

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

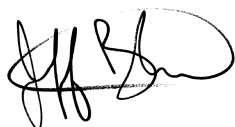
**Staff Report / Rapport du personnel**

**Subject / Objet :** new public street

**File number / Numéro du fichier** 23-0876

**From / De :**

**Reviewed by / Révisé par :**




Jeff Boudreau  
Development Officer / Agent d'aménagement

Phil Robichaud  
Planner / Urbaniste

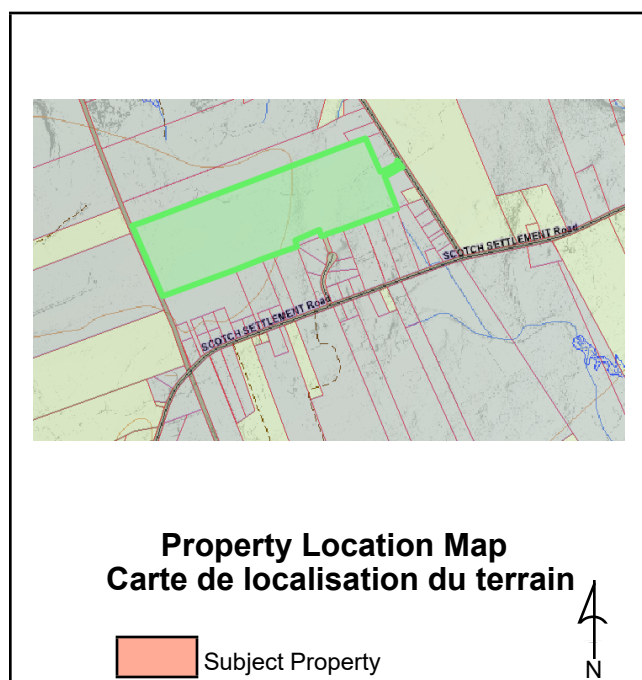
**General Information / Information générale**

**Applicant / Requéant :**

**Landowner / Propriétaire :**

**Proposal / Demande :**

To create a new street (Snow Fox drive) and an extension to Oak Farm street and 22 new residential lots



**Site Information / Information du site**

**PID / NID:** 00948547

**Lot Size / Grandeur du lot:** 100ha

**Location / Endroit :**

Scotch Settlement

**Current Use / Usage présent :**

vacant

**Zoning / Zonage :**

Residential

**Future Land Use / Usage futur :**

n/a

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

Residential

**Municipal Servicing / Services municipaux:**

**Access-Egress / Accès/Sortie :**

## **Policies / Politiques**

Westmorland Albert Rural Plan

2 g) To guide residential growth in a sustainable way that maximizes infrastructure use by directing new development to existing residential nodes;

3.1 b) It is a policy to recognize established residential nodes and zone them as Residential (R)

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

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

(a) the topography of the land, / *tenir compte de la topographie du terrain,*

(b) the provision of lots suitable for the intended use, / *veiller à la création de lots qui puissent servir à la destination qui leur est attribuée,*

(c) street intersections and interceptions being as nearly as possible at right angles, / *s'assurer que les intersections de rues sont perpendiculaires dans la mesure du possible,*

(d) the provision of convenient access to the proposed subdivision and to lots within it, and / *prendre les mesures nécessaires pour assurer un accès aisé au lotissement proposé et aux lots qu'il comporte, et*

(e) the convenient further subdividing of the land or adjoining land. / *prendre les mesures nécessaires pour rendre aisé le lotissement ultérieur du terrain visé ou des terrains attenants.*

**6(4)** Where a proposed subdivision is not to be serviced by a sewer system for public use, every lot or other parcel of land therein shall have and contain / *Lorsqu'un lotissement proposé n'est pas desservi par un réseau public d'égouts, chaque lot ou autre parcelle de terrain doit avoir*

(a) a width of at least fifty-four metres, / *une largeur minimale de cinquante-quatre mètres*

(b) a depth of at least thirty-eight metres, and / *une profondeur minimale de trente-huit mètres, et*

(c) an area of at least four thousand square metres. / *une superficie minimale de quatre mille mètres carrés.*

