

**Southeast Planning Review and Adjustment Committee /  
Comité de révision de la planification de la Commission du Sud-Est**  
Wednesday, September 28, 2022 / Le mercredi 28 septembre, 2022

**Staff Report / Rapport du personnel**

**Subject / Objet :** Variance Request / Demandes de Dérogation

**File number / Numéro du fichier :** 22-1634

**From / De :**

**Reviewed by / Révisé par :**



Phil Robichaud

Planner / Urbaniste



Kirk Brewer

Planner / Urbaniste

**General Information / Information générale**

**Applicant / Requéant :**

Nick Peters Kimley-Horn

**Landowner / Propriétaire :**

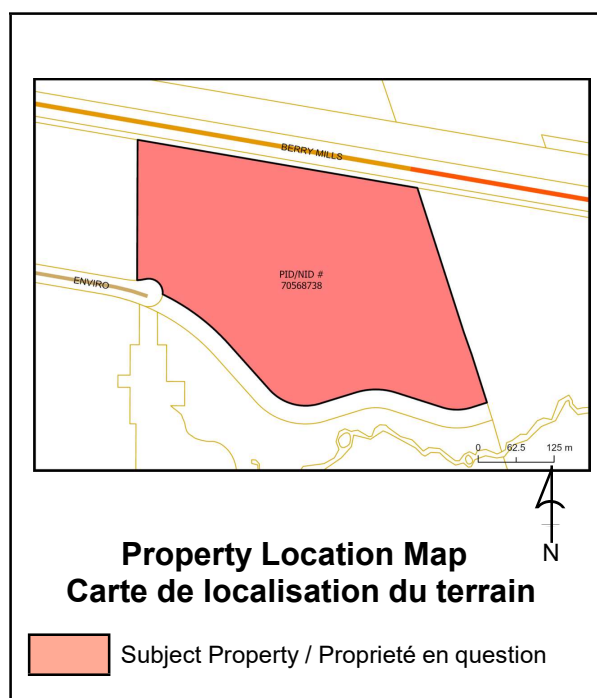
Eastco Waste Management Inc.

**Proposal / Demande :**

Conditional use application to allow the operation of a Salvage Yard called Impact Auto Auction. Two variances are also required: /  
*Application à usage conditionnel pour permettre l'exploitation d'une un dépôt d'objets de récupération appelée Impact Auto Auction. Deux dérogations sont également requis :*

*Section 3.18 b) i) : reduce setback from a street from 100 meters to 15 meters. / Article 3.18 b) i) : réduire la marge de retrait d'une rue de 100 mètres à 15 mètres.*

*Section 3.18b) ii) : reduce minimum setback from a watercourse from 100 meters to 30 meters. / Section 3.18b) ii) : réduire la marge de retrait minimale d'un cours d'eau de 100 mètres à 30 mètres.*



**Site Information / Information du site**

**PID / NID:** 70568738

**Lot Size / Grandeur du lot:** 17.17 hectares

**Location / Endroit :**

chemin Berry Mills Road, LSD Moncton

**Current Use / Usage présent :**

Vacant

**Zoning / Zonage :**

CI - Commercial Industrial / *Commerce-Industriel*

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

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

Surrounding uses: Eco360 solid waste facility, Maritime Ontario (dispatch facility for trucks), Southeast Regional Service Commission administrative office, snow dump, asphalt plant and vacant land.

Surrounding zoning: CI (Commercial Industrial / *Commerce-Industriel*) & IRD/DIR (Intensive Resource Development / *Développement intensive des ressources*)

**Municipal Servicing / Services municipaux:**

None. Private on site septic system and private well required for servicing. / *Aucun. Fosse septique*

**Access-Egress / Accès/Sortie :**

## **Policies / Politiques**

Westmorland-Albert Planning Area Rural Plan Regulation / *Règlement établissant un plan rural du secteur d'aménagement de Westmorland-Albert*

### **5. Industrial Development / 5. Développement industriel**

Heavy industrial development should be located in an established industrial park. The main pockets of industrial development in the Westmorland-Albert planning area are in the heavily quarried area at Gorge Road in Stilesville and the Berry Mills Road leading from the regional solid waste facility. The challenge is that industrial development inherently creates negative impacts on neighbouring land uses. The goal then is to direct any heavy industry to an established industrial park, and that any new light industrial or heavy resource developments be zoned on a site-specific basis. / *Le développement de l'industrie lourde devrait être situé dans un parc industriel établi. Les principales poches de développement industriel dans le secteur d'aménagement de Westmorland-Albert se trouvent dans la zone fortement exploitée de la route Gorge à Stilesville et de la route Berry Mills menant à l'installation régionale de déchets solides. Le problème réside dans le fait que le développement industriel a, de par sa nature, des répercussions négatives sur les utilisations des terres avoisinantes. L'objectif est alors de diriger toute industrie lourde vers un parc industriel établi, et que tout nouveau développement d'industrie légère ou de ressources lourdes soit zoné en fonction du site.*

#### **5.1 Policies / 5.1 Principes**

a) It is a policy to control the type and location of industrial developments within the area of the Regulation by considering potential impacts upon surrounding lands. / *a) Il est établi comme principe de contrôler le type et l'emplacement des développements industriels dans le secteur visé par le Règlement en tenant compte des effets potentiels sur les terrains environnants.*

b) It is a policy that intensive industrial uses that require large areas and/or create nuisances should locate in areas away from residential nodes. / *b) Il est établi comme principe que les usages industriels intensifs qui nécessitent de grandes surfaces et/ou créent des nuisances soient situés dans des zones éloignées des nœuds résidentiels.*

### **11. Conservation of the Physical Environment / 11. Conservation du milieu physique**

In a planning area that is more than 315,000 hectares in area, approximately half the land base is managed either provincially or federally for conservation or protection. The planning area includes almost 106,000 ha of Crown land, over 600 ha of land held by conservation groups (Nature Conservancy of Canada and Ducks Unlimited), 22,830 ha of land designated as provincial wildlife management areas/refuges, and a further 34,208 ha under the Canadian Council for Ecological Areas. In addition, lands are also regulated as provincially protected areas (14,483 ha), protected wellfields (866 ha), protected watersheds (17,198 ha), provincial parks (97 ha), national park (19,848 ha), provincially significant wetlands (2302 ha), as well as 38,866 ha of lands located in the 30-metre hydrographic buffer. The challenge is that rural Westmorland-Albert counties are experiencing the threat of climate change in the form of coastal erosion, sea level rise, and increased storm events (ice, rain, snowfall, and high winds) and storm surges. There are also land uses that can have a detrimental effect on the immediate and broader land base. The goal is to create policies that help to reduce the long-term impacts (natural or human-made) to ensure the long-term health of the physical environment. / *Dans un secteur d'aménagement qui s'étend sur plus de 315 000 hectares, environ la moitié des terres sont gérées au niveau provincial ou fédéral à des fins de conservation ou de protection. Le secteur d'aménagement comprend près de 106 000 hectares de terres publiques, plus de 600 hectares de terres détenues par des groupes de conservation (Conservation de la nature Canada et Canards illimités), 22 830 hectares de terres désignées comme zones/refuges provinciaux de gestion de la faune et 34 208 hectares supplémentaires sous l'égide du Conseil canadien des aires écologiques. En outre, des terres sont également réglementées en tant que zones protégées par la province (14 483 hectares), champs de captage protégés (866 hectares), bassins hydrographiques protégés (17 198 hectares), parcs provinciaux (97 hectares), parc national (19 848 hectares), terres humides d'importance provinciale (2 302 hectares), ainsi que 38 866 hectares de terres situées dans la zone tampon hydrographique de 30 mètres. Le problème est que les comtés ruraux de Westmorland-Albert sont confrontés à la menace des*

*changements climatiques sous la forme d'une érosion côtière, d'une élévation du niveau de la mer et d'une augmentation des tempêtes (glace, pluie, chutes de neige, vents violents) et des ondes de tempête. Il existe également des utilisations du sol qui peuvent avoir un effet néfaste sur l'assise territoriale immédiate et plus large. L'objectif est de créer des politiques qui contribuent à réduire les impacts à long terme (naturels ou d'origine humaine) afin de garantir la santé à long terme du milieu physique.*

b) It is a policy to impose setbacks from watercourses and wetlands based on the most recent and accurate mapping available at the time of application. / *b) Il est établi comme principe d'imposer des marges de recul par rapport aux cours d'eau et aux terres humides en se fondant sur la cartographie la plus récente et la plus précise disponible au moment de la demande.*

c) It is a policy, where no alternatives are available, to consider variances to setbacks identified in 11.1(b) in consultation with provincial agencies provided that the application is deemed reasonable and demonstrates how the environmental impact of the proposed development will be mitigated. / *c) Il est établi comme principe, lorsqu'il n'y a pas d'autres solutions, d'envisager des dérogations aux marges de recul indiquées à l'alinéa 11.1 b) en consultation avec les organismes provinciaux, à condition que la demande soit jugée raisonnable et qu'elle démontre comment l'impact environnemental de l'aménagement proposé sera atténué.*

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

Westmorland-Albert Planning Area Rural Plan Regulation / *Règlement établissant un plan rural du secteur d'aménagement de Westmorland-Albert*

### 4.3 Commercial-Industrial (CI) Zone 4.3 / *Zone commerciale-industrielle – Zone « CI »*

4.3.1. In a Commercial-Industrial Zone, any land, building, or structure may be used for the purpose of: / *4.3.1. Les terrains, bâtiments et constructions situés dans une zone CI peuvent servir aux fins suivantes :*

a) One or more of the following main uses: / *a) Un ou plusieurs des usages principaux suivants :*

...

ix. A salvage yard subject to Section 3.18; / *ix. Un dépôt d'objets de récupération, sous réserve de l'article 3.18*

...

#### 3.18 Salvage Yards / *3.18 Dépôts d'objets de récupération*

3.18.1 The use of land for the purposes of a salvage yard is a particular purpose in respect of which the Planning Review and Adjustment Committee may impose terms and conditions or prohibit where compliance with the terms and conditions imposed cannot reasonably be met. Terms and conditions may include, but are not limited to: / *3.18.1 L'utilisation des terres aux fins d'un dépôt d'objets de récupération est un but particulier à l'égard duquel le Comité de révision de la planification peut imposer des modalités ou une interdiction lorsque la conformité aux modalités imposées ne peut être satisfaite. Les modalités peuvent, sans toutefois s'y limiter, inclure ce qui suit :*

a) Fencing: / *a) Clôtures :*

i. A fence must be 3.0 metres in height and opaque in order to restrict view from public roads and neighbouring residences; / *i. Toute clôture doit avoir une hauteur minimale de 3 mètres et être opaque afin de limiter la visibilité des routes publiques et des propriétés avoisinantes.*

ii. Fences and gates shall be constructed in a manner that impedes visibility from off-site; and / *ii. Les clôtures et les portes doivent être construites d'une manière qui gêne la visibilité de l'extérieur de l'emplacement.*

iii. Fences shall be located a minimum of 2.0 metres from any lot line. / *iii. Les clôtures doivent être situées à une distance minimale de 2 mètres de toute limite de lot*

b) A salvage yard excluding associated buildings shall be set back: / *b) Tout dépôt d'objets de récupération, à l'exclusion des bâtiments connexes, doit être situé à une distance de retrait minimale :*

i. 100 metres from any street; and / *i. de 100 mètres d'une rue;*

ii. 100 metres from any watercourse or wetland. / *ii. de 100 mètres d'un cours d'eau ou d'une terre humide.*

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

The Department of Environment and Local Government was consulted. / *Le ministère de l'Environnement et des Gouvernements locaux a été consulté.*

The City of Moncton was consulted. / *La Ville de Moncton a été consultée.*

Staff internally discussed this file. / *Le personnel a discuté de ce dossier en interne.*

## **Discussion**

This is the second time the item is being presented to the Committee. This proposal was first presented to the Southeast Planning Review and Adjustment Committee on August 24, 2022. The Committee had decided to postpone the item. The Committee had asked to postpone the item for the following reasons (in bold) : / *C'est la deuxième fois que cet objet est présenté au comité. Cette proposition a été présentée pour la première fois au Comité de révision de la planification du Sud-Est le 24 août 2022. Le comité avait décidé de reporter l'objet. Le Comité avait demandé de reporter la demande pour les raisons suivantes (en gras) :*

**Reason 1) To respect the request made by Maritime Ontario to further study the staff report and other relevant information, and to provide comments if necessary. / Raison 1) Respecter la demande faite par Maritime Ontario d'étudier davantage le rapport du personnel et d'autres informations pertinentes, et de fournir des commentaires si nécessaire.**

A letter was submitted by Maritime Ontario expressing concerns on the subject matter. This letter was received on August 23rd, 2022 (one day before the first meeting). In the letter submitted by Maritime Ontario, they had expressed that they did not have enough time to thoroughly review the staff report and requested additional time to object to the request. They requested to postpone the item to next month meeting. They also included 5 objection topics. This letter can be found in the schedule of this report. / *Une lettre a été soumise par Maritime Ontario exprimant des préoccupations à ce sujet. Cette lettre a été reçue le 23 août 2022 (un jour avant la première réunion). Dans la lettre soumise par Maritime Ontario, ils avaient indiqué qu'ils n'avaient pas eu suffisamment de temps pour examiner en profondeur le rapport du personnel et avaient demandé un délai supplémentaire pour s'opposer à la demande. Ils ont demandé de reporter le point à la réunion du mois prochain. Ils ont également inclus 5 sujets d'objection. Cette lettre se trouve dans l'annexe de ce rapport.*

On September 15th, 2022, another letter was submitted on behalf of Maritime Ontario expressing that they do not have any additional objections to add other than the ones formerly expressed in the initial letter dated August 23rd, 2022. / *Le 15 septembre 2022, une autre lettre a été soumise au nom de Maritime Ontario exprimant qu'ils n'avaient aucune objection supplémentaire à ajouter autre que celles précédemment exprimées dans la lettre initiale datée du 23 août 2022.*

**Reason 2) To take the comments made by the Director of Environment from the City of Moncton into consideration, as the City of Moncton will have jurisdiction as of January 1, 2023. / Raison 2) Pour tenir compte des commentaires du directeur de l'environnement de la Ville de Moncton, car la Ville de Moncton aura jurisdiction à compter du 1er janvier 2023.**

Comments from the Director of Environment of Moncton were received on August 23rd, 2022 (one day before the meeting). The comments from the Director were as follows: / *Les commentaires du directeur de l'environnement de Moncton ont été reçus le 23 août 2022 (un jour avant la réunion). Les commentaires du directeur étaient les suivants :*

