

Public Meeting of Witless Bay Council

December 14, 2021

Attending:

Mayor Trevor Croft
Deputy Mayor Lorna Yard
Councillor Alex Troake
Councillor Gerard Dunne
Councillor Jacob Hayden
Councillor Nancy Burke
Councillor Ralph Carey

1. Mayor Croft called the meeting to order at 7:31 pm.
2. **2021-403** Councillor Nancy Burke/Councillor Jacob Hayden
Move that Council appoint Barb Harrigan as acting clerk for this meeting.
Carried unanimously.
3. Adoption of Agenda of December 14, 2021

2021-404 Councillor Gerard Dunne/Deputy Mayor Lorna Yard
Move that Council adopt the agenda of December 14, 2021
Carried unanimously.
4. Adoption of Public Meeting Minutes of November 9, 2021

2021-405 Councillor Ralph Carey/Councillor Gerard Dunne
Move that Council adopt Minutes of the Meeting of November 9, 2021
Carried unanimously.
5. Adoption of Special Public Meeting Minutes of November 18, 2021

2021-406 Councillor Gerard Dunne/Councillor Nancy Burke
Move that Council adopt the Special Public Meeting Minutes of November 18, 2021
Carried unanimously.
6. Adoption of Special Public Meeting Minutes of November 26, 2021

2021-407 Councillor Ralph Carey/Deputy Mayor Lorna Yard
Move that Council adopt the Special Public Meeting Minutes of November 26, 2021
Carried unanimously.

7. **Business Arising from Minutes:**

- a. 63-65 Dunn's Lane – Application to build single family dwelling

2021-408 Councillor Jacob Hayden/Councillor Ralph Carey

Move that Council defer the application to build a single family dwelling on 63-65 Dunn's Lane pending clarification from the Town Planner.

Carried unanimously.

- b. Lot #7. O'Brien's Road – Application to build single family dwelling

2021-409 Councillor Ralph Carey/Deputy Mayor Lorna Yard

Move that Council has determined that the proposed residential lot does not have frontage onto a publicly maintained road or sufficient lot area in conformity with the Residential Use Zone Table, and that the proposed residential building lot is part of a larger parcel of land which has not been approved by the Town for subdivision into residential building lots, and therefore Council would have no authority to approve it. Council, in accordance with General Regulation 48 (Lot Frontage) and General Regulation 6 (Compliance with Regulation) reject this application for approval to develop the property identified as O'Brien's Road "Lot 7" as a residential building lot.

Carried unanimously.

- c. Portion of 47-115 Dean's Road – Application to grub off Lots A, B, C

Councillor Gerard Dunne asked council to vote whether or not he was in a conflict of interest as his brother is a contractor Councillor Dunne left the chambers at 7:36 pm.

2021-410 Councillor Ralph Carey/Deputy Mayor Lorna Yard

Move that Councillor Gerard Dunne is not in a conflict of interest in voting on this application.

For the motion: Mayor Trevor Croft, Deputy Mayor Lorna Yard, Councillor Nancy Burke, Councillor Jacob Hayden, Councillor Ralph Carey, Councillor Alex Troake

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne returned to the chambers at 7:37 pm.

2021-411 Councillor Jacob Hayden/Councillor Ralph Carey

Move that Council reject the application, and Greenland be advised to obtain approval for Phase 1, (Lots A,B,C), and to grub each lot by submitting a development application for each lot, as well as submitting a revised site plan/site grading plan for each lot showing a minimum building setback from the front lot line of between 24 meters and 27 meters.

Carried unanimously.

- d. 46-64 Dunn's Lane (Lot C) – Application to build single family dwelling

Councillor Gerard Dunne declared a conflict of interest because the application is for his sister. Councillor Gerard Dunne left the chambers at 7:38 pm.

