



Public Council Meeting
Tuesday, January 9, 2018 at 7:00 pm
Location: Council Chambers

1. Call of Meeting to order
2. Adoption of Agenda for January 9, 2018
3. Delegations/Presentations
4. Adoption of Minutes of December 19, 2017
5. Business Arising from Minutes
6. Committee Meeting Reports
 - a) Planning & Development Committee – Councillor Harding
 - Applications:
 - 1) Civic # 17 Mitchell's Road – Business (General Industry)
 - Correspondence:
 - 2) Minister of Municipal Affairs and Environment – Notice of Registration
 - 3) Eastern Newfoundland Regional Appeal Board – Decision of Appeal
 - Discussion:
 - 4) Single Dwellings off Right-of-Ways Amendment
 - 5) Amendment to Development Regulation # 10 (Discretionary Powers of Council)
 - Permits Issued:
 - 12) Permits issued from December 8th to December 28th, 2017
 - b) Recreation/Community Services - Councillor Stewart Sharpe
 - No meeting held, no report
 - c) Public Works - Councillor Bartlett
 - No meeting held
 - d) Economic Development, Marketing, Communications and Tourism - Councillor Neary
 - No meeting held, no report
 - e) Protective Services - Councillor Hanlon
 - No meeting held
 - f) Administration and Finance – Deputy Mayor Laham
 - 1) Accounts for Payment
 - 2) Murray's Pond Country Club Payment
 - 3) Financial Support
7. Correspondence for December 18, 2017 to January 5, 2018
8. New/General/Unfinished Business
9. Agenda items/Notice of Motions etc.
10. Adjournment



DELEGATIONS / PRESENTATIONS



MINUTES



TOWN OF PORTUGAL COVE-ST. PHILIP'S

December 19, 2017

Regular Public Council Meeting 7:00 p.m.

IN ATTENDANCE:

Mayor
Deputy Mayor
Councillors:

Carol McDonald
Jeff Laham
Dave Bartlett
Darryl J. Harding
Johnny Hanlon
Madonna Stewart Sharpe
Gail Tucker
Les Spurrell
Claudine Murray

Director of Public Works
Planning Technician
Deputy Town Clerk

Mayor McDonald called the meeting to order, welcomed the gallery of 15 persons in attendance, noting regrets and best wishes for Councillor Neary.

DELEGATIONS/PRESENTATIONS

- None for this meeting

ADOPTION OF AGENDA

Motion: Hanlon/Bartlett
2017-524 Resolved that the agenda dated December 19, 2017, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Bartlett/Hanlon
2017-525 Resolved that the minutes of December 5, 2017 be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

- None for this meeting

COMMITTEE REPORTS**Planning & Development Committee Report of December 12, 2017– presented by Councillor Harding**

1. Civic # 12-16 Western Heights – Accessory Building

Motion: Harding/Laham

2017-526 Resolved that the application to construct an accessory building at Civic # 12-16 Western Heights be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

2. Department of Fisheries and Land Resources – Crown Land Application Referral (Civic # 773 Indian Meal Line)

The Planning Department is in receipt of a referral related to an application for Crown land for the purpose of commercial development (topsoil screening and mulch production).

Motion: Harding/Hanlon

2017-527 Resolved that Council correspond with the Department of Fisheries and Land Resources advising that the Town recommends approval of the application for Crown Land at Civic # 773 Indian Meal Line as per Appendix A: Tabled Report.

Carried Unanimously

3. Department of Fisheries and Land Resources – Crown Land Application Referral (Civic # 775-783 Indian Meal Line)

The Planning Department is in receipt of a referral related to an application for Crown land for the purpose of commercial development (tractor storage and repair shop).

Motion: Harding/Laham

2017-528 Resolved that Council correspond with the Department of Fisheries and Land Resources advising that the Town recommends approval of the application for Crown Land at Civic # 775-783 Indian Meal Line as per Appendix A: Tabled Report.

Carried Unanimously

4. Department of Fisheries and Land Resources – Crown Land Application Referral (Civic # 372-374 Dogberry Hill Road)

The Planning Department is in receipt of a referral related to an application for a Crown land road reservation for the purpose of residential subdivision development.

Motion: Harding/Hanlon
2017-529 Resolved that Council correspond with the Department of Fisheries and Land Resources advising that the Town recommends approval of the application for Crown Land at Civic # 372-374 Dogberry Hill Road as per Appendix A: Tabled Report.

Carried For: Mayor McDonald, Deputy Mayor Laham, Clr. Hanlon, Clr Harding, Clr. Stewart Sharpe
 Against: Clr. Bartlett

5. Department of Fisheries and Land Resources – Crown Land Application Referral (Civic # 1783-1795 Portugal Cove Road)

The Planning Department is in receipt of a referral related to an application for Crown land for the purpose of residential agriculture (vegetable garden).

Motion: Harding/Bartlett
2017-530 Resolved that Council correspond with the Department of Fisheries and Land Resources advising that the Town recommends approval of the application for Crown Land at Civic # 1783-1795 Portugal Cove Road as per Appendix A: Tabled Report.

Carried Unanimously

6. Advisory Committee on the Environment – Concerns Regarding Development Around Waterbodies

The Planning Department is in receipt of correspondence expressing concerns regarding development activity in close proximity to waterbodies.

The Committee advised Staff to correspond stating that any development permitted within 30m of waterbodies would require approval from Council in accordance with Development Regulation 49 (Non-Conforming Use) or Fisheries and Oceans Canada and Council in accordance with Schedule E: Environmental Protection Overlay.

