

**Regional Service Commission 11
PLANNING REVIEW AND ADJUSTMENT COMMITTEE (PRAC)**

MEETING # 15-01 (Wednesday, February 4, 2015 at 6:30 pm)

Majestic/Admiral Boardroom, Ramada Hotel, 480 Riverside Drive, Fredericton

MEMBERS PRESENT: John T. Nisbet, Bernie Hoganson, Brian Toole, Carmen Nason, Colin Trail, Peter Corey, Scott Smith, Mike Chamberlain

MEMBERS ABSENT: Eldon Hunter, Susan Jonah, Daryl Prince, Paul Milburn

ALSO PRESENT: Stephen McAlinden, General Manager of Planning and Development; Robin Canavan, Development Officer; Mary Stone, Recording Secretary

1. APPROVAL OF THE AGENDA

Moved by M. Chamberlain; Seconded by B. Hoganson

MOTION: “that the Agenda be approved as presented.”

Carried

2. APPROVAL OF MINUTES

Meeting 14-12 held on December 16, 2014

Moved by B. Toole; Seconded by C. Trail

MOTION: “that the Minutes of meeting 14-12 be approved as presented”

Carried

3. DECLARATION OF CONFLICT OF INTEREST: Peter Corey had a conflict with Item 15-01-12 and did not vote.

4. DEVELOPMENT OFFICER VARIANCES: None

5. NEW BUSINESS:

Item 15-01-05:

Applicant: Shawne Henry

Shawne Henry – Terms and Conditions
Consideration of terms and conditions for a Personal Service Establishment (small engine repair shop) – a permitted use is the “Rural” zone of the Prince William Local Service District Rural Plan Regulation.

Moved by P. Corey; Seconded by M. Chamberlain

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per *Community Planning Act*: 34(4)(c)(i); permits a Personal Service

Establishment (small engine repair shop) on PID #75473165 in the "Rural" zone of the *Prince William Local Service District Rural Plan Regulation*, subject to the following terms and conditions:

- (a) that all signs be in accordance with applicable provisions of section 3.11 of the *Prince William Local Service District Rural Plan Regulation*, and in accordance with any applicable Department of Transportation and Infrastructure policies;
- (b) that outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along Saunders Road or with nearby landowners in the reasonable enjoyment of their properties;
- (c) that the operation of the Personal Service Establishment (small engine repair shop) adheres to all applicable government regulations.

Carried

Item 15-01-06:

Applicant: Fred McNeil

Fred McNeil – Similar to Compatible with use
Consideration of the operation of festivals as being similar to or compatible with other uses permitted in the "Rural" zone under the Nashwaak Valley Planning Area Rural Plan Regulation – Community Planning Act.

Fred McNeil and Margaret McNeil were in attendance for this item.

Moved by B. Toole; Seconded by B. Hoganson

Motion to make amendment to term and condition #1 to add: for no longer than 7 consecutive days each.

Moved by C. Trail; Seconded by B. Hoganson

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11, as *per* Section 35 – *Community Planning Act*; allows the use of the operation of two festivals (the Nashwaak Music Festival and the World Washer Toss Championship) on PID# 75177360, as being similar to or compatible with uses permitted in the "Rural" zone under the *Nashwaak Valley Planning Area Rural Plan Regulation – Community Planning Act* subject to the following terms and conditions:

1. that each festival – the Nashwaak Music Festival and the World Washer Toss Championships is only to be held one time each calendar year; for no longer than 7 consecutive days each.
2. that the hours of operation for each festival be no later than 2:00 am;
3. that all parking for each festival be provided for on site (PID#75177360); and,
4. that the operation of each festival adheres to all applicable government regulations including but not limited to:
 - a. the Provincial Exhibitions and Concerts Regulation - Municipalities Act.

Carried with one dissenter, M. Chamberlain

Item 15-01-07:

Applicant: Star-Lite Construction Ltd.

Star-Lite Construction Ltd. – Terms and Conditions
Consideration of terms and conditions for a contractor's yard – a permitted use in the "Rural" zone of the Rural Plan of Hanwell.

Fred Herkert was in attendance for this item.

Moved by T. Nisbet; Seconded by C. Trail

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per *Community Planning Act: 34(4)(c)(i)*; 11 permits a contractor's yard on PID #75016378 in the "Rural" zone of the *Rural Plan of Hanwell*, subject to the following terms and conditions:

- (a) that all signs be in accordance with applicable provisions of section 3.5(1) of the *Rural Plan of Hanwell*, and in accordance with any applicable Department of Transportation and Infrastructure policies;
- (b) that outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along public street or with nearby landowners in the reasonable enjoyment of their properties;
- (c) that the operation of the contractor's yard adhere to all applicable government regulations;
- (d) that where possible, existing trees and shrubs are maintained around the perimeter of the property; and,
- (e) that hours of operation be 7:00 am – 5:00 pm Monday to Friday.

Carried

Item 15-01-08:

Applicant: WSP Canada Inc.

