

Fundy Albert Council is Considering a Proposed Rezoning

To rezone a portion of the property bearing PID 05115621 from Rural Area (RA) to Dwelling Group for the purpose of a 48-unit mini home park.

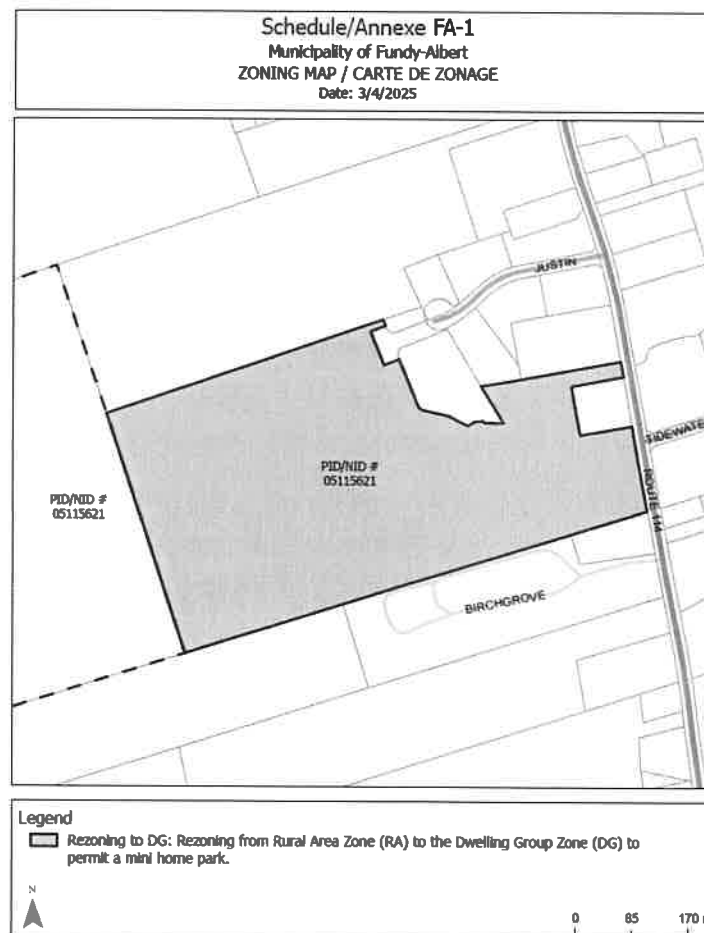
1. **Call to Order**
2. **Conflict of Interest Declarations**
3. **Plan 360 – Presentation**
4. **Review of Written Submissions**
5. **Comments from Gallery**
6. **Questions from Council**
7. **Conclude Public Hearing**

PUBLIC HEARING REPORT

Subject: Rezoning from RA to DG
File: 25-0049
Meeting date: May 6 2025
From: Caleb Babin, Planner

Applicant: White Birch Subdivisions Inc.
Owner: White Birch Subdivisions Inc.
Location: Justin Drive
PID: 05115621
Dimension of lot : 115.1 hectares (284,42 acres)
Services available: None
Current zoning: RA – Rural Area
Proposed zoning: DG – Dwelling Group

Request : Rezone a 60-acre portion of the property to Dwelling Group to permit a 48 unit mini home community using private sewer and private water.



DISCUSSION

Preamble

An initial public hearing was held May 6, where council voted to expand the mailout buffer from the minimal provincial standard of 100m to 200m and hold a second public hearing on June 3 in order to consult a wider area. The applicant also clarified that Justin drive is to be a gate-controlled emergency access not open to general circulation. Application details remain unchanged.

Request

Plan360 has received a request from White Birch Subdivisions Inc., the applicant, seeking to rezone a portion of the property identified by PID 05115621. The proposed rezoning aims to create a split zoned parcel where one 60-acre portion of the 264-acre parcel of land would be rezoned from its current Rural Area (RA) Zone to the Dwelling Group (DG) Zone. The purpose of the rezoning application is to establish a mini home park with buildable lots for 48 units. These units would be constructed in three phases, with each phase having its own septic fields. Phases 1, 2 and 3 would contain 14, 18 and 16 lots respectively. A 10m-wide asphalt main road would provide access to 8m-wide chip seal side roads hosting 30x25m lots to install mini homes in clusters ranging from 2 to 10 lots each. A 3m buffer between each lot is provided, while a 6.0m setback from roads is additionally provided. A 10m-wide passcode locked emergency access is provided with a connection to Justin Drive, running north from the rear/west rezoning line. Residential development is to occur outside of the 30m watercourse buffer that separates the proposed mini home park from existing residential uses along Justin drive to the north of the lands proposed to be rezoned.

