

Fundy Albert Council is Considering a Proposed Rezoning

The purpose of the proposed amendments (By-law 25-WAP-069-FA-2) is to rezone properties bearing PID 00617969 and 05123070 from Rural Area (RA) to Intensive Development Zone (IRD) to allow the establishment of a rock quarry.

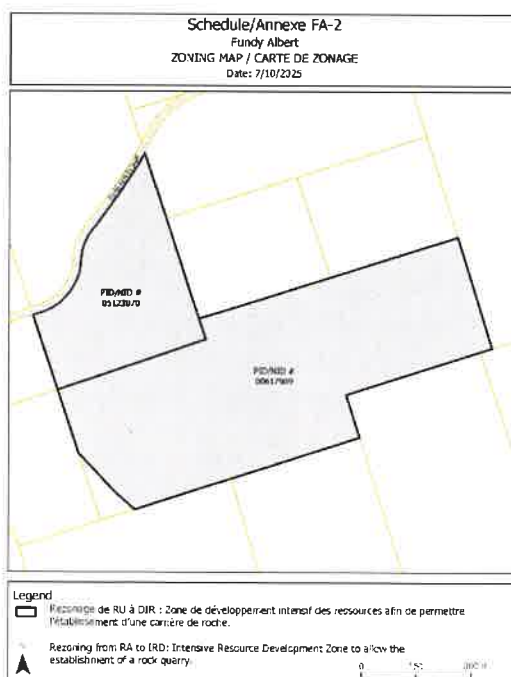
1. **Call to Order**
2. **Conflict of Interest Declarations**
3. **Plan 360 – Presentation**
4. **Review of Written Submissions**
5. **Comments from Gallery**
6. **Questions from Council**
7. **Conclude Public Hearing**

PRELIMINARY COUNCIL REPORT

Subject: Rezoning from RA to IRD
File: 25-0923
Meeting date: September, 2 2025
From: Oscar Chappe, Planner; Caleb Babin, Planner

Applicant: 681884 N.B. Ltd.
Owner: 681884 N.B. Ltd. And Waldow Farms Ltd.
Location: Shenstone road
PID: 05123070 and 00617969
Dimension of lot : 14.99 ha and 40.47 ha
Services available: None
Current zoning: RA – Rural Area and WP-Water Protection (Zone C)
Proposed zoning: Intensive Resource Development Zone - IRD

Request : Rezoning from Rural Area (RA) to Intensive Resource Development (IRD) to permit a quarry



Request

Our office has received a rezoning application from 681884 N.B. Ltd. for the properties identified as PID 05123070 and PID 00617969. The request is to rezone the lands from the Rural Area Zone to the Intensive Resource Development Zone to allow for the establishment of a rock quarry. The properties are located within the municipality of Fundy Albert (former Hillsborough LSD), along Shenstone Road, a public non-maintained road, with Shenstone road in turn being accessed via Route 910. The proposed operation will include blasting activities.

The following list of figures has been attached to this report:

- 1- Map of current zoning**
- 2- Satellite imagery**
- 3- Site plan**
- 4- Access point**
- 5- Site photos**
- 6- NAV CANADA**
- 7- By-Law**

PLANNING CONSIDERATIONS

Context

The subject lands encompassing PID 05123070 and PID 00617969 are situated in a mountainous valley between the rural communities of Baltimore and Shenstone. This valley is in turn situated within the Caledonia highlands, surrounded by Solomon Hill to the north, Jonah Hill to the west, and Caledonia Mountain to the south. A Mode-A/C radar operated by NAV Canada is situated on the most elevated portion of Caledonia Mountain. NAV Canada will be upgrading the radar to function between Mode-S and Mode A/C sometime before 2028. The Quarry is extracting aggregate towards the base of Caledonia Mountain. Shenstone Road is impassible to larger vehicles between the quarry and Shenstone, whilst it has in recent years been widened by the applicant from its access along Route 910 near Baltimore to enable the transportation of aggregate in dump trucks.

On June 6, 2025, Ms. Cindy Lee representing 681884 N.B. Ltd. contacted staff to discuss a potential rezoning of PID 05123070 and PID 00617969 to permit a rock quarry, citing “historical use of the site”. Preliminary information was shared regarding compliance with pit and quarry operation standards, including setbacks, access routes and environmental protection measures. To date, there has not been any record presented of the site being used as a quarry prior to the extraction operations initiated by 681884 N.B. Ltd.

