

MINUTES/PROCÈS VERBAL

**PLANNING REVIEW AND ADJUSTMENT COMMITTEE MEETING/
RÉUNION DU COMITÉ DE RÉVISION DE LA PLANIFICATION**

April 25, 2013 6:00 p.m./25 avril 2013, 18h

**Regional Service Commission 7/Commission de services régionaux 7
1222, rue Main Street, 4th floor/4^{ème} étage
Moncton**

Committee Members Present/membres du comité présents:

George Forsythe – Chairperson/Président
Pascal Ferron – Vice-Chairperson/Vice-président
Ricci Archibald – Committee Member/Membre du comité
Audbur Bishop – Committee Member/Membre du comité
Heather Keith – Committee Member/Membre du comité
Andy St-Amand – Committee Member/Membre du comité

Staff Present/Personnel présent:

Sébastien Doiron, MCIP/MICU	Planning Director/Directeur de la planification
Tracey Wade, MCIP/MICU	Planner/Urbaniste
Jeff Boudreau, Ptech	Mgr. of Subdivision Approval/ Gestionnaire d'approbation des lotissements
Pauline Magee	Recorder/rapporteuse

The meeting was called to order at approximately 6:00 p.m., with Chairperson George Forsythe presiding.

CONFLICTS OF INTEREST/CONFLITS D'INTÉRÊT

No Conflicts of Interest.

Planning Director Doiron requested that the following matter be added to tonight's agenda.

- Terms of Office for Planning Review and Adjustment Committee Members – to be added as item 8(b) on this Agenda

1. ADOPTION OF PUBLIC MEETING AGENDA/ADOPTION DE L'ORDRE DU JOUR

Moved by Committee Member Heather Keith, seconded by Committee Member Andy St-Amand, to adopt tonight's agenda with the addition of Item 8(b).

MOTION CARRIED - UNANIMOUS

2. ADOPTION OF MINUTES OF THE REGULAR MEETING OF MARCH 28, 2013/ADOPTION DU PROCÈS-VERBAL DE LA RÉUNION DU 28 MARS 2013

Moved by Committee Member Audbur Bishop, seconded by Vice-Chairperson Pascal Ferron to adopt the Minutes of the meeting of March 28, 2013.

MOTION CARRIED - UNANIMOUS

3. BUSINESS ARISING FROM THE MINUTES/AFFAIRES DÉCOULANT DU PROCÈS-VERBAL

- (a) Province of/de NB - Rezoning request from Genivar Inc. (agent), on behalf of Camrose Sand and Gravel Ltd. (owners), Tingley Road (PID #05036462), Albert County, Caledonia Mountain, Unincorporated Area – to rezone property from Agricultural (A) Zone to Commercial-Industrial (C2) for a gravel and rock quarry/*demande de rezonage de Genivar Inc. (demandeur), au nom de Camrose Sand and Gravel Ltd. (propriétaires), ch. Tingley (NID #05036462), comté d'Albert, Caledonia Mountain, région non-incorporée, afin de rezoner la propriété de la zone A (Agriculture) à la zone C2 (commerciale et industrielle) afin d'exploiter une fosse/carrière de sable et gravier* (File/Dossier #12UZ-17559) **(Rezoning/rezoning) (TABLED FROM PRAC MEETING OF MARCH 28, 2013/DÉPOSÉ LORS DE LA RÉUNION DU CRP DU 28 MARS 2013)**

A delegation was present on this item.

Tracey Wade, Planner, presented the staff report.

After the Planner's presentation, Chairperson George Forsythe asked if there were any questions. A lengthy discussion ensued.

Pearl Steeves, area resident, voiced concern with respect to the impact the blasting may cause to the mammals in the area.

With respect to the effect of blasting on wildlife, Committee Member Audbur Bishop commented that first-hand accounts has shown him that blasting, in his opinion, does not negatively impact the wildlife.