The remainder of the land will maintain its current Rural Area (RA) Zoning, with no planned changes to the land use on these portions of the lands.

Context

The subject property is located in Lower Coverdale, in the northeast of Fundy Albert and is surrounded by a mix of rural area and residential zoned land to the north and another Dwelling-Group zoned mini-home park to the south. Access to the site is via Route 114 which runs parallel to the Petitcodiac River and provides a connection between Hillsborough to the south and Riverview/Moncton to the north. Route 114 serves as the primary corridor for commuters from the Municipality of Fundy-Albert, commonly employed Moncton, Dieppe and Riverview. Route 114 is also the primary corridor for ecotourism in Fundy-Albert with the Hopewell Rocks Provincial Park and Fundy National Park being situated at the southern portion of the municipality. In the immediate vicinity of the proposed mini-home park, there are multiple clusters of residential subdivisions. Approximately 500m northeast of the subject lands, there is a series of residentially zoned subdivisions with large buildable lots, collectively known as White Birch Estates. Situated 350m northwest of the subject lands is an older residential subdivision dating from 1974, with single dwelling units on quarter-acre lots. An agricultural use is additionally located roughly 1km from the subject site.

In Fundy-Albert, the Dwelling Group (DG) zone regulates mini home parks, subject to site specific rezoning. Planning staff believes the proposed use is appropriate for this property. The proposed mini home park utilizes an existing access and would allow for new residential development without the creation of new public infrastructure, efficiently utilizing the subject lands for sustainable settlement patterns which would otherwise not be achievable under a residential subdivision. However, mini home parks require particular attention due to hosting multiple dwellings on a single lot. These include considerations for environmental sustainability, site servicing and setbacks.

In order to account for potential traffic impacts derived from 48 dwelling units being provided access onto route 114, several conditions will have to be met. A commercial site distance report is proposed as a condition to ensure visibility and safety for traffic accessing route 114. Second, a Traffic Impact Study will be required for review and approval by DTI prior to the issuance of any permit. Roads within the proposed mini home park must additionally have a minimum base and subbase thickness of 150mm and 300mm respectively, which are to be verified by a professional engineer licenced in the province of New Brunswick. For water servicing, a comprehensive water supply assessment of the communal well must be conducted for review by the Healthy Environments Branch of the Environmental Science and Protection Division of the Department of Environment and Local Government

Regarding impacts to surrounding areas, it is to be noted that the proposed Dwelling Group zone is already surrounded by residential uses including an adjacent Dwelling Group-zoned mini home park. Dense forested buffers separate the subject lands from all neighbouring development, and a watercourse affords a 60m buffer between the north of the subject lands and neighbouring residential subdivision. Henceforth, the proposed mini home park reinforces the existing residential node in Lower Coverdale and remains compatible with surrounding uses. Staff is of the opinion that the proposed use is suitable for the subject property due to it

reinforcing existing residential nodes, providing housing options, in addition to limiting the need for additional public infrastructure.

CONSULTATION

Archaeology and Heritage Branch - Tourism, Heritage and Culture: According to the Archeology and Heritage Branch, the majority of the subject area has no concerns with regards to heritage resources. There is, however, a few areas where activities might occur within 80 meters of a water course and is generally assessed as having elevated archaeological potential. Elevated archaeological potential is also assigned to the marine-palaeoshoreline present on the east of the subject area. The Archeology and Heritage Branch has recommended that an archaeological impact assessment should be completed in advance by an archaeologist with a valid Archaeological Field Research Permit before any ground disturbance activities (e.g. excavation, grubbing, etc) takes place in such an area (within 80 meters of a water source and on the marine-palaeoshoreline). Additionally, if archaeological objects are identified during any phase of the project, as per Section 9 of the Heritage Conservation Act, work must stop and the proponent must notify the Archaeology and Heritage Branch.