7. Civic # 69-75 Tolt Road – Complaint Regarding Rodent Traps on Property

The Planning Department is in receipt of correspondence from a property owner expressing safety concerns regarding rodent traps discovered on their property that they believe were placed by their neighbour.

The Committee advises Staff to correspond with the resident advising that this is a private matter between property owners that the Town would not become involved with.

8. Chesley-Van Heights Stage V – Final Acceptance

Motion: Harding/Laham
2017-531 Resolved that Council grant final acceptance of roads, as per Section 4.6 (Services and Works Vesting in the Town) of the Residential Subdivision Agreement for Stage V of the Chesley-Van Heights Residential Subdivision (dated May 8th, 2015) as per legal documentation submitted to the Town by the Developer.

Carried Unanimously

9. Windsor's Gate Stage I – Final Acceptance

Motion: Harding/Bartlett
2017-532 Resolved that Council grant final acceptance of roads and infrastructure, as per Section 4.6 (Services and Works Vesting in the Town) of Residential Subdivision Agreement for Stage I of the Windsor's Gate Residential Subdivision (dated June 26th, 2014) as per legal documentation submitted to the Town by the Developer.

Carried Unanimously

10. Baccalieu Horizon Stage I – Final Acceptance

Councillor Hanlon left the meeting prior to discussion of Item #10 for a conflict of interest whereas he has a monetary interest directly or indirectly in the matter.

Motion: Harding/Stewart Sharpe
2017-533 Resolved that Council grant final acceptance of roads and infrastructure, as per Section 4.6 (Services and Works Vesting in the Town) of Residential Subdivision Agreement for Stage I of the Baccalieu Horizon Residential Subdivision (dated September 15th, 2011) as per legal documentation submitted to the Town by the Developer.

Carried Unanimously

Councillor Hanlon returned to the meeting after discussion of Item # 10.

Items # 13 through 21 are other items that were discussed at the Committee's meeting. Detailed information regarding these items can be found in Appendix A: Tabled Report.

22. Permits Issued

There were twenty (20) permits issued from November 24th to December 7th, 2017 as per Appendix A: Tabled Report.

Recreation & Community Services Committee

- No meeting held

Public Works Committee Report for December 13, 2017 – presented by Councillor Bartlett

1. Sidewalk Snow Clearing & Ice Control Policy

Staff inquired with Committee as to whether there was any feedback on the draft Sidewalk Snow Clearing & Ice Control Policy previously shared with Committee. Staff were asked to distribute the draft policy via email to Committee of the Whole for discussion, with feedback to be brought back to Committee for the intended future adoption of the policy. Areas discussed for sidewalk snow clearing and ice control included school zones and select arterial and collector roads.

2. Traffic Calming Review Reports

Traffic calming reviews were completed on three roads in 2017 – Country Garden Road, Olivers Pond Road and Western Gully Road.

The report on Country Garden Road indicated (1) there is a minor shortcutting issue on Country Garden Road; (2) there is no significant speeding issue on Country Garden Road; (3) the Town's Speed Zone Policy recognizes this street as a local residential street which should have a posted speed limit of 50 km/hr; (4) Country Garden Road does not qualify for traffic calming due to its low average daily traffic volumes; (5) it is recommended that no traffic calming measures be installed on Country Garden Road. Staff inquired whether Committee was in agreement with the direction of the report. Committee indicated the recommendations of the report should be followed.

As per the July 12, 2017 Public Works Committee report, the review for Olivers Pond Road indicates that traffic volumes on this road are very low, however there are some concerns with localized speeding. The speed limit was assessed based on the Town's new speed limit policy and it has been determined that the speed limit should be set at 50 km/hr.

Western Gully Road met the threshold to proceed to the next steps of the Town's traffic calming policy, however that is at Council's discretion. Staff will request a quote to proceed with the next steps from Harbourside Consulting to inform the decision making process. The speed limit for this road was assessed and it was determined that the speed limit should remain at 40 km/hr.

Committee indicated it would like to set up public meetings for residents of each of the areas to discuss the findings. Public Works staff will engage the Town's communications staff on this.

Note: Mayor McDonald requested the Committee re-examine the new speed limit with Harbourside Transportation Consultants.

3. 27 Emberleys Road

This item was referred to the Public Works Committee from the Planning & Development Committee. Committee was advised that the Planning & Development Committee decided that an embankment sloping issue adjacent to 27 Emberleys Road needed to be addressed by the

Town. This item was referred to Public Works as it is felt to be a roads maintenance issue. The request involves the construction of a 4' high chain link fence at the top of the slope, along the property boundary of 27 Emberleys Road. An agreement will need to be executed with the property owner to indicate no future maintenance or liability requirements on the part of the Town. Staff will obtain quotes for this work, which will be brought back to Committee for approval to proceed with this work. The work is expected to be completed in the spring of 2018.

4. Newbury Street Turning Restrictions

Committee requested that staff extend the timeframe for the turning restrictions from Portugal Cove Road onto Newbury Street to include between 3pm and 6pm. The report recommendations indicated 4 pm to 6 pm.

Economic Development, Marketing, Communications & Tourism report of December 14, 2017 – presented by Councillor Stewart Sharpe

1. Advisory Committee Updates

a. ACE:

The Committee reviewed a proposal obtained by ACE from Gemtec Consulting for testing Millers Pond. The Committee will consider this proposal as a part of the 2018 budget, and will obtain additional quotes or bids through an RFP process. There will be public engagement with residents in the area.

