

SOUTHWEST NEW BRUNSWICK SERVICE COMMISSION

Planning Review and Adjustment Committee

Meeting No. 14-06

June 10, 2014

6:30 pm

Members Present: Vern Faulkner Bill Campbell
 Brian Cornish Dave Shelton
 Gerald Gass Frank McCallum
 Pat Dodd

Members Absent: Sam Walsh Larry Parker

Also Present: Dan Harrington, Planning Director
 Don Leachman, Development Officer
 Judy Hartford, Development Officer

ADDITIONS TO AGENDA

- Revisions to PRAC By-law regarding the number of members that serves on LSD committees.
- Revisions to PRAC By-law regarding the notice requirements to affected property owners.

APPROVAL OF AGENDA

It was moved by Dave Shelton and seconded by Pat Dodd that the agenda be approved.

APPROVAL OF MINUTES

It was moved by Dave Shelton and seconded by Brian Cornish that the minutes from the May 13, 2014 meeting be approved.

DECLARATION OF CONFLICT OF INTEREST

No declarations were made.

SUBDIVISION SUBMISSIONS

ITEM 14-06-01: James PARKS Subdivision, Phase 2
Parish of St. George, County of Charlotte, NB
PID #15011646

Decision Required

Consideration of the creation of 11 lots on a 20-metre wide private right-of-way.

Discussion

The final subdivision plan will need to show the private right-of-way as part of the remnant property. A right-of-way agreement to cross the remnant to access the proposed lots should be included with the deed to be registered.

It is known that there are elevated levels of arsenic and lead within 2750 metres of the proposed development. Elevated concentrations of arsenic and/or lead can be treated using ion exchange or reverse osmosis systems. The guidelines for iron and/or manganese are based on esthetic consideration, not health.

Staff strongly recommends that the water quality advisory note (see Attachment C) appear on the subdivision plans and the restrictive covenant placed on the deed. Staff feels that it is important that sufficient notice of the possible presence of arsenic and lead to potential and subsequent purchasers be made available.

As the lots are suitable for the purpose intended, as the access exists, and as the lots have been approved for a septic system, Staff recommends that the PRAC of the Southwest New Brunswick Service Commission approve lots 2014-14 through 2014-22, lot 2014-24 & lot 2014-26 on a 20-metre wide private right-of-way subject to:

- a) the final plan of subdivision being stamped with the "Private Right-of-Way";
- b) the right-of-way being shown as part of the remnant property; and,
- c) the final plan bearing a water quality advisory note for arsenic and lead.

Decision

It was moved by Bill Campbell and seconded by Dave Shelton that the PRAC of Southwest New Brunswick Service Commission approves the private right-of-way as being suitable for the development of land subject to the final plan of subdivision being stamped with the "Private Right-of-Way" note.

Motion Carried.

Legal Authority for Decision

Subsection 6(1) - *Provincial Subdivision Regulation* - 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 Commission as being advisable for the development of land.

ELECTION OF CHAIR & VICE CHAIR

One nomination for Chair was made for Vern Faulkner. It was moved by Dave Shelton and seconded by Brian Cornish that Vern Faulkner be named the Chairperson. One nomination for Vice Chair was made for Frank McCallum. It was moved by Brian Cornish and seconded by Dave Shelton that Frank McCallum be named Vice Chair.

REVISIONS TO THE PRAC BY-LAW

- (a) 5.2 of the by-law states that no more than 50% of the Planning Review and Adjustment Committee membership shall be made up of municipal council members, rural community council members and local service district advisory committee members. It is recommended that this be removed from the by-law as we have more than 50% on the board at this time.
- (b) 6.2 of the by-law states that property owners within two hundred (200) metres of a property in an unincorporated area which is the subject of an application shall be notified by mail or personal delivery, of the meeting time, date, location of the meeting and nature of the application that will be considered. A wider range of notification may be considered if the application is considered to present conditions or ramifications which are broader than normal. Planning staff feel that this is not necessary as notification is not sent out with applications that abut a public street. Any application for rezoning or variance will still have notification sent to affected property owners. It is recommended that 6.2 be revised to state **“Property owners within two hundred (200) metres of a property in an unincorporated area which is the subject of an application of rezoning or variance shall be notified by mail or personal delivery, of the meeting time, date, location of the meeting and nature of the application that will be considered. A wider range of notification may be considered if the application is considered to present conditions or ramifications which are broader than normal.”**

Adjournment of Meeting

It was moved by Bill Campbell that the meeting be adjourned at 8:08 p.m.

Chairperson

A handwritten signature in black ink that reads "Judy Hartford". The signature is written in a cursive style with a large initial "J".

Judy Hartford

Recording Secretary

The next regularly scheduled meeting for the PRAC of the Southwest New Brunswick Service Commission will take place on July 8, 2014 at the Hemlock Knoll Office Building, Lawrence Station.