

**Westmorland Albert Planning Review and Adjustment Committee  
Comité de révision de la planification de Westmorland Albert**

Westmorland Albert Office  
1222 , rue Main Street, Unit/unité 4000, Moncton

September 25, 2014 @ 6:00pm / 25 septembre 2014, 18h

# MINUTESprocès-verbal

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**Members Present/membres présents:**

Pascal Ferron	Acting Chairperson/président par intérim
Heather Keith	Committee Member/membre du comité
Audbur Bishop	Committee Member/membre du comité
Ricci Archibald	Committee Member/membre du comité

**Staff Present/membres du personnel présents:**

Jeff Boudreau	Manager of Subdivision Approvals/Gestionnaire d'approbation des lotissements
Bill Wright	Development Officer/Agent d'aménagement
Tracey McDonald	Recorder/rapporteuse

**Regrets/excusés:**

Andy St-Amand	Committee Member/membre du comité
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**Public Present:**

Greg Donald  
Christine Daigle  
Frederick Fournier  
Phyllis Leclerc  
Jean-Guy Leclerc  
George Loughery  
Keith Godfrey  
Danielle Bourque  
Ron Bourque  
Diane Brideau Laughlin  
Jim Laughlin  
Danny Edmunde  
Peter Georgoudis

**1. Call Meeting to Order / Convocation d'une assemblée à l'ordre**

The meeting was called to order at 6:00 p.m., with Acting Chairperson Pascal Ferron presiding. / Le président Pascal Ferron ouvre la réunion vers 18 h.

**2. Declaration of Conflict of Interest / Déclaration de conflit d'intérêts**

None / Aucune

### **3. Adoption of the Agenda / Adoption de l'ordre du jour**

**It was moved by Committee Member Heather Keith and seconded by Committee Member Ricci Archibald to adopt tonight's Agenda as presented. / Il est proposé par Heather Keith, membre du comité, et appuyé par Ricci Archibald, membre du comité, d'adopter l'ordre du jour de ce soir tel quel.**

**MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ**

### **4. Adoption of the Minutes of the August 28, 2014 meeting / Adoption du procès-verbal de la réunion du 28 août 2014**

**It was moved by Committee Member Ricci Archibald and seconded by Committee Member Audbur Bishop to adopted the Minutes of the August 28, 2014 meeting as presented. / Il est proposé par, Ricci Archibald, membre du comité, et appuyé par Audbur Bishop, membre du comité, d'approuver le procès-verbal de la réunion ordinaire tenue le 28 août 2014 tel quel.**

**MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ**

### **5. Business Arising from the Minutes / Affaires découlant du procès-verbal**

None/*acucune*

### **6. Variance Requests / Demandes de dérogations**

- (a) Rheal Leger, Birch Hill Crescent (PID/NID #70090758), Ammon, LSD/DSL Moncton -  
Proposing to reduce the required lot width, from 54m to 20m, for the purpose of creating a residential building lot / Proposer afin de réduire l'exigence relative à la largeur d'un lot, de 54m à 20m, pour créer un lot résidentiel. (File/Dossier #14-829)

Staff Member Jeff Boudreau informed those present that this meeting was being recorded.

Staff Member Jeff Boudreau presented the request on behalf of the applicant Rheal Leger to create a new residential lot as a "flag lot". Jeff Boudreau explained that this was a large residential lot, 1.63 ha, and that the flag lot will be in the rear of the property. The flag lot will have a frontage of 20 metres which requires a variance. Staff Member Jeff Boudreau stated that, as this variance request meets the criteria used in assessing a variance, the staff were recommending this variance.

Acting Chairman Pascal Ferron asked if the Committee had any questions.

Committee Member Ricci Archibald asked if the developer was present. Staff Member Jeff Boudreau answered that he was not.

Committee Member Ricci Archibald acknowledged the public that were present and asked if the Committee could hear the concerns of the public before a motion was made.

Jean-Guy Leclerc, a neighbour of Rheal Leger, informed the Committee that there was a covenant on this subdivision stipulating that the lots were not to be subdivided. He stated that he, as well as the other landowners, bought this property because of the large lots and the legal stipulation that they could not be subdivided. He expressed his concern that if one person could break the covenant what was to stop others from doing the same thing.