*From an environmental standpoint, we do not support the variance. The Southeast Regional Service Commission's rules recently changed to require some kinds of development, of which the present proposal (vehicle auction yard or salvage yard) to locate at least 100m from a watercourse rather than 30m. Whatever mitigation measures are in place, when these lands become part of the City of Moncton they will be our to some extent or another our responsibility. We have other sites in the City where a decision taken long ago continues to have environmental consequences today.*

The 100-meter setback from the watercourse was imposed on salvage yards in the Westmorland Rural Plan to capture all possible salvage yards in the territory of the Westmorland Albert planning area. This area of the proposal is identified as an appropriate sector for commercial and industrial developments. The proposal is located on a smaller lot where the 100-meter setback would render the project unfeasible. There is a policy in the Rural Plan that states where no alternatives are available to respect

the setbacks from watercourses and in consultation with the Department of Environment, that the application can be deemed reasonable if it is demonstrated how the environmental impact of the proposed development will be mitigated. The Department of Environment simply stated that they have no jurisdiction over developments more than 30 meters from a watercourse and offer no additional comments. The applicants are proposing an array of drainage ditch, retention and filtration devices to mitigate the impact of stormwater runoff that leads into the watercourse. Staff is under the opinion that the project is implementing sufficient mitigation measures to justify reducing the setback from 100 meters to 30 meters for the salvage yard. / *Le retrait de 100 mètres du cours d'eau a été imposé aux chantiers de récupération dans le plan rural de Westmorland afin de couvrir tous les chantiers de récupération possibles sur le territoire de la zone d'aménagement de Westmorland Albert. Cette zone de la proposition est identifiée comme un secteur approprié pour les développements commerciaux et industriels. La proposition est située sur un lot plus petit où le retrait de 100 mètres rendrait le projet irréalisable. Il y a un principe dans le plan rural qui stipule qu'en l'absence d'alternatives pour respecter les retraits des cours d'eau et en consultation avec le ministère de l'Environnement, que la demande peut être jugée raisonnable s'il est démontré comment l'impact environnemental du développement proposé être atténuée. Le ministère de l'Environnement a simplement déclaré qu'il n'avait aucune juridiction sur les développements à plus de 30 mètres d'un cours d'eau et n'a fait aucun commentaire supplémentaire. Les demandeurs proposent des fossés de drainage, de dispositifs de rétention et de filtration pour atténuer l'impact du ruissellement des eaux pluviales qui débouchent dans le cours d'eau. Le personnel est d'avis que le projet met en œuvre des mesures d'atténuation suffisantes pour justifier la réduction de la marge de recul de 100 mètres à 30 mètres pour la cour de récupération.*

There were no further comments from the City following the August 24<sup>th</sup>, 2022 meeting. / *Il n'y a pas eu d'autres commentaires de la Ville après la réunion du 24 août 2022.*

**Reason 3) To make recommendations based on the work currently being done on the property that may either improve or hinder potential concerns addressed in the correspondence and comments. / Raison 3) Pour faire des recommandations basées sur les travaux en cours sur la propriété qui peuvent améliorer ou entraver les problèmes potentiels abordés dans la correspondance et les commentaires.**

It was noticed that some work has started on the property. The work involves cutting trees, grading the property, bringing materials, and bringing equipment. The work that has been done to date is considered site prep and does not technically require a permit. It is always strongly advised by staff to not start any work before approval is received. If additional conditions are imposed by the committee that would require changes in the project, the applicant would need to comply with those regardless of the work already done. None of the work done on the property is “grandfathered” and affects potential additional conditions that may be imposed by the Committee. / *Il a été remarqué que certains travaux ont commencé sur la propriété. Le travail consiste à couper des arbres, à niveler la propriété, à apporter des matériaux et à apporter de l'équipement. Les travaux qui ont été effectués à ce jour sont considérés comme de la préparation du site et ne nécessitent techniquement pas de permis. Il est toujours fortement conseillé par le personnel de ne commencer aucun travail avant d'avoir reçu l'approbation. Si des conditions supplémentaires sont imposées par le comité qui nécessiteraient des modifications au projet, le demandeur devra s'y conformer, peu importe les travaux déjà effectués. Aucun des travaux effectués sur la propriété ne bénéficie de droits acquis et n'affecte les conditions supplémentaires pouvant être imposées par le comité.*

**Reason 4) To obtain clarification regarding the differing standards between the Westmorland Albert Rural Plan and the City of Moncton, as compared to provincial standards. / Raison 4) Pour obtenir des éclaircissements concernant les normes différentes entre le Plan rural Westmorland Albert et la Ville de Moncton, par rapport aux normes provinciales.**

The City of Moncton had shared zoning standards for salvage yards in the City of Moncton. The requirements in the Westmorland Albert Rural Plan on most part were identical or exceeded the minimum standards in the City of Moncton zoning by-law. Where the City of Moncton exceeded the standard of the Rural Plan, staff has recommended a condition to address this. / *La Ville de Moncton avait partagé des normes de zonage pour les cours de récupération dans la Ville de Moncton. Les exigences du plan rural de Westmorland Albert étaient pour la plupart identiques ou dépassaient les normes minimales du règlement de zonage de la Ville de Moncton. Là où la Ville de Moncton a dépassé la norme du Plan rural, le personnel a recommandé une condition pour y remédier.*

The proposal has remain unchanged since last time it was presented. / *La proposition est restée*

*inchangée depuis la dernière fois qu'elle a été présentée.*

The following section of the report is the same as presented previously on August 24, 2022. It gives a more detailed overview of the project. / *La section suivante du rapport est la même que celle présentée précédemment le 24 août 2022. Elle donne un aperçu plus détaillé du projet.*

**Context: / Contexte :**

Impact Auction Auto, an existing salvage yard located in Moncton, has requested with Plan360 to operate a salvage yard on Enviro Drive. The salvage yard consists of the storage of damaged vehicles pending the eventual sale in an auction. An office, wash bay, and garage are also part of the proposal. The Westmorland Albert Rural Plan was recently officially adopted. New requirements are now imposed under this plan for salvage yards. They are now subject to terms and conditions from the Planning Review and Adjustment Committee. They also have minimum requirements under section 3.18 of the Rural Plan, such as screening requirements, increased setbacks from the street, and increased setbacks from watercourse and wetlands. / *Le plan rural Westmorland Albert a récemment été officiellement adopté. De nouvelles exigences sont désormais imposées dans le cadre de ce plan pour les chantiers de récupération. Ils sont maintenant assujettis aux modalités du Comité de révision de l'urbanisme. Ils ont également des exigences minimales en vertu de l'article 3.18 du plan rural, telles que des exigences pour des clôtures, des marges de retraits élevées par rapport à la rue et des marges de retraits élevées par rapport aux cours d'eau et aux terres humides.*

The applicants originally approached the Commission in mid-2021 for this same development. At the time, the Westmorland Albert Rural Plan was not adopted, and the former Rural Plan allowed this development as of right. The application was postponed due to an unexpected property dispute. When the applicants approach the commission again this year, the new Westmorland Albert Rural Plan was being adopted and the development was now subject to all new requirements. The property is surrounded by streets and watercourses and the newly imposed setback from watercourses and streets would render the project unfeasible. / *Les requérants ont initialement approché la Commission à la mi-2021 pour ce même développement. À ce temps, le plan rural Westmorland Albert n'avait pas été adopté et l'ancien plan rural autorisait ce développement de plein droit. L'application a été reportée en raison d'un conflit de propriété inattendu. Lorsque les demandeurs se sont adressés à nouveau à la commission cette année, le nouveau plan rural de Westmorland Albert était en cours d'adoption et le développement était maintenant assujetti à toutes les nouvelles exigences. La propriété est entourée de rues et de cours d'eau et le retrait nouvellement imposé des cours d'eau et des rues rendrait le projet irréalisable.*

The applicant has applied for a conditional use application from the Southeast Planning Review and Adjustment Committee to allow a salvage and have applied for variances to: / *Le demandeur a demandé une demande d'utilisation conditionnelle auprès du comité d'examen et d'ajustement de la planification du sud-est pour permettre une récupération et a demandé des dérogations à :*

- 1) Reduce the minimum setback from streets from 100 meters to 15 meters. / *1) Réduire la marge de retrait minimale des rues de 100 mètres à 15 mètres.*
- 2) Reduce the minimum setback from a watercourse from 100 meters to 30 meters. / *2) Réduire la marge de retrait minimale d'un cours d'eau de 100 mètres à 30 mètres.*

**Property Description: / Description de la propriété :**

This sector of the Westmorland Albert planning area is an established industrial zone with several similar uses in the area, most notably the neighboring solid waste facility. This sector is recognized as an existing and established Industrial Zone and encourages industrial use in the area. We also find the City of Moncton snow dump to the East, a vacant property zoned to allow industrial uses to the North, and Maritime Ontario to the West. / *Ce secteur de la zone d'aménagement de Westmorland Albert est une zone industrielle établie avec plusieurs utilisations similaires dans la région, notamment l'installation de déchets solides voisine. Ce secteur est reconnu comme une zone industrielle existante et établie et encourage l'utilisation industrielle dans la région. On trouve également la décharge à neige de la ville de Moncton à l'est, une propriété vacante zonée pour permettre des utilisations industrielles au nord et Maritime Ontario à l'ouest.*

The property is approximately 350 m wide and 460 m wide with a total area of 17.17 hectares (42.4 acres). There's a tributary watercourse in the middle of the property that flows from the North to the South into Jonathan Creek. / *La propriété mesure environ 350 m de large et 460 m de large avec une*

*superficie totale de 17,17 hectares (42,4 acres). Il y a un cours d'eau affluent au milieu de la propriété qui coule du nord au sud dans Jonathan Creek.*

This property fronts two streets. Berry Mills Road, also known as Route 128, is a collector highway that directs traffic from the City of Moncton to Highway 2 and vice versa. This is a road with a higher traffic speed and flow. The property also fronts Enviro Drive, formerly known as Bill Slater Drive, and is a dead-end local street connecting to Berry Mills Road and leading to the Solid Waste facility. A total of 4 industries are using this access. The applicant is proposing to use Enviro Drive as the access; the proponent has already received an access permit from the Department of Transportation and Infrastructure. / *Cette propriété donne sur deux rues. Le chemin Berry Mills, également connu sous le nom de route 128, est une autoroute collectrice qui dirige la circulation de la ville de Moncton vers l'autoroute 2 et vice versa. Il s'agit d'une route avec une vitesse et un débit de circulation plus élevés. La propriété fait également face à Enviro Drive, anciennement connue sous le nom de Bill Slater Drive, et est une rue locale avec un cul-de-sac reliant Berry Mills Road et menant à l'installation de gestion des déchets solides. Au total, 4 industries utilisent cet accès. Le demandeur propose d'utiliser Enviro Drive comme accès; le promoteur a déjà reçu un permis d'accès du ministère des Transports et de l'Infrastructure.*

It is important to note that this property will be transferred to the City of Moncton in January 2023 as part of the municipal reform. Planners from the City of Moncton were contacted to ensure consistency with plans for this area. / *Il est important de noter que cette propriété sera transférée à la Ville de Moncton en janvier 2023 dans le cadre de la réforme municipale. Les urbanistes de la Ville de Moncton ont été contactés pour assurer la cohérence avec les plans de ce secteur.*

### **Proposal / Proposition**

The 100-meter setbacks from watercourses and streets were imposed with the new WARP to capture all potential salvage yards in the planning area. The 100 meter from the street was imposed for esthetics. In the scenario of Impact Auto Auction, the development is proposed in an area already established with similar development. The applicants are implementing measures to reduce the impacts on the watercourse. They are proposing an array of ditches that leads to a retention pond that reduces the total amount of runoff water leading to the watercourse, filters sediments and treats the runoff before leading to the watercourse. The whole development is outside the 30 meters required by the Department of Environment and Local Government under the Clean Water Act, but a Watercourse and Wetland Alteration (WAWA) permit was still required to install the outfall pipe and do a bit of work. A WAWA permit was received in 2021 and was renewed on August 15, 2022. Staff proposes to require as a condition that the retention and treatment system be established. / *Les retraits de 100 mètres des cours d'eau et des rues ont été imposés avec le nouveau WARP pour capturer tous les chantiers de récupération potentiels dans la zone de planification. Les 100 mètres de la rue ont été imposés pour l'esthétique. Dans le scénario d'Impact Auto Auction, le développement est proposé dans une zone déjà établie avec un développement similaire. Les requérants mettent en place des mesures pour réduire les impacts sur le cours d'eau. Ils proposent un réseau de fossés menant à un bassin de rétention qui réduit la quantité totale d'eau de ruissellement menant au cours d'eau, filtre les sédiments et traite le ruissellement avant de se diriger vers le cours d'eau. L'ensemble du développement est en dehors des 30 mètres requis par le ministère de l'Environnement et des Gouvernements locaux en vertu de la Loi sur l'assainissement de l'eau, mais un permis de modification des cours d'eau et des terres humides (WAWA) était toujours nécessaire pour installer le tuyau d'évacuation et effectuer quelques travaux. Un permis WAWA a été reçu en 2021 et a été renouvelé le 15 août 2022. Le personnel propose d'exiger comme condition que le système de rétention et de traitement soit établi.*

The City of Moncton staff was contacted on this proposal. Planners from the city shared requirements for the new salvage yard within the boundaries of the city. This includes a setback from 6 meters from streets, a screen from 3 to 5 meters and opaque, and landscaping in between the fence and the property line. All these requirements are being followed, except the landscaping requirement which staff proposes to add as a condition to the development. The City of Moncton also shared typical public works requirements for development in the City where some are proposed as conditions to the development. / *Le personnel de la Ville de Moncton a été contacté au sujet de cette proposition. Les urbanistes de la ville ont partagé les exigences pour la nouvelle cour de récupération à l'intérieur des limites de la ville. Cela comprend un retrait de 6 mètres des rues, un écran de 3 à 5 mètres et opaque, et un aménagement paysager entre la clôture et la ligne de propriété. Toutes ces exigences sont respectées, à l'exception de l'exigence relative à l'aménagement paysager que le personnel propose d'ajouter comme condition à l'aménagement. La Ville de Moncton a également partagé les exigences typiques en matière de travaux*

*publics pour l'aménagement dans la Ville, certaines étant proposées comme conditions à l'aménagement.*

## **Public Notice / Avis public**

*A notice was sent to owners within 60 meters from the property / Un avis a été envoyé aux propriétaires des lots dans un rayon de 60 mètres autour du lot concerné.*

*This notice was sent on August 10, 2022 / Cet avis a été envoyé le 10 août 2022*

