
PLANNING ADVISORY COMMITTEE



The City of Saint John

November 22, 2018

His Worship Mayor Don Darling and
Members of Common Council

Your Worship and Councillors:

**SUBJECT: Section 59 Amendment
 915 Red Head Road**

On October 22, 2018 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 20, 2018 meeting.

The Committee heard a presentation from staff regarding the discharge of an agreement made in 1990 between a former property owner at 915 Red Head Road and the City of Saint John pursuant to Section 39 of the Community Planning Act. Staff indicated the agreement limited the use of the property, which was rezoned from Industrial to Rural Residential (RR) during the ZoneSJ exercise and was no longer relevant.

The Committee called on anyone to speak for or against the application. Don Merzetti, the applicant, noted he was in agreement with the staff report. He indicated he was not aware of the existing conditions or zoning prior to beginning a home business on the property. He noted the steps he has taken to ensure all business activities on site are appropriate and legal uses and that discharging the agreement was part of the process. A neighbouring property owner, Jane McLaughlin, was present and opposed to the proposal. She stated concern about business activities that had occurred over the summertime.

The Chair indicated to Ms. McLaughlin that the application before the Committee related to the 1990 Section 39 conditions and were no longer relevant. With respect to any home business the applicant would be required to return to the Committee with an application subsequent to discharging the conditions.

RECOMMENDATION:

That Common Council, pursuant to the provisions of Section 59 of the Community Planning Act (SNB 2017, c.19), hereby discharges the agreement dated the 15th day of May, 1990 between Peter J. Scholten and the City of Saint John, respecting the property identified in the said agreement by LRIS number 00338350 (the Land) and which agreement was made pursuant to the provisions of Section 39 of the Community Planning Act in effect at that time (RSNB 1973 as amended).

Respectfully submitted,



Eric Falkjar
Chair

Attachments

- 1 – Staff Presentation
- 2 – Staff Report to PAC dated November 16, 2018
- 3 -- Correspondence received



The City of Saint John

Date: November 16, 2018

To: Planning Advisory Committee

From: Growth & Community Planning
Growth & Community Development Services

For: **Meeting of Tuesday, November 20, 2018**

SUBJECT

Applicant: Don Merzetti

Owner: Noreen and Richard Murphy

Location: 915 Red Head Road

PID: 00338350

Plan Designation: Rural Residential

Existing Zoning: Rural Residential (RR)

Application Type: Section 59 Amendment

Jurisdiction: Common Council has requested the views of the Planning Advisory Committee concerning proposed amendments to the Section 59 conditions of the subject property. Council will consider the Committee's recommendation at a public hearing on **Monday, December 3, 2018**

SUMMARY

The applicant is seeking to discharge an existing Section 39 agreement for the property located at 915 Red Head Road. Coinciding with the May 1990 rezoning of the property to light industrial,

conditions were imposed that limit the use of the property to a single-family residential dwelling and a landscape construction and lawn maintenance business. Approval of the application to discharge the existing agreement is recommended as the property has since been reverted to a Rural Residential (RR) zone. This application to discharge the agreement is being made to enable a subsequent application to legalize an existing business as a use similar or compatible to a craftperson's studio as a home occupation. Such an application cannot be entertained before the existing section 39 agreement is discharged.

RECOMMENDATION

That Common Council, pursuant to the provisions of Section 59 of the *Community Planning Act* (SNB 2017, c.19), hereby discharges the agreement dated the 15th day of May, 1990 between Peter J. Scholten and the City of Saint John, respecting the property identified in the said agreement by LRIS number 00338350 (the Land) and which agreement was made pursuant to the provisions of Section 39 of the *Community Planning Act* in effect at that time (*RSNB 1973 as amended*).

DECISION HISTORY

On May 7, 1990, Common Council gave third reading and approved rezoning a parcel of land at 915 Red Head Road from "RS-2" One- and Two-Family Suburban Residential to "I-1" Light Industrial, subject to an agreement with the developer pursuant to Section 39 of the Community Planning Act.

On May 15, 1990, Common Council, pursuant to Section 39 of the Community Planning Act, entered into an agreement with the developer that restricted the use of the site to a single-family residential dwelling and landscape construction and lawn business. Additional conditions were placed on the property with respect to the operation of the business and storage of materials.

ANALYSIS

Proposal

The application is to discharge the existing Section 39 agreement in effect on the subject property. The agreement is no longer relevant and the business to which the agreement applied ceases to exist. In addition, the zoning of the property was reverted to residential during the ZoneSJ exercise and no longer permits light industrial type uses.

Site and Neighbourhood

The subject property is a 4,283 square metre parcel situated at the intersection of Red Head Road and Old Red Head Road. There is a single family dwelling situated on the property as well as a large barn, small barn, and storage building. Zetti Stones is currently operated out of the first floor of the small barn and consists of an office and work studio. The neighbourhood is characterized largely by pockets of single family homes and ribbon residential development along Red Head Road and larger rural lots. The property backs onto a single family dwelling 30 metres to the north and is surrounded by vacant provincially-owned land to the east.

Similar or Compatible Use to a Home Occupation Proposal

In discharging the agreement, the applicant intends to take steps to legalize an existing business. The business, “Zetti Stones” consists of glass etching and/or sandblasting stones for ornaments and property identification. The business was brought to staff’s attention through a complaint, where sandblasting was being performed outside and generating dust. Since then, the applicant has taken measures to ensure all activities occur inside, that no dust is generated, and that noise is minimized.

At issue will be the suitability of a small business that conducts glass etching and/or sandblasting of ornaments at 915 Red Head Road. A full evaluation and report of this use as a home occupation will be undertaken at a future time provided the section 39 conditions are successfully discharged. This issue is integral to the purpose in applying to remove the conditions in the first place. A preliminary analysis has been provided below on the suitability of the similar or compatible use to a home occupation proposal.

The subject property is designated Rural Residential Area under the Municipal Plan, which accommodates existing or approved low-density residential development outside of the Primary Development Area. Other compatible uses are permitted within this designation, including home occupations. An “artist or craftperson studio” is a permitted secondary use as a home occupation. A craftperson studio means “an establishment used for creating, finishing, refinishing, or similar production of custom or handmade commodities together with the retailing of such commodities.” The glass etching / sandblasting business would be considered under this home occupation use.

