

Planning Review and Adjustment Committee

Date of Meeting: February 11, 2015

Location: Board Room, 650 Main Street, Woodstock

Attendance: Andy Leech, Chair
Brent Pearson, Vice Chair
Alan McLaughlin
Mark Atwater
Trevor Welch

Absent: Kenneth Clark

Guest: Dale MacFarlane

Staff: Katelyn Hayden
Bev Gullison

Meeting was called to order by Andy Leech, Committee Chair, at 7:00 pm.

Approval of Minutes

A motion was made by **Mark Atwater** and seconded by **Brent Pearson** to approve the Minutes of the November 12, 2014 meeting.

MOTION CARRIED

Zoning Applications

None

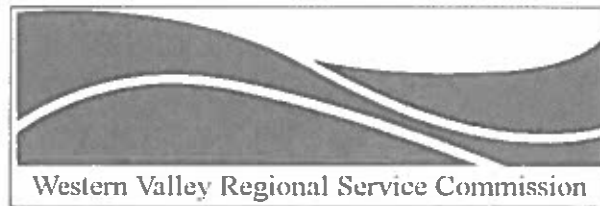
Subdivision Applications

1. Dale MacFarlane Land Surveying Ltd.
Subdivision on a Private Access

Dale MacFarlane Land Surveying Ltd. has made application to Western Valley Regional Service Commission for approval of a tentative plan of subdivision to create four water orientated residential lots serviced by a private access on property identified as PID #75030809.

Mr. Macfarlane was present to answer any questions relating to the proposed subdivision

The subject property is located on Route 122, and has waterfront on Skiff Lake. The subject property is surrounded by water orientated residential properties and undeveloped land across Route 122.



The proposed 4 lots will have lot areas of 4700 square metres, 4200 square metres, 5600 square metres, and 11,500 square metres, and exceed the minimum lot requirements under the provincial subdivision regulation.

With respect to access, the proposed lots will be accessed via a proposed 9 meter wide private access as shown on Map II. The private access is proposed to be placed over the existing Cambers Point Lane, which is used to access the LeClerc, Leech, Karnes, and Everett properties shown on Map II.

With respect to a road association, given that there is existing camp development, which has historically used Cambers Point Lane, a road association will not be a requirement of approval of the final subdivision plan; however, this may be something that Mr. Thompson and those who will gain access to their properties via the private access should discuss in order to ensure proper maintenance of the access.

The property owner has included a 30 metre wide "lake access area" as a portion of the private access, this will ensure that future lots 1,2, & 3 will have right-of-way access to the lake for recreational purposes as they do not include frontage on the water.

The creation of water oriented residential lots on a private access is considered appropriate in section 8(2) of the "Guidelines for Lot Creation on Private Roads.

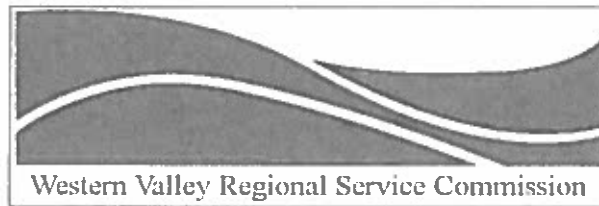
Given that the proposed lots meet and exceed the lot area requirements and that adequate private access is being created, and will also be granted to existing lots currently using Cambers Point Lane, staff are prepared to support this application.

Dale MacFarlane answered general inquiries from the Committee members relating to the proposed subdivision plan.

Alan McLaughlin inquired re lot 3 where lines were showing over an existing roadway, and questioned if the existing roadway would still be accessible. Dale MacFarlane confirmed there is a deeded right-of-way currently over to the existing properties to the Karnes property, and stated when the property was subdivided approximately 4 years ago, a right-of-way was granted at that time, which did not specify a width. Brent Pearson inquired if this was deeded as such and Dale Macfarlane advised yes and that he would insert the document number on the final plan.