2021-412 Councillor Jacob Hayden/Deputy Mayor Lorna Yard

Move that as a Public Notice was distributed in accordance with the requirements of Regulation 12 (Notice of Variance) and Regulation 32 (Notice of Application) to persons

in the vicinity of the subject property, and published in the *Irish Loop Post/Shoreline News* newspaper on 17 November 2021 and on the Town's website and Facebook page informing the public of the minor variance application, and asking interested persons to submit any written comments to the Town by 10:00 a.m. of Friday, 26 November 2021; and as no written representations were received by the Town, that:

Council apply Regulation 11 (Variances) and Regulation 10 (Discretionary Powers of Authority) to approve the minor variance application (reduction of Residential Zone minimum lot area requirement by less than 10%), and the development application subject to compliance with municipal requirements (i.e., documented approval from Service NL for onsite water and septic systems; submission of a satisfactory lot grading and drainage plan that meets the approval of the Town Engineer; the installation of a culvert that meets municipal standards to accommodate the required driveway; development to be in conformity with the National Building Code and to be consistent with the site plan submitted with the development application that shows the proposed dwelling sited in conformity with the requirements of the Residential Zone; and, payment of applicable municipal fees).

For the motion: Mayor Trevor Croft, Deputy Mayor Lorna Yard, Councillor Ralph Carey, Councillor Alex Troake, Councillor Jacob Hayden

Against the motion: Councillor Nancy Burke

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne returned to the chambers at 7:44 pm.

- e. 10 Southern Shore Highway – Application to develop an outdoor market – Vending Stand

2021-413 Councillor Gerard Dunne/Councillor Ralph Carey

Move that Council approve this application to develop an outdoor market – Vending Stand.

Discussion: Councillor Jacob Hayden reported that this Discretionary Use application was referred to the public consultation process (prior advertisement in a local newspaper) in accordance with Regulation 32 (Notice of Application) of the Witless Bay Development Regulations before being brought forward for consideration of approval by Council. No written representations were received by the Town by the deadline for receipt of submissions for Council's consideration.

Council considered the application and granted it approval subject to the following conditions:

1. submission of a site plan (drawn to a satisfactory scale) that satisfies municipal requirements for safe and limited vehicle access/egress to the subject property;
2. provision of an adequate number of off-street parking spaces
3. placement of the mobile vending stand at a minimum distance from the front property line of 15 metres (50 feet); and,
4. payment of applicable municipal fees.

Motion carried unanimously.

- f. 440 Southern Shore Highway – Application to build a single family home /detached garage

2021-414 Councillor Ralph Carey/Councillor Nancy Burke

Move that Council not approve the application to build a single family home/detached garage on 440 Southern Shore Highway.

Discussion: Councillor Ralph Carey stated that as the proposed development would not be in accordance with the Development Regulations (Regulation 6). If a satisfactory revised application (with a revised site plan) is submitted and found to meet the requirements of the MD/Residential Zone for lot frontage and minimum required floor area, it could then be considered for approval subject to compliance with Municipal requirements (i.e., documented approval from Service NL for onsite water and septic systems; submission of an up-to-date survey and location plan for the proposed house and private garage; development to be in conformity with the National Building Code and to be generally consistent with the approved site plan submitted with the development application; and construction of the private garage shall not commence until construction of the dwelling is substantially completed (i.e., the exterior of the dwelling is finished.)
Motion carried unanimously.

- g. Motion to amend the Town's Policies & Procedures to add Social Media –

2021-415 Councillor Nancy Burke/Councillor Gerard Dunne

Move that Council defer to amend the Town's Policies & Procedures until Town Manager is on staff.

Carried unanimously.

- h. Request to rescind Motion #'s 2020-019 and 2020-052

2021-416 Councillor Ralph Carey/Councillor Nancy Burke

Move that Council rescind Motion #2020-019 – A motion that was moved by Councillor Vince Swain, seconded by Councillor Dale O'Driscoll, "That Council rescind Motion # 2014-161 for Crown Land Reserve on Gallows Cove Road."

Motion carried unanimously.