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

Staff consulted with DELG and DTI / *Le personnel a consulté le MEGL et le MTI*

## **Discussion**

This application is a revision to the Red Oak estates subdivision which was presented at the April 26 planning review and adjustment committee meeting. The changes to the plan are an extension to Snow Fox Drive (previously Roy Scenic) and 11 additional lots. / *cette demande est une révision à le lotissement Red Oak qui fut présentée à la réunion du Comité de Révision du 26 avril. Les changements sont un prolongement de la rue Snow Fox (ancien Roy Scenic) et 11 lots additionnelle.*

Red oak estates subdivision was started in 1988 at the western end of the original property and the latest phase registered was in 2021. Any further subdivision would require registration for an Environmental Impact Study. In 2021, an application was received to complete the Red Oaks estates, this project was registered for an E.I.A and on Jan 16, 2023 the certificate of determination was issued. / *Le lotissement Red Oak Estates a été amorcé en 1988 vers la partie ouest de la propriété originale et la dernière phase était en 2021. Tout nouveau lotissement exigera l'enregistrement d'une Étude d'impact sur l'environnement. En 2021, une demande a été reçue pour terminer Red Oak Estates et ce projet a été enregistré pour une EIE. Le 16 janvier 2023, le certificat de détermination a été délivré.*

Red Oak Subdivision was first submitted on July 26, 2021 with the latest version dated December 7, 2022. The purpose of the subdivision is to: / *Le lotissement Red Oak a été initialement soumis le 26 juillet 2021,*

avec la version la plus récente du plan daté le 7 décembre 2022. L'objet du lotissement est de :

- \* create a total of 11 new residential lots / *créer un total de 11 nouveaux lots résidentiels*
- \* extend Oak farm Street / *prolonger la rue Oak Farm*
- \* create Roy Scenic street / *créer le chemin Roy Scenic*
- \* create future streets / *créer des rues futures*

The new street and the street extensions are intended to be vested to the Department of Transportation and Infrastructure as public streets. Before the Minister of Transportation and Infrastructure assents to a Public Street, the Planning Review and Adjustment Committee needs to provide a recommendation in regards to the location of the street. Under the Provincial Subdivision Regulation, the recommendation of the street should consider the topography of the land, if the lots can be used for intended residential purposes, street intersections, provision of convenient access, and the consideration for the future subdivision of adjoining land. The recommendation relates to the location of the streets, and not necessarily the proposed lots. Lots may be subject to small changes or additional processes. / *La nouvelle rue et les nouveaux prolongements de rues sont prévus d'être assignés au ministère des Transports et de l'Infrastructure comme rues publiques. Avant que le ministère des Transports et de l'Infrastructure consente à la rue publique, le Comité de révision de la planification doit fournir une recommandation concernant l'emplacement de la rue. Selon le Règlement provincial sur le lotissement, la recommandation de la rue doit tenir compte de la topographie du terrain, si les lots peuvent être utilisés à des fins résidentielles prévues, les intersections de rue, la disposition d'accès faciles et la considération du lotissement futur des terres adjacentes. La recommandation est liée à l'emplacement des rues, et pas nécessairement les lots proposés. Les lots peuvent être soumis aux modifications mineures ou des processus supplémentaires.*

The proposal is the fifth phase of Red Oak subdivision and the first subject to the E.I.A. certificate of determination with a total of 9 conditions imposed on the subdivision. The conditions relevant to the recommendation are 4 (notice to property owners for water treatment) and 5 (WAWA permit required) No overall approval of Red Oak Subdivision has been issued so each Unit will be reviewed separately. / *La proposition est la cinquième phase du lotissement Red Oak et la première à être sous réserve du certificat de détermination EIE incluant un total de 9 conditions imposées sur le lotissement. Les conditions pertinentes à la recommandation sont 4 (avis aux propriétaires pour le traitement de l'eau) et 5 (exigence de permis MECTH). Aucune approbation de l'ensemble du lotissement Red Oak n'a été délivrée, car chaque unité sera considérée indépendamment.*

The Department of Transportation and Infrastructure was contacted. The Department had no specific concerns to the proposal and listed a set of conditions that the applicant must follow before vesting the street to the Minister. The proposed conditions are standard procedure for a type 2 subdivision. Staff proposes that the conditions from the Department be satisfied before final approval of the subdivision plan. / *Le ministère des Transports et de l'Infrastructure a été contacté. Le ministère n'avait aucune préoccupation précise concernant la proposition et il a énuméré un ensemble de conditions que le requérant doit suivre avant d'assigner la rue au ministre. Les conditions proposées sont une procédure normale pour un lotissement de type 2. Le personnel propose que les conditions du ministère soient satisfaites avant l'approbation finale du plan de lotissement.*