Committee Member Ricci Archibald explained to the public that the Planning Review and Adjustment Committee could not rule on a covenant as a covenant was a civil matter between the property owner and the developer. Committee Member Ricci Archibald clarified for the public that the Planning Review and Adjustment Committee rules only on the by-laws.

Jean-Guy Leclerc questioned if a 20 metre access was adequate. Staff Member Jeff Boudreau answered that this was an acceptable distance. He added that one of the conditions attached to the variance would be that the area not having a 54 metre width would be a "no build" zone.

Danielle and Ron Bourque, neighbouring property owners, stated that they had bought their property because of the large lots and quiet atmosphere. They conveyed their concern that they would now have a house right in the center line of their backyard.



Jim Laughlin, neighbouring property owner located across the street from the applicant, stated that he too bought his property for the quiet ambiance, low traffic and large lots. He questioned if this variance was ultimately creating a road. He questioned what the future plan was. Mr Laughlin informed the Committee that the developer who imposed the covenant was dissolved in 2004 and could no longer protect the landowners. He expressed his concern that if this variance was granted it would create problems down the road. Staff Member Jeff Boudreau answered that this was not a street but a driveway. Jim Laughlin indicated that he felt the driveway would be too steep and would be especially dangerous for children.

Staff Member Jeff Boudreau explained that it was his job to administer land use rules and regulations and that there are zones and size requirements restricting land use. He pointed out that the property in question was a 2 acre lot which is double the size required by the Greater Moncton Planning Area Rural Plan. Staff Member Jeff Boudreau added that if the property had the required frontage this would already have been approved.

Danielle Bourque expressed her concern that she would have a road through her property. Staff Member Jeff Boudreau explained that property lines don't change and that a road could not be put through her property without her approval.

Committee Member Ricci Archibald questioned what the intent of the applicant was. Staff Member Jeff Boudreau answered that the applicant intends to sell the original house and build a new single family residence on the rear lot.

Frederick Fournier, neighbouring property owner, voiced his opinion that allowing this variance didn't make sense. He informed the Committee that he has tried unsuccessfully to contact the applicant and it is his concern that the applicant might have other intentions. Staff Member Jeff Boudreau reiterated that the applicant's intention was to build a single family home. He reported that while in discussion with the applicant regarding the time line, the applicant was informed that the neighbours within 60 metres would be notified. The applicant indicated that he felt the neighbours would not have an issue with the proposed development. Staff Member Jeff Boudreau stated that 2 letters expressing concerns have been received.

Committee Member Ricci Archibald stated that, as a rule, there are usually no complaints regarding variances of this nature. He noted that he felt the applicant had misled the staff by informing Staff Member Jeff Boudreau that his neighbours would not be opposed to the proposed development. Committee Member Ricci Archibald assured the public present that he would not be supporting the approval of this variance request. Committee Member Ricci Archibald expressed his understanding for the position the neighbours were in and his dismay that the applicant was not present to answer any questions.

Greg Donald, neighbouring property owner, informed the Committee that the covenant was a big draw in the decision to purchase his property. He notified the Committee that, over time, there have been 2 expansions to the neighbourhood but both have been done with the approval of the property owners. Mr. Donald expressed his concerns regarding the Watershed issue, septic system and slope of the road. Acting Chairman Pascal Ferron questioned if these concerns were addressed in the terms and conditions attached to the variance approval. Staff Member Jeff Boudreau answered that a Department of Health approval for a septic system would be a requirement of the variance. Jeff Boudreau added that a site distance report was conducted and the proposed driveway meets the requirements of the Department of Transportation guidelines.

Jean-Guy Leclerc questioned Staff Member Jeff Boudreau as to why he was for this variance request. Staff Member Jeff Boudreau answered that this variance meets the criteria used to evaluate a variance request. It is his professional opinion that this request is reasonable, desirable and is within the general intent of the Municipal Plan Policies and the Greater Moncton Planning Area Rural Plan Regulation. Jean-Guy Leclerc expressed that he felt this was establishing a bad precedence and questioned the accuracy of the site distance report. Staff Member Jeff Boudreau answered that this does not establish a precedence as variances are considered on a case by case basis. He also stated that the site distance report was conducted by a licensed New Brunswick surveyor and is a stamped legal document.

