

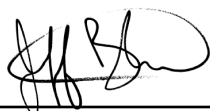
**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, May 26, 2021 / Le mercredi 26 mai, 2021

Staff Report / Rapport du personnel

Subject / Objet : Variance Request / Demandes de Dérogation

File number / Numéro du fichier 21-961 & 19-117

From / De :



Jeff Boudreau

Development Officer / Agent
d'aménagement

Reviewed by / Révisé par :



Joshua Adams

Planner / Urbaniste

General Information / Information générale

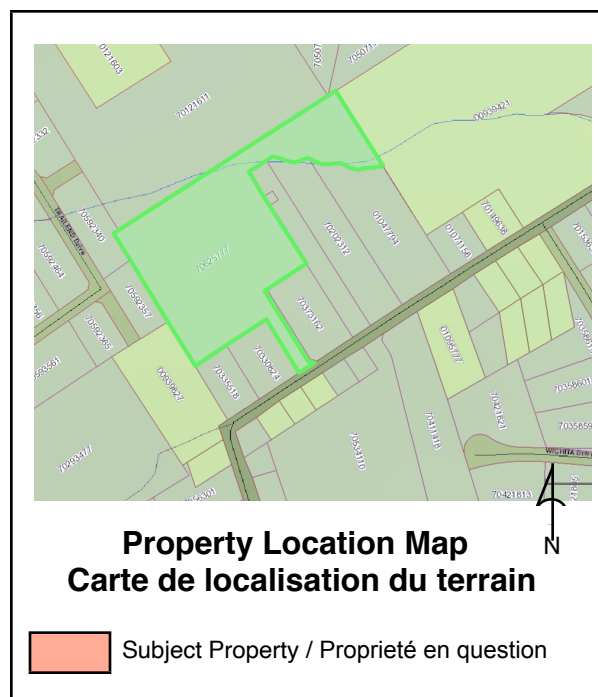
Applicant / Requéant :

Landowner / Propriétaire :

Zoie El

Proposal / Demande :

Recommendation to the minister for the location of a new public street and variance to permit a street 272m in length /
Recommandation aux Ministre pour l'emplacement d'une nouvelle rue et une dérogation pour permettre un cul-de-sac de 272m



Site Information / Information du site

PID / NID: 70625777

Lot Size / Grandeur du lot: 5.78ha

Location / Endroit :

Zack Road, LSD Moncton

Current Use / Usage présent :

Vacant

Zoning / Zonage :

RR

Future Land Use Designation / Désignation de l'utilisation future du sol :

Surrounding Use & Zoning / Usage des environs & Zonage :

Residential / Rural area

Municipal Servicing / Services municipaux:

Private Well and Septic

Access-Egress / Accès/Sortie :

Zack road

Policies / Politiques

Policy / Principe

5 It is a policy to conserve the rural residential nature within the area of the Regulation by considering existing residential uses and historical developments. / *En principe, il faut sauvegarder le caractère résidentiel rural du secteur visé par le règlement, tout en tenant compte des usages résidentiels et des aménagements historiques actuels.*

Proposals / Propositions

6(2) It is proposed to permit residential development only on lots that have Department of Environment and Local Government and department of Health and Wellness approvals as required. / *Il est proposé d'autoriser les aménagements résidentiels uniquement sur les lots qui ont été approuvés par le ministère de l'Environnement et des Gouvernements locaux et par le ministère de la Santé et du Bien-être au besoin.*

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

Provincial Sub-division Regulation / Règlement provincial sur le lotissement

Streets / Rues

5(1) In a proposed subdivision, unless otherwise approved by the Minister of Transportation and Infrastructure / *Sauf approbation du ministre des Transports et de l'Infrastructure, dans tout projet de lotissement*

- (a) every street shall have a width of twenty metres / *chaque rue doit mesurer vingt mètres de largeur,*
- (b) a cul-de-sac shall not exceed one hundred and eighty metres in length and shall terminate with a circular area having a radius of eighteen metres, / *un cul-de-sac ne peut mesurer plus de cent quatre-vingts mètres de longueur et doit se terminer par une aire circulaire d'un rayon de dix-huit mètres,*
- (c) no street shall have a gradient in excess of eight per cent. / *aucune rue ne peut avoir une déclivité supérieure à huit pour cent.*

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

Staff consulted with the Department of Transportation and internally to review the application / *Le personnel a consulté le ministère des Transports et à l'interne pour examiner la demande*

Discussion

This subdivision application was started in 2019 however the lot only had a reserved access that was 20m wide and due to the change in policy at the department of transportation, a width of 24m is now

required to create a public street. This obligated the developer to purchase land from the neighboring property to obtain a 24m wide corridor. / *La demande de lotissement a débuter en 2019 mais le terrain a seulement un accès existant de 20m et le département de transports exige un accès de 24m pour créer une rue publique. Ceci a obliger le propriétaire de ajouter une portion du terrain avoisinant pour avoir un corridor de 24m.*

The plan proposes only 5 lots in total which is below the requirement for a water study however lot 21-1 is 1.82ha (4.5acres) and could be further subdivided. Also when considering the infant lots 98-1, 99-1, and 01-1 the total number of lots created is now 10 which is the minimum required for an abbreviated water study. / *Ce plan ne propose que 5 lots en total qui est dessous le niveau ou un étude d'impact serai nécessaire. Toutefois le lot 21-1 est 1.82ha (4.5acre) pouvant encore être loti dans le future, et il y a aussi les terrain provenant du terrain en question, les lots 98-1, 99-1, et 01-1 qui rencontre maintenant le montant minimum d'une étude abrégé d'eau.*

