



TOWN OF PORTUGAL COVE-ST. PHILIP'S

July 4, 2017

Regular Public Council Meeting - 5:00 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Johnny Hanlon
	Town Manager	Chris Milley
	Director of Financial Operations	Tony Pollard
	Director of Public Works	Gail Tucker
	Planning Coordinator	Les Spurrell
	Deputy Town Clerk	Claudine Murray

Mayor Tucker called the meeting to order and welcomed the gallery of 7 persons in attendance for the meeting.

ADOPTION OF AGENDA

Motion: Facey/Hanlon
2017-324 Resolved that the agenda dated July 4, 2017, be adopted as circulated with a noted change to new business and presentations.
Carried Unanimously

DELEGATIONS/PRESENTATIONS

- None for this meeting.

ADOPTION OF MINUTES

Motion: Bartlett/Hanlon
2017-325 Resolved that the minutes of June 20, 2017 be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

- None for this meeting

COMMITTEE REPORTS

Planning & Development Report of June 27, 2017 – presented by Councillor Collins

1. Civic # 1461 Portugal Cove Road – Single Dwelling

Motion: Collins/Bartlett
2017-326 Resolved that the application to construct a single dwelling at Civic # 1461 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

2. Civic # 81-83 Hughs Pond Road – Accessory Building

Motion: Collins/Facey
2017-327 Resolved that that the application to construct an accessory building at Civic # 81-83 Hughs Pond Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. Civic # 24 Keeley Lane – Wharf & Patio/Deck

Motion: Collins/Bartlett
2017-328 Resolved that the application to construct an accessory building at Civic # 249-253 Olivers Pond Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

4. Civic # 16-18 Dawn Allen Road – Accessory Building

Motion: Collins/Will
2017-329 Resolved that Council revoke the 'Removal Order' (Motion # 2016-073) that was placed on an accessory building constructed without a permit at Civic # 16-18 Dawn Allen Road, on March 30th, 2016.
Carried Unanimously

Motion: Collins/Hanlon
2017-330 Resolved that the application to construct an accessory building at Civic # 16-18 Dawn Allen Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. Eastern Newfoundland Regional Appeal Board – Decisions of Appeals

The Planning Department is in receipt of decisions from the Eastern Newfoundland Regional Appeal Board regarding the following appeals:

- Civic # 10-12 Hilltop Lane – The Board agreed to postponement of the hearing as per a request by the appellant.
- Civic # 16-18 Dawn Allen Road – The Board determined that the appeal was not filed in accordance with the *Urban and Rural Planning Act, 2000* and the *Minister's Development Regulations* and is therefore invalid.

Item submitted for information.

6. Civic # 17-19 Hibbs Place – Condition of Structure

Note: Town Manager provided an update to Council on a construction site posing a safety issue for nearby residents. The Town examined ways of eliminating the safety risk outside of ordering a removal of the building.

The Town attained the tabled engineering report which identifies the safety concerns and remedies. In addition, the Town discussed the report with legal counsel, who concurred, where the location is a public safety concern, the Town can immediately secure the site without notice to the owner. The cost of securing the safety of the site will be directed to the owner of the property in accordance with section 178 of the *Municipalities Act, 1999*.

The Town Manager suggested the original Motion A was to revoke the permit, however there may be no need to revoke it; Motion B was to remove the building but legal counsel has advised ways of addressing the issue up to, but not including, the removal of the building addition; and Motion C was to remove the building materials, which can be included in a new motion.

Motion:	Collins/Hanlon
2017-331	Resolved that Council hire a restoration company to secure the safety of the site by securing access to the building and securely storing the building materials on-site at Civic #17-19 Hibbs Place, in accordance with the Site Hazard Assessment Report dated July 4, 2017 from EXP Services Inc. and section 178 of the <i>Municipalities Act, 1999</i> .
Carried	Unanimously

7. Civic # 24 Keeley Lane – Landscaping Proposal

The Committee discussed a proposal to place washed sand within 10 m of the high water mark of Butler's Pond in relation to an approval in principle to landscape this property which was granted by Council on April 19th, 2016.

