

#### WHAT IS SUBDIVISION?

Subdivision is the division of one parcel of land into two or more parcels.

# WHO APPLIES FOR THIS?

The property owner or an authorized agent (lawyer, land surveyor, etc.) are the only parties who can file a subdivision application.

# **APPLICATION PROCEDURES**

To make a subdivision within the Madawaska Planning District, you must obtain approval from the development officer and, in some cases, a municipal council or the Minister of Transportation. The development officer determines whether the proposed subdivision complies with the *Community Planning Act*, a rural or municipal plan, zoning and subdivision by-laws. These regulatory documents ensure that the proposed manner of subdividing will not cause prejudice to the possibility of further subdividing the land and insures the convenient subdividing of adjoining properties. .

Before submitting a subdivision application, it is recommended to discuss the proposed subdivision with a development officer of the Commission to determine if there are other plans, policies or requirements currently in place, that may affect the approval process.

Two types of subdivision applications may be filed:

# Type 1 subdivision

A type 1 subdivision consists mainly of subdividing one or more parcels not involving the subdivision of public-utilities, a private access or land designated for future and/or public streets. This application requires approval from a development officer.

#### Type 2 subdivision

A type 2 subdivision involves the subdivision of public utilities a private access or land designated for future and/or public streets. This application requires approval from a development officer, a recommendation from the Northwest Regional Service Commission and approval from the appropriate municipal council or the Minister of Transportation.

#### **FEES**

Anyone seeking to propose a subdivision must submit an application along with the tentative plan to the Northwest Regional Service Commission office. Please consult fact sheet "4- Rates – Permits and Services" for more information on the various fees.



# **APPLICATION**

After compiling all required information including the tentative subdivision plan, you may file an application with the Northwest Regional Service Commission. The tentative plan must indicate the following elements on the property on which the subdivision will be located as well as the adjacent properties:

- name of the proposed subdivision
- layout of the proposed lots and their surface areas
- subdivision boundaries
- setbacks in relation to existing buildings
- proposed use of the lots
- natural and artificial features (watercourses, marshes, railways, roads, etc.)

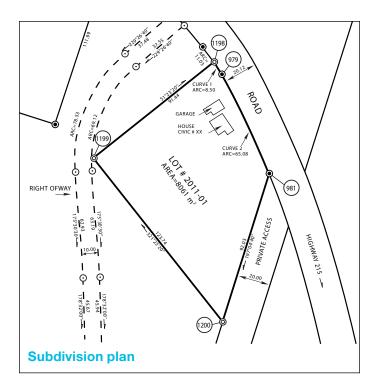
#### **REVIEW OF APPLICATION**

Tentative subdivision applications are reviewed by the development officer and any other entities involved in the subdivision approval process to determine whether the proposed subdivision conforms to the rural or municipal plan, zoning and subdivision by-laws, provincial policies and the provincial legislation. Other aspects are also studied; such as slopes, soil quality, safety to a public access, lot servicing and the use of neighbouring properties.

In the event that the application complies with all applicable standards, the development officer advises the proponent to proceed with drawing up a final subdivision plan. If an application does not meet current standards or requires an approval from a municipal council (section 56 of the *Community Planning Act*), then the application is brought before the Northwest Regional Service Commission for review and recommandation.

The Northwest Regional Service Commission studies the application along with the accompanying staff recommendation and any neighbourhood feedback. The owner or agent may also make a presentation to the meeting to explain the application. At this meeting, the Commission must either approve the application, approve subject to conditions or refuse it.

If the subdivision application is refused, the proponent has the right to appeal the decision to the New Brunswick Assessment and Planning Appeal Board. The appeal must be filed within 60 days of the decision.



# **APPROVAL**

If the application is approved, the proponent must meet all the conditions if any were required. The final subdivision plan must be stamped by the development officer before being flied at the registry office.

# ASSENT FROM MUNICIPAL COUNCIL / MINISTER OF TRANSPORTATION

If the subdivision involves transferring land to a municipality or the Department of Transportation, whether for construction of streets (or part of a street) or land for public use (green space), the plans must receive assent from the municipal council or, for local service districts, the Minister of Transportation. After the tentative plan has been approved and the municipal council/ Minister of Transportation has given assent, the development officer may stamp the final plans so that they can be registered.

#### REGISTRATION

After a development officer has stamped the plans, the proponent must register the plans with the registry office within one year.

