

PLANNING STAFF REPORT

SUBJECT: *Frank and Patricia MacLaughlin Subdivision - Plan 2023-1 - Hughes - Parish of Nelson*

Pursuant to Section 7.1(b) of the City of Miramichi Subdivision By-law No. 127, the approval for the development of land from this application is being advised by the Greater Miramichi Regional Service Commission – Planning Review and Adjustment Committee (PRAC).

MEETING DATE: November 21st, 2023

AGENDA ITEM: 2023-1-3

I. APPLICATION DETAILS

The application of *Frank and Patricia MacLaughlin Subdivision - Plan 2023-1 - Hughes - Parish of Nelson* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing Francis and Patricia MacLaughlin, the property owners. The property being subdivided is located to the Southeast of Route 118 in the Hughes area of the former Local Service District of Nelson, now part of the City of Miramichi resulting from the recent Local Governance Reform. It is more precisely located about 785 metres South of the former City limits on said route.

This subdivision application proposes to subdivide the front portion of property bearing PID 40098048 where a dwelling already exists to create Lot 2023-1 for residential purposes. The wooded remnant of the property would be accessed from a proposed private access located over the neighbouring property having PID 40383796 owned by the same property owners.

Two subdivision applications regarding this property were previously approved: Plan 15584163 creating Lot 02-1 (PID 40469140) and Plan 30887526 creating lots 11-1 and 11-2 (PIDs 40510893 and 40510901), all for residential purposes. The current application does not amend these previous ones.

This subdivision application was tabled at the PRAC Meeting 2023-1 that took place on February 21st, 2023, due to the absence of subdivision regulation for the newly annexed areas of the City of Miramichi. Although now part of the City, the rural environment where this subdivision is taking place has currently no land use plan or zoning and no public water or sewer servicing.

II. PLANNING CONSIDERATIONS

This subdivision application is being presented to the PRAC as per Section 7.1 of the City of Miramichi Subdivision By-law No. 127 that states “Every lot, block and other parcel of land in a subdivision shall (b) provide such access other than a street as may be approved by the Regional Service Commission as being advisable for the development of land.” Section 9(C)(3) of City of Miramichi Municipal Plan By-law

No. 109 states “There be no further subdivision of land within the City where the sole access to a public road for proposed new lot(s) and/or remnant lot is by a Private Access...”. However, the area of coverage of the Municipal Plan applies only to the previous extent of the City boundaries. Furthermore, the proposed use of the remnant of the subject property is intended for forestry. Due to the absence of a municipal plan, decisions can be guided by the GMRSC PRAC’s *Policy for Private Accesses* which accepts forestry as a use of land that accesses a private access.

The 20-metre-wide private access is requested to provide the remnant of the subject property access to Route 118, a provincially owned public road. It has an 18-metre radius turnaround at the dead-end portion as suggested in Part B Section 1.2(f) of the *Policy for Private Accesses*. The final plan will need a note mentioning that the Province’s Department of Transportation and Infrastructure (DTI) or the City’s Department of Public Works will not upgrade or maintain this private access and that the property owner is responsible to look after these. As well, the developer shall be advised that the access should be designed to support the expected loads imposed by firefighting equipment, other emergency vehicles, and private services vehicles. Therefore, the access should be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions.

The remnant portion of the subject property and the neighbouring property where the private access would be located are both wooded and vacant of any dwellings, hence the proposed resource use. Considering the low traffic impact consequent from the proposed use, the private access seems acceptable.

As for Lot 2023–1, subsection 7.2 of the City of Miramichi Subdivision By-law No. 127 relates back to New Brunswick Regulation 80-159 where there is no zoning to dictate minimum required dimensions. The lot’s area, measuring 2.03 hectares, is more than sufficient in size for a residential lot. Variances for the narrow frontages are not needed since they are already established. Also, a subdivision assessment report (soil test) is not required since there is already a house occupying the lot. A subdivision inspection report (sight distance) is not required either since both the lot and the private access have existing driveways intersecting Route 118.

