

# SOUTHWEST NEW BRUNSWICK SERVICE COMMISSION

## Planning Review and Adjustment Committee

Meeting No. 14-10  
October 14<sup>th</sup>, 2014  
6:30 pm

Members Present: Frank McCallum Bill Campbell  
Brian Cornish Dave Shelton  
Gerald Gass Larry Parker

Members Absent: Pat Dodd Sam Walsh  
Vern Faulkner

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

### **APPROVAL OF AGENDA**

It was moved by Brian Cornish and seconded by Gerald Gass that the agenda be approved.

### **APPROVAL OF MINUTES**

It was moved by Dave Shelton and seconded by Brian Cornish that the minutes from the August 12<sup>th</sup>, 2014 meeting be approved.

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

No declarations were made.

### **SUBDIVISION SUBMISSIONS**

**ITEM 14-10-01: 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 and the restrictive covenant placed on the deed. 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;
- b) the final subdivision plan bearing a water quality advisory note for arsenic; and,
- c) 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 Larry Parker and seconded by Dave Shelton that the PRAC of Southwest New Brunswick Service Commission re-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 arsenic 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 14-10-02: CONNORS BROS. CLOVER LEAF SEAFOODS COMPANY**

### **Subdivision 09-1**

Parish of St. George, Charlotte County, NB

PID 15182066

### **Decision Required**

Consideration of the creation of lot 09-2A on a 10-metre wide private right-of-way.

### **Discussion**

As the proposed lot is within 30 metres of a watercourse, any development within 30 metres of this watercourse will be subject to the Watercourse and Wetland Alteration Regulation. No building permit will be issued for development within 30 metres of this feature unless a WAWA permit has been issued.

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

As the lot is suitable for the purpose intended and as approval for septic has been received, Staff recommends that the PRAC of the 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; and
- b) the thirty-metre buffer from Lake Utopia 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 Dave Shelton 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 the "Private Right-of-Way" note and the thirty-metre buffer from Lake Utopia 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.

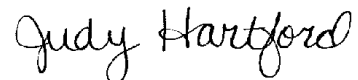
**PLANNING DIRECTOR COMMENTS**

The Planning Director talked briefly about the first CRINS application for the Telecommunications Tower in Harvey. CRINS has requested the zoning and legal land use for this property as they conduct their review.

**Adjournment of Meeting**

It was moved by Dave Shelton that the meeting be adjourned at 7:23 pm.

Frank McCallum  
Vice Chairperson



Judy Hartford  
Recording Secretary

The next regularly scheduled meeting for the PRAC of the Southwest New Brunswick Service Commission will take place on Wednesday, November 12<sup>th</sup>, 2014 at the Hemlock Knoll Office Building, Lawrence Station.