

## **Planning and Development Committee Meeting Minutes**

Meeting #: 24-10  
Date: June 3, 2024  
Time: 4:00 pm - 6:12 pm  
Location: Zoom

**Members Present**      **Councillor Tilley, Chair**  
                                 **Councillor Moores**  
                                 **Councillor Hillier**

**Other Councillors Present**      **Deputy Mayor Gosse**  
   **Councillor Connors**

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

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**1. Safety Moment**

The Director provided a safety moment regarding the dangers of, and precautions for driving in heavy fog.

**2. Radon Testing Results**

The Committee confirmed a briefing for Councillors scheduled for 4:30p.m. on Wednesday June 5, 2024 regarding the results of the recent radon testing program that was undertaken within the Town.

### **3. Development Applications**

#### **3.a 135-137 Seal Cove Road, 7-17 Aprils Lane**

Prior to discussion of this item, Deputy Mayor Gosse noted that the documents referenced by the Director include a court decision involving a family member's company. The Committee considered the issue and determined that the Deputy Mayor was not in a conflict as the court decision was simply information to assist in understanding the consequences of the current situation.

The Committee discussed the challenges that the developer is experiencing with acquiring title to a portion of land necessary for development of the subdivision that was approved in principle.

The Committee noted that other developers have had to confirm title through Quieting of Titles application(s) to Supreme Court. The Committee also noted that in similar situations, the Town has been advised there is no authority for the Town to expropriate land on behalf of a private interest (be it a resident or a developer).

The Committee requested that staff continue discussions with the applicant and to offer the Town's assistance where it can within the constraints of law and Town resources.

#### **3.b 7 Kingsway Drive**

The Committee considered an application to park two commercial vehicles on a residential property and complaints that have been received with respect to commercial vehicle parking that was contrary an expired approval. After a discussion, the Committee concurred to make the following recommendation:

##### **Recommendation:**

Be it so resolved that, in accordance with Section 6(c)(iii) and Section 8 of the Town's Commercial Motor Vehicle Regulations, Application No. 3930 received on April 26, 2024, requesting a permit to park two commercial vehicles at the property of 7 Kingsway Drive, be refused.

**AND FURTHER:**

Be it so resolved that the Town seek to have the unpermitted parking of commercial vehicles and storage of any commercial materials at the property cease.

**3.c 583-585 Conception Bay Highway**

Councillor Tilley declared a conflict on this item stating that he lives in the general area. Councillor Tilley left the meeting during the discussion of this item between 4:32pm and 4:36pm. Councillor Hillier assumed the Chair in the absence of Councillor Tilley.

The Committee considered the Land Use Impact Assessment Report submitted in relation to proposed development of a residential subdivision at 583-585 Conception Bay Highway that would be accessed from Butlers Road South. After a discussion, the Committee concurred to make the following recommendation and that the report be posted online upon its approval.

**Recommendation:**

Be it so resolved that, in accordance with section 4.3.8 of the Town's Municipal Plan and section 4.15 of the Town's Development Regulations, the Land Use Impact Assessment Report and its recommendations related to the residential subdivision at 583-585 Conception Bay Highway, be approved.

**3.d 33-35 Bairds Lane**

Councillor Hillier declared a conflict with this item stating that he has family members that own property and live in the vicinity. Councillor Hillier left the meeting between 4:37pm and 4:40pm during the discussion of this item.

The Committee considered an application to subdivide property and after a discussion, concurred to make the following recommendation:

**Recommendation:**

Be it so resolved that, in accordance with sub section 4.9.2 of the Town's Development Regulations, Application No. 3936 received on April 29, 2024 for development of a single dwelling at 33-35 Bairds Lane, be deferred.

**AND FURTHER:**

Be it so resolved that, in accordance with sub section 5.2.3(2) of the Town's Municipal Plan and sub sections 4.5 and 10.11 of the Town's Development Regulations, Application No. 3936 received on April 29, 2024 for development of a four-unit row dwelling at 33-35 Bairds Lane, be refused, as there are no municipal sanitary sewer services available to the property.