The Committee reviewed the request from Glenn Sharp to join ACE:

Motion: Stewart Sharpe/Bartlett
2017-534 Resolved that Glenn Sharp be appointed to the Advisory Committee on the Environment.
 Carried Unanimously

b. Heritage Committee:

The Fanny Goff Memorial official opening will take place in the spring when the weather will accommodate a special event. The Heritage Committee is currently exploring partnerships with the new school on how to promote heritage to the students of Brookside Elementary.

The Committee reviewed the request from Ed Bonnell to join the Heritage Committee:

Motion: Stewart Sharpe/Harding
2017-535 Resolved that Ed Bonnell be appointed the Heritage Committee.
 Carried Unanimously

2. General Communications

The Committee discussed a number of general communications issues. It is expected that as a part of the service level review there will be new standards developed, specifically in terms of response times from public inquiries. In addition, recommendations were made on internal communications including a new standardized format for Committee reports. This will be brought forward to management for action.

3. Information from Resident

There have been some complaints regarding emails being inappropriately screened out during our email security screening. Triware will be engaged to try and mitigate these concerns while maintaining appropriate levels of security.

4. Agriculture

The Committee further discussed the budget submission from the Agriculture Group and potential for agri-tourism in PCSP. In addition, staff is currently looking into potential areas of support including the strategic plan and joint projects. More specifically, the Agriculture community will be consulted on a potential project in partnership with MMSB to help reduce waste and promote composting.

5. Chamber of Commerce

The Committee discussed correspondence from the Chamber regarding the creation of a Task Force. This will be discussed with the whole of Council for further action.

6. Ran Lab – Statistical Analysis

The next phase of analysis of the perceptions and demographics survey completed by the majority of municipalities in the Northeast Avalon in 2015, has begun. This next phase is an extension of the original survey. The project is being funded primarily through ACOA and being completed regionally through MNL. The Harris Centres Regional Analytics Laboratory will be doing the analysis which will include population projections and the implications changing demographics has on municipal program and service delivery, industry, business, residents and economy. This was part of the 2017 budget at a cost of \$2500.

7. Town Signs Proposal

The Town has received a proposal from Tract Consulting for sign development and wayfinding in PCSP. The proposal will be shared with the Chamber of Commerce to get business feedback and their input on the project.

Protective Services Committee Report of December 12, 2017 – presented by Councillor Hanlon

1. Commissionaires – Municipal Enforcement

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

The Committee discussed the option of towing vehicles in violation of regulations. Once you tow a vehicle you own it with regards to liability. The Public Works Coordinator will be making contact with Avalon Towing to discuss towing options and storage on their facility.

The Committee is following up with the Minister on progress with ticketing ability. Update will be brought back to Committee.

The Committee discussed the Commissionaires purpose and contract with the Town. More detailed information will be provided through the Committee reports to assist with a better understanding of their direction and activities.

2. FES Updates

Responses: 1

- 5 Medical calls: Nov. 28, Dec. 3, 5, 10, 12
- 1 extra service call Dec. 1, smoke alarms sounding
- 1 residential alarm bells Dec. 1

Training:

- Dec. 4 Leadership
- Dec. 11 Personal Care home familiarization and pre-planning with DC Sharpe

FD General Meeting (&SWOT): Dec. 7 – Mayor McDonald, Councilor Neary and Councilor Hanlon visited with members of the Department during the General Meeting.

Other Activity: Christmas tree lighting and fireworks display on Nov. 28; Chiefs read to students at Beachy Cove Elementary on Nov. 29; supporting the Recreation Dept. with FD pickup PCSP Christmas Parade on Dec. 3; Dec. 11 visited personal care home for familiarization and Christmas visit, presented patients with Christmas stockings; FD Christmas party on Dec 8.

The Committee discussed submission of a capital funding request to FES-NL in 2018. A reminder will be added to the Protective Services agenda.

The Committee also discussed the budget submission made to Council for 2018 Fire Department budget considerations and provided further detail on capital requests. The information sheet provided by the Chiefs has been tabled as Appendix B: 2018 Capital Asks/Action Plan.

Admin. and Finance Committee Report of December 12, 2017 - presented by Deputy Mayor Laham

1. Accounts for Payment

Councillor Harding left the meeting prior to discussion of Item #1 for a conflict of interest whereas he has a monetary interest directly or indirectly in the matter.

Motion: Laham/Bartlett
2017-536 Resolved that Council approve payment of regular accounts in the amount of \$44,439.68 and capital accounts in the amount of \$303,400.67 for a total of \$ 347,840.35 as tabled.
Carried Unanimously

Councillor Harding returned to the meeting after discussion of Item # 1.

2. Meadow Heights Change order

A motion to increase the amount of the Meadow Heights contract was deferred from the December 5th Administration and Finance report. With further information received, the committee puts forward the following motion:

Motion: Laham/Hanlon
2017-537 Resolved that Council approve change order number 009 for project number 1612-2, Meadow Heights Sanitary Sewer Servicing project, increasing the amount of the contract by \$119,624.76 plus HST.
Carried For: Mayor McDonald, Deputy Mayor Laham, Clr. Bartlett, Clr Hanlon, Clr. Stewart Sharpe
Against: Clr. Harding

3. Resident request

Committee discussed correspondence received December 9th from a resident on Meadow Heights with water quality issues. The resident claims the issue is caused by the installation of waste water lines on his street. The request is asking the Town to provide a home inspection of water quality and, if need be, because of a poor result from the inspection, for the Town to pay excavation fees to connect the resident to the municipal water supply.