The surveyor commented that the soil was found to have sandy clay soil, silty clay soil, or clay soil and that the type of septic system to be installed shall be determined by the septic installer. All proposed lots are over 4000 m<sup>2</sup> and are typically deemed acceptable for residential purposes. / *L'arpenteur a commenté que le sol est argile sableuse, argile limoneuse ou argile et que le type de système septique à être installé sera déterminé par l'installateur de septique. Tous les lots proposés sont plus de 4000 m<sup>2</sup> et sont généralement jugés acceptables à des fins résidentielles.*

The name of the new street is already in use at the western section of Red Oak Subdivision. I've asked that the developer submit new names for approval of the department of public safety which is required prior to final approval. Street name approval by the PRAC is not required in the provincial subdivision regulation. / *Le nom de la nouvelle rue est déjà en usage sur la partie ouest du lotissement Red Oak. J'ai demandé que le promoteur me soumette de nouveaux noms pour l'approbation par le ministère de la Sécurité publique, qui est exigée avant l'approbation finale du plan. L'approbation du nom de la rue par le CRP n'est pas*

*exigée dans le cadre du Règlement provincial sur le lotissement.*

Finally, the proposal is meeting street requirements under Provincial Subdivision Regulation, such as: /  
*Enfin, la proposition satisfait les exigences de rues selon le Règlement Provincial sur le lotissement :*

- \* The street has a gradient of less than eight percent, / Une rue a une déclivité inférieure à huit pour cent,*
- \* The proposed streets are sufficiently wide (minimum of 24 meters proposed). / Les rues proposées sont larges assez (minimum de 24 mètres proposés)*
- \* Future streets are proposed to allow the possibility for the future development on the remnant property. / Les rues futures sont proposées pour permettre la possibilité pour le développement futur sur la propriété restante.*

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

N/A

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

87(1)

If a subdivision plan of land in a rural community that has not made a by-law under section 10 of the Local Governance Act with respect to the service of roads and streets provides for the laying out of public or future streets or a subdivision plan of land not in a municipality provides for the laying out of public or future streets, approval of the plan by the development officer shall not be given until the plan has been assented to by the Minister of Transportation and Infrastructure. / *Lorsque le plan de lotissement d'un terrain situé dans une communauté rurale qui n'a pas pris d'arrêté relativement à la voirie en vertu de l'article 10 de la Loi sur la gouvernance locale prévoit le tracé de rues publiques ou futures ou lorsque le plan de lotissement d'un terrain non situé dans une municipalité prévoit un tel tracé, son approbation émanant de l'agent d'aménagement ne peut être accordée tant que le plan n'a pas reçu l'assentiment du ministre des Transports et de l'Infrastructure.*

87(2)

The assent of the Minister of Transportation and Infrastructure under this section shall not be given until, (a) the regional service commission or the advisory committee, as the case may be, has recommended the location of the streets referred to in subsection (1) or (1.1) to the Minister of Transportation and Infrastructure; / *Le ministre des Transports et de l'Infrastructure ne peut donner son assentiment prévu au présent article tant que n'ont pas été remplies les conditions suivantes :*  
*a) la commission de services régionaux ou le comité consultatif, selon le cas, recommande au ministre des Transports et de l'Infrastructure l'emplacement des rues visées au paragraphe (1) ou (1.1);*

### **Recommendation / Recommandation**

Staff respectfully recommends that the Southeast Planning Review and Adjustment Committee recommend to the minister the location of Snow Fox Drive, Oak Farm street and the future street as shown on the Red Oak Unit 5 subdivision/ *Le personnel recommande respectueusement que le Comité de révision de la planification du Sud-Est recommande que le ministre des Transports et de l'Infrastructure approuve l'emplacement de l'avenue Snow Fox, la rue Oak Farm, et la rue future comme montrés sur le plan de lotissement Red Oak Unit 5.*

**subject to the following conditions: / soumis aux conditions suivantes :**

- 1. A satisfactory soils report be submitted to the development officer prior to final plan endorsement. / Un rapport d'évaluation des sols satisfaisant doit être soumis à l'agent de développement avant l'approbation finale du plan.*
- 2. The development officer shall not approve the final subdivision plan until all conditions as outlined by the Provincial Department of Transportation and Infrastructure, in a letter from Mr. Paul Lightfoot to Mr.*