Municipal Plan

Policy HS-22 of the Municipal Plan outlines a list of criteria for home occupations in residential areas, in addition to the home occupation being subject to the requirements of the Zoning and Building By-laws:

Criteria	Response
The home occupation is generally not visible from the street except for permitted signage and does not affect the primary residential character of the	Zetti Stones is located in an existing accessory building setback from the face of the street. The building is hidden from view, fenced in and does

property or the surrounding neighbourhood	not have a negative visual effect on the neighbourhood.
There is no outside storage of material or equipment	All materials and equipment will be stored within the building.
The home occupation is of such a nature that it does not involve excessive client traffic and/or truck traffic for the purpose of goods movement	There is no retail outlet component to the business. Deliveries are seasonal and based largely on local craft markets.
Home occupation signage is unobtrusive and appropriate in scale and character for the residential area; and	There is an existing wall sign on the barn. The sign is unobtrusive, cannot easily be seen from the street, and is appropriate in scale and character.
The home occupation does not produce smoke, dust, fumes, or noise to an extent that it would create incompatibility with adjacent or nearby residential uses.	Dust is handled through an internal exhaust fan and barrel. The resulting mud by-product from the process is disposed of at the landfill. No smoke, dust, or fumes should be generated as a result or emit from the property. The applicant has indicated that the compressor is muffled, which should mitigate noise.

Zoning By-law

The Zoning By-law stipulates additional requirements, including that the business must be contained within the single family dwelling. As the business would operate out of an accessory building (the small barn on the property) the applicant would be unable to comply with this requirement. As the requirement cannot be varied under the Community Planning Act, staff recommend that the craftstudio be considered as a use similar or compatible use to a home occupation.

A subsequent application for the similar or compatible use to a home occupation may be approved at the Planning Advisory Committee level and the Committee may also choose to impose conditions at that time.

Conclusion

Staff are recommending the discharge of a Section 39 agreement imposed in 1990 with the rezoning of property at 915 Red Head Road because the agreement is no longer relevant and limits the use of a property that has since been reverted to a Rural Residential zone. Should the agreement be successfully discharged, the applicant may then apply to the Committee to legalize a craftperson's studio, "Zetti Stones," as a similar or compatible use to a home occupation.

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, 2018. The public hearing for the rezoning was advertised on the City's website on November 8, 2018.

SIGNATURES AND CONTACT**Prepared:**

Andrew Reid , MCIP, RPP
Planner

Reviewed:

Mark Reade, P.Eng., MCIP, RPP
Senior Planner

Approved:

Jacqueline Hamilton, MURP, MCIP, RPP
Commissioner

Contact: Andrew Reid
Phone: (506) 658-4447
E-mail: andy.reid@saintjohn.ca
Project: 18-196