Acting Chairman Pascal Ferron questioned if the Committee was now ready to make a motion.

**It was moved by Committee Member Ricci Archibald and seconded by Committee Member Heather Keith that the staff recommendation for the variance request by Rheel Leger to reduce the required lot width for lot 14-1, from 54metres to 20.033**



**metres on the property located on Birch Hill Crescent, LSD Moncton, known as PID # 70090758, subject to terms and conditions BE DENIED.**

Staff Member Jeff Boudreau asked Committee Member Ricci Archibald to state, for the record, his reason for going against the staff recommendation. Committee Member Ricci Archibald stated that he felt misled by the applicant when the applicant informed Staff Member Jeff Boudreau that the neighbours would not be opposed to the subdivision of his property and Committee Member Ricci Archibald would, therefore, not support this request.

**MOTION CARRIED / MOTION ADOPTÉE**

The public left the meeting at this time.

**7. Temporary Approvals, Conditional Uses, Rulings of Compatibility and Non-Conforming Uses / *Approbations temporaires, usages conditionnels, déterminations de compatibilités et usages non-conformes***

(a) Derek Cuthbertson, 2261 Route 115 (PID/NID #70517842) LSD/DSL Moncton -

Proposing the expansion of a geothermal equipment storage building subject to terms and conditions. (File/Dossier #14-1116)

Staff Member Bill Wright presented the request on behalf of the applicant Derek Cuthbertson to enlarge an existing storage building for his Geothermal Storage and Service Shop. Staff Member Bill Wright reported that the subject property fronts on the east side of Route 115 and the proposed expansion will be located at the rear of the building. There are mature trees at the rear of the property and along the north side of the property line which create a good screening for the property to the north. Staff Member Bill Wright informed the Committee that this expansion would have no greater impact than what is there now.

Notices were sent to land owners within 100 metres of the subject property and Staff Member Bill Wright reported that no negative feedback was received.

Staff Member Bill Wright reported that this request was reasonable and desirable and follows the general intent of the Greater Moncton Rural Regulation. Staff was , therefore, recommending the request to expand an existing geothermal storage and service shop.

**It was moved by Committee Member Heather Keith and seconded by Committee Member Ricci Archibald that the request application from Derek Cuthbertson, on behalf of Charles and Nicole LeBlanc, 2261 Route 115, known as PID #70517842, Irishtown, LSD Moncton, to allow the expansion of a geothermal equipment storage and service shop BE APPROVED, subject to the following terms and conditions:**

- 1. The development shall be carried out in substantial conformance with the plans and drawings submitted;**
- 2. Prior to any construction, the applicant must obtain a development and building permit from the South East Regional Service Commission; and**
- 3. The development shall be carried out in accordance with the terms and conditions as per rezoning 13-MON-019-16.**

**MOTION CARRIED - UNANIMOUS / MOTION ADOPTÉE À L'UNANIMITÉ**

Staff Member Jeff Boudreau asked the Committee for clarification on the vote for the variance request of Rheel Leger (item 6 the agenda). It was unclear if the vote was unanimous. Acting Chairman Pascal Ferron had not voted. Staff Member Jeff Boudreau clarified for the Committee that, under the By-laws, the Chair does vote. Acting Chairman Pascal Ferron informed the Committee that he abstained from the vote as he was the LSD Representative of this area.

**8. Tentative Subdivisions / *Lotissements provisoires***

None/*aucune*

**9. By-law Amendments, Zoning and Municipal Plan Matters / *Questions de zonage et questions relatives aux plans municipaux***

None/*aucune*



**10. Other Business / Autres affaires**

None/*aucune*

**11. Next Meeting / Prochaine réunion**

Next monthly meeting will be held on October 23, 2014 at 6:00 pm. / *La prochaine réunion mensuelle aura lieu le 23 octobre 2014 à 18h.*

**12. Adjournment / Levée de la réunion**

**Acting Chairman Pascal Ferron adjourned the meeting at 6:41 pm.**

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Pascal Ferron - Acting Chairman