Larry McLaughlin, area resident, suggested that Wilson Road be used instead of Bray Road. Noise was also a concern.

Boyd Anderson, former Chair GMPDC, pointed out the necessity of a performance bond for the rehabilitation of the site. He suggested that a stronger recommendation to the Minister be made by removing the word "possibly" in the 4th bullet point in the staff report, more specifically: "*in the advent of closure, the provincial government require full rehabilitation of the quarry site ~~possibly~~ by guaranteed bonds or other acceptable measures.*"

Glen McLaughlin, area resident, expressed concerns with respect to Caledonia Mountain Road being used as a trucking road. It was his opinion that the road is not wide enough for truck traffic. The impact on the wildlife was also a concern.

Committee Member Ricci Archibald noted that he's had conversations with staff of the Department of Natural Resource (DNR), who had no real concern with blasting and/or the impact on wildlife; however, in this vicinity, endangered species have been spotted (*Pine Martens*), as well as endangered plant species. It was also noted that there may be a possibility of Bald Eagles nesting in pine trees in the area.

It was suggested that and EIA be conducted.

GENIVAR representative, Blaise Morrison, told the group that there is a mandatory inspection after blasting.

Larry McLaughlin requested that he be notified when blasting will occur. As protocol dictates in the Management Plan, notification will be given.

It was noted that if there is a breach of any terms and conditions attached to the rezoning request, the land in question will revert back to its previous status, being the Agricultural “A” Zone.

Moved by Vice-Chairperson Pascal Ferron, seconded by Committee Member Andy St-Amand to accept staff’s report and recommendation that the Minister of the Department of Environment and Local Government adopt the Ministerial Regulation 12-MON-019-17 including such terms and conditions as outlined in Schedule O-2.

On the question, Committee Member Ricci Archibald requested that the following amendments be made to staff’s recommendation. He suggested that DNR representative conduct a site evaluation to ensure there are no endangered species on the proposed quarry site; and, that the word “possibly” be removed in the 4th bullet of staff’s recommendation.

The mover and seconder agreed to the above amendment. The Motion now reads as follows:

Moved by Vice-Chairperson Pascal Ferron, seconded by Committee Member Andy St-Amand to accept staff’s report and recommendation, as follows:

***Whereas** the proposal submitted by Genivar on behalf of Camrose Sand and Gravel Ltd. to create a quarry along the Tingley Mountain Road has been considered by Planning Staff;*

***Whereas** from a planning perspective, the proposal, accompanied with proposed terms and conditions and resolved provincial issues is deemed to be acceptable; and*

***Whereas** public concerns have been raised related to matters outside the jurisdiction of the Planning authority;*

***THAT** the RSC 7 Westmorland Albert Planning Review and Adjustment Committee recommends to the Provincial Minister of Environment and Local Government the adopting of Ministerial Regulation 12-MON-019-17, including terms and conditions outlined in Schedule O-2, provided the following issues have been resolved by provincial authorities:*

- *The site be operated to provincial standards including blasting, notification to neighbours as requested and regular inspection etc.;*
- *The condition of the Caledonia Mountain Road be reviewed in light of the following comment by DTI official; “It is my opinion that the designated roads in this area (Caledonia Mtn, Rte 910, etc) do not have sufficient strength to support repeated truck loads. This office monitors all designated roads and if damage is occurring or is anticipated to occur, the roads are restricted or closed to truck traffic. Restricting or closing the Caledonia Mountain Road and/or Rte 910 to trucks could have an impact on any industry in the area that involves*

trucking. There is definitely a risk for any individual who is considering developing an industry in this area that depends on trucking.”

- That public access of the Tingley and Bray Roads be ensured and a discussion surrounding ATV vehicles and snowmobile access be undertaken;
- In the advent of closure, the provincial government require full rehabilitation of the quarry site by guaranteed bonds or other acceptable measures; and
- A Department of Natural Resources staff person conduct a site evaluation to ensure there are no endangered species on the proposed quarry site.