The Committee advised that they have no objection to the placement of washed sand within 10 m of the high water mark of Butler's Pond subject to approval from the Department of Fisheries & Land Resources (Crown Lands).

8. Permits issued

There were twenty seven (27) permits issued from June 9th to June 22nd, 2017 as per Appendix A: Tabled Report.

Recreation & Community Report of June 29, 2017 - presented by Councillor Facey

1. Voisey's Brook Walking Trail Phase II

The committee discussed the progress with the Voisey's Brook Walking Trails Phase II. Staff is working with the owner of the Jera Street Property to access the land to start the connection from that area to Voisey's Brook Park. Talks are continuing with the owners of the ROW off Indian Meal Line as well. Update on this will be brought back to the next Recreation Committee meeting.

2. Lifestyle Centre Charter

Staff provided the committee with a copy of the Lifestyle Centre Charter and concept design for the Lifestyle Centre for review. A copy of this Charter and design was also provided to all of Council for review. All comments can be forwarded to the members of the Recreation Committee for consideration at the next committee meeting.

3. FCM Funding

The Recreation Committee reviewed the Federation of Canadian Municipalities (MCIP) Municipalities for Climate Innovation Program. The Recreation Director will make application under this funding for trails within the community. More specifically the trail system from Rainbow Gully Park to Little Powers Pond. Council is welcome to provide any other suggestions of trail networks to which we should apply and are asked to do so by July 11th.

Public Works Committee Report of June 28, 2017 - presented by Councillor Bartlett

1. Newbury Street Resident Group - Meeting

Three representatives of the Newbury Street Resident Group attended committee meeting to discuss its petition relating to the shortcutting issue on Newbury Street. Committee advised that the group's request to create cul de sacs of Newbury Street and Blagdon Hill is in conflict with the Town's Municipal Plan and is not permissible. Committee indicated that the options identified by the Town's traffic consultants to implement turning restrictions were still available and it also recognized the level of support by residents of the area to address the shortcutting issue. The Resident Group indicated it will provide further correspondence to Public Works with respect to the turning restrictions.

Note: The committee would like to thank the group for coming in and having a constructive dialogue.

2. Rainbow Gully Water and Sewer Service – Design and Contract Management Fees

A quote was presented for the design and contract management fees to bring water and sewer services to Rainbow Gully Hut now that servicing is available in the area with the establishment of the new school. This is a 2017 budgeted item.

Motion:	Bartlett/Will
2017-332	Resolved that EXP be engaged to provide design and contract management services for the Rainbow Gully Water and Sewer Servicing project at a cost of \$17,000 plus HST.
Carried	Unanimously

3. Ice Control Materials (Salt Order) - Update

In a previous committee meeting of March 8, 2017, approval was granted to order 1,750 tonnes of salt through the provincial government salt tender. The price per tonne was not known at that time as the government was issuing a new tender. The tender has now been awarded and the price per tonne is \$108.90. The expected total cost for 2017/2018 salt order is \$219,161.25 HST included.

4. Newbury Street Pedestrian Walkway - Tender

One bid was received in response to the tender for the coloured asphalt pedestrian pathway on Newbury Street. Pyramid Construction Limited was the only qualified bidder.

Motion: Bartlett/Hanlon
2017-333 Resolved that the Newbury Street Pedestrian Walkway tender be awarded to Pyramid Construction Limited at a cost of \$21,000 plus HST.
Carried Unanimously

5. Roads Updates

a) School Zone Painting - scheduled for completion the first week of August and will include the areas of both Beachy Cove School and the new school on Thorburn Road.

b) School Road – ongoing issues with water run off on School Road. Sandbags were provided as requested by a resident and catch basins are scheduled to be cleaned out June 29. This area has been identified as requiring a permanent solution.

c) Dogberry Hill Road Line Painting – asphalt markings for the pedestrian pathway will be completed once the asphalt rehabilitation is complete. The expected completion date for this project is July 5.

d) Summer Ditching – Ditching program is ongoing. St. Philip's side is near completed, Portugal Cove side will be started in the next week or so.

e) Mitchells Road – request sent to Frank Hearn Searching Services to provide a title search of the right of way on Mitchells Road.

f) Witch Hazel Road / Old Broad Cove Road – committee recommended brush cutting at this intersection.

