



PLANNING STAFF REPORT

SUBJECT: *Subdivision Plan No.2026-1 of Tozer Subdivision at Miramichi (Chaplin Island Road) - Parish of Newcastle - County of Northumberland - Province of New Brunswick*

MEETING DATE: February 17th, 2026

AGENDA ITEM: 2026-1-4

Pursuant to Section 7.1(b) of the *City of Miramichi Subdivision By-law No. 127*, the advice of the Greater Miramichi Service Commission – Planning Review and Adjustment Committee (PRAC) for the City of Miramichi is required in order to approve a new private access proposed from this subdivision plan.

Application Overview

The application of *Subdivision Plan No.2026-1 of Tozer Subdivision at Miramichi (Chaplin Island Road) - Parish of Newcastle - County of Northumberland - Province of New Brunswick* was submitted by Philippe J. Breau of Jules J. Breau and Son Ltd., representing the Estate of Mona Mary Tozer, the property owner. The properties, bearing PIDs 40534539, 40534513, 40113789, and 40534521, are located on the Southwest side of Route 430 in the Chaplin Island Road section of the City of Miramichi.

A subdivision (registered plan 37771186) implicating these four PIDs was previously approved for the creation of lots 17-1 (PID 40534539) and 17-2 (PID 40534547) for residential purposes, and parcels 17-A (PID 40534513) and 17-B (PID 40534521) to be annexed to PID 40113789. This current application proposes to create Lot 2026-1 from Parcel 17-A with portions of Lot 17-1 and PID 40113789 for recreational purposes¹, Lot 2026-2 from the remnant of Lot 17-1 for residential use, and a private access from PID 40534521 and a portion of PID 40113789. There is a single unit dwelling present on Lot 17-1 which will remain with Lot 2026-2.

This area of the City of Miramichi has recently been annexed to the municipality as a result of the Local Governance Reform and has currently no land use plan or zoning and no public water or sewer servicing. A municipal plan and a zoning by-law regulating these annexed areas will eventually be adopted in the next few years.

Planning Considerations

While proposed Lot 2026-2 abuts Route 430, a provincially owned public road, therefore satisfying

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.

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Section 7.1(a) of the *City of Miramichi Subdivision By-law No. 127*, proposed Lot 2026-1 does not. As such, the request to create a new private access to access said lot and the remnant of PID 40113789 requires approval by the regional service commission through the PRAC. Section 7.1 of the subdivision by-law states that “Every lot, block and other parcel of land in a subdivision shall (b) provide such access other than a street as may be approved by the Planning Services as being advisable for the development of land.” Although the *City of Miramichi Municipal Plan By-law No. 109* discourages the creation of private accesses within the City, the by-law does not apply to this area as mentioned earlier. It was therefore determined that the private access creation was acceptable. In the absence of zoning for this area, the use of Lot 2026-1 and the remnant of PID 40113789 will be limited to resource-based uses and recreational purposes since Part B Section 1.5 of the GMRSC PRAC’s *Policy for Private Accesses* does not allow year-round residential uses to front on a private access.

The access will start with a width of 20 metres, then widen to 24 metres at the rear of Lot 17–2 and continue with this width at a minimum until it provides frontage to the remnant of PID 40113789. An 18-metre radius turnaround, either permanent or temporary, will need to be added at the end of the private access as required in 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) or the City’s Department of Public Works will not upgrade nor maintain this private access and that the property owners are responsible to look after these. 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.

The proposed 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) through Section 7.2 of the City’s subdivision by-law. A subdivision assessment report (soil test) is not required considering that Lot 2026-1 and the remnant of PID 40113789 measure well over 8,050 square metres, and Lot 2026-2 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 for this application since the sight distance at the intersection of the private access and Route 430 exceeds the minimal 140-metre requirement. The allowed maximum speed for this section of Route 430 is limited to 80 kilometres per hour.

To validate the proposed resource and recreational uses of Lot 2026-1 and the remnant of PID 40113789, a land use analysis within one kilometre of the subject properties was generated. The result shows that properties in the area are assessed mainly as residential dwellings (25) and timberland (26) with some recreational (camps) and agricultural (farms) as well as utilities.

The hydrographic network webmapping from the Department of Natural Resources (DNR) and the wetland webmapping from the Department of Environment and Local Government (DELG) identifies no presence of watercourse nor wetland on the properties. However, should the presence of wetland

or watercourses be identified in-person, any alteration taking place within 30 metres of these 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). The public however does have access to the PRAC meeting agenda and can attend said meeting.