Jeff Boudreau dated June 15, 2023 have been satisfied. / *L'agent de développement devra s'abstenir d'approuver le plan final de la subdivision avant que toutes les conditions énumérées par le ministère provincial des Transports et de l'Infrastructure dans une lettre de M Paul Lightfoot à M Jeff Boudreau en date du 15 juin 2023 soient satisfaites.*

3. The developer shall comply with all conditions of the environmental impact assessment certificate of determination. / *Le proposant doit se conformer avec toute condition du certificat de détermination de l'étude d'impact environnemental.*

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

**CERTIFICATE OF DETERMINATION  
CERTIFICAT DE DÉCISION**

**NEW BRUNSWICK ENVIRONMENTAL IMPACT ASSESSMENT REGULATION  
RÈGLEMENT SUR LES ÉTUDES D'IMPACT SUR L'ENVIRONNEMENT DU NOUVEAU-BRUNSWICK**

**File Number / Numéro du dossier: 016002**

This Certificate of Determination to **PROCEED** is hereby issued to the following proponent:  
*Ce Certificat de décision pour **PROCÉDER** est accordé au promoteur suivant:*

**628643 N.B. INC.**

Description of undertaking:  
*Description de l'ouvrage:*

Red Oak Subdivision

Location of undertaking and PID:  
*Emplacement de l'ouvrage et NID :*  
Address of proponent:  
*Adresse postale du promoteur:*


Irishtown, Westmorland County, PIDs  
00931626 and 00948547  
79 Hillview Avenue  
Hillsborough NB  
E4H 2V8 CA

Conditions of approval:  
*Conditions d'agrément:*

**AS PER THE ATTACHED DOCUMENT "A"  
DOCUMENT 'A' CI-JOINT**

Date of issue:  
*Date d'émission:*

January 16, 2023  
*Le 16 Janvier 2023*

Recommended by:   
*Recommandé par:* \_\_\_\_\_

Director, Environmental Impact  
Assessment Branch  
*Directrice, Direction des études  
d'impact sur l'environnement*

Determination by:   
*Décision par:* \_\_\_\_\_

Minister of Environment and Climate  
Change  
*Ministre de l'Environnement et du  
Changement climatique*

Environment and Local Government  
*Environnement et gouvernement  
locaux*

## **DOCUMENT "A"**

### **MINISTER'S DETERMINATION / LA DÉCISION DU MINISTRE**

#### **CONDITIONS OF APPROVAL / CONDITIONS D'AGRÉMENT**

Pursuant to *Regulation 87-83* under the *Clean Environment Act* /

*En vertu du Règlement 87-83 de la Loi sur l'assainissement de l'environnement*

January 16, 2023 / le 16 Janvier 2023

File Number / Numéro du dossier: 016002

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- 1 In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
- 2 Commencement of this undertaking must occur within three years of the date of this Determination. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
- 3 The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated December 30th, 2021 as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director, EIA Branch, Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed by the Director to be no longer required.
- 4 A statement must be included on all subdivision plans registered by the proponent for the Red Oak Estates residential development to inform potential homeowners of the potential need for water treatment. This statement should advise all new homeowners that a potable water quality analysis (including general chemistry, trace metals, and microbiology) from an accredited laboratory should be completed prior to consumption to determine if any specific parameters require treatment, and that well water should be tested regularly to monitor for changes in water quality.
- 5 Any alterations that are in or within 30 metres of a watercourse or wetland will require a Watercourse and Wetland Alteration (WAWA) Permit as per the *Clean Water Act*.
- 6 If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
- 7 The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.

*DA*

- 8 In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director, EIA Branch, DELG.
  
- 9 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.

DA

File No. : 78-R-0299

June 15, 2023

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

Subject: Tentative Red Oak Unit 5 Subdivision, Parish of Moncton, Westmorland County.