Department of Environment and Local Government - Provincial and Community Planning Unit: The Provincial and Community Planning Unit has reminded staff to ensure that the *Statements of Public Interest Regulation* is respected during the rezoning process. Concerns were raised regarding the second access to Justin Drive as it is not an official second access and may not be maintained year-round or have snow removal services in the winter

Department of Transportation and Infrastructure – District Office: DTI has stated side streets should respect minimum thickness and would like to ensure commercial sightlines are met and better understand how the traffic flow from 48 homes will impact traffic flow at this location.

Environment and Local Government - Climate Change Secretariat: Several adaptation comments were provided by the climate change secretariat: Ensure sewer lines remain functional and do not create any leakage into the immediate environment during extreme rainfall events, that are projected to increase in frequency and intensity in the future. Ensure stormwater infrastructure is properly sized, remains functional, and will not impact the immediate environment during extreme rainfall events, that are projected to increase in frequency and intensity in the future. Ensure well water is not at risk to projected future flood elevations or saturated soil conditions associated with projected flood elevations, stormwater, or other hazards related to overland flooding. To reduce exposure to extreme heat days above 30 and 35 Degrees Celsius, which are projected to increase across New Brunswick. It is recommended that residential units are equipped with proper air conditioning capability.

Department of Environment and Local Government - Environmental Science and Protection Division: Before undertaking the subdivision development project, the property owner (White Birch Subdivisions Inc.) must: conduct a water supply assessment to determine if the water supply source can provide adequate water quantity and acceptable water quality for the intended purpose (48-unit mini home community) over the short and long term without creating any potential impacts to existing groundwater users in the area.

Department of Environment and Local Government - Watercourse and Wetland Alteration Branch: The WAWA Branch offers the following comments; The WAWA Reference Map does not indicate the presence of any wetland in or within 30 metres of the proposed phases. However, it is a reference tool only and it is the landowner's responsibility to ensure no alteration occurs in or within 30 metres of a watercourse or wetland (based on NB DELG definitions) without a Watercourse and Wetland Alteration (WAWA) Permit. A desktop assessment indicates the potential for unmapped wetland associated with the mapped watercourse. Based on the information provided, including the future intended use of the property, the WAWA Branch recommends reserving finalized comments until the presence / absence of wetlands and watercourses have been confirmed on the ground. This information along with a revised plan showing all regulated features should be provided to WAWA Branch for review.

Department of Agriculture, Aquaculture and Fisheries: This provincial department has informed staff that there are agricultural activities (within 1km) of the location being proposed for residential development. DAAF would like to remind Fundy-Albert that any nuisance (noise, dust, odor, etc.) caused by farming activities are protected from liability by ways of the "Agricultural Operation Practices Act" (AOPA).

Municipality of Fundy Albert: The Municipality of Fundy-Albert staff discussed this rezoning request and have no comments at this time.

Riverview Fire and Rescue: The Town of Riverview Fire and Rescue would like to ensure turnarounds are large enough to accommodate the increasing dimensions of the fire apparatus

POLICIES

PART B: POLICIES

14. Particular Development Proposals

14.1 Policies

- a) It is a policy to consider mini home parks and bare-land condominiums as developments that are subject to a site specific rezoning to the Dwelling Group Zone.
- b) It is a policy that bare-land condominiums employ environmentally sustainable development practices including the incorporation of natural features with regards to:
 - i. Drainage;
 - ii. Green space and recreation areas;
 - iii. Biodiversity corridors;
 - iv. Topography
- c) It is a policy that when considering proposals to rezone properties to the Dwelling Group Zone for a development, the following shall be considered:
 - i. Buffer zones from neighbouring uses;
 - ii. Provision of water and sewer facilities;
 - iii. Separation distances between units;
 - iv. Access and road network;
 - v. Parking;
 - vi. Emergency services;
 - vii. Garbage collection and snow clearing
- d) It is a policy to consider integrated developments as a use that is subject to site-specific rezoning subject to Section 58 of the Act.
- e) It is a policy to consult with municipal partners when considering particular development proposals in proximity to municipal boundaries.