Note: Mayor requested committee discuss the possibility of investigating all intersections for visibility.

g) Digital Sign Data – data retrieval is scheduled for June 30 and once analyzed will be provided to the RNC for review.

6. Sidewalk Project – Thorburn Road/Dogberry Hill Road

Committee expressed concern regarding the Town's sidewalk recently placed on Thorburn Road and the connection to the new school entrance. Changes to the location of the sidewalk placed by the provincial government has resulted in it being on the opposite side of the road from the Town's placed sidewalk with a connection via a crosswalk. Staff are investigating options, costing and necessary approvals to extend the Town's sidewalk further into the school's entranceway and will report back to Committee with the information upon receipt.

7. Depot

Committee inquired on the status of the design plans for the new depot. Staff advised they would ask for an update from the Town Manager and report back to Committee.

Economic Development, Marketing & Comm. Report of June 28, 2017 – presented by Clr. Butler

1. Agriculture Strategic Session

The Director of Economic Development will facilitate a strategic visioning session with the Agriculture community on July 4th. The goal will be to help these local businesses define a vision for an industry led Agriculture Strategic Plan.

2. Level of Service Plan

MQO Research will work with Alex Twells Consulting and the Town to craft the community wide telephone survey that will support the Level of Service Plan. The survey will take place starting the middle of July. We will be heavily promoting this to residents to help ensure a strong response rate as we have a benchmark of 400 surveys to be completed.

3. Maggie's Place Development Plan Project

Councillor Collins left the Council meeting prior to discussion of Item # 3.

Note: Councillor Facey requested confirmation if Councillor Collins is in conflict of interest. Town Manager evaluate prior next vote.

Landowner meetings for the study area of work package #2 will take place July 19th and 20th. A proposal was reviewed by the Committee to complete the rezoning process of work package #1. In addition to the process, there will have to be significant changes and additions to our current zones outlined in our Municipal Plan. These changes will not only benefit the Maggie's Place Development Plan but also the entire community by creating the foundation of zoning for the next Municipal Plan update.

Motion:	Butler/Will
2017-334	Resolved that Tract Consulting complete the proposed "MAGGIES PLACE DEVELOPMENT SCHEME AND ASSOCIATED AMENDMENTS TO THE MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS AND ST. JOHN'S URBAN REGION REGIONAL PLAN" at a cost of \$19,240.
Carried	Unanimously

Councillor Collins returned to the Council meeting after discussion Item # 3.

Protective Services Committee Report of June 27, 2017 – presented by Councillor Hanlon

1. Resident Concerns

The Committee met with resident Pat Pender to discuss a number of concerns. The concerns pertaining to safety and protection will be handled through the Protective Services Committee and the items pertaining to roads and maintenance of infrastructure will be brought to the Public Works Committee.

2. Commissionaires – Municipal Enforcement

The Committee reviewed the report as provided by the Municipal Enforcement Officer. This report has been tabled as Appendix A.

3. FES Updates

- The Northeast Avalon Regional Training initiative has been scheduled for two weekends in September. There will be regional fire department participation and the invitation has been expanded beyond the region for those departments interested. Firefighter Mandy Young is once again leading the training committee.
- FireSmart Presentation by Joe Russell of Fisheries and Land Resources is scheduled for July 11th meeting.
- The chiefs have investigated a fire hydrant located on Jenny Lynn Drive and found it to be very low to the ground, especially in relation to the discharge ports. The chiefs recommend that the barrel be extended to ensure proper discharge in the event of use. This item is also being forwarded to the Public Works Committee.
- The PCSP Fire Department and the Torbay Fire Department in partnership with the Commissionaires are drafting a basic communications guideline.
- The Fire Department is also participating in an educational piece for the Day Camps.

