

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
September 25, 2015
File Number: 4561-3-1399

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation* (87-83) – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated January 5, 2015, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment (EA) Section, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall contact the District Engineer, Department of Transportation and Infrastructure (DTI) in Moncton at (506) 856-2000 well in advance of beginning the project to ensure that all of DTI’s requirements are met.
5. Detailed design copies of the final subdivision plans and drainage design plans for each phase of the development must be sent to the Rural Subdivisions Coordinator, Properties Services Branch, DTI, PO Box 6000, Fredericton, NB E3B 5H1, for review and approval prior to initiating that phase.
6. All future streets are to be built in accordance with “*A Guide to the Minimum Standards for the Construction of Subdivision Roads and Streets*” and the proponent must comply with applicable regulatory agreements and minimum set-back requirements as per the Community Planning Act. Please refer to sections 4.3.2.3 and 4.3.2.4 for subdivision street layout standards in the guide.
7. The proponent shall provide a disclosure statement informing prospective landowners of the agricultural nature of the surrounding land uses, and the potential for odours, dust and other agricultural-related issues on neighbouring properties. This should include information pertaining to the Agricultural Operation Practices Act, available at 1-888-622-4742 or <http://www2.gnb.ca/content/dam/gnb/Departments/10/pdf/Agriculture/liability.pdf>.
8. In order to protect agricultural soil outside of the project area, the proponent shall add a restrictive covenant indicating that any topsoil required for the landscaping of a lot, if

sourced from outside of the Irishview Estates project, shall be sourced from non-agricultural lands.

9. The proponent is responsible to ensure all lots adjacent to the Shediac River will have the boundaries of the 30 m buffer clearly marked and the proponent shall inform all potential property owners of these boundaries and the legislation protecting watercourses and wetlands, including buffers. More information about this legislation can be found at <http://laws.gnb.ca/en/ShowPdf/cs/C-6.1.pdf>. (New Brunswick Clean Water Act) and <http://laws.gnb.ca/en/showfulldoc/cr/90-80//20120501>. (*Water Course and Wetland Alteration Regulation*).
10. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-3014.
11. The proponent must comply with the Species at Risk Act and the Migratory Birds Convention Act and associated regulations during all stages of this project. Measures to meet these regulations include but are not limited to:
 - Ensuring all clearing and grubbing is conducted outside of the peak migratory bird nesting period, which is April 1st to September 30th for most migratory birds. For more information on regional nesting periods, please visit the following site: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>.
 - Ensuring that the demolition of barns (or any other outbuildings with nesting swallows) shall not occur between April 1st and September 10th, in order to allow sufficient time for all chicks to fledge.
12. The proponent shall consult with the Department of Natural Resources (DNR)'s Species at Risk Program at (506) 453-3826 prior to initiating any phase that involves work along the Shediac River. If adult turtles, nesting activity, and/or nests are encountered during any phase of the project, please contact DNR's Species at Risk Program immediately and avoid these areas until a method to proceed is approved.
13. This determination is based on current groundwater and climatological conditions. Should water quantity and/or quality problems arise in the future, further groundwater investigation may be required, as well as a possible modification of the development plan for the remaining lots.
14. The hydrogeological assessment submitted in August 2015 was carried out for a 185-lot subdivision to be developed over 10 phases. The proponent shall submit an updated subdivision plan and, a groundwater desktop review of all wells drilled in the previous phase for review and, must receive approval from the Manager of the EA Section, DELG prior to initiating each subsequent phase of the development. If the results of any such desktop review indicate that the predictions and/or conclusions of the original August 2015 hydrogeological assessment were inaccurate, the Manager may require additional hydrogeological assessment at that time.
15. The proponent shall add a restrictive covenant prior to selling any of the 185 lots, prohibiting the use of groundwater sourced (i.e. open loop) earth energy systems within the proposed

development. Closed loop earth energy systems are permitted provided that they are constructed in accordance with the requirements of the most current version of CSA standard C448.2 *Design and Installation of Earth Energy Systems for Residential and Other Small Buildings* as well as the *National Building Code*.

16. In the event that it is determined the water quantity or quality of a neighboring well has been impacted by the implementation of the project, it will be the proponent's responsibility to investigate and potentially rectify the situation in the short term (i.e. supply bottled water, etc.) or in the long term as deemed necessary (i.e. deepening or drilling a new well, etc.).
17. The proponent shall provide a disclosure statement to all potential lot purchasers regarding the possible need for water treatment due to the occurrence of iron, manganese, chloride, barium and total dissolved solids that exceed the *Canadian Drinking Water Quality Guidelines*. This will ensure they are made aware of the potential water quality issues and can plan for the expense of water treatment. This disclosure shall also include a reminder that any well should be properly constructed with casing in competent bedrock (12m is recommended instead of the required 6m), properly grouted, all minimum setbacks maintained in compliance with the *Water Well Regulation*. The well shall also be tested prior to consumption (as per the *Potable Water Regulation*) to determine if any specific parameters require water treatment, and monitored regularly thereafter (i.e. twice a year) in order to detect any changes in groundwater quality.
18. Prior to future use as a residential supply well, the monitoring/test wells used during the Water Supply Source Assessment (WSSA) shall be redeveloped and subject to chlorination (shocking) as well as have their water quality re-tested for microbiological and general chemistry parameters.
19. Any of the monitoring/test wells drilled as part of the WSSA that are not converted into domestic water wells, shall be decommissioned as per the requirements of the NB *Water Well Regulation* and DELG's *Guideline for the Abandonment (Decommissioning) of Water Wells*. Such work must be conducted by a Water Well Contractor/Driller licensed in the Province of New Brunswick.
20. The proponent shall provide a disclosure statement to all potential lot purchasers related to the construction of on-site sewage disposal systems. This disclosure statement shall indicate that the system design, construction and installation must be approved by the Department of Health in accordance with NB regulations and technical guidelines and must be installed by a licensed installer.
21. In the event of the sale, lease, or any other conveyance or change of control of the project, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller or purchaser confirming that they will comply with the Conditions of this Determination to the Manager, EA Section, DELG.
22. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.