ZONING REGULATION

DG ZONE – DWELLING GROUP

4.9.1 In a Dwelling Group Zone, any land, building, or structure may be used for the purpose of:

- a) One or more of the following main uses:
 - i. Residential uses subject to Section 3.1;
 - ii. A passive recreation use;
 - iii. Institutional uses;
 - iv. Light commercial uses subject to Section 3.19;
 - v. A mini home park subject to Section 4.9.3;
 - vi. Recreation uses; and
- b) One or more of the following secondary uses:
 - i. A home-based business or home industry subject to Section 3.11; and
 - ii. An accessory dwelling unit subject to Section 3.20.
- c) One or more buildings, structures, or accessory uses related to the main use of the land, building, or structure

4.9.2 Any developments within the Dwelling Group Zone are subject to the following terms and conditions:

- a) all on-site maintenance (e.g. garbage collection, snow removal) and infrastructure (e.g. accesses, fire hydrants)



are the responsibility of the property owner(s);
b) all condominium developments must be registered under the New Brunswick *Condominium Act*;
c) all development must follow the *National Building Code* fire safety setbacks;
And
d) the approval of the local fire chief must be obtained regarding access for emergency vehicles.

4.9.3 Further, a Mini Home Park in the Dwelling Group Zone shall meet the following requirements:

- (a) a park shall be serviced by an internal roadway system having a width of at least 12 metres;
- (b) a park shall be serviced by common water and sewer facilities approved by appropriate provincial agencies;
- (c) all spaces shall:
 - i. have and contain a width and area of at least 12 metres and 375 square metres, respectively,
 - ii. about the internal roadway system,
 - iii. include parking for at least one vehicle
- (d) no mini home shall be located within:
 - i. 3 metres of the internal roadway system,
 - ii. 7.5 metres of a boundary of the park, or of a service building within it,
 - iii. 7.5 metres of another mini home,
 except that, when two of them are placed end to end on adjoining spaces, this distance may be reduced to 4 metres, or
- (e) all service buildings shall be permanent structures complying with the *National Building Code* of Canada, in effect at the time of this regulation;

RECOMMENDATION

It was moved by Committee Member Edgar LeBlanc and seconded by Committee Member Stuart Taylor that the Southeast Planning Review and Adjustment Committee recommends Fundy Albert council to Adopt By-law 25-WAP-069-FA-01 which aims to rezone a portion of parcel bearing PID 05115621 in the Municipality of Fundy Albert from Rural Area (RA) to Dwelling Group (DG) to accommodate a 48-unit mini home community using private sewerage and private water subject to the following conditions:

1. Notwithstanding any other provisions to the contrary, the lands, buildings and structures developed on the aforementioned property are subject to the following terms and conditions:
 - a) That the permitted main uses of the property be limited to:
 - I. A mini home park subject to Section 4.9.3;
 - II. A passive recreation use ;
 - III. Institutional uses ;
 - IV. Light commercial uses subject to Section 3.19; and
 - V. Recreation uses.
 - b) That the permitted secondary uses of the property be limited to:
 - I. A home-based business or home industry subject to Section 3.11.
 - c) That all on-site maintenance (e.g. garbage collection, snow removal) and infrastructure (e.g. accesses, fire hydrants) are the responsibility of the property owner(s);
 - d) That all development must follow the *National Building Code* fire safety setbacks;
 - e) That the approval of the local fire chief must be obtained regarding access for emergency vehicles prior to the issuance of a development permit;
 - f) That future development of the property shall be done in substantial conformity to the attached site plan;
 - g) That the 30m riparian buffers from each side of the watercourse identified along the northern property line be maintained;
 - h) That a comprehensive water study be conducted and submitted to the Environmental Science and Protection Division of the Department of Environment and Local Government in order to determine if the water supply source

can provide adequate water quantity and acceptable water quality for the intended purpose over the short and long term without creating any potential impacts to existing groundwater users in the area prior to the issuance of a development permit ;