Alan McLaughlin asked if there is no width on the right-of-way and Dale stated no, it simply states, 'over the roadway'. Alan McLaughlin inquired if the property owners wanted to expand would they be permitted 30 meters or more. Dale MacFarlane advised they have the right to travel over the roadway as it exists and no one could stop them from using this roadway.

Trevor Welch advised this is fairly common on the lakes, as there are right-of ways in place that have been there over 50 years or more. Trevor Welch stated at least with this subdivision they will have a set 9 meter access, which would allow them the opportunity to build their own driveway to the existing Karnes & Everett lots if the wish in the future.



Andy Leech advised the Leech property did not have a written right-of way. He advised this roadway was built by his parents in 1979 as an alternative to the existing access shown adjacent to "Future Lot 1", as they wished to stop traffic from accessing both ways. The right of way was never even provided in writing as the previous owner passed away before it was completed.

Alan McLaughlin questioned why the Anne Karnes property would not have been provided frontage on the road. Dale stated the roadway was built before the lots were created, and the lot configuration was done in the irregular fashion seen simply to achieve minimum lot areas. Andy Leech reviewed the map with the group and discussed the layout/history of the property with the Committee.

Andy Leech advised the Leech property owners had paid to build the road and through an agreement with Mr. John Thompson they will now be provided a legal right-of-way access. This right of way access will simply remove any confusion in the future.

Dale MacFarlane advised a typical setback from the water is 30 meters but if you apply for a variance (watercourse alteration permit), Dept. of Environment will likely reduce it to 15 meters. These are typically applied for on a case by case basis. Trevor Welch confirmed 15 meters is the normal setback for which a variance is typically approved. Dale MacFarlane stated there is 15 meters from the edge of vegetation and advised 15 meters was primarily shown on the map for the purpose of potential buyers. Andy Leech informed the Committee the shore frontage is 4 - 5 feet before you get to the water and none of these lots are considered wetland.

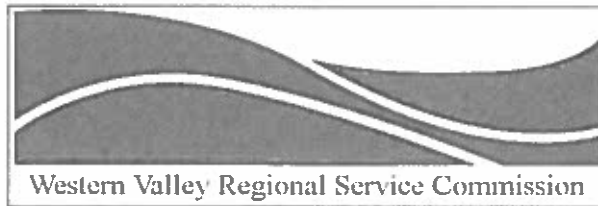
Brent Pearson asked to confirm there is no wetland involved on the property for the record and Katelyn Hayden confirmed there are no designated or regulated wetlands within this proposed subdivision as seen on the wetland map generated from GEONB which was distributed to the members for review.

Katelyn Hayden advised the committee a notification letter was sent to all landowners within 100 metres of the proposed subdivision on January 29, 2015. As a result, an email opposing the subdivision was received by one resident, Kimber Hawkey. The committee read and discussed the concerns addressed in the Kimber Hawkey's letter (attached Appendix A).

Alan McLaughlin stated the 3 concerns addressed by the Kimber Hawkey email are not issues that can be regulated by the PRAC committee. Katelyn Hayden advised the wetland concern would be a valid PRAC issue if the lots were indeed located on designated wetlands.

Katelyn Hayden reconfirmed there is no wetland existing on the subject property as per the GEONB mapping.

Andy Leech advised he discussed the proposed subdivision with the other property owners and notified them there would be no valid reasons this subdivision could not be developed as proposed, as it meets all the requirements of the Planning Act. He confirmed all property owners received the proposed subdivision notification letter from the Planning Director and advised each of them they could attend this meeting to voice any concerns they may have.



The Planning Director, Katelyn Hayden advised the primary goal of the PRAC committee is to ensure legal and secure access is provided to the property, such as being able to provide ambulance service, etc. Katelyn Hayden further stated the property owners would not receive the typical services of a public road resident such as snowplowing or garbage pick-up, but this is not what they are requesting. Andy Leech advised there is a power line that runs along this road and outlined where the poles are located on the map.