**3.e 59 Villa Nova Road**

The Committee considered an application to renovate an existing boathouse and after a discussion, concurred to make the following recommendation:

**Recommendation:**

Be it so resolved that, in accordance with sub section 4.6 of the Town's Development Regulations, Application No. 4093 received on May 8, 2024 to renovate an existing boat house at 59 Villa Nova Road, be approved on condition that the height of the building not exceed 8m and that any sanitary sewage is to be discharged to an approved sanitary sewerage system.

**3.f 79-83 Chamberlains Road**

The Committee considered an application for a 10-unit grouped dwelling development and submissions received in response to public notice of the application. After a discussion, the Committee concurred to hold a public information session in the Greenslade Gallery of the Town Hall at 7pm on June 19, 2023 to allow the developer and residents to discuss the proposal with Council.

The Chief Administrative Officer left the meeting at approximately 4:57pm during the discussion of the preceding item.

**3.g 20-24 Anchorage Road**

The Committee considered an application for a seven-unit grouped dwelling development and the submissions received in response to public notice of the application. After a discussion, the Committee concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with Sections 10.7 and 10.11 of the Town's Development Regulations, Application No. 3754 received on March 29, 2024 for the development of a seven-unit grouped dwelling development at 20-24 Anchorage Road, be approved.

**3.h 723 Conception Bay Highway**

The Committee considered a request for variances with an application to subdivide property into three residential lots along with the submission received in response to public notice of the application. After a discussion, the Committee concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with Sections 3.12(1) and 10.11 of the Town's Development Regulations, Application No. 4009 received on May 10, 2024 to subdivide the property at 721-723 Conception Bay Highway into three residential building lots, be approved with variances to reduce both the building line setback and rear yard depth from 10m to 9m, for each of the proposed lots.

**3.i 116 Cherry Lane**

The Committee considered an application to subdivide property into two residential lots, with requested variances along with submissions received in response to public notice of the application. After a discussion, the Committee concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with sub sections 3.12(1) and 10.10 of the Town's Development Regulations, Application No. 3863 received on April 18, 2024 to subdivide the property at 114-116 Cherry Lane into two residential lots, with a variance to reduce the rear yard depth for the existing dwelling from 13m to 11.7m, and a variance to reduce the minimum lot area for the proposed lot fronting Herder Place from 680m<sup>2</sup> to approximately 639m<sup>2</sup>, be approved.

**3.j 16-18 Pine Tree Road**

Deputy Mayor Gosse declared a conflict with this item stating her company had been requested to provide a quote for work associated with the proposed development. Deputy Mayor Gosse left the meeting during the discussion of this item between 5:20pm and 5:21pm.

The Committee considered variance requests for an application to subdivide property into two residential lots along with the submissions received in response to public notice of the application. After a discussion, the Committee concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with sub sections 3.12(1), 4.6 and 10.11 of the Town's Development Regulations, Application No. 3920 received on April 29, 2024 to subdivide the property at 16-18 Pine Tree Road into two residential lots, with a variance to reduce the lot frontage of one lot from 15m to 14.78m, be approved, subject to submission and acceptance of a grading plan for the lots.

**3.k 1372 Conception Bay Highway**

The Committee considered a proposed hobby farm as an accessory use at the residential property along with the submissions received in response to public notice of the application. After a discussion, the Committee concurred to make the following recommendation.

**Recommendation:**

Be it so resolved, that in accordance with sub sections 10.7 and 10.10.2 of the Town's Development Regulations, Application No. 3829 received on April 11, 2024 for a hobby farm use to keep two hens and three beehives at 1372 Conception Bay Highway, be approved on condition that the property owner register with the Provincial Farm Premises ID program and subject to approval of accessory building (animal shelter).

**3.l 13 Nextor Place**

The Committee considered a proposed accessory building and after a discussion, concurred to make following recommendation.

**Recommendation:**

Be it so resolved, in accordance with sub section 5.2(2) of the Town's Development Regulations, application No. 3901 received April 24, 2024 for an accessory building (shed) at 13 Nextor Place, be refused in consideration that there is no main building on the property.