Should any alteration take place within 30 metres of the identified brook on the plan, a permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) may be required as per subsection 15(2) of the NB *Clean Water Act*.

Adjacent property owners were not notified by letter of this application since no variances are involved (*Planning Review and Adjustment Committee By-law*, Appendix A, Responsibility).

III. STAFF RECOMMENDATION

As per Section 7.1 of the City of Miramichi Subdivision By-law No. 127, it is recommended that the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Regional Service

Commission approves *Frank and Patricia MacLaughlin Subdivision - Plan 2023-1 - Hughes - Parish of Nelson* provided that “City of Miramichi” is added in the title and the following notes be inserted on the final plan:

“The private access shown on this plan is not suitable for a public street. The Department of Transportation and Infrastructure or the Department of Public Works will not upgrade or maintain this private access and all maintenance services and improvements to the private access are the responsibility of the property owner”; and

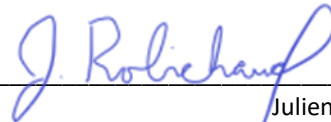
“The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or developer. The PRAC expressly makes neither representations nor warranties of any nature whatsoever that the condition and construction of the access is suitable for safe movement of vehicle traffic. The PRAC only approves the location of the access shown on this plan and not its condition and makes no representation nor warranties whatsoever with respect to the condition of the access.”

IV. ATTACHMENTS

1. Property Location Map
2. Tentative Subdivision Plan
3. GMRSC PRAC’s Policy for Private Accesses, Part B Sections 1.2
4. New Brunswick Regulation 80-159 Section 6(4)

Report Prepared On: Wednesday, November 15, 2023

Report Prepared by:



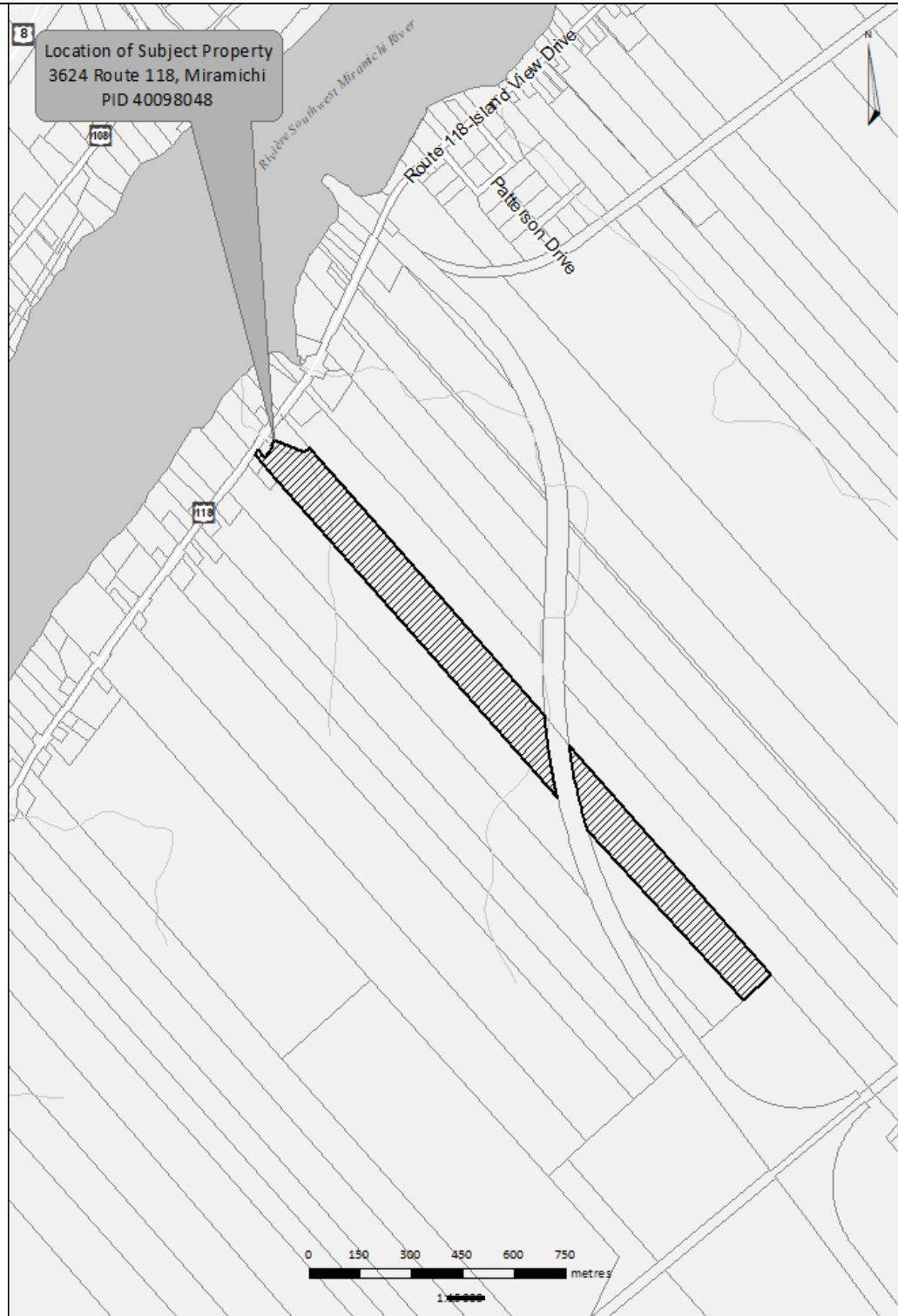
Julien Robichaud
Development Officer

Report Reviewed and Approved by:



Nicholas O'Dette, RPP, MCIP
Planning Services Manager

ATTACHMENT 1 - PROPERTY LOCATION MAP



Sources: Greater Miramichi Regional Service Commission | Commission de services régionaux du Grand Miramichi; Service New Brunswick | Service Nouveau Brunswick
Drawn by | tracé par Julien Robitaille 2023 02 07