Andy Leech, Chairperson, asked if there were any further comments .

Trevor Welch made a motion, and **Alan McLaughlin** seconded to approve the subdivision as presented by Dale MacFarlane and recommended by Katelyn Hayden.

MOTION CARRIED

Variance Applications

None

Old Business

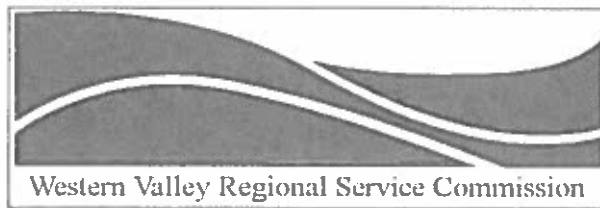
Brent Pearson informed the Committee the vote to allow PRAC voting in private was defeated at the February 3 Board meeting by a vote of 8 to 6.

Katelyn Hayden notified the Committee a memo was circulated by the Province this week to all the Regional Service Commissions advising voting in private is against the municipality act, the procedural by-law and natural justice. Katelyn Hayden further advised she received a memo from the Province stating all meetings must be held in public.

Katelyn Hayden advised PRAC does not qualify for in-Camera sessions under the municipalities act. , based on legal opinion or the opinion of the Department of Local Government. Brent stated, if there is financial, personal or RCMP issues or that type of information we can go in-camera. However, Katelyn advised these types of issues at not dealt with by the PRAC, the committee deals with variances, rezoning, and subdivision application made to them under the Community Planning Act. Brent Pearson further advised, if the issues were financial then in-camera should be permitted. Katelyn reiterated that application considered by the PRAC would not be financial in nature. Andy Leech advised these sorts of issues would be referred to legal counsel.

Andy Leech inquired if the municipalities go in-camera and Katylyn advised currently only 1 municipality goes in camera (Town of Woodstock). Municipalities who have a Planning Director do not. Katelyn Hayden advised a copy of this email would be sent to the Committee members.

Alan McLaughlin inquired if voting in private can never happen. Katelyn Hayden advised in an instance where you may not feel comfortable voting, you should declare a conflict of interest. Katelyn Hayden



advised she will be adding 2 additional seats to the PRAC committee which will allow more flexibility to leave the room if a conflict of interest should arise. The by-law states if you are declaring a conflict you must exit the room for the discussion on that item. If you are representing the applicant or are the applicant, obviously you cannot leave the room, as you are the individual applying for the variance or subdivision, but that a conflict must be declared.

New Business

Building By-Law & Subdivision By-Law Update for:

Bath
Canterbury
Centreville
Plaster Rock
Hartland: (to discuss later as it has a few differences)

Building By-Law Change:

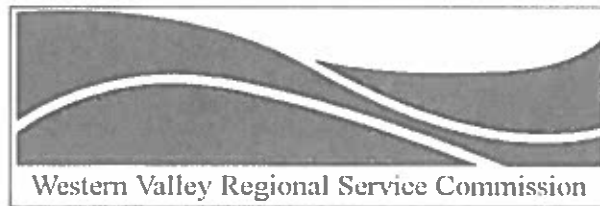
Katelyn Hayden reviewed the building by-law changes proposed with the Committee and provided the members with copies of the newly proposed by-laws. (attached – Appendix B). Katelyn Hayden also stated the new building regulations for Bath, Canterbury, Centreville and Plaster Rock are similar to the existing building regulations currently in place for Hartland, Woodstock and Florenceville-Bristol and Provincial Regulation. The primary goal is to simply update the current outdated by-laws existing in these municipalities and provide a by-law for areas such as Canterbury who did not have a by-law.

Katelyn Hayden informed the committee that the role of the PRAC is to make a recommendation to each council.

