



**TOWN OF PORTUGAL COVE-ST. PHILIP'S**  
October 20, 2015

Regular Public Council Meeting 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Town Manager	Chris Milley
	Director of Public Works	Gail Tucker
	Planning & Dev. Coordinator	Les Spurrell
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 6 persons in attendance.

**ADOPTION OF AGENDA**

Motion: Will/Hanlon  
2015-371 Resolved that the Agenda dated **October 20, 2015**, be adopted as circulated.  
Carried Unanimously

Note: The Mayor noted that several committees did not meet last week due to budget consultations/meetings.

**ADOPTION OF MINUTES**

Motion: Collins/Bartlett  
2015-372 Resolved that the minutes of **October 6, 2015** be adopted as circulated.  
Carried Unanimously

**BUSINESS ARISING** Town Manager noted that there is no report for tonight's meeting.

## COMMITTEE REPORTS

### Planning & Development Report of October 13, 2015 – presented by Councillor Collins

#### **1. 1532-1536 Thorburn Road**

Motion: Collins/Hanlon  
2015-373 Resolved that the application to subdivide property, construct a single dwelling and demolish an accessory building at Civic # 1532-1536 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **2. 343-347 Old Broad Cove Road**

Motion: Collins/Facey  
2015-374 Resolved that the application to construct a dwelling extension at Civic # 343-347 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **3. 9 Blagdon Hill**

Motion: Collins/Will  
2015-375 Resolved that the application to construct a subsidiary apartment within the basement of an existing dwelling at Civic # 9 Blagdon Hill be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **4. 20 West Point Road**

Motion: Collins/Hanlon  
2015-376 Resolved that the application to perform landscaping work and construct a patio/deck at Civic # 20 West Point Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried For: Bartlett/Collins/Facey/Hanlon  
Against: Butler/Tucker/Will

Note: in response to questions arising, it was clarified that the patio is not in the coastal buffer.

#### **5. 742-744 Indian Meal Line**

Motion: Collins/Butler  
2015-377 Resolved that the application to rezone property at Civic # 742-744 Indian Meal Line be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

**6. Correspondence from resident/42 Bugden Drive**

The Planning Department is in receipt of correspondence from the resident of Civic # 42 Bugden Drive regarding a proposed residential subdivision at Civic # 1250-1264 Portugal Cove Road. This resident initially wrote the Town regarding the proposed development as a result of a Notice to Area Residents. The initial correspondence was reviewed by Council and found to not contain information substantial enough (in relation to the Town's Municipal Plan and Development Regulations, 2014-2024) to recommend rejection of the application at that time. Following the Council meeting, Staff responded to the initial correspondence in writing.

The Committee advises Staff to respond to the correspondence acknowledging a meeting between the Committee and the resident and advise of the various opportunities for comments during the amendment public consultation process and the appeal process. The Committee requests that this correspondence be tabled at Council's meeting.

**7. Road name**

Motion: Collins/Bartlett  
2015-378 Resolved that "Sarah Jane Lane" be assigned as the street name for a private road off Old Broad Cove Road.  
Carried Unanimously

**8. Crown Land Municipal Recommendation Form**

Motion: Collins/Will  
2015-379 Resolved that Council refuse the Municipal Recommendation Form for Crown land located adjacent to Civic # 166-170 Nearys Pond Road for the purpose of residential development (ditching) as the land requested is a recognized right-of-way.  
Carried Unanimously

**9. Correspondence from residents/1849 & 1851 Portugal Cove Road**

The Planning Department is in receipt of correspondence from the residents of Civic # 1849 Portugal Cove Road and Civic # 1851 Portugal Cove Road regarding development work on an existing retaining wall. The development activity involves wooden formwork which is allegedly encroaching on a shared driveway to both properties.

The Committee reviewed the correspondence submitted and advises Staff to respond to the residents stating that this is a civil matter between property owners. The Committee requests that the correspondence received be tabled at Council's meeting.

**10. Correspondence from Dept. of Environment & Conservation re Flood Risk Mapping**

The Planning Department is in receipt of correspondence from the Department of Environment and Conservation stating that "in the interest of public safety and potential economic losses, all projects have to comply with the new Flood Risk Mapping released on August 14, 2015 even if they were approved earlier. For previously approved projects at an advanced stage, they will

need to be evaluated individually to see how they can be modified to comply with the new Flood Risk Mapping.”

Item Submitted for Information.

**Note:** Councillors expressed concerns regarding several aspects of this item and the Town Manager will go back to the Dept. of Environment for more dialogue and seek clarification and bring back to the committee.

**11. Correspondence from Dept. of Municipal Affairs re 137 Beachy Cove Road**

The Planning Department is in receipt of correspondence from the Department requesting information relating to the development potential of Civic # 137 Beachy Cove Road in relation to a Purchase Notice submitted to the Department.

Staff will forward the information requested to the Department. The Committee requests that this correspondence be tabled at Council’s meeting.