KEY SKETCH
IN US

SW SOUTHWEST MIRAMICHI RIVER

118 HIGHWAY

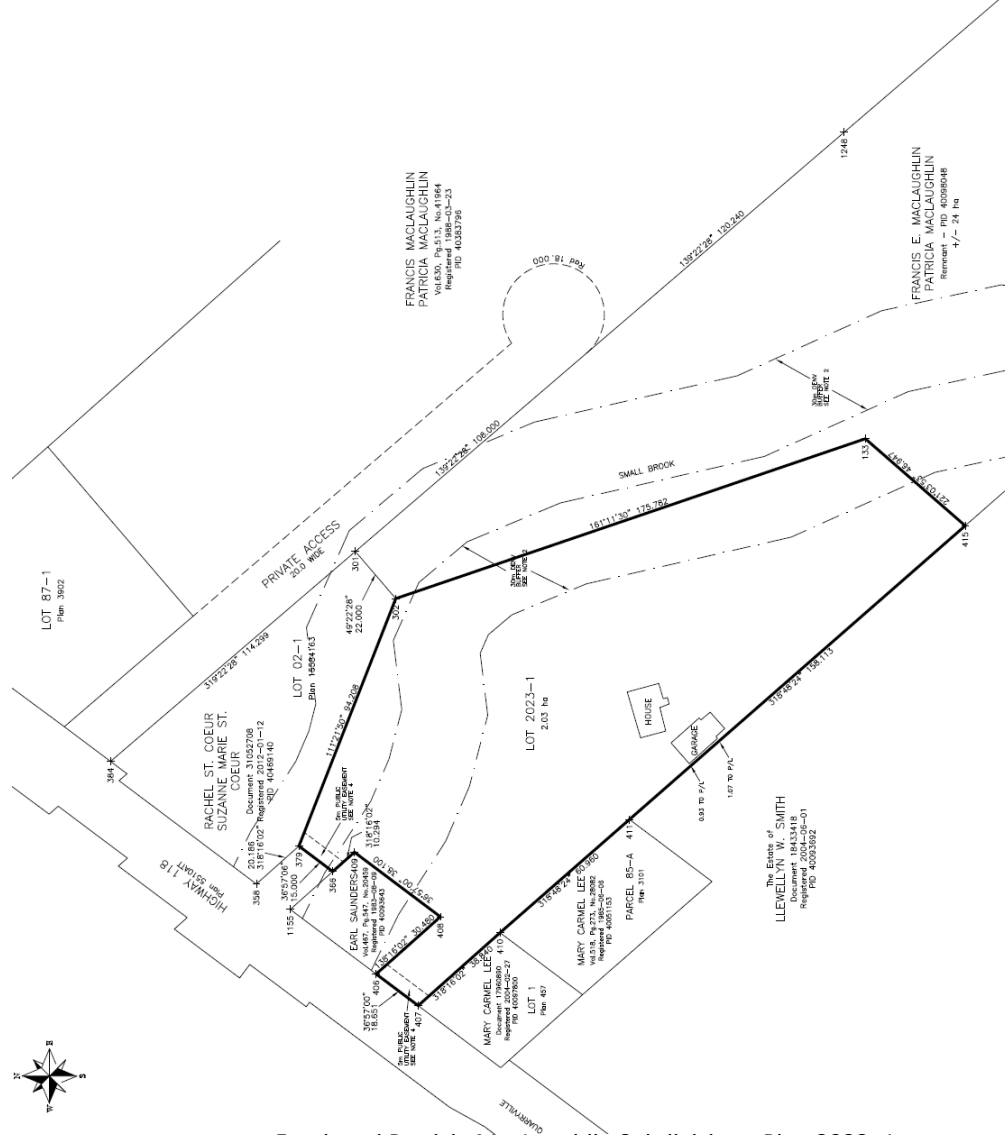
SURVEY AREA

SCALE 1: ~~1000~~ DECEMBER 15, 2022
REVISED JANUARY 5, 2023

NOTES

- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
 - A) TO CREATE LOT 2323-1 FOR RESIDENTIAL PURPOSES
 - B) TO CREATE THE PRIVATE ACCESS AS SHOWN
 - C) TO CREATE A PUBLIC UTILITY EASEMENT
- 2) ALTERATIONS IN/WITHIN 30 METRES OF A WATERCOURSE OR REGULATED WETLAND REQUIRE A WATERCOURSE AND WETLAND ALTERATION PERMIT UNDER THE WATERCOURSE AND WETLAND ALTERATION REGULATION (REG 90-80) AS PER SUBSECTION 15(2) OF THE NB CLEAN WATER ACT
- 3) ALL WETLANDS/BUFFERS AND WATERCOURSES SHOWN ON THIS PLAN ARE FROM SNB MAPPING UNLESS NOTED
- 4) THE PUBLIC UTILITY EASEMENT SHOWN ON THIS PLAN WILL VEST IN NEW BRUNSWICK POWER CORPORATION, BELL (CANADA) AND ROGERS COMMUNICATIONS INC WITH THE FILING OF A FINAL PLAN PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENT REGULATION" 2021-83 OF THE COMMUNITY PLANNING ACT.

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ATTACHMENT 3 - GMRSC PRAC's POLICY FOR PRIVATE ACCESSES, PART B SECTIONS 1.2

- d) have a change in gradient not more than 1m in 12.5m over a minimum distance of fifteen metres.
 - e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions.
 - f) have turnaround facilities for any dead-end portion of the access route more than ninety metres long; and
 - g) be connected with a public thoroughfare.
- 1.2 For subdivisions that will create three or more lots (proposed or potential) for recreational use, the right-of-way ("R-O-W") shall be a minimum of twenty metres. The developer shall be advised that the access should be developed with the following design considerations.
 - a) have clear width of not less than six metres, unless it can be shown that lesser widths are satisfactory;
 - b) have a centerline radius not less than twelve metres;
 - c) have an overhead clearance not less than five metres;
 - d) have a change in gradient not more than 1m in 12.5m over a minimum distance of fifteen metres.
 - e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions.
 - f) have turnaround facilities for any dead-end portion of the access route more than ninety metres long; and
 - g) be connected with a public thoroughfare.
- 1.3 Notwithstanding policies 11.1 and 11.2 the PRAC may consider accesses that do not conform to these standards for resource based uses, communication towers, active and passive recreational uses, or other similar type uses. However, the minimum right-of-way ("R-O-W") width shall be six metres.
- 1.4 A notation (in form of a stamp) will be placed on all final subdivision plans which include a private access stating:

"The Planning Review Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or developer. The PRAC expressly makes no representations nor warranties of any nature whatsoever that the condition and construction of the access is suitable for safe movement of vehicle traffic. The PRAC only approves the location of the access shown on this plan and not its

ATTACHMENT 4 - NB REGULATION 80-159 SECTION 6 (4)

80-159

Loi sur l'urbanisme

C-12

6(3) Where a proposed subdivision is to be serviced by a sewer system for public use but not by a water system for public use, every lot or other parcel of land therein shall have and contain

- (a) a width of at least twenty-three metres,
- (b) a depth of at least thirty metres, and
- (c) an area of at least six hundred and ninety square metres.

6(4) Where a proposed subdivision is not to be serviced by a sewer system for public use, every lot or other parcel of land therein shall have and contain

- (a) a width of at least fifty-four metres,
- (b) a depth of at least thirty-eight metres, and
- (c) an area of at least four thousand square metres.

6(5) Subject to subsection (6), a block shall not exceed two hundred and forty metres or be less than one hundred and twenty metres in length and shall have a depth of at least two lots.

6(6) Where a proposed subdivision plan lays out a series of crescents and cul-de-sacs, a block may exceed two hundred and forty metres in length if pedestrian walkways are provided in the number, location and width considered necessary by the regional service commission to provide access or circulation to schools, libraries, playgrounds or similar facilities.

6(7) Where a building used for residential purposes is located on a lot meeting the requirements of subsection (2), the lot may be subdivided along any party wall of the building.

83-135; 99-65; 2001-90; 2012, c.44, s.5

APPROVAL OF A SUBDIVISION PLAN

7(1) Subject to subsection (2), the development officer may approve a subdivision plan.

7(2) The development officer shall not approve a subdivision plan if, in his opinion and in the opinion of the regional service commission,

6(3) Lorsqu'un lotissement proposé doit être desservi par un réseau public d'égouts mais non par un réseau public de distribution d'eau, chaque lot ou autre parcelle de terrain doit avoir

- a) une largeur minimale de vingt-trois mètres,
- b) une profondeur minimale de trente mètres, et
- c) une superficie minimale de six cent quatre-vingt-dix mètres carrés.

6(4) Lorsqu'un lotissement proposé n'est pas desservi par un réseau public d'égouts, chaque lot ou autre parcelle de terrain doit avoir

- a) une largeur minimale de cinquante-quatre mètres,
- b) une profondeur minimale de trente-huit mètres, et
- c) une superficie minimale de quatre mille mètres carrés.

6(5) Sous réserve du paragraphe (6), un îlot ne peut avoir une longueur de plus de deux cent quarante mètres ou de moins de cent vingt mètres et doit avoir une profondeur minimale de deux lots.

6(6) Dans le cas d'un plan de projet de lotissement comportant une série de rues en arc de cercle et de cul-de-sac, un îlot peut mesurer plus de deux cent quarante mètres de longueur si des passages pour piétons y sont aménagés et si la commission de services régionaux estime que leur nombre, leur emplacement et leur largeur permettent d'y circuler aisément et assurent l'accès aux écoles, bibliothèques, terrains de jeux ou autres installations semblables.

6(7) Lorsqu'un bâtiment servant à des fins résidentielles est situé sur un lot conforme aux prescriptions du paragraphe (2), le terrain peut être loti à partir d'un mur mitoyen du bâtiment.

83-135; 99-65; 2001-90; 2012, ch. 44, art. 5

APPROBATION DU PLAN DE LOTISSEMENT

7(1) L'agent d'aménagement peut, sous réserve du paragraphe (2), approuver un plan de lotissement.

7(2) L'agent d'aménagement ne peut approuver un plan de lotissement si lui-même et la commission de services régionaux estiment