4. Civic Numbering

The Committee discussed the ongoing issue of display of civic numbers. The Town's new Civic Numbering Regulations have a compliance deadline of July 2018. The Fire Department will assist in surveying residences for the purpose of compliance.

Note: Councillor Facey requested the following:

-Committee review the request from Fire Chiefs to look at a package to provide illuminated road front addresses or provide residents a connection to a sign manufacturer that are approved under our Civic Numbering Policy.

-Provide Fire Department with a list of known roads having identified numbering issues i.e. private roads or civic address is referenced to the main street.

Admin. and Finance Committee Report of June 27, 2017 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Facey
2017-335 Resolved that Council approve payment of capital accounts in the amount of \$71,888.68 as tabled.
Carried Unanimously

2. Tender Results – Portugal Cove Road Sidewalks

The tender results for the Portugal Cove Road Sidewalks project # SJN-00238765-A0 were received from EXP Services Inc. on June 21, 2017. There were 4 bids in response to the tender issued. It is recommended that the contract for this work be awarded to the lowest bidder, which is, Pyramid Construction Ltd.

Pyramid Construction bid \$116,127 which is approximately \$80,000 below the original estimate. Whereas the bid is under budget, committee considered to use the excess Gas Tax funds to enhance the sidewalk delineation in the form of colored asphalt and/or rumble strips. Committee will continue discussion of all remaining Gas Tax funds at the next Administration and Finance committee meeting and decide where best to recommend the money be allocated.

Motion: Will/Collins
2017-336 Resolved that Council award the tender for the Portugal Cove Road Sidewalks Project to Pyramid Construction Ltd at a cost of \$116,127, HST included.
Carried Unanimously

Note: The options for enhancing sidewalk delineation will be brought back to Committee for clarification. Councillor Butler would like to see rumble strips wherever possible throughout the community.

3. Community Enhancement Employment Program

The Community Enhancement Employment Program (CEEP) is a provincially-funded program that provides short-term employment to provide skills development opportunities for workers and ongoing benefits to the region.

The committee discussed the program criteria and will consider opportunities where the Town can avail of the program. Deadline for applications is July 28, 2017.

4. New Grant Funding for Climate Change Infrastructure Projects

Funding offered by Federation of Canadian Municipalities (FCM) through the Government of Canada's Municipalities for Climate Innovation Program (MCIP) is available to apply for. The Committee discussed the opportunity to apply for biking and walking paths, as well as, to purchase a green vehicle. AF Committee will forward the funding information to Recreation and Public Works committees for consideration.

5. Business/Property Tax exemption

a. Royal Canadian Legion Branch 10

MOTION: Committee recommends that, as per past practice, the Town exempt property tax in the amount of \$1,595.97 and business tax in the amount of \$1,966.05 for the Royal Canadian Legion Branch 10 located at 5-9 Legion Road.

Motion: Will/Hanlon

2017-337 Resolved that, as per past practice, the Town exempt property tax in the amount of \$1,595.97 and business tax in the amount of \$1,966.05 for the Royal Canadian Legion Branch 10 located at 5-9 Legion Road.

Carried Unanimously

b. Non- Profit Business

The Committee reviewed a request, from a non-profit organization, for tax exemption or reduction. The Committee will investigate further and look at other municipalities for how they treat non-profits from a tax perspective which will help to form a policy.

6. Office of the Information and Privacy Commissioner (OIPC) complaints

An update to the May 8th Council ATIPPA report was discussed with an overview of new requests received since that date. The number of requests has dropped significantly to only 3 requests so far in June, alleviating some of the staffing resource issues. However, the number of OIPC complaints has increased. An OIPC complaint ties up a significantly greater number of staff resource hours to respond than an average ATIPPA request.

The ATIPPA Coordinator will provide an updated ATIPPA report and an OIPC complaint report to the next committee meeting. In addition, the Town will also consider pro-actively posting the OIPC complaints similar to the ATIPPA requests posted on the Town's website.