APPENDIX

Map 1: **Site Location**

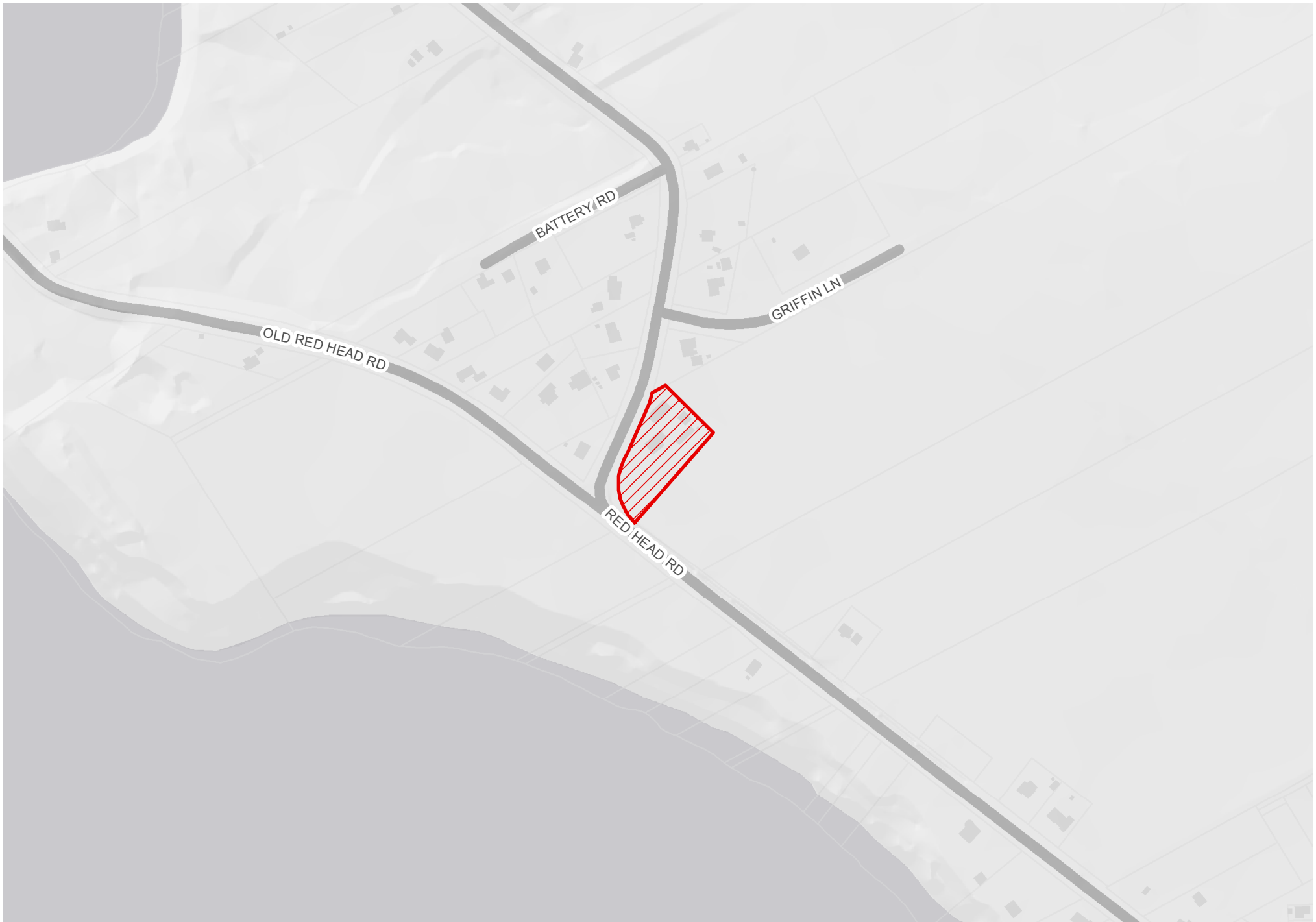
Map 2: **Municipal Plan**

Map 3: **Zoning**

Map 4: **Aerial Photography**

Map 5: **Site Photography**

Appendix 1: **Existing Section 39 Agreement**



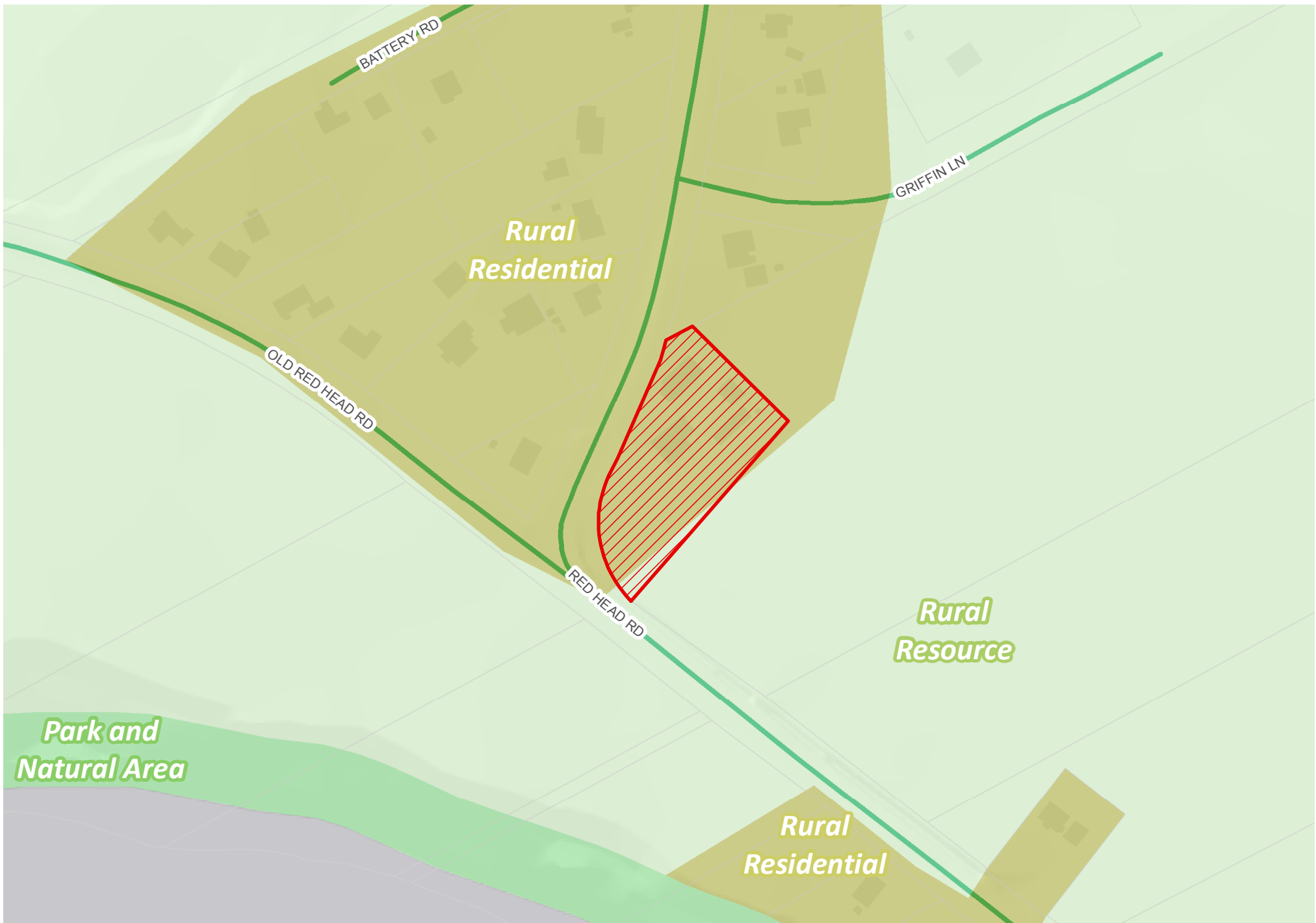
Map 1 - Site Location

Don Merzetti - 915 Red Head Road

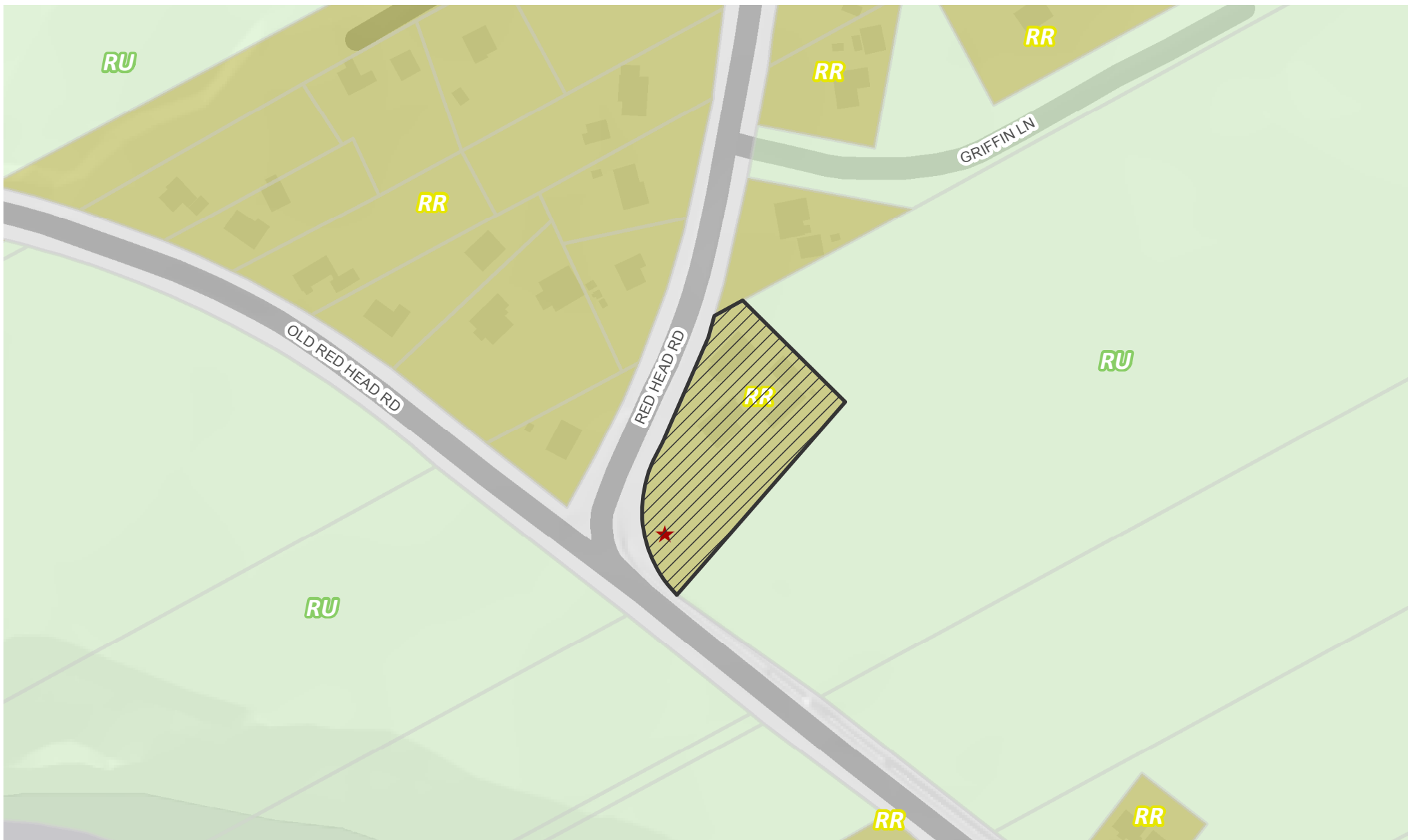
The City of Saint John
Date: October-19-18

0 100





Map 2 - Future Land Use
