government main objective.

Provincial comments and personal comments/concerns:

1 - Snow which is removed from streets or parking lots and deposited in temporary storage areas awaiting spring melt, contains sand, salt (chlorides ) and miscellaneous debris.

We had a private contractor unknowingly to us, use our space as a snow dump. After agreeing to let the contractor finish the season, we insisted on a cleanup and we were both amazed of the quantity of debris left on and around the site.

2 - The primary concern associated with depositing snow relates to the sand, litter and foreign objects which are collected during snow removal. These materials become undesirable additions to the waters of the province during the spring melt period.

Locations selected should have enough separation from the water body so that all foreign material will remain collected after snow melt. Regular patrols of snow dumping areas should be undertaken by the operator during snow melt conditions to collect and properly dispose of loose debris. Fencing may be required to prevent the debris from being blown from the site. Although I live in Shediac, we have a few remaining properties in Saint John and intend to occasionally check on the property to be certain these laws are respected, and will be reported if they are not. As discussed, this is my main concern.

Lastly, why would the City of Saint John consider using such important waterfront property to dump unwanted material and furthering the risk of contamination on such a valuable piece of land, why? Because it's the quick fix that the city continually strives to obtain, rarely looking to the distant future. As I reluctantly put another piece up for sale, I pick up the "Saint John Plan and Implementation Strategy" prepared in November 2003 and laugh. I lived in Saint John from 1997 to 2010, such a great city with great potential, a pity it's stuck with self-destructive thinking time and time again.

*Brian Bell*  
*PO Box 5079*  
*Shediac, NB*  
*E1C 1H8*

506-647-7725