

MINUTES/PROCÈS-VERBAL

**PLANNING REVIEW AND ADJUSTMENT COMMITTEE MEETING/
REUNION DU COMITÉ DE REVISION DE LA PLANIFICATION**

January 23, 2014 6:00 p.m./23 janvier 2014, 18h

**1222, rue Main Street, 4th floor/4^{ième} étage
Moncton**

Committee Members Present/membres du comité présents:

George Forsythe	Chairperson/Président
Pascal Ferron	Vice-Chairperson/Vice-président
Ricci Archibald	Committee Member/membre du comité
Audbur Bishop	Committee Member/ membre du comité
Heather Keith	Committee Member/ membre du comité
Andy St-Amand	Committee Member/ membre du comité

Staff Members Present/Personnel present:

Sébastien Doiron	Director of Planning/Directeur d'aménagement
Jesse Howatt	Planner/Urbaniste
Jeff Boudreau	Mgr. of Subdivision Approval/ Gestionnaire d'approbation des lotissements
Pauline Magee	Recorder/rapporteuse

The meeting was called to order at approximately 6:05 p.m., with Chairperson George Forsythe presiding. He reminded all those present that PRAC meetings are recorded.

CONFLICTS OF INTEREST/CONFLITS D'INTÉRÊT

No conflicts registered.

1. ADOPTION OF THE MEETING AGENDA/ADOPTION DE L'ORDRE DU JOUR

Moved by Vice-Chairperson Pascal Ferron, seconded by Committee Member Ricci Archibald to adopt tonight's agenda as presented.

MOTION CARRIED - UNANIMOUS

2. ADOPTION OF MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2013/ADOPTION DU PROCÈS-VERBAL DE LA RÉUNION ORDINAIRE DU 19 DÉCEMBRE 2013

Moved by Committee Member Audbur Bishop, seconded by Vice-Chairperson Pascal Ferron to adopt the Minutes of the regular meeting of December 19, 2013 as presented.

MOTION CARRIED - UNANIMOUS

3. BUSINESS ARISING FROM THE MINUTES/AFFAIRES DÉCOULANT DU PROCÈS-VERBAL

none/aucune

4. VARIANCE REQUESTS/DEMANDES DE DÉROGATIONS

none/aucune

5. TEMPORARY APPROVALS, CONDITIONAL USES, RULINGS OF COMPATIBILITY AND NON-CONFORMING USES/APPROBATIONS TEMPORAIRES, USAGES CONDITIONNELS, DÉTERMINATIONS DE COMPATIBILITÉS ET USAGES NON-CONFORMES

none/aucune

6. TENTATIVE SUBDIVISIONS/LOTISSEMENTS PROVISOIRES

none/aucune

7. BY-LAW AMENDMENTS, ZONING AND MUNICIPAL PLAN MATTERS/QUESTIONS DE ZONAGE ET QUESTIONS RELATIVES AUX PLANS MUNICIPAUX

- (a) Province of/de NB – Rezoning request from City of Dieppe, to rezone property located on the north side of Route 134 (PID #70435763), Lakeville, Westmorland County, Unincorporated Area - from A (Agricultural) Zone and R1 (Single-Unit Residential) Zone to W (Watershed) Zone / *Demande de rezonage de la Ville de Dieppe, afin de rezoner la propriété situé sur le côté nord de la route 134 (NID #70435763), comté de Westmorland, région non-incorporée – de la zone A (Agriculture) et de la zone R1 (Habitations à un logement) à la zone BH (Bassin hydrographique) (File/Dossier #13UZ-921) (Rezoning/rezonage)*

The following delegation was present in support of the rezoning request:

Marc Melanson, Chief Administrative Officer, City of Dieppe
Jacques LeBlanc, Director of Public Works and Engineering Department, City of Dieppe
André Frenette, Director of Planning and Development Department, City of Dieppe

Jesse Howatt, Planner displayed and reviewed his Power Point presentation.

Mr. Howatt proceeded to give background on the request. He explained that the purpose of the request is to develop and operate 11 municipal wells as well as for the use of a passive park, subject to terms and conditions. He pointed out that a municipal well system is not a permitted use in a Single-Unit Residential (R1) or Agricultural (A) Zone, and only the Watershed (W) Zone permits such a use. An aerial photo was displayed. He noted that 2 public notices were published in the local newspaper (Times and Transcript) in 2013. A Public Hearing was held on December 17, 2013 with approximately 80 area residents in attendance. Public concerns were expressed at the Public Hearing. A list of concerns is attached to the Staff Report.

Mr. Howatt reported that comments were requested from the Departments of Environment and Local Government and Transportation and Infrastructure. No comments were received.

Regulations were reviewed.