The formal rezoning application was submitted on June 14, along with signed forms and a to-scale site plan. The applicant confirmed that existing access will be used, no new roads are planned near waterways, and truck traffic is estimated at 15–20 trips per day. A crusher spread is planned, but no asphalt plant or permanent structures are proposed. Blasting is expected to occur 1–2 times a year, and the site will be visually buffered by the forest and surrounding mountains. Recent site visits suggest the quarry has been active over the past few years through stripping, crushing, and aggregate production. Based on satellite imagery, activity appears to have begun around July 2023. A Stop Work Order had been issued July 21st, 2025, ordering work to cease by August 4th, 2025, until all necessary permits have been obtained.

The purpose of the rezoning is to assess whether the properties and their location are suitable, whether they are compatible with neighboring uses, whether the rezoning would serve the public interest, and whether it aligns with the overall intent of the Rural Plan policies and objectives.

Consultations with provincial agencies have identified considerations related to transportation, environmental protection, and infrastructure impacts. These include ensuring compliance with watercourse and wetland protection requirements, coordinating blasting activities with NAV CANADA to avoid interference with the radar, and adhering to seasonal road weight restrictions identified by the Department of Transportation and Infrastructure.

Department of Environment and Local Government - Watercourse and Wetland Alteration Branch (WAWA)

The WAWA Branch offers the following comments: There appear to be natural features, such as watercourses and wetlands, on the subject properties. According to the Department of Environment and Local Government (DELG), there may be potential wetlands along the watercourse on PID 00617969 and PID 05123070. The applicant has submitted drone images of the sites, with the areas of interest outlined in red. These images have been reviewed by the department and According to DELG, potential wetlands may exist along the watercourses on both properties. The WAWA Reference Map confirms watercourses and 30 m buffers, though unmapped features may also be present.

All plans should include the note: "Area subject to the Watercourse and Wetland Alteration Regulation of the Clean Water Act." The WAWA Branch requires the application of a three-step mitigation approach when proposing any alteration in or within 30 metres of a wetland. These steps include, in sequential order, avoidance at the planning stage, minimization of impacts to the extent possible, and, finally, compensation for any permanent wetland impacts that cannot be avoided, granted the project is approved. Therefore, all lots should have sufficient buildable area outside of regulated features (i.e., wetlands and their 30-metre buffers) to ensure wetland impacts are minimized during the planning phase. The WAWA Branch notes that a formal delineation process should be carried out, as the desktop assessment suggests that any wetlands present are likely contiguous with the mapped watercourses. It is anticipated that a minimum 60-metre buffer from the mapped watercourses would be maintained, meaning no concerns are expected regarding alterations within 30 metres of wetlands or watercourses.

Department of Environment and Local Government - DELG's Authorizations Branch

According to the Department of Environment and Local Government's Authorizations Branch, a Ministerial Order was being prepared to require the company to cease all operations on PID 00617969, following a blast that occurred on June 12, 2025, without a valid approval to operate.

Despite this, the Authorizations Branch does not object to the proposed rezoning of PID 00617969 to the Intensive Resource Development Zone to allow for the establishment of a rock quarry

Department of Environment and Local Government - Department of Agriculture, Aquaculture and Fisheries

According to the Department of Agriculture, Aquaculture and Fisheries (DAAF), there is an active wild blueberry farm located approximately 1.5 km away. While no significant issues are anticipated, there may be increased traffic (e.g., tractors, trucks) in the area during the harvest season in August.

Department of Environment and Local Government - Air Sciences Section

According to the Department of Air Sciences, quarry operations may generate dust and noise that could affect nearby residents. These emissions can result not only from the extraction and processing of rock but also from truck traffic. While the project may not necessarily trigger additional regulatory actions from this Department, some residual levels of dust and noise are expected to remain despite any mitigation measures or regulatory controls. Although these emissions are not considered significant from an environmental impact standpoint, they may still cause aesthetic or nuisance impacts to neighbouring properties and those located along the access routes.

Department of Environment and Local Government - Healthy Environments Branch

According to the Healthy Environments Branch, there are no wellfields in proximity to the subject properties, and the Branch has no concerns with the proposed rezoning. However, a small portion of PID 00617969 is located within Area C of the Turtle Creek Watershed, a protected public water supply system for the City of Moncton. As per Section 7(h) of the Watershed Protected Area Designation Order, aggregate extraction and crushing are permitted in Area C, provided that washing, grading, and other secondary processing do not occur.

Staff from the Healthy Environments Branch indicated that an Approval to Operate under the Clean Air Act may be required, depending on the nature of blasting activities. In addition, the applicant must ensure conformity with the required setbacks and regulatory standards outlined in the Rock Quarry Siting Standard and the Guidelines for the Extraction of Consolidated Rock

Department of Tourism, Heritage and Culture – Archaeology and Heritage Branch

The Archaeology and Heritage Branch has reviewed the notice of planned work and has no concerns or comments at this time. However, in the event of an accidental discovery of archaeological resources during any ground-disturbing activities, the proponent is reminded that, under Section 9 of the Heritage Conservation Act, all work must cease immediately, and the Branch must be notified.

