



**Planning Review Adjustment Committee
Monday, August 21, 2023**

6:30 PM at Peninsula Legion (Branch 62), 1356 Route 845, Clifton Royal

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Monday, August 21, 2023, at 6:30 PM at Peninsula Legion (Branch 62), 1356 Route 845, Clifton Royal.

1. Call to Order

The Vice-Chairperson, John Cairns, called the meeting to order at 6:34 p.m.

2. Record of Attendance

BOARD MEMBERS

John Cairns (Vice-Chair)

Rob Jeffrey

Bernard Brideau

Ron Bridges

Gregory Moran

Cindy MacCready

(1) VACANCY

STAFF

Nick Cameron, Development Officer

Cassie Silhanek, Recording Secretary

Absent

Shawn Brown

3. Approval of Order of Business

Motion: To approve the August 21, 2023, Agenda as circulated.

Moved: Rob Jeffrey
Seconded: Bernard Brideau
Vote: *Motion Carried*

4. Disclosure of Conflict of Interest

None

5. Approval of Minutes

Motion: To approve the July 25, 2023, minutes as circulated.

Moved: Bernard Brideau
Seconded: Cindy MacCready
Vote: *Motion Carried*

6. Presentation of Applications

a. Subdivision on a Private Access - Route 845, Bayswater (PID 00213876) – Kevin Buckley (Application #1)

Staff Report:

Staff member Nick Cameron provided an overview of the application. Kevin Buckley has made an application to subdivide a portion of their property along Route 845 in Bayswater, Fundy Rural District. The proposal is to create one new building lot which would be accessed by a private right-of-way (private access) across the parent lot. Mr. Cameron provided an overview of the staff report and read the staff recommendation for the record.

Written Submissions:

One letter of concern was received from the public (attached in staff report).

Discussion:

The Vice-Chairperson then opened the floor to the applicant. Mr. Buckley spoke to his application saying that he has cancer and would like to split this parcel off to be able to give this to his wife should anything happen to him in the coming years, and he will speak more to this when discussing the second application.

The Vice-Chairperson asked for those who are in favour of the application if they have any comments; however, no comments, concerns or questions were raised.

The Vice-Chairperson asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment; however, no comments, concerns or questions were raised.

The Vice-Chairperson opened the floor to the committee for comments, questions or concerns.

Ron Bridges requested more information about the grade of the hill on the other side of the guard rail, which was shown on screen by Mr. Cameron and deemed to be too steep to put a break in the guard rail at that location.

Bernard Brideau asked if there are any guidelines on how far from a power pole the right-of-way needs to be and Mr. Cameron said that there are development requirements for the building near public utilities, but there is nothing for driving close to them.

Gregory Moran asked Mr. Cameron if there are any minimum distance requirements between the intersection of the private access meeting Buckleys Cove Road and Route 845. Mr. Cameron said there is no regulated minimum distance, but PRAC could consider it as a condition if it was determined to be necessary.

The Vice-Chairperson allowed for one last address by the applicant, or those representing the applicant, where they could speak to the application or concerns that were raised; however, no comments, concerns or questions were raised.

Motion: To approve the staff recommendation which is as follows

Whereas, access to Route 845 (public road) may not be viable along the front boundary of Lot 23-1 due to an existing guardrail;

And whereas the proposed private right-of-way accesses Route 845 at an existing access point at the intersection with Buckleys Cove Road (existing private road);

And whereas the dimensions of the proposed lot and remnant meet or exceed the minimum dimensions of the Provincial Subdivision Regulation;

Therefore, PRAC approve the private right-of-way on the provided tentative subdivision plan of PID 00213876 as being advisable for the development of the land with the following conditions:

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*
- 3. The final subdivision plan must include a note, approved by a development officer, advising development along the private right-of-way shall not receive public services, construction and maintenance of the private right-of-way is the responsibility of the owner, and the private right-of-way is not suitable for a public street.*

Moved: Bernard Brideau
Seconded: Cindy MacCready
Vote: Motion Carried

b. Subdivision on a Private Access - Buckleys Cove Road, Bayswater (PID 00213876) - Kevin Buckley (Application #2)

Staff Report:

Staff member Nick Cameron provided an overview of the request. Kevin Buckley has made an application to subdivide a portion of their property along Buckley's Cove Road in Bayswater, Fundy Rural District. The proposal is to create one new building lot which would be accessed by Buckley's Cove Road (existing private road). Mr. Cameron provided an overview of the staff report and read the staff recommendation for the record.

