

PLANNING STAFF REPORT

SUBJECT: *Walsh Truck & Repair Ltd Subdivision - Plan 2024-1 - Kenna Road - Bartibog - 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 20.117-metre-wide private access proposed from this subdivision plan.

MEETING DATE: April 16th, 2024

AGENDA ITEM: 2024-3-4

I. APPLICATION DETAILS

The application of *Walsh Truck & Repair Ltd Subdivision - Plan 2024-1 - Kenna Road - Bartibog - Parish of Alnwick* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing Walsh Truck & Trailer Repairs Ltd., the property owner. The property is located on Kenna Road in Bartibog, part of the Rural Community of Alnwick.

This subdivision plan proposes to create lots 2024-1 for residential purposes and 2024-2 to 2024-7 for recreational purposes¹, and a 20.117-metre-wide private access. The proposed lots and access are being subdivided from PID 40004996. The subject property is currently assessed as woodland and is vacant.

No other subdivision applications regarding this property have ever been received previously.

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

Construction of a private road on the subject property has already begun and will provide the proposed recreational lots access to Kenna Road, a provincially owned public road. However, the road needs to be

¹ 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.

approved as a private access to permit the creation of these lots and connect them to a public access. The private access measures 20.117 metres in width throughout and ends with an 18-metre radius turnaround as suggested in Part B Section 1.2(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 nor 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.

All but Lot 2024–7 meet 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). Lot 2024–7 requires a dimensional variance of 12.078 metres to meet the minimum 54-metre width requirement on its frontage. A subdivision assessment report (soil test) is also required since every lot measures less than 8,050 square metres in area (*New Brunswick Technical Guidelines for On-site Sewage Disposal Systems*, Appendices B and B1). The remnant of PID 40004996 retains about 34.7 hectares.

A subdivision inspection report (sight distance) is not necessary given the existence of the private road already intersecting Kenna Road (*Minimum Standards for the Construction of Subdivision Roads and Streets*, Appendix A, table A11.1). The section of Kenna Road leading to this property is surfaced with gravel and is classified by the DTI designated highways as a passable local road.

To validate the proposed recreational land use of lots 2024–2 to 2024–7, a land use analysis within one kilometre of the subject property was generated. The properties in this area are assessed mainly as woodland, recreational, and some residential.

The hydrographic network webmapping from the Department of Natural Resources and Energy Development (DNRED) and the wetland webmapping from the Department of Environment and Local Government (DELG) identifies no presence of watercourses or wetland over the proposed lots.

Adjacent property owners of the subject property were notified by letter of this application regarding the variance. These notices were mailed on Tuesday April 2nd, 2024. At the time of writing this report, no comments were received.

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:

1. A variance of 12.078 metres for Lot 2024-7 from the required 54-metre minimum width; and
2. *Walsh Truck & Repair Ltd Subdivision - Plan 2024-1 - Kenna Road - Bartibog - Parish of Alnwick*;

subject to the submission of a subdivision assessment report and 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

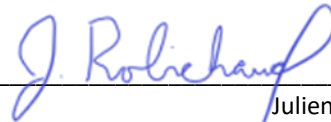
“The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or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

Report Prepared On: Thursday, 11 April, 2024

Report Prepared by:



Julien Robichaud
Development Officer

Report Reviewed by:



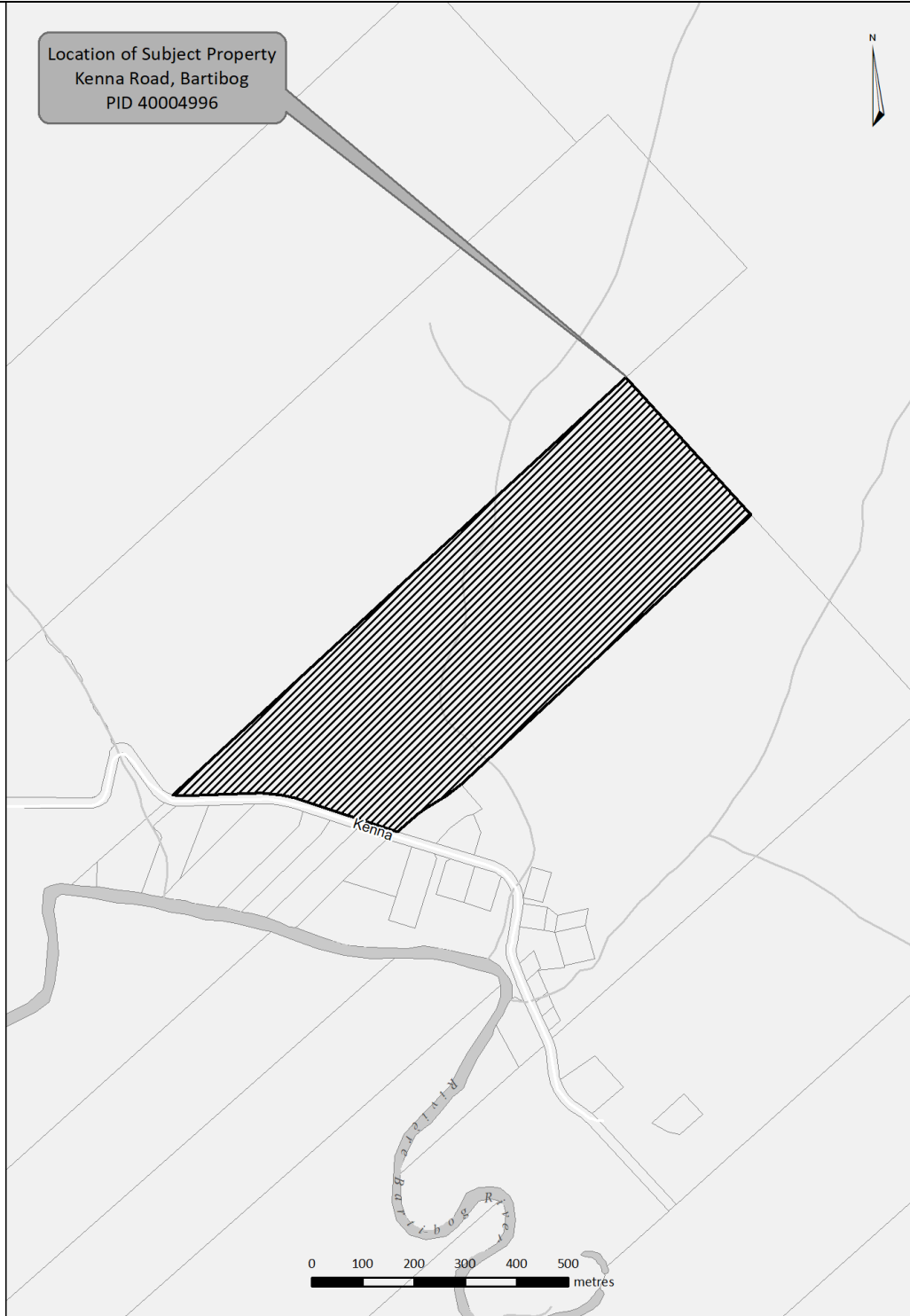
Nicholas O'Dette, RPP, MCIP
Planning Services Manager

Report Reviewed and Approved by:



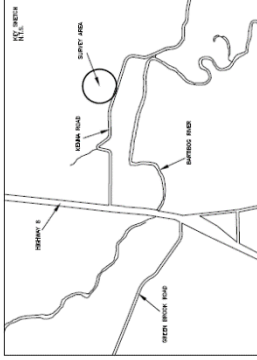
Wilson W. Bell, RPP, MCIP
Planning Director