Department of Transportation and Infrastructure (DTI)

At this stage, the Department of Transportation and Infrastructure (DTI) has provided the following comments:

- Checked the sight distances on the PB section of the Shenstone Road where it enters onto Route 910 – the sightlines meet the requirement for access
- The section of Shenstone Road referred to in the request is public not-maintained and will not be maintained going forward
- DTI does not have the authority to issue access permits from the Shenstone non maintained section
- The road surface in this area is chipseal
- The road rating is 43,500 but has had uprating requests in the past
- This area (Route 910, Osborne Corner Road, and Caledonia Mountain Road) has also been reduced to 60% or in some cases closed completely to trucks in the spring due to trucking which was causing damage to the road surface, this has also occurred during warmer months because of heavy trucking causing the road to strip sections of the chipseal; Damages could be helped by the hauling companies cooperating with the department by changing haul times to cooler parts of the day during summer and possibly pausing haul during the spring weight restrictions, if there is no cooperation then this could lead to damage and that in turn leads to reduced weights for hauling or complete closures until road conditions improve.
- The access on Caledonia Mountain Road was checked and meets sightlines on 1 side (180m) but because of a sharp corner is only 120m on the other – searched records for a current access permit but found nothing back to 1999. This access would not meet standards at its current location for a commercial set up if a permit request is received; This means if the proponent had asked for the entrance on Caledonia Mountain Road to be assessed as it is a change in use, they would have been asked to move the entrance further from the corner or to construct a new entrance on another section of the PID to meet required sightlines

NAV CANADA

NAV CANADA objects to blasting activities at the proposed quarry site due to its proximity to a radar installation located at approximately 45°51'17.01" N / 64°47'31.18" W, which is critical for aeronautical safety. The site is operated by NAV CANADA who requested any blasting in the area requires a detailed technical review.

Following the review by NAV CANADA based on applicant materials, a response provided on JULY 29 stated NAV CANADA has no objections to the project as submitted provided the following conditions are met:

- Blasting may proceed where required, however any corrective action required by NAV CANADA resulting from damages due to blasting will be on a cost recovery basis.
- Blasting alerts should include the Moncton Technical Operations Coordinator (TOC) mrccqm@navcanada.ca.
- The proponent shall coordinate with the TOC prior to blasting to allow for monitoring of the RADAR equipment.

This conditional acceptance remains valid for 18 months and pertains solely to the impact on the air navigation system.

DISCUSSION

Forestry, pits, quarries, and agriculture remain key economic drivers in the Westmorland–Albert planning area. These sectors form the backbone of the rural economy, alongside tourism and recreational activities such as trail use, hunting, and bird-watching. The Caledonia Highlands, where the subject properties are located, exemplifies this working landscape: a largely undeveloped natural area supporting both resource extraction and outdoor recreation.

Within this context, aggregate extraction plays a particularly strategic role. The crushed stone, sand, and gravel produced by quarries are essential for the construction and maintenance of roads, bridges, and public infrastructure across southeastern New Brunswick. Proximity to markets such as Moncton, Riverview, and Dieppe reduces transportation distances and costs, in turn limiting the carbon footprint of the supply.

Quarries contribute directly and indirectly to the local economy by creating jobs, supporting trucking and service industries, and generating local and provincial tax revenues. Maintaining multiple extraction sites strengthens supply chain resilience, particularly during peak construction seasons or when transportation routes face seasonal restrictions.

The Rural Plan identifies resource-based industries as the predominant land use in rural southeastern New Brunswick but notes the potential for land-use conflicts when residential development occurs nearby. Such conflicts often stem from noise, dust, and heavy truck traffic associated with resource operations. In this case, the quarry is located in a remote area, with the nearest dwellings approximately 700 m to the south on Caledonia Mountain Road. Blasting is expected only 1–2 times per year, and the absence of nearby residences means direct impacts will be minimal. While some nuisance or aesthetic effects may occur along transport routes due to increased truck traffic, these are not anticipated to impact the overall compatibility of the use in this location.

Conclusion

In this case, the subject properties are in a remote area, surrounded by similar land uses, and consultations with relevant agencies have confirmed that with the application of specific conditions the proposed quarry may operate in compliance with Rural Plan policies and regulations. Issues raised regarding transportation, environmental protection, and infrastructure impacts have been addressed through these conditions, allowing the project to proceed in a manner consistent with both the Rural Plan and Provincial standards.