Don Merzetti - 915 Red Head Road



(RU) Rural
(RR) Rural Residential

★ Section 39 Conditions

Map 3 - Zoning

Don Merzetti - 915 Red Head Road

The City of Saint John
Date: October-22-18





Map 5 - Aerial Photography

Don Merzetti - 915 Red Head Road

The City of Saint John
Date: October-16-18

0 25 m





Facing north to dwelling unit and first access



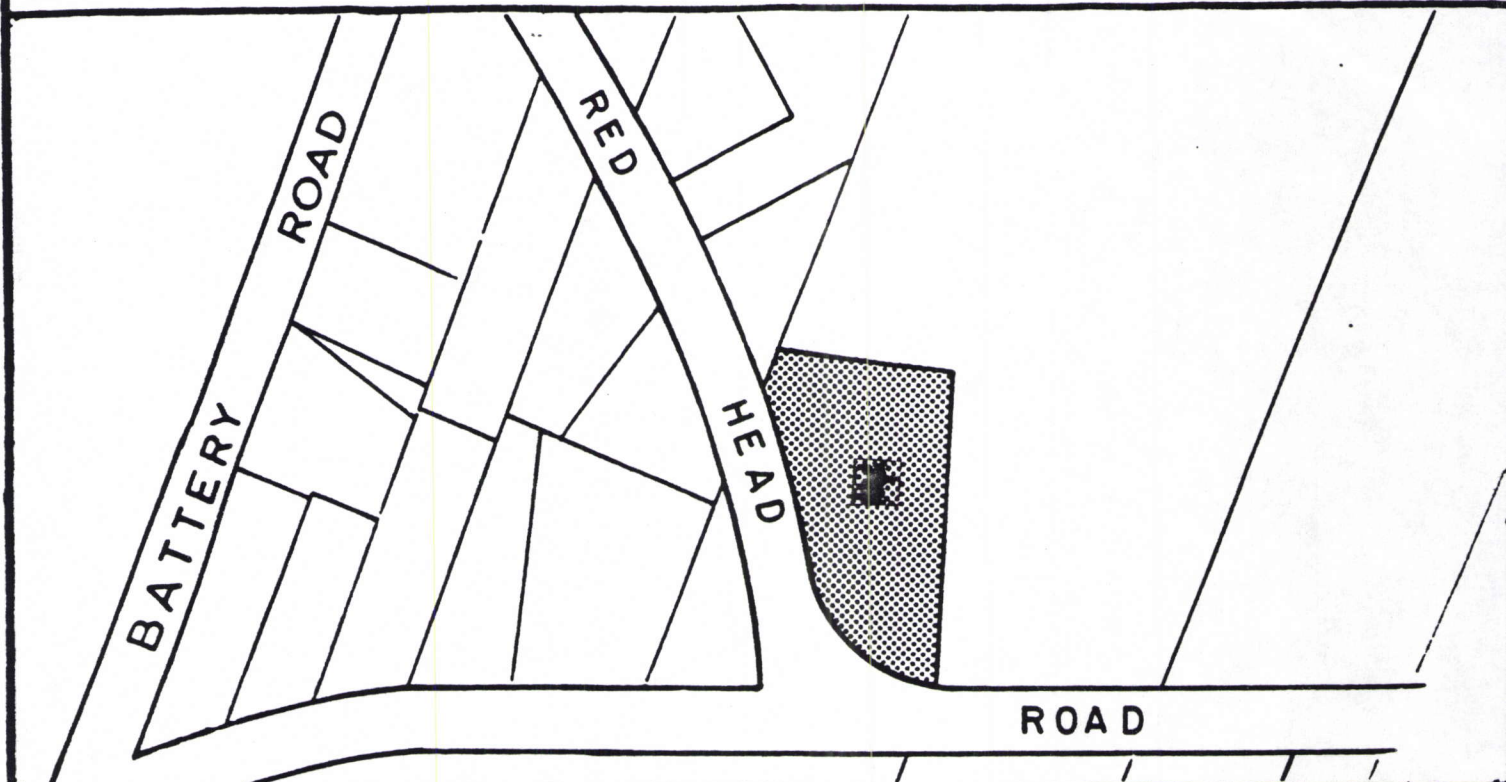
Facing east to workshop (white building) "Zetti Stones"



