



**Hanwell Rural Community**  
**By-Law No. 31-2023**  
**A By-Law to Amend the Rural Community of Hanwell Rural Plan (By-Law 11-2016)**

Pursuant to section 59 of the *Community Planning Act*, the Council of the Hanwell Rural Community enacts the following amendments to the *Rural Community of Hanwell Rural Plan (By-Law 11-2016)*.

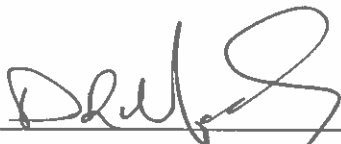
1. That the land having the PID 75199497 as shown on the map herein attached as Schedule I-1, is hereby rezoned, subject to terms and conditions contained in Schedule I, pursuant to section 59 of the *Community Planning Act*, from Residential – “R” Zone to Commercial and Light Industrial – “CLI” Zone, within the rural community of Hanwell of the parish of Kingsclear and the county of York, being within the designated area of the rural community of Hanwell Rural Plan By-Law 11-2016.

This By-Law shall come into effect and be binding on all persons as of and from the date filed at the Registry Office.

First Reading:                    October 18, 2023

Second Reading:                October 18, 2023

Third Reading:                  November 15, 2023

  
\_\_\_\_\_  
Dave Morrison, Mayor

  
\_\_\_\_\_  
Sherri Johnston, Clerk



I certify that this instrument  
is registered or filed in the  
York  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
York  
Nouveau-Brunswick

2023-12-12 10:29:02 44530639  
date/date                    time/heure                    number/numéro  
K. Matt  
Registrar-Conservateur



Schedule 31-2023-I1  
Dated: August 2023  
By-Law Number 31-2023

This By-Law Rezones property as shown  
from Residential - "R" Zone  
to Commercial and Light Industrial - "CLI" Zone,  
under Section 59 of the Community Planning Act.

 **Subject Property**

0 25 50 75 100 metres

Scale 1:1,500



Hanwell Rural Community

By-Law No. 31-2023

Schedule I

THIS AGREEMENT MADE THIS 23<sup>rd</sup> day of November 2023

BETWEEN: THE HANWELL RURAL COMMUNITY, a Municipal Body Corporate, being situated in the County of York, in the Province of New Brunswick (hereinafter referred to as the "Municipality")

AND: Travis Wallace and Marissa Lane, 48 Burnett Drive, Hanwell, New Brunswick (hereinafter referred to as the "Applicant")

WHEREAS the Municipality has been asked to rezone the property currently owned by Alex White, located at 1787 Route 640, PID 75199497, from Residential to Commercial and Light Industrial, under section 59 of the *Community Planning Act*, for the purpose of operating a health and wellness clinic,

AND WHEREAS the Municipality is authorized by the provisions of Section 59 of the *Community Planning Act* to enter into an Agreement with the Applicant imposing reasonable terms and conditions, as a Resolution of Council,

NOW THEREFORE WITNESSETH that for and in consideration of mutual covenants and agreements contained herein, the Municipality and the Applicant covenant and agree to as follows:

1. THAT off-street parking be provided in accordance with the applicable provisions of subsection 3.3 of the Hanwell Rural Community Rural Plan, and
  - a. include at least one Barrier-free parking space in accordance with the *Barrier-Free Design Building Code Regulation – Building Code Administration Act (2021-3)*,
  - b. provision shall be made for turning and maneuvering of vehicles to allow egress from the site in a forward direction;

- c. the parking lot shall be graded and drained in such a manner as to ensure that the surface water will not escape onto neighbouring properties or into a watercourse or wetland;
  - d. parking lot and driveway shall be surfaced with a durable and dust proof material such as crushed rock or pavement;
2. THAT all signs are in accordance with applicable provisions in the Hanwell Rural Community signage By-law No. 10-2015 and in accordance with any applicable Department of Transportation and Infrastructure policies;
3. THAT prior to any ground alterations, the applicants contact the Source and Surface Water Management Branch to verify a potentially unmarked watercourse or wetland on the proposed area of development;
4. THAT alterations in or within 30 metres of a watercourse or wetland require a Watercourse and Wetland Alteration Permit under the Watercourse and Wetland Alteration Regulation (Reg 90-80) as per subsection 12(2) of the New Brunswick Clean Water Act;
5. THAT outdoor lighting be located, arranged or shielded as not to interfere with traffic proceeding along Rte 640 or with nearby landowners in the reasonable enjoyment of their properties;
6. THAT the rezoning of lands herein does not, in itself, mean an approval on the issuing of subsequent permits or approvals, such as for building construction or subdivision design.

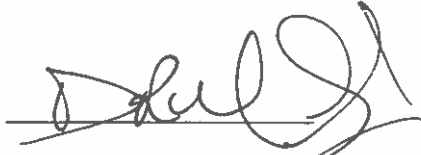
Any violation of terms and conditions as set out by Council resolutions and contained within these agreements may result in the termination and cancellation of this rezoning within 30 days written notices.



Hanwell Rural Community  
By-Law No. 31-2023  
Schedule I

In WITNESS WHEREOF the heretofore parties mentioned have hereunto set their hands and seals this 26 day of November 2023.

HANWELL RURAL COMMUNITY

  
MAYOR

  
CLERK

Jerri L. Parker  
WITNESS

Travis Wallace  
TRAVIS WALLACE

Marissa Lane  
MARISSA LANE

Jerri L. Parker  
WITNESS





I, Sherri Johnston, Clerk of Hanwell, a municipality incorporated as a rural community under Regulation 2014-03 of the *Municipalities Act* of the Province of New Brunswick, do hereby certify that the following is a true and correct copy of Resolution #04-10-2023 and #05-10-2023 and #12-11-2023 duly adopted at a meeting of the rural community Council duly held and convened on November 15, 2023 at which meeting a duly constituted quorum of the Council was present and acting throughout, and that such resolution has not been modified, rescinded, or revoked, and is at present in full force and effect:

**Moved by** Councillor Holly Hyslop and **seconded by** Councillor Tim Fox that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its first reading by title.

