

**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

October 23, 2014 @ 6:00pm / 23 octobre 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
Andy St-Amand	Committee Member/membre du comité

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

Jeff Boudreau	Manager of Subdivision Approvals/Gestionnaire d'approbation des lotissements
Jesse Howatt	Planner/Urbaniste
Tracey McDonald	Recorder/rapporteuse

**Regrets/excusés:**

Ricci Archibald	Committee Member/membre du comité
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**Public Present:**

Stephen Stultz  
André Champigny

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

The meeting was called to order at 6:01 p.m., with Acting Chairperson Pascal Ferron presiding. / Le président Pascal Ferron ouvre la réunion vers 18h01.

**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 Audbur Bishop to adopt tonight's Agenda as presented. / Il est proposé par Heather Keith, membre du comité, et appuyé par Audbur Bishop, 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 September 25, 2014 meeting / Adoption du procès-verbal de la réunion du 25 septembre 2014**

**It was moved by Committee Member Heather Keith and seconded by Committee Member Audbur Bishop to adopted the Minutes of the September 25, 2014 meeting as presented. / It est proposé par, Heather Keith, membre du comité, et appuyé par Audbur Bishop, membre du comité, d'approuver le procès-verbal de la réunion ordinaire tenue le 25 septembre 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) Stephen Stultz, chemin 25 Sugar Camp Trail Road (PID/NID # 40287024), LSD/DSL Moncton - to exceed the maximum gross floor area for an accessory building in a Residential (R1) zone. (File/Dossier # 14-1418)

Staff Member Jeff Boudreau presented the request of Stephen Stultz to exceed the maximum gross floor area for an accessory building from 100 m<sup>2</sup> to 139 m<sup>2</sup> in a R1 zone. The accessory building will be used for personal storage, as well as, a personal hobby shop for building collector cars.

Staff Member Jeff Boudreau reported that the additional 39 m<sup>2</sup> is a reasonable request considering the area of the building in relation to the house on the property and that the lot has a total area of 7.3 acres. The property is surrounded by a dense tree buffer to both neighbouring properties and the south facing Sugar Camp Trail Road. Staff is of the opinion that this variance request will have a low impact on the neighbouring properties and is, therefore, recommending it.

André Champigny, neighbouring landowner, questioned the size of the accessory building. Committee Member Heather Keith answered that the building was 39 m<sup>2</sup> over the allowable maximum area. André Champigny questioned the maximum allowed. Staff Member Jeff Boudreau answered that the maximum allowed was 100 m<sup>2</sup> and the applicant was requesting to exceed that by 39 m<sup>2</sup> for a total of 139 m<sup>2</sup>.

Staff Member Jeff Boudreau informed the Committee that the applicant, Stephen Stultz, was present if the Committee had any questions for him.

**It was moved by Committee Member Heather Keith and seconded by Committee Member Andy St-Amand that the variance request application from Stephen Stultz, Sugar Camp Trail Road (PID #702870241) Ammon, Westmorland Co. Unincorporated, to exceed the gross floor area requirement of an accessory building from 100 m<sup>2</sup> to 139 m<sup>2</sup> (File #14-1418) BE APPROVED, as submitted.**

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

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

None/acucune

**8. Tentative Subdivisions / Lotissements provisoires**

- (a) RPG Construction, chemin Melanson Road (PID/NID #70013453), LSD/DSL Moncton - Proposing the subdivision of 3 lots with a public and future street. (File/Dossier # 14-1009).

Staff Member Jeff Boudreau presented the request of RPG Construction to create 3 new residential lots, a new section of a public street (Helene Court), and a future connection street at the end of the cul de sac.

The Department of Transportation and Infrastructure were asked to review and provide comments. No significant changes to the subdivision plan were requested.

Staff Member Jeff Boudreau informed the Committee that the remnant on Melanson Road does not have sufficient frontage and will require a variance prior to tentative plan approval. That would be a separate variance application. He reported that no variance for the road itself was required.



Committee Member Andy St-Amand questioned the location of this subdivision. Staff Member Jeff Boudreau answered that it was situated on the northern and western boundary of Dieppe. He demonstrated the location on the slide.

It was moved by Committee Member Andy St-Amand to support staff's recommendation. Staff Member Jeff Boudreau clarified for the Committee that the staff recommendation provided in the report specified "three" future streets and this should be amended to "1" future street. Acting Chairman Pascal Ferron questioned if Committee Member Andy St-Amand accepted the amendment. Committee Member Andy St-Amand accepted the amendment to the recommendation.

**It was moved by Committee Member Andy St-Amand and seconded by Committee Member Audbur Bishop that the Westmorland Albert Planning Review and Adjustment Committee RECOMMEND that the Minister of Transportation and Infrastructure: assent to the location of Helene Court; and assent to the location of the future street, subject to the following condition:**

- 1. The development officer shall not approve the final subdivision plan until all conditions outlined by the Provincial Department of Transportation and Infrastructure letter from Mr Paul Lightfoot to Mr. Jeff Boudreau Dated October 15, 2015, have been satisfied.**

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

- (b) L. Dysart Estate Subdivision Unit 3, Route 115 (PID/NID #70549928), LSD/DSL Moncton - Proposing to create 9 new residential lots, 2 new public streets and a future street. (File/Dossier #13-1515).

Staff Member Jeff Boudreau presented the request of Poirier Enterprises Ltd. to create 9 new residential lots, two new public streets (Joviale Drive Extension and Mini Farm Lane), and a future street in Irishtown. This is the third phase of the overall L. Dysart Estate Subdivision plan to create 136 lots.

The Department of Transportation and Infrastructure were asked to review and provide comments. No significant changes to the subdivision plan were requested.

Staff Member Jeff Boudreau reported that the original intersection location on Route 115 was not acceptable. The applicant submitted a revised plan in July 2014.