- i) That it is the sole responsibility of the owner to maintain a secondary access for an emergency exit on Justin Drive in perpetuity;
- j) A traffic impact study is to be conducted and submitted for review to the Department of Transportation and Infrastructure in respect to traffic flow onto Route 114 prior to the issuance of a development permit;
- k) That a sight distance report is to be conducted and submitted for review to the Department of Transportation and Infrastructure prior to the issuance of a development permit;
- l) That a plan showing that all private streets within proposed mini home park respect the minimum road thickness of a 150mm base & 300mm subbase prior to the issuance of a development permit; and
- m) That confirmation of streets meeting the requirement of a minimum road thickness of a 150mm base & 300 mm subbase be verified by a professional engineer licensed in the province of New Brunswick through a report prior to the issuance a development permit.

COUNCIL'S OPTIONS

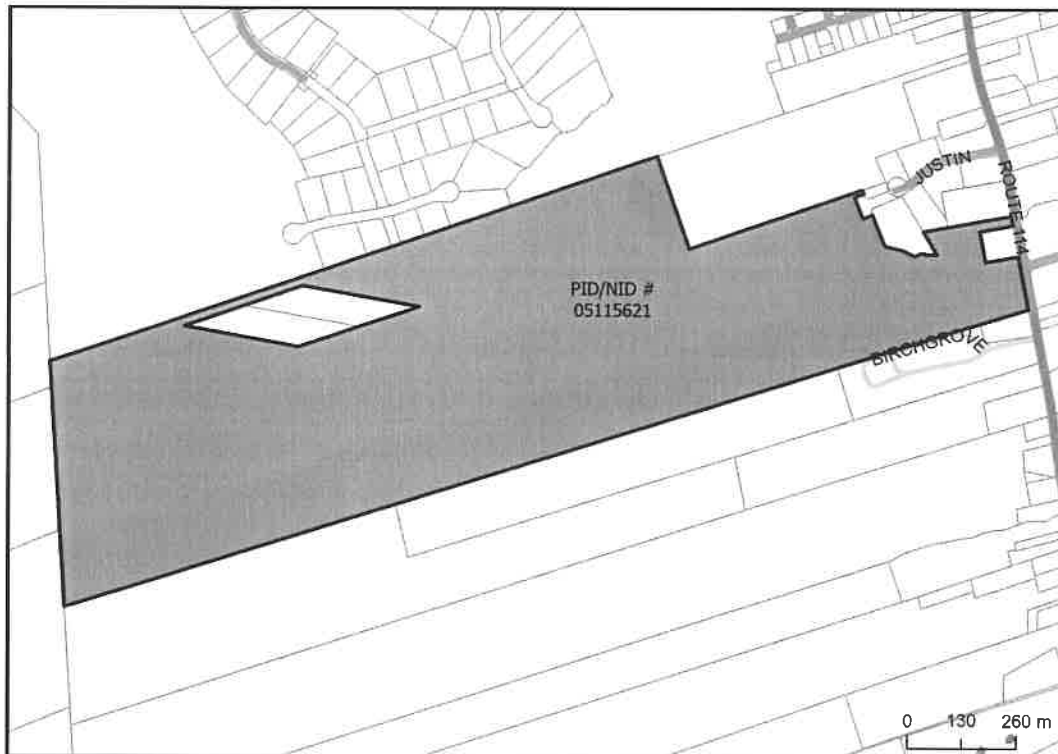
All legal requirements under the Community Planning Act will be satisfied after the Public Hearing and council may decide to pursue with adoption of the rezoning. Council's options are:

- 1. Accept the order as recommended by the Southeast Planning Review Committee.
- 2. Accept the By-Law, but modify, add, and/or remove conditions
- 3. Postpone and request additional information.
- 4. Deny the request.



Caleb Babin, Planner
Plan360
(506) 382-3574
caleb.babin@nbse.ca





Main / Principal

1234 rue Main Street, Suite 200
Moncton, NB E1C 1H7
(506) 238-5386

Shediac

815A rue Bombardier Street
Shediac, NB E4P 1H9
(506) 533-3637

Tantramar

112C rue Main Street
Sackville, NB E4L 0C3
(506) 364-4701

Riverview

Operations Centre d'opérations
300 rue Robertson Street
Riverview, NB E1B 0T8
(506) 382-3574