Facing east from second access to site



Facing south from neighbour's driveway

REZONING**AMENDING MAP SHEET 136 SCHEDULE "A" OF THE ZONING
BY-LAW OF THE CITY OF SAINT JOHN.****FROM**

**RS-2 ONE & TWO FAMILY
SUBURBAN RESIDENTIAL**

TO

I-1 LIGHT INDUSTRIAL

**PURSUANT TO AN AGREEMENT UNDER SECTION 39 OF
THE COMMUNITY PLANNING ACT**

DATE DRN. 01/02/90
DRN. BY. J. A.
CKD. BY. J. C.

RECOMMENDED BY P.A.C. 23/01/90
ENACTED BY COUNCIL
APPROVED BY MINISTER
FILED IN REGISTRY OFFICE

APPLICANT : **PETER J. SCHOLTEN**

LOCATION : **915 RED HEAD RD.**

FILE NO. : **06P - 16 338350**

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT.

"B"
mem

THIS AGREEMENT made in triplicate this 15th day of ~~April~~ ^{May}, 1990.

BY AND BETWEEN:

THE CITY OF SAINT JOHN, a body corporate, in the County of Saint John and Province of New Brunswick, hereinafter called the "CITY"

OF THE ONE PART

- and -

PETER J. SCHOLTEN, of the City of Saint John in the County of Saint John and Province of New Brunswick, aforesaid, hereinafter called the "DEVELOPER"

OF THE OTHER PART

WHEREAS the Developer has represented itself to be the owner in fee simple of property within the City of Saint John located at 915 Red Head Road and identified by the L.R.I.S. No. 338350, hereinafter called the Land, as shown on the plan annexed hereto and forming a part hereof as Schedule "A"; and

WHEREAS the Developer has submitted to the City a Specific Proposal to use the subject site for the purpose of a landscape construction and lawn maintenance business as well as a residential dwelling; and

WHEREAS the Developer in conjunction with the said Specific Proposal has applied to the City to have the Lands rezoned from "RS-2" One and Two Family Residential classification to "I-1" Light Industrial classification in order to accommodate the Specific Proposal; and

WHEREAS the City by resolution of January 29, 1990 has expressed a preparedness to accede to the Developer's rezoning request provided that this Agreement, pursuant to the provisions of Section 39 of the Community Planning Act, Chapter C-12, R.S.N.B. 1973 and amendments thereto is duly executed;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of these presents and the Common Council resolution of January 29, 1990 as adopted containing the terms, conditions and covenants contained herein, the Developer agrees as follows:

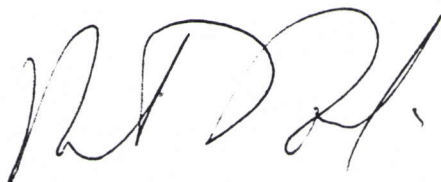
1. To use the Land as the site for a single-family residential dwelling and a landscape construction and lawn maintenance business only.
2. to deal with all chemicals brought to the Land in complete conformity with every applicable direction, in whatever form, of every level of government;
3. to restrict his business operation to the existing buildings upon the Land, which buildings are illustrated on the said Schedule "A", and further to refrain from the expansion of such existing buildings for any purpose associated with the Developer's business.
4. to restrict all vehicular traffic associated with his business to the easterly driveway illustrated on Schedule "A";
5. to erect at his expense a "board-on-board" fence, 1.8 meters in height at the location shown in the said Schedule "A";
6. to plant and maintain conifer trees of a size and number so as to form a visual screen at the location identified in the said Schedule "A" by reference to the words "pine trees";
7. to refrain from the bulk storage of oil or gasoline in quantities of greater than five hundred (500) gallons on the Land and in the event of bulk storage of such materials in quantities of less than five hundred (500) gallons, to do so in above-ground facilities which comply with all applicable standards established by Provincial or municipal governments;

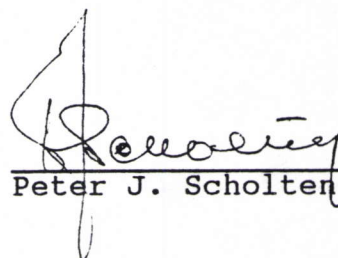
8. to refrain from using the Land for bulk storage of materials, except as provided for in paragraph 7;
9. to restrict the outside storage of materials and equipment to the area identified by the word "courtyard" on the said Schedule "A";
10. to commence forthwith and pursue in good faith negotiations with the City with the aim of resolving the matter of the street encroachment.

This agreement shall enure to the benefit of and be binding upon the parties hereto their respective heirs, executors, administrators and assigns and successors.

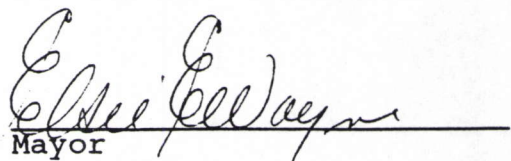
IN WITNESS WHEREOF the Developer has duly set his hand and affixed his seal and the City has duly executed these presents the day and year first above written.

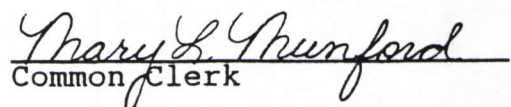
SIGNED, SEALED AND DELIVERED)




Peter J. Scholten

THE CITY OF SAINT JOHN


Mayor


Common Clerk

From: [Ron Grant](#)
To: [Reid, Andy \(Planning\)](#)
Subject: re rezoning 915 Redhead Road
Date: November-11-18 8:32:57 PM

Dear Sir

I am NOT in favour of rezoning the landscaping business site to allow sand blasting etc.
I see no reference to containment of noise or particulate or respect to the close residents properties.
This type of business should be in an industrial park setting not residential
I live in the Harbourview subdivision and drive by this property daily

Regards

Ron Grant
121 Seaward Cres
Saint John

From: [Andrew Griffin](#)
To: [Reid, Andy \(Planning\)](#)
Cc: [Andrew Griffin](#)
Subject: 915 red head rd
Date: November-13-18 12:50:50 PM

Hi Mr Reid.