**12. 10-12 Hill Top Lane**

**Part A:**

Motion: Collins/Will  
2015-380 Resolved Council **‘lift’ the ‘Stop Work Order’** (Motion # 2012-284) that was placed on the construction of a dwelling extension at Civic # 10-12 Hilltop Lane, on August 28<sup>th</sup>, 2012.  
Carried Unanimously

**Part B:**

Motion: Collins/Facey  
2015-381 Resolved that Council **revoke Permit # 12-023** which was issued for the construction of a dwelling extension (49.12 m<sup>2</sup>) for cold storage purposes at Civic # 10-12 Hilltop Lane on February 15<sup>th</sup>, 2012 as the structure constructed is larger than the size permitted which does not comply with Development Regulation 21 (6) (Development Permit).  
Carried Unanimously

**Part C:**

Motion: Collins/Bartlett  
2015-382 Resolved that **Council issue a Removal Order for a dwelling extension** at Civic # 10-12 Hilltop Lane which was constructed larger than the conditions of a permit issued by the Town.  
Carried Unanimously

**Part D:**

Motion: Collins/Bartlett  
2015-383 Resolved that Council **issue a Removal Order for existing objects, vehicles and trailers** which are in a wrecked, discarded and abandoned condition, and all existing general household and construction-related debris, refuse, litter and garbage at Civic # 10-12 Hilltop Lane.  
Carried Unanimously

**13. 108-110 Windsor Heights**

Motion: Collins/Will  
2015-384 Resolved that Council avail of the services of the Town's solicitor to perform work required in relation to a Stop Work Order against a business operation at Civic # 108-110 Windsor Heights.  
Carried Unanimously

**14. Permit Stats: twenty-nine (29) permits issued from September 25<sup>th</sup> to October 8<sup>th</sup>, 2015.**

**Recreation & Community Services Committee – no meeting held/no report**

Councillor Bartlett took this opportunity to let everyone know of the Learys Brook Junior High boys win Jr. High Championship in the Jr. Division (grade 7 & 8) and they also won the district championship for Senior Boys (grade 9) for the 5<sup>th</sup> year in a row. Also, PWC won the 4A provincial championship last weekend. Most of the members of the three soccer teams mentioned are residents of PCSP. Congratulations extended by Council and the Town Manager will arrange to have an article in the next Tickle newsletter and also have displayed on the Town signs.

**Public Works Committee – no meeting held/no report – updates provided by Councillor Bartlett**

The following Public Works updates are provided.

**1. Phase 2 Millers Road Bridge**

A kick-off meeting was held with the contractor, subcontractor and engineering consultants for Phase 2 of Millers Road bridge construction. Work is tentatively scheduled to begin the week of October 26, 2015. Information on Phase 2 will be sent to residents prior to the commencement of work.

**2. Operational Updates**

- End of season work on the outdoor facilities continues in preparation for the winter season.
- Parking lot line painting has been completed at the Town Hall and Rainbow Gully Park.
- Fleet preparation for the upcoming snow season is ongoing.
- Leak detection and repair work as well as preventative maintenance on the water distribution system is ongoing.
- Sludge removal at the Portugal Cove plant is scheduled to commence the week of October 26, 2015.
- Interviews are near completion for the full-time, permanent positions of Equipment Operator, Collector Operator and Municipal General Maintenance Worker.
- Asphalt repair work in select areas is scheduled to begin the week of October 26, 2015.

- The first order for winter sand has been placed in preparation for snow clearing season.
- A Request for Quotes has been issued for the completion of road shouldering work in select areas of Town. The areas identified include sections of Kings Hill Road, Cayman Drive, Knapps Road and Farm Road.

**Economic Development, Marketing & Communications Report – no meeting/no report**

**Protective Services Committee – no meeting/no report**

**Admin. and Finance Committee Report of October 13, 2015 - presented by DM Will**

**1. Accounts for Payment**

Motion: Will/Facey  
2015-385 Resolved that Council pay Regular Accounts in the amount of \$37,516.32  
Carried Unanimously

**2. Gas Tax - Millers Bridge Revised Funding Update**

Motion: Will/Collins  
2015-386 Resolved that the Town update the Capital Investment Plan and provide to the Gas Tax Secretariat to reflect the new total cost for Millers Bridge at \$283,131 PST included.  
Carried Unanimously

**3. Tax Recovery Plan**

Motion: Will/Hanlon  
2015-387 Resolved that the town submit the attached Tax Recovery Plan to Municipal and Intergovernmental Affairs in support of requirements under the new Community Sustainability Agreement.  
Carried Unanimously

**4. Other Discussion**

The committee also discussed a resident's water issue, status of Maggie's Place Land Purchase, sidewalks for School area, water meter projects, negotiations and status of online tax payments.

In response to questions arising regarding online payments and in particular e-mail transfers, DM Will advised he will take this back to Admin and Finance and report back to Council.

