

## PLANNING STAFF REPORT

**SUBJECT:** *Gerald Jenkins Subdivision - Plan 01-2, 1st Amendment (Amending Plan 12042884) - Hardwicke - Parish of Hardwicke*

Pursuant to Section 6(1) of the New Brunswick Regulation 80-159 under the *Community Planning Act* (c.19), the advice of the Greater Miramichi Regional Service Commission – Planning Review and Adjustment Committee (PRAC) is required in order to approve a private access proposed from this subdivision plan.

**MEETING DATE:** November 21<sup>st</sup>, 2023

**AGENDA ITEM:** 2023-8-3

### I. APPLICATION DETAILS

The application of *Gerald Jenkins Subdivision - Plan 01-2, 1st Amendment (Amending Plan 12042884) - Hardwicke - Parish of Hardwicke* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing Gerald and Isabel Jenkins, the property owners. The property being subdivided is located between the Miramichi Inner Bay and Hardwicke Road in Hardwicke, part of the Greater Miramichi Rural District.

This subdivision application proposes to completely subdivide the property bearing PIDs 40251241 and 40459570 to create lots 2023-1 to 2023-4 for recreational purposes<sup>1</sup>, 2023-5 for residential purposes, and a private access. The access would connect to Hardwicke Wharf Road also known as the old wharf lane. The property currently has a dwelling on Hardwicke Road, situated within the proposed Lot 2023-5.

The application is an amendment of a previous subdivision that was approved in May 2001 for the creation of Parcel 01-A (PID 40459570) with the purpose to annex it to PID 40251241 and thus identified as Lot 01-1. There was another previously approved application regarding this property that was creating two recreational lots, but the current application does not amend it in any way.

The area where this subdivision is taking place has no land use plan or zoning and no public water or sewer servicing.

### II. PLANNING CONSIDERATIONS

This private access is being requested as per Section 6(1) of the New Brunswick Regulation 80-159 under the *Community Planning Act* (c.19) that states "Every lot, block and other parcel of land in a proposed

<sup>1</sup> GMRSC PRAC's Policy for Private Accesses defines Recreational Land as land that is used for a cottage, camp or similar non-permanent type of seasonal dwelling.

subdivision shall abut (b) such other access as may be approved by the regional service commission as being advisable for the development of land.”

The private access is required to connect the proposed lots 2023–2, 2023–3, and 2023–4 to Hardwicke Wharf Road (old wharf lane), a provincially owned public non-maintained road that subsequently connects to Hardwicke Road, a provincially owned public maintained road. The private access measures 20 metres in width and ends with an 18-metre radius turnaround (Part B Section 1.2 of the *Policy for Private Accesses*).

The final plan will need notes mentioning that the Department of Transportation and Infrastructure (DTI) will not upgrade or maintain this private access or Hardwicke Wharf Road 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. Additionally, any alterations made to or within 30 metres of the small ponds that are along the path of the proposed access or any wetland not appearing on the tentative subdivision plan may require a permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 15(2) of the New Brunswick *Clean Water Act*.

Every lot meets the required width, depth, and area minimums as per Section 6(4) of the New Brunswick Regulation 80-159 under the *Community Planning Act* (c.19). A subdivision assessment report (soil test) is not required since they all measure more than 8,050 square metres in area (*New Brunswick Technical Guidelines for On-site Sewage Disposal Systems*, Appendices B and B1). Each lot has sufficient area for development and should be kept 30 metres away from the shore of the Miramichi Inner Bay (*A Coastal Areas Protection Policy for New Brunswick*). As well, development should be made with the acknowledgement that the property is at risk of being affected by future flooding.

A subdivision inspection report (sight distance) is not necessary since Hardwicke Wharf Road is a non-maintained road without regular traffic.

To validate the proposed recreational land use of the bay shore lots, a land use analysis within one kilometre of the subject property was generated. The properties in this area are assessed mainly as residential, recreational, and woodland.

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 6(1) of the New Brunswick Regulation 80-159 under *Community Planning Act* (c.19), it is recommended that the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi

Regional Service Commission approves *Gerald Jenkins Subdivision - Plan 01-2, 1st Amendment (Amending Plan 12042884) - Hardwicke - Parish of Hardwicke* provided that the following notes be inserted on the final plan:

"The Hardwicke Wharf Road is a non designated highway and therefore the Department of Transportation and Infrastructure will not construct or maintain the roadway – it is not designated for funding for maintenance and repair and one can not expect or warrant them to do so. Any construction or maintenance of the roadway is at the sole expense of the owner and permission of the said DTI";

"The private access shown on this plan is not suitable for a public street. The Department of Transportation and Infrastructure 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

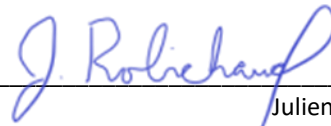
"The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or 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 Section 1.2
4. New Brunswick Regulation 80-159 Section 6(4)

Report Prepared On: Thursday, November 16, 2023

Report Prepared by:



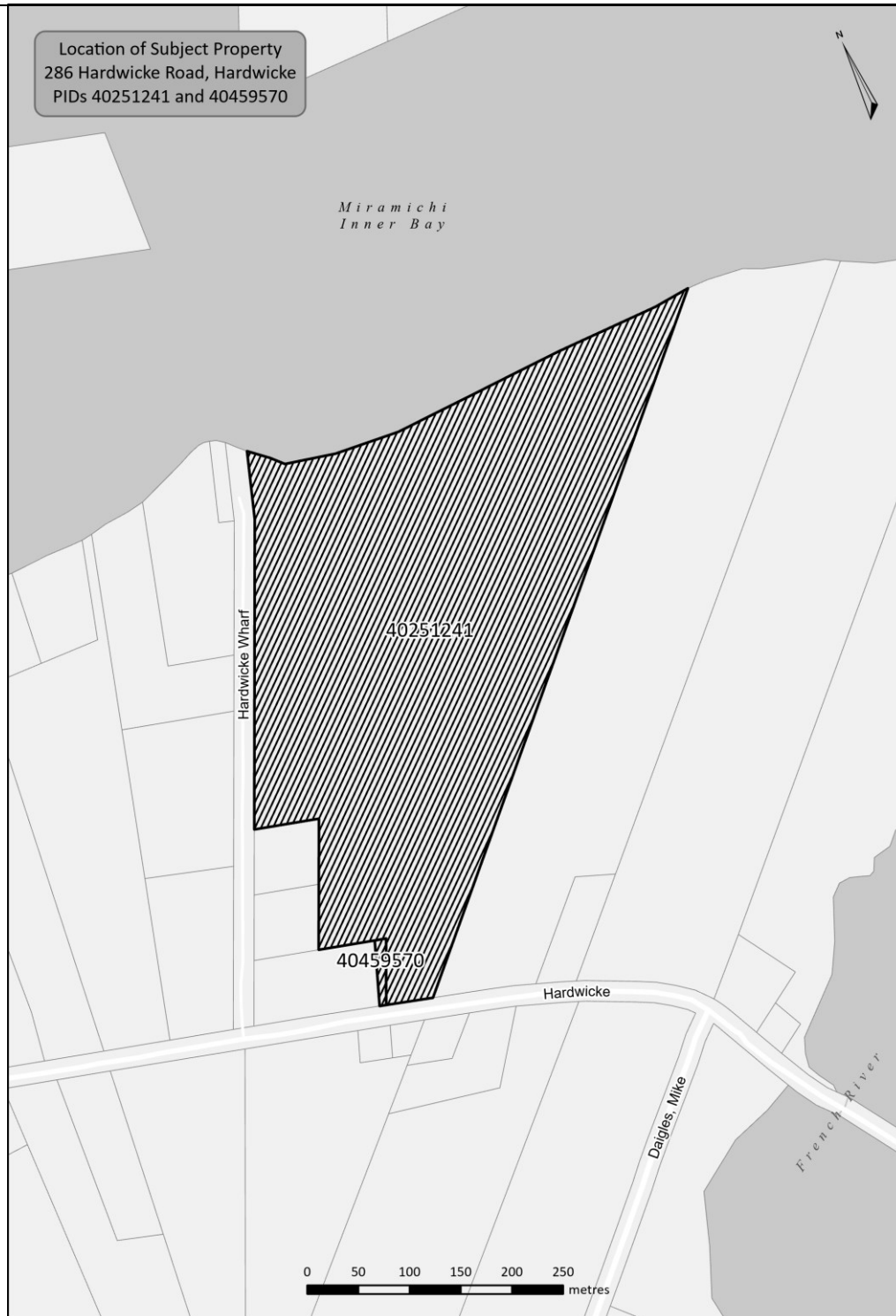
Julien Robichaud  
Development Officer

Report Reviewed and Approved by:



Nicholas O'Dette, RPP, MCIP  
Planning Services Manager

# ATTACHMENT 1 - PROPERTY LOCATION MAP



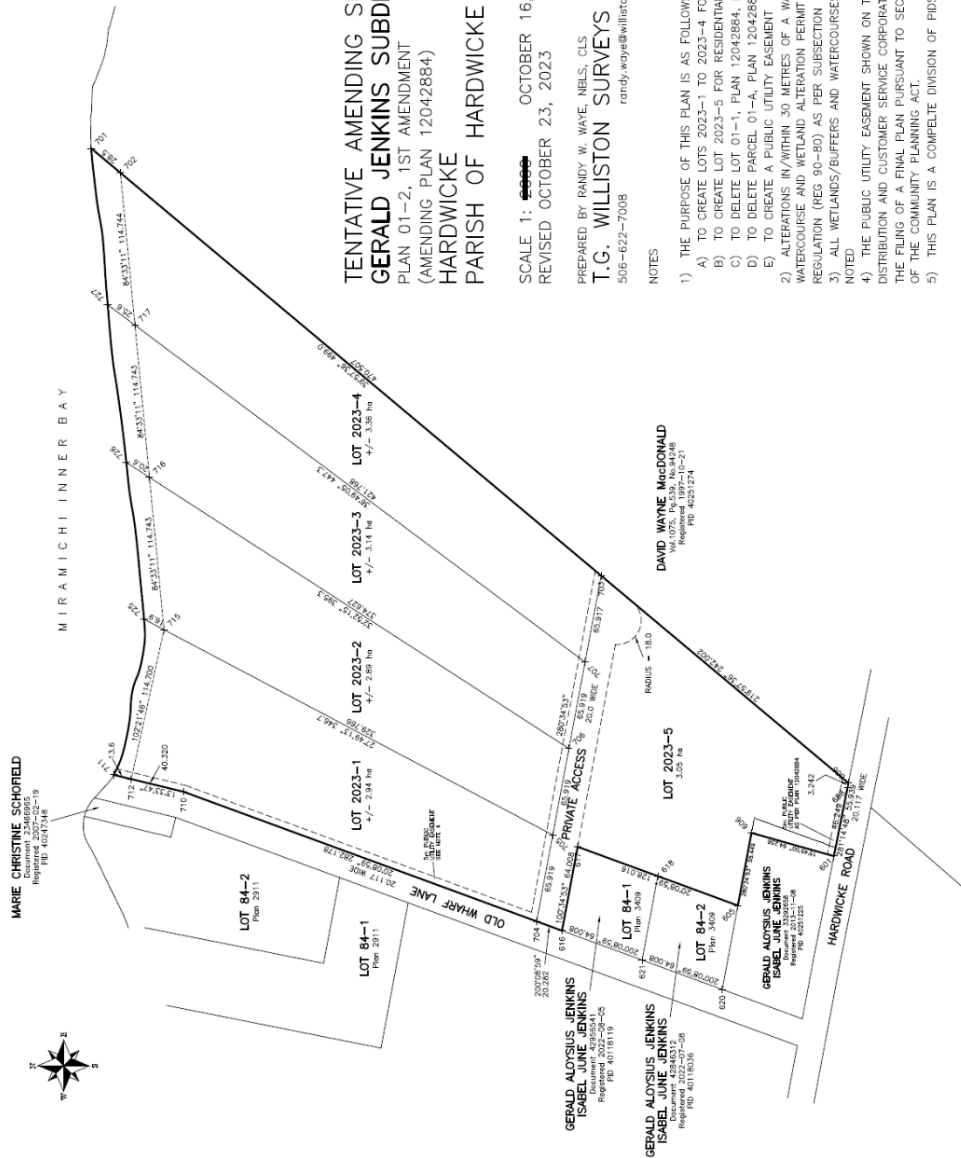
Sources: Greater Miramichi Regional Service Commission | Commission de services régionaux du Grand Miramichi; Service New Brunswick | Service Nouveau-Brunswick  
Drawn by | tracé par Julien Robichaud 2023-11-15

SCALE 1: ~~2000~~ OCTOBER 16, 2023  
REVISED OCTOBER 23, 2023

NOTES

- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
  - A) TO CREATE LOTS 2023-1 TO 2023-4 FOR RECREATIONAL PURPOSES
  - B) TO CREATE LOTS 2023-5 FOR RESIDENTIAL USE
  - C) TO DELETE LOT 01-1, PLAN 12042884, REGISTERED MAY 7, 2001
  - D) TO DELETE PARCEL 01-4, PLAN 12042884, REGISTERED MAY 7, 2001
  - E) TO CREATE A PUBLIC UTILITY EASEMENT
  - F) TO 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
  - G) ALL WETLANDS/BUFFERS AND WATERCOURSES SHOWN ON THIS PLAN ARE FROM SINE MAPPING UNLESS NOTED.
  - H) THE PUBLIC UTILITY EASEMENT SHOWN ON THIS PLAN WILL VEST IN NEW BRUNSWICK POWER DISTRIBUTION AND CUSTOMER SERVICE CORPORATION, BELL (CANADA) AND ROGERS COMMUNICATION INC WITH THE FILING OF A FINAL PLAN PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENT REGULATION" 2021-83 OF THE COMMUNITY PLANNING ACT.
  - I) THIS PLAN IS A COMPLETE DIVISION OF PIDS 40251241 & 40459570

23205.dwg  
23205.crd



## **ATTACHMENT 3 - GMRSC PRAC's POLICY FOR PRIVATE ACCESSES, PART B SECTION 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

Gerald Jenkins Subdivision