

## PLANNING STAFF REPORT

**SUBJECT:** *Kevin Cassidy Subdivision - Plan 2024-1 - Morrison Road - New Jersey - Parish of Alnwick*

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:** January 23<sup>rd</sup>, 2024

**AGENDA ITEM:** 2024-1-3

### I. APPLICATION DETAILS

The application of *Kevin Cassidy Subdivision - Plan 2024-1 - Morrison Road - New Jersey - Parish of Alnwick* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing Kevin Cassidy, owner of the property identified by PID 40007049 which is cornered between the Burnt Church River, Route 11, and Morrison Road in New Jersey, part of the Rural Community of Alnwick.

The subdivision plan proposes to create Lot 2024-1 for recreational<sup>1</sup> purposes and a 20-metre-wide private access from the abovementioned property that would connect with Morrison Road. The land where the proposed lot will be located is currently vacant.

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

PID 40007049 has previously been subdivided to create multiple lots on the Northwestern portion of the property, but the current subdivision application has no impact on them.

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

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<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.

The proposed private access is required to connect Lot 2024–1 to Morrison Road, a provincially owned public road. It measures 20 metres in width, follows an existing road, and ends with an 18-metre radius turnaround as per Part B Section 1.1(f) of the GMRSC PRAC’s *Policy for Private Accesses*. The final plan will need a note mentioning that the Department of Transportation and Infrastructure (DTI) 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 such as for septic tank maintenance. Therefore, the access should be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions.

A subdivision inspection report (sight distance) is not necessary given the existence of the road already accessing Morrison Road (*Minimum Standards for the Construction of Subdivision Roads and Streets*, Appendix A, table A11.1). The surface of this section of Morrison Road is paved and maintained by DTI.

The proposed 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) will not be required as the lot measures just over 8,050 square metres (*New Brunswick Technical Guidelines for On-site Sewage Disposal Systems*, Appendices B and B1). The remnant of PID 40007049 retains an area of about 43.4 hectares. Although the private access will fragment the remnant in two portions, both would be big enough to potentially be subdivided in the future.

Other than the Burnt Church River, the hydrographic network webmapping from the Department of Natural Resources and Energy Development (DNRED) identifies no presence of watercourses on the lot. The wetland webmapping from the Department of Environment and Local Government (DELG) shows presence of wetland just outside of the proposed lot. Consequently, any alteration to the property may require a Watercourse and Wetland Alteration permit from the DELG or a permit from the GMRSC.

The properties’ land use within one kilometre of the subject property is mainly assessed as residential, followed by woodland and recreational.

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 the *Community Planning Act* (c.19), it is recommended that the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Regional Service Commission approves *Kevin Cassidy Subdivision - Plan 2024–1 - Morrison Road - New Jersey - Parish of Alnwick* provided that 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 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

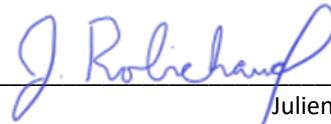
“The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or 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 1.1
4. New Brunswick Regulation 80-159 Section 6(4)

Report Prepared On: Thursday, January 18, 2024

Report Prepared by:



Julien Robichaud  
Development Officer

Report Reviewed by:



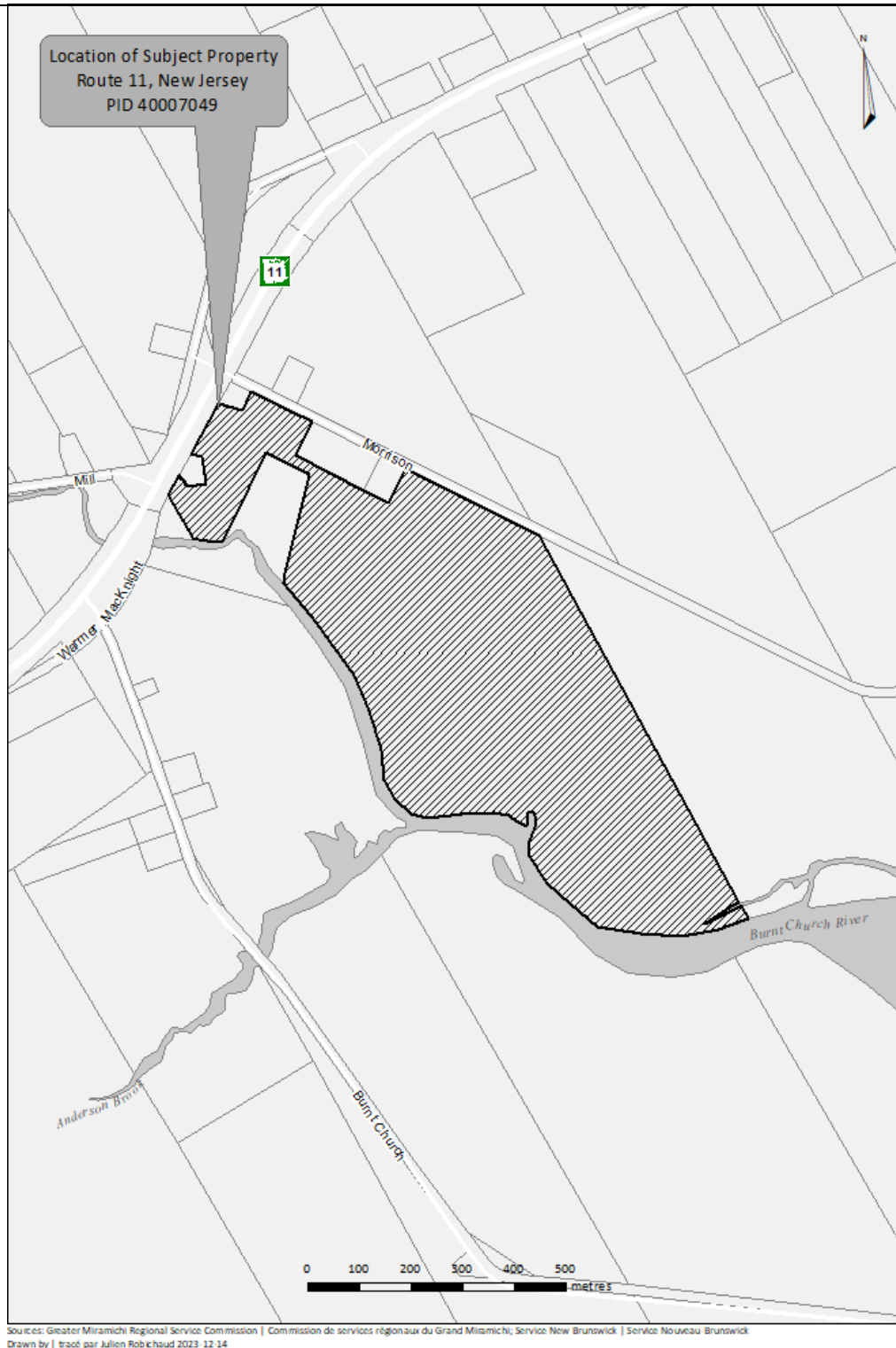
Nicholas O'Dette, RPP, MCIP  
Planning Services Manager

Report Reviewed and Approved by:

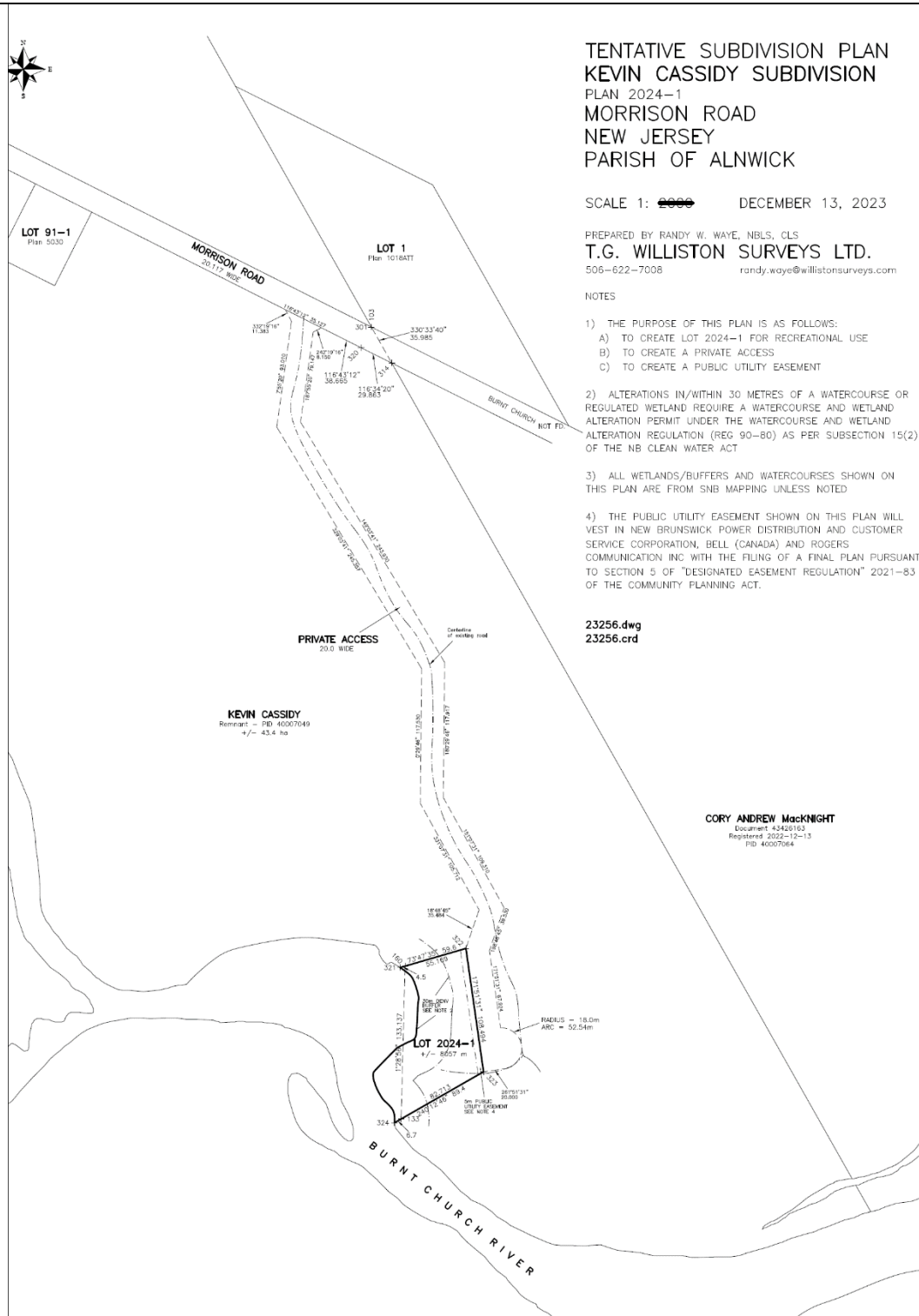


Wilson W. Bell, RPP, MCIP  
Planning Director

## ATTACHMENT 1 - PROPERTY LOCATION MAP



# ATTACHMENT 2 - TENTATIVE SUBDIVISION PLAN



Kevin Cassidy Subdivision - Plan 2024-1

# ATTACHMENT 3 - GMRSC PRAC's POLICY FOR PRIVATE ACCESSES, PART B SECTION 1.1

It is possible during the subdivision approval process to consider the width of the right-of-way ("R-O-W"). If an area proposed to be subdivided could accommodate several lots the right-of-way ("R-O-W") could be required to be twenty metres, if the subdivision will result in the creation of the only one lot, then the right-of-way ("R-O-W") could be reduced to six to ten metres. Additionally, the intended purpose of the lots would also dictate the required width of the right-of-way ("R-O-W"). If the area will accommodate cottages, with the potential for year round use, the right-of-way ("R-O-W") should be twenty metres so if in the future a public road were required, there would be sufficient width to create access that would satisfy Department of Transportation. If the access is to be used for a resource use, such as a woodlot, then right-of-way ("R-O-W") could be reduced.

Ensuring that the access portion located within the "R-O-W" is suitable for providing safe access to the buildings constructed on the lots is the difficult aspect of the issue.

## 9.0 Minimum Width of Right-of-Way ("R-O-W")

The intended use of the lots created through the subdivision process can influence and determine the appropriate width of the right-of-way ("R-O-W"). If for example the access will serve one recreational (seasonal camp or cottage, forestry operation) lot, then the right-of-way ("R-O-W") and resulting travelled portion can be relatively narrow (perhaps six metres). However, if the access is intended to serve several recreational lots, which would result in a significant volume of traffic and traffic movements at the intersection with a public road, then the width of the right-of-way ("R-O-W") and travel portion should be sufficiently wide enough to accommodate this type of use.

## PART B: THE POLICY

### 1.0 Policy – Private Access

When considering subdivision plans that contain a private access, the PRAC shall refer to the following policies:

- 1.1 For subdivisions with 1 to 2 lots (proposed or potential) recreational use, the minimum right-of-way ("R-O-W") with shall be a minimum of ten 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;

PRAC Guidelines on Private Accesses and Private Roads – Adopted May 21<sup>st</sup>, 2013  
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- 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)

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 culs-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

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