**CORRESPONDENCE** None for this meeting

**NEW/GENERAL/ UNFINISHED BUSINESS**

**Request from Dept. Transportation & Works re Noise Regulations**

Correspondence dated October 15, 2015, was received from the Dept. of Transportation and Works and circulated to Council for review. The letter outlined their concerns regarding the Town's Noise Regulations in respect to section 6.6 of the regulations limiting the blasting operations to 4 hours per day and requested Council's consideration for an exception. The letter outlining their rationale for the request is tabled and the following motion is presented for consideration:

Motion: Bartlett/Will  
2015-388 Resolved that the Dept. of Transportation and Works be granted approval to be exempted from section 6.6 (rock busting conditions) of Town's Noise Regulations for excavation operations at the site of the new grade 5-9 school.  
Carried For: Bartlett/Butler/Collins/Hanlon/Tucker/Will  
Against: Facey

Note: It was clarified that this exception was being made because the work being done is for the 'school' project and the exception would not be applicable to any other Dept. of Transportation and Works projects. It was also noted that the work will take approximately two weeks at 11 hours per day.

**NOTICE OF MOTION**

**Update from the Protective Services Committee – Councillor Hanlon** advised that further to the Notice of Motion presented on October 6<sup>th</sup>, the Vehicle Parking Regulations 2015, are not available for this meeting and will be brought forward to the next scheduled Council meeting.

**ADJOURNMENT**

Motion: Will/Facey  
2015-389 Resolved that this meeting be adjourned. 8:20 p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Judy Squires, Town Clerk

**Appendix A: Tabled Report  
October 13<sup>th</sup>, 2015**

**Applications:**

**Item # 1: Civic # 1532-1536 Thorburn Road**

**Subdivide Property, Construct Single Dwelling & Demolish Accessory Building  
Zoning: Traditional Community & Residential Medium Density (TC & RMD) -  
Serviced**

The Committee recommends that the application for Civic # 1532-1536 Thorburn Road be granted approval in principle, permitting the subdivision of property, construction of a single dwelling and demolition of an existing accessory building. Approval in principle is subject to the submission of documentation detailing the location of a watercourse on the property which had been diverted and refinement of the Environmental Protection Map within Schedule E: Environmental Protection Overlay at the expense of the applicant. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically, Schedule C: Traditional Community and Schedule E: Environmental Protection Overlay.

The Administrator recommended that this application be rejected as the proposed dwelling would be located on a watercourse as identified on the Environmental Protection Map within Schedule E: Environmental Protection Overlay which would need to be diverted to comply. The Town is in receipt of correspondence from the Department of Environment and Conservation stating that the Water Resources Management Division does not recommend approval for the diversion of waterbodies to accommodate residential developments. The watercourse has already been diverted by the applicant without permits.

**Item # 2: Civic # 343-347 Old Broad Cove Road**

**Dwelling Extension  
Zoning: Mixed Use & Residential Low Density (MIX & RLD) - Unserviced**

The Committee recommends that the application for Civic # 343-347 Old Broad Cove Road be granted approval in principle, permitting the construction of a dwelling extension. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically, Development Regulation 49 (Non-Conforming Use).



**Item # 3: Civic # 9 Blagdon Hill**

**Subsidiary Apartment**

**Zoning: Residential Medium Density & Mixed Use (RMD & MIX) – Serviced**

**The Committee recommends that the application for Civic # 9 Blagdon Hill be granted approval in principle, permitting the construction of a subsidiary apartment within the basement of an existing dwelling. Approval in principle shall be in full compliance with the Town’s Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically, Plan Policy RES-1 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Medium Density Condition # 9 (Subsidiary Apartments), and Schedule D: Off-Street Parking Requirements.**

**Item # 4: Civic # 20 West Point Road**

**Patio/Deck**

**Zoning: Traditional Community (TC) – Serviced**

**The Committee recommends that the application for Civic # 20 West Point Road be granted approval in principle, permitting landscaping work and the construction of a patio/deck.**

The Administrator recommended that this application be rejected as the proposed patio/deck and landscaping work would be completed within an area identified as having steep slopes within Schedule E: Environmental Protection Overlay in which development is not permitted in accordance with Plan Policy GE-7 (Protection of Environmentally Sensitive Areas), Development Regulation 64 (Site Suitability) and Schedule E: Environmental Protection Overlay.

**Item # 5: Civic # 742-744 Indian Meal Line**

**Rezoning**

**Zoning: Mixed Use & Agriculture (MIX & AG) – Unserviced**

**The Committee recommends that the application to rezone property from Agriculture to Residential at Civic # 742-744 Indian Meal Line be rejected as the application is contrary to the Town’s Municipal Plan & Development Regulations, specifically as piped services cannot be realistically expected in this location in the foreseeable future which does not comply with Plan Policy GL-2 (General Layout Policies) and Section 3.4.1 (Residential), and the proposal is contrary to a Motion of Council from November 18<sup>th</sup>, 2014 (Motion # 2014-386) in which Council will only consider applications for rezoning that will integrate or round-out existing developed areas or addressing local services and amenities.**

The Administrator recommended that this application be rejected.