MOTION CARRIED
(1 NAY VOTE – Committee Member Ricci Archibald)

4. VARIANCE REQUESTS/DEMANDES DE DÉROGATIONS

- (a) Dan Richard/GENIVAR, on behalf of/au nom de James Reid, Route #114 (PID/NID #624270 & 5011069), Lower Cape, comté d’Albert County, Unincorporated Area/région non-incorporée – to reduce the required lot width for a proposed communications tower/afin de réduire l’exigence relative à la largeur d’un lot, pour permettre une tour de communication (File/Dossier #13UV-121) (**Variance/Dérogation**) (**RELATES TO ITEM 6(a)/SE RAPPORTE À POINT 6(a)**)

Staff member Jeff Boudreau informed the group that this request has 2 parts - a variance 4(a) and tentative subdivision request 6(a). No discussion.

Moved by Committee Member Audbur Bishop, seconded by Committee Member Ricci Archibald to accept staff’s report recommendation that the variance request from Dan Richard/GENIVAR, on behalf of James Reid, Route #114 (PID #624270 & 5011069), Lower Cape, Albert County, Unincorporated Area, to reduce the required lot width from 54m to 45.72m and to reduce the required lot area from 4000m² to 2090m², for a proposed communications tower, BE APPROVED.

MOTION CARRIED - UNANIMOUS

SEE TENTATIVE SUBDIVISIONS - Item 6(a) for part 2.

5. TEMPORARY APPROVALS, CONDITIONAL USES, RULINGS OF COMPATIBILITY AND NON-CONFORMING USES/APPROBATIONS TEMPORAIRES, USAGES CONDITIONNELS, DÉTERMINATIONS DE COMPATIBILITÉS ET USAGES NON-CONFORMES

- (a) André Van Agten, on behalf of/au nom de l'Archevêché Catholique/Roman Catholic Archbishop de/of Moncton Inc., (Paroisse St. Judes Parish), 3062, rue Main Street (PID/NID #00817775 & 00817544), Salisbury – to construct two (2) retaining walls in excess of one (1) metre, for wheelchair accessibility, subject to terms and conditions/*afin de construire deux (2) murs de soutènement supérieur à un mètre, pour permettre l'accès aux personnes en fauteuil roulant, assujetti aux modalités et aux conditions* (File/Dossier #13SC-75) **(Conditional Use/Usage conditionnel)**

Committee Member Ricci Archibald pointed out that any future retaining wall request should be brought to the attention of the Salisbury Review Committee. He had no issue with the Church's request.

Moved by Committee Member Ricci Archibald, seconded by Committee Member Heather Keith to accept staff's report and recommendation that the application from the Roman Catholic Archdiocese of Moncton Inc. (St. Judes Parish), 3062 Main Street (PID #00817544 & 00817775), Salisbury, to construct two (2) retaining walls in excess of one (1) metre, for wheelchair accessibility, subject to the following terms and conditions:

- 1) That the drawings be designed by a registered professional engineer (Province of New Brunswick). The engineering drawings shall include statements with respect to the impact of on-site drainage, to ensure that the surface water will not drain onto adjacent properties;*
- 2) That a railing or fence be installed at the top of the retaining wall as a protective measure for people using the rear yard. The railing shall be installed to the satisfaction of the Building Inspector; and*
- 3) That the retaining walls be built to the specification of the engineering drawings submitted with this application.*

MOTION CARRIED - UNANIMOUS

6. TENTATIVE SUBDIVISIONS/LOTISSEMENTS PROVISOIRES

- (a) James E. Reil Subdivision/lotissement, Route #114, Lower Cape, comté d'Albert County, Unincorporated Area/région non-incorporée – (AGENT/DEMANDEUR – Dan Richard, GENIVAR) (OWNER/PROPRIÉTAIRE – James E. Reid) (File/Dossier #12US-117) **(Subdivision/lotissement) (RELATES TO ITEM 4(a)/SE RAPPORTE À POINT 4(a))**

No discussion.

