

PUBLIC HEARING NOTICE / AVIS D'AUDIENCE PUBLIQUE

Nashwaak Valley Planning Area Rural Plan Regulation

Règlement établissant le plan rural du secteur d'aménagement de la vallée Nashwaak

Public notice is hereby given, pursuant to section 77 of the *Community Planning Act*, that the Minister of Environment is considering the following proposed amendments to the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*:

1) to rezone lands having PIDs 75165258 and 75246496, located in the vicinity of Manzer of the parish of Saint Marys and the county of York, from a Rural Zone to an Extractive Industrial Zone to permit a quarry operation, subject to terms and conditions; and

2) to change the fees payable to the Rural Planning District Commission for a re-zoning or a rural plan amendment from \$1,000 to \$1,500.

A public hearing regarding the proposed amendments will be held June 7, 2010 at 7:00 pm at the Nashwaak Valley Community Centre, 679 Route 628, Durham Bridge, NB.

Interested persons wishing to object to, or comment on, the proposed amendments may do so by sending their written statements to Gary Mersereau, Manager, Provincial and Community Planning Section, Department of Environment, PO Box 6000, Fredericton, New Brunswick, E3B 5H1; telephone (506) 453-2171, fax (506) 457-7823 by June 21, 2010, or by appearing at the public hearing.

Written objections or comments received by 4:00 pm on June 7, 2010 will be read into the record at the public hearing.

Copies of this notice and the proposed regulation are available for viewing during regular business hours at the Rural Planning District Commission, 212 Queen Street, Suite 404, Fredericton, New Brunswick (telephone (506) 453-2956), or on-line at www.ruralplanning.ca.

Avis est donné par les présentes, conformément à l'article 77 de la *Loi sur l'urbanisme*, que le ministre de l'Environnement envisage l'adoption des modifications suivantes au *Règlement établissant le plan rural du secteur d'aménagement de la vallée Nashwaak - Loi sur l'urbanisme* :

1) modifier le zonage des terrains portant les NID 75165258 et 75246496, situés à proximité de Manzer dans la paroisse de Saint Marys et le comté de York, afin de le faire passer de Rurale zone à Industrielle extractive zone et de permettre l'exploitation d'une carrière, sous réserve des modalités et conditions prescrites;

2) faire passer de 1 000 \$ à 1 500 \$ les droits applicables aux demandes de modification du zonage ou de modification du plan rural, payables à la Commission du district d'aménagement rural.

Une audience publique concernant les modifications proposées se tiendra à 19 h le 7 juin, 2010, au Nashwaak Valley Community Centre, a 679 Route 628, Durham Bridge, NB.

Les personnes intéressées peuvent faire parvenir leurs objections ou leurs commentaires par écrit concernant les modifications proposées à Gary Mersereau, gestionnaire, Section de l'urbanisme et de l'aménagement provincial, ministère de

l'Environnement, C.P. 6000, Fredericton (Nouveau-Brunswick) E3B 5H1 (téléphone: 506-453-2171, télécopieur: 506-457-7823) d'ici le 21 juin, 2010, ou se présenter à l'audience publique.

Les objections ou commentaires écrits reçus au plus tard le 7 juin, 2010 à 16 h seront versés au dossier à l'audience publique.

On peut examiner le présent avis et les modifications proposées pendant les heures normales d'ouverture au bureau de la Commission du district d'aménagement rural, situé au 212, rue Queen, bureau 404, à Fredericton (Nouveau-Brunswick), (téléphone: 506-453-2956), ou en ligne à www.ruralplanning.ca.



Rick Miles

Minister of Environment / Ministre de l'Environnement

**MINISTERIAL REGULATION AMENDING
MINISTERIAL REGULATION FOR THE
NASHWAAK VALLEY PLANNING AREA**

under the

COMMUNITY PLANNING ACT

(10-NAV-009-01)

**RÈGLEMENT MINISTÉRIEL MODIFIANT LE
RÈGLEMENT MINISTÉRIEL POUR LE SECTEUR
D'AMÉNAGEMENT DE NASHWAAK VALLEY**

établi en vertu de la

LOI SUR L'URBANISME

(10-NAV-009-01)

Under Section 77 of the *Community Planning Act*, the Minister of Environment makes the following Regulation:

1 Ministerial Regulation 08-NAV-009-00, being the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*, is hereby amended as follows:

(a) Within **Amendments of Section 2 – Purpose, Administration, Classification & Conformity of PART C: ZONING PROVISIONS**, paragraph 2.3(1)(b) is repealed and replaced by the following:

(b) pay a fee of \$1,500.00 payable to the Commission.