2021-417 Councillor Ralph Carey/Councillor Nancy Burke

Move that Council rescind Motion #2020-052 – A motion moved by Mayor Derm Moran, seconded by Councillor Fraser Paul, "To send a letter to the Department of Municipal Affairs as requested so that the matter can be taken care of in terms of removing the reserve from the Regional Plan.

Discussion: Councillor Ralph Carey requested that a letter be sent to Department of Municipal Affairs to inform them that the above motion was rescinded and request a meeting with them in the new year.

Motion carried unanimously.

8. **New Business:**

- a. Notice of Appeal – Information Only

- b. Boundridge Planning – Proposal to review and update the Town of Witless Bay Municipal Plan and Development Regulations. – Information Only

Discussion: The Town is required by the Province to review the Town Plan for 2023 and is looking for the most cost-effective way to review.

9. **Correspondence:**

- a. Resident's request to rescind previous application to build single family home-

The office is to notify the resident that there are no applications/permits issued in the names that were submitted with the request.

- b. Witless Bay ATV Association - Information Only

10. **Committees:**

Public Works & Infrastructure:

- a. 19-27 Lundrigan's Road – Application to sub-divide land

2021-418 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council refer the application to the Town Planner for advice.
Carried unanimously.

- b. 41 Dunn's Lane – Application to remodel and renovate home

Councillor Gerard Dunne declared a conflict of interest because the applicant was his son, and left the chambers at 7:59 pm.

2021-419 Councillor Jacob Hayden/Councillor Ralph Carey
Move that Council approve the application to remodel/renovate home on 41 Dunn's Lane.
For the motion: Mayor Trevor Croft, Deputy Mayor Lorna Yard, Councillor Alex Troake, Councillor Ralph Carey, Councillor Nancy Burke, Councillor Jacob Hayden
Abstained: Councillor Gerard Dunne
Motion carried.

Councillor Gerard Dunne returned to the chambers at 7:59 pm.

- c. 115 Northside Track – Application to build a fence

2021-420 Councillor Gerard Dunne/ Deputy Mayor Lorna Yard
Move that Council approve an application to construct a fence.
Carried unanimously.

- d. 29-43 Southern Shore Highway – Requesting Crown Land approval for entrance from Dean's Road

2021-421 Councillor Ralph Carey/Councillor Gerard Dunne
Move that Council defer the application pending more information from the applicant.
Discussion: Councillor Jacob Hayden requested a soil erosion report as this is an agricultural application.
Carried unanimously.

- e. 98A Harbour Road – Application to repair exterior of home, landscaping and cleaning septic system

2021-422 Council Jacob Hayden/Councillor Gerard Dunne
Move that Council approve the application to repair exterior of home, landscaping and cleaning septic system.

Carried unanimously.

Fire Department:

- a. Approval of 2021 Honoraria for Witless Bay Volunteer Fire Department.

2021-423 Deputy Mayor Lorna Yard/Councillor Alex Troake

Move that Council approve the 2021 Honoraria for Witless Bay Volunteer Fire Department.

Discussion: Council thanks the Witless Bay Volunteer Fire Department for all their hard work and dedication.

Carried unanimously.

- b. Request for donation – The Salvation Army

2021-424 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that Council approve a donation of \$250.00 to The Salvation Army.

Carried unanimously.

Heritage:

- a. Designation for Railbed and Trestle – Information Only

Finance Committee:

- a. Town Office Christmas Hours

2021-425 Councillor Alex Troake/Deputy Mayor Lorna Yard

Move that the Town office close from December 24, 2021 until January 4, 2022.

Carried unanimously.

- b. Staff Bonuses

2021-426 Councillor Alex Troake/Councillor Gerard Dunn

Move that staff bonuses be approved as in previous years.

Carried unanimously.

- c. Boundridge Planning- Request to adjust the hourly wage to reflect the annual change in the Consumer Price index as per article 2.1 of contract.

2021-427 Councillor Alex Troake/Councillor Jacob Hayden

Move that Council defer approval for further review of the contract.

Carried unanimously.

