



PRAC Meeting Minutes

Regular Meeting

Date: August 26, 2024
Location: Kingston Parish Hall
3946 Route 845, Kingston

MEMBERS PRESENT John Cairns, Chair
Ron Bridges
Samara Carvell
Shawn Brown
Bernard Brideau

MEMBERS ABSENT Cindy MacCready
Rob Jeffrey

STAFF Scott Borden, Director of Community Planning
Cassie Silhanek, FRSC Recording Secretary
Nikhil Naik, Development Officer

Meeting minutes of the Planning Review and Adjustment Committee.

1. Order of Business

1.a Call to Order

Chair Cairns called the meeting to order at 6:30 p.m.

1.b Record of Attendance

1.c Approval of Agenda

Chair Cairns called for a motion to approve the August 26, 2024, agenda.

Resolution Number: PRAC-2024-014

Moved by: Bernard Brideau

Seconded by: Shawn Brown

THAT the Committee approve the August 26, 2024, agenda, as presented.

Motion Carried

1.d Approval of Minutes

Chair Cairns called for approval of the minutes.

1.d.1 May 21, 2024

Resolution Number: PRAC-2024-015

Moved by: Shawn Brown

Seconded by: Ron Bridges

THAT the committee approves the May 21, 2024, minutes, as presented.

Motion Carried

1.d.2 July 15, 2024

Resolution Number: PRAC-2024-016

Moved by: Bernard Brideau

Seconded by: Samara Carvell

THAT the committee approves the July 15, 2024, minutes, as presented.

Motion Carried

1.e Disclosure of Conflict of Interest

Chair Cairns called for acknowledgement of any conflicts of interest, there were none presented.

2. Presentation of Applications

2.a PID 00162032, Island View Lane, Summerville, Fundy Rural District

Mr. Borden presented and spoke to the staff report regarding the proposed subdivision on a private access on Island View Lane.

For more detailed information on the proposed subdivision considered by PRAC, please see the staff report.

Chair Cairns opened the floor to the committee for comments, questions, concerns and discussion on the staff report.

Mr. Borden answered questions from the committee noting a few clarifications on the Tentative Plan. A discrepancy was identified between the aerial imagery and the Tentative Plan being a remnant parcel. Mr. Borden noted that no remnants would be left as the surveyor clarified that their information is based on a property survey completed for surrounding

properties. Additionally, Mr. Borden clarified that emergency vehicle access to the property is considered, however, as no additional development is proposed, and lot is intended to be used for seasonal / recreational use, not permanent residential use; therefore, no upgrades to the existing Access are recommended.

Chair Cairns opened the floor for the applicant, or those in attendance on behalf of the applicant, if they wish to speak. Joe Roberts, Land surveyor for the applicant from Don-More Surveyor, noted that they are in agreement with the staff report and the presentation on this application.

Chair Cairns opened the floor, three (3) times, to those in support of the application to speak; however, no comments, questions or concerns were raised.

Chair Cairns opened the floor, three (3) times, to those against the application to speak; however, no comments, questions or concerns were raised.

Chair Cairns opened the floor to the applicant, or those in attendance on behalf of the applicant, if they wish to speak to any points raised; however, no comments, questions or concerns were raised.

Chair Cairns opened the floor to the committee for follow up comments, questions, concerns and discussion on the question; however, none were raised.

Resolution Number: PRAC-2024-017

Moved by: Shawn Brown

Seconded by: Bernard Brideau

WHEREAS the proposed building lot would be accessed by existing Private Access appropriate for the intended use.

AND WHEREAS the dimensions of the proposed lot and remnant meet or exceed the minimum dimensions of the Provincial Subdivision Regulation.

THEREFORE, PRAC approves the existing Private Access as suitable access for Lot 24-1 in the provided tentative subdivision plan of PID 00162032 (prepared by Don-More Surveys and Engineering Ltd. submitted on July 2, 2024) 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. Lot 24-1 is approved for seasonal/recreational use. As such, the final plan must include the following note:

“Lots in this subdivision plan have been approved for recreational seasonal purposes. Lots registered, and subsequently developed, may not receive public services, such as school busing, garbage pick-up and snow plowing, until and unless the access road has been constructed to a standard acceptable to the Department of Transportation and other applicable public authorities.”

3. Authorization of on-site septic is subject to approval from the Department of Justice and Public Safety.

Motion Carried

2.b PID 00213512, Carters Wharf Lane, Carters Wharf, Fundy Rural District

Mr. Borden presented on and spoke to the staff report regarding the proposed subdivision on a private access on Carters Wharf Lane.

For more detailed information on the proposed subdivision being considered by PRAC, please see the staff report.