Star-Lite Construction Ltd. Subdivision
Consideration of the recommendation of one public street to the Minister of Transportation and Infrastructure for his assent. Consideration of a variance in the width of a lot.

Fred Herkert was in attendance for this item.

Moved by B. Hoganson; Seconded by T. Nisbet

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*; Section 55 – *Community Planning Act*; Subsection 35(b) - *Community Planning Act*;

1. recommends the creation of one new public street to the Minister of Transportation and Infrastructure for his assent; and
2. approves a 9.11-metre variance in the width of a lot to create lot 14-4 with a width of

44.89 metres at a minimum setback from the public street.

Carried

15-01-09:

Applicant: Eastern Land Surveys Ltd.

Embleton Subdivision 14-1

Consideration of the creation of one lot on a 6-metre wide private right-of-way.

Consideration of variances in the area of lots.

Moved by C. Nason; Seconded by B. Toole

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) - *Provincial Subdivision Regulation*; Subsection 46(1) – *Community Planning Act*; approves:

1. a private right-of-way for the development of land as shown on plan “EMBLETON Subdivision 14-1” subject to:
 - a) the final plan of subdivision being stamped with the “Private right-of-way” note; and,
 - b) the 30-metre buffer from Magaguadavic Lake being shown on, and the following note being added to, the final plan: “This area is subject to Regulation 90-80 – *Wetland and Watercourse Alteration Regulation – Clean Water Act*”;
2. approves a 913-square metre variance in the area of a lot to create lot 2014-1A with an area of 3087 square metres; and,
3. approves a 831-square metre variance in the area of a lot to create lot 2014-1B with an area of 3169 square metres.

Carried

Item 15-01-10:

Applicant: Fulton Surveys

Debra D. Bernier and Joseph P. Bernier Subdivision

Consideration of the creation of one lot on a 10-metre wide private right-of-way.

Moved by C. Trail; Seconded by B. Hoganson

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) - *Provincial Subdivision Regulation*; approves a 10-metre wide private right-of-way for the development of land as shown on plan “Debra B. Bernier and Joseph P. Bernier” subject to:

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

Carried

Item 15-01-11:

Applicant: Cornerstone Surveys

Bourgoin Subdivision 2015
Consideration of the creation of two lots on a 24-metre wide private right-of-way.
Consideration of a variance in the width of a lot.

Moved by T. Nisbet; Seconded by M. Chamberlain

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) - *Provincial Subdivision Regulation*; Subsection 46(1) – *Community Planning Act*; approves:

1. a 24-metre wide private right-of-way for the development of land as shown on plan “Bourgoin Subdivision 2015” subject to:
 - a) the final plan of subdivision being stamped with the “Private right-of-way” note; and,
2. approves a 30-metre variance in the width of a lot to create lot 2015-3 with a width of 24 metres at a minimum setback from Wilsey Road.

Carried

Item 15-01-12:

Applicant: WSP Canada Inc.

Voutour Subdivision
Consideration of the creation of one lot on a 7-metre wide private right-of-way.

Moved by B. Toole; Seconded by B. Hoganson

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) - *Provincial Subdivision Regulation*; approves a 7-metre wide private right-of-way for the development of land as shown on plan “Voutour Subdivision” 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 #45075447 being presented with the final plan of subdivision.

Carried

Item 15-01-13:

Applicant: WSP Canada Inc.

Hedley Michael Greer Subdivision 14-2
Consideration of the creation of two lots on a right-of-way.

Moved by P. Corey; Seconded by M. Chamberlain

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*; approves a 20-metre wide right-of-way for the development of land as shown on plan “HEDLEY MICHAEL GREER Subdivision 14-2” 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 over PID # 75504936 being presented with the final plan of subdivision.

Carried

Item 15-01-14:

Applicant: WSP Canada Inc.

Estate of Burtis R. McLean Subdivision
Reapplicaiton – Consideration of the creation of seven lots on a 20-metre wide private right-of-way. Consideration of variances in the width of a lot.

Moved by T. Nisbet; Seconded by B. Hoganson

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) - *Provincial Subdivision Regulation*; Subsection 46 (1) – *Community Planning Act*;

1) approves a 20-metre wide private right-of-way for development of land to create seven lots as presented on tentative plan “Estate of Burtis R. McLean Subdivision” subject to:

- a) the final plan of subdivision bearing a water quality advisory note;
- b) the final plan of subdivision being stamped with a “Private Right-of-Way” note; and,
- c) the 30-metre buffer from Grand Lake 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,

2) approves a 11.07-metre variance in the width of a lot to create lots 14-4 and 14-5, both with a width of 42.93 metres at a minimum setback from Burtis Lane.

Carried

Item 15-01-15:

5. ADJOURNMENT

Moved by C. Trail; Seconded by T. Nisbet

MOTION: “That there being no further business, the meeting adjourned at 7:45 pm.”

Carried

Eldon Hunter, Chairperson

Mary Stone, Recording Secretary