## **Legal Authority / Autorité légale**

*Community Planning Act 2017 / Loi sur l'urbanisme 2017*

*Making of zoning by-law / Prise de l'arrêté de zonage*

*53(2) For greater certainty and without limiting sub-section (1), a zoning by-law shall divide the municipality into zones, prescribe the purposes for which land, buildings and structures in a zone may be used and prohibit the use of land, buildings and structures for any other purpose, and may / 53(2) Pour plus de certitude et sans que soit limitée la portée du paragraphe (1), l'arrêté de zonage répartit la municipalité en zones, prescrit les fins auxquelles les terrains, les bâtiments et les constructions dans une zone peuvent être affectés et interdit toute autre affectation des terrains, des bâtiments et des constructions et peut :*

*(a) with respect to a zone, regulate / a) réguler pour toute zone :*

*(v) the placement, location and arrangement of buildings and structures, including their setting back from the boundaries of streets and other public areas, and from rivers, streams or other bodies of water, / (v) l'implantation, l'emplacement et la disposition des bâtiments et des constructions, y compris leur édification en retrait des alignements de rues et des autres lieux publics ainsi que des rivières, des ruisseaux et des autres plans d'eau,*

*53(3) In prescribing the purposes for which land, buildings and structures in a zone may be used, a zoning by-law may / En prescrivant les fins auxquelles des terrains, des bâtiments et des constructions dans une zone quelconque peuvent être affectés, l'arrêté de zonage peut prévoir l'une quelconque des dispositions suivantes :*

*(c) prescribe particular purposes / y désigner des fins particulières :*

*(i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and / pour lesquelles le comité consultatif ou la commission de services régionaux peut, sous réserve du paragraphe (5), imposer des modalités et des conditions,*

*(ii) that may be prohibited by the advisory committee or regional service commission if compliance with terms and conditions imposed under subparagraph (i) cannot reasonably be expected. / que peuvent interdire le comité consultatif ou la commission de services régionaux lorsqu'il apparaît raisonnable de s'attendre qu'il ne sera pas satisfait aux modalités et aux conditions imposées en vertu du sous-alinéa (i).*

*53(4) Terms and conditions imposed under paragraph (3)(c) shall be limited to those considered necessary by the advisory committee or regional service commission to protect / Les modalités et les conditions imposées en vertu de l'alinéa (3)c) se limitent à celles que le comité consultatif ou la commission de services régionaux juge nécessaires pour protéger :*

*(a) properties within the zone or in abutting zones, or / soit les biens situés dans la zone ou dans des zones y attenantes;*

*(b) the health, safety and welfare of the general public. / soit la santé, la sécurité et le bien-être du grand*

public.

5(1) Subject to the terms and conditions it considers fit, the advisory committee or regional service commission may permit / 55(1) *Sous réserve des modalités et des conditions qu'il juge indiquées, le comité consultatif ou la commission de services régionaux peut autoriser :*

(a) a proposed use of land or a building that is otherwise not permitted under the zoning by-law if, in its opinion, the proposed use is sufficiently similar to or compatible with a use permitted in the by-law for the zone in which the land or building is situated, or / *a) soit l'usage projeté d'un terrain ou d'un bâtiment que ne permet pas par ailleurs l'arrêté de zonage s'il estime qu'il s'avère suffisamment comparable à un usage que l'arrêté permet pour la zone où le terrain ou le bâtiment est situé ou qu'il est suffisamment compatible avec lui ;*

### **Recommendation / Recommandation**

Staff respectfully recommends the Southeast Planning Review and Adjustment Committee to: / Le personnel recommande respectueusement au Comité de révision de la planification du Sud-Est de :

\* Approve the salvage yard as a conditional use / Approuver la cour de récupération comme usage conditionnel

\* Approve the variance to reduce the setback from 100 meters to 15 meters from the streets, and / *Approuver la dérogation pour réduire la marge de recul de 100 mètres à 15 mètres des rues, et*

\* Approve the variance to reduce the setback from 100 meters to 30 meters from watercourse / *Approuver la dérogation pour réduire la marge de recul de 100 mètres à 30 mètres du cours d'eau*

With the following conditions: / *Avec les conditions suivantes :*

1) That a stormwater treatment and sediment control device be installed. / *Qu'un dispositif de traitement des eaux pluviales et de contrôle des sédiments soit installé.*

2) That an engineer report be provided confirming a zero net stormwater runoff. / *Qu'un rapport d'ingénieur soit fourni confirmant un ruissellement net nul des eaux pluviales.*

3) That the land between the fence and any lot line shall be landscaped. / *Que le terrain entre la clôture et toute limite de lot soit paysagé.*

4) That a 3m tall opaque fence be installed in order to restrict view from public roads. / *Qu'une clôture opaque de 3m de hauteur soit installée afin de restreindre la vue depuis les voies publiques.*

5) That a drainage and servicing plan prepared by a civil engineer be submitted prior to issuing a permit. / *Qu'un plan de drainage et de services préparé par un ingénieur civil soit soumis avant l'émission d'un permis.*

6) That an as-built drainage and servicing plan prepared by a civil engineer be submitted prior to closing the file. / *Qu'un plan tel que construit de drainage et de services préparé par un ingénieur civil soit soumis avant la fermeture du dossier.*

**Note:** This report was written in\_ 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 et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*

**Chemin Berry Mills Road (PID/NID 70568738)**

LSD of Moncton

Date: 8/8/2022

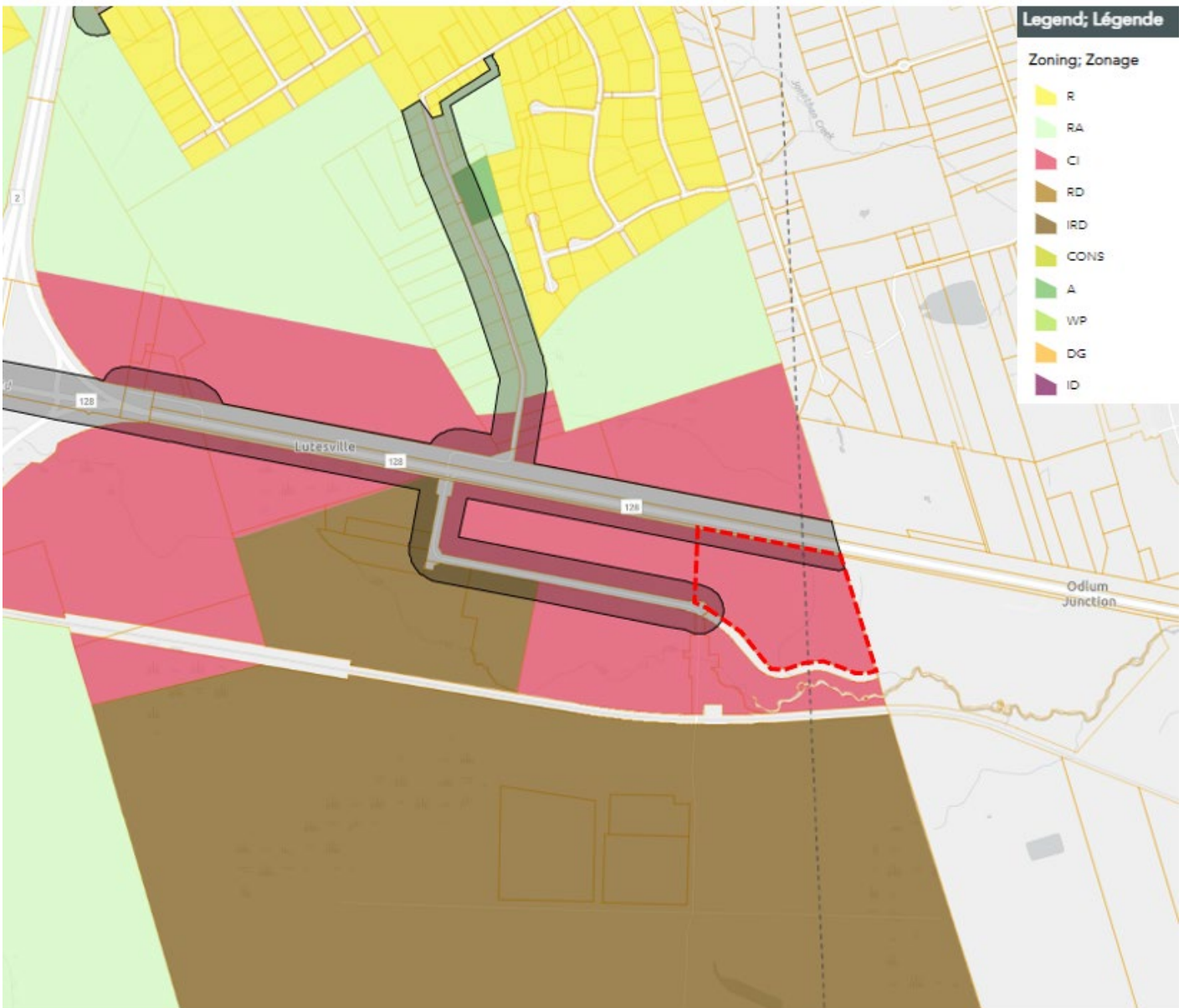
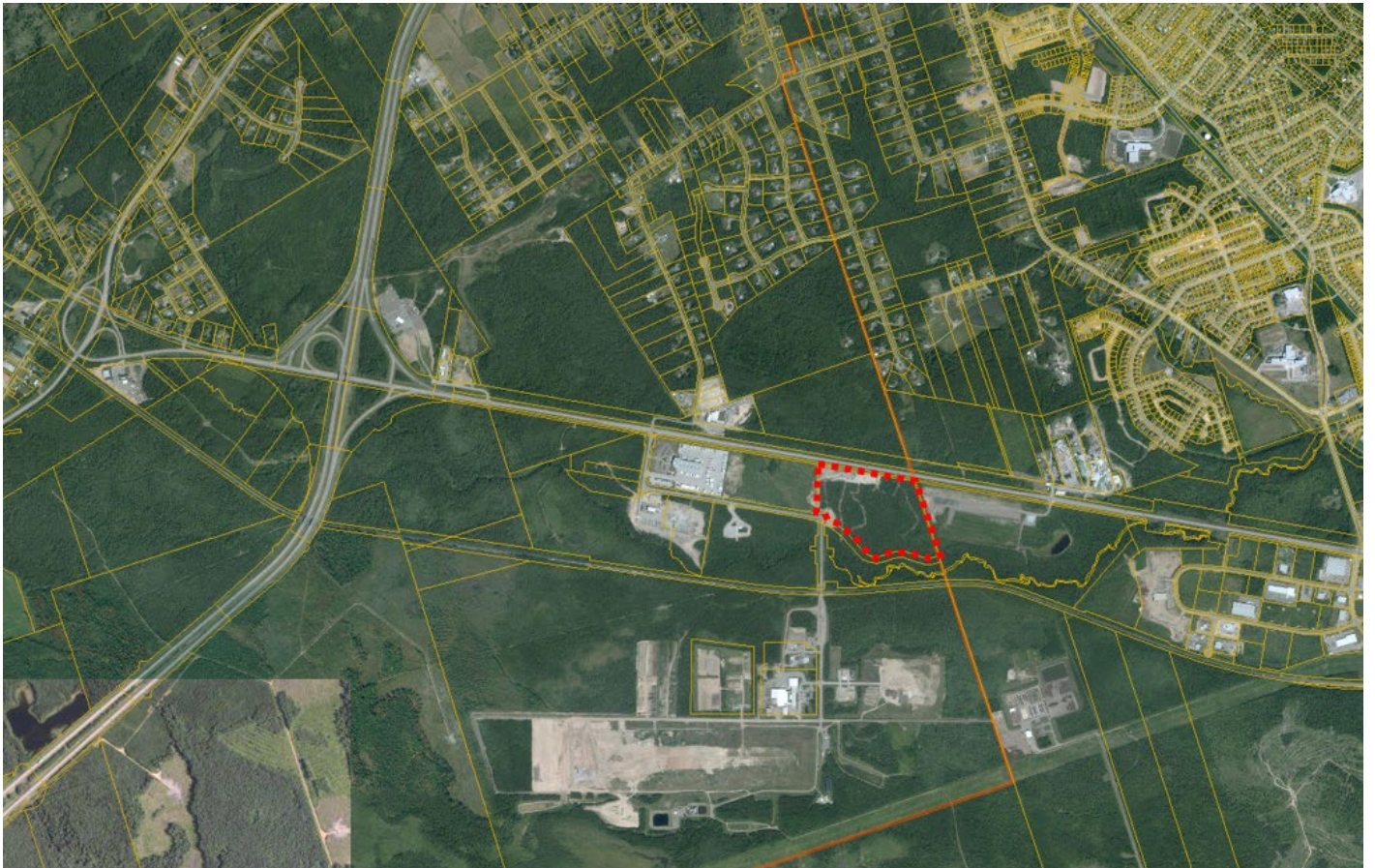


**Main Office**  
 1234 rue Main Street  
 2<sup>nd</sup> Floor, Unit/unité 200  
 Moncton, NB E1C 1H7  
 Tel/tél : 506-382-5386

**Beaubassin Office**  
 815A rue Bombardier Street  
 Route 15, Exit/sortie 37  
 Shediac, NB E4P 1H9  
 Tel/tél : 506-533-3637

**Tantramar Office**  
 112 rue Main Street  
 Unit/unité C  
 Sackville, NB E4L 0C3  
 Tel/tél : 506-364-4701

**Riverview Office**  
 Operations Centre  
 300, rue Roberston Street  
 Riverview, NB E1B 0T8  
 Tel/tél : 506 382 3574



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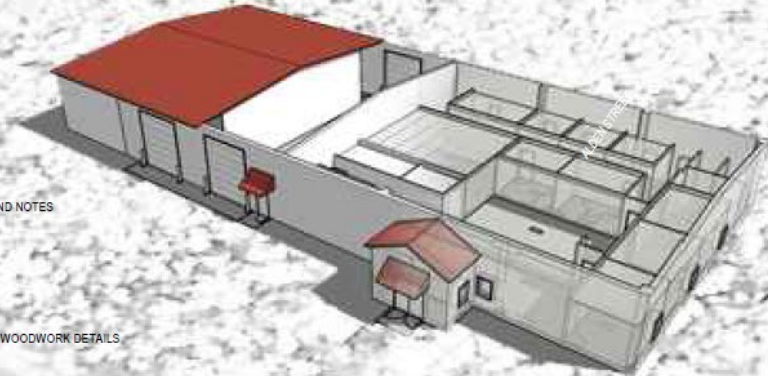
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 Tel/tél : 506 382 3574

# IAA MONCTON (BUILDING)

REVISED 100% RFC (GRID ADJUSTMENT)



