

**Southeast Planning Review and Adjustment Committee /  
Comité de révision de la planification de la Commission du Sud-Est**

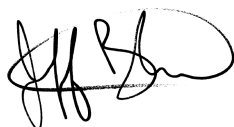
**Staff Report / Rapport du personnel**

**Subject / Objet :** L. Dysart Estate Unit 8

**File number / Numéro du fichier** 20-1429

**From / De :**

**Reviewed by / Révisé par :**




Jeff Boudreau  
Development Officer / Agent d'aménagement

Joshua Adams  
Planner / Urbaniste

**General Information / Information générale**

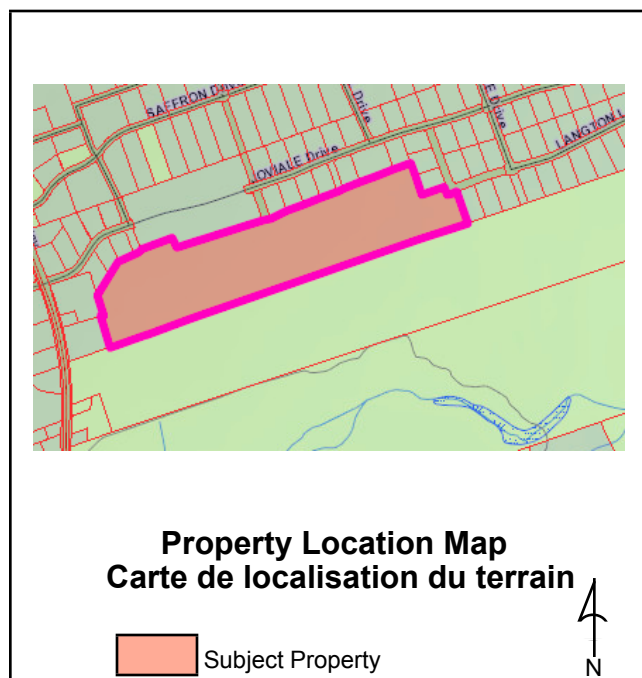
**Applicant / Requéant :**

**Landowner / Propriétaire :**

CJPoirier Entreprise LTD

**Proposal / Demande :**

Recomendation to the Minister to create a new public street (Langton lane) and two future streets /  
*Recommandation au Ministre pour une nouvelle rue publique (langton) et deux rue future.*



**Site Information / Information du site**

**PID / NID:** 70646419

**Lot Size / Grandeur du lot:** 24 ha

**Location / Endroit :**

Irishtown

**Current Use / Usage présent :**

Vacant

**Zoning / Zonage :**

Agriculture

**Future Land Use / Usage futur :**

n/a

**Surrounding Use & Zoning / Usage des environs & Zonage :**

Agriculture & Residential

**Municipal Servicing / Services municipaux:**

Private well and septic / *eau et egouts privé*

**Access-Egress / Accès/Sortie :** Josee, saffron, Rt 115

## **Policies / Politiques**

### **Resource Uses / Usages des ressources**

### **Proposals / Propositions**

**12(2)** It is proposed to permit residential low density and residential high density uses within the Agricultural zone on lands meeting the requirements for such developments. / *Il est proposé d'autoriser, dans une zone résidentielle à faible densité et à forte densité, des usages de la zone agricole sur les terrains qui répondent aux critères pour de tels aménagements.*

### **Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement**

#### **Provincial Sub-division Regulation / Règlement provincial sur le lotissement**

### **Streets / Rues**

**5(4)** In arriving at a decision regarding a recommendation with respect to the location of streets in a proposed subdivision, the commission shall give consideration to; / *Avant de statuer sur une recommandation relative à l'emplacement des rues d'un lotissement proposé, la commission de services régionaux doit*