I have been recently been informed that there is an attempt to rezone 915 red head rd. I believe that it is normal practice to notify all adjacent land owners. I am very close to this property as I am the next property over to 867. With the prevailing wind which comes off the bay all of the crap will be blown my way. Towards my children. I am all for small business but not at the expense of my children's health and my quality of life. Not to mention the effects on my property value. This is why we have plan SJ is it not? To keep this sort of thing in industrial parks. I know the noise that is put out by these companies in the industrial park which can be heard at my house already I am not willing to have in less than 500ft from my house. Please do the right thing and have them relocate to an industrial park where they belong.

Andrew & Donna Griffin

21 Griffin Lane

Saint John

645-8744

Sent from Andrew's iPhone

From: [Susan Wall](#)
To: [Reid, Andy \(Planning\)](#)
Subject: Opposition to Section 59 Amendment at 915 Red Head Road.
Date: November-11-18 8:46:55 PM

Please be advised that this is my official opposition to the amendment 59 for 915 Red Head Rd.

Thank you,
Susan Wall

From: [Susan Wall](#)
To: [Reid, Andy \(Planning\)](#)
Subject: Previous email in opposition
Date: November-11-18 9:38:56 PM

Hello, Andy. I should have clarified my opposition. My opposition is to the business not having the proper equipment in place to run the business without issues to his neighbors, not opposition to the business itself.

Thank you,
Susan Wall

From: [onestop](#)
To: [Burgess, Aimee](#)
Subject: FW: 915 Red Heads Road
Date: November-16-18 2:14:14 PM

From: dennis griffin [mailto:weusco@hotmail.com]
Sent: November-16-18 2:02 PM
To: onestop; Reid, Andy (Planning)
Cc: dennis griffin
Subject: 915 Red Heads Road

To the Mayor , Councilors , city planners & the P A C Committee of the city of Saint John ,

Recently a notice of zone change was delivered to our home concerning a Mr. Don Merzetti wanting to operate a sandblasting company at this location - 915 Red Head Road . The city of Saint John has also recently developed a new municipal plan & bylaws to regulate how Saint John will grow in the future - Plan S J & Zone S J . In this new municipal plan there are restrictions place on both residential & industrial growth so as one will not effect the other creating protection for both the citizens/residents & proposed sandblaster company . In the file for Mr. Don Merzette web page he states that he has completed a program by Enterprise Saint John . Did E S J not explain that this is not an excepted practice in Plan S J & Zone S J . Is it not stated in the new municipal plan - Plan S J that this type of industry is to be directed to the city's industrial park .

The prior owner for this property - 915 Red Head Road - Peter Scholton used his good standing with the neighborhood to start his landscaping company here in Red Head . In the then zone change to light industry (I - 2) restrictions were placed by the P A C on hours of operation , fuel storage , chemical storage , equipment storage & so on . All were to protect the neighborhood from damage to property values , the Red Head Aquifer (water table) & a healthy/clean quality of Life .

Recently we have noticed coming from this property - 915 Red Head Road machinery noises & dust that collects on our homes & cars . Since the city of Saint John has passed the new municipal there are rules that state that this operation must stop & be redirected to the industrial parks like MacDonalds , JaMax & Kelson in the McAllister Industrial park .

If the city of Saint John allows this company to establish in a Rural Residential zone then the new municipal plan - Plan S J is meaningless & has no teeth .

We - Dennis & Janice Griffin of 865 Red Head Road would like to see this area of Red Head kept for/in the setting it is intended for - Rural Residential & that sandblasting company be redirected to one of the city's industrial parks .

Dennis & Janice Griffin
865 red Head Road
Saint John N B

E2P 1J3

From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: Section 59 Amendment, 915 Red Head Rd.
Date: November-13-18 8:28:58 AM
Importance: High

Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Michael Kean [<mailto:michaelkeannb@gmail.com>]
Sent: November-11-18 8:21 PM
To: onestop
Subject: Section 59 Amendment, 915 Red Head Rd.
Importance: High

I am sending this email in regards to the Section 59 Amendment request for 915 Red Head Rd to express my opposition to it. While the Red Head area may be considered a urban/rural section of the community the operation of a Abrasive Blasting business literally within 50m of many residential homes is very concerning. While my home is not as close as others I have many environmental concerns with the waste product of such a business.

Many of the abrasives used in such an operation can be very benign (walnut shells) but many more that are metal based can be very harmful to the environment. Where is this operation going to keep it's spent abrasive waste? Will it be stored outside? Will rain water be able to seep into it? Will the run off enter our water table threatening our wells and our ecosystem? Will it be contained within the building so that NO clouds of abrasive waste can exit the facility and end up on our properties or for those homes literally next door, inside?

On one side of 915 Red Head Rd sits a large empty field, on the other dozens of properties. With the majority of prevailing winds coming in from off the bay, these homes are in the direct line of fire for any escaping abrasive product most of the time.

There is a time and a place for everything under the sun, that said, Red Head is NOT the place for a Abrasive Blasting operation in such close proximity to homes with the elderly and small children.

I could not find a document online from the Province of New Brunswick concerning the operation of an Abrasive Blasting operation and government guidelines pertaining to such. I did find one from Saskatchewan though that is short but on point with my concerns. You can access it from this link:

<http://publications.gov.sk.ca/documents/66/80067-Air%20-%20Abrasive%20Sand%20Blasting%20Guideline.pdf?fbclid=IwAR24LIJZyqMTR4q7R3FFVJRP98GrpCdFBPBNBuFxfj3NL7bjzOuGiX4G2mxE>

Any operation in such proximity to residential homes that depend on well water for their drinking as we do in this area that can expose us to any level of lead contamination I feel needs to be in a more controlled location such as one of our Industrial Parks.

Thank you.