7. A&F Committee Correspondence

Note: Councillor Facey left the committee meeting prior to item #7 on an emergency call as he is a volunteer firefighter.

a. Resident

The Mayor received correspondence on June 19, 2017 from a resident regarding the May-June Tickle Newsletter article, From the Mayors Desk. The letter provided feedback on the article. Committee reviewed the letter and will take it under advisement.

b. Municipal Assessment Agency

Council received correspondence on June 20, 2017 from the Municipal Assessment Agency which provided an overview of issues addressed at their June 8th meeting. A 2017 Board of Directors list was also provided. This item is included for information.

- c. Department of Municipal Affairs and Environment (DMAE)
- i. The Mayor received correspondence on June 22, 2017 regarding capital investment plans from the Gas Tax Secretariat. The Portugal Cove Road Pedestrian Walkway project was granted approval, as was the Spurrell's Bridge Replacement project. The final amended Capital Investment Plan for the Western Point Culvert Replacement project was also accepted.
 - ii. The Town was copied on a response from DMAE to a resident regarding concerns on the proposed development of Maggie's Place. Committee has discussed section 221 of the *Municipalities Act, 1999* and is satisfied that all is in order.
 - iii. The Town received information on the 2017 Municipal Long Service Awards for Elected Officials. This item is for information however the Town will be applying for awards for Mayor Tucker and Councilor Collins.

Other Reports

- None for this meeting

COUNCIL CORRESPONDENCE

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
June 1, 2017 Opened June 19, 2017	Resident	Comments re: The Tickle Newsletter, May-June edition, From the Mayors Desk "Did You Know" article	AF Cmte
June 20, 2017	Municipal Assessment Agency (MAA)	Memorandum - Update on Board	AF Cmte
June 20, 2017	Dept. of Municipal Affairs	Approval Letter - Capital Investment Plan	AF Cmte
June 23, 2017	Dept. of Municipal Affairs	Response to resident re: Maggies Place Inquiry	AF Cmte
June 23, 2017	FCM	Announcing new grants of up to \$1M for climate change capital projects	AF Cmte
June 23, 2017	Dept. of Municipal Affairs	2017 Municipal Long Service Award Information and Application for Elected Officials	AF Cmte
June 23, 2017	Ballicatter After School Program	Request to review Property Tax Assessment	AF Cmte

NEW/GENERAL/UNFINISHED BUSINESS

1. Administration and Finance Committee

A recommendation to award the Meadow Heights Sanitary Sewer Servicing contract was received from Vigilant on June 29, 2017. There were 6 bids in response to the tender issued. The committee recommends the contract for this work be awarded to the lowest bidder, Pyramid Construction Ltd valued at \$1,356,684.90, HST included.

Motion: Will/Butler

2017-338 Resolved that Council award the contract for Meadow Heights Sanitary Sewer Servicing, project # 17-MYCW-17-00117, to Pyramid Construction Ltd for a value of \$1,356,684.90, HST included, pending approval to award from the Provincial Government.

Carried Unanimously

AGENDA ITEMS/NOTICE OF MOTIONS ETC.


- None for this meeting

ADJOURNMENT

Motion: Facey/Will

2017-339 Resolved that this meeting be adjourned. Time is 6:06 p.m.

Carried Unanimously


Moses Tucker, Mayor


Claudine Murray, Deputy Town Clerk

Appendix A – Planning & Development Report

Appendix B – 17-19 Hibbs Place Site Hazard Assessment Report

Appendix C – Municipal Enforcement Officer Report

Appendix D – Maggies Place Development Scheme

**Appendix A: Tabled Report
June 27th, 2017**

Applications:

Item # 1:

**Civic # 1461 Portugal Cove Road
Single Dwelling
Zoning: Mixed Use (MIX) – Serviced**

The Committee recommends that the application for Civic # 1461 Portugal Cove Road be granted approval in principle, permitting the construction of a single 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 Development Regulation 38 (Accesses and Service Streets), Development Regulation 48 (Lot Area and Size Exceptions), and Schedule C: Mixed Use.

The Administrator recommended that this application be granted approval in principle.