POLICIES

PART B: POLICIES

8. Natural Resources

8.1 Policies

- a) It is policy that development on Crown land be consistent with Section 129 of the Act.
- b) It is a policy to recognize resource-related uses as the intended primary use of land throughout the planning area.
- c) It is a policy to require resource-related developments to employ best management practices to minimize environmental degradation in the Planning Area.

d) It is a policy that pits and associated uses shall be considered Intensive Resource Developments and shall be zoned as such.

e) It is a policy to recognize that temporary mobile asphalt plants used on a seasonal as-needed basis are compatible with resource extraction uses.

f) It is a policy to recognize that quarries that employ blasting, permanent asphalt plants, and landfills are intensive land uses with respect to heavy truck traffic, noise, and air and water quality, and are not compatible with residential and conservation uses. As such, these

uses shall be considered on a case-by-case basis through a specific proposal

rezoning to the Intensive Resource Development zone.

g) It is a policy that quarries that employ blasting are subject to Department of Environment approval to operate.

ZONING REGULATIONS

Intensive Resource Development (IRD) Zone

4.5.1. In an Intensive Resource Development Zone, any land, building, or structure may be used for the purpose of :

a) One or more of the following main uses:

- i. Resource-related uses;
- ii. Resource extraction subject to Section 4.4.2;
- iii. A quarry;
- iv. Recreation uses;
- v. Agricultural uses subject to Subsection 3.12;
- vi. Aquaculture uses;
- vii. Wind turbines subject to Section 3.13;
- viii. A camp subject to Section 3.14;
- ix. A salvage yard subject to Section 3.18;
- x. Light and intensive commercial uses subject to Section 3.19;
- xi. Light industrial uses;
- xii. A water bottling operation;
- xiii. An asphalt plant; and
- xiv. An abattoir
- xv. A landfill

b) One or more buildings, structures or accessory uses related to the main use of the land, building or structure

“quarry” means a resource extraction operation that uses explosives to extract consolidated rock (carrière);

RECOMMENDATION

The Southeast Planning Review and Adjustment Committee reviewed the application on August 27th, 2025 and

The Southeast Planning Review and Adjustment Committee recommends Fundy Albert council to Adopt By-law 25-WAP-069-FA-02 which aims to rezone PIDs 05123070 and 00617969 from Rural Area (RA) to Intensive Resource Development (IRD) to permit a rock quarry, 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 uses be limited to a quarry.
 - b) That a delineation report by a wetland consultant for the purposes of the census and delimitation of wetlands be submitted. The delimitation must be reviewed by DELG's Authorizations Branch and the Watercourse and Wetland Alteration Branch prior to a development permit being issued.
 - c) Approval to Operate under the Rock Quarry Siting Standards must be obtained from the Department of Environment and Local Government (DELG) prior to a development permit being issued.
 - d) Access permits for Caledonia Mountain Road and Route 910 must be obtained from the Department of Transportation and Infrastructure prior to a development permit being issued.

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.



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Figures

1) Map of current zoning

Figure 1 - Rural and Water Protection (Zone C) Zoning



2) Satellite imagery

Figure 2 - GEONB with Elevation, Terrain, Watercourses, Public Highways, Communities layers ACTIVE and added points of interest