## LIST OF DRAWINGS

Sheet Number	Sheet Title
3-1	FOUNDATION PLAN, SLAB-ON-GRADE PLAN, AND NOTES
3-2	SECTIONS & DETAILS
6-1	CODE
6-2	FLOOR PLAN & RCP
6-3	ELEVATIONS & SECTIONS
6-4	DETAILS
6-5	DETAILS
6-6	WASHROOM ENLARGEMENTS ELEVATIONS & WOODWORK DETAILS
6-7	FINISHES PLAN & SCHEDULE
6-8	DOOR, WINDOW DETAILS & SCHEDULE
22-1	PLUMBING PLANS
23-1	HVAC PLANS
23-2	MECHANICAL DETAILS
23-3	MECHANICAL SCHEDULES
23-4	MECHANICAL SPECIFICATIONS
26-1	ELECTRICAL SYSTEMS AND LIGHTING FLOOR PLANS
26-2	LEGEND, SCHEDULES AND SITE PLAN
26-3	SINGLE LINE DIAGRAM, GROUNDING AND FIRE ALARM RISERS

EXP Architects Inc.  
 T: +1 506 453 3000 F: +1 506 453 3043  
 1133 Regent Street, Suite 300  
 Fredericton, NB E3B 3Z3  
 CANADA

[www.exp.com](http://www.exp.com)

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EXP Services Inc.  
 T: +1 506 657 3000 F: +1 506 453 3043  
 40 Harriet Durand Street  
 Moncton, NB E1C 1E3  
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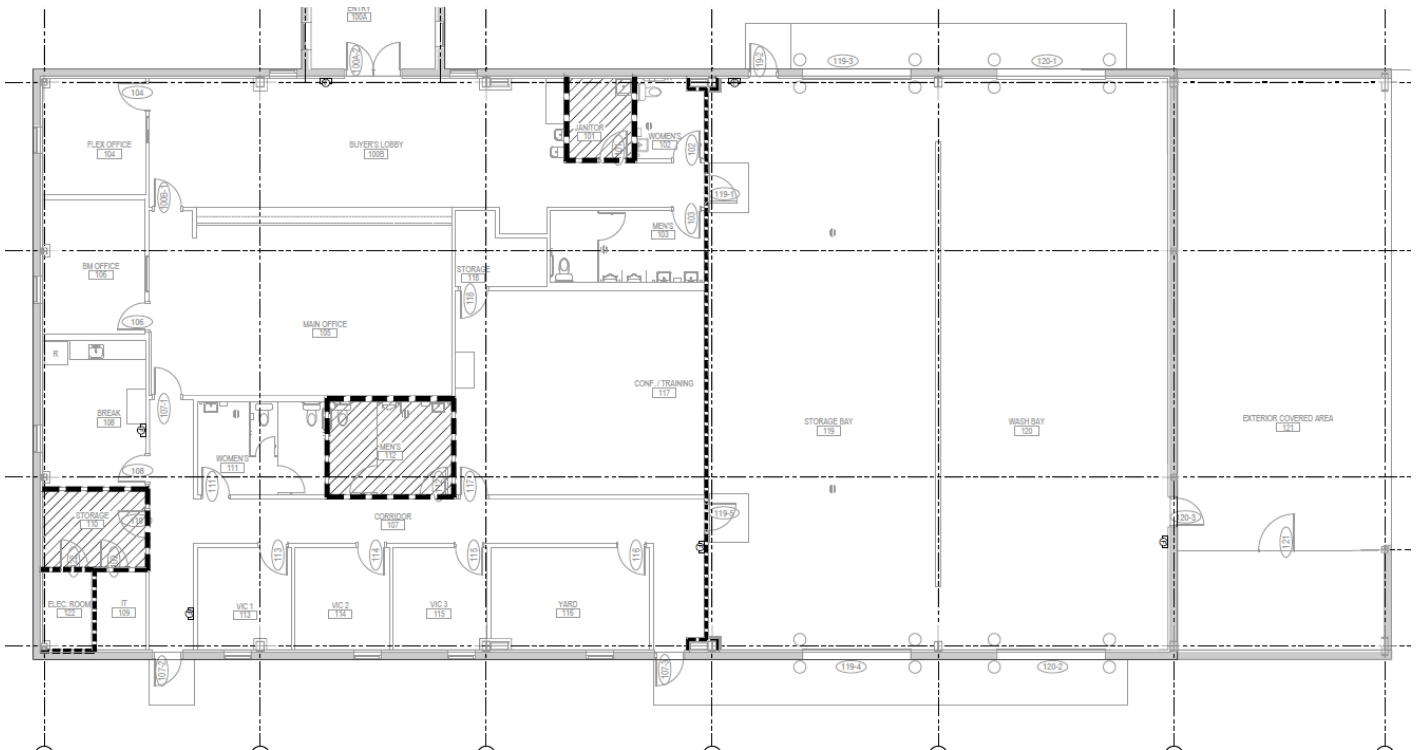
REVISED 100% RFC (GRID ADJUSTMENT)

IAA MONCTON (BUILDING)

2022-05-06

MON-00260117-A1

Floor plan



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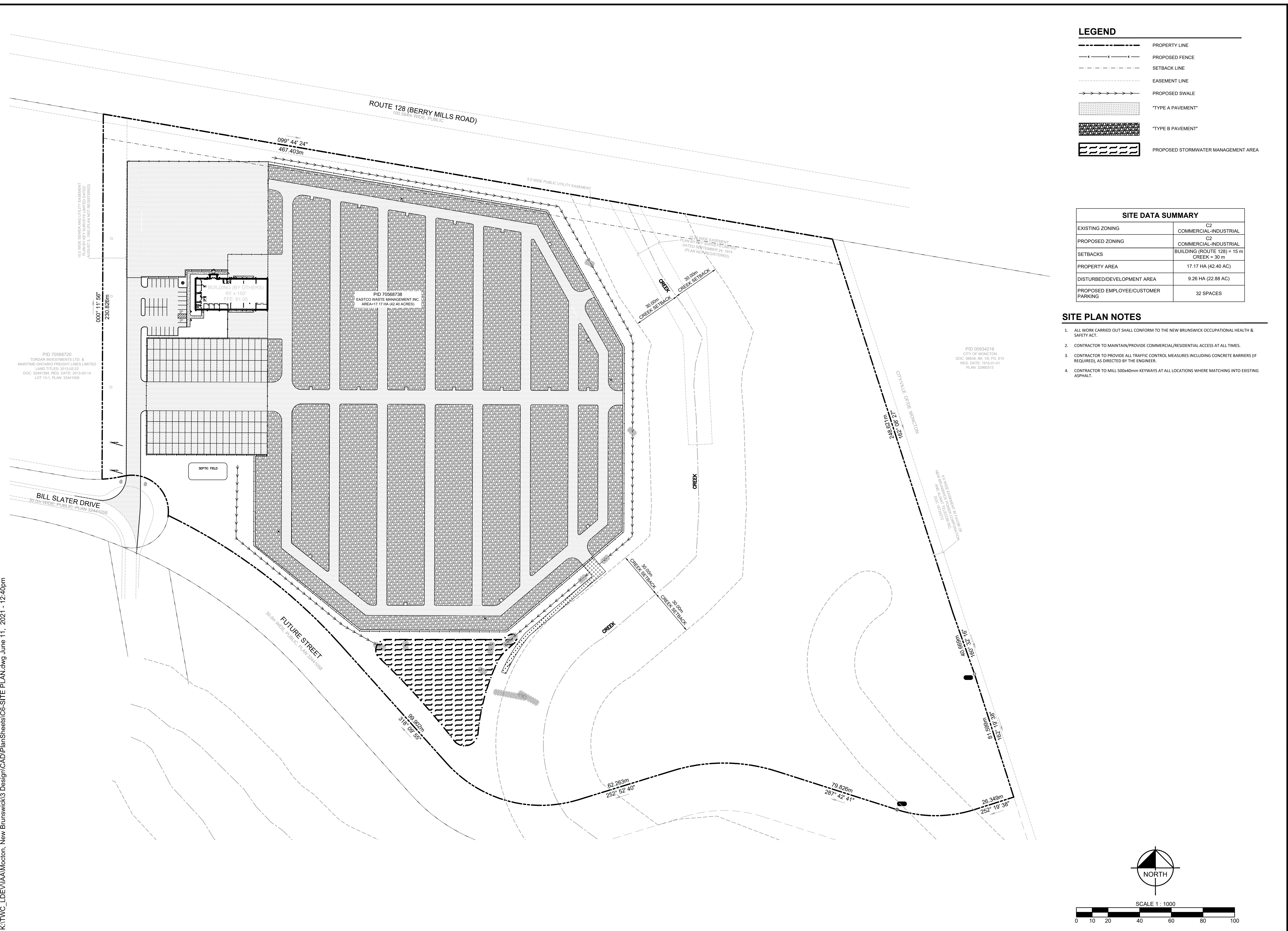
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K:\TWC\_LDEV\IAA\Moncton, New Brunswick\3 Design\CAD\PlanSheets\C6-SITE PLAN.dwg June 11, 2021 - 12:40pm



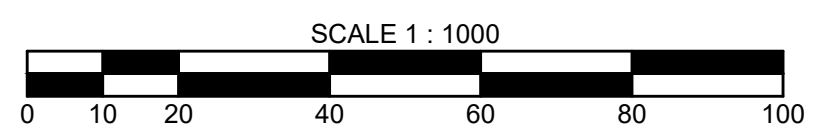
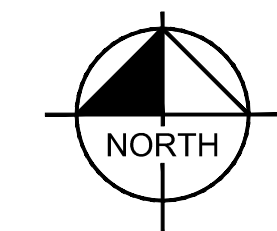
**LEGEND**

- PROPERTY LINE
- - - PROPOSED FENCE
- - - SETBACK LINE
- - - EASEMENT LINE
- → → PROPOSED SWALE
- [Pattern] "TYPE A PAVEMENT"
- [Pattern] "TYPE B PAVEMENT"
- [Pattern] PROPOSED STORMWATER MANAGEMENT AREA

**SITE DATA SUMMARY**

EXISTING ZONING	C2
PROPOSED ZONING	COMMERCIAL-INDUSTRIAL
SETBACKS	BUILDING (ROUTE 128) = 15 m CREEK = 30 m
PROPERTY AREA	17.17 HA (42.40 AC)
DISTURBED/DEVELOPMENT AREA	9.26 HA (22.88 AC)
PROPOSED EMPLOYEE/CUSTOMER PARKING	32 SPACES

- SITE PLAN NOTES**
- ALL WORK CARRIED OUT SHALL CONFORM TO THE NEW BRUNSWICK OCCUPATIONAL HEALTH & SAFETY ACT.
  - CONTRACTOR TO MAINTAIN/PROVIDE COMMERCIAL/RESIDENTIAL ACCESS AT ALL TIMES.
  - CONTRACTOR TO PROVIDE ALL TRAFFIC CONTROL MEASURES INCLUDING CONCRETE BARRIERS (IF REQUIRED), AS DIRECTED BY THE ENGINEER.
  - CONTRACTOR TO MILL 500x40mm KEYWAYS AT ALL LOCATIONS WHERE MATCHING INTO EXISTING ASPHALT.



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06/04/2021	
IAA PROJECT 16225000	DATE 06/11/2021
SCALE AS SHOWN	DESIGNED BY MJJ
DRAWN BY RAV	CHECKED BY WDM
<b>OVERALL SITE PLAN</b>	
IAA NEW BRUNSWICK PREPARED FOR <b>IMPACT AUTO AUCTIONS</b> MONCTON PARISH NEW BRUNSWICK	
SHEET NUMBER <b>C104</b>	
TENDER REVISIONS 06/11/2021 BPG	TENDER SET 06/04/2021 BPG
75% PRELIMINARY DESIGN 05/13/2021 MJJ	ISSUE / REVISIONS DATE BY



## MEMORANDUM

To: Phil Robichaud  
Planner Southeast Planning Review and Adjustment Committee

From: Will Matzek  
Kimley-Horn and Associates, Inc.

Date: 2022-07-22

Subject: IAA – Moncton Variance

---

To Whom it May Concern,

Insurance Auto Auctions, Inc. (IAA) would like to propose a watercourse setback variance for their site (PID 7058738) from 100-meters to 30-meters. This variance is required due to a change of policy that was issued February 2022 that affects IAA's property as it is now zoned Commercial-Industrial (CI). IAA had previously started the project in the summer of 2021 under previous regulations and had obtained the attached approvals but subsequently had to stop construction due to an unexpected property dispute. The dispute has now been resolved and IAA is hoping to restart construction shortly.

In the previously approved plan, the vehicle auction yard with associated building met the required 30-meter setback from unnamed/Jonathan Creek. The proposed new Rural Plan now requires the setback to be 100-meters. The site plan that IAA has prepared for this property would be unfeasible if the 100-meter setback requirement were to be in effect. As of June 6, 2021, IAA had received NBDTI and WAWA approvals and were substantially complete with site clearing. The selection of this site is optimal for IAA in that it fits their business expansion that has been in planning since 2020, it meets the guidelines provided by the Southeast Regional Service Commission, aside from the recent adoption of the 100-metre watercourse setback associated with this type of development.

Under the previous and current regulations, stormwater management was not required for this site as it is outside of City limits. However, IAA went above and beyond the regulations by providing temporary and permanent erosion control and stormwater management features in order to provide additional protection to the Creek.

Erosion control measures shown within the plans address the concerns of sediment compromising the stream. The first method shown to prevent this is a series of diversion ditches that border the proposed work limits and eliminate direct runoff into the creek. Within the drainage ditches, permanent haybale check dams are to be placed to limit the sediment that would reach the temporary sediment trap. The sediment trap is the second method to prevent compromising the stream. The third method proposed to control sediment transport during construction is the silt fence that surrounds the site and is to be maintained regularly if sediment were to build up along with the two other measures. In the case of an extreme rain event, the overflow from the sediment trap is designed to be routed through a section of rip rap followed by silt fence to limit the amount of sediment transport. Similar methods of erosion control will be implemented within the second phase of the development with the addition of inlet protection measures. The temporary sediment basin will be converted to a permanent stormwater detention pond (dry pond) that provides storage to reduce the peak runoff rates leaving the site. Please see the attached table below with post-development rates if the stormwater pond was not installed and installed. There is a 68% reduction in the event of a 100-year rain event and a 66% reduction of runoff for the 2-year rain event. As outlined in the proposed construction plans, an inline hydrodynamic separator (CDS) structure will be

placed at the site discharge point to provide continued pollutant reduction and stormwater quality control prior to entering the Creek. This structure will provide an additional line of protection to the creek from sediment and other pollutants by providing a net annual removal rate of 82.70%. Please see the attached report from Contech for removal rates.