Item # 2:

**Civic # 81-83 Hughs Pond Road
Accessory Building
Zoning: Residential Low Density (RLD) – Unserviced**

The Committee recommends that the application for Civic # 81-83 Hughs Pond Road be granted approval in principle, permitting the construction of an accessory building. 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 39 (Accessory Buildings) and Schedule C: Residential Low Density.

The Administrator recommended that this application be granted approval in principle.

Item # 3:

**Civic # 24 Keeley Lane
Wharf & Patio/Deck
Zoning: Residential Low Density (RLD) - Serviced**

The Committee recommends that the application for Civic # 24 Keeley Lane be granted approval in principle, permitting the construction of a wharf and patio/deck. Approval in principle is subject to approval from the Department of Fisheries and Land Resources (Crown Lands). 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 E: Environmental Protection Overlay.

The Administrator recommended that this application be granted approval in principle.

Item # 4:

**Civic # 16-18 Dawn Allen Road
Accessory Building
Zoning: Residential Medium Density (RMD) – Semi-Serviced**

- B. The Committee recommends that the application for Civic # 16-18 Dawn Allen Road be granted approval in principle, permitting the construction of an accessory building. 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 E: Environmental Protection Overlay.**

The Administrator recommended that this application be granted approval in principle.

Discussion:

Item # 6:

Civic # 17-19 Hibbs Place – Condition of Structure

- B. The Committee recommends that Council place a Removal Order on a dwelling extension under construction at Civic # 17-19 Hibbs Place. Due to safety concerns that have been raised regarding the condition of the structure, this Order must have a short time period in which the property owner is to comply.**
- C. The Committee recommends that Council place a Removal Order on building materials at Civic # 17-19 Hibbs Place. Due to safety concerns that have been raised regarding the unsecured building materials on the property, this Order must have a short time period in which the property owner is to comply.**

The Administrator's opinion is that the condition of the dwelling extension under construction and building materials on site does not represent an imminent and severe threat to public safety requiring immediate removal. It is the opinion that the issue can be addressed by mitigation measures appropriate to the level of risk to the public to be determined by a professional in the field. This mitigation may merely require the site, structure, and materials to be immediately secured. Furthermore the nuisance aspect of the building and site condition can be addressed through provisions of Town's Development and Occupancy & Maintenance Regulations. Professionals in the field of building and public safety have been engaged to determine the level of risk to the public and recommended appropriate mitigation to better inform council and support any impending decision on action to be taken. Therefore the Administrator recommends that council use the pending professional recommendations before resolving to take specific action with respect to safety mitigation. Furthermore the administrator recommends that they resolve to immediately take action on the Nuisance aspect of the issue through provisions in the Development Regulations and the Occupancy & Maintenance Regulations.

Permits Issued:

Item # 8:

There were twenty seven (27) permits issued from June 9th to June 22nd, 2017.

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-140	06/09/2017	25-33	Canon Smith Crescent	Occupancy
2	17-141	06/09/2017	6	Rustys Loop	Culvert Repairs
3	17-142	06/09/2017	231-233	Beachy Cove Road	Single Dwelling
4	17-143	06/12/2017	218-222	Bauline Line Extension	Accessory Building
5	17-144	06/15/2017	294-302	Tolt Road	Landscaping
6	17-145	06/15/2017	352-358	Tolt Road	Landscaping
7	17-146	06/15/2017	182-194	Beachy Cove Road	Dwelling Extension/Renovations
8	17-147	06/15/2017	16-18	Bayview Heights	Occupancy
9	17-148	06/15/2017	1533	Thorburn Road	Landscaping
10	17-149	06/15/2017	19	Blagdon Hill	Site Preparation
11	17-150	06/16/2017	15	Blagdon Hill	Occupancy
12	17-151	06/16/2017	215	Bennetts Road	Wharf
13	17-152	06/16/2017	602	Indian Meal Line	Landscaping & Weeping Tile
14	17-153	06/20/2017	5	Eileen Place	Site Preparation
15	17-154	06/21/2017	474	Dogberry Hill Road	Single Dwelling
16	17-155	06/21/2017	1335-1343	Thorburn Road	Sewer Connection & Water Transfer
17	17-156	06/21/2017	1335-1343	Thorburn Road	Single Dwelling
18	17-157	06/21/2017	194-196	Tolt Road	Patio/Deck Enclosure