Written Submissions: None.

Discussion:

The Vice-Chairperson then opened the floor to the applicant. Mr. Buckley spoke to the lot picture shown on the screen by Mr. Cameron, citing a cottage on the lot shown and he spoke further as to why he is parcelling off the land. He spoke to a few small spots where he tried to give room for the road easement to ensure there is ample room for work should there be a need.

The Vice-Chairperson asked for those who are in favour of the application if they have any comments; however, no comments, concerns or questions were raised.

The Vice-Chairperson asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment; however, no comments, concerns or questions were raised.

The Vice-Chairperson opened the floor to the committee; Ron Bridges asked if the lot is close to the main public road? Mr. Buckley says no, it is far back from the road. A follow-up from Mr. Bridges was wondering if there are any other rights-of-ways and Mr. Buckley says that there are other right of ways near the property as there are cottages around.

The Vice-Chairperson allowed for one last address by the applicant, or those representing the applicant, where they could speak to the application or concerns that were raised; however, no comments, concerns or questions were raised.

Motion:

To approve the staff recommendation which is as follows:

Whereas the proposed building lot would be accessed by an existing private road in good condition;

And whereas the dimensions of the proposed lot and remnant meet or exceed the minimum dimensions of the Provincial Subdivision Regulation;

Therefore, PRAC approve Buckley's Cove Road as a suitable access for Lot 23-1 in the provided tentative subdivision plan of PID 00213876 (prepared by Don More Surveys dated June 9th, 2023) with the following conditions:

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*

The final subdivision plan must include a note, approved by a development officer, advising development along the private right-of-way shall not receive public services, construction and maintenance of the private right-of-way is the responsibility of the owner, and the private right-of-way is not suitable for a public street.

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors.*
- 2. The access must be suitable for emergency vehicles.*
- 3. The final subdivision plan must include a note, approved by a development officer, advising development along the private right-of-way shall not receive public services, construction and maintenance of the private right-of-way is the responsibility of the owner, and the private right-of-way is not suitable for a public street.*

Moved: Rob Jeffery
Seconded: Gregory Moran
Vote: Motion Carried

c. Subdivision on a Private Access - 30 Carters Wharf Road, Carters Point (PID 30236756) - Lennan, and Acadian Sturgeon and Caviar Inc.

Staff Report:

Nick Cameron provided an overview of the request. On behalf of the property owners, Fundy Engineering has proposed to subdivide a portion of PID 00213512 to be consolidated with PID 30236756 on Carters Wharf Road in Carters Point, Fundy Rural District. To accomplish this, a portion of a private access created in 2005 must be extinguished and replaced with a new private access as shown in the provided tentative subdivision plan. Mr. Cameron provided an overview of the staff report and read the staff recommendation for the record.

Written Submissions:

One letter of concern from the public was received and a letter from Archeological Service at the New Brunswick Department of Tourism, Heritage and Culture (attached in staff report).

Discussion:

The Vice-Chairperson then opened the floor to the applicant or a party representing the applicant. Mr. Cornel Ceapa, owner of the Acadian Sturgeon and Caviar Inc., stood and introduced himself. Mr. Ceapa used the screen and presentation to speak to his plans for the development of his property. He went on to explain that high point of the waterline has changed, and this is why they would like to purchase the parcel to move part of their business. This provides more buffer between themselves and the waterline. The Cemetery does not have a right of way right now, and they will be providing them access with this proposal. They were aware of the archeological implications through THC and will be working with them to make sure that they are in line with the requirements, in respect of the land and the indigenous considerations.

The Vice-Chairperson asked for those who are in favour of the application if they have any comments; however, no comments, concerns or questions were raised.

