

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

MINUTES OF MEETING # 21-05 (Tuesday, May 25, 2021 at 5:00 pm)
Via Zoom Web Conferencing and Internet Broadcasting

MEMBERS PRESENT: Bernie Hoganson, Bobbi Hartt, Susan Jonah, Peter Morrison, Peter Dufour, Tom Nisbet, Brian Toole, Peter Corey, Eldon Hunter

MEMBERS ABSENT: Mike Chamberlain, Gordon Grouse, Blaine Nason

ALSO PRESENT: Lonnie Forbes, Manager of Building and Development; Robin Canavan, Development Officer; Kelly Shaw, Development Officer; Mary Stone, Recording Secretary

1. APPROVAL OF THE AGENDA

Moved by E. Hunter; Seconded by B. Toole

MOTION: "that the Agenda be approved as presented".

Motion Carried

2. APPROVAL OF MINUTES

Moved by B. Hartt; Seconded by P. Morrison

MOTION: "that the Minutes of meeting 21-04 and 21-05-SPECIAL be approved as carried".

Motion Carried

3. DECLARATION OF CONFLICT OF INTEREST: None

4. DEVELOPMENT OFFICER VARIANCES: Lonnie Forbes presented the development officer variances and subdivision re-approvals for April 2021.

5. NEW BUSINESS:

Item 21-05-05:

Applicant: David & Susanne Ervine

David & Susanne Ervine – Extension of Non-Conforming Use
Consideration of the extension of a legal non-conforming use for the location of a single-family dwelling.

This item was attended by David and Susanne Ervine

Moved by B. Toole; Seconded by S. Jonah

MOTION: The Planning Review and Adjustment Committee of the Regional Service

Commission 11 as per Subsection 60 (2) – *Community Planning Act*; approves a legal non-conforming use to locate a single-family dwelling on PID#75130054, subject to the following terms and conditions:

- a) that any required approval from the Department of Environment be obtained prior to any development within 30-metres of Greenhill Lake; and,
- b) that a building permit be obtained from Regional Service Commission 11 prior to the locating of the single-family dwelling.

Motion Carried

Item 21-05-06:

Applicant: Elizabeth Mills

Elizabeth Mills – Extension of Non-Conforming Use
Consideration of the extension of a legal non-conforming use for the location of a single-family dwelling.

Moved by E. Hunter; Seconded by B. Hoganson

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 60 (2) – *Community Planning Act*; approves a single-family dwelling on PID #45192325 a legal non-conforming use, subject to the following terms and conditions:

- a) that any required approval from the Department of Environment be obtained prior to any development within 30-metres of the watercourse;
- b) that a building permit be obtained from Regional Service Commission 11 prior to the locating of the single-family dwelling; and,
- c) that the single-family dwelling be connected to the Village of Minto public sewage system.

Motion Carried

Item 21-05-07:

Applicant: Marwood Ltd.

Marwood Ltd. – Terms and Conditions Application
Consideration of terms and conditions for a sawmill – a permitted use in the “Resource and Conservation” zone of the Rusagonis-Waasis Planning Area Rural Plan Regulation – Community Planning Act.

This item was attended by Chris Bowie.

Moved by E. Hunter; Seconded by B. Hartt

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection *Community Planning Act: 53(3)(c)(i)*; permits a sawmill on PID #60030186 in the “Resource and Conservation” zone of the *Rusagonis-Waasis Planning Area Rural Plan Regulation - Community Planning Act*, subject to the following terms and conditions:

- (a) that all signs be in accordance with applicable provisions of section 3.11(1) of the *Rusagonis-Waasis Planning Area Rural Plan Regulation*;

(b) that parking be in accordance with applicable provisions of section 3.19(1) of the *Rusagonis-Waasis Planning Area Rural Plan Regulation*, and in accordance with any applicable Department of Transportation and Infrastructure policies;

(c) that outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along the public street or with nearby landowners in the reasonable enjoyment of their properties;

(d) that the operation of the sawmill be in accordance with the applicable provisions of section 3.17 of the *Rusagonis-Waasis Planning Area Rural Plan Regulation*;

(e) that the operation of the sawmill adheres to all applicable government regulations; and,

(f) that where possible, existing trees and shrubs are maintained around the perimeter of the property.

Motion Carried

Item 21-05-08:

Applicant: Eastern Land Surveys

Brunswick Forestry Services Ltd.

Consideration of the creation of seven lots on a private right-of-way.

Consideration of variances in the width of lots.

Moved by S. Jonah; Seconded by P. Morrison

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*, Section 55(1)(b) of the *Community Planning Act*; approves a 20-metre wide private right-of-way for the development of land as shown on tentative plan “Brunswick Forest Services Ltd. Subdivision 21-2” subject to:

1. the final plan of subdivision being stamped with the “Private Right-of-Way” note;
2. a right-of-way agreement to cross “Skiers Lane” – PID# 75408948 being presented with the final plan of subdivision;
3. a right-of-way agreement to cross “Terrace Way” - PID# 75537688 being presented with the final plan of subdivision;
4. the final plan of subdivision bearing a water quality advisory note for arsenic, copper and manganese; and,
5. the approval of the following variances in the width of a lot from setback of Terrace Way:
 - a. approve a 22-metre variance in the width of lot 2021-6 with a width at setback of 32 metres;
 - b. approve a 3.7-metre variance in the width of lot 2021-11 with a width at setback of 50.3 metres; and,
 - c. approve a 5.4-metre variance in the width of lot 2021-10 with a width at setback of 48.6 metres.