17-19 Hibbs Place Site Hazard Assessment

Town of Portugal Cove – St. Phillips

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St. John's, NL A1B 4H7 Canada
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exp.com

Date Submitted: July 4, 2017

Legal Notification

This report was prepared by **exp** Services Inc. for the town of **Portugal Cove – St. Phillips**.

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1 Background

On Wednesday, June 28, 2017 exp was contacted by Mr. Les Spurrell with the Town of Portugal Cove – St. Phillips (PCSP) regarding a site assessment for a property located at 17 – 19 Hibbs Place off Bauline Line Extension.

The Town has received complaints from property owners in this area regarding the condition of this property, in particular the condition of a partially completed extension to this dwelling. Some councilors have also expressed some concern about this property.

In discussion with Mr. Spurrell, it was agreed that the extent of this site assessment would be limited to a general assessment of the site and building extension regarding potential safety concerns. At this time detailed structural/building analysis would not be part of this work.

2 Site Visit Observations

On Friday, June 30, 2017 a site visit was performed by Adam Leahy, B.Eng who was accompanied by David Beckett from the Town's Building Development Department. The property owner was not present at the time of the site visit. The following are the observations made at that time:

2.1 General site

The site was littered with various refuse and building materials. Much of the lumber strewn about had nails protruding from it. This could be a source of foot injury without the proper protective footwear. This lumber should be cleaned up, nails removed and stored in a safe location.



2.2 Concrete Footing/Wall

A crack has formed in one location in the foundation for the new extension. This crack protrudes completely through this section of the concrete foundation. This may not be a structural issue, but if left in this condition will likely be a source of water intrusion through the foundation. The new foundation has not been backfilled. This should be done to prevent further foundation damage.



2.3

Septic Line

The septic line from the house is exposed. The septic tank and distribution box is also exposed and presently covered with a tarp. These sewer components are required to be backfilled once installed.



2.4

Building Materials in Extension

There are building materials stored on the second floor of the extension, and more lumber stored on the roof. These materials need to be secured in a safe location. The towns representative reported materials blowing off this extension during a recent wind storm and striking a neighboring property.



2.5 Ladders

There are ladders in place to the second floor and roof of the extension. Unless this is an active construction site, these ladders should be removed to prevent unauthorized use.



2.6 Openings in the Building Envelope

There are several openings in the building envelope that permit access by anyone wishing to enter. These opening are also sources of potential wind damage if left unsecured. Generally, access to any new construction site should be limited to owner and/or builder, to ensure the safety requirements of being on site are followed.



3 Assessment

The results of this site visit indicate this is more of a matter of construction site maintenance. It was, however, observed that the building structure is not constructed in accordance with the approved building plans as provided by the Town's representative. Further structural assessment would need to be conducted to confirm that the structural components are properly designed and constructed.

This site should be cleaned up, construction materials organized and secured in a safe manner.

The structure itself should be secured to prevent unauthorized access by others, especially children in the area. Further to this, the construction site itself should be secured so that any potential hazards are confined to a secured area that would be occupied only by the builder/owner.

4 Recommendations

4.1 Town Bylaws

The Town should research any property maintenance bylaws that may be applicable in this matter.

4.2 Building Permit Requirements

The building permit issued for this construction should be reviewed for compliance.

4.3 Legal advice

The Town may require legal advice on any desired actions to be taken against this property owner.