	2 – YEAR	100-YEAR
POST-DEVELOPMENT WIHTOUT STORMWATER BASIN (L/s)	1,205	3,287
POST-DEVELOPMENT WITH STORMWATER BASIN (L/s)	400	1,050

With the temporary erosion control measures, proposed stormwater management plan, and previous approvals we hope consideration will be given to a watercourse setback variance. If there are any questions or concerns with the development don't hesitate to reach out at any time. Thank you and we're looking forward to working with you.

Sincerely,



William D. Matzek, P.Eng.

[will.matzek@kimley-horn.com](mailto:will.matzek@kimley-horn.com)

651 643 0497



## Hydrodynamic Separation Product Calculator

### Project Information

Project Name	IAAI Berry Mills, NB, Parking				
Country	Canada	Province	New Brunswick	City	Moncton, NB

### Contact Information

First Name	Mark	Last Name	Tays	Title	Municipal Engineer
Company	EXP Services			Designation	P.Eng.
Email	mark.tays@exp.com			Phone #	(506) 857-8889

### Design Criteria

Site Designation	Berry Mills Parking Layout Exhibit			Sizing Method	Net Annual
Screening Required?	Yes	Drainage Area (ha)	9.2	Peak Flow (L/s)	1050
Groundwater Depth (m)	>15	Pipe Invert Depth (m)	0-5	Bedrock Depth (m)	>15
Multiple Inlets?	No	Grate Inlet Required?	No	Pipe Size (mm)	600
Required Particle Size Distribution	Yes	90° between two inlets?	No	180° between inlet and outlet?	No
Runoff Coefficient	0.80	Rainfall Station	95 - Moncton Airport, NB	TC (Min)	10

### Treatment Selection

Treatment Unit	CDS	System Model	CDS 4040-8		
Target Removal	80%	Particle Size Distribution (PSD)	OK-110	Predicted Net Annual Removal	82.70%

**CDS ESTIMATED NET ANNUAL SOLIDS LOAD REDUCTION  
BASED ON THE RATIONAL RAINFALL METHOD  
BASED ON AN AVERAGE PARTICLE SIZE OF 110 MICRONS**

**Dartmouth Crossing Pad 4  
Dartmouth, NS**



Area	9.2	ha	Rainfall Station #	95	
Weighted C	0.8		(select from Rainfall Reference Table)		
Tc	10	minutes (assumed)	Particle size	110	microns
CDS Model	4040	(select from pulldown)	CDS Treatment Capacity	169.9	l/s
			CDS Hydraulic Capacity	849.6	l/s

Rainfall Intensity <sup>1</sup> (mm/hr)	Percent Rainfall Volume <sup>1</sup>	Cumulative Rainfall Volume	Total Flowrate (l/s)	Treated Flowrate (l/s)	Operating Rate (%)	Removal Efficiency (%)	Incremental Removal (%)
0.5	9.8%	9.8%	10.4	10.4	6.1	99.9	9.8
1.0	12.5%	22.4%	20.8	20.8	12.2	98.5	12.3
1.5	11.1%	33.4%	31.2	31.2	18.4	97.0	10.8
2.0	10.4%	43.9%	41.6	41.6	24.5	95.6	10.0
2.5	8.6%	52.5%	52.0	52.0	30.6	94.1	8.1
3.0	8.4%	60.9%	62.4	62.4	36.7	92.7	7.8
3.6	6.3%	67.2%	72.8	72.8	42.8	91.2	5.8
4.1	6.2%	73.4%	83.2	83.2	48.9	89.8	5.5
4.6	4.3%	77.7%	93.5	93.5	55.1	88.3	3.8
5.1	2.5%	80.2%	103.9	103.9	61.2	86.8	2.2
6.4	6.9%	87.1%	129.9	129.9	76.5	83.2	5.7
7.6	4.2%	91.3%	155.9	155.9	91.8	79.6	3.3
8.9	1.8%	93.1%	181.9	169.9	100.0	72.5	1.3
10.2	1.3%	94.4%	207.9	169.9	100.0	63.4	0.8
11.4	1.2%	95.6%	233.9	169.9	100.0	56.4	0.7
12.7	0.0%	95.6%	259.9	169.9	100.0	50.8	0.0
19.1	2.3%	97.9%	389.8	169.9	100.0	33.8	0.8
25.4	0.8%	98.7%	519.7	169.9	100.0	25.4	0.2
38.1	1.3%	100.0%	779.6	169.9	100.0	16.9	0.2
0.0	0.0%	100.0%	0.0	0.0	0.0	#DIV/0!	0.0

89.2

Removal Efficiency Adjustment<sup>2</sup> = 6.5%

Predicted % Annual Rainfall Treated = 90.0%

**Predicted Net Annual Load Removal Efficiency = 82.7%**

1 - Based on 10 years of rainfall data from Canadian Station 8103200, Moncton Airport, NB

2 - Reduction due to use of 60-minute data for a site that has a time of concentration less than 30-minutes.

SECTION (\_\_\_\_)  
STORM WATER TREATMENT DEVICE

1.0 GENERAL

- 1.1 This item shall govern the furnishing and installation of the CDS® by Contech Engineered Solutions LLC, complete and operable as shown and as specified herein, in accordance with the requirements of the plans and contract documents.
- 1.2 The Contractor shall furnish all labor, equipment and materials necessary to install the storm water treatment device(s) (SWTD) and appurtenances specified in the Drawings and these specifications.
- 1.3 The manufacturer of the SWTD shall be one that is regularly engaged in the engineering design and production of systems deployed for the treatment of storm water runoff for at least five (5) years and which have a history of successful production, acceptable to the Engineer. In accordance with the Drawings, the SWTD(s) shall be a CDS® device manufactured by:

Contech Engineered Solutions LLC  
9025 Centre Pointe Drive  
West Chester, OH, 45069  
Tel: 1 800 338 1122

1.4 Related Sections

- 1.4.1 Section 02240: Dewatering
  - 1.4.2 Section 02260: Excavation Support and Protection
  - 1.4.3 Section 02315: Excavation and Fill
  - 1.4.4 Section 02340: Soil Stabilization
- 1.5 All components shall be subject to inspection by the engineer at the place of manufacture and/or installation. All components are subject to being rejected or identified for repair if the quality of materials and manufacturing do not comply with the requirements of this specification. Components which have been identified as defective may be subject for repair where final acceptance of the component is contingent on the discretion of the Engineer.
  - 1.6 The manufacturer shall guarantee the SWTD components against all manufacturer originated defects in materials or workmanship for a period of twelve (12) months from the date the components are delivered to the owner for installation. The manufacturer shall upon its determination repair, correct or replace any manufacturer originated defects advised in writing to the manufacturer within the referenced warranty period. The use of SWTD components shall be limited to the application for which it was specifically designed.
  - 1.7 The SWTD manufacturer shall submit to the Engineer of Record a “Manufacturer’s Performance Certification” certifying that each SWTD is capable of achieving the specified removal efficiencies listed in these specifications. The certification shall be supported by independent third-party research

- 1.8 No product substitutions shall be accepted unless submitted 10 days prior to project bid date, or as directed by the Engineer of Record. Submissions for substitutions require review and approval by the Engineer of Record, for hydraulic performance, impact to project designs, equivalent treatment performance, and any required project plan and report (hydrology/hydraulic, water quality, stormwater pollution) modifications that would be required by the approving jurisdictions/agencies. Contractor to coordinate with the Engineer of Record any applicable modifications to the project estimates of cost, bonding amount determinations, plan check fees for changes to approved documents, and/or any other regulatory requirements resulting from the product substitution.

## 2.0 MATERIALS

- 2.1 Housing unit of stormwater treatment device shall be constructed of pre-cast or cast-in-place concrete, no exceptions. Precast concrete components shall conform to applicable sections of ASTM C 478, ASTM C 857 and ASTM C 858 and the following:
  - 2.1.1 Concrete shall achieve a minimum 28-day compressive strength of 4,000 pounds per square-inch (psi);
  - 2.1.2 Unless otherwise noted, the precast concrete sections shall be designed to withstand lateral earth and AASHTO H-20 traffic loads;
  - 2.1.3 Cement shall be Type III Portland Cement conforming to ASTM C 150;
  - 2.1.4 Aggregates shall conform to ASTM C 33;
  - 2.1.5 Reinforcing steel shall be deformed billet-steel bars, welded steel wire or deformed welded steel wire conforming to ASTM A 615, A 185, or A 497.
  - 2.1.6 Joints shall be sealed with preformed joint sealing compound conforming to ASTM C 990.
  - 2.1.7 Shipping of components shall not be initiated until a minimum compressive strength of 4,000 psi is attained or five (5) calendar days after fabrication has expired, whichever occurs first.
- 2.2 Internal Components and appurtenances shall conform to the following:
  - 2.2.1 Screen and support structure shall be manufactured of Type 316 and 316L stainless steel conforming to ASTM F 1267-01;
  - 2.2.2 Hardware shall be manufactured of Type 316 stainless steel conforming to ASTM A 320;
  - 2.2.3 Fiberglass components shall conform to applicable sections of ASTM D-4097
  - 2.2.4 Access system(s) conform to the following:
  - 2.2.5 Manhole castings shall be designed to withstand AASHTO H-20 loadings and manufactured of cast-iron conforming to ASTM A 48 Class 30.

## 3.0 PERFORMANCE

- 3.1 The SWTD shall be sized to either achieve an 80 percent average annual reduction in the total suspended solid load with a particle size distribution having a mean particle size ( $d_{50}$ ) of 125 microns unless otherwise stated.
- 3.2 The SWTD shall be capable of capturing and retaining 100 percent of pollutants greater than or equal to 2.4 millimeters (mm) regardless of the pollutant's specific gravity (i.e.: floatable and neutrally buoyant materials) for flows up to the device's rated-treatment capacity. The SWTD shall be designed to retain all previously captured pollutants addressed by this

subsection under all flow conditions. The SWTD shall be capable of capturing and retaining total petroleum hydrocarbons. The SWTD shall be capable of achieving a removal efficiency of 92 and 78 percent when the device is operating at 25 and 50 percent of its rated-treatment capacity. These removal efficiencies shall be based on independent third-party research for influent oil concentrations representative of storm water runoff ( $20 \pm 5$  mg/L). The SWTD shall be greater than 99 percent effective in controlling dry-weather accidental oil spills.

- 3.3 The SWTD shall be designed with a sump chamber for the storage of captured sediments and other negatively buoyant pollutants in between maintenance cycles. The minimum storage capacity provided by the sump chamber shall be in accordance with the volume listed in Table 1. The boundaries of the sump chamber shall be limited to that which do not degrade the SWTD's treatment efficiency as captured pollutants accumulate. The sump chamber shall be separate from the treatment processing portion(s) of the SWTD to minimize the probability of fine particle re-suspension. In order to not restrict the Owner's ability to maintain the SWTD, the minimum dimension providing access from the ground surface to the sump chamber shall be 16 inches in diameter.
- 3.4 The SWTD shall be designed to capture and retain Total Petroleum Hydrocarbons generated by wet-weather flow and dry-weather gross spills and have a capacity listed in Table 1 of the required unit.
- 3.5 The SWTD shall convey the flow from the peak storm event of the drainage network, in accordance with required hydraulic upstream conditions as defined by the Engineer. If a substitute SWTD is proposed, supporting documentation shall be submitted that demonstrates equal or better upstream hydraulic conditions compared to that specified herein. This documentation shall be signed and sealed by a Professional Engineer registered in the State of the work. All costs associated with preparing and certifying this documentation shall be born solely by the Contractor.
- 3.6 The SWTD shall have completed field tested following TARP Tier II protocol requirements

#### 4.0 EXECUTION

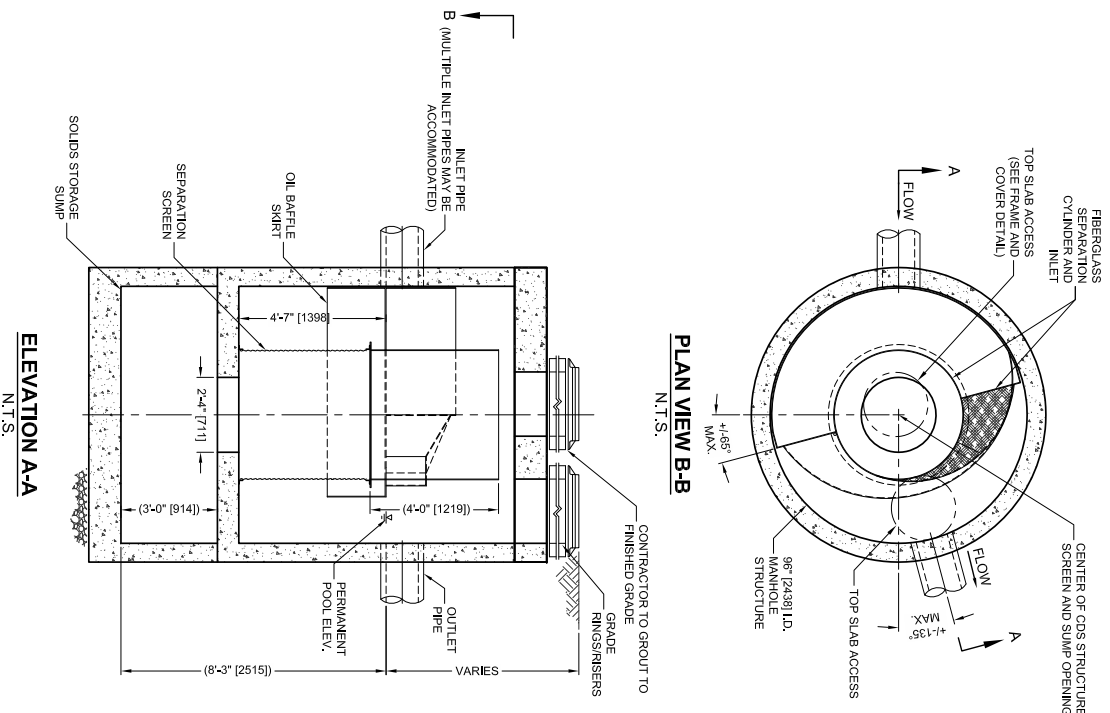
- 4.1 The contractor shall exercise care in the storage and handling of the SWTD components prior to and during installation. Any repair or replacement costs associated with events occurring after delivery is accepted and unloading has commenced shall be borne by the contractor.
- 4.2 The SWTD shall be installed in accordance with the manufacturer's recommendations and related sections of the contract documents. The manufacturer shall provide the contractor installation instructions and offer on-site guidance during the important stages of the installation as identified by the manufacturer at no additional expense. A minimum of 72 hours notice shall be provided to the manufacturer prior to their performance of the services included under this subsection.
- 4.3 The contractor shall fill all voids associated with lifting provisions provided by the manufacturer. These voids shall be filled with non-shrinking grout providing a finished surface consistent with adjacent surfaces. The contractor shall trim all protruding lifting provisions flush with the adjacent concrete surface in a manner, which leaves no sharp points or edges.