Motion Carried

Item 21-05-09:

Applicant: Eastern Land Surveys

Westview Subdivision

Consideration of the creation of eight lots on a private right-of-way.

Moved by B. Toole; Seconded by S. Jonah

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*; approves a 30-metre wide private right-of-way for the development of land as shown on plan “Westview Subdivision” subject to:

- a) the private right-of-way being shown as part of the remnant property;
- b) the final plan of subdivision being stamped with the “Private Right-of-Way” note;
- c) the private right-of-way to be designed and built to meet the standards outlined in the publication prepared by the Department of Transportation and Infrastructure entitled “A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets 2017” to ensure layout and drainage requirements will meet these standards to ensure that the proposed street can be accepted by the Province in the future as a public street;
- d) the road design being prepared by a professional Engineer licensed to practice in the Province of New Brunswick;
- e) the road design being certified by the professional Engineer prior to stamping of the final plan;
- f) the thirty-metre buffer from watercourses 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*”;
- g) the final plan of subdivision bearing a water quality advisory note for arsenic and uranium, and
- h) the final plan of subdivision bearing an advisory note indicating the following: “*buildings shall be prohibited on slopes greater than 20% and within 5 metres of the upper edge of such slopes, unless it can be demonstrated by a professional engineer or architect that the site is suitable for the proposed development*”.

Motion Carried

Item 21-05-10:

Applicant: Eastern Land Surveys

Jamie Lipsett Subdivision 21-1

Consideration of the creation of a lot on a private right-of-way.

Moved by B. Hartt; Seconded by S. Jonah

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 as per Subsection 6(1) – *Provincial Subdivision Regulation*; approves an existing 10-metre wide right-of-way for the development of land as shown on tentative plan “Jamie Lipsett Subdivision 21-1” subject to the final plan of subdivision being stamped with the “Private Access” note.

Motion Carried

Item 21-05-11:

Applicant: Eastern Land Surveys

Woodworth Subdivision 2021-2

Consideration of the creation two lots on a private access.

Moved by E. Hunter; Seconded by B. Hartt

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 private access for the development of land as shown on plan "Woodworth Subdivision 2021-2" subject to the final plan of subdivision being stamped with the "Private Access" note.

Motion Carried

Item 21-05-12:

Applicant: Eastern Land Surveys

Joel Harris Subdivision 21-1

Consideration of the creation of two lots on a private right-of-way.

Moved by E. Hunter; Seconded by P. Morrison

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 tentative plan "Joel Harris Subdivision 21-1" subject to:

1. the final plan of subdivision being stamped with the "Private Right-of-Way" note;
2. a right-of-way agreement to cross PID#s 60092525 & 60109030 being presented with the final plan of subdivision; and,
3. the thirty-metre buffer from the watercourse and 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

Item 21-05-13:

Applicant: WSP

Andrew George & Jillian Louise Green Subdivision

Consideration of the creation of four lots on a private right-of-way.

Moved by S. Jonah; 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*; approves a 24-metre wide private right-of-way for the development of land as shown on plan "Andrew George Green and Jillian Louise Green Subdivision" subject to:

- a) the final plan of subdivision being stamped with the "Private Right-of-Way" note; and,
- b) an arrangement for land for public purposes being made with the rural community of Hanwell, prior to stamping of the final plan.

Motion Carried

Item 21-05-14:

Applicant: Eastern Land Surveys

Anderson Subdivision 21-1

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

Moved by P. Morrison; Seconded by E. Hunter

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 private right-of-way for the development of land as shown on tentative plan “Anderson Subdivision 21-1” subject to:

- a) the final plan of subdivision being stamped with the “Private Right-of-Way” note; and,
- b) the thirty-metre buffer from the Saint John 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

Item 21-05-15:

Applicant: Town of Nackawic

Joyce and Christine King - Rezoning

Recommendation regarding the proposed amendment to rezone lands to permit 1 10-unit multiple dwelling and a separate single unit rental in the existing buildings on the lot.

Moved by B. Toole Seconded by S. Jonah

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 recommends that the Council of the Town of Nackawic approve the plan amendments and the rezoning from HC Zone to R2 Zone.

Motion Carried

Item 21-05-16:

Applicant: Town of Nackawic

Mark Alward - Rezoning

Recommendation regarding the proposed amendment to rezone the land to allow short-term rental and tiny homes as a secondary use to a single-family residence in R1 Zone.

Moved by E. Hunter; Seconded by P. Morrison

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 recommends that the Council of the Town of Nackawic approve short-terms rental and tiny homes as a secondary use to single family resident in R1 Zone.

Motion Carried

Item 21-05-17:

Applicant: Village of Tracy

Village of Tracy - Amendment

Recommendation regarding the proposed amendment to amend the Village of Tracy Rural Plan, By-law No. 29 to allow backyard chickens in the central residential (R1) zone.

Moved by P. Morrison; Seconded by B. Hartt

MOTION: The Planning Review and Adjustment Committee of the Regional Service Commission 11 recommends that the Council of the Village of Tracy approve the plan amendments.

Motion Carried

6. ADJOURNMENT

Moved by P. Morrison; Seconded by S. Jonah

MOTION: "That there being no further business, the meeting adjourned at 6:18 pm."

Motion Carried

Tom Nisbet, Chairperson

Mary Stone, Recording Secretary