- d. Budget consideration request – Upgrade/repair of the trail from the Upper Pond to Southside Track and repair/replace storyboards at Upper Pond, Route 10 and Lower Pond – Information only and will be part of the 2022 Budget.

Recreation:

- a. BBBA update – Information Only

11. **Payable Charts:**

a. Town expenses

2021-428 Councillor Alex Troake/Councillor Ralph Carey

Move that Council approve the payable chart for Town expenses in the amount of \$14,885.60.

Carried unanimously.

b. Stewart McKelvey – Invoice for advice on several applications from previous meeting.

Councillor Gerard Dunne declared a conflict because the invoice involved his son's appeal and left the chambers at 8:12 pm.

2021-429 Councillor Alex Troake/Councillor Ralph Carey

Move that Council approve the invoice for Stewart McKelvey in the amount of \$1335.15.

For the motion: Councillor Alex Troake, Councillor Jacob Hayden, Councillor Ralph Carey, Councillor Nancy Burke, Mayor Trevor Croft, Deputy Mayor Lorna Yard

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne returned to the chambers at 8:13 pm.

c. Boundridge Planning – Invoice for advice on several applications from previous meeting.

Councillor Gerard Dunne declared a conflict of interest because advice received involved his sister's application to build and left the chambers at 8:13 pm.

2021-430 Councillor Alex Troake/Councillor Ralph Carey

Move that Council approve the invoice for Boundridge Planning in the amount of \$4238.55.

For the motion: Councillor Alex Troake, Councillor Jacob Hayden, Councillor Ralph Carey, Councillor Nancy Burke, Mayor Trevor Croft, Deputy Mayor Lorna Yard

Abstained: Councillor Gerard Dunne

Motion carried.

Councillor Gerard Dunne returned to the chambers at 8:14 pm.

d. O'Brien's Trucking – Snowclearing invoice \$4577.00

Councillor Gerard Dunne asked Council to vote whether or not he would be in a conflict of interest to vote on the payables for O'Brien's Trucking because he works for his brothers' company that bid on the snowclearing contract.

Councillor Gerard Dunne left the chambers at 8:14pm

2021-431 Deputy Mayor Lorna Yard/Councillor Ralph Carey

Move that Council declare that Councillor Gerard Dunne is not in a conflict of interest by voting for payment of O'Brien's Trucking invoice.

For the motion: Mayor Trevor Croft, Deputy Mayor Lorna Yard, Councillor Ralph Carey, Councillor Nancy Burke, Councillor Alex Troake, Councillor Jacob Hayden

Abstained: Councillor Gerard Dunne
Motion carried.

Councillor Gerard Dunne returned to the chambers at 8:15.

2021-432 Councillor Alex Troake/Councillor Ralph Carey
Move that Council approve payment in the amount of \$4577.00 to O'Brien's Trucking for snowclearing prior to the start of the Snowclearing Contract.
Motion carried unanimously.

- e. Clean Harbour Initiatives - \$2499.65

2021-433 Councillor Alex Troake/Councillor Ralph Carey
Move that Council approve payment in the amount of \$2499.00 to Clean Harbour Initiative.
Motion carried unanimously.

- f. CSL Roofing Experts – Southern Shore Arena (Stimulus Project)

2021-434 Councillor Alex Troake/Councillor Ralph Carey
Move that Council approve payment in the amount of \$50,025.00 to CSL Roofing Experts.
Motion carried unanimously.

- g. **Fire Dept. Expenses:**

2021-435 Councillor Alex Troake/Councillor Ralph Carey
Move that Council approve the payable chart for the Fire Dept. in the amount of \$4495.22.
Carried unanimously.

- h. Next Public Meeting will be held on January 11, 2022 @ 7:30 pm. Deadline for submission is January 4, 2022 @ 12 pm.

12. **Adjournment:**

2021-436 Councillor Jacob Hayden/Councillor Gerard Dunne
Move that council adjourn the meeting at 8:30 p.m.
Carried unanimously.