Mr. Howatt reported that a draft amendment to Regulation 13-MON-019-19, relating to the rezoning itself, has been prepared. The draft includes a text amendment to the policies regarding watersheds within this area. This amendment also includes the definition for “passive recreation” use. This use will limit the disturbance to the natural environment, allowing such uses as trails. Mr. Howatt explained that this rezoning request is being recommended by planning staff, subject to terms and conditions. Mr. Howatt read staff’s recommendation with the terms and conditions.

Mr. Howatt further reported that the amending Regulation (13-MON-019-20) will include a provision for “*public utilities*” within the “*general provisions*” section of the Rural Plan.

Mr. Howatt finished his presentation and asked if there were any questions.

Committee Member Archibald expressed concerns with what he felt was a duplication of services. He said he was of the understanding that by creating the Regional Service Commissions, service duplication would be avoided. He spoke of the monetary investment the Province (taxpayers) has made to the existing Turtle Creek Watershed infrastructure. He felt that a regional water commission should be established to benefit the entire area. He wondered if a study was done with respect to future costs to NB taxpayers.

Committee Member Archibald stated that he is not opposed to the City of Dieppe’s position; however, he does have issue with the financial burden on provincial taxpayers. He noted that a considerable amount of money has been invested into the Turtle Creek Watershed by federal/provincial/municipal governments. He explained that if there was a study from a regional water commission confirming that a second water supply source was necessary, he would have no problem agreeing with the request.

Mr. Howatt clarified that this rezoning request is being looked at from a land use perspective, more specifically, the protection of land for a potential water supplies for the region and not the structures that govern the supply of water in the region.

Committee Member Archibald pointed out that perhaps a regional water commission, similar to the Sewer Commission, should be established in order to serve all municipalities in our region.

At this point, Jacques LeBlanc, Director, Public Works and Engineering Department for City of Dieppe, explained that the City of Dieppe purchased the property, totaling 4,400 acres, in 2005 with the intention to exploit for wells. The layout of the property was displayed. Studies have been conducted in all areas of the south east region of the Province, and the subject land was found to have potential for the extraction of a large quantity of underground water with wells. At this time, the City wishes to rezone the property in order to continue to forge for the water source they believe is on the property.

Mr. LeBlanc continued by saying that the water, currently provided by the Turtle Creek Watershed, is surface water and a large amount of water is available. He pointed out that the City of Moncton provides a very good quality of water; however, there is a certain risk that goes along with the proximity of the roads to the Turtle Creek Watershed area.

Mr. LeBlanc noted that whether the City of Dieppe develops the property or not, it should be protected for the future. He further noted that geology maps indicate the large quantity of water presently at this location. At the present time, three wells have been approved by the Province. However, prior to future well approvals by the Province, the City of Dieppe has to confirm the potential for large quantities of water on the site.

Mr. André Frenette, Director, Planning and Development Department for City of Dieppe, explained that the City of Dieppe has been actively pursuing a water source since 2001. Mr. Frenette noted that the rezoning of this land is only one step of many in the attempt to protect the property's resources for generations to come. He noted that studies have been conducted by a private firm, *EXP*; along with environmental impact studies conducted by the provincial Department of the Environment, confirming that a good quality of water does exist on the property. He also noted that a favorable recommendation this evening does not mean that the extraction would begin the next day, as there are many steps and/or approvals to obtain prior to any extraction.

Committee Member Archibald said if all affected communities (City of Moncton, Town of Riverview and City of Dieppe) were here this evening to show their support, he would agree to staff's recommendation; however, only the City of Dieppe is represented. It was also Mr. Archibald's opinion that the municipality of Dieppe could not go alone on this venture, again financially burdening the taxpayers of NB.

At this point, Chairperson George Forsythe explained that the request before the Committee this evening is a land use issue and felt that it is not in the mandate of a PRAC to set up a water commission, as suggested by Mr. Archibald.

In Committee Member Archibald's opinion, the rezoning request was before the PRAC to set terms and condition; and as a condition, he would like to see the Minister form a tri-community regional water commission, similar to the sewer commission, prior to granting the rezoning request. Sébastien Doiron, Director of Planning informed Mr. Archibald that his comments will be forwarded to the Minister of Environment and Local Government. Mr. Archibald asked whether Mr. Doiron meant it will be added to the conditions. Mr. Doiron clarified that a condition cannot simply be added by a single member, but has to be voted on by all members.

Mr. Marc Melanson, Chief Administrative Officer for the City of Dieppe, spoke on the question of forming a regional water commission. Mr. Melanson said, since 1997, the City of Dieppe has indicated its interest in forming such a regional commission. He continued by saying that in order to form such a commission, discussion and dialogue is necessary among all partners. He noted that the City of Dieppe remains, at the present time, open for discussion on this subject. With respect to the financing of the endeavour, Mr. Melanson said the City has funded the entire project to date. It is expected that the City will finance the entire project on its own; more specifically, the taxpayers of the City of Dieppe.

Committee Member Archibald said he was in favour of Dieppe doing its own thing, as he is with any other municipality that wishes to do so.