4.4 The contractor shall removal all loose material and pooling water from the SWTD prior to the transfer of operational responsibility to the Owner.

**TABLE 1**  
**Storm Water Treatment Device**  
**Storage Capacities**

CDS Model	Minimum Sump Storage Capacity (yd <sup>3</sup> )/(m <sup>3</sup> )	Minimum Oil Storage Capacity (gal)/(L)
CDS2015-4	0.9(0.7)	61(232)
CDS2015-5	1.5(1.1)	83(313)
CDS2020-5	1.5(1.1)	99(376)
CDS2025-5	1.5(1.1)	116(439)
CDS3020-6	2.1 (1.6)	184(696)
CDS3025-6	2.1(1.6)	210(795)
CDS3030-6	2.1 (1.6)	236(895)
CDS3035-6	2.1 (1.6)	263(994)
CDS3535-7	2.9(2.2)	377(1426)
CDS4030-8	5.6(4.3)	426(1612)
CDS4040-8	5.6 (4.3)	520(1970)
CDS4045-8	5.6 (4.3)	568(2149)
CDS5640-10	8.7(6.7)	758(2869)
CDS5653-10	8.7(6.7)	965(3652)
CDS5668-10	8.7(6.7)	1172(4435)
CDS5678-10	8.7(6.7)	1309(4956)
CDS7070-DV	3.6(2.8)	914 (3459)
CDS10060-DV	5.0 (3.8)	792 (2997)
CDS10080-DV	5.0 (3.8)	1057 (4000)
CDS100100-DV	5.0 (3.8)	1320 (4996)

**END OF SECTION**



**ELEVATION A-A**  
N.T.S.

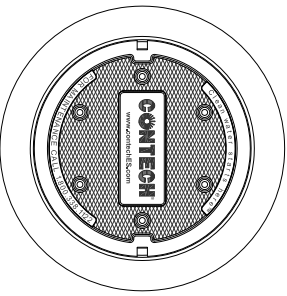
**PLAN VIEW B-B**  
N.T.S.



**CDS4040-8-C DESIGN NOTES**

THE STANDARD CDS4040-8-C CONFIGURATION IS SHOWN. ALTERNATE CONFIGURATIONS ARE AVAILABLE AND ARE LISTED BELOW. SOME CONFIGURATIONS MAY BE COMBINED TO SUIT SITE REQUIREMENTS.

CONFIGURATION DESCRIPTION
GRADED INLET ONLY (NO INLET PIPE)
GRADED INLET WITH INLET PIPE OR PIPES
CURB INLET ONLY (NO INLET PIPE)
CURB INLET WITH INLET PIPE OR PIPES
SEPARATE OIL BAFFLE (SINGLE INLET PIPE REQUIRED FOR THIS CONFIGURATION)
SEDIMENT WEIR FOR INLET/ INCAAT CONFORMING UNITS



**FRAME AND COVER**  
(DIAMETER VARIES)  
N.T.S.

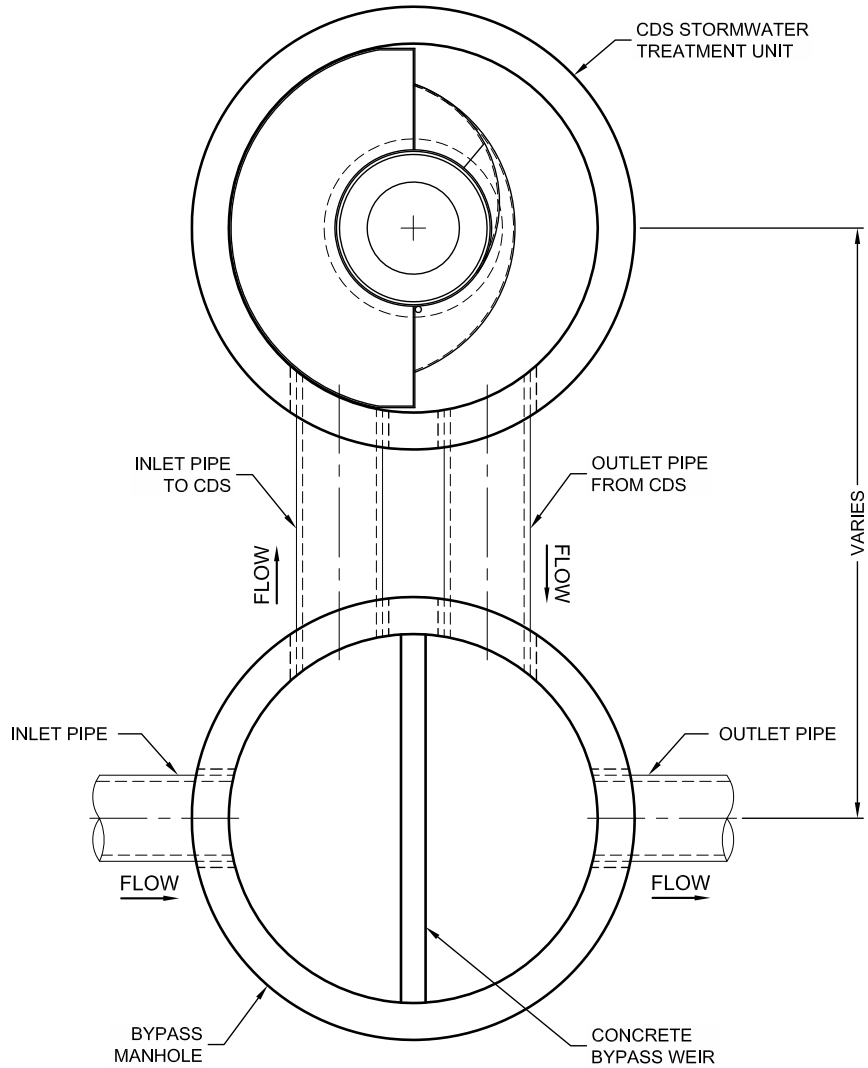
SITE SPECIFIC DATA REQUIREMENTS		
STRUCTURE ID		*
WATER QUALITY FLOW RATE (GFS OR US)		*
PEAK FLOW RATE (GFS OR US)		*
RETURN PERIOD OF PEAK FLOW (YRS)		*
SCREEN APERTURE (2400 OR 4700)		*
PIPE DATA	I.E.	MATERIAL
INLET PIPE 1	*	*
INLET PIPE 2	*	*
OUTLET PIPE	*	*
RIM ELEVATION		*
ANTI-FLOTATION BALLAST	WIDTH	HEIGHT
	*	*
NOTES/SPECIAL REQUIREMENTS:		
* PER ENGINEER OF RECORD		

- GENERAL NOTES**
- CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
  - DIMENSIONS MARKED WITH ( ) ARE REFERENCE DIMENSIONS. ACTUAL DIMENSIONS MAY VARY.
  - FOR FABRICATION DRAWINGS WITH DETAILED STRUCTURE DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE. [www.conteches.com](http://www.conteches.com)
  - CDS WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
  - STRUCTURE SHALL BE ASHTO HSD2 (ASHTO M 318) LOAD RATING, ASSUMING GROUND WATER ELEVATION EQUAL TO FINISHED GRADE.
  - PVC HYDRAULIC SHEAR PLATE IS PLACED ON SHELF AT BOTTOM OF SCREEN CYLINDER. REMOVE AND REPLACE AS NECESSARY DURING MAINTENANCE CLEANING.
- INSTALLATION NOTES**
- ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
  - CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CDS MANHOLE STRUCTURE (LIFTING CLUTCHES PROVIDED).
  - CONTRACTOR TO PROVIDE SEALANT BETWEEN ALL STRUCTURE SECTIONS, AND ASSEMBLE STRUCTURE.
  - CONTRACTOR TO TAKE APPROPRIATE MEASURES TO ASSURE UNIT IS WATER TIGHT. HOLDING WATER TO FLOWLINE INVERT MINIMUM. FT/S SUGGESTED THAT ALL JOINTS BELOW PIPE INVERTS ARE GROUTED.

**CONTECH**  
ENGINEERED SOLUTIONS LLC  
[www.conteches.com](http://www.conteches.com)  
9025 Carline Pkwy, Suite 400, West Chester, OH 45399  
800-338-1122 513-845-7000 513-845-7993 FAX

CDS4040-8-C  
INLINE CDS  
STANDARD DETAIL

181STORMWATERCOMMOPSP22 CDS40 STANDARD DRAWINGS/OFFLINE LAYOUTS DWG/OFFLINE CDS-C LAYOUT BYPASS MANHOLE STRUCTUREDWG 3/12/2013 3:34 PM



THIS PRODUCT MAY BE PROTECTED BY ONE OR MORE OF THE FOLLOWING U.S. PATENTS: 5,788,848; 6,641,720; 6,511,595; 6,581,783; RELATED FOREIGN PATENTS, OR OTHER PATENTS PENDING.

**CONTECH**  
ENGINEERED SOLUTIONS LLC

www.ContechES.com  
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069  
800-338-1122 513-645-7000 513-645-7993 FAX

CDS STORMWATER TREATMENT SYSTEM  
TYPICAL OFFLINE LAYOUT  
WITH BYPASS MANHOLE STRUCTURE

DATE:03/12/13	SCALE: NONE	PROJECT No.: N/A	SEQ. No.: N/A	DRAWN: N/A	CHECKED: N/A
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PERMIT FOR WATERCOURSE AND WETLAND ALTERATION
ALT 55808'21 Original

(Regulations 90-80 under the Clean Water Act Chapter C-6.1, Act of New Brunswick 1989)

PERMITTEE Insurance Auto Auctions, Inc.

LOCATIONS

Table with columns: Latitude, Longitude, Datum, To, Latitude, Longitude, Datum. Includes affected watercourse/tributary, regions, and municipalities.

PERMIT VALID FOR THIS PERIOD FROM 2021/06/15 TO 2021/12/31 (yyyymm/dd)

Description of Watercourse/Wetland Alteration(s):

- This project consists of the following activities:
1. Construction of a 750mm diameter storm water outfall pipe;
2. The placement of rip-rap armor stone over land flow pathways/ditching for the outfall pipe discharge and the emergency detention pond overflow weir;
3. Clearing/grubbing a total footprint of 465m2 to allow for the above mentioned activities.

The project is to be carried out in accordance with the design drawings prepared by Kimley-Horn and Associates, Inc. for the permittee titled "KHA PROJECT 160293000".

These activities are located on PID 70568738.

The Permittee may undertake only those Watercourse/Wetland Alteration(s) described above hereby approved by the Minister. Refer to Conditions of Approval stated on the attached Document "A". Responsibility for any action arising from any watercourse/wetland alteration must be borne by the Permittee and no liability shall be incurred by the Minister or the Department.

Number of conditions attached to this permit: 28

Date of Issuance: 2021/06/15 (yyyymm/dd)

[Signature]
for the Minister of Environment and Climate Change

Insurance Auto Auctions, Inc.

**DOCUMENT "A" Attached to ALT 55808'21 Original  
CONDITIONS OF APPROVAL**

(Regulations 90-80 under the Clean Water Act Chapter C-6.1, Act of New Brunswick 1989)

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- ( 1 ) The project shall be carried out in accordance with the design drawings prepared for the permittee by Kimley-Horn and Associates, Inc. titled "KHA PROJECT 160293000", except where stipulated otherwise in these "Conditions of Approval".
- ( 2 ) The permittee is responsible for obtaining permission from all landowners listed on the property where the alteration is to take place before commencement of the work.
- ( 3 ) The permittee is responsible for contacting the local planning commission or City/Town prior to commencing the project to ensure that all local/municipal by-laws are adhered to. The permittee is responsible for obtaining all additional permissions and permits prior to work commencement.
- ( 4 ) Other than the alteration(s) described on this permit, no additional alteration shall be carried out in or within 30 metres of a wetland or the shoulder of the bank of a watercourse.
- ( 5 ) A copy of this permit, including the "Conditions of Approval", shall be kept at the alteration site throughout the duration of the project, and such copy shall be produced upon the request of an inspector designated to act on behalf of the Minister of Environment and Local Government, or an employee of Fisheries and Oceans Canada.
- ( 6 ) The permittee shall ensure that all persons involved in the project are aware of and comply with the scope, conditions, and environmental constraints of this permit.
- ( 7 ) The Department of Environment and Local Government – Moncton Office (856-2374) shall be notified at least 2 working days prior to project commencement.
- ( 8 ) When machinery is being used, an appropriate emergency spill kit shall be kept on-site and be readily deployable. Any spill, regardless of quantity, must be reported by contacting the Department of Environment and Local Government during business hours or the National Environmental Emergencies Center (1-800-565-1633) after hours.
- ( 9 ) The equipment/machinery used shall be in good working order and must not be leaking any fuel, lubricants, or hydraulic fluid.
- ( 10 ) Machinery used shall be located outside of the wetland and/or the wetted portion of the watercourse.
- ( 11 ) All materials and machinery used shall be operated and stored/parked in a manner that prevents any deleterious substance (e.g. petroleum products, silt, etc.) from entering a watercourse/wetland.
- ( 12 ) Fill material added within 30 metres of a wetland or the shoulder of the bank of a watercourse shall be free of contaminants.
- ( 13 ) Preventative measures shall be taken to prevent demolition debris, spoil, and excavated material generated by the project from entering a watercourse/wetland. Excavated materials shall be disposed of where they cannot be washed into a watercourse/wetland by floodwaters or surface runoff and any debris generated from the project shall be entirely collected and disposed of outside a regulated area, in a manner acceptable to the Department of Environment and Local Government.
- ( 14 ) The permittee/agent carrying out the work shall take whatever steps are necessary to prevent noticeable suspended sediment from reaching a watercourse/wetland as a result of the alterations covered by this permit.
- ( 15 ) The installation/excavation, extension, or maintenance of an outfall pipe/ditch shall not involve any work in the wetted portion of a watercourse or in a wetland.
- ( 16 ) Clearing and grubbing along the centreline for the trench/ditch within 30 metres of a wetland or the shoulder of the bank of a watercourse shall be limited to 1.5 times the width of the machinery required to excavate the trench/ditch.
- ( 17 ) The 30 metre wide buffer strip along the watercourse shall not be grubbed until all material and equipment/machinery is on site and the project is ready to begin.