Katelyn Hayden discussed with the committee some of the changes and/or additions to the existing by-laws. For example, she advised electrical waivers (Section 8) has now been added. Currently under some of the by-laws they did not have the option to waive a building permit if there was no construction occurring. This will permit an electrician to simply receive an electrical waiver when there is no other construction occurring under the building code. This will allow the building inspector the ability to waive a building permit in cases such as an installation of a generator only; we would simply provide them with an electrical waiver.

Katelyn Hayden again informed the Committee these by-law changes are recommendations and would be submitted to each council for their review and approval.

Subdivision By-Law Change: Katelyn Hayden reviewed the highlights of the proposed subdivision by-law changes (Appendix C) and compared the changes by each municipality with the Committee. Katelyn provided a summary document to the group to assist with the explanation of the highlights of the proposed changes (attached – Appendix D). This summary document displayed a comparison of existing methods versus the proposed changes. Katelyn Hayden noted that Bath did not previously have a



subdivision by-law. She also informed the Committee when someone creates a new subdivision in a municipality, under the act the municipality has the ability to take either 8% of the land being subdivided or 8% of the assessed value of the land and apply it towards land for public purposes (parks and recreation). Katelyn further stated, usually you only take land that is a sizable subdivision where you actually need a park. Otherwise you would simply have the land assessed and take the cash in-lieu of land and apply it to an existing recreation, such as the purchase of playground equipment or maintenance.

Katelyn Hayden reviewed the current practices occurring within each municipality with the committee members as depicted on the summary document. Some of municipalities are currently practicing this rule with subdivisions and other municipalities were not. However, Katelyn Hayden stated this rule does not apply when subdividing land if the land is located on an existing paved street. This 8% rule only applies to new subdivisions where a new street is proposed.

Andy Leech stated, if you are extending a street you will still pay the 8%. Katelyn advised, it is either 8% of the land excluding the streets or 8% of the assessed value. You would have an appraiser appraise the market value of the land only. Andy Leech confirmed, it is 8% of the value of the lots.

Alan McLaughlin inquired if landowners have an option to choose, and Katelyn advised it is the responsibility of council. However, she advised typically a recommendation will be made to council to take either cash or land. This does not mean they have to follow the recommendation.

Andy Leech advised in Woodstock the 8% is always applied to the recreation budget, as this is part of their by-law and is used to maintain the parks, etc.

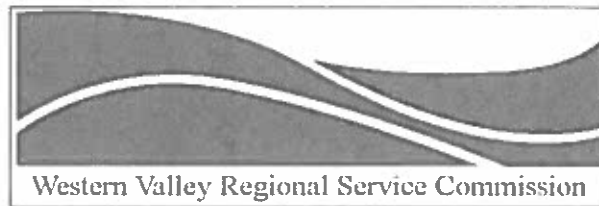
Katelyn Hayden answered questions regarding the provincial and municipality regulations concerning the length of cul-de-sacs. Trevor Welch stated pointed out a discrepancy between the Provincial Subdivision Regulation and the DOT specifications.

Katelyn reviewed the spreadsheet information comparing differences between current by-laws and the proposed new by-laws, and answered inquiries from the Committee.

Katelyn Hayden notified the Committee that since Hartland's subdivision by-laws were recently updated there will not be any changes.

Building By-law Fee Changes:

Katelyn Hayden advised the proposed fee schedule has changed for some areas. For example, Plaster Rock previously charged \$25 no matter what you were building or the value of the project. Therefore, we are proposing to standardize the fee schedule for all municipalities. As noted in Section 15 of the by-law change documentation (as below), a fee is now being proposed based on the cost of the project.



Katelyn Hayden reviewed the fee schedule with the committee members and answered specific inquiries.

