



## **PLANNING STAFF REPORT**

**SUBJECT:** *Subdivision Plan No.2024-1 of Dawn Chisholm, Deghwar Jaff & Janice Jaff Subdivision at Alnwick (Tabusintac) - Parish of Alnwick - County of Northumberland - Province of New Brunswick*

**MEETING DATE:** November 19<sup>th</sup>, 2024

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 Service Commission – Planning Review and Adjustment Committee (PRAC) is required in order to approve a private access proposed from this subdivision plan.

### **Application Overview**

The application of *Subdivision Plan No.2024-1 of Dawn Chisholm, Deghwar Jaff & Janice Jaff Subdivision at Alnwick (Tabusintac) - Parish of Alnwick - County of Northumberland - Province of New Brunswick* was submitted by Philippe Breau of Jules J. Breau and Son Ltd., representing Dawn Marie Chisholm, Deghwar and Janice Marie Jaff, the property owners. The property is located on the Northern bank of the Tabusintac River in Gaythorne, part of the Rural Community of Alnwick, and divided by Route 460.

This subdivision plan proposes to create lots 2024-1 and 2024-2 for recreational purposes<sup>1</sup>, Lot 2024-3 for agricultural purposes, and a private access. The proposed lots and access are being subdivided from the part of PID 40237729 that is between Route 460 and the Tabusintac River. The subject property is currently 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.

### **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.”

The proposed private access will be located along the Western and Southern edges of the field where a travelled way is already being use. A culvert connecting the travelled way to Route 460, a

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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.

provincially owned public road, has been in place for many years to access the property for its agricultural activities. A turnaround facility at the dead-end portion of the private access will be required as per Part B Section 1.2(f) of the GMRSC PRAC's *Policy for Private Accesses*. Because the access measures 24 metres in width, it enables the possibility of building a road similar to the ones managed by the Department of Transportation and Infrastructure (DTI). However, the final plan will need a note mentioning that the DTI will not upgrade nor maintain this private access and that the property owners are responsible to look after these for the time being. As well, the developers 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 and have a change in gradient not more than 1 metre in 12.5 metres over a minimum distance of 15 metres.

All of the lots 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). A subdivision assessment report (soil test) is not required considering that they all measure over 8,050 square metres (*New Brunswick Technical Guidelines for On-site Sewage Disposal Systems*, Appendices B and B1).

A subdivision inspection report (sight distance) is not necessary given the existence of the travelled way connecting with Route 460. The allowed speed for this section of said route is limited to 80 kilometres per hour which would have required a sight distance of 140 metres.

To validate the proposed land use of the recreational lots, a land use analysis within one kilometre of said lots was generated. There are 30 properties in the area that are assessed as residential, 14 as recreational, 19 as timberland, and 2 as agricultural. The analysis includes properties located across the Tabusintac River. If we count only the properties that are on the North side of the river, there are 22 that are assessed as residential, 5 as recreational, 15 as timberland, and 2 as agricultural.

Other than the Tabusintac River, the hydrographic network webmapping from the Department of Natural Resources and Energy Development (DNRED) identifies the presence of a small watercourse crossing lots 2024-1 and 2024-2 not shown on the tentative subdivision plan. This will need to be drawn on the final subdivision plan. The wetland webmapping from the Department of Environment and Local Government (DELG) shows presence of provincially significant wetland on a neighbouring property for which its 30-metre setback will slightly affect Lot 2024-2. Therefore, any alteration taking place within 30 metres of the small watercourse, the river, or the wetland may require a permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 15(2) of the *NB Clean Water Act*.

Neighbouring 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).

### **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 Service Commission approves *Subdivision Plan No.2024-1 of Dawn Chisholm, Deghwar Jaff & Janice Jaff Subdivision at Alnwick (Tabusintac) - Parish of Alnwick - County of*

Agenda item: 2024-10-2

Northumberland - Province of New Brunswick provided that a turnaround facility at the dead-end portion of the private access be added, the small watercourse over lots 2024-1 and 2024-2 be drawn, and the following notes be inserted on the final plan:

“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*”;

“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 owners”; and

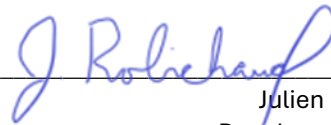
“The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner or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

**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: Wednesday, November 6, 2024

Report Prepared by:



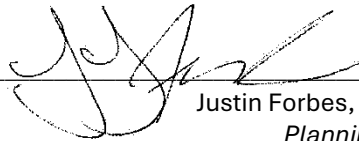
Julien Robichaud  
Development Officer

Report Reviewed by:



Nicholas O'Dette, RPP, MCIP  
Planning Services Manager

Report Reviewed and Approved by:



Justin Forbes, 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 2024-10-25



## ATTACHMENT 3 - GMRSC PRAC'S POLICY FOR PRIVATE ACCESSES, PART B SECTION 1.2

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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)

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 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