(b) Within **Zone Classifications of Section 2 – Purpose, Administration, Classification & Conformity of PART C - ZONING PROVISIONS**, the period at the end of subsection 2.4(1) is replaced with a comma and the following is added:

and is amended as follows:

(a) those lands having PIDs 75165258 and 75246496, located in the vicinity of Manzer of the parish of Saint Marys and the county of York, as shown on attached Schedule “C”, have been re-zoned from Rural – “RU” Zone to Extractive Industrial – “EI” Zone, subject to terms and conditions as contained within attached Schedule “C-1”.

En vertu de l'article 77 de la *Loi sur l'urbanisme*, le ministre de l'Environnement établit le règlement suivant :

1 Le Règlement ministériel 08-NAV-009-00, soit le *Règlement établissant un plan rural du secteur d'aménagement de la vallée Nashwaak - Loi sur l'urbanisme*, est par les présentes modifié comme suit :

a)

b)

b)

a)

2 Those lands having PIDs 75165258 & 75246496, located in the vicinity of Manzer of the parish of Saint Marys and the county of York, lying within the area designation of the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*, and as shown on attached Schedule “C”, are hereby re-zoned from Rural – “RU” Zone to Extractive Industrial – “EI” Zone, subject to terms and conditions as contained within attached Schedule “C-1”.

2

Rick Miles, Minister/Ministre
Department of Environment/Ministère de l'Environnement

Date

Schedule “C-1”

Annexe « C-1 »

**Terms and Conditions Regarding the Re-zoning of
Lands by Ministerial Regulation 10-NAV-009-01**

Whereas the current owner, namely, Springhill Construction Limited, wishes to re-zone their lands so as to accommodate a quarry, the said lands having parcel identifiers 75165258 and 75246496, located along Route 628, within Manzer of the parish of Saint Marys and the county of York, and being within the area designation of the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*, further described on attached Schedule “C”, has in conjunction therewith applied to the Minister of Environment to have the said lands re-zoned from Rural – “RU” Zone to Extractive Industrial – “EI” Zone under the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*, the said re-zoning being herein carried out by Ministerial Regulation 10-NAV-009-01, subject to the following terms and conditions:

1. that, prior to the commencing of any quarry operation upon said lands, a copy of an Approval to Operate, as issued by the Department of Environment, shall be submitted to the Development Officer;
2. that, to obtain the said Approval to Operate, a groundwater quality and quantity monitoring plan, outlining the equipment to be used and the procedures to be followed, and showing, on an appropriately scaled map, the location of the monitoring sites relative to the boundaries of the lands to be re-zoned and of adjoining lots, shall be submitted to the Department of Environment for approval;
3. that, in addition to section 2., the issuing of an Approval to Operate may address such topics as
 - (i) the establishment of setback limits of final quarry operations relative to the limits of highways, public highway structures, watercourses or wetlands, natural protected areas or cultural heritage resources, building foundations, public water supply wellfields or watersheds, water supply wells, and residential lots and adjacent lots in addition to or in access of those specified herein,
 - (ii) the reporting and handling of situations involving a negative impact upon the health, safety and welfare of the general public,