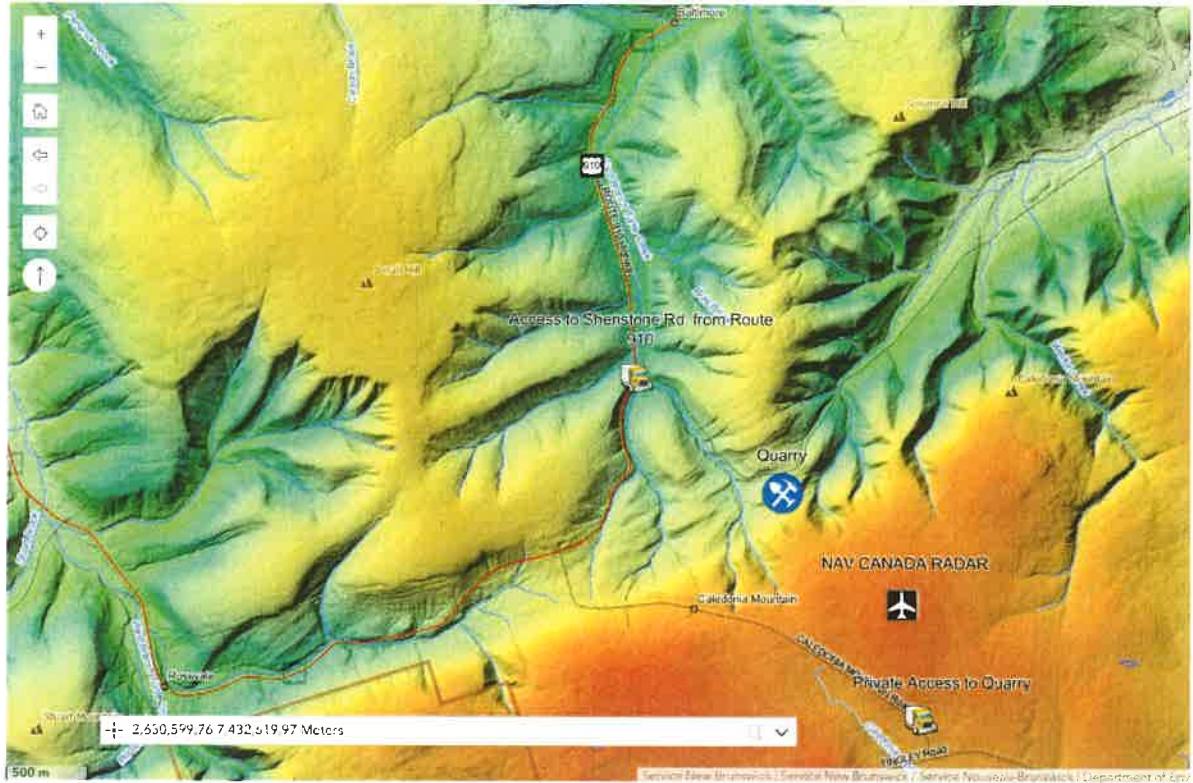


Figure 3 - July 2023 satellite imagery

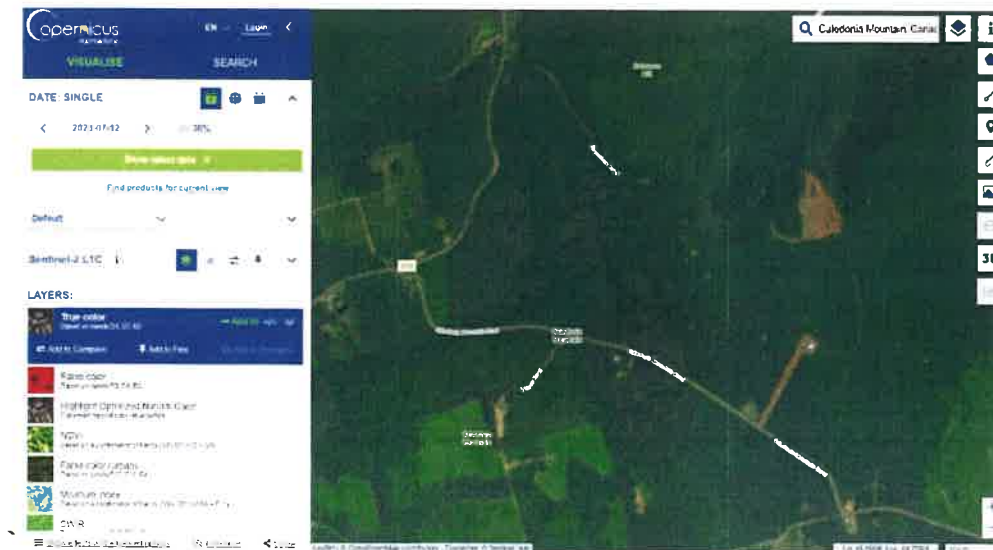


Figure 4- October 2023 satellite imagery

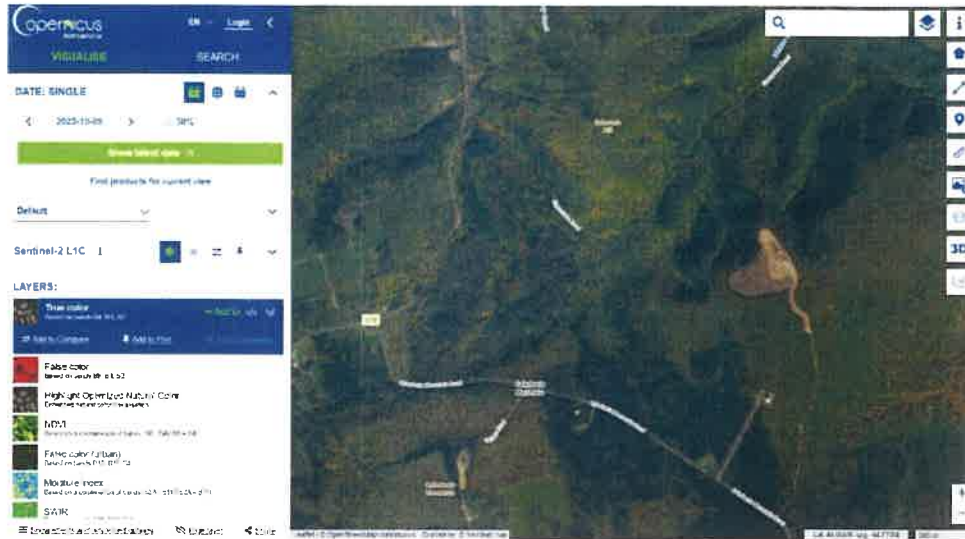


Figure 5 - June 2024 satellite imagery

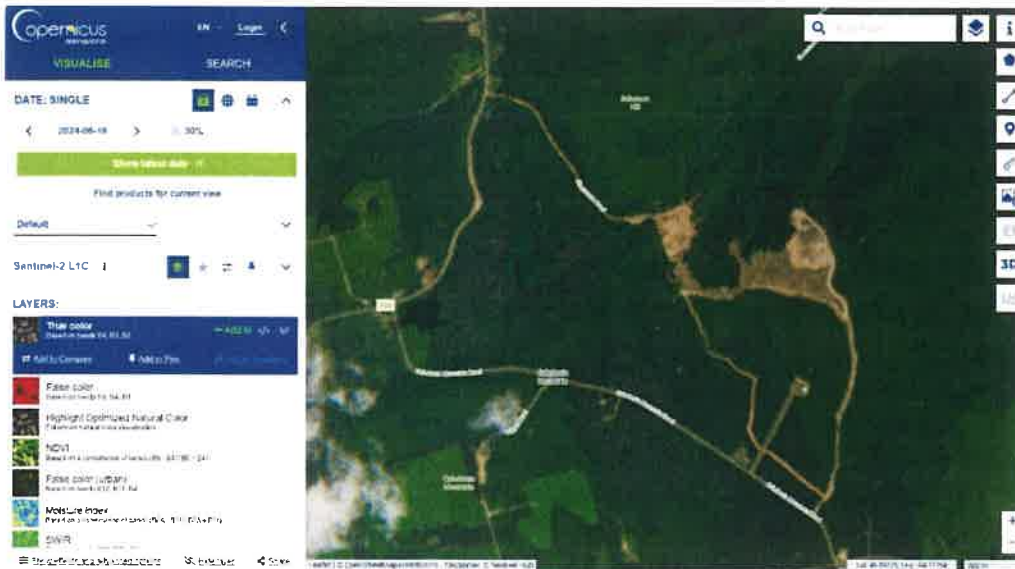
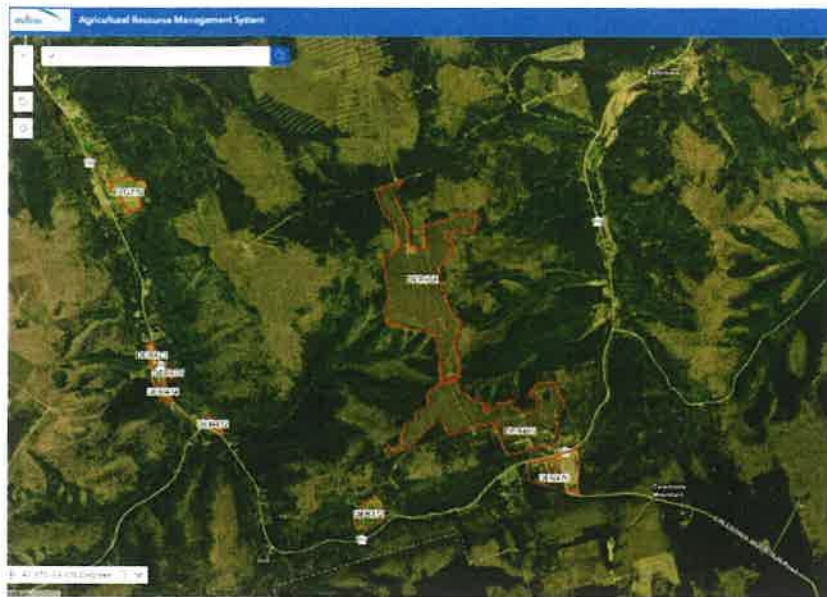


Figure 6 – Agricultural Resource Management System-Blueberry farm



3) Site Plan

Figure 7 - Site plan provided by applicant



4) Access Points

Figure 8 - Access points indicated by applicant



5) Site Photos

Shenstone road from Route 910

Figure 9 - Shenstone road viewed from Route 910- June 12, 2025



Figure 10 - Quarry viewed from Shenstone Road - June 12, 2025



Figure 11 - Quarry viewed from Route 910- August 5, 2025



Access on Caledonia Mountain Road

Figure 12 – Caledonia Mountain road viewed- August 5, 2025



Figure 13 – Satellite view- August 5, 2025



6) NAV CANADA

Figure 14: Letter - NAV CANADA Conditions



Servicio de navegación aérea
Air navigation service
service de navigation aérienne
navcanada.ca