- (a) the topography of the land, / *tenir compte de la topographie du terrain,*
- (b) the provision of lots suitable for the intended use, / *veiller à la création de lots qui puissent servir à la destination qui leur est attribuée,*
- (c) street intersections and interceptions being as nearly as possible at right angles, / *s'assurer que les intersections de rues sont perpendiculaires dans la mesure du possible,*
- (d) the provision of convenient access to the proposed subdivision and to lots within it, and / *prendre les mesures nécessaires pour assurer un accès aisé au lotissement proposé et aux lots qu'il comporte, et*
- (e) the convenient further subdividing of the land or adjoining land. / *prendre les mesures nécessaires pour rendre aisé le lotissement ultérieur du terrain visé ou des terrains attenants.*

### **Internal Consultation & External Consultation / Consultations internes et externes**

The overall Dysart Estates Subdivision has been submitted to the Department of Environment for a Environmental Impact Assessment, and a Certificate of Determination was issued on September 19, 2012 and is hereto attached. The Unit 5 Plan was also submitted to the Department of Transportation and Infrastructure and the comments were received on December 4, 2020. / *L'ensemble du lotissement Dysart Estates a été soumis au ministère de l'Environnement en vue de subir une étude d'impact sur l'environnement, et on a délivré un certificat de détermination le 19 septembre 2012; ce certificat est ci joint. De plus, le plan de l'Unité no 8 a été soumis au ministère des Transports et de l'Infrastructure, et on a reçu des commentaires de sa part le 4 Décembre 2020.*

### **Discussion**

In July 27 of 2020, an application was received to create 20 residential lots, and a new sections of public street, (Langton Lane), plus a future street. After consultation with DTI, several revisions were made to this plan and the final version was submitted on December 4, 2020. This plan is within the overall L. Dysart Estate subdivision that was submitted for an environmental impact report and extends Langton lane with a future street connection to the North and South allowing for a connection to Jovial Drive as well as future development to the South. / *Le 27 Juillet, 2020 on a reçu une demande visant à créer 20 lots résidentiels,*

*une nouvelle section d'une rue publique (Langton ) ainsi qu'une rue future. Ce plan se trouve au sein du lotissement global Dysart Estates qui a été soumis dans le but de subir une étude d'impact sur l'environnement, et il prolonge la rue Langton par un lien avec une rue future vers la rue Jovial et aux sud permettant un lien possible pour développement future.*

As mentioned above, the plan was sent to the Department of Transportation and Infrastructure and there were concerns related to the connectivity and the development/discontinuance of future streets. After several consultations between the Regional Service Commission, DTI, and the Developer, changes to the subdivision plan were made that satisfy all parties. A copy of the letter from Mr. Paul Lightfoot to Mr. Jeff Boudreau dated December 8, 2020 (verbal confirmation was received on December 4) is attached to this report. / *Tel discuté le plan fut envoyé aux Département des Transports et plusieurs préoccupation lier a la connectivité et le développement/désinvestissement des rue future. Après plusieurs discussion entre le proposant, le département de transports, et la commission des services régionaux des changements on été fait qui salifiassent tous. Une Copie de la lettre de Mr. Paul Lightfoot a Mr. Jeff Boudreau daté du 8 Décembre, 2020 (accord verbal fut reçu le 4 Décembre) est inclus dans le rapport.*

As this is a Unit of the overall plan to create 136 lots which was subject to an "E.I.A." the Certificate of Determination has been issued and contains 9 conditions. The condition which directly relates to the subdivision is #6, requiring a disclosure statement to all potential homeowners about the possible need for water treatment. A copy of the Certificate of Determination is attached to this report. / *Étant donné qu'il s'agit d'une unité du plan global visant à créer 136 lots qui doit faire l'objet d'une EIE, le certificat de détermination délivré contient neuf conditions. Parmi ces conditions, la condition directement reliée au lotissement est la condition no 6 qui exige la création d'une déclaration à l'intention de tous les propriétaires de maison potentiels en ce qui a trait à la nécessité possible d'un système de traitement de l'eau. Une copie du certificat de détermination est jointe au présent rapport.*

A soil assessment report has not been conducted at this time however every lot meets the New Brunswick Technical Guidelines for Onsite Sewage Disposal Systems. / *Aucune étude du sol n'a été réalisée jusqu'à présent, mais chaque lot respecte les Lignes directrices techniques du Nouveau Brunswick relatives aux systèmes autonomes d'évacuation et d'épuration des eaux usées.*