The Town Manager will follow up with the resident for details and clarification.

4. Budget

Budget presentations were given the Council and further discussions are ongoing.

5. 2018 Council Meeting Dates

Committee meeting week begins January 3rd and Council meetings begin January 9th as noted in the tabled Calendar.

Motion: Laham/Bartlett
2017-538 Resolved that Council approve and adopt the 2018 Council Meeting Calendar with Council meetings for 2018 held every second Tuesday commencing on January 9th and that public notice will be posted at the Town Hall and on the Town's website.
Carried Unanimously

CORRESPONDENCE

Council Correspondence for December 4 - 15, 2017

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
December 5 2017	Municipalities of NL	2018 Budget Consideration	Council
December 7 2017	Minister Eddie Joyce	St. John's Regional Urban Region Regional Plan	P&D
December 7 2017	Resident	Application to build on Indian Meal Line	P&D
December 8 2017	Resident	Water Supply issue	A&F
December 12 2017	Municipal Assessment Agency	2017 Board Update	Council
December 14 2017	Resident	Requesting to Join Ace Team	EDMCT
December 15 2017	Stewardship Association of Municipalities	2018 Budget considerations	EDMCT
December 15 2017	Chamber of Commerce	Economic Blueprint for NL	Will be sent to EDMCT

NEW/GENERAL/UNFINISHED BUSINESS

1. Year-end staff appreciation

Motion: Laham/Harding

2017-539 Resolved that, as per past practice, that Council approve payment of the year-end staff appreciation for 2017.

Carried Unanimously

AGENDA ITEMS/NOTICE OF MOTION

1. Single Dwellings off Right-of-Way's

The Planning & Development Committee puts forward notice that a motion will be presented at the first public Council meeting in 2018 to complete an amendment to the Town's Municipal Plan and Development Regulations to allow development of single dwellings off right-of-way's within the Traditional Community Zone that are identified in legal documentation to have existed prior to amalgamation of Portugal Cove-St. Philip's.

2. Amendment to Development Regulation # 10 (Discretionary Powers of Council)

The Planning & Development Committee puts forward notice that a motion will be presented at the first public Council meeting in 2018 to complete an amendment to Development Regulation 10 (Discretionary Powers of Council) within the Town's Development Regulations to allow Council, at their discretion, to grant approval in principle to proposals that do not comply with the Town's Municipal Plan & Development Regulations with consideration of applicable reports and/or recommendations as identified within the Regulation.

The Committee Chairperson will refer the proposed amendment to the Committee of the Whole meeting for discussion.

ADJOURNMENT

Motion: Bartlett/Hanlon
2017-540 Resolved that this meeting be adjourned. Time is 7:37 pm.
Carried Unanimously

Carol McDonald, Mayor

Claudine Murray, Deputy Town Clerk

Appendix A – Planning and Development Committee Report



BUSINESS ARISING



PLANNING & DEVELOPMENT

Planning and Development Committee Report

January 4th, 2018

In Attendance: Councillor Johnny Hanlon (Chairperson)
Deputy Mayor Jeff Laham (Items # 1-4 & 8-12)
Mayor Carol McDonald (Items # 5-7)
Ashley MacKinnon, Planning Technician
David Beckett, Development Control Officer

Also in Attendance: Mayor Carol McDonald (Items # 1-4 & 8-12)
Councillor Tina Neary
Councillor Dave Bartlett (Items # 1-3, & 8)
Chris Milley, Town Manager/Engineer

Motion: **1. Civic # 17 Mitchell's Road – Business (Sawmill)**
The Committee recommends that the application to establish a general industry business (sawmill) as a home occupation at Civic # 17 Mitchell's Road be granted approval in principle as per Appendix A: Tabled Report.

2. Minister of Municipal Affairs and Environment – Notice of Registration

The Planning Department is in receipt of correspondence from the Minister of Municipal Affairs & Environment notifying the Town that Development Regulations Amendment No. 4, 2017 (Street Length) has been registered.

Notice of the registration was published in the Newfoundland and Labrador Gazette on Friday, December 29, 2017 and in The Telegram on Saturday, December 30, 2017, and was posted at the Town Office and on the Town website. The Amendment came into effect on the date that the notice appeared in the Gazette.

Item Submitted for Information.

3. Eastern Newfoundland Regional Appeal Board – Decision of Appeal

The Planning Department is in receipt of a decision of the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against Council's decision to issue a Removal Order on a dwelling extension at Civic # 10-12 Hilltop Lane that was constructed beyond the specifications of the Building Permit issued.

The Board concluded that the Town acted in compliance with the Urban and Rural Planning Act, 2000 when issuing and providing notice of the Order. The Board ordered that Council's decision be confirmed.

Item submitted for information. Updated photos of the dwelling extension will be presented at the next Committee meeting for further discussion regarding the outstanding Order.

4. Single Dwellings off Right-of-Way's Amendment

As per a Notice of Motion given at the December 19th, 2017 Public Council Meeting, the Planning and Development Committee submits the following:

Motion: The Committee recommends that Council complete an amendment to the Town's Municipal Plan and Development Regulations (as per Appendix A: Tabled Report) to allow development off right-of-way's within the Traditional Community Zone that are identified in legal documentation to have existed prior to amalgamation of Portugal Cove-St. Philip's.