Chair Cairns opened the floor to the committee for comments, questions, concerns and discussion on the staff report, however, no comments, questions or concerns were brought forward.

Chair Cairns opened the floor for the applicant, or those in attendance on behalf of the applicant, if they wish to speak, however, no comments, questions or concerns were brought forward.

Chair Cairns opened the floor, three (3) times, to those in support of the application to speak; however, no comments, questions or concerns were raised.

Chair Cairns opened the floor, three (3) times, to those against the application to speak; however, no comments, questions or concerns were raised.

Susan Haines, Carters Wharf, requested further information on the future development of the proposed subdivision lands. The applicant answered that there are interested parties to the property and development will depend on who buys the property.

Kayla Lennon, Dartmouth NS, asked the Chair if there is a timeframe to put the legal access road in place? Chair Cairns looked to Mr. Borden for clarification, and it was noted that there is no timeline given but that there is already a legal access road in place to provide access. The Applicant spoke at this time stating a number of factors that would need to be put into place so that the road can be developed.

Chair Cairns opened the floor to the applicant, or those in attendance on behalf of the applicant, if they wish to speak to the points raised; however, no further comments, questions or concerns were raised.

Chair Cairned opened the floor to the committee for comments, questions, concerns and discussion on the staff recommendation.

Initial questions and discussion from the committee included inquiries on whether PRAC can approve this plan based on a road physically being in place on the property, or if its physical construction can be a condition of approval. Mr. Borden addressed the concerns generally noting there is no mechanism in place for private road construction to be monitored, however, the current plan ensures that there is a legal means to access the property.

Additional discussion from the committee regarded further subdividing the lot and if the same conveyances currently, or previously, approved stay in place for the surrounding properties. Mr. Borden noted to the committee that there are separate, verbal agreements in place between landowners for access through the lands at another location, but this plan, and previous plans already passed by PRAC, provide the necessary legal access to the properties in question.

Resolution Number: PRAC-2024-018

Moved by: Shawn Brown

Seconded by: Ron Bridges

WHEREAS the proposed building lot would be accessed by existing Private Access appropriate for the intended use.

AND WHEREAS the dimensions of the proposed lot and remnant meet or exceed the minimum dimensions of the Provincial Subdivision Regulation.

THEREFORE, PRAC approves the proposed Private Access as suitable access for Lot 2024-1 in the provided tentative subdivision plan of PID 00213512 (prepared by Fundy Engineering and submitted on July 17th, 2024) 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 final subdivision plan must include a note, approved by a development officer, advising that lots registered, and subsequently developed, may not receive public services, such as school busing, garbage pick-up and snow plowing, until and unless the access road has been constructed to a standard acceptable to the Department of Transportation and other applicable public authorities.”

3. 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.
4. The watercourse and the 30-meter buffer (measured from the shoulder of the bank of the watercourse) be identified with the following text on all plans:
 - a. *“Areas Subject to the Watercourse and Wetland Alteration Regulation of the Clean Water Act”*
5. The final subdivision plan must include the following notes:
 - a. *“Watercourses, wetlands, and their respective 30-metre buffers are regulated features and any alterations within those areas require a permit issued by the Department of Environment and Local Government such as, but not limited to, soil disturbance, removal of vegetation, placement of a structure, etc. These features are regulated as per their presence on the ground and the representation on this plan may not be accurate. It is the responsibility of the landowner to ensure no alterations take place in those areas without a Watercourse and Wetland Alteration (WAWA) Permit”; and*
 - b. *“Lot 2024-1 may be affected by a protective buffer of a registered Indigenous archaeological site (Carter’s Point Cemetery). Prior to undertaking any development on this lot, contact Archaeological Services at the New Brunswick Department of Tourism, Heritage and Culture to determine potential regulatory requirements.”*
6. The final subdivision plan must include written notice, approved by a development officer, advising that the legal Private Access road indicated on the plan has been developed.

Motion Carried

3. Other Business

3.a PRAC Member Vacancy

Mr. Borden noted that there is a current vacancy for Fundy St. Martins on the committee and noted the intent to collect names from the committee on recommendations for this position, and the intent to make it public. Mr. Borden will follow up with the committee on the by-law requirements for the vacancy to determine if the new member can reside in the Rural District, as directed by the Committee.

4. Next Meeting

Currently the next meeting is set for Monday, September 16, 2024.

5. Adjournment

Chair Cairns called for a motion to adjourn at 7:35 p.m.

Resolution Number: PRAC-2024-019

Moved by: Shawn Brown

THAT the Committee adjourn the meeting at 7:35 p.m.

Motion Carried

ORIGINAL SIGNED

John Cairns, Chairperson

ORIGINAL SIGNED

Cassie Silhanek, Recording Secretary

September 16, 2024

Date