ATTACHMENT 1 - PROPERTY LOCATION MAP



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 2024-04-11

ATTACHMENT 2 - TENTATIVE SUBDIVISION PLAN



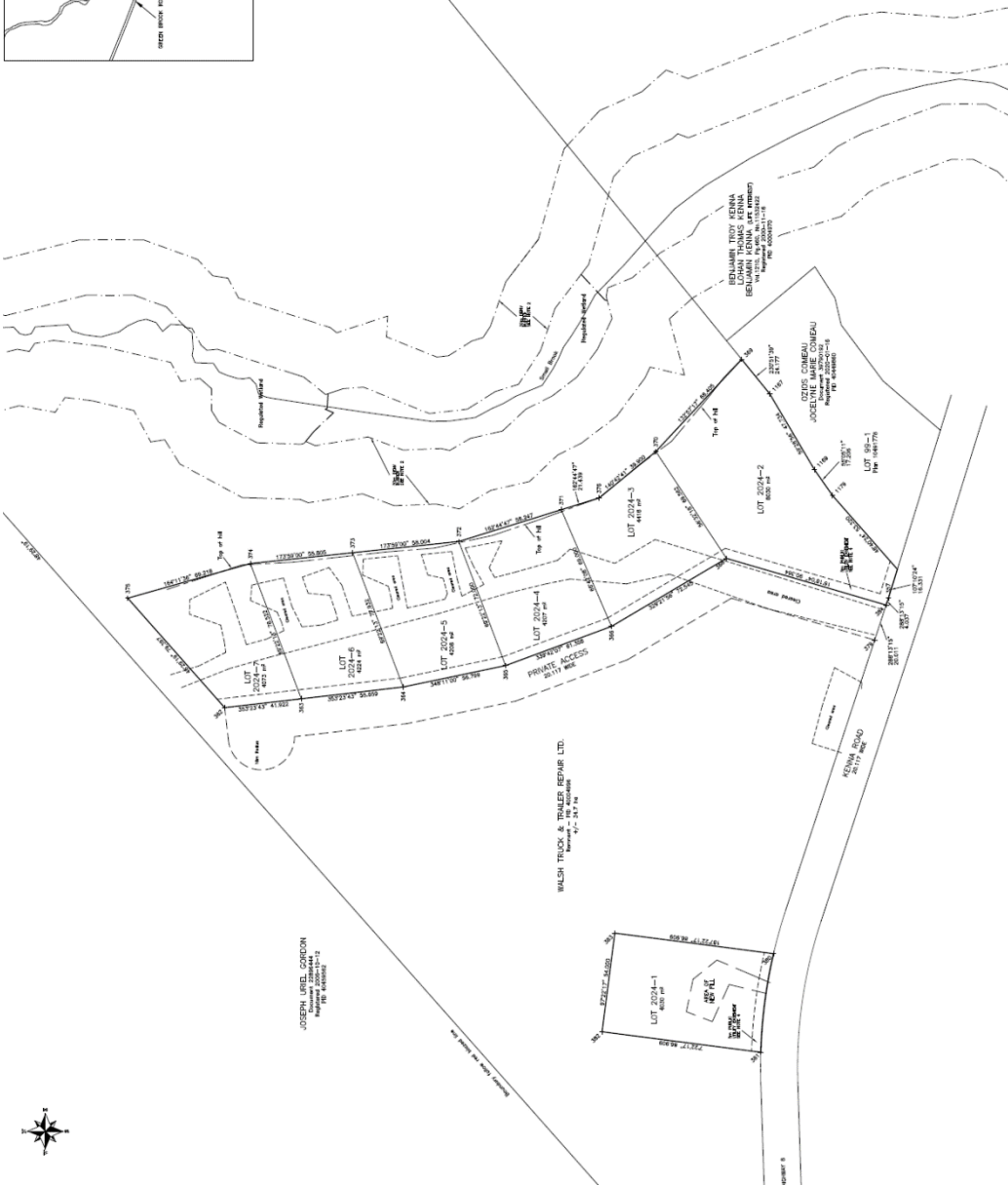
TENTATIVE SUBDIVISION PLAN
WALSH TRUCK & REPAIR LTD
 PLAN 2024-1
 KENNA ROAD
 BARTIBOG
 PARISH OF ALNWICK

SCALE 1: 1000 MARCH 12, 2024
 REVISED MARCH 13, 2024

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- NOTES
- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
 - A) TO CREATE LOT 2024-1 FOR RESIDENTIAL PURPOSES
 - B) TO CREATE LOTS 2024-2 TO 2024-7 FOR RECREATIONAL PURPOSES
 - C) TO CREATE A PUBLIC UTILITY EASEMENT
 - D) TO CREATE A PRIVATE ACCESS
 - 2) ALTERATIONS IN/WITHIN 20 METRES OF A WATERCOURSE OR WATERCOURSE RIGHT-OF-WAY SHALL BE SUBJECT TO 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 SIB MAPPING UNLESS NOTED OTHERWISE
 - 4) THE PUBLIC UTILITY EASEMENT SHOWN ON THIS PLAN WILL BE SET IN NEW BRUNSWICK POWER DISTRIBUTION AND CUSTOMER PROTECTION ACT REGULATION 1200-0010 AND SHALL BE SUBJECT TO COMMUNICATION WITH THE FILE OF A FINAL PLAN PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENT REGULATIONS" 2021-83 OF THE COMMUNITY PLANNING ACT.

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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

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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