1. avant le début de l’opération d’une carrière sur lesdits terrains, une copie d’un agrément d’exploitation délivré par le ministère de l’Environnement doit être soumise à l’agent d’aménagement;
2. avant l’obtention dudit agrément d’exploitation, un plan de surveillance de la qualité et de la quantité de l’eau souterraine, expliquant l’équipement qui sera utilisé et les procédures qui seront suivies, et indiquant sur une carte, à une échelle appropriée, l’emplacement des sites de surveillance relativement aux limites des terrains dont le zonage sera modifié et des lots attenants, doit être soumis à l’approbation du ministère de l’Environnement;
3. en plus de l’article 2, l’agrément d’exploitation peut aborder des sujets comme :
 - (i) l’établissement des limites de la marge de retrait des opérations de la carrière par rapport aux limites de la route, des ouvrages routiers publics, des cours d’eau ou des terres humides, des zones naturelles protégées ou des ressources patrimoniales et culturelles, des fondations de bâtiments, des champs de captage ou des bassins hydrographiques des sources d’approvisionnement en eau, des puits résidentiels et des lots contigus, en plus de ceux précisés ci-inclus,
 - (ii) la déclaration et la gestion des situations ayant un effet néfaste sur la santé, la sécurité et le bien-être du grand public,

(iii) the issuing of emissions, such as, odour, noise, particulate matter and run-off,	(iii) les émissions comme les odeurs, le bruit, les particules et les écoulements,
(iv) the controlling and reporting of blasting operations,	(iv) le contrôle et la déclaration des opérations de dynamitage,
(v) the prohibiting of petroleum as a dust control agent,	(v) l'interdiction de l'usage du pétrole comme agent de contrôle de la poussière,
(vi) the storing of chemicals and the reporting and handling of spills,	(vi) l'entreposage de produits chimiques et la déclaration et le traitement des déversements,
(vii) the inspecting of sites and operations,	(vii) l'inspection des sites et des opérations,
(viii) the notifying of start-up and shut-down dates for each season of operation,	(viii) la communication des dates du début des travaux et de la fermeture pour chaque saison d'exploitation,
(ix) the carrying out of any excavations below the mean annual groundwater table,	(ix)
(x) the re-applying for a new Approval to Operate upon termination of a current one,	(x) la présentation d'une nouvelle demande d'agrément d'exploitation au moment de l'expiration d'un agrément en vigueur,
(xi) the submitting of a rehabilitation plan upon the ceasing of operations, and	(xi) la présentation d'un plan de remise en état lors de la cessation des opérations,
(xii) the posting of an Approval to Operate as to be publicly accessible;	(xii) l'affichage de l'agrément d'exploitation pour qu'il soit accessible au public;
4. that all excavations shall comply, as required, with the Air Quality Regulation – Clean Air Act, the Water Quality Regulation – Clean Environment Act, the Clean Water Act, the Watercourse and Wetland Alteration Regulation, and the Water Well Regulation – Clean Water Act and that, prior to the commencing of any quarry operation upon said lands, a copy of any applicable licenses or approvals, as issued by the Department of Environment, be presented to the Development Officer;	4.
5. that no blasting is to occur within 600 metres of any water supply well;	5.
6. that any quarrying operation maintain a minimum setback distance from a watercourse or wetland of 60 metres and that such setback be marked on the ground by a physical barrier, such as a fence or a rock blockade;	6.
7. that all signs be placed in accordance with the applicable standards contained within section 3.13 of the <i>Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act</i> ;	7.

8. that hours of operation shall be from 7am to 7pm, with no operation on Sundays, unless written permission to do otherwise is obtained from the Department of Environment; and

9. that any required access and egress permit to and from the said lands be obtained from the Department of Transportation and that a copy of such be presented to the Development Officer prior to the commencing of any quarry operation.

In the event of any breach of these terms and conditions, of any amendments made to them, or of the applicable provisions of the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act* by Springhill Construction Limited, their heirs, assigns or successors, or any other owner or operator of the lands herein identified, the said Springhill Construction Limited, their heirs, assigns or successors, or any other owner or operator of the lands herein identified shall lose the right to use the said lands as herein specified within Ministerial Regulation 10-NAV-009-01 and the use of said lands shall revert to those of the previous zone, namely, Rural – “RU” Zone of the *Nashwaak Valley Planning Area Rural Plan Regulation - Community Planning Act*.

8.

9.