5. Amendment to Development Regulation # 10 (Discretionary Powers of Council)

As per a Notice of Motion given at the December 19th, 2017 Public Council Meeting, the Planning and Development Committee submits the following:

Motion: The Committee recommends that Council complete an amendment to Development Regulation 10 (1) (Discretionary Powers of Council) of the Development Regulations (2014-2024) (as per Appendix A: Tabled Report) to add the words "or non-conformity" to the last sentence of this Regulation.

Items # 6 through 11 are other items that were discussed at the Committee's meeting. Detailed information regarding these items can be found in Appendix A: Tabled Report.

12. Permits Issued

There were thirteen (13) permits issued from December 8th to December 28th, 2017 as per Appendix A: Tabled Report.

**Appendix A: Tabled Report
January 4th, 2018**

Applications:

Item # 1:

**Civic # 17 Mitchell's Road
Business (General Industry)
Zoning: Traditional Community (TC) – Unserviced**

The Committee recommends that the application for Civic # 17 Mitchell's Road be granted approval in principle, permitting the establishment of a general industry business (sawmill) as a home occupation. Approval in principle is subject to operation of the sawmill on Monday to Saturday no later than 7pm, no operation on Sunday, and in accordance with the Town's Noise Regulations, 2015. Approval in principle is subject to approval from the Department of Fisheries and Land Resources. 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 TC-2 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Traditional Community, and Schedule D: Off-Street Parking Requirements.

The Administrator recommended that Council use their discretion to grant approval in principle to this application.

Discussion:

Item # 4:

Single Dwellings off Right-of-Way's

The following details will serve as the framework for the proposed amendment and will be forwarded to the Town's Consultant Planner for their review and processing. Once completed by the Planner, the final draft of the proposed amendment will be presented to the Planning & Development Committee and Council for their review prior to adoption and public consultation.

- 1)** Deleting ~~with highlighted-strikeout~~ and **Adding** the following to Section 3.4.3 (Traditional Community):

Policy TC-5 **Where a vacant lot exists which is of sufficient size but does not have the required frontage on a public road, development may be permitted at the discretion of Council. In such cases, the following requirements shall be met:**

- **The lot is accessed through a public or traditional right-of-way that is identified within legal documentation to have existed prior to the amalgamation of Portugal Cove-St. Philip's on February 1, 1992;**
- **To ensure that Council can meet its responsibility for public safety and emergency access, dwellings located off a right-of-way shall be located no more than 60 meters (196.85 feet) from a public road;**

- The lot must be serviced with municipal water and/or sewer services, if available;
- The public or traditional right-of-way will not be included for the purpose of calculating the required lot area;
- Council shall be satisfied that the development will not detract or restrict other types of development on abutting lands;
- Approval of any development shall not affect the legal conformity of any existing lots, and;
- With the exception of frontage on a public road, the lot and dwelling must comply with the standards established in Schedule C: Traditional Community of the Development Regulations.

Preservation of Built & Natural Heritage

Policy TC-56 Council will encourage the preservation of the overall built and natural community form as well as individual buildings that have heritage significance.

Policy TC-67 In reviewing new development proposals, Council shall ensure that new buildings and site developments will be of a scale, mass and architectural style that will not detract from surrounding heritage buildings and the general character and scale of the surrounding area.

Policy TC-78 Council will cooperate with landowners to identify new or enhanced uses for older buildings and will make owners aware of public programs aimed at preserving built heritage.

Policy TC-89 Council shall pursue a program of identifying and preserving traditional walking trails and hiking trails in the Traditional Community designation. Particular attention will be paid to preserving public access to beaches and shoreline areas.

Policy TC-910 Council shall respect the historic built tradition in areas designated as Traditional Community by considering on a discretionary basis residential infill development on 'minor' steep slopes where it would otherwise not be permitted under the Town's requirements, and where such sloping lands are not designated as Restricted by the St. John's Urban Region Regional Plan. A qualified geotechnical/ engineering consultant report may be required by Council from the development applicant to support the residential infill proposal. This exception to steep slope development does not include residential subdivision developments that would require the mass removal of material (such as soil, sand, gravel, rock or other aggregate material) from the development site.

Policy TC-1011 Council recognizes and supports, and will maintain throughout the life of this Municipal Plan, traditional fisheries operations within the Portugal Cove and St. Philip's waterfront, including existing wharf offloading facilities for crab, lobster

and cod, and related onshore fisheries facilities.

2) Adding the following to Schedule A: Definitions:

TRADITIONAL RIGHT-OF-WAY: means a defined route across private or public land that may be followed by those having legal right to pass over the right-of-way to access property and is located within the Traditional Community Zone. A traditional right-of-way is not publicly maintained.

3) Adding the following to Schedule C: Traditional Community:

(13) Development off Right-of-Ways

Where a vacant lot exists which has access to a public street through a public or traditional right-of-way and is of sufficient size for a building lot, development of a single dwelling may be considered at the discretion of Council provided the following conditions are met:

- (a) Only single dwellings may be permitted;
- (b) The applicant/developer must provide legal documentation to the Town, prior to consideration of the application by Council, confirming that they have direct access to and legal right to the public or traditional right-of-way which will transfer with the lot forever more;
- (c) Where there is potential for future development beyond 60 meters of the public road, the right-of-way to the public road shall be a minimum width of 15 meters (49.2 feet);
- (d) Where there is no potential for future development, the public or traditional right-of-way to the public road shall be a minimum of 6 meters (19.7 feet) in width;
- (e) The responsibility for construction, care, and maintenance of the public or traditional right-of-way shall be that of the property owner(s);
- (f) No municipal services (snow/ice control, garbage/recycling collection, etc.) shall be provided by the Town through a public or traditional right-of-way;
- (g) The dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of abutting properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, drainage, tree cover and soil conditions, and;
- (h) Due consideration will be given to any objections to the proposed development submitted in writing from abutting property owners who will be consulted prior to Council issuing an approval.