### **Public Notice / Avis public**

No Public Notice was sent as there are no variances for this subdivision/ *aucun avis fut envoyer car ce lotissement ne comprends pas de dérogations.*

### **Legal Authority / Autorité légale**

Section **87(2)** of the Community Planning Act states; / *Le paragraphe 87 (2) de la loi sur l'urbanisme stipule:*

The assent of the Minister of Transportation under this section shall not be given until, / *Le ministre des Transports et de l'Infrastructure ne peut donner son assentiment prévu au présent article tant que n'ont pas été remplies les conditions suivantes :*

(a) the commission has recommended the location of the streets mentioned in subsection (1) to the Minister. / *la commission de services régionaux recommande au ministre des Transports et de l'Infrastructure l'emplacement des rues visées au paragraphe (1);*

### **Recommendation / Recommandation**

Staff respectfully recommends that the Southeast Planning Review and Adjustment Committee recommend to the Minister the location of the Langton Lane extension as well as the two future streets as shown on the L.Dysart Estate Unit 8 Subdivision plan dated December 4, 2020 / *Le personnelle recommande que le Comité de révision de planification Sud-est recommande aux Ministre l'emplacement du prolongement de la rue Langton ainsi que deux rue future comme démontrer sur le plan de lotissement L.Dysart Estate Unit 8 daté le 4 Decembre 2020.*

**Note:** This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** *ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*



File No. : 78-D-626

December 8, 2020

Mr. Jeff Boudreau  
Regional Service Commission 7  
Moncton Office, Terminal Plaza  
1234 Main Street, Unit 200  
Moncton, NB E1C 1H7

Subject: Tentative L. Dysart Estate Unit 8 Subdivision, Parish of Moncton, Westmorland County.

Dear Mr. Boudreau,

The location of the proposed street(s) shown on the tentative subdivision plan mentioned above are acceptable to the Department of Transportation and Infrastructure.

A surety for the construction cost of the proposed public and the future streets will be required before the minister will assent to the final plan for this phase. The future streets will be constructed as per the "Minimum Standards for the Construction of Subdivision Roads and Streets" by the developer during the next phase of this subdivision.

When the Regional Service Commission 7 recommends the proposed public street(s) to the Minister of Transportation and Infrastructure and the Development Officer approves the tentative plan, then the proposed public street(s) will then be acceptable to the Department of Transportation and Infrastructure when the following conditions are met:

- The developer is required to submit a street design including a plan and profile and cross sections showing top and bottom of foreslopes and backslopes, direction of ditch flow, pipe sizes, Local Government Services Easements and street right-of-way width for the proposed streets. The design drawings must be prepared and stamped by a registered Professional Engineer of New Brunswick and submitted to the Department prior to the Minister signing the final plan.
- The drainage system shall be designed to consider the drainage basin as a whole and must accommodate not only runoff water from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff water from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream. It is the developer's responsibility to determine how the run-off water from the lots and the proposed public streets will be carried away to ensure that it does not have a negative effect on the proposed lots and the existing properties in the area. A detailed drainage report must accompany the drainage plan in order to evaluate the drainage pattern. Where environmental permits are required, copies should be forwarded to the Department of Transportation and Infrastructure. Prior to the Minister signing the final plan, stamped copies of the engineered drainage study and design shall be forwarded to the Department.