Schedule "C" / Annexe «C»

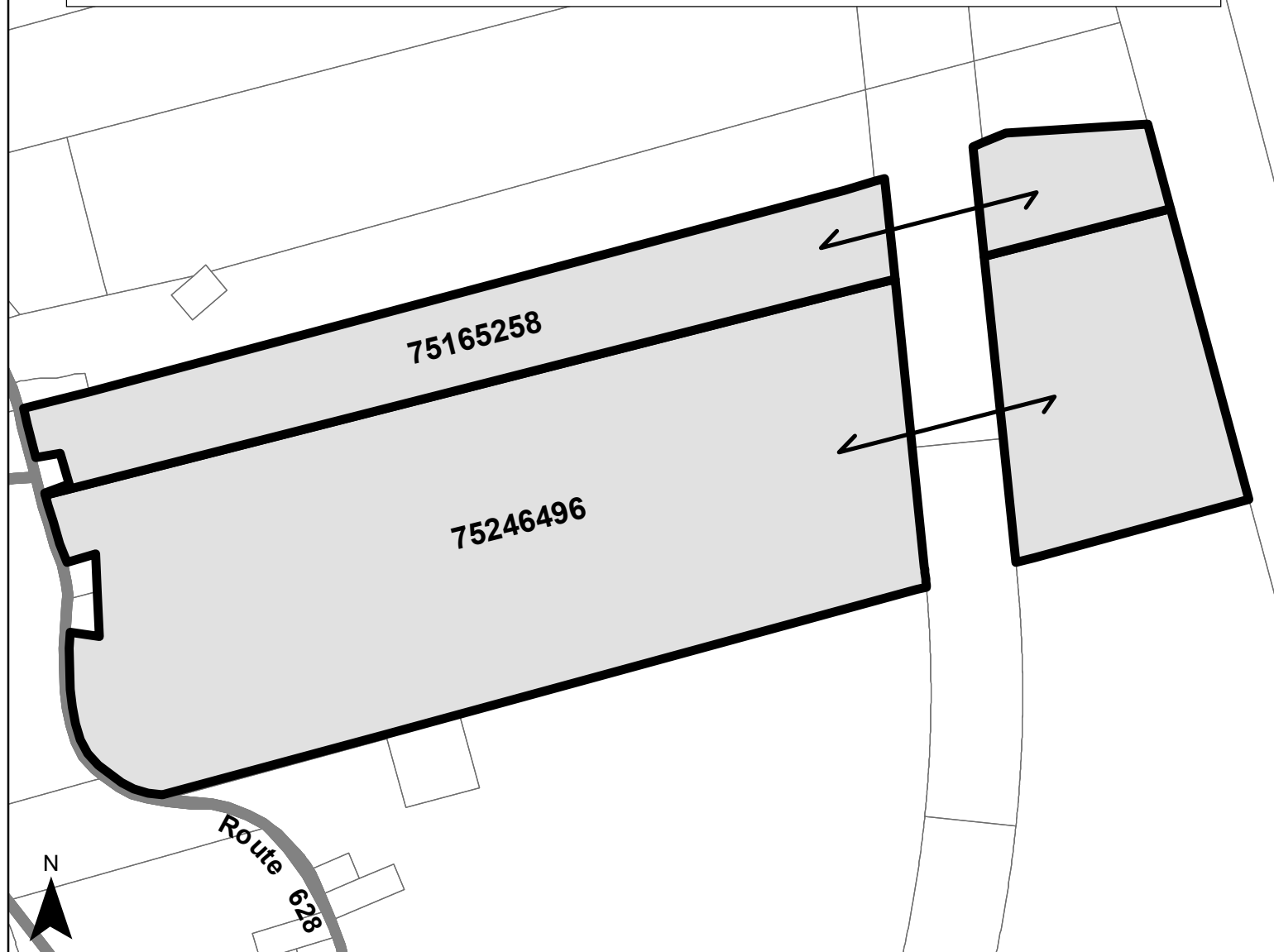
Regulation 10-NAV-009-01 Règlement

Amending Regulation 08-NAV-009-00

Nashwaak Valley Planning Area Rural Plan Regulation

Règlement portant modification 08-NAV-009-00

Règlement établissant un plan rural du secteur d'aménagement de la vallée Nashwaak



Legend / Légende

Lots being rezoned from
Rural - "RU" Zone
to Extractive Industrial - "EI" Zone



Lottissements de rezonage de
Rurale - zone «RU»
à Industrielle extractive - zone «IE»

metres 0 125 250 375 500 mètres

Scale 1:12,500 Échelle