

# SOUTHWEST NEW BRUNSWICK SERVICE COMMISSION

## Planning Review and Adjustment Committee

Meeting No. 14-08

August 12, 2014

6:30 pm

Members Present: Vern Faulkner Bill Campbell  
Brian Cornish Dave Shelton  
Gerald Gass Frank McCallum  
Sam Walsh

Members Absent: Pat Dodd Larry Parker

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

### **APPROVAL OF AGENDA**

The agenda was approved with no additions.

### **APPROVAL OF MINUTES**

It was moved by Frank McCallum and seconded by Dave Shelton that the minutes from the June 10, 2014 meeting be approved.

### **DECLARATION OF CONFLICT OF INTEREST**

No declarations were made.

### **SUBDIVISION SUBMISSIONS**

#### **ITEM 14-08-01: Krista ROSS Subdivision**

Parish of St. Andrews, County of Charlotte, NB  
PID #01231109

#### **Decision Required**

Consideration of the creation of lot 14-1 on a 9-metre wide private right-of-way.

## **Discussion**

A right-of-way agreement to cross the remnant to access lot 14-1 should be included with the deed to be registered.

As the lots are suitable for the purpose intended, as the access & septic exists, Staff recommends that the PRAC of Southwest New Brunswick Service Commission approve lot 14-1 on a 9-metre wide private right-of-way subject to:

- a) the final plan of subdivision being stamped with the "Private Right-of-Way" note, and;
- b) the final plan of subdivision showing the right-of-way across lot 14-1 benefiting PID# 01233154, 01231430 & 15190150.

## **Decision**

It was moved by Sam Walsh and seconded by Brian Cornish 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 and the final plan of subdivision showing the right-of-way across lot 14-1 benefiting PID# 01233154, 01231430 & 15190150.

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.

## **ITEM 14-08-02: Wesley (1997) Ltd. Subdivision 2009-1 - Reapplication**

Parish of Saint Andrews, County of Charlotte, NB  
PID #15186984 & 15186976

## **Decision Required**

Consideration of the creation of lots 28 through 34 on a private access owned and maintained by a road association.

## **Discussion**

This application was approved by the PRAC of the Southwest New Brunswick Service Commission at the June 11<sup>th</sup>, 2013 as ITEM 13-06-02. At this meeting the PRAC of the Southwest New Brunswick Service Commission made the following decision:

*"It was moved by Brian Cornish and seconded by Nick Cleghorn that the PRAC of Southwest New Brunswick Service Commission approves the private access as being suitable for the development of land subject to the final plan of subdivision being stamped with the "Private Access" note."*

There have been no changes to the tentative plan in the period that has elapsed since its approval. The applicant now wishes to obtain re-approval of the plan as the one-year approval period has expired.

### **Decision**

It was moved by Frank McCallum and seconded by Bill Campbell that the PRAC of Southwest New Brunswick Service Commission approves the private access as being suitable for the development of land subject to the final plan of subdivision being stamped the "Private Access" 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.

### **ITEM 14-08-03: ROSS VENTURES LTD. Subdivision 2009-1 - Reapplication**

Parish of St. Andrews, County of Charlotte, NB  
PID #15190150 (replaced PID#01232560)

### **Decision Required**

Consideration of the creation of five lots on a 12-metre wide private access owned and maintained by a Road Association.

### **Discussion**

This application was approved by the PRAC of Southwest New Brunswick Service Commission at the June 11<sup>th</sup>, 2013 meeting as ITEM 13-06-03. At this

meeting the PRAC of Southwest New Brunswick Service Commission made the following decision:

*“It was moved by Vern Faulkner and seconded by Sam Walsh that the PRAC of Southwest New Brunswick Service Commission approves the private access as being suitable for the development of land subject to the final plan of subdivision being stamped with the “Private Access” note; and the thirty-metre buffer from the wetlands being shown on, and the following statement being added to, the final plan: “This area is subject to Regulation 90-80 – Watercourse and Wetland Alteration Regulation – Clean Water Act”.”*

The applicant now wishes to obtain re-approval of the plan as the one-year approval period has expired.

### **Decision**

It was moved by Brian Cornish and seconded by Sam Walsh that the PRAC of Southwest New Brunswick Service Commission approves the private access as being suitable for the development of land subject to the final plan of subdivision being stamped with the “Private Access” note and the thirty-metre buffer from the wetlands being shown on, and the following statement being added to, the final plan: “This area is subject to *Regulation 90-80 – Watercourse and Wetland Alteration Regulation – Clean Water Act*”.

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.

### **ITEM 14-08-04: Gerald & Ellen LORD Subdivision**

Parish of Dufferin, Charlotte County, NB  
PID# 15169048

### **Decision Required**

Consideration of the creation of lot 14-01 on a 12-metre wide private right-of-way.

### **Discussion**

As the lot is over 5 acres, a septic assessment is not required.

As the lot is suitable for the purpose intended and the access has been approved, Staff recommends that the PRAC of the Southwest New Brunswick Service Commission approve the lot on a 12-metre wide private right-of-way subject to:

- a) the final plan of subdivision being stamped with the “Private Right-of-Way” note; and
- b) a right-of-way agreement to cross PID# 15161599 being provided with the final plan of subdivision.

### **Decision**

It was moved by Frank McCallum and seconded by Sam Walsh 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 and a right-of-way agreement to cross PID#15161599 being provided with the final plan of subdivision.

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.

### **ITEM 14-08-05: James Douglas MURRAY Subdivision 2014-1**

Parish of St. George, Charlotte County, NB  
PID# 01246008

### **Decision Required**

Consideration of the creation of lot 2014-1 on a 9-metre wide private right-of-way.

### **Discussion**

A right-of-way agreement to cross the remnant to access lot 2014-1 should be included with the deed to be registered.

As the lot is suitable for the purpose intended, Staff recommends that the PRAC of the Southwest New Brunswick Service Commission approve the lot on a 9-metre wide private right-of-way subject to:

- a) the final plan of subdivision being stamped with the “Private Right-of-Way” note.

## **Decision**

It was moved by Bill Cornish 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.

## **Adjournment of Meeting**

The meeting was adjourned at 7:47 pm.

Vern Faulkner  
Chairperson

  
Judy Hartford  
Recording Secretary

The next regularly scheduled meeting for the PRAC of the Southwest New Brunswick Service Commission will take place on October 14<sup>th</sup>, 2014 at the Hemlock Knoll Office Building, Lawrence Station.