Councillor Moores left the meeting at approximately 5:29pm during the discussion of this item.

**3.m 6 Spruce Hill Place**

The Committee considered a repair and replacement of an existing fence, and after a discussion concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with section 13 of the Town's Fence Regulations, Application No. 4070 for a fence at 6 Spruce Hill Place, be approved subject to a maximum height of 1.8m on the flanking street boundary.

**3.n 46 Legion Road**

The Committee considered a proposed front yard fence and after a discussion, concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with section 15 of the Town's Fence Regulations, Application No. 3933 for a front yard fence at 46 Legion Road received on April 30, 2024, be approved subject to a maximum height of 1.2m.

**3.o 28-38 Steep Nap Road**

The Committee considered an application for a pool and after a discussion, concurred to make the following recommendation.

**Recommendation:**

Be it so resolved that, in accordance with sub sections 5.3.1 and 5.22 of the Town's Development regulations, Application No. 3898 received on April 23, 2024 for an in-ground pool at 28-38 Steep Nap Road, be refused in consideration that the pool is less than 3m from the dwelling on the property.

**3.p 6 Chaytors Place**

The Committee considered an application to operate a business from the accessory building on the residential property and after a discussion, concurred to make the following recommendation.

**Recommendation:**

Be it so resolved, that in accordance with sub sections 6.7.1 and 6.7.2 of the Town's Development Regulations, Application No. 3878 received April 24, 2024 for a business (mobile mechanic and snow clearing) to operate from an accessory building at 6 Chaytors Place, be refused in consideration that the type of business is prohibited and the applicant does not reside at the residence.

**AND FURTHER:**

Be it so resolved that the Town initiate a non-compliance file seeking to have unapproved business operations at 6 Chaytors Place cease.



## **4. Planning Matters**

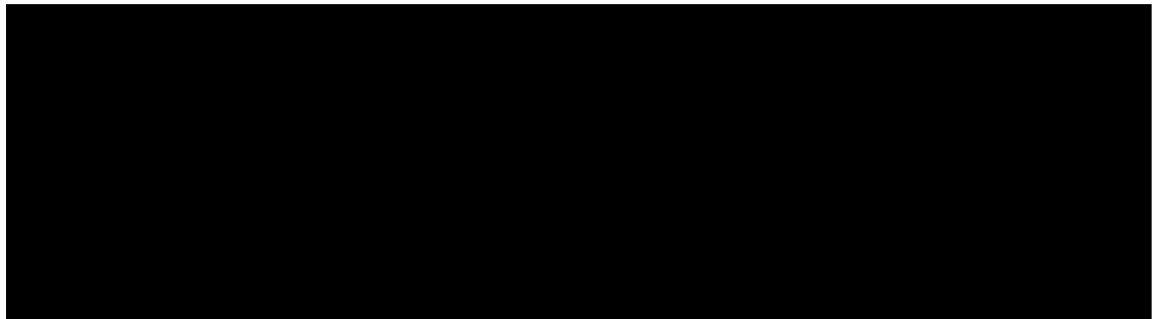
### **4.a Municipal Plan Review**

The Committee reviewed the Consultant's May 2024 Progress Report and the schedule for engagement on the draft Municipal Plan and Development Regulations.

## **5. Non-Compliance**

### **5.a 2410 Topsail Road**

Priviledged Item - Legal



## **6. Information Items**

### **6.a Amendments**

The Committee was advised that several amendments to Municipal Plan and Development Regulations were registered by the Minister of Municipal and Provincial Affairs and the resulting re-zonings for the following properties came into legal on the noted dates.

- 1496 Conception Bay Highway re-zoning: Complete, in legal effect on May 24, 2024
- 1440 Conception Bay Highway re-zoning: Complete, in legal effect on May 31, 2024
- 2-10 Buckleys Path re-zoning: Registered, pending legal effect on June 7, 2024
- 1659 Conception Bay Highway re-zoning: pending registration by MAPA
- 705 Conception Bay Highway & 10-14 Jeffers Lance re-zoning: pending registration by MAPA

Councillor Connors noted that he had declared a conflict with respect to previous discussions of re-zoning 1440 Conception Bay Highway. The Committee noted this item is for information and whereas there is no discussion or direction required, there is no conflict.