Michael Kean CNE / MCSE
ICT & Network Administration, Digital Photography
MISA (Atlantic) Member
CCFR Member

P (506) 639-8176
michaelkeannb@gmail.com
715 Red Head Rd
Saint John, NB
E2P 1J3

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From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: Section 59 Amendment 915 Redhead Rd
Date: November-15-18 1:35:54 PM

Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Greg McLaughlin [mailto:gmac_burnback16@hotmail.com]
Sent: November-15-18 11:07 AM
To: Reid, Andy (Planning); onestop; Strowbridge, Ray
Subject: Section 59 Amendment 915 Redhead Rd

Dear Planning and advisory committee:

The proposal of section 59 amendment 915 Redhead Rd is something that is extremely important to me and my family. We have been dealing with sandblasting particulate in the air, covering our vehicles, and our house for the better part of 2018. We currently reside at 867 Redhead Rd. We deal with the loud noise of an industrial compressor, followed by a thick haze which covers our house and vehicles not to mention the effects of air quality. Although these material things matter the aspect of my family's health and welfare are what concern me the most.

Sandblasting is considered one of the most dangerous jobs due to the high exposure rate of toxic silica in the air during this work. This exposure can result in lung cancer, breathing problems, and silicosis. Silicosis is a lung disease caused by toxic crystallized silica. The silica is an invisible dust particle released into the air as a result of damaging certain rocks such as quarts and granite. This is exactly the type of work Mr. Merzetti is doing with his business "Zetti Stones".

We have two children ages 4 and 2 months. Our 4 year old plays on her trampoline which is less than 50 yards away from the barn where the sandblasting is taking place. Our yard is constantly full of kids playing and it is no longer a suitable atmosphere for them to play in. We love living in Redhead and love the community but this has definitely changed our thoughts as of late. Once the stop work order was issued we hoped this was all behind us.

We are completely against the application as this work will affect air quality, possibly contaminate our water depending on what is being blasted (lead based paints), and have damaging effects on vehicles and equipment.

This is not an attack on Mr. Merzetti. We fully support small business owners in the

community, but not at the cost of our health. I have had several talks with the department of environment and have been told its virtually impossible to contain all sandblast particles. That is why it is more suited for an industrial setting and not a residential area.

I would like you all to consider all these factors before making your recommendation. Our community's health and quality of life depends on it.

Sincerely Greg McLaughlin

Sent from my Samsung Galaxy smartphone.

From: [Janey Sheppard](#)
To: [External - Planning](#)
Subject: 915 Red Head Road
Date: November-09-18 9:02:38 AM

Hello,

My name is Jane and I live in the Red Head community, neighbouring the residence in question. Our community has concerns for health and safety, also environmental care and would like to keep this sandblasting business out of our area aka keep it residential! I would like to request a copy of the application, staff's report and recommendation and the date/time this issue will be heard by your PAC.

Thank you,

Sincerely, an involved community member.

Jane McLaughlin

From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: Rezoning & section 59 amendment application - 915 Red Head Road.
Date: November-13-18 8:28:36 AM

Paula Hawkins
One Stop Development Shop
Permitting & Inspection Services
10th floor – City Hall
Saint John, NB E2L 4L1
(506)658-2911
paula.hawkins@saintjohn.ca
onestop@saintjohn.ca

From: Janey Sheppard [mailto:janey.sheppard@icloud.com]
Sent: November-12-18 2:06 PM
To: onestop
Subject: Rezoning & section 59 amendment application - 915 Red Head Road.

Hello,

My name is Jane and I am a wife, a mother of two beautiful little girls and a direct neighbour to 915 Red Head Road.

Earlier this year we started hearing the machines and seeing “dust” coming from one of the dwellings on the property in question.

After weeks of paying no mind in assumption it was just the family helping to tidy up the property we were devastated to find a Facebook page on behalf of Zetti Stones calling itself a legitimate business and soon after noticing a sign on the property as well. Knowing the potential hazards of Abrasive/Sand Blasting when done improperly we made it our business to voice our concerns and get answers from environment NB and the city by law department.

Our vehicles were being coated with particulate, our daughters toys were no longer safe for her to play with, we couldn't even hang clothes to dry without feeling the need to rewash them and the only *attempt* of safe practice we witnessed was a measly tarp being hung over half the window where the matter was exiting the building.

To keep it simple, we didn't feel safe to have our windows open let alone enjoy our yard through the past summer months. Being pregnant at the time I had concerns for my unborn child - would it cause problems in her development when she arrives? What if her little lungs were to breath in this air? All concerns no parent living in a residential community should have to deal with.

I am a sincere person. I have no intention of stepping on someone attempting to better their life by running a family business, in fact I would consider myself to be someone constantly promoting small businesses and anything that contributes to our country, province, city and/or community. However, I feel that our health is being devalued, our property is being devalued

and the quality of our community is being devalued making this application the opposite of what would be considered a contribution therefore I am opposed.

Sincerely,

Jane McLaughlin

**85 Anthony's Cove Road
Saint John, N.B.
E2P 1K9**

November 12, 2018

City of Saint John

Att: PAC and Common Council

SUBJECT: 915 Red Head Road - Section 59 Amendment

PAC and Councillors

Please accept this my opposition to any change in the existing terms/conditions for this property. As well as any change in the zoning.

Red Head Road is a residential community. Industry has their place and it's not in residential. This is industry and that's why we have proper zonings. If this is permitted, the City loses all control. A new business with the intention of growing and then it would be unabated. Make the correct decision now so the problem won't become even more exaggerated. It belongs in an Industrial Park - take a look at the existing sandblasting operations and it becomes very obvious.

First, we are very concerned on the timing. The notice to adjacent homeowners is dated November 07th (Wednesday) and anyone wishing to comment had until the Monday prior to the hearing (November 20th). That meant, our comments had to be received by the City on/before the 12th - a holiday for many.

In order to comment, we need to see the staff report and recommendation. No indicated on the City's notice as to what is being proposed for this property. How is anyone to comment? The notice is dated the 07th, but when was it received by the adjacent homeowners? Not much time (3 work days) to get a copy of this report and respond.

So, without the staff report and recommendation, here are my concerns:

According to the City's notice, the property is limited to a single family residential dwelling and a landscape construction and lawn maintenance business. It must remain residential and if any other use is proposed that fits within the zoning, we certainly are prepared to look at it and if fitting for the community, we would endorse it. This application does not fit our rural and residential community.

