



Greater Miramichi
Service Commission

Commission de services
du Grand Miramichi

DEVELOPMENT
SERVICES

SERVICES
D'AMÉNAGEMENT

PLANNING STAFF REPORT

SUBJECT: *Hogan Estate Subdivision - Plan 21-1 - Derby - Parish of Derby*

MEETING DATE: August 27th, 2024

AGENDA ITEM: 2024-7-3

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.

This subdivision application is brought before the PRAC for reapproval. It was previously approved by the PRAC on June 22nd, 2021 (Item 2021-6-7). Section 82 of the *Community Planning Act* states “The approval of a tentative plan... is null and void at the expiration of one year from the day the approval or exemption was given...”

The following is a copy of the original Planning Staff Report that was reviewed and approved by the Planning Director on June 16th, 2021, and presented to the PRAC on June 22nd, 2021.

PLANNING STAFF REPORT

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MEETING DATE: June 22nd, 2021

AGENDA ITEM: 2021-6-7

I. APPLICATION DETAILS

The application of *Hogan Estate Subdivision - Plan 21-1 - Derby - Parish of Derby* was submitted by Randy Waye of T.G. Williston Surveys Ltd., representing Irene Mary Hogan, the property owner. The property is located at 4188 Route 108 in Upper Derby.

This subdivision plan proposes to create lots 21-1 and 21-2 for residential purposes, lots 21-3, 21-4, and 21-5 for recreational¹ purposes, and a private access. The proposed lots and access are a complete subdivision of PIDs 40244881, 40243537, and 40243289. There is a residence located on PID 40244881.

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

There are no previous subdivision applications regarding this property.

II. PLANNING CONSIDERATIONS

This private access is being created 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 is required to connect the proposed lots 21-3, 21-4, and 21-5 to Route 108, a provincially owned public road. It measures 22.607 metres in width from the intersection of Route 108 to the turn, then narrows to the standard 20 metre, 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

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.

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.

All five 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) will not be required for these lots considering that the four vacant ones have more than 8,050 square metres and the other one already has a dwelling (*New Brunswick Technical Guidelines for On-site Sewage Disposal Systems*, Appendices B and B1).

Available imagery and mapping tools have demonstrated that a subdivision inspection report is not necessary either at this time since the sight distance at the intersection of the private access and Route 108 exceeds the minimal requirement of 140 metres. The same results are obtained for Lot 21-1. Lot 21-2 has an existing access. The allowed maximum speed for this section of Route 108 is limited to 80 kilometres per hour.

The properties' land use within one kilometre of the proposed development is mainly a combination of residential, recreational, and wood lots.

There is no presence of watercourses or wetland over the proposed development as per the hydrographic network webmapping from the Department of Energy and Resource Development (DERD) and the wetland webmapping from the Department of Environment and Local Government (DELG). However, any new development taking place within 30 metres of the Southwest Miramichi River 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*.

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 *Hogan Estate Subdivision - Plan 21-1 - Derby - Parish of Derby* provided that the following notes be inserted on the final plan:

1. "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

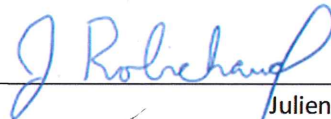
2. “The Planning Review and Adjustment Committee (PRAC) does not carry on-site inspections of the private access shown on this plan. Construction of a private access on this parcel of land in accordance with all relevant regulations, if any, is the strict and sole responsibility of the property owner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

Report Prepared On: Wednesday, 16 June, 2021

Report Prepared by:



Julien Robichaud
Development Officer

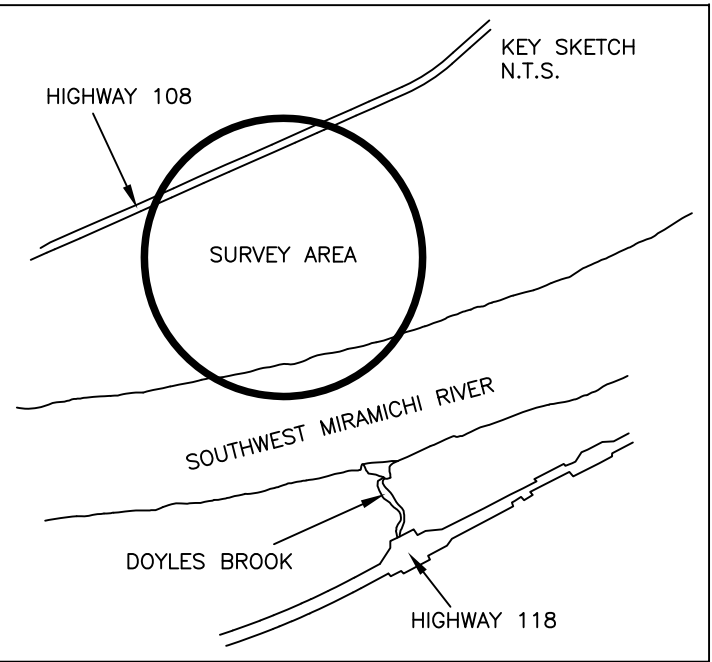
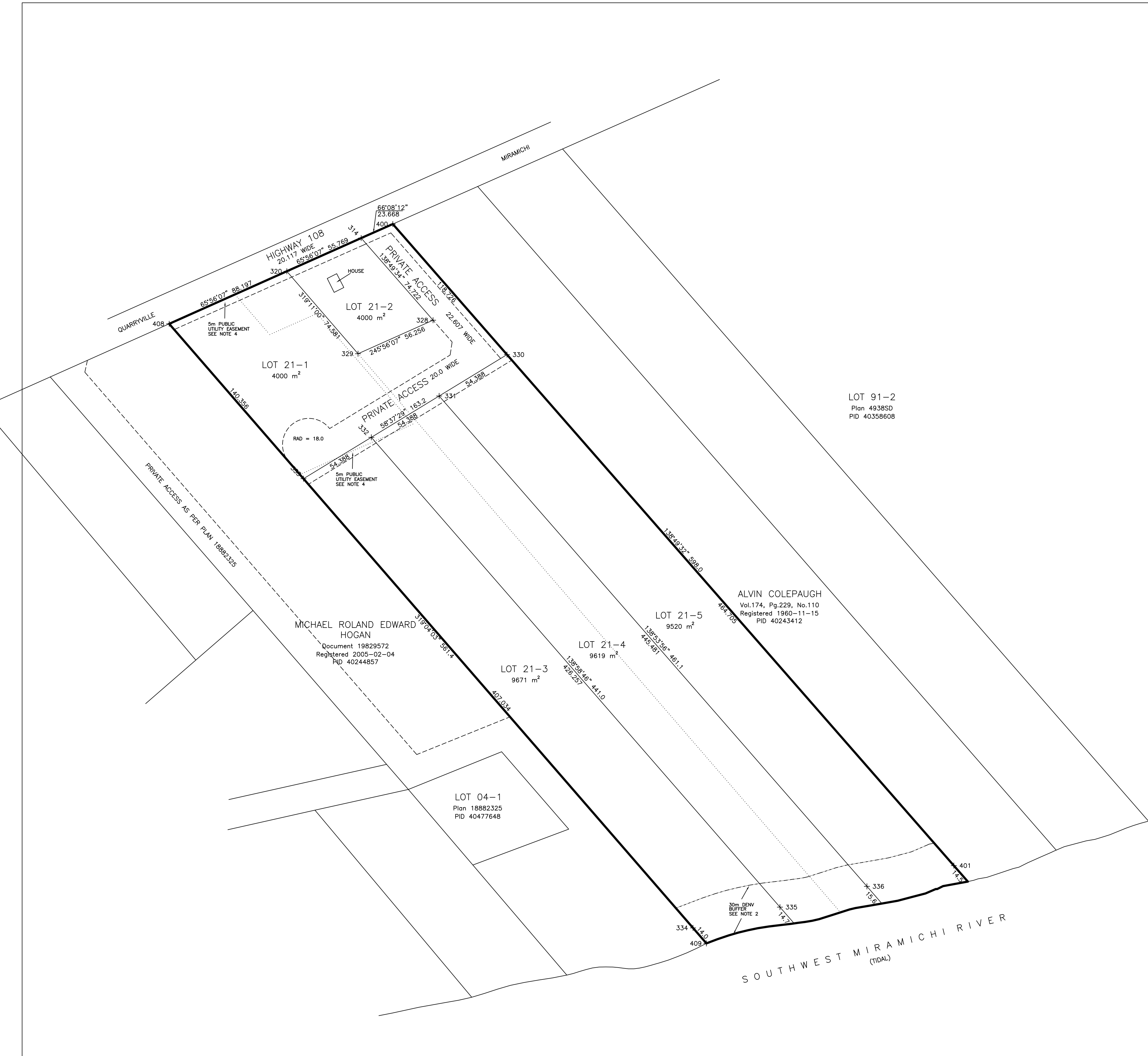
Report Reviewed and Approved by:



Wilson W. Bell, MCIP, RPP
Planning Director

Location of Subject Properties
4188 Route 108, Upper Derby
PIDs 40244881, 40243537, and 40243289





TENTATIVE SUBDIVISION PLAN
HOGAN ESTATE SUBDIVISION
PLAN 21-1
DERBY
PARISH OF DERBY

SCALE 1: 1500 MAY 16, 2021
REVISED MAY 19, 2021

PREPARED BY RANDY W. WAYE, NBLS, CLS
T.G. WILLISTON SURVEYS LTD.
506-622-7008 randy.waye@willistonsurveys.com

- NOTES
- 1) THE PURPOSE OF THIS PLAN IS AS FOLLOWS:
 - A) TO CREATE LOT 21-1 AND 21-2 FOR RESIDENTIAL PURPOSES
 - B) TO CREATE LOTS 21-3, 21-4 AND 21-5 FOR RECREATIONAL USE
 - C) TO CREATE THE PRIVATE ACCESS AS SHOWN
 - D) THE PROPOSED LOT 21-2 CURRENTLY HAS A DWELLING ON IT
 - 2) 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
 - 3) ALL WETLANDS/BUFFERS AND WATERCOURSES SHOWN ON THIS PLAN ARE FROM SNB MAPPING UNLESS NOTED
 - 4) THE PUBLIC UTILITY EASEMENT SHOWN ON THIS PLAN WILL VEST IN NEW BRUNSWICK POWER CORPORATION, BELL (CANADA) AND ROGERS COMMUNICATIONS INC, WITH THE FILING OF A FINAL PLAN PURSUANT TO SECTION 5 OF "DESIGNATED EASEMENT REGULATION" 84-217 OF THE COMMUNITY PLANNING ACT.
 - 5) THIS PLAN IS A COMPLETE DIVISION OF PIDS 40244881, 40243537 & 40243289
- CLIENT CONTACT: BILLY WALLS 843-5350 (SON IN-LAW TO IRENE HOGAN)

21104.dwg
21104.crd