**DOCUMENT "A" Attached to ALT 55808'21 Original  
CONDITIONS OF APPROVAL**

(Regulations 90-80 under the Clean Water Act Chapter C-6.1, Act of New Brunswick 1989)

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- ( 18 ) All in-channel work, other than the installation and removal of cofferdams, shall be carried out in isolation of the stream flow while the flow upstream is maintained downstream without interruption throughout all stages of the project.
- ( 19 ) The portion of the project requiring excavation or removal of material from an area where there is a potential for this material to inadvertently fall into the water shall either be isolated from the stream flow with an impermeable cofferdam or the suspended sediment generated shall be prevented from migrating downstream by deploying a silt curtain around the work area, that is weighted throughout the bottom (e.g. a chain threaded through it).
- ( 20 ) The excavation of the trench/ditch and stabilization of the ditch or the installation of the pipe shall begin at the outlet end and progress landward.
- ( 21 ) The length of open trench excavated during the installation of an outfall pipe shall not exceed 30 metres at any point in time.
- ( 22 ) Rip-rap shall be placed around the outlet of the pipe for a minimum of one pipe diameter on each side and half a pipe diameter over the pipe.
- ( 23 ) Rip-rap/armor stone shall be clean, durable, non-ore bearing, and non-toxic rock, and must not be obtained from a watercourse nor from within 30 metres of a wetland or the shoulder of the banks of a watercourse.
- ( 24 ) Clearing/grubbing shall be limited to a total footprint of 465m<sup>2</sup>.
- ( 25 ) Trees/non-merchantable woody vegetation shall not be felled into or across a watercourse/wetland.
- ( 26 ) Grappling, bucking, winching, and manual methods shall be used when removing trees and brush within six (6) metres of a wetland or the shoulder of the bank of a watercourse.
- ( 27 ) Throughout the project, all exposed erodible soil shall be temporarily stabilized with mulch, erosion control blankets or other products designed to prevent erosion and the runoff of suspended sediment into a watercourse/wetland, prior to each forecasted rain event.
- ( 28 ) Upon final grades being achieved, all exposed soil shall be permanently stabilized with non-invasive perennial vegetation native to the area and blanketed with mulch or blanketed with an engineered erosion control product designed to prevent the generation of suspended sediment due to rain or overland runoff events.

**APPLICATION FOR ACCESS PERMIT/  
CERTIFICATE OF SETBACK**  
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE

**DEMANDE DE PERMIS D'ACCÈS OU DE  
CERTIFICAT DE MARGE DE RETRAIT**  
MINISTÈRE DES TRANSPORTS ET DE L'INFRASTRUCTURE

I request that all future communications be in (state preference) English / Je demande que tous les futures communications soient faites en (indiquer votre préférence) Anglais / Français

**A APPLICATION DETAILS / DÉTAILS DE LA DEMANDE**

<p>Application is Hereby Made with Regard to: La présente demande est faite relativement à une:</p> <p><input type="checkbox"/> a Controlled Access Highway / route à accès limité</p> <p><input type="checkbox"/> a Highway with Control Lines / route avec lignes de surveillance</p> <p><input checked="" type="checkbox"/> a Highway other than the above / autre catégorie de route</p>	<p>Application is Hereby Made for Approval of: La présente demande est faite pour l'approbation d'un:</p> <p><input checked="" type="checkbox"/> a Certificate of Setback / certificat de marge de retrait</p> <p><input checked="" type="checkbox"/> a New Access / Nouvel accès</p> <p><input type="checkbox"/> a Permit for a change in use of an existing access / permis de changement d'usage d'un accès</p>
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**B OWNERSHIP AND LOCATION OF PROPERTY / PROPRIÉTÉ ET EMBLACEMENT DU TERRAIN**

<p>Name of Property Owner / Nom du propriétaire <b>Eastco Waste Management Inc.</b></p> <p>Telephone / Téléphone Home / Domicile Work / Travail <b>(506) 858-8180</b></p>	<p>Mailing Address / Adresse postale <b>68 Highfield Street Suite 175 Moncton, NB</b></p> <p>N.B.G.I.C. PID No. / N.I.B. DU.C.I.G.N.B. <b>70568738</b></p> <p>Postal Code / Code postal <b>E1C 5N3</b></p>
<p>Name of Applicant / Nom du requérant <b>William Dytrych</b></p> <p>Telephone / Téléphone Home / Domicile Work / Travail <b>(224) 254-5529</b></p>	<p>Mailing Address / Adresse postale <b>Two Westbrook Corporate Center 10 Floor Westchester, Illinois USA</b></p> <p>Postal Code / Code postal <b>60154</b></p>

Access is (or is proposed to be) located on the side of Highway name or route number / nom ou n° at Nearest 0.001 km / au .001 km près of N.S.E.W. N S E O

**Site access is proposed off Bill Slater Drive**

Specify Locations of Access in Relation to Nearest Highway Intersection or Other Permanent Land Mark  
Indiquez l'emplacement de l'accès par rapport à l'intersection de la route ou à la borne la plus proche

Local Place Name / Nom de l'endroit: **Berry Mills Road** County / Comté: **Westmorland**

Subdivision Name (if applicable) / Nom du lotissement (s'il y a lieu): \_\_\_\_\_ Lot No. / N° du lot: \_\_\_\_\_ Plan No. / N° du plan: \_\_\_\_\_

**C DETAILS OF STRUCTURE - PROPOSED USE OF ACCESS / DÉTAILS DE LA CONSTRUCTION - USAGE PRÉVU DE L'ACCÈS**

PROPOSED USE OF ACCESS / USAGE PRÉVU DE L'ACCÈS

Single Family Residence / Résidence Unifamiliale

Industrial - Commercial / Industriel - commercial

Other / Autre (specify / précisez)

Recreational / Récréatif

Farming - Woodlot / Agricole - Sylvicole

DETAILS OF PROPOSAL (Describe in detail the work proposed to be done and the type, size and use of building being constructed, if applicable.)  
DÉTAILS DU PROJET (Décrivez en détail des travaux prévus ainsi que le genre, les dimensions et l'usage du bâtiment qui sera construit, s'il y a lieu.)

The proposed project will include a 925 square meter commercial building with associated pavement, utilities, and storm water management.

Note: Sketch and additional details to be provided on separate sheet - attach to application. / Nota: L'esquisse et les détails supplémentaires doivent être fournis sur une feuille distincte, jointe à la demande.

Distance from Centreline of travelled portion of Highway to Nearest Proposed Building or Structure if applicable.  
Distance de la ligne du centre chaussée de la route jusqu'au bâtiment ou la construction proposée la plus proche, s'il y a lieu. Distance **118** metres / mètres

Signature of Applicant / Signature du requérant: *William J. Dytrych* Date: **April 7, 2021**

**DO NOT WRITE BELOW THIS LINE / NE PAS ÉCRIRE SOUS CETTE LIGNE**

<p><b>D ACCESS PERMIT / PERMIS D'ACCÈS</b></p> <p>Pursuant to the Highway Act and Regulations thereunder / Conformément à la Loi sur la voirie et ses Règlements Subject to the conditions shown on Reverse / Sujet aux conditions au verso.</p> <p>(Separate access permit required for highways with access control or control lines) (Un permis d'accès distinct est requis pour les routes à accès limité ou lignes de surveillance)</p> <p>Road Name / Route No. <b>Bill Slater Drive</b></p> <p>Nom de la route / N° de la route C.S. _____ Km _____</p> <p>Sight distance from entrance / Distance de visibilité de l'entrée Left / Gauche <b>215m</b> Right / Droit <b>215m</b></p> <p>APPROVED / APPROUVÉ <input checked="" type="checkbox"/> NOT APPROVED / NON APPROUVÉ <input type="checkbox"/></p> <p>Date <b>Apr 27/21</b> District Transportation Engineer / L'ingénieur des transports du district</p> <p>EXPLANATION / EXPLICATION <b>600 mm CULVERT REQ'D</b></p>	<p><b>E CERTIFICATE OF SETBACK / CERTIFICAT DE MARGE DE RETRAIT</b></p> <p>Under Regulation 84-292 / Provincial Setback Regulation / Community Planning Act / En vertu du Règlement 84-292 provincial établissant la marge de retrait / Loi sur l'urbanisme</p> <p>Distance from centre line of highway to right-of-way at location of structure Distance entre la ligne médiane de la route et l'emprise de la route à l'emplacement de la construction. _____ m</p> <p>Required set-back from right-of-way of highway to structure Marge de retrait requise entre l'emprise de la route et la construction. <b>7.5</b> m</p> <p>Minimum distance from centre line of highway to nearest structure Distance minimale entre la ligne médiane de la route et la construction la plus proche. _____ m</p> <p>APPROVED / APPROUVÉ <input checked="" type="checkbox"/> NOT APPROVED / NON APPROUVÉ <input type="checkbox"/></p> <p>Date <b>Apr 27/21</b> District Transportation Engineer / L'ingénieur des transports du district</p> <p>EXPLANATION / EXPLICATION <b>NO SETBACK REQ'D GREATER THAN 100 Feet.</b></p>
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THIS IS NOT A BUILDING PERMIT / IL NE SAGIT PAS D'UN PERMIS DE CONSTRUCTION

Distribution: White - Applicant / Copie: Blanche - Le requérant

Buff - District Transportation Engineer / Chamois - L'ingénieur des transports du district

Pink - Traffic Engineering / Rose - Techniques de la circulation

Green - Building Inspector, Planning commission, Development Officer / Verte - Inspecteur des bâtiments, commission d'urbanisme, agent de développement

# SKETCH / L'ESQUISSE

APPLICATION NO. / DEMANDE N°

0706/10178/0065

The space below is to be used by the Applicant for a sketch. The sketch shall show:

- 1) Location and size of property in relation to the highway.
- 2) N.B.G.I.C. PID No. if known.
- 3) Location and size of existing and proposed buildings and structures.
- 4) Location and width of existing accesses. **N/A**
- 5) Location and width of proposed access.
- 6) Name of owner of the land and abutting landowners if known.
- 7) The approximate north point of the sketch.
- 8) Approximate area of the property.
- 9) All land use restrictions, building setback lines, control lines, easements and rights-of-way.
- 10) Any major water course.
- 11) One distance, to the nearest one (1) metre, from the centre of the access to the nearest property line.
- 12) Distance from centre line of travelled portion of highway to nearest proposed building or structure if applicable.

L'espace ci-dessous est réservé pour l'esquisse par le requérant. Celle-ci doit indiquer:

- 1) Emplacement et dimensions de la propriété par rapport à la route.
- 2) N.I.B. du C.I.G.N.B. s'il est connu.
- 3) Emplacement et dimensions des constructions et bâtiments existants ou projetés.
- 4) Emplacement et largeur des accès existants.
- 5) Emplacement et largeur de l'accès projeté.
- 6) Nom du propriétaire du terrain et des propriétaires des terrains contigus, s'ils sont connus.
- 7) Nord approximatif de l'esquisse.
- 8) Superficie approximative de la propriété.
- 9) Restrictions en matière d'utilisation du terrain, lignes de marge de retrait des bâtiments, lignes de surveillance, servitudes et emprises.
- 10) Cours d'eau important.
- 11) Une distance, à un (1) mètre près, du centre de l'accès à la ligne de propriété la plus près.
- 12) Distance du centre de la chaussée de la route jusqu'au bâtiment ou la construction proposée la plus proche, s'il y a lieu.

SEE ATTACHED SITE PLAN

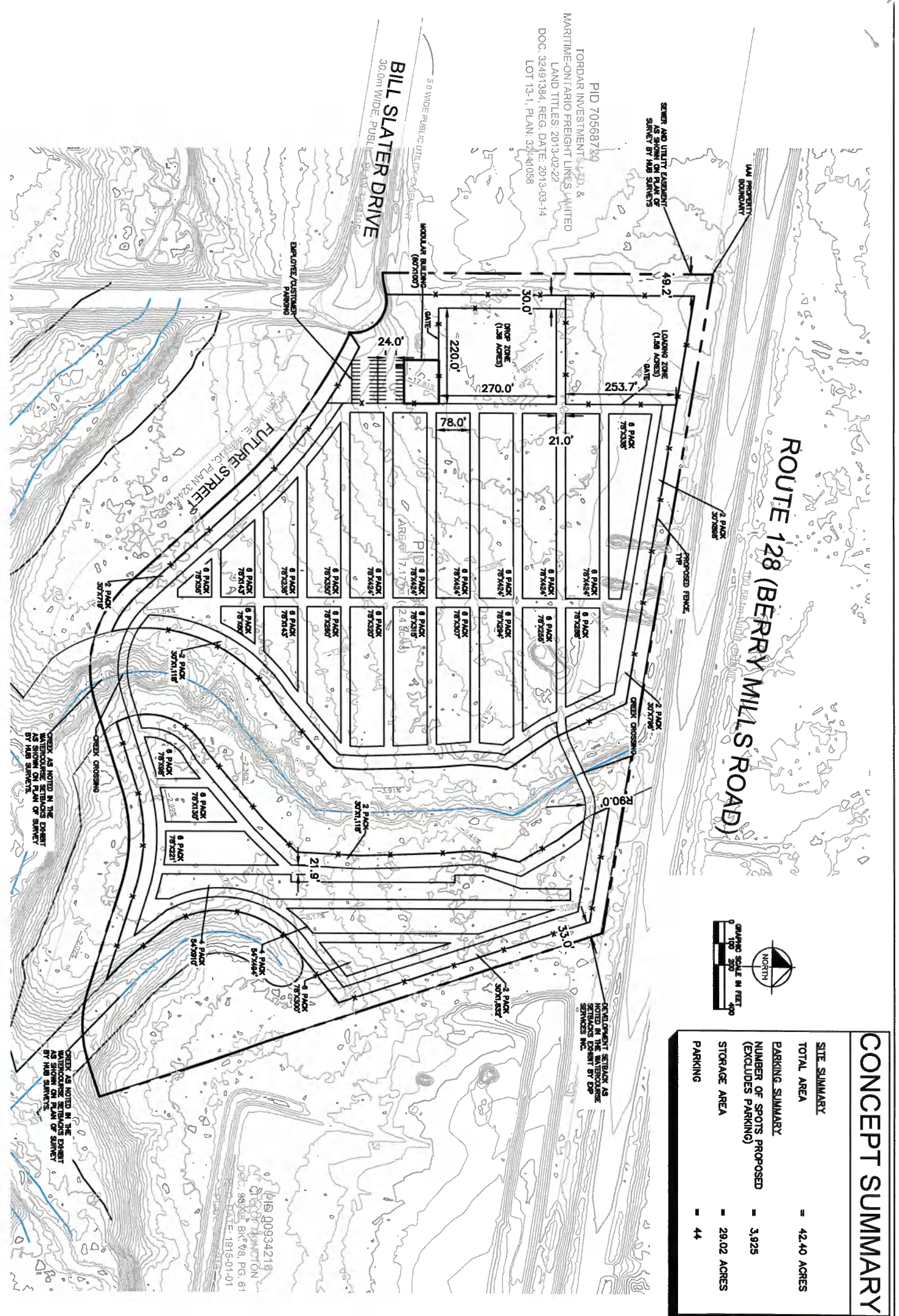
**NOTE TO ENGINEERS:** Indicate the right of way, if applicable, control lines on the above sketch.  
**NOTE POUR LES INGENIEURS:** Indiquer l'emprise de route et le cas échéant, les lignes de surveillance dans l'esquisse, ci-dessus.

