

Planning and Development Committee Meeting Minutes

Meeting #: Planning & Development Committee Meeting No. 22-07
Date: April 25, 2022
Time: 4:30 pm - 6:00 pm
Location: Zoom

Members Present **Councillor Hillier, Chair**
 Councillor Barrett
 Councillor Connors

Other Councillors Present **Mayor Bent**
 Deputy Mayor Gosse
 Councillor Hardy

Staff Present **Corrie Davis, Director of Planning and Development**
 Brian Crawley, Chief Administrative Officer
 John Whelan, Manager of Planning and Development

Others Present **Owners of a private property within the Town**

1. Development Applications

1.a 132 Swansea Street

The Committee discussed an application for a fence within the front yard of the noted property.

The Committee determined that the application complies with the Town's Fence Regulations in that there are a variety of front yard fences in the area. However, the proposed height of the fence on the application exceeds what the Town's Fence Regulations would permit. The Committee concurred to recommend approval of the application.

Recommendation:

Be it so resolved, that in accordance with Sections 15 of the Town's Fence Regulations, Application 1408 received on March 31, 2022 for a front yard fence along the northern side boundary and front boundary of 132 Swansea Street, be approved on condition that portions of the fence forward of the building line have a maximum height of 1.2m.

1.b 11 Chaytors Place

Prior to discussion on this item, Councillor Barrett requested that the Committee determine if he was in a conflict of interest with respect to this matter given the proximity of his residence to the subject property. The Committee determined that Councillor Barrett is not in a conflict of interest.

The Committee discussed an application for a fence at the property boundary adjacent to the flanking street side yard of the noted property.

The Committee determined that the proposed location of the fence along the property boundary of the side yard flanking street would not impact sight lines nor road maintenance operations and therefore recommended that the application.

Recommendation:

Be it so resolved, that in accordance with Council's discretionary authority at section 13(a) of the Town's Fence Regulations, Application No. 1437 dated April 7, 2022 for a fence to be built along the northern property boundary of 11 Chaytors Place abutting the road right of way, be approved.

1.c 5 Parmiters Lane

The Committee discussed an application for a fence within the front yard of the noted property.

The Committee determined that the application complied with the Town's Fence Regulations in that there are established front yard fences in the area. However, the proposed height of the fence on the application exceeds what the Town's Fence Regulations would permit for new construction of a front yard fence. The Committee recommended approval of the application as it is a repair to an existing non-conformity.

Recommendation:

Be it so resolved, that in accordance with Sections 15 of the Town's Fence Regulations, Application 1440 received on April 7, 2022 to repair and replace a front yard fence at 5 Parmiters Lane, be approved on condition that the property owner agree that no liability will attach to the Town for damages to the fence as a result of the Town's road and winter maintenance operations, and that repaired / replaced the fence be no higher than the existing fence.

Mayor Bent joined the meeting at approximately 4:43pm during the discussion of the preceding item.

1.d 27 Dawes Place

The Committee discussed an application to have a hobby farm at the noted property.

The Committee recommended the approval of the application on condition that the property owner must provide a manure management plan acceptable to the Town and register with the Provincial Farm Premises ID Program and provide proof of registration to the Town prior to issuing the permit.

Recommendation:

Be it so resolved, that in accordance with Council's discretionary authority at Sections 10.7 and 10.11.2 of the Town's Development Regulations, Application 1381 received on March 28, 2022 for a hobby farm use to keep ten laying hens at 27 Dawes Place, be approved on condition that no roosters be housed at the property, submission of an acceptable manure management plan and that the property register with the Provincial Farm Premises ID program.

1.e 29-37 Country Path Road

The Committee discussed an application to develop a ten-unit row dwelling at the noted property.

The Committee considered the submissions received in response to public notification of the application and determined that the application should

be referred to the province's Water Resources Management Division with respect to concerns about overflow from the adjacent waterway. The Committee also noted that storm water management on the site should be designed by a professional engineer and any upgrades to public storm water infrastructure will be the responsibility of the developer. The Committee concurred to recommend that the application be approved.

Recommendation:

Be it so resolved that, in accordance with Council's discretionary authority at sections 10.7 and 10.11.2 of the Town's Development Regulations, Application No. 1306 received on March 7, 2022 for development of a ten-unit row dwelling at 29-37 Country Path Road, be approved.

1.f 6 Easons Road

The Committee discussed an application for an extension to an existing accessory building at the noted property.

The Committee noted that the applicant has received verbal permission from the property owner of 34-54 Easons Road regarding the placement of the accessory building extension in relation to their boundary. The Committee considered the submission received in response to public notification of the application and determined that the concerns are either unrelated or are to be mitigated through completion of the construction.

Recommendation:

Be it so resolved that, in accordance with Section 5.3(3) of the Town's Development Regulations, Application #1116 received on December 3, 2021 for an 11m x 11.6m extension to an existing accessory building at 6 Easons Road, be approved.

1.g 27 Forest Road

The Committee discussed an application to replace an existing front yard fence.

The Committee determined that the application complies with the Town's Fence Regulations in that there are a variety of front yard fences in the area. However, the proposed height of the fence on the application exceeds what the Town's Fence Regulations would permit for new

construction of a front yard fence. The Committee therefore concurred to recommend approval of the application subject to the maximum height prescribed by the regulations.