NAV CANADA Proprietary / Propriété exclusive

July 29, 2025

(provided by Plan 360 - Caledonia Mountain (1279 Caledonia Mountain, Fundy Albert))
Your file
Our file
25-2926

Mr. John Wadden
Wadden Drilling & Blasting Inc.
9 Pine Lane
Boundary Creek, NB
E1G 4N5

RE: Natural Resources: Quarry(s) - Riverside Albert, NB
(N45° 51' 41.2848" W64° 47' 28.0068" / 80° AGL / 1293.9108' AMSL - Radius 1109.6457')

Mr. Wadden,

NAV CANADA has evaluated the captioned airport proposal and has no objection to the project as submitted provided the following conditions are adhered to:

- Blasting may proceed where required, however any corrective action required by NAV CANADA resulting from damages due to blasting will be on a cost recovery basis.
- Blasting alerts should include the Moncton Technical Operations Coordinator (TOC) mrcocm@navcanada.ca.
- The proponent shall coordinate with the TOC prior to blasting to allow for monitoring of the RADAR equipment.

Should you decide not to proceed with this project, please advise us accordingly so that we may formally close the file. If you have any questions, contact Stakeholder and Commercial Relations by email at commercialrelations@navcanada.ca.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

This document contains information proprietary to NAV CANADA. Any disclosure or use of this information or any reproduction of this document for other than the specific purpose for which it is intended is expressly prohibited except as NAV CANADA may otherwise agree in writing.

Regards,

Stakeholder & Commercial Relations
NAV CANADA

cc ATLR - Atlantic Region, Transport Canada
geoff.howard@navcanada.ca
jonathan.larsen@navcanada.ca

BY-LAW NO. 25-WAP-069-FA-2
A BY-LAW TO AMEND MINISTERIAL REGULATION 21-WAP-069-00
THE WESTMORLAND-ALBERT PLANNING AREA RURAL PLAN REGULATION

The Council of the Rural Community of Fundy Albert under the authority vested in it by Section 44 and in accordance with Section 59 of the *Community Planning Act*, SNB 2017, c.19 amends Ministerial Regulation 21-WAP-069-00, the Westmorland-Albert Planning Area Rural Plan Regulation and enacts as follows:

1. Ministerial Regulation 21-WAP-069-00, filed in the Westmorland County Registry Office on September 6, 2022 as number 43069906, is hereby amended as follows:
 - Schedule A-2, being the Westmorland-Albert Planning Area Zoning Map, is amended as shown on the map dated June 20, 2025, attached hereto as Schedule FA-2.

FIRST READING: **DATE**
(by title)

SECOND READING: **DATE**
(by title)

