

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

MEETING # 15-12 (Tuesday, December 22, 2015 at 5:00 pm)  
Victoria/Carleton Boardroom, Ramada Hotel, 480 Riverside Drive, Fredericton

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**MEMBERS PRESENT:** Bernie Hoganson, Mike Chamberlain, Susan Jonah, Daryl Prince, Paul Milburn, Peter Corey, Scott Smith, Eldon Hunter, Brian Toole, Colin Trail, Carman Nason

**MEMBERS ABSENT:** John T. Nisbet

**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 S. Jonah; Seconded by M. Chamberlain

**MOTION:** "that the Agenda be approved as amended".

Carried

**2. APPROVAL OF MINUTES**

Meeting 15-11 held on November 24, 2015

Moved by S. Smith; Seconded by P. Milburn

**MOTION:** "that the Minutes of meeting 15-11 be approved as presented".

Carried

**3. DECLARATION OF CONFLICT OF INTEREST:** D. Prince had a conflict with Item 15-12-06.

**4. DEVELOPMENT OFFICER VARIANCES:** Stephen McAlinden presented the Development Officer Variances that were approved during the month of November 2015.

**5. NEW BUSINESS:**

**Item 15-12-05:**

Applicant: Amy Moffitt

Amy Moffitt – Terms and Conditions Application – Permitted Use  
Consideration of terms and conditions for a permitted use to locate horses in the "Rural"  
Zone of the Rural Plan of Hanwell.

Moved by P. Milburn; Seconded by S. Smith

**MOTION:** The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per *Community Planning Act: 34(4)(c)(i)*; set the following terms and conditions to locate horses on PID #75351916 in the "Rural" zone of the *Rural Plan of Hanwell*:

- a) that no more than 10 horses are located on the property (not including foals less than one year of age);
- b) that manure is stored under cover and on an impervious pad;
- c) that livestock facilities and manure storage are set back 30 metres from any lot line;
- d) that livestock facilities and manure storage are set back 60 metres from any watercourse; and,
- e) that livestock facilities and manure storage are set back 90 metres from any neighbouring well or neighbouring dwelling as of December 9<sup>th</sup>, 2015.

Carried

**Item 15-12-06:**

Applicant: Amanda Bowmaster

Amanda Bowmaster – Terms and Conditions

Consideration of terms and conditions for a permitted use – Commercial Kennel in the "Rural" Zone of the Burton Greater Geary Planning Area Rural Plan Regulation – Community Planning Act.

Moved by M. Chamberlain; Seconded by S. Jonah

**MOTION:** The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per *Community Planning Act: 34(4)(c)(i)*; set the following terms and conditions for a commercial kennel on PID #60047032:

- a) that the commercial kennel only be used for the boarding, and caring of dogs and cats, including short term day-care;
- b) that the total area of all outdoor runs and outdoor enclosures not exceed an area of 750 square metres;
- c) that the commercial kennel is visually and audibly screened from neighbouring properties by a continuous barrier of coniferous trees, hedges, or solid wooden fencing, each having a minimum heights of 1.8 metres;
- d) that the total occupancy of the commercial kennel not exceed 10 dogs & 10 cats at any one time not including personal pets;
- e) that the dogs and cats associated with the kennel and pet daycare facility only be permitted within an outdoor run or outdoor enclosure between the hours of 7:00 am and 7:00 pm, and that the pickup and drop-off of dogs be limited to between 7:00 am and 7:00 pm as well;
- f) that all facilities and associated outdoor enclosures are located at least 15 metres from any property line;
- g) that all signs be in accordance with applicable provisions of section 3.15 of the *Burton Greater Geary Planning Area Rural Plan Regulation*;
- h) that parking be in accordance with applicable provisions of section 3.14 of the *Burton Greater Geary Planning Area Rural Plan Regulation*;
- i) that outdoor lighting be located, arranged or shielded as not to interfere with traffic or nearby landowners in the reasonable enjoyment of their properties; and,

j) that the commercial kennel adhere to all requirements of applicable Acts and Regulations, such as the *Society for the Prevention of Cruelty to Animals Act*, and obtain required licensing from the New Brunswick Society for the Prevention of Cruelty to Animals.

Carried

**Item 15-12-07:**

Applicant: Matthew Stephens

Matthew Stephens – Terms and Conditions Application – Permitted Use  
Consideration of terms and conditions for a permitted use of an automotive repair shop in the Rural – “RU” Zone under the Keswick Ridge Planning Area Rural Plan Regulation – Community Planning Act.