Moved by Committee Member Audbur Bishop, seconded by Vice-Chairperson Pascal Ferron to accept staff's report and recommendation that the Westmorland Albert Planning Review and Adjustment Committee APPROVE lot 13-1 on the attached subdivision plan dated April 12, 2013,

Subject to the following conditions:

- *the proposed access road shall have a gravel surface no less than 6m wide as shown on the Tentative Plan; and*
- *a legal access permit by DTI is required prior to the construction of the private access.*

MOTION CARRIED – UNANIMOUS

7. BY-LAW AMENDMENTS, ZONING AND MUNICIPAL PLAN MATTERS/QUESTIONS DE ZONAGE ET QUESTIONS RELATIVES AUX PLANS MUNICIPAUX

- (a) Village of/de Salisbury –Rezoning request from Grady's Pub Inc. (2012), to rezone property located at 3145 Main Street (PID #00815308), Salisbury, from "VC" Village Centre Zone to "VC" Village Centre with Terms and Conditions Zone, to allow the consumption of alcohol on the patio situated on the front of the building/*Demande de rezonage de Grady's Pub Inc. (2012), afin de rezoner la propriété situé au 3145, rue Main (NID #00815308), Salisbury, de la zone "VC" Village Centre à la zone "VC" Village Centre, assujetti aux modalités et aux conditions, pour permettre la consommation d'alcool sur le patio situé à l'avant du bâtiment (File/Dossier #13SZ-21) (Rezoning/rezonage)*

This request was briefly discussed.

It was noted that a Public Meeting took place in Salisbury on Monday evening (April 22, 2013).

Committee Member Ricci Archibald suggested that the word "food" be added to the recommendation to Village Council.

Moved by Committee Member Ricci Archibald, seconded by Committee Member Andy St-Amand to accept staff's report and recommendation that the Council of the Village of Salisbury, APPROVED the rezoning request from Grady's Pub Inc. (2012), to rezone property located at 3145 Main Street (PID #00815308), Salisbury, from "VC" Village Centre Zone to "VC" Village Centre with Terms and Conditions Zone, to allow the consumption of alcohol and food on the patio situated on the front of the building, subject to the following terms and conditions:

1. *to remove "wholly enclosed within a building" in section 5.1.1a) (xiv) for this property bearing PID #00815308 in order to allow the consumption of alcohol on the patio situated on the front of the building on Main Street;*
2. *to maintain existing patio fence; and*
3. *that all other provisions of the Village of Salisbury Municipal Zoning By-law No. 43 and the other provisions in the VC Zone shall apply mutatis mutandis.*

MOTION CARRIED - UNANIMOUS

8.

- (a) **For Information Purposes/fins d'information** - Development Officer Variance Approvals/*Approbations de dérogations diverses accordés par l'agent d'aménagement* – April/*avril* 2013

None

- (b) Planning Review and Adjustment Committee Members - Terms of Office

A brief discussion ensued.

The following are the terms of office for the Members:

Pascal Ferron	2 years
Heather Keith	2 years
Audbur Bishop	2 years
Ricci Archibald	4 years
George Forsythe	4 years
Andy St-Amand	4 years

Moved by Vice-Chairperson Pascal Ferron, seconded by Committee Member Ricci Archibald to accept the above terms of office for Planning Review and Adjustment Committee Members.

MOTION CARRIED - UNANIMOUS

9. OTHER BUSINESS/AUTRES AFFAIRES

none

10. ADJOURNMENT/CLÔTURE DE LA SÉANCE

Moved by Vice-Chairperson Pascal Ferron, seconded by Committee Member Andy St-Amand to adjourn.

MOTION CARRIED – UNANIMOUS

The meeting adjourned at approximately 7:15 p.m.

PRAC CHAIRPERSON/PRÉSIDENT CRP