Rick Appleby, P.Eng.
Lead – Municipal Infrastructure



Adam Leahy, B.Eng.
Engineer

Protective Services Committee
APPENDIX A: TABLED MEO REPORT

PROTECTIVE SERVICES

June 27, 2017

- Made contact with RNC Community Services, regarding a meeting with Supt. Joe Boland
- Still trying to get authorization to check license plates, delays due to staff turnover at MVR.
- Speeding on Old Broad Cove Road ongoing,
- Complaints about activity on Summerwood, added to our patrols, in contact with RNC and Eastern Health to discuss options in dealing with Mental Health issues.
- Chesley Van Heights resident complaining about dog barking, still investigating.
- ATV's and Dirt Bikes contacting different MEOs in Province to see if they have had progress in dealing with this issue.
- Bennett's Road gravel Pit in operation after hours, under investigation
- Illegal dumping in Windsor Heights access road, trenching along farmers property line to stop access.

June 28 – July 11, 2017

- RNC traffic patrols in dedicated areas,
- Recreation programs are started more patrols.
- Service NL about the ability to check license plates.
- Fire Chiefs regarding radio in vehicle.



17-19 Hibbs Place
Site Hazard Assessment

Town of Portugal Cove – St. Phillips

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1 Background

On Wednesday, June 28, 2017 exp was contacted by Mr. Les Spurrell with the Town of Portugal Cove – St. Phillips (PCSP) regarding a site assessment for a property located at 17 – 19 Hibbs Place off Bauline Line Extension.

The Town has received complaints from property owners in this area regarding the condition of this property, in particular the condition of a partially completed extension to this dwelling. Some councilors have also expressed some concern about this property.

In discussion with Mr. Spurrell, it was agreed that the extent of this site assessment would be limited to a general assessment of the site and building extension regarding potential safety concerns. At this time detailed structural/building analysis would not be part of this work.

2 Site Visit Observations

On Friday, June 30, 2017 a site visit was performed by Adam Leahy, B.Eng who was accompanied by David Beckett from the Town's Building Development Department. The property owner was not present at the time of the site visit. The following are the observations made at that time:

2.1 General site

The site was littered with various refuse and building materials. Much of the lumber strewn about had nails protruding from it. This could be a source of foot injury without the proper protective footwear. This lumber should be cleaned up, nails removed and stored in a safe location.



2.2 Concrete Footing/Wall

A crack has formed in one location in the foundation for the new extension. This crack protrudes completely through this section of the concrete foundation. This may not be a structural issue, but if left in this condition will likely be a source of water intrusion through the foundation. The new foundation has not been backfilled. This should be done to prevent further foundation damage.



2.3

Septic Line

The septic line from the house is exposed. The septic tank and distribution box is also exposed and presently covered with a tarp. These sewer components are required to be backfilled once installed.



2.4

Building Materials in Extension

There are building materials stored on the second floor of the extension, and more lumber stored on the roof. These materials need to be secured in a safe location. The towns representative reported materials blowing off this extension during a recent wind storm and striking a neighboring property.



2.5 Ladders

There are ladders in place to the second floor and roof of the extension. Unless this is an active construction site, these ladders should be removed to prevent unauthorized use.



2.6 Openings in the Building Envelope

There are several openings in the building envelope that permit access by anyone wishing to enter. These opening are also sources of potential wind damage if left unsecured. Generally, access to any new construction site should be limited to owner and/or builder, to ensure the safety requirements of being on site are followed.



3 Assessment

The results of this site visit indicate this is more of a matter of construction site maintenance. It was, however, observed that the building structure is not constructed in accordance with the approved building plans as provided by the Town's representative. Further structural assessment would need to be conducted to confirm that the structural components are properly designed and constructed.

This site should be cleaned up, construction materials organized and secured in a safe manner.

The structure itself should be secured to prevent unauthorized access by others, especially children in the area. Further to this, the construction site itself should be secured so that any potential hazards are confined to a secured area that would be occupied only by the builder/owner.

4 Recommendations

4.1 Town Bylaws

The Town should research any property maintenance bylaws that may be applicable in this matter.

4.2 Building Permit Requirements

The building permit issued for this construction should be reviewed for compliance.

4.3 Legal advice

The Town may require legal advice on any desired actions to be taken against this property owner.



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Lead – Municipal Infrastructure



Adam Leahy, B.Eng.
Engineer