Moved by C. Nason; Seconded by D. Prince

**MOTION:** The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per *Community Planning Act*: 34(4)(c)(i); set the following terms and conditions for an automotive repair shop on PID# 75479766:

- a) that all signs be in accordance with applicable provisions of section 3.10 of the *Keswick Ridge Planning Area Rural Plan Regulation*, and in accordance with any applicable Department of Transportation and Infrastructure policies;
- b) that parking be in accordance with applicable provisions of section 3.9 of the *Keswick Ridge Planning Area Rural Plan Regulation*;
- c) that outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along Route 105 or with nearby landowners in the reasonable enjoyment of their properties;
- d) that where possible, existing trees & shrubs are maintained around the perimeter of property;
- e) that the operation of the automotive repair shop adheres to all applicable government regulations;
- f) that no onsite disposal of hazardous materials and all hazardous materials shall be disposed of off-site by a waste management company; and
- g) that no derelict vehicles are to be stored on the property.

Carried

**Item 15-12-08:**

Applicant: John and Donna Knox

John Knox Donna Knox Subdivision 15-1  
Consideration of the creation of a lot on a right-of-way.

Moved by P. Milburn; 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 private right-of-way for the development of land as shown on plan “John Knox Donna Knox Subdivision 15-1” subject to:

1. the final plan of subdivision being stamped with the “Private Right-of-Way” note; and
2. the thirty-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”.

Carried

**Item 15-12-09:**

Applicant: Milton Branscombe

Branscombe Subdivision 15-1  
Consideration of the creation of a lot on a right-of-way.

Moved by S. Jonah; Seconded by D. Prince

**MOTION:** The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*; approves a private right-of-way for the development of land as shown on plan “Branscombe Subdivision 15-1” subject to:

1. the final plan of subdivision being stamped with the “Private Right-of-Way” note;
2. the thirty-metre buffer from Grand Lake and the provincially significant wetland 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
3. an access permit being received from the Department of Transportation & Infrastructure to locate the right-of-way in an acceptable location along Route 10.

Carried

**Item 15-12-10:**

Applicant: Razen Realty Ltd.

Liberty Estates Phase 3 Subdivision  
Consideration of the recommendation of the creation of a new public street and the extension of two public streets to the Minister of Transportation and Infrastructure for his assent. Consideration of variances in the length of blocks.

Moved by D. Prince; Seconded by C. Nason

**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*; Section 35(b) of the *Community Planning Act*;

1. recommends the creation of one new public street and the extension of two public streets to the Minister of Transportation and Infrastructure for his assent, subject to:

a) the final plan of subdivision bearing a water quality advisory note for arsenic;

2. approves the following variances in length of block:

a) a 237.818-metre variance in length of block to create Declaration Drive with a length of 477.818 metres between Independence Street to Allegiance Row;

b) a 306.815-metre variance in length of block to create Freedom Street with a length of 546.815 metres between Independence Street to Allegiance Row; and,

c) a 62-metre variance in length of block to create Allegiance Row with a length of 302 metres between Freedom Street and Declaration Drive.

Carried

**Item 15-12-WALK-ON:**

Applicant: Mike Roy

Mike Roy – Terms and Conditions

Consideration of the construction of a home in a floodplain.

Moved by B. Toole; 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); set the following terms and conditions for the construction of a home on PID #45190493:

a) that the bottom of the ground floor joists of the home are at least 0.5 metre above the 2008 flood limit, as established by a qualified professional;

b) that any electrical or mechanical system for the home are located at least 0.5 metre above the 2008 flood limit, as established by a qualified professional;

c) that the home is not susceptible to major damage due to flooding, erosions or ice flow, as established by a qualified professional;

d) that the home is properly anchored to prevent floatation, as established by a qualified professional;

e) that the home will not adversely affect other properties located upstream or downstream of the site, as established by a qualified professional; and,

f) that a Watercourse and Wetland Alteration permit is issued or approval received from the Department of Environment prior to continuing construction.

Carried

6. ADJOURNMENT

Moved by D. Prince

**MOTION:** "That there being no further business, the meeting adjourned at 6:00 pm."

Carried

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Eldon Hunter, Chairperson

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Mary Stone, Recording Secretary