**THIS IS NOT A BUILDING PERMIT / IL NE SAGIT PAS D'UN PERMIS DE CONSTRUCTION**

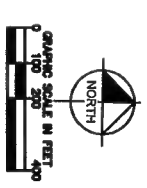
Distribution: White - Applicant    Buff - District Transportation Engineer    Pink - Traffic Engineering    Green - Building Inspector, Planning commission,  
Copie:    Blanche - Le requérant    Chamois - L'ingénieur des transports    Rose - Techniques de la circulation    Verte - Inspecteur des bâtiments, commission d'urbanisme, agent de développement

# CONCEPT SUMMARY

SITE SUMMARY	
TOTAL AREA	= 42.40 ACRES
PARKING SUMMARY	
NUMBER OF SPOTS PROPOSED (EXCLUDES PARKING)	= 3,925
STORAGE AREA	= 29.02 ACRES
PARKING	= 44



PID 70568729  
 TORDAR INVESTMENT S.A. LTD. &  
 MARTIME-ON PARIO FREIGHT LINE S. LIMITED  
 LAND TITLES: 2013-02-22  
 DOC. 32491384, REG. DATE: 2013-03-14  
 LOT 13-1, PLAN: 3244058



PID: 00934218  
 CITY OF MONCTON  
 DEC. 36/18, BK: V8, PG. 61  
 REG. DATE: 1915-01-01

Date Request Initiated May 3, 2021

DOT Contact Gilles Goguen

Name of Applicant William Dytrych

214-254-5529

Name of OWNER Eastco Waste Management Inc.

Name of Road Bill Slater Drive

Owner's Phone # \_\_\_\_\_

PID # 70568738

**SETBACK INFORMATION**      **Date Setback request approved** \_\_\_\_\_

Setback request for:      New Building       Existing Building

**ACCESS INFORMATION**      **Date Access request approved** \_\_\_\_\_

Posted Speed Limit: \_\_\_\_\_ Actual Sight Distance \_\_\_\_\_

Total Length of Access (including extensions, if applicable): \_\_\_\_\_

Existing Access: Yes  No       Number \_\_\_\_\_      Distance to Adjacent \_\_\_\_\_

Pipe Size Required indicated on application      Yes  No

Can access be located to an acceptable location to eliminate need for pipe? \_\_\_\_\_

Remind applicant that accesses are not to be installed between November 1 to May 31 unless otherwise approve.  
Remind applicant to notify HS of installation date.  
Review construction details with applicant.

**FINAL INSPECTION**

**Date Installed:** \_\_\_\_\_      **Date of Final Inspection** \_\_\_\_\_

Access surface sloped away from roadway:      Yes       No   
Access installed 90 degrees to roadway:      Yes       No   
Access ends sloped properly:      Yes       No   
Pipe grade acceptable:      Yes       No

**REINSPECTION**

**Date of Reinspection** \_\_\_\_\_

Access surface sloped away from roadway:      Yes       No   
Access installed 90 degrees to roadway:      Yes       No   
Access ends sloped properly:      Yes       No   
Pipe grade acceptable:      Yes       No

**COMMENTS:**

Highway Supervisor Signature \_\_\_\_\_

Date: \_\_\_\_\_

## PID/PAN Query Results

Name	Location	Place Name	PAN	PID	PID Status	Go to
<a href="#">Eastco Waste Management Inc.</a>	Bill Slater Drive	Berry Mills	<a href="#">6288258</a>	<a href="#">70568738</a>	Active	

《

## Parcel Information

<b>PID:</b>	<a href="#">70568738</a>	<b>County:</b>	Westmorland
<b>Status:</b>	Active	<b>Active Date/Time:</b>	2013-02-25 10:11:16
<b>Land Related Description:</b>	Land	<b>Management Unit:</b>	NB1410
<b>Area:</b>	17.17	<b>Area Unit:</b>	Hectares
<b>Date Last Updated:</b>	2021-04-28 20:43:27	<b>Harmonization Status:</b>	Harmonized
<b>Land Titles Status:</b>	Land Titles	<b>Land Titles Date/Time:</b>	2013-02-22 09:42:56
<b>Date of Last CRO:</b>	2021-04-28 20:44:05	<b>Manner of Tenure:</b>	Not Applicable
<b>Land Gazette Information:</b>	No		

Description of Tenure:

Public Comments:

MAP/CARTE 14T85 14T84 14TD2

[View Parcel Description](#)

[PID Report](#)

[Land Gazette](#)

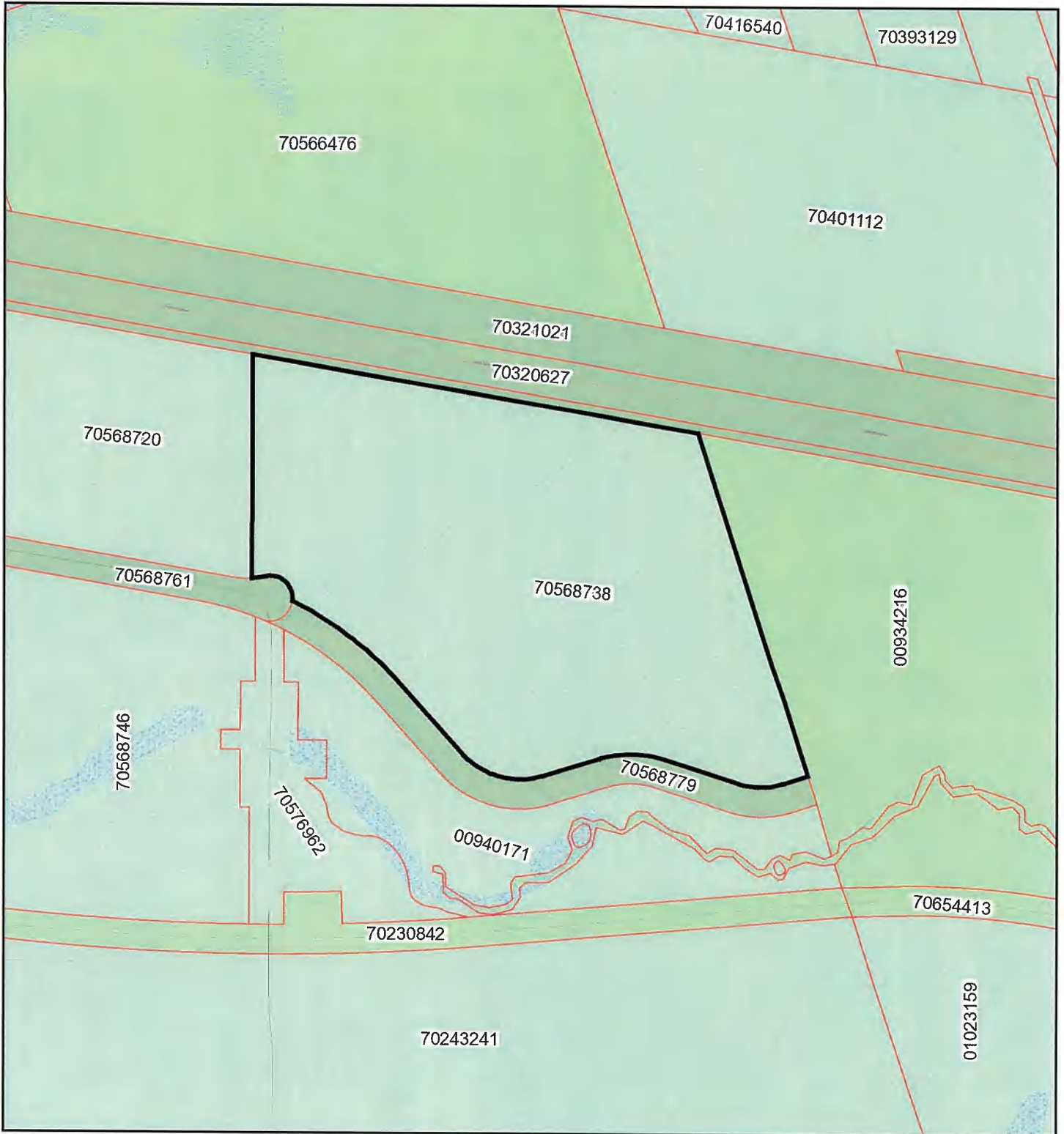


**Parcel Interest Holders** (1 record(s))

Name

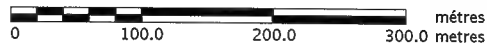
Qualifier

Interest Type



Scale/Échelle 1:5715

Date: 2021/05/03 11:04:14



While this map may not be free from error or omission, care has been taken to ensure the best possible quality. This map is a graphical representation of property boundaries which approximates the size, configuration and location of properties. It is not a survey and is not intended to be used for legal description or to calculate exact dimensions or area.

Même si cette carte n'est peut-être pas libre de toute erreur ou omission, toutes les précautions ont été prises pour en assurer la meilleure qualité possible. Cette carte est une représentation graphique approximative des terrains (limites, dimensions, configuration et emplacement). Elle n'a aucun caractère officiel et ne doit donc pas servir à la rédaction de la description officielle d'un terrain ni au calcul de ses dimensions exactes ou de sa superficie.

August 23, 2022

**VIA E-mail (phil.robichaud@nbse.ca)  
& Courier**

Phil Robichaud  
Planner  
815A Bombardier Street  
Shediac NB  
E4P 1H9

Dear Mr. Robichaud:

**Re: File No.: 22-1634  
Variance Request, (Eastco Waste Management Inc.) chemin Berry Mills Road, LSD  
Moncton (PID 70568738) to Conditional use application to allow the operation of a  
salvage yard, variance to reduce setback from watercourse and variance to reduce  
setback from the street.**

I am the Chief Executive Officer of Maritime-Ontario Freight Lines Limited ("M-O") and Director and Vice President of Tordar Investments Ltd. ("Tordar"), the owners of PID: 70568720, lands which share a boundary with PID: 70568738, which is the subject of the above-referenced Variance Request.

I write with reference to a Public Notice dated August 10, 2022 indicating that the Southeast Planning and Review Committee will consider the above-referenced application on Wednesday August 24, 2022.

I would like to advise the Committee that we did not receive the Public Notice until late in the day on Friday August 19, 2022 and that neither M-O nor Tordar have had the opportunity to thoroughly review Staff Report referenced in your letter or its recommendations either internally or with its engineers.

M-O and Tordar would like the opportunity to file fulsome objections to the proposed Variance Request but require additional time to do so. We are requesting, on the basis of procedural fairness, that we be afforded some additional time to submit our objections to the Committee. We would therefore ask that the aforementioned Variance Request be removed from the agenda for the Committee meeting scheduled for August 24, 2022 and placed on the agenda for next month's meeting. We believe it is procedurally unfair to proceed with this matter given the short notice provided, especially in view of the fact that both companies (M-O and Tordar) are based in Ontario.

Although we have not had the opportunity to comprehensively analyze the Variance Request or Staff Report, we have identified the following preliminary objections:

1. M-O/ Tordar have serious concerns about the environmental impact that a salvage yard will have on its property and the property of other adjacent landowners. In particular, M-O/ Tordar are concerned about oil, fuel and other by-products from scrapped vehicles leeching into the surrounding land and groundwater and affecting its operations and/or damaging the marketability of PID: 70568720. M-O/ Tordar are requesting additional time so that the recommended conditions on the variance can be properly reviewed by their engineers and any concerns with respect to the potential for contamination can be particularized for the Committee;
2. In December 2015, M-O completed construction on its Moncton Distribution Centre ("MDC"). The initial cost for the land and construction of the state of the art building yard exceeded \$20,000,000.00. M-O's design is not only highly functional but also very aesthetically pleasing, as the MDC and the property is located on a section of Berry Mills Road that is one of the main thoroughfares acting as a gateway to the City of Moncton. We are concerned that permitting a salvage yard with the requested reduced setbacks, which are significant, will be aesthetically unappealing and will do damage to land values in the area;
3. The requested variance to reduce the setback from the street from 100 meters to 15 meters is not a minor variance and is significant. It means that, effectively, a salvage yard will be permitted to operate within fifteen meters of one of the major roadways into the City of Moncton. M-O/ Tordar object to this variance.
4. The requested variance to reduce the setback from a watercourse from 100 meters to 30 meters is not a minor variance and is significant and M-O/ Tordar would like the opportunity to properly review the Variance Request and associated recommendations; and
5. M-O/ Tordar are concerned that the recommendation that a 3m tall opaque fence be installed in order to restrict view from public roads is a very general recommendation and that this measure will not be enough to block the view of the salvage yard from roadways.

Should you have questions or concerns, please do not hesitate to contact the undersigned.

Respectfully,



Doug Munro, CEO Maritime Director, Maritime-Ontario Freight Lines Limited and Director and Vice President, Tordar Investments Ltd.

1 Maritime-Ontario Blvd.  
Brampton, Ontario  
L6S 6G4  
Tel: 905-792-6134

September 15, 2022

VIA EMAIL – [phil.robichaud@nbse.ca](mailto:phil.robichaud@nbse.ca)

Southeast Planning and Review Committee  
815A Bombardier Street  
Shediac, NB, E4P 1H9

Attention: Phil Robichaud, Planner

Dear Mr. Robichaud:

Re: File No: 22-1634  
Variance Request, (Eastco Waste Management Inc.) chemin Berry Mills Road, LSD Moncton (PID 70568738) to Conditional use application to allow the operation of a salvage yard, variance to reduce setback from watercourse and variance to reduce setback from the street.

We represent Maritime-Ontario Freight Lines Limited and Tordar Investments Ltd. with respect to the above-referenced matter.

Further to the correspondence of Doug Munro dated August 23, 2022, our clients have now had the opportunity to review the Variance Request and the associated Staff Report in detail.

Our clients wish to extend thanks to the Planning Committee for tabling the matter to enable them time to review the proposed Request.

While they have decided not to file any additional material in advance of the upcoming meeting on September 28, 2022, our clients continue to rely on the concerns expressed in Mr. Munro's letter of August 23, 2022.

We thank you for your attention to this matter.

Yours very truly,



Michael Heikkinen

MDH/cdm

**Michael Heikkinen** | Lawyer

Direct (506) 856-8153 Main (506) 856-9800 Fax (506) 856-8150 Email [mheikkinen@coxandpalmer.com](mailto:mheikkinen@coxandpalmer.com)  
Blue Cross Centre, Suite 500, 644 Main Street | Moncton, NB | E1C 1E2 | Canada