The provincial subdivision regulation requires that the maximum length of a cul-de-sac is 180m, however the Department of Transportation guidelines allow for a cul-de-sac up to 365m. In this case the cul-de-sac is 272m and includes a future street to the north boundary which allows for eventual connectivity from zack road to charles lutes drive. / *Le règlement provincial de lotissement exige une longueur maximal pour un cul-de-sac de 180m mais le guide du département de transports permet jus qua 365m. Dans ce cas le cul-de-sac est 272m et inclue une rue future qui donne sur le terrain avoisinant aux nord qui permet une connexion éventuelle de la rue Zack a la rue Charles Lutes.*

There are also lots 21-5 and the useable area of lot 21-3 that is less than the minimum lot size of 4000m². The application is only related to the new public street and the lot size and dimensions can be changed prior to final plan registration. / *Il y a aussi les terrain 21-5 et la portion utilisable du lot 21-3 qui sont moins que 4000m². La demande ne s'applique que a l'emplacement de la rue et les lots peuvent être modifier avant que le plan final soit enregistrer.*

Public Notice / Avis public

Notice was sent to land owners within 100m of the subject property / *Un avis est envoyé aux propriétaires des terrains situés dans les 100m de la propriété visée.*

Legal Authority / Autorité légale

Community Planning Act 2017, c. 19 / Loi sur l'urbanisme 2017, c. 19
Approval of variances / Approbation des dérogations

78(1) An advisory committee or regional service commission may / *Tout comité consultatif ou toute commission de services régionaux peut :*

(a) subject to the terms and conditions it considers fit, permit a reasonable variance from the requirements of a subdivision by-law, if it is of the opinion that the variance is desirable for the development of land and is in keeping with the general intent of the by-law and any plan or scheme under this Act affecting the land, / *ou bien, sous réserve des modalités et des conditions qu'il juge indiquées, autoriser toute dérogation raisonnable aux exigences de l'arrêté de lotissement, qui, à son avis, est souhaitable pour l'aménagement d'un terrain et compatible avec l'objectif général de l'arrêté comme de tout plan, toute déclaration ou tout projet prévus par la présente loi touchant le terrain;*

(b) require that a subdivision plan include any terms and conditions attached to the variance, or / *ou bien exiger que le plan de lotissement comporte l'une quelconque des modalités et des conditions auxquelles est subordonnée la dérogation;*

(c) withdraw any or all of the terms and conditions attached to the variance under paragraph (b), by resolution, effective on the filing of an approved amending subdivision plan in the land registration office. / *ou bien lever tout ou partie des modalités et des conditions auxquelles est subordonnée la dérogation conformément à l'alinéa b) par voie de résolution, la levée ne prenant effet qu'au moment du dépôt, au bureau d'enregistrement des biens-fonds, d'un plan modificateur de lotissement approuvé.*

Recommendation / Recommandation

Staff respectfully recommends that the Southeast Planning Review and Adjustment Committee approve the variance to permit a cul-de-sac 272m in length as the variance is reasonable and in general accord with the regulation. / *le personnel recommande respectueusement que le Comité de révision et planification Sud est approuve la dérogation pour permettre un cul-de-sac 272m en longueur parce que cette dérogation est raisonnable, et en conformité général avec le règlements.*

Staff also respectfully recomends that the Southeast Planning Review and Adjustment Committee recommend to the Minister the location of Almaty Court as shown on the Leaman subdivision plan attached, subject to the following conditions; / *Le personnel recommande aussi que le comité de révision et planification sud est recommande aux ministre l'emplacement de la rue Almaty crt tel montrer sur le plan de lotissement Leaman ci joint, sujet aux conditions suivantes;*

1. The development officer shall not approve the final subdivision plan until all conditions as outlined by the Provincial Department of Transportation and Infrastructure, in a letter from Mr. Paul Lightfoot to Mr. Jeff Boudreau dated april 28, 2021 have been satisfied. / *L'agent d'aménagement ne doit pas donner d'approbation final avant que tout condition indique par le département des transports et Infrastructure, dans la lettre de Mr. Paul Lightfoot a Mr. Jeff Boudreau daté le 28 Avril, 2021 sont satisfaits*
2. an abbreviated water study or exemption from this requirement be issued by the department of environment. / *Un étude abrégé d'eau ou une exemption de cette étude donner par le département de l'environnement.*

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-L-718

April 28, 2021

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

Subject: Tentative Douglas Herbert Leaman Subdivision, Parish of Moncton, Westmorland County.

Dear Mr. Boudreau,

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

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.
- 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.

...2



Mr. Jeff Boudreau
April 28, 2021
78-L-718
Page 2

- 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 or 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).

...3

Mr. Jeff Boudreau
April 28, 2021
78-L-718
Page 3

- 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,



Paul Lightfoot, P.Eng
Rural Subdivisions Coordinator

c.c. Camilla Chown, Property Services Branch, NBDTI, sent via E-mail
Vincent Rousell, District 3 (Moncton), sent via E-mail.
Lisa Parsons, District 3 (Moncton), sent via E-mail.
Morency-Cormier, Renee, District 3 (Moncton), sent via E-mail.