Note: This amendment I believe was originally for Scholten's Landscaping and I'm not aware of any construction activities at this location.

The notice does NOT say what the proposed use of the property is. We are hearing a sandblasting operation. This according to one adjacent homeowner who is also telling us, the business has started up and the City has issued a stop work order - subject to your clarification.

They (adjacent homeowner) have also told us, when the business was operating, there was little to no control over dust that was coating their property next door. This is but one of the impacts that is not acceptable.

Noise is an unknown at this point, but is something that has to be considered. As does hours of operation.

Will water be used in the sandblasting and/or clean up? This could negatively impact on quantity and quality of well water in adjacent homes. What are the plans to contain and dispose of water used at this site? Note: Water cannot be allowed to flow from this site due to well water contamination and it's across the road where erosion is a problem UNB has already told us that groundwater in this area needs to be controlled to slowdown erosion.

Sandblasting is available for almost anything and that defies the no through trucking bylaw for Red Head Road. If you allow this project, it will mean trucking will be done on Red Head Road (local delivery) and this whole no through trucking bylaw will be moot for the purpose for which it was intended - see below.

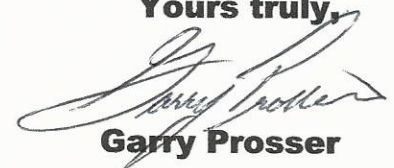
Red Head Road at 60 KPH, no passing lanes and many corners is not designed for larger vehicles. The road itself is not very wide and there are crumbling edges with no adequate shoulders to walk or bicycle. Many people do walk this road for exercise and now with no bus service, we see more people walking on Red Head Road.

Right in front of this property is the "Wireless Corner" and the "Straight Stretch". We have lost many homes on this stretch while others have been moved and we are expecting the next slide (erosion at anytime). DNR years ago said there were 19 homes at risk to erosion in this area. When we had the last major slide - September 1995, the City hired professionals to assess the problem. They said the integrity of the Red Head Road could be compromised in 3 to 10 years. That's why I'm saying it could happen at anytime. Note: If the next major erosion happens in the same area - the stretch, traffic to this address will have to follow the full length of Red Head road from Bayside Drive.

My home in Red Head is sitting on clay, just like this stretch and I know for a fact that, heavier vehicle traffic causes the clay to move at a faster rate towards the coast. We need to reduce heavy vehicles on this road. The last slide - this year, happened pretty well in front of this property.

I do thank you in advance for your consideration and only hope you might agree, proper land use and zoning is imperative for the longterm survival of Saint John - industry in it's place and residential in theirs.

Yours truly,



Garry Prosser

From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: Section 59 Amendment 915 Red Head Rd
Date: November-13-18 8:29:08 AM

Paula Hawkins
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From: Brooks Saunders [mailto:brookswsaunders@gmail.com]
Sent: November-11-18 8:11 PM
To: onestop
Subject: Section 59 Amendment 915 Red Head Rd

To whom it concerns,

I received a letter in regards to the Amendment of Section 59 at 915 Red Head Rd. I am emailing today as I am unsure of what the new application entails. My family and I live at 920 Red Head Rd, across the street from 915 Red Head Rd, and if the new proposal will interfere with our residential living by either an increase in traffic, noise or health issues from the work being done, then we **strongly** disagree with this proposal.

We have a small child as do other families nearby and would like to keep our community safe and quiet as possible.

Any further information that could be provided in regards to this proposal would be greatly appreciated.

Brooks & Michelle Saunders
Residents at 920 Red Head Rd.

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Sent from Gmail Mobile

From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: URGENT Article 59 Amendment 915 Red Head Road
Date: November-13-18 8:28:24 AM

Paula Hawkins
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From: Lynn Sheppard [<mailto:lsheppard3180@gmail.com>]
Sent: November-12-18 2:10 PM
To: onestop
Subject: URGENT Article 59 Amendment 915 Red Head Road

ATTN City of Saint John Planning Advisory Committee,

I am writing to express my concerns for the health and wellness of our daughter's family (Janey & Greg McLaughlin, Sadie age 4 & Jenna 2 months and their dog Walter) regarding the abrasive sand blasting at 915 Red Head Road (direct neighbors) not operating in a correct zone as a commercial/industrial business.

I am not convince the letter of request's description at 915 Red Head owners is exactly a landscape construction and lawn care business. I have been present at our daughter's home (direct neighbors to 915 Red Head Road) and personally saw the amount of sand dust, etc. coming from the window and exits of the barn used for this sand blasting blowing directly in our daughter's house area as the wind blows very strongly that way to which I stated "hun that can't be good for your family to inhale being our granddaughters age 4 and 2 months not to mention our daughter and son in law... I don't believe inhaling that dust would be good for anyone. It also prevents our granddaughter from playing outside in her yard on the newly built play gym her father built for her this spring as well as her trampoline. This has effected the amount of outdoor play time Sadie has which has always been important to her family for quality of play and health. May I also note all windows in her home have to be shut tight in order to keep the sand dust from inside their home. This is totally unacceptable.

I'm sure when Greg and Jane purchased their home they considered it a "residential" area and would not have done so with knowledge of sand blasting next door if that were the case and believe the resale value of their home would drastically decline if this request of discharge conditions established in 1990 is accepted. If this area is zoned "residential" then I would believe it common sense the area not be allowed to have this sand blasting type business in this area considering the zoning conditions established in 1990 were created from an informed committee and therefore should remain as so.

My first priority is health and wellness of our family and quality of life and that can not be if

this business proceeds.

Sincerely and concerned,

Lynn Sheppard (mother and grandmother of those concerned)
506 654 3589 (mobile)

From: [onestop](#)
To: [Reade, Mark](#); [Burgess, Aimee](#)
Subject: FW: Section 59 Ammendment 915 Red Head Road
Date: November-13-18 8:28:48 AM

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From: Mike Sheppard [<mailto:msheppard491@gmail.com>]
Sent: November-12-18 11:13 AM
To: onestop
Subject: Section 59 Ammendment 915 Red Head Road

I believe the company on the said property must adhere to proper operating equipment for the said company or cease operations .

I have children and grandchildren and friends in the neighbourhood and have seen residue from this operation on their property . I am concerned for their Health and Safety .

Thank You,
Mike Sheppard