Dear Mr. Boudreau,

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

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

- A copy of the WAWA permit must be submitted to Property Services Branch. (ATTN Paul Lightfoot)
- The developer is required to submit a street design including a plan and profile and cross sections showing top and bottom of foreslopes and backslopes, direction of ditch flow, pipe sizes, Local Government Services Easements and street right-of-way width for the proposed streets. The design drawings must be prepared and stamped by a registered Professional Engineer of New Brunswick and submitted to the Department prior to the Minister signing the final plan.
- The drainage system shall be designed to consider the drainage basin as a whole and must accommodate not only runoff water from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff water from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream. It is the developer's responsibility to determine how the run-off water from the lots and the proposed public streets will be carried away to ensure that it does not have a negative effect on the proposed lots and the existing properties in the area. A detailed drainage report must accompany the drainage plan in order to evaluate the drainage pattern. Where environmental permits are required, copies should be forwarded to the Department of Transportation and Infrastructure. Prior to the Minister signing the final plan, stamped copies of the engineered drainage study and design shall be forwarded to the Department.
- The proposed street name(s) must be submitted to the Department of Public Safety NB 911 Services Section and approved to ensure compliance with the NB 911 Civic Addressing Standards. The street name approval must be forwarded to this Department before the Minister can approve the final subdivision plan.



- The developer will be required to pay the Department of Transportation and Infrastructure for the costs of the supply and installation of all the traffic control signs that are required along the new streets in this subdivision. The District Transportation Engineer will determine the number of signs and their associated cost.
- The developer shall construct the proposed street(s) to meet or exceed the provincial standards specified in the "**Minimum Standards for the Construction of Subdivision Roads and Streets.**". The Standard can be viewed on the Internet sites [www2.gnb.ca/content/gnb/en/departments/dti/publications.html](http://www2.gnb.ca/content/gnb/en/departments/dti/publications.html) or [www2.gnb.ca/content/gnb/fr/ministeres/mti/publications.html](http://www2.gnb.ca/content/gnb/fr/ministeres/mti/publications.html) or at the Property Services Branch, Department of Transportation and Infrastructure in Fredericton. The developer will be required to construct the street(s) to the top of the subbase including ditching, cross-culverts, and any turnaround area before the Minister of Transportation and Infrastructure will accept a surety for any remaining construction work. The grade on the new street(s) shall not exceed the maximum allowable grade of 8% and the grade on the turning area shall not exceed the maximum allowable grade of 3%. The normal street construction season is from June 1 to November 30. Street construction work performed during the off-season must be pre-approved by the District Transportation Engineer.
- The developer shall provide "Local Government Services Easements" with a 10-m minimum width for all drainage ditches crossing the proposed lots and the remnant property that are intended to drain water to and away from the street ditches in the proposed development. The minimum grade for drainage ditches is 1.0%.
- The developer will have the option of being directly responsible for the chip sealing or having the work performed by the Department of Transportation and Infrastructure. In either case, the developer will be required to deposit a surety with the Department of Transportation and Infrastructure for the costs associated with the chip sealing of the proposed new street. The chip sealing will be performed to the specifications established by the Department of Transportation and Infrastructure.
- The right-of-way limits at the proposed street intersection(s) shall be laid out as shown on "Figure A10" of the Minimum Standards.
- A suitable turning area must be constructed at the end of any temporary dead-end street created by developing the subdivision proposal in phases. The temporary turnaround must meet the requirements shown in "Figures A4 or A5" of the Minimum Standards.
- The right-of-way limits of the proposed street(s) must be properly posted with standard survey markers to identify the property to be vested in the Crown as (a) public street(s).
- Additional street right-of-way allowance will be necessary where the topography of the land or the soil type requires extra width for deeper or wider ditches. The street right-of-way may have to be widened to more than the minimum 24 metres in some areas to ensure that the ditch and the backslope/foreslope are within the area to be vested in the Crown as a public street. The additional street right-of-way width will be necessary for future street maintenance activities. Standard survey markers shall not be placed in the ditches.

Mr. Jeff Boudreau  
June 15, 2023  
78-R-0299  
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- The street(s) shall be constructed so that there are acceptable sight distances at all driveway accesses and street intersections as per 4.3.7 of the Minimum Standards.
- The turn(s) along the proposed street(s) shall be designed as curves as specified in "Section 5.2.1" of the Minimum Standards. The back-to-back curves shall be separated by a minimum tangent length of 15 m as specified in the Urban Supplement to the Geometric Design Guide for Canadian Roads produced by the Transportation Association of Canada.

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

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

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

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

Sincerely,



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Paul Lightfoot, P.Eng  
Rural Subdivisions Coordinator

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