The Vice-Chairperson asked for anyone opposed to the proposal to speak and opened the floor to those wishing to comment; however, no comments, concerns or questions were raised.

The Vice-Chairperson opened the floor to other questions from the public in relation to this application. John Lennan, one of the owners, asked what the indigenous buffer from the THC was. Mr. Cameron answered that THC provided a letter stating there was an artifact found in the area which has a file number that can be referenced for further inquiries.

Sean Whelpley, a member of the public, mentioned that his family owns the land on the water side and as far as he was aware the found artifact was at a further location. Mr. Ceapa said that there were some shifts in the land and there could still be some things there due to both erosion and new sediment settling, but they do not plan on disturbing the area near the waterline anyways.

The Vice-Chairperson opened the floor to the committee; Cindy MacCready asked the landowners are only looking to remove the portion of the right-of-way that runs through their property, and if the other sides will remain. Mr. Cameron fielded this by saying that yes, it is currently over a kilometer long right-of-way, and this change is an improvement for access to both the residents that use it as well as for the Cemetery as it is much shorter. Ms. MacCready followed-up by asking a question about flooding. Mr. Ceapa says about 1/3 of the front part of the property (as shown on the screen) was flooded. Ms. MacCready then asked if there are any concerns about the flooding impacting access to the properties? Mr. Cameron said there are no concerns from FRSC staff. Mr. Ceapa said that the private access is elevated from the flood area. Ms. MacCready asked whether there will be guarantees to maintain the road to the cemetery, or if that is legislated? Mr. Cameron replied that the cemetery does not currently have guaranteed access but the applicant's proposal included a new right-of-way for access to the cemetery.

The Vice-Chairperson allowed for one last address by the applicant, or those representing the applicant, where they could speak to the application or concerns that were raised; however, no comments, concerns or questions were raised.

Motion:

To approve the staff recommendation which is as follows:

Whereas Private Access 'A' in the provided tentative subdivision would replace a 685-metre-long portion of the existing private access to Route 845 with a 127-metre private access to a lower traffic public road (Carters Wharf Road);

And whereas the dimensions of the proposed lot and remnant meet or exceed the minimum dimensions of the Provincial Subdivision Regulation;

And whereas lot 23-1 contains a cemetery and potential for other archeological sites;

And whereas Private Access 'B' enhance access to the Carters Point Cemetery;

Therefore, PRAC approve Access 'A' and Access 'B' as shown on the tentative subdivision plan of PID 00213512 and PID 30236756 (prepared by Fundy Engineering dated June 14th, 2023) as being advisable for the development of the land with the following conditions:

- 1. Legal right of access, whether by deeded right-of-way, conveyance of right of way or other means, must be assured to subsequent owners, assigns, heirs and successors of affected lots.*
- 2. Location of the Carters Point Cemetery shall be shown on the final subdivision plan.*
- 3. An easement agreement for access to the Carter's Point Cemetery shall be presented with the final subdivision plan.*
- 4. The final subdivision plan must include a note advising a portion of Lot 23-1 falls within the protective buffer of a registered Indigenous archaeological site (BiDn-12) and is assessed as having elevated archeological potential. Prior to undertaking any development in this area, contact Archeological Services at the New Brunswick Department of Tourism, Heritage and Culture to determine potential regulatory requirements.*
- 5. The final subdivision plan must include a note, approved by a development officer, advising development along the private right-of-way shall not receive public services, construction and maintenance of the private right-of-way is the responsibility of the owner, and the private right-of-way is not suitable for a public street.*

Moved: Bernard Brideau
Seconded: Ron Jeffrey
Vote: Motion Carried

7. Next Meeting

Tuesday, August 29th at 6:30 PM, St. Martins Community Centre, St. Martins

8. Adjournment

Motion: To adjourn the meeting at 7:28 p.m.

Moved: Cindy MacCready

Seconded: Ron Jeffery

Vote: *Motion Carried*

APPROVED (date) November 28th, 2023

[Original Copy Signed]

John Cairns, Vice-Chairperson

[Original Copy Signed]

Cassie Silhanek, Recording Secretary