Staff Recommendation

As per Section 7.1 of the *City of Miramichi Subdivision By-law No. 127*, it is recommended that the Planning Review and Adjustment Committee (PRAC) of the Greater Miramichi Service Commission approves the private access as identified in the *Subdivision Plan No.2026-1 of Tozer Subdivision at Miramichi (Chaplin Island Road) - Parish of Newcastle - County of Northumberland - Province of New Brunswick* subject to the final subdivision plan showing an 18-metre radius turnaround at the end of the private access and 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 (DTI) or the City's Department of Public Works 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."

Attachments

1. Property Location Map
2. Tentative Subdivision Plan
3. New Brunswick Regulation 80-159 Section 6(4)

Report Prepared On: Friday, February 13, 2026

Report Prepared by:



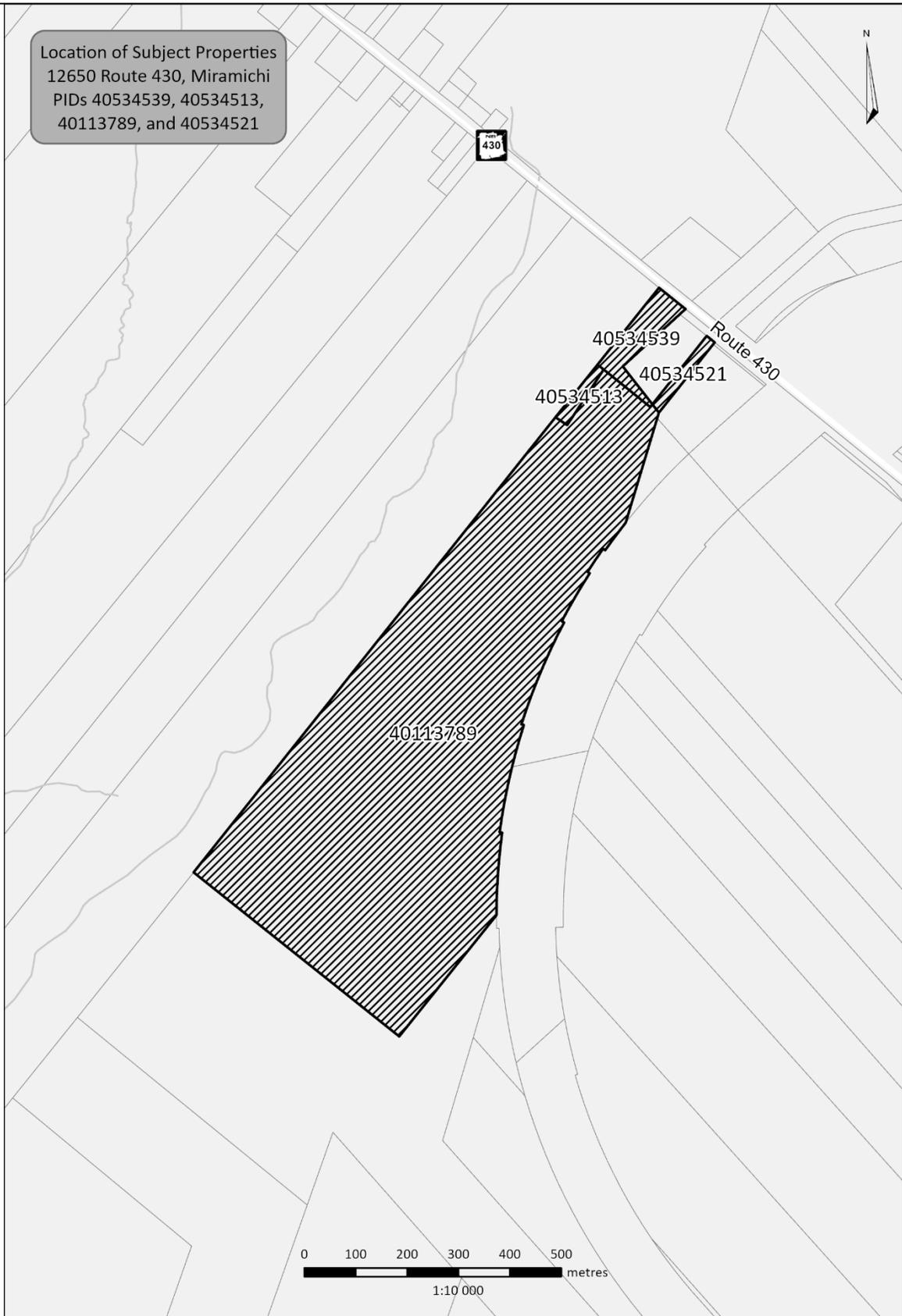
Julien Robichaud
Development Officer

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 2026-01-15

ATTACHMENT 3 - NB REGULATION 80-159 SECTION 6(4)

80-159

Loi sur l'urbanisme

C-12

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