Item # 5:

Amendment to Development Regulation # 10 (Discretionary Powers of Council)

The following details will serve as the framework for the proposed amendment and will be forwarded to the Town's Consultant Planner for their review and processing. Once completed by the Planner, the final draft of the proposed amendment will be presented to the Planning & Development Committee and Council for their review prior to adoption and public consultation.

Adding the following to Development Regulation 10 (1) (Discretionary Powers of Council):

In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, shall consider any applicable report and recommendation submissions from a qualified consultant, shall further consider recommendations from the Town Engineer, and shall assess the general appearance of the development of the area, amenity of the surroundings, potential environmental effects, availability of municipal services and utilities, public safety and convenience, and any other considerations which are, in its opinion, material. Notwithstanding the conformity **or non-conformity** of the application with the requirements of these Regulations, Council may as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

Other Items Discussed:

Item # 6:

Civic # 593-595 Old Broad Cove Road – Application for Accessory Building

The Committee reviewed an application for an accessory building constructed at Civic # 593-595 Old Broad Cove Road which did not comply with the minimum side yard standard.

Staff advised the Committee that the applicant has submitted a revised proposal which complies with the Town's Municipal Plan & Development Regulations. As a result, the Committee advises Staff to process the application.

Item # 7:

Civic # 1082-1088 Thorburn Road – Application for Business (Convenience Store)

The Committee reviewed an application to establish a convenience store business within an existing commercial building at Civic # 1082-1088 Thorburn Road. The building is located within the Protected Watershed and Residential Low Density zones which convenience store is listed as a Discretionary Use in Residential Low Density.

At the December 12th, 2017 Committee meeting, this application was held pending review by the Committee of the Whole. Due to the holiday break, the Committee of the Whole has not yet met. The Committee requests that this application be further held pending this review.

Item # 8:

Civic # 1539A Portugal Cove Road – Application to Subdivide Property and Construct a Single Dwelling and Accessory Building

The Committee reviewed an application to subdivide property and construct a single dwelling and accessory building at Civic # 1539A Portugal Cove Road.

The Committee advised Staff to contact the applicant regarding further information regarding an adjacent road reservation.

Item # 9:

Civic # 220 Dogberry Hill Road – Request to meet with the Committee

On December 12th, 2017 the Committee met with Developers and discussed three potential concept plans for an unserviced residential subdivision at Civic # 220 Dogberry Hill Road or Civics # 220 and 244 Dogberry Hill Road.

At the December 12th, 2017 Committee meeting, the proposals were referred to the Committee of the Whole for comment. Due to the holiday break, the Committee of the Whole has not yet met. The Committee requests that this item be held pending completion of the review.

Item # 10:

Civic # 258-260 Witch Hazel Road – Request to meet with the Committee

On December 12th, 2017 the Committee met with Developers and discussed three potential concept plans for an unserviced or semi-serviced residential subdivision at Civics # 256 and 270-282 Witch Hazel Road.

At the December 12th, 2017 Committee meeting, the proposals were referred to the Committee of the Whole for comment. Due to the holiday break, the Committee of the Whole has not yet met. The Committee requests that this item be held pending completion of the review.

Item # 11:

Steep Slope Regulations

The Committee discussed regulations regarding development within steep slope areas identified within Schedule E: Environmental Protection Overlay.

The Committee requests that this item be held for discussion at the next meeting.

Permits Issued:

Item # 12:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-383	12/08/2017	472	Dogberry Hill Road	Occupancy
2	17-384	12/11/2017	58-60	Ayres Lane	Single Dwelling (Replacement Permit)
3	17-385	12/14/2017	23-25	Hogan's Pond Road	Finish Basement
4	17-386	12/14/2017	11	Willow Bend Close	Occupancy
5	17-387	12/14/2017	245-247	Oliver's Pond Road	Site Preparation
6	17-388	12/14/2017	10	Prince George Drive	Occupancy
7	17-389	12/15/2017	11	Kittiwake Place	Site Preparation
8	17-390	12/15/2017	17-21	Hogan's Pond Road	Occupancy
9	17-391	12/18/2017	1646-1648	Portugal Cove Road	Patio/Deck
10	17-392	12/20/2017	184	Tucker's Hill Road	Accessory Building

11	17-393	12/21/2017	1120-1124	Thorburn Road	Dwelling Repairs
12	17-394	12/21/2017	153-179	Oliver's Pond Road	Subdivide Property
13	17-395	12/21/2017	11	Marie Place	Occupancy



Tabled items at end of
Council Package for:

PLANNING & DEVELOPMENT



RECREATION & COMMUNITY SERVICES



PUBLIC WORKS



Public Works Committee
January 3, 2018, 4:30pm

No meeting was held on this date.

Updates:

1. Snow Clearing & Ice Control Operations

Season is well under way with effective operations in place. The three rental loaders have been received and will remain in our fleet until end of April 2018. Sidewalk Snow Clearing and Ice Control Policy draft remains outstanding and will be scheduled to be discussed at the next Public Works Committee meeting.

2. Fire Hydrants – Snow Removal

As a reminder, following heavy snow fall, the Public Works staff will begin hydrant snow removal as soon as the Town's operators and Transportation and Works operators have completed their snow removal and pushback efforts – usually within two days. Should an emergency situation arise, there are equipment operators on standby at all times to provide assistance to the fire department.