Committee Member Andy St-Amand questioned the location of a hill in proximity to the street. Acting Chairman Pascal Ferron answered that the hill is not at the intersection. He commented that this was a better location. Staff Member Jeff Boudreau agreed that this was a safer location and commented that all the residents will be able to come out on this street.

Acting Chairman Pascal Ferron informed the Committee that he knew of three complaints regarding this request. He questioned whether staff had received any formal comments. Staff member Jeff Boudreau answered that because the applicant was not applying for a variance no public notification was required.

**It was moved by Committee Member Heather Keith and seconded by Committee Member Andy St-Amand that the Westmorland Albert Planning Review and Adjustment Committee RECOMMEND that the Minister of Transportation and Infrastructure assent to the location of Joviale Drive extension and Mini Farm Lane, and assent to the location of the future street, subject to the following conditions:**

- 1. The development officer shall not approve the final subdivision plan until all the conditions as outlined by the Provincial Department of Transportation and Infrastructure letter from Mr. Paul Lightfoot to Mr. Jeff Boudreau Dated October 14, 2014, have been satisfied;**
- 2. To caution future lot purchasers the following note shall be placed on the final subdivision plan as follows; "Based on an abbreviated water supply assessment prepared by Fisher Engineering Ltd., dated August 2, 2012, a residential water treatment unit may be required to ensure water quality within the Guidelines for the Protection of Canadian Drinking Water Quality." and**
- 3. Soil assessment report to be submitted to the development officer.**

**MOTION CARRIED/ MOTION ADOPTÉE**

yeas - 3

nays - 1 (Acting Chairman Pascal Ferron)



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

- (a) Mario Charlebois, Chemin MacFarlane Road, (PID/NID # 00949743), LSD/DSL Moncton - Proposing to rezone a portion of the property situated on MacFarlane Road from the Agricultural (A) zone to the Commercial-Industrial (C2) zone to permit the development of self-storage units. (File/Dossier # 14-604).

Staff Member Jesse Howatt presented the request of Mario Charlebois to rezone a portion of the property from Agricultural to Commercial-Industrial to develop a 64 unit self-storage business. The proposed property is a flag lot situated behind a residential property on MacFarlane Road.

Staff Member Jesse Howatt informed the Committee that a public hearing was held on September 30, 2014. Seven residents attended with concerns that MacFarlane Road was not built for industrial use and could not withstand the additional traffic. Staff Member Jesse Howatt responded that this was the responsibility of the Department of Transportation and Infrastructure to determine. The residents expressed concern that the neighbouring property values would decrease. Staff stated that this was unknown and a subjective opinion.

Staff Member Jesse Howatt reported that the surrounding uses were single family homes, a hotel, agricultural and vacant lots. The proposed lot is 4.31 hectares in size and is mostly treed. The self-storage business would be hidden from the street by a treed buffer, therefore, the visual impact on the community would be minimal.

Committee Member Andy St-Amand questioned if the proposed building was only one storey. Staff Member Jesse Howatt answered that they were 10' x 20' containers. Acting Chairman Pascal Ferron questioned if each unit was an actual container. Staff Member Jesse Howatt reported that this was his understanding. Committee Member Andy St-Amand questioned if the units were for personal or commercial use. Staff answered that they were for anyone's personal storage.

Committee Member Heather Keith questioned if the neighbouring landowner in front of the applicant had any concerns. Staff Member Jesse Howatt answered that the applicant indicated this abutting neighbour had no concerns. This neighbour had not attended the public hearing and, unless this neighbour has sent a letter to the province, no letter has been submitted to the planning office.

**It was moved by Committee Member Audbur Bishop and seconded by Committee Member Heather Keith that:**

**whereas the proposal submitted by Mario Charlebois to permit a self-storage business in Berry Mills has been considered by planning staff;  
and whereas, from a planning perspective, the proposal, along with proposed terms and conditions are deemed to be acceptable;**

**That the Westmorland Albert Planning Review and Adjustment Committee RECOMMENDS to the Provincial Minister of Environment and Local Government the adoption of Ministerial Regulation 14-MON-019-23, including terms and conditions outlined in Schedule T and summarized below:**

- 1. the property to be rezoned is as specified in Schedule T-1 of this by-law;**
- 2. that the permitted uses be confined to one or more following main and accessory uses:**
  - i. a warehouse or storage facility, comprised of self-storage units, as shown on attached Schedule T-2; and**
  - ii. any accessory building, accessory structure or accessory use;**
- 3. that a 10 m wide treed buffer be maintained along the back property line of PID #01071059 as shown on attached Schedule T-2;**
- 4. any building on the site must obtain a development/construction permit and be in conformity with the zoning plan and the Building Code in force at the time of the application;**
- 5. that the self-storage units be positioned in reasonable accordance with the plan as shown on attached Schedule T-2;**
- 6. that the construction of the chip-sealed entrance way be in reasonable accordance with the plan as shown on attached Schedule T-2;**
- 7. that any exterior lighting be constructed or positioned as to illuminate only the areas necessary and not create any hindrance on nearby lots;**



8. that prior to construction relevant to this regulation, any required permits be obtained from the Department of Transportation and Infrastructure and the Department of Health; and
9. that a warehouse or storage facility not be used to contain hazardous or flammable materials or liquids.

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

**10. Other Business / Autres affaires**

None/*aucune*

**11. Next Meeting / Prochaine réunion**

Next monthly meeting will be held November 27, 2014 at 6:00 pm /*La prochaine réunion mensuelle aura lieu à 27 novembre 2014 à 18h.*

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

**It was moved by Committee Member Andy St-Amand to adjourn the meeting at 6:25 pm.**

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Pascal Ferron - Acting Chairman