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- The proposed street name(s) must be submitted to the Department of Public Safety NB 911 Services Section and approved to ensure compliance with the NB 911 Civic Addressing Standards. The street name approval must be forwarded to this Department before the Minister can approve the final subdivision plan.
- The developer will be required to pay the Department of Transportation and Infrastructure for the costs of the supply and installation of all the traffic control signs that are required along the new streets in this subdivision. The District Transportation Engineer will determine the number of signs and their associated cost.
- The developer shall construct the proposed street(s) to meet or exceed the provincial standards specified in the "**Minimum Standards for the Construction of Subdivision Roads and Streets.**". The Standard can be viewed on the Internet sites [www2.gnb.ca/content/gnb/en/departments/dti/publications.html](http://www2.gnb.ca/content/gnb/en/departments/dti/publications.html) or [www2.gnb.ca/content/gnb/fr/ministeres/mti/publications.html](http://www2.gnb.ca/content/gnb/fr/ministeres/mti/publications.html) or at the Property Services Branch, Department of Transportation and Infrastructure in Fredericton. The developer will be required to construct the street(s) to the top of the subbase including ditching, cross-culverts, and any turnaround area before the Minister of Transportation and Infrastructure will accept a surety for any remaining construction work. The grade on the new street(s) shall not exceed the maximum allowable grade of 8% and the grade on the turning area shall not exceed the maximum allowable grade of 3%. The normal street construction season is from June 1 to November 30. Street construction work performed during the off-season must be pre-approved by the District Transportation Engineer.
- The developer shall provide "Local Government Services Easements" with a 10-m minimum width for all drainage ditches crossing the proposed lots and the remnant property that are intended to drain water to and away from the street ditches in the proposed development. The minimum grade for drainage ditches is 1.0%.
- The developer will have the option of being directly responsible for the chip sealing or having the work performed by the Department of Transportation and Infrastructure. In either case, the developer will be required to deposit a surety with the Department of Transportation and Infrastructure for the costs associated with the chip sealing of the proposed new street. The chip sealing will be performed to the specifications established by the Department of Transportation and Infrastructure.
- The right-of-way limits at the proposed street intersection(s) shall be laid out as shown on "Figure A10" of the Minimum Standards.
- Any temporary turnaround must meet the requirements shown in "Figures A3, A4 or A5" of the Minimum Standards.
- The right-of-way limits of the proposed street(s) must be properly posted with standard survey markers to identify the property to be vested in the Crown as (a) public street(s).

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- Additional street right-of-way allowance will be necessary where the topography of the land or the soil type requires extra width for deeper or wider ditches. The street right-of-way may have to be widened to more than the minimum 24 metres in some areas to ensure that the ditch and the backslope/foreslope are within the area to be vested in the Crown as a public street. The additional street right-of-way width will be necessary for future street maintenance activities. Standard survey markers shall not be placed in the ditches.
- The street(s) shall be constructed so that there are acceptable sight distances at all driveway accesses to the lots and at all street intersections.
- The turn(s) along the proposed street(s) shall be designed as curves as specified in "Section 5.2.1" of the Minimum Standards. The back-to-back curves shall be separated by a minimum tangent length of 15 m as specified in the Urban Supplement to the Geometric Design Guide for Canadian Roads produced by the Transportation Association of Canada.
- A suitable turning area must be constructed at the end of any temporary dead-end street created by developing the subdivision proposal in phases.

It is the responsibility of people building, upgrading, or repairing highway facilities to ensure that the environment is protected and that legislative requirements are met. It is important to prevent erosion and sedimentation from occurring by having erosion and sediment control measures in place before and during roadway construction and maintenance.

The District Transportation Engineer must be notified prior to the beginning of the street construction work, as periodic inspections will be carried out during construction to assess construction methods and/or additional engineering requirements.

It should be noted that a draft copy of the final plan must be sent to both the Regional Services Commission and the Department of Transportation and Infrastructure, Property Services Branch in Fredericton, for final inspection before the registration plan is prepared and sent to the Development Officer. The Development Officer will forward the final plan to the Department of Transportation and Infrastructure for the assent of the Minister of Transportation and Infrastructure.

Please give a copy of this letter to the developer and the surveyor.

Sincerely,



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Paul Lightfoot, P.Eng  
Rural Subdivisions Coordinator

c.c. Norm Coté, Assistant Director, Property Services Branch, NBDTI, sent via E-mail  
Lisa Parsons, District 3 (Moncton), sent via E-mail.  
Morency-Cormier, Renee (DTI/MTI), District 3 (Moncton), sent via E-mail.