### 6.b Appeals

The Committee was advised of the status of development decision appeals as noted below.

<b>Filing Date</b>	<b>Civic</b>	<b>Street</b>	<b>Hearing Date</b>	<b>Decision</b>
11-Jul-23	92	Cherry Lane	29-May-24	Pending
02-Jan-24	11	Dannic Place	29-May-24	Pending
07-Feb-24	71	Greenslades Road	26-Jun-24	Pending
23-Feb-24	13	Nettab Drive	26-Jun-24	Pending
25-Mar-24	16	Perrins Road	26-Jun-24	Pending
08-May-24	163-177A	CBH	TBD	Pending

### 6.c Environmental Assessment Notices

The Committee was advised that two quarries proposed in the White Hill Pond area, south of Seal Cove by Farrell's Excavating Ltd. and JCL Construction Ltd., have been released from provincial environmental assessment. The Town also received correspondence from the provincial Department of Environment and Conservation indicating that the Town's request for a cumulative impacts study for all active, proposed and potential quarries in the area was considered, but ultimately the Department determined such an assessment to be unnecessary.

### 6.d Notices Published

The Committee was advised of the following notices in circulation with noted submission deadlines:

#### **June 3, 2024**

- 24 Sweetenwater Crescent, Home-based business
- 40 Sheridan Avenue, Accessory Building
- 114-116 Cherry Lane, Rear yard depth & lot area variances
- 374-376 Fowlers Road, Accessory building
- 598-600 Seal Cove Road, Accessory building

- 723 Conception Bay Highway, Building line setback & rear yard depth variances

**June 10, 2024**

- 382 Seal Cove Road, Pool
- 52 Ewings Road, Accessory building
- 418 Foxtrap Access Road, Variance, rear yard depth

**June 17, 2024**

- 35-39 Gully Pond Road, Child care facility
- 37 Uplands Road, Hobby farm

**6.e Department Update**

The Director provided an update on recent, ongoing and upcoming activities and initiatives within the Department and noted any issues of concern.

**7. Additional Items**

**7.a Next Meeting**

Due to planned absences, the Committee concurred that their next meeting will be held at 4pm on July 9, 2024.

**7.b Regulation Amendments**

The Committee discussed potential amendments to the Development Regulations and concurred that staff report back with proposals to:

- Accommodate single dwelling development on semi-serviced (municipal water, but no municipal sanitary sewer) lots with the R-2 Zone.
- Clarify that various approaches for electrical servicing of subdivisions, including rear yard aerial, front yard hybrid and front yard sub surface, is permissible.

## 8. Committee Report

The Committee concurred to make the following recommendation.

Be it so resolved that the discussions and decisions of the May 13, 2024 Planning and Development Committee meeting, be accepted as presented.

Items discussed included:

- Safety Moment
- Radon Testing Results
- 135-137 Seal Cove Road & 7-17 Aprils Lane
- 79-83 Chamberlains Road
- Municipal Plan Review
- Amendments (Re-Zonings):
  - 1496 Conception Bay Highway
  - 1440 Conception Bay Highway
  - 2-10 Buckleys Path
  - 1659 Conception Bay Highway
  - 705 Conception Bay Highway & 10-14 Jeffers Lane
- Appeals
- Environmental Assessment Notices
- Notices Published
- Department Update
- Next Meeting
- Regulations Amendments

## 9. 91 Cherry Lane

Councillor Tilley declared a conflict with this item stating he has family members that own property and live in the vicinity of the subject property. Councillor Tilley left the meeting prior to consideration of this item at approximately 6:11pm and did not return.

Whereas there was no longer a quorum, the item was not discussed.

There being no further business, the meeting was adjourned at approximately 6:12pm.

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Councillor Tilley, Chair

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Corrie Davis, Director of Planning  
and Development