**Unanimously Carried #04-10-2023**

*By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"*

**Moved by** Deputy Mayor Susan Jonah and **seconded by** Councillor Darren MacKenzie that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its second reading by title.

**Unanimously Carried #05-10-2023**

*By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"*

**Moved by** Councillor Darren MacKenzie and **seconded by** Councillor Lee Crouse that By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan" be given its third reading by title, and in its entirety and enacted.

**Unanimously Carried #12-11-2023**

*By-Law #31-2023 "A By-Law to Amend the Rural Community of Hanwell Rural Plan"*

IN WITNESS WHEREOF, the undersigned has affixed her signature this 1<sup>st</sup> day of December, 2023.

Sherri Johnston- Clerk

(Stamp seal here)



PROVINCE OF NEW BRUNSWICK  
HANWELL RURAL COMMUNITY

I, Sherri Johnston, of the Hanwell Rural community in the County of York and Province of New Brunswick, do hereby certify:


That I am the clerk of the said Hanwell Rural Community, and as such have the custody of the minutes and records of the Council of the said Hanwell Rural Community and the Common Seal of the said Rural Community.

That hereto attached is a true copy of a by-law entitled By-Law #31-2023, enacted by the Hanwell Rural Community Council on the 15 of November, 2023.

That I have carefully compared the said by-law with the original and the same is a true copy thereof.

Dated at the Hanwell Rural community Office on the 25<sup>th</sup> of November, 2023.

I certify that the attached document has been compared with the original and is a true copy thereof.



Sherri Johnston  
Clerk

(Stamp seal here)



## Registered Professional Planner's Certification

I, Malinda Parks, residing in the  
Name of Registered Professional Planner

City of Fredericton in the Province  
Name of local government or unincorporated area/community, as applicable

of New Brunswick, do hereby certify:  
Insert name of province

1. That I am a Registered Professional Planner in good standing, in accordance with the meaning set out in the *Registered Professional Planners Act* of New Brunswick.

2. That this document is entitled By-Law No. 31-2023 and is a:  
Name of document

- Municipal plan
- Rural plan for a local government
- Rural plan for a rural district
- Zoning by-law
- Subdivision by-law
- Development charge by-law
- Incentive or bonus zoning agreement by-law
- Regional land use plan
- Amendment to: The Rural community of Hanwell Rural Plan  
Identify type of document being amended

as defined in the *Community Planning Act* of New Brunswick.

3. That this document was prepared under my direction.

## Analysis Demonstrating Compliance to the Statement of Public Interest Regulation

A Registered Professional Planner (RPP) may provide their analysis in a different format; however, they must ensure the following are provided:

1. A list of which Statements of Public Interest are supported by the document, and
2. An explanation as to how each Statement of Public Interest is supported by the document.

The *Statement of Public Interest Regulation* includes five statements with supporting policies. The following analysis should clearly identify which Statements are supported by the document and how.

*How to use: Check the statements that are supported and provide an explanation as to how the document is aligned with each.*



<input checked="" type="checkbox"/>	<b>SP.4</b> Avoid development and land use patterns that may cause environmental or health and safety issues.
<i>Provide Response:</i>	
Access was existing. DTI approval was given to widen the access to allow exit & entry. Approved Site Plan addresses on-site turnaround and directs exiting traffic in a forward direction. Two (2) barrier-free parking stalls will be provided, as well as an accessibility ramp.	
A WAWA permit was secured for site development near the existing watercourse.	
<input type="checkbox"/>	<b>SP.5</b> With respect to development that occurs in a community with existing or planned public infrastructure and services, promote development in locations where the public infrastructure and services are or are planned to be available.
<i>Provide Response:</i>	
N/A	
<input type="checkbox"/>	<b>SP.6</b> With respect to development that occurs in a community with no existing or planned public infrastructure or services, promote development in locations with previously constructed and actively maintained roads.
<i>Provide Response:</i>	
Access was existing. DTI approval was given to widen the access to allow exit & entry. Approved Site Plan addresses on-site turnaround and directs exiting traffic in a forward direction.	

## AGRICULTURE

**AA.1** Identify prime agricultural areas and prioritize them for agricultural uses and other compatible uses.

*Provide Response:*

N/A

**AA.2** Identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses.

*Provide Response:*

N/A

**AA.3** Consider set-backs, including reciprocal setbacks if appropriate, between areas with an agricultural use, fishery use or aquaculture use and areas used for incompatible purposes.

*Provide Response:*

N/A

## FLOOD AND NATURAL HAZARD AREAS

**FH.1** Identify flood and natural hazard areas using provincial flood hazard mapping, provincial erosion mapping and other resources.

*Provide Response:*

N/A

**FH.2** Promote land use and development in areas other than flood and natural hazard areas.

*Provide Response:*

N/A

**FH.3** Promote land use and development that are not expected to increase the impacts on safety and costs associated with flooding and natural hazards.

*Provide Response:*

N/A

## NATURAL RESOURCE DEVELOPMENT

**NR.1** Identify natural resource development areas and environmentally sensitive areas.

*Provide Response:*

N/A

**NR.2** Prioritize natural resource development areas for natural resource extraction and development.

*Provide Response:*

N/A

**NR.3** Prioritize environmentally sensitive areas for conservation and protection.

*Provide Response:*

N/A