**ECONOMIC DEV.,
MARKETING,
COMMUNICATIONS
& TOURISM**



PROTECTIVE SERVICES



Protective Services Committee

Thursday, January 04, 2018

4:00pm

No meeting was held but the Committee would like to provide the following update:

Protective Services Committee

TABLED MEO REPORT

Protective Services Committee:

Municipal Enforcement Report:

January 4, 2018

- ATV activity at Voisey's Brook, identified an area where the ATV gained entry into the park and drove unto the small ball field.
- Investigated a report of a Tractor trailer using the parking lot of Voisey's Brook to practice, spoke to driver and the owner of the truck and they were advised that this activity is not allowed on town property.
- Participated in the Santa Claus Parade.
- Completed first week of Animal Protection Enforcement training (Dec 4 – 8)
- Dealt with a contractor on Nearys Pond Road who was using a rock buster more than 4 hour per day. Issued a copy of the regulations and spoke to the resident who had filed the complaint.
- Dec 4th night patrol aided RNC in trying to locate a Person who may have been suicidal and was driving around the town.
- Developing business cards to place at a business that we have patrolled their business over night. Aim to develop positive relations with the business community.
- Attended Public meeting on Dec 19th with the RNC regarding public concerns in the Town.
- Responded to numerous alarms at Rainbow Gully and Voisey's due to high winds and issues with door sensors.
- 57 Snow Clearing Warning Tickets were issued after 12 am for the month.
- Addressed concerns of vehicles parked in the Boulder Lane area, a warning ticket was issued to a truck, area has been monitored regularly and no further instances have been reported. I explained to one resident how to report issues to the after-hour call center.



ADMINISTRATION & FINANCE



Administration & Finance Committee
Report of January 4th, 2017

In attendance:	Chairperson, Deputy Mayor Laham Councillor Stewart Sharpe Mayor McDonald Councillor Hanlon Counillor Bartlett Councillor Neary
Staff:	Chris Milley, Town Manager /Engineer Tony Pollard, Director of Financial Operations

1. Accounts for Payment

The Admin and Finance Committee met with Council as a Whole in conjunction with a Budget meeting. The Accounts for Payment document was reviewed.

MOTION: Committee recommends that Council approve payment of regular accounts in the amount of \$168,311.21 and capital accounts in the amount of \$18,734.67 for a total of \$187,045.88 as tabled.

2. Murray's Pond Country Club Payment

The Admin and Finance Committee has extracted the payment for Murray's Pond Country Club from the Accounts for Payment as Councillor Harding works at the establishment.

MOTION: Committee recommends that Council approve payment to Murray's Pond Country Club in the amount of \$7,107.93 as tabled.

3. Financial Support

MOTION: Committee recommends that Council increase it annual support of the Senior's Christmas Party from \$1,000 to \$1,500.

Accounts for Payment - January 4, 2018

REGULAR ACCOUNTS:

19304	11/30/2017	Baker Flooring	\$	5,606.28
		Remove exisiting flooring, supply & install new flooring		
RW 201711-4	12/21/2017	City of St. John's	\$	31,403.92
		Water consumption - Nov 2017		
CBC 0416619-19	01,01,2018	Cal Legrow Insurance		
		General , Umbrella , Fleet and E & O	\$	112,534.40
15108	12/1/2017	City of St. John's	\$	12,010.36
		Landfill use - Nov 2017		
2017645	9/12/2017	Shirrians Transportation	\$	6,756.25
		Busing for summer program, youth program, seniors programs		
		TOTAL REGULAR ACCOUNTS:	\$	<u>168,311.21</u>

CAPITAL ACCOUNTS:

2017214	11/30/2017	Newfoundland Design Associates Ltd.	\$	6,329.96
		Nearys Pond Road reconstruct		
2017213	11/30/2017	Newfoundland Design Associates Ltd.	\$	12,404.71
		Meadow hgts sewer services		
		TOTAL CAPITAL ACCOUNTS:	\$	<u>18,734.67</u>
		GRAND TOTAL:	\$	187,045.88



CORRESPONDENCE

Council Correspondence for December 18, 2017 to January 5, 2018

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
December 18 2017	Resident	Request for assistance with any connections to Provincial Government.	Mayor and Clr. Bartlett
December 7 2017	Canadian Wireless Telecommunications Association	Recycle my cell program	Council
December 7 2017	Conservation Corps	ECHO Program application	A&F
December 8 2017	Association for Community Living	Breakfast Fundraiser for February 23	Council



NEW/GENERAL/ UNFINISHED BUSINESS



AGENDA ITEMS/ NOTICE OF MOTIONS



Tabled items

PLANNING & DEVELOPMENT



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Office of the Minister

DEC 19 2017

COR/2017/05099

Mr. Les Spurrell
Planning and Development Coordinator
1119 Thorburn Road
Portugal Cove-St. Philips
St. John's, NL A1M 1T6

Dear Mr. Spurrell:

Development Regulations Amendment No. 4, 2017

I am pleased to inform you that the **Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 4, 2017** as adopted by Council on the 5th day of December, 2017 has now been registered.

Council must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The Amendment comes into effect on the date that this notice appears in the Gazette. The notice must also appear in a local newspaper.

The Newfoundland and Labrador Gazette is published every Friday. **Notices must be submitted a week in advance.** Council can submit the notice by email queensprinter@gov.nl.ca, by fax (729-1900) or by mail (Queen's Printer, P.O. Box 8700, St. John's, and NL, A1B 4J6).