At this point, André Frenette informed the members that the City of Dieppe is open to dialogue with other interested parties. He pointed out that the rezoning is not only important to the City of Dieppe, but would also be important to a regional water commission. All communities would benefit from a second water source, in the event it should be needed. The most important thing, in Mr. Frenette's opinion, is to protect the water source whether it be for municipal or regional use.

Committee Member Ricci Archibald requested that a condition be added to staff recommendation. He suggested that the Minister of Environment and Local Government establish a strategic plan for the creation of a regional water commission for the tri-communities of Moncton, Riverview and Dieppe. This amendment to staff's recommendation was supported by Committee Member Audbur Bishop.

Mr. Archibald asked for the views of other Committee Members on the proposed additional condition.

Vice-Chairperson Pascal Ferron felt it is not the mandate of the Committee to impose such a condition on the rezoning request. It was his opinion that either a municipality or an LSD Representative bring the matter of creating a regional water commission to the RSC 7 board of Directors and, if supported by all communities, then forward a recommendation to the government.

Committee Member Heather Keith commented that she doesn't possess the experience or history that Committee Member Archibald has in this field, however, as a taxpayer, she understood his concerns. Ms. Keith did not agree that the Committee should impose the added condition. In her opinion, water is a precious resource and each community should take every action to protect the resource. She has no problem with the requested rezoning, even knowing that down the road the City of Dieppe may have its own water supply.

Vice-Chairperson Ferron agreed whole-heartedly with Committee Member Keith.

Committee Member Andy St-Amand felt that the Committee's role tonight is to entertain the rezoning request on a land use basis, ensuring that the request has no negative effects. He also felt that it wasn't the Committee's mandate to entertain a second water source.

At this point, Committee Member Archibald did not feel confident that his comments would be entertained, if it was not provided in the form of a condition. He said he would be voting against the staff recommendation as presented. In his opinion, a second system is not necessary.

Committee Member Audbur Bishop said he is prepared to second Committee Member Archibald's amendment to staff's recommendation.

Mr. Archibald explained that all he's asking is for the Minister to establish a regional water commission, similar to the sewer commission, to see if we need a second facility. If the Minister deems it necessary, Mr. Archibald has no problem with that decision. He requested that the Planner assist him with the wording of the condition.

Planning Director, Sébastien Doiron informed the Committee of the implications such a condition would have on other municipalities involved, such as the City of Moncton and the Town of Riverview.

Jesse Howatt, Planner, read the proposed condition, as follows: that the Minister establish a strategic plan for the creation of a regional water commission for the tri-communities of Moncton, Dieppe and Riverview. Mr. Archibald agreed with the wording.

Moved by Committee Member Ricci Archibald, seconded by Committee Member Audbur Bishop that the Westmorland Albert Planning Review and Adjustment Committee accept staff's report and recommendation with the added condition. The Motion reads as follows:

Whereas the proposal submitted by the City of Dieppe to create a municipal water supply in Lakeville has been considered by Planning Staff;

Whereas from a planning perspective, the proposal, accompanied with proposed terms and conditions and resolved provincial issues is deemed to be acceptable;

Whereas public concerns have been raised related to matters outside the jurisdiction of the Planning authorities;

THAT the RSC 7 Westmorland Albert Planning Review and Adjustment Committee recommends to the Provincial Minister of Environment and Local Government the adoption of Ministerial Regulation 12-MON-019-19 and 12 MON-019-20 including terms and conditions outlined in Schedule Q, provided the following issues have been resolved by provincial authorities.

Terms and Conditions:

- 1. the property to be rezoned is as specified in Schedule Q-1 of this by-law;*

2. *any future building on the site must obtain a development/construction permit and be in conformity with the zoning plan and the Building Code in force at the time of the application; and*
3. *the primary access to the passive recreation use cannot be off of Millview Drive, Cowling Crescent or any other residential street; and*
4. *that the Minister of Environment and Local Government establish a strategic plan for the creation of a regional water commission for the tri-communities of Moncton, Riverview and Dieppe.*

MOTION CARRIED
1 NAY VOTE REGISTERED (Pascal Ferron)

Mr. Frenette enquired as to when the Minutes would be available to the City of Dieppe. It was noted that the Minutes of this meeting will be available to the public after ratification by the Committee at the next PRAC Meeting on February 27, 2014.

8. OTHER BUSINESS/AUTRES AFFAIRES

None/aucune

(a) **Development Officer Variance Approvals/Approbations de dérogations diverses accordés par l'agent d'aménagement**

none/aucune

9. ADJOURNMENT/CLÔTURE DE LA SÉANCE

On a motion by Committee Member Ricci Archibald, the meeting adjourned at approximately 6:55 p.m.

Next meeting - Thursday, February 27, 2014/Prochaine réunion – le jeudi 27 février 2014