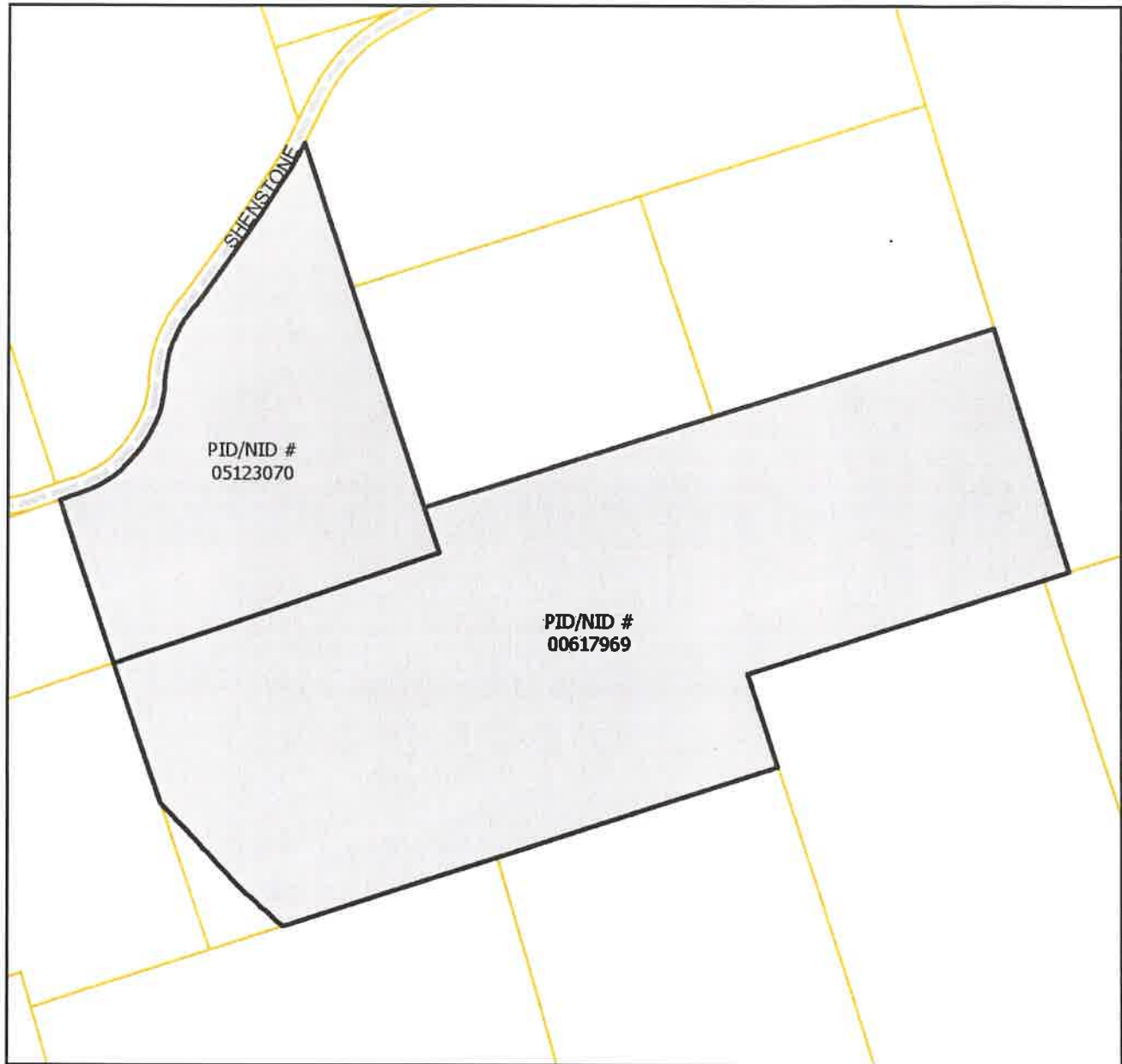
READING IN ITS ENTIRETY: **DATE**

THIRD READING
(by title) AND PASSED: **DATE**

Mayor

Clerk

Schedule/Annexe FA-2
Fundy Albert
ZONING MAP / CARTE DE ZONAGE
Date: 7/10/2025



Legend



Rezoning de RU à DIR : Zone de développement intensif des ressources afin de permettre l'établissement d'une carrière de roche.



Rezoning from RA to IRD: Intensive Resource Development Zone to allow the establishment of a rock quarry.

0 150 300 m

**RESOLUTION OF THE COUNCIL ESTABLISHED
UNDER ARTICLE 59 OF THE COMMUNITY PLANNING ACT**

CONSIDERING THAT 681884 N.B. Ltd has made an application to rezone the properties bearing PID 00617969 and 05123070 to the IRD zone –Intensive Resource Development Zone to allow the establishment of a rock quarry.

AND CONSIDERING THAT the Council has approved this request **subject to 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 uses be limited to a quarry.
 - b) That a delineation report by a wetland consultant for the purposes of the census and delimitation of wetlands be submitted. The delimitation must be reviewed by the DELG's Authorizations Branch and the Watercourse and Wetland Alteration Branch prior to a development permit being issued.
 - c) Approval to Operate under the Rock Quarry Siting Standards must be obtained from the Department of Environment and Local Government (DELG) prior to a development permit being issued.
 - d) Access permits for Caledonia Mountain Road and Route 910 must be obtained from the Department of Transportation and Infrastructure prior to a development permit being issued.

IT IS RESOLVED THAT:

Jim Campbell, Mayor

Kim Beers, Legislative Services Director/Clerk

SOLEMN DECLARATION

BY-LAW NO. 25-WAP-069-FA-2

**A BY-LAW TO AMEND MINISTERIAL REGULATION 21-WAP-069-00
THE WESTMORLAND-ALBERT PLANNING AREA RURAL PLAN REGULATION**

I, _____, of the _____, in the County of Albert and the Province of New Brunswick, Clerk, DO SOLEMNLY DECLARE;

1. THAT I am the Clerk of the Rural Community of Fundy Albert, a Municipal Corporation, and have personal knowledge of the facts herein declared;
2. THAT the requirements of Sections 59, 110 and 111 of the *Community Planning Act* have been complied with in respect to By-law No 25-WAP-069-FA-02, A By-law to Amend Ministerial Regulation 25-WAP-069-00, which was passed by the Council of the Rural Community of Fundy Albert on XX XX, 2025;

AND, I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

Declared before me at the _____)
Rural Community of Fundy Albert, _____)
County of Albert and Province _____)
of New Brunswick, this ____ day _____)
of _____, A.D., 2025, _____)

Clerk

Commissioner of Oaths