Council's registered copy of the Amendment is enclosed. As it is a legal document, it should be reserved in a safe place.

Yours truly,

A handwritten signature in cursive script that reads "Eddie Joyce".

EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister

cc: Reginald Garland, MCIP, Plan-Tech Environment

Portugal Cove St. Philip's Planning and Development	
DEC 19 2017	
Rec. #:	_____
Amt. PD.:	_____
Initial:	<i>JS</i>

EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

DEC 21 2017

RECEIVED

URBAN AND RURAL PLANNING ACT, 2000

APPEAL

BETWEEN



Appellant

AND

Town of Portugal Cove-St. Philip's

Respondent

RESPECTING

Removal order-Dwelling extension

BOARD MEMBERS

Michelle Downey, Chair
Colleen Hanrahan, Member
Mary Thorne-Gosse, Member

DATE OF HEARING

December 8, 2017

IN ATTENDANCE

 – Appellant

Ashley McKinnon - Respondent

Les Spurrell- Respondent

Robert Cotter - Secretary to the Eastern Newfoundland Regional Appeal Board

Kim Blanchard- Technical Advisor to the Eastern Newfoundland Regional Appeal Board

DECISION

Facts/Background

On February 15, 2012, the Town Council of Portugal Cove-St. Philip's issued a conditional building permit to [REDACTED] for an extension to a dwelling located at 10-12 Hilltop Lane. The building permit ("Permit 12-023") granted permission to construct a dwelling extension (49.12 m²) for cold storage purposes. Further, the dwelling extension was to be used for personal use only. Officials of the Town became aware of construction at the site that was not in compliance with the permit issued. The Town issued a Stop Work Order on September 20, 2012. The Town Council issued a Removal Order on March 31, 2016 to the Estate of [REDACTED] regarding the extension to the dwelling at 10-12 Hilltop Lane.

Legislation, Municipal Plans and Regulations considered by the Board

Urban and Rural Planning Act, 2000

Minister's Development Regulations, NLR 3/01

Town of Portugal Cove-St. Philip's Municipal Plan and Development Regulations, 2014

Matters presented to and considered by the Board

Did the Town have the Authority to issue the Removal Orders for 10-12 Hilltop Place?

Officials of the Town Council of the Town of Portugal Cove-St. Philip's stated that the extension to the dwelling was larger than approved under the building permit. Under the *Urban and Rural Planning Act, 2000* the Town Council has the authority to issue stop work and removal orders.

102. Order

(1) Where, contrary to a plan or development regulations, a person has undertaken or commenced a building or other development, the council, regional authority or authorized administrator responsible for that plan or those regulations or the minister where he or she considers it necessary, may order that the person pull down, remove, stop construction fill in or destroy that building or development and may order that the person restore the site or area to its original state.

The Board finds that the Town Council had the authority to issue the Removal Order.

Did the Town of Portugal Cove-St. Philip's exercise its authority properly in the execution of the removal order?

The *Urban and Rural Planning Act, 2000* requires that a Town Council to give notice of the issuance of order.

107. Service

(1) Unless otherwise stated in this Act, a notice, order or other document required to be given, delivered or served under this Act is sufficiently given, delivered or served where delivered personally or sent by registered mail addressed to the person at the latest known address of that person.

The Removal Order was issued to the Estate of [REDACTED], applied for and was granted the building permit. The Board was advised by representatives of the Town of Portugal Cove-St. Philip's that the removal order was posted on the property at 10-12 Hilltop Lane on March 31, 2016, which [REDACTED] acknowledged at the hearing. Further, a copy of the Removal Order was sent by registered mail by the Town officials to the post office box associated with the property. [REDACTED] accepted delivery as verified by his signature on April 5, 2016.

The Board finds that the Town Council of Portugal Cove-St. Philip's complied with the provisions of the *Urban and Rural Planning Act, 2000* with respect to the providing notice of the issuance of the Removal Order.

Conclusion

In arriving at its decision, the Board reviewed the submissions and evidence presented by all parties along with the technical information and planning advice. The Board finds that the Town of Portugal Cove-St. Philip's acted in compliance with the *Urban and Rural Planning Act, 2000* when issuing the removal order and providing notice to [REDACTED].

The Board is bound by section 42 of the *Urban and Rural Planning Act, 2000* and therefore must make a decision that complies with the applicable legislation, policy and regulations.

The Board has the authority to make an order to confirm the decision of the Town Council of Portugal Cove-St. Philip's to issue the Removal Orders according to *Section 42(10) of the Urban and Rural Planning Act, 2000*.

-3-
Order

Based on hearing the parties and considering the evidence presented, the Board confirms the decision of the Town Council of Portugal Cove-St. Philip's to issue the Removal Order on March 31, 2016 to the Estate of [REDACTED] respecting the property situated at 10-12 Hilltop Lane.

The Board further orders that there will no order regarding reimbursement of the appeal filing fee of \$230.00 paid by the appellant.

The Town of Portugal Cove-St. Philip's and the appellant are bound by this decision of the Eastern Newfoundland Regional Appeal Board.

DATED at St. John's, Newfoundland and Labrador, this 14th day of December, 2017.



Michelle Downey, Chair
Eastern Newfoundland Regional Appeal Board



Colleen Hanrahan, Member
Eastern Newfoundland Regional Appeal Board



Mary Thorne-Gosse, Member
Eastern Newfoundland Regional Appeal Board