15.0 FEES

(1) Subject to subsection (2), no permit may be issued hereunder until the fee set out in the schedule below has been paid to the municipality:

Schedule:

- (a) where the estimated value of construction is between \$ 0 to \$5,000 the fee shall be \$ 25;
- (b) where the estimated value of construction is between \$ 5,001 to \$ 15,000 the fee shall be \$50;
- (c) where the estimated value of construction is over \$15,001 the fee shall be \$ 50, plus \$ 5 per \$1000 or part thereof above \$15,000 estimate value;
- (d) Where the permit is for the erection of a sign or electrical waiver the fee shall be \$25;

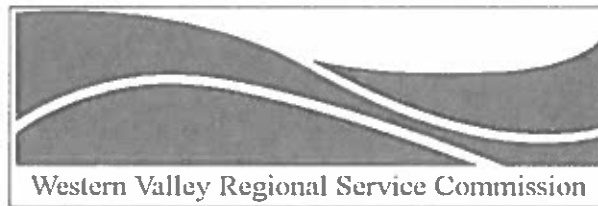
Katelyn Hayden advised a flat rate of \$25 is also being proposed for sign permits. She stated a sign can be very expensive but the work done by a building inspector is not extensive. Katelyn Hayden also notified the committee a \$25 fee was previously charged for providing electrical waivers within the municipalities but was not recorded in their by-laws.

Andy Leech inquired why there are no fees associated with demolition and Katelyn Hayden advised this was not necessary as there is no value added for demolition, and the work done requires minimal inspection.

Katelyn Hayden advised after further discussion with Hartland today, the following change was made with Section 15 #4. They have requested the connection fee for water and sewer be collected before a building permit is issued. Therefore, this revision has been added to all of the by-laws and we will collect this fee at the office and remit in the same manner as with the other fees. The rate charged will be determined by each of the municipal council.

Katelyn Hayden advised Section 4, Adoption of Code section has changed. When the province adopts a new code, the municipalities will now automatically adopt the new code at the same time. This should avoid any future confusion when new codes are adopted and will also make it easier for the contractors to follow.

Andy Leech asked if there were any further comments/questions.



Brent Pearson commented on the importance of the by-law changes and noted since these by-laws will be used for many years, he would like additional time to review them more closely and asked if the other committee members agreed.

Katelyn Hayden advised these by-laws are subject to change by the councils after their review. For example, the fee schedule is only a proposal but council has the final approval. Andy Leech stated, these are by-law changes and would be subject to public notice. Katelyn Hayden advised building and subdivision by-laws are exempt from publication (by-law section 67.1A) but all changes are subject to council approval. (A minimum of 2 council meetings are required)

Mark Atwater inquired regarding the schedule for these changes to be completed. Katlyn Hayden advised since the by-laws must go to the municipalities, it will be at least 2 months in order to receive three readings. Katelyn Hayden advised it would be preferred to have these new by-laws in place prior to the beginning of construction season. Mark Atwater inquired if there was another method the Committee could use to review and recommend changes that would not delay the process.

Katelyn Hayden recommended and was agreed by the committee they would review the proposed by-law changes and provide any recommended changes to her via email prior to February 19th, 2015. After February 19, 2015, Katelyn will prepare a summary document of all recommended changes received and send a copy to all committee members for their review.

Brent Pearson motioned to approve and seconded by Mark Atwater subject to any agreed upon changes to be discussed as submitted to Katelyn Hayden via email prior to Feb 19, 2015.

Andy Leech stated the above motion pertains to the communities of Bath, Canterbury, Centerville and Plaster Rock.

Motion Carried

Hartland Changes:

Katelyn advised the following 3 changes are noted for Hartland:

- Section 4.0 – Adoption of Code
- Section 15 C – Fee change. For consistency, fees will increase from \$3 per \$1,000 to \$5 per \$1,000 - over \$15,000
- Additional of sign permits, electrical waivers and demolition permits

Motion was moved by Alan McLaughlin and seconded by Trevor Welch to accept by-law proposed changes for Hartland

Motion Carried

Adjournment:



A motion was made by **Mark Atwater** to adjourn.

Meeting adjourned at 8:15 pm.


X _____
Andy Leech
Chairperson