

Urban and Rural Planning Act

Commissioners Report Into Proposed

Petty Harbour-Maddox Cove

Municipal Plan Amendment

No. 2, 2023

And

Development Regulations Amendment

No. 3, 2023

Prepared by Stanley N Clinton

1.0 Introduction

Your Commissioner was appointment to report on and consider any objections or representations, should any be received into the proposed Petty Harbour-Maddox Cove Municipal Plan Amendment No. 2, 2023 and the Petty Harbour-Maddox Cove Development Regulations Amendment No. 3, 2023. I was provided with copies of the Amendments, and the Notice of Public Hearing which was inserted in the *Telegram* on the 13th September, 2023 and on the 21th September 