

Planning Review Adjustment Committee

June 15, 2020

Minutes of the meeting of the Planning Review Adjustment Committee of the Fundy Regional Service Commission held on Monday June 15, 2020 at 10:00 a.m., due to Covid-19 pandemic restrictions the meeting was held via conference call to avoid personal contact.

1. Call to Order

The Chairperson, Dwight Allaby, called the meeting to order at 10:00 a.m.

2. Record of Attendance on conference call

BOARD MEMBERS

Dwight Allaby, Chairperson
Joan Seeley, Vice Chairperson [*Absent*]
Glen Baxter, PRAC Member
Donna Murchison, PRAC Member
Midge Thompson, PRAC Member
Ron Bridges, PRAC Member
Walter Pollock, PRAC Member
Brenda Rathburn, PRAC Member

OTHERS

Brian Shannon, Fundy Regional Service Commission

3. Approval of Order of Business

The Chairperson asked for approval of the agenda as presented.

Motion: To approve the agenda June 15, 2020 as presented.

Moved: Glen Baxter
Seconded: Midge Thompson
Vote: Motion Carried

4. Disclosure of Conflict of Interest

None

5. Approval of Minutes

There were no previous meeting minutes to review or approve.

6. Presentation

Ben Lomond Estates – request approval of a private access with seven lots abutting the private access

Brian Shannon gave an overview of the application for the subdivision and access, which included the Committees function and legal authority.

Background: The original subdivision proposal was presented to the PRAC in June of 2018. Original subdivision proposed 12 lots in total with two public streets.

Current request: The application is to create a Private Access to allow for the subdivision of the remaining undeveloped lands of Ben Lomond Estates Subdivision located at Willow Grove, Simonds LSD, PID 55031884. The proposal is to create a private access off Oxford St., which will be access and frontage to seven proposed new lots.

Overview of Application:

The plan proposes a private access to continue from the end of Oxford Street. This portion will be frontage to two new lots. This portion was previously approved as a Private Access in 2006. A proposed private access, a new cul-de-sac "Tundra Court" branches off this access which will be access and frontage to five more proposed lots. One of which will require a variance to its "flag lot stem" frontage abutting the private access.

Legal authority:

As per the requirements of the Provincial Subdivision Regulation 80-159, section 6(1)(b) the proposed lots are to abut a public street owned by the Crown, or other access approved by Commission.

The tentative subdivision plan proposes to create a private access at the end of Oxford Street. It will be the frontage and access to a total of seven lots. The Private Access terminates at a constructed cul-de-sac at the end of the access. (the cul-de-sac and turnaround will be the frontage of final five proposed lots).

As per the requirements of the Provincial Subdivision Regulation the proposed lots are to abut a public street owned by the Crown, or such other access as approved by the Commission.

In this case, currently, the proponent wishes to create a private access as access to the proposed lots. The access has been constructed to DTI specification and paved. It is suitable for emergency equipment to access the lots including a turn-around at the end of the lane.

The developer would like to have the approval changed from being a public street to a private access with the lot owners taking joint ownership of the 'Private Access'. The Private Access will be created as a standalone parcel jointly owned by the property owners of lots abutting the access as a 'Road Owners Association'. The original proposed subdivision was to create twelve lots, eight of which would abut a new public street was presented and recommended approval to the Minister of Transportation by the Planning Review Adjustment Committee in May of 2016. Development of the property and site progressed as time permitted for the developer. Four of the proposed lots were consolidated and sold as one lot abutting an existing street and is now developed (shown on tentative plan as Lot 2017-1). Three lots on previously approved Private Access (2006) portion have been developed. Since PRAC approval in 2016 the proposed street was gradually constructed to DTI standards (2003 standards) and paved.

The storm water open ditch drainage pattern for the full subdivision since being first developed has run around the streets of the existing subdivision to this rear portion of proposed new development, then off this property on to adjacent lands to wetlands then to the Black River then to the Bay of Fundy. The new proposed road ditch flow goes in that direction also.

An issue has come up with regards to the subdivision ditch water run off leaving the lands of the development. DTI want an easement over the adjacent property at the location where the water has run since the subdivision was created/developed starting in 1977. Through discussions, DTI and the developer have not been able to come to an alternative remedy. The developer has not been able to get approval from the landowner for an easement. Possibly in the future.

- the 'Private Access' will be created as a stand alone parcel so in the future if conditions can be met it would be possible to transfer the street to DTI.
- Currently there are potential buyers who want the proposed lots now and are aware the street would be a 'Private Access'
- The proposed access is constructed and mostly paved at this time.
- There are several Private Access lanes in the local Willow Grove Community.
- The original proposal was fully reviewed with 'water supply assessment' completed and reviewed by Dept of Environment, property owners (57) in the neighborhood were asked for input, Municipal Services for the municipal sewer system for the subdivision have been approved for four lots. No issues were noted.

Motion: To approve the private access lane as "Right of Way" to the seven lots fronting on and using the ROW as access to the public street Oxford Street, under 'Term and Condition' the streets are constructed to DTI standard with the final plan marked with the appropriate private access notes, lane is private and DTI will not upgrade or maintain these 'private access' notations on the plan.

Moved: Walter Pollock
Seconded: Joan Seeley
Vote: Motion Carried

Variance request:

Legal authority CPA 78 (1) (a) Approval of Variances

With regards to consideration to dimensional variance at road frontage for Lot 16-8, the driveway stem is to be 12 meters wide running into a section of land that exceeds the required minimum lot dimensions and area. Future development will be able to meet required setbacks. There will be no impact to the adjacent properties.

Motion: To approve the Fundy Regional Service Commission’s variance to frontage of Lot 16-8 to a 12 meter driveway abutting the private access, with lot development area 62 meter X 80 meter, 4960 sq meter in area.

Moved: Ron Bridges
Seconded: Donna Murchison
Vote: Motion Carried

7. Other Business:

Chairperson Dwight Allaby; Due to Covid-19 pandemic restrictions request the PRAC By-laws be reviewed to see how we may be able to allow public input to future PRAC applications.

Moved: Midge Thompson
Seconded: Brenda Rathburn

Discussion was had regarding the status and plan for moving forward with updating and reviews of the Simonds Rural Plan, Saint Martins LSD Basic Planning Statement, Musqusah Rural Plan Amendment and Village of St. Martins plan review.

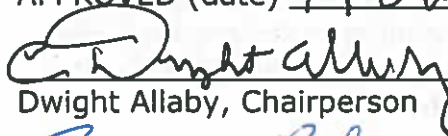
Fundy RSC is presently looking to the Province for guidance on moving forward with the plan reviews.

8. Motion to Adjourn

Motion: The Chair called for a motion to adjourn at 10:48 am.

Moved: Walter Pollock
Seconded: Brenda Rathburn
Vote: Motion Carried

APPROVED (date) 19 Oct 2020


Dwight Allaby, Chairperson


Brian Shannon, Development Officer (recorded minutes)