Planning Review Adjustment Committee
May 11, 2016

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Wednesday May 11, 2016 at 1:00 p.m. at Crane Mountain, Saint John.

1. Call to Order

The Chairperson, Dwight Allaby, called the meeting to order at 1:05 p.m.

2. Record of Attendance

BOARD MEMBERS

Dwight Allaby, Chairperson
Joan Seeley, Vice Chairperson
Glen Baxter, PRAC Member
Robert Buck, PRAC Member
Paul Gordon, PRAC Member [Absent]
Ron Bridges, PRAC Member
Walter Pollock, PRAC Member
Brenda Rathburn, PRAC Member

OTHERS

Brian Shannon, Fundy Regional Service Commission
Andrew Giberson – Debly Enterprise

3. Approval of Order of Business

The Chairperson asked for approval of the agenda as presented.

Motion: To approve the agenda May 11, 2016 as presented.

Moved:	Joan Seeley
Seconded:	Brenda Rathburn
Vote:	Motion Carried

4. Disclosure of Conflict of Interest

None

5. Approval of Minutes

The Chairperson asked for approval of the minutes with one correction under Item 6, under Legal Authority – Item 1, should read vetted.

Motion: To approve the minutes of February 11th with the above correction.

Moved: Glen Baxter
Seconded: Joan Seeley
Vote: Motion Carried

6. Presentation

6a. - Ben Lomond Estates

Brian Shannon gave an overview of the presentation on the application for the subdivision and access, which included the Committees function and legal authority.

Applicant: Kierstead Quigley & Roberts Ltd. for Debly Resources Inc.

Request: Subdivision the remaining undeveloped lands of Ben Lomond Estates Subdivision located at Willow Grove, Simonds LSD, PID 55031884. The proposal is to create an extension of Oxford Street, which will give frontage to four new lots and a new public street, Tundra Court giving frontage and access to four new building lots. Proposed Lot 16-10, 11, 12 and 13 abut existing public streets and will be considered with variances to frontage width and "flag lot" configuration.

Requirement for the subdivision:

In order to subdivide the property, the PRAC is required to give the Minister of Transportation a recommendation to the location of the proposed public street [CPA section 55(2)]. Variance to the required road frontage will need to be considered for approval under Subsection 46(1) of the Community Planning Ace, to permit such reasonable variance from the requirements of the subdivision by-law as being suitable for the proposed development.

Overview of Application:

The plan proposes to create an extension of Oxford Street being frontage to four lots and create a new cul-de-sac "Tundra Court" off it to access four more proposed lots. The remaining lots number 10, 11,12 and 13 will gain access form existing public street access points.

As per the requirements of the Provincial Subdivision Regulation the proposed lots are to abut a public street owned by the Crown, or other access approved by Commission. In this case the proponent wishes to construct an extension to a public street and construct a new cul-de-sac Court to meet the requirements of Subdivision Reg. 80-159 Section 6(1)(a).

The proposed streets are designed and laid out by the surveyor compliant with the DTI Guide to Minimum Standards of Subdivision Roads and Streets.

Lot suitability for development:

(1) Lots 16-2, 3, 4 & 5 – As required by the Simonds Planning Area Rural Plan a lot serviced by municipal sewer service requires 23 m x 30 m and at least 672 sq. m. Provincial subdivision regulation states 690 sq. m. – The lots meet or exceed this condition and will use the municipal system for the subdivision.

(2) The remaining lots exceed minimum required area. Lots 8 through 13 all have sufficient area (3000 sq. m.) outside the wetland buffer to develop a new home with services without impacting the wetland buffer. All lots have rectangular dimension to allow separation of well and septic development.

Water Supply Assessment:

The assessment shows the area has sufficient water to support the additional lots in the area.

Consultation: Notices, Water Supply Assessment, WAWA, Municipal Services

Notices were sent to 57 neighbouring residents with only one response being received to date.

Dept. of Environment was consulted regarding Wetlands and Municipal Services.

Legal Authority

Excerpt from Provincial subdivision regulation 80-159, Section 6(1) this development is proposing public streets to comply with 6(1)(a). These new streets require PRAC consideration and comment to the Minister of Transportation & Infrastructure for compliance with CPA section 55(2).

6 (1) Every lot, block and other parcel of land in a proposed subdivision shall abut.
(a) a street owned by the Crown,
(b) such other access as may be approved by the Regional Service Commission as being advisable for the development of land.

<u>Section 44 (2)</u> – Community Planning Act – The assent of the Minister of Transportation and under this section shall not be given until,

(a) the RSC has recommended the location of the streets mentioned in subsection (1) to the Minister of Transportation and Infrastructure;

Consideration to dimensional variance at road frontage-

Motion: To approve the Fundy Regional Service Commission's recommended location of the streets mentioned in subsection (1) to the Minister of Transportation and Infrastructure.

Moved: Joan Seeley
Seconded: Brenda Rathburn
Vote: Motion Carried

Motion: To approve the variances as per the recommendations for Lots 16-8 and 16-12.

Moved: Joan Seeley
Seconded: Glen Baxter
Vote: Motion Carried

6b. – Berry & Hebert Subdivision

Brian Shannon gave an overview of the presentation on the application for the subdivision and access, which included the Committees function and legal authority.

Applicant: Pamela Berry and Thomas Hebert

Request: To subdivide a portion of the property located at civic 58 Sunset Valley Road, Nerepis – PID 214825. The proposal is to create a new private access lane serving as the Right of Way for two (2) new building lots and as access to their remaining lands off Sunset Valley Road. Proposed Lot 16-01 is developed with an existing home and services.

Requirement for the subdivision:

In order to subdivide the property, the PRAC will need to consider the access as being suitable for the proposed development.

Lot suitability for development:

- Lot 16-01 has an existing home with services. The existing driveway to Civic 58 will become part of the private land right of way to both lots and the remnant.
- Lot 16-02 exceeds the requirement for on-site septic and well development with more than seven acres.
- The remnant property is in excess of 20 ha which allows for any future well and septic systems.

Consultation:

Notices were sent to the four (4) neighbouring residents with no responses being received to date.

Legal Authority

Excerpt from Provincial subdivision regulation 80-159, Section 6(1) this development is proposing public streets to comply with 6(1)(a). These new streets require PRAC consideration and comment to the Minister of Transportation & Infrastructure for compliance with CPA section 55(2).

6 (1) Every lot, block and other parcel of land in a proposed subdivision shall abut.
(a) a street owned by the Crown,
(b) such other access as may be approved by the Regional Service Commission as being advisable for the development of land.

Section 44 (2) – Community Planning Act – The assent of the Minister of Transportation and under this section shall not be given until,

(a) the RSC has recommended the location of the streets mentioned in subsection (1) to the Minister of Transportation and Infrastructure;

Consideration to dimensional variance at road frontage-

Motion: To approve the private access lane as "Right of Way" to the two lots fronting on and using the ROW as access to the public street Sunset Valley Road, with the appropriate notations on the plan.

Moved:	Walter Pollock
Seconded:	Joan Seeley
Vote:	Motion Carried

7. Motion to Adjourn

Motion: The Chair called for a motion to adjourn at 2:15 pm.

Moved:	Joan Seeley
Seconded:	Glen Baxter
Vote:	Motion Carried

APPROVED (date) September 14, 2016

Dwight Allaby, Chairperson

Jeanne DeCourville, Recording Secretary