Recommendation:

Be it so resolved, that in accordance with Sections 15 of the Town's Fence Regulations, Application 1575 received on April 14, 2022 for a front yard fence along the northern side boundary of 27 Forest Road, be approved on condition that the portion of the fence forward of the building line has a maximum height of 1.2m.

2. Notices Published

The Committee was advised the following notices are currently in circulation:

- 240-258 Anchorage Road: Re-zoning. Submission deadline April 28, 2022.
- 15 Heidi Crescent: rear yard variance. Submission deadline April 28, 2022.
- 12 Sandstone Street: height variance. Submission deadline April 28, 2022.
- 241 Spruce Hill Road: home based business & hobby farm. Submission deadline May 5, 2022.
- Municipal Plan Review: resident & business survey online.
- 13 Meagher Place: rear yard variance. Submission deadline May 5, 2022.
- 241 Spruce Hill Road: accessory building. Submission deadline May 5, 2022.
- 72 Oaken Drive: rear yard variance. Submission deadline May 5, 2022.
- 46 Millers Road: accessory building. Submission deadline May 5, 2022.
- 154 Forest Road: accessory building. Submission deadline May 5, 2022.
- 8-12 Tilley's Road South: front and rear yard variances. Submission deadline May 5, 2022.
- 56 Middle Ridge: accessory building. Submission deadline May 5, 2022.
- 20 Dennis Road: rear yard variance. Submission deadline May 5, 2022.
- 1285-1293 Conception Bay Highway: Re-zoning. Submission deadline May 12, 2022.

3. Non-Compliance

3.a

[REDACTED]

Privileged Legal Matter

[REDACTED]

Mayor Bent left the meeting at approximately 5:44pm during the discussion of the preceding item.

3.b

[REDACTED]

[REDACTED]

Privileged legal matter.

[REDACTED]




4. Planning Matters

4.a 512 Conception Bay Highway

The Committee reviewed a request to have a portion of the property re-zoned.

The Committee noted that the proposed changes do not contravene the policies of the Municipal Plan intended to protect the integrity of the adjacent waterway. The Committee recommended that the proposed re-zoning be progressed to the next step required by the Act, subject to review by Municipal and Provincial Affairs and the Water Resources management Division of the provincial Department of Environment and Climate Change.

Recommendation:

Be it so resolved that, in accordance with Section 15 of the Urban and Rural Planning Act, 2000, Municipal Plan Amendment No. 21 and Development Regulations Amendment No 39, 2022 for proposed re-zoning of a portion of the property at 512 Conception Bay Highway, be referred to the Department of Municipal and Provincial Affairs for determination of any provincial interests.

5. Information Items

5.a Builders Forum

A debrief was provided on what was heard at the 2022 Builders Forum and the Director noted that staff will review comments received and determine if a discussion is warranted on regulatory or process changes arising from feedback received at the Forum.

5.b 514 Conception Bay Highway

The Committee discussed an application for an expansion to the existing pet crematorium at the noted property. The Committee noted that staff are processing the application in accordance with Council's Delegation of Planning Authority Policy.

Deputy Mayor Gosse left the meeting after the discussion of the preceding item at approximately 7:17pm.

5.c Incinerator Road

The Committee discussed proposed re-zoning by the City of St. John's for land near Black Mountain Pond, Incinerator Road from the the Rural (RUR) Zone to the Mineral Working (MW) Zone, in order to consider a quarry at this location.

The Committee noted that the proposed re-zoning was for more than 500acres of land and expressed concern about the potential size of quarry development in the area.

After a discussion, the Committee concurred that the Town write to the City to request that the following concerns be considered with respect the proposed re-zoning:

- Impacts on nearby agricultural uses.
- Impacts on formal or informal ATV trails.
- Cumulative impacts of increasing quarry activity in the area of Incinerator Road
- The re-zoning should be incremental with proposed expansion of quarry activity to ensure that any reclamation or mitigation efforts for closed portions of the quarries are properly completed.
- Any waterways, waterbodies and wetlands should be excluded from the re-zoning.
- If developed, the expanded quarry should be managed to prevent siltation into the nearby tributaries of the Kelligrews and Lower Gullies Rivers.

5.d 375 Foxtrap Access Road

The Committee discussed an earlier approval of a hobby farm use at the noted property.

5.e Terminal Road

The Committee acknowledged that the Town had received notice that the Town was notified that an application to appeal J. Handrigan's decision to the Appeal Division of the Supreme Court of NL will be filed by Sunset Key Marina Inc. and the Advocates for the Responsible Development of Long Pond Inc.

7. Department Update

The Director provided an update on recent, current and upcoming activities and initiatives of the Department.

8. Committee Report

The Committee concurred to recommend that decisions and recommendations of the Committee be approved by Council.

Recommendation:

Be it so resolved that the decisions and recommendations made at the Planning and Development Committee meeting on April 25, 2022 be accepted as presented.

- Notices Published
- Builders Forum
- 514 Conception Bay Highway
- Incinerator Road
- 375 Foxtrap Access Road
- Terminal Road
- Department Update

There being no further business, the meeting was adjourned at 7:42pm.

Councillor Hillier, Chair

Corrie Davis, Director of Planning
and Development