

SOUTHWEST NEW BRUNSWICK SERVICE COMMISSION

Planning Review and Adjustment Committee

Meeting No. 13-10

October 8th, 2013

6:30 pm

Members Present: Vern Faulkner Sam Walsh
Brian Cornish Bill Campbell
Nick Cleghorn

Members Absent: Susan Farquharson Wayne MacQuarrie

Also Present: Don Leachman, Development Officer
Judy Hartford, Development Officer

ADDITIONS TO AGENDA

- Planning Fee for Re-applications
- Chamcook Watershed Landowners Association Letter

APPROVAL OF AGENDA

It was moved by Bill Campbell and seconded by Brian Cornish that the agenda be approved.

APPROVAL OF MINUTES

It was moved by Nick Cleghorn and seconded by Bill Campbell that the minutes from the August 13th, 2013 meeting be approved.

DECLARATION OF CONFLICT OF INTEREST

No declarations were made.

SUBDIVISION SUBMISSIONS

ITEM 13-10-01: 513052 NB LTD. Subdivision 10-1, Re-application
Parish of St. George, County of Charlotte, NB
PID #01238450

Decision Required

Consideration of the creation of eight lots on a 20-metre wide private access.

Discussion

As the proposed lots are within 30 metres of Magaguadivic River, any development within 30 metres of the river will be subject to the Watercourse and Wetland Alteration Regulation.

It is known that there are elevated levels of arsenic within 2000 metres of the proposed development. There are treatment systems available which can lower these elevated levels.

Staff strongly recommends that the water quality advisory note appear on the subdivision plans. Staff feels that it is important the sufficient notice of the possible presence of arsenic to potential and subsequent purchasers be made available.

As the lots are suitable for the purpose intended and as approval for septic has been received, Staff recommends the PRAC of the Southwest New Brunswick Service Commission approve eight lots on a 20-metre wide private access to be owned and maintained by a Road Association subject to:

- a) the final plan of subdivision being stamped with the "Private Access" note; the final subdivision plan bearing a water quality advisory note for arsenic; and
- b) the 30-metre buffer from the Magaguadivic River 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."*

Decision

It was moved by Vern Faulkner and seconded by Brian Cornish 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 30-metre buffer from the Magaguadivic River 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 13-10-02: Tom JOHNSTON Subdivision 2013-1

Parish of St. George, Charlotte County, NB
PID# 01238971

Decision Required

Consideration of the creation of lot 2013-3 on a 20-metre wide private right-of-way.

Discussion

As the proposed lot is within 30 metres of Magaguadavic River, any development within 30 metres of the river will be subject to the Watercourse and Wetland Alteration Regulation.

The proposed development is located in a known flood risk area. This property experienced extreme flooding during the December 2010 flood event. Staff strongly recommends that the prone-to-flooding warning advisory note appear on the final plan of subdivision. Staff feels that it is important that sufficient notice of the possibility of flooding to potential and subsequent purchasers be made available.

A right-of-way agreement to cross the remnant to access lot 2013-3 should be included with the deed to be registered.

As the proposed subdivision is suitable for the purpose intended, Staff recommends that the PRAC of Southwest New Brunswick Service Commission approve the lot on a 10-metre wide private right-of-way subject to:

- a) the final plan of subdivision being stamped with the "Private Right-of-Way" note;
- b) a right-of-way agreement to cross PID # 01238971 being provided with the final plan of subdivision;
- c) the 30-metre buffer from the Magaguadavic River 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."*; and,
- d) the final plan bearing a prone-to-flooding warning advisory note.

Decision

It was moved by Nick Cleghorn 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, a right-of-way agreement to cross PID # 01238971 being provided with the final plan of subdivision, the 30-metre buffer from the Magaguadavic River 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.*” And the final plan bearing a prone-to-flooding warning advisory 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 13-10-03 Patricia Louise PERRY Subdivision 10-2 - Reapplication

Parish of St. George, County of Charlotte, NB
PID #15171788

Decision Required

Consideration of the creation of four lots on a 20-metre wide private access owned and maintained by a Road Association.

Discussion

The proposed development is located in a known flood risk area. This property experienced extreme flooding during the December 2010 flood event. Staff strongly recommends that the prone-to-flooding warning advisory note appear on the final plan of subdivision. Staff feels that it is important that sufficient notice of the possibility of flooding to potential and subsequent purchasers be made available.

It is known that there are elevated levels of uranium within 1000 metres of the proposed development. There are treatment systems available which can lower these elevated levels.

Staff strongly recommends that the water quality advisory note appear on the subdivision plan. Staff feels that it is important that sufficient notice of the possible presence of uranium to potential and subsequent purchasers be made available.

As lots are suitable for the purpose intended, as favourable comments have been received from the Department of Transportation, and as approval for septic has been received, Staff recommends that the PRAC of Southwest New Brunswick Service Commission approve lots 10-2 through 10-5 on a 20-metre wide private access owned and maintained by a Road Association subject to:

- a) the final plan of subdivision being stamped with the “Private Access” note;
- b) the final subdivision plan bearing a water quality advisory note for uranium; and,
- c) the final plan bearing a prone-to-flooding warning advisory note.

Decision

It was moved by Sam Walsh 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; the final subdivision plan bearing a water quality advisory note for uranium and the final plan bearing a prone-to-flooding warning advisory 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.

CHAMCOOK WATERSHED LANDOWNERS ASSOCIATION LETTER

The Planning Director and Chair composed a letter that clarified the process that is followed when considering development within the Chamcook Watershed. This item was moved to the next meeting when the Planning Director can give an update.

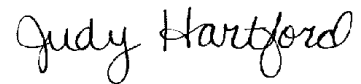
PLANNING FEES

Subdivisions that require re-approval as the one year approval has elapsed presently have no fees. The Planning Management Committee recommended to the Board that a fee be associated with re-approvals commencing January 1, 2014.

ADJOURNMENT OF MEETING

It was moved by Sam Walsh that the meeting be adjourned.

Susan Farquharson
Chairperson



Judy Hartford
Recording Secretary

The next regularly scheduled meeting for the PRAC of the Southwest New Brunswick Service Commission will take place on November 12, 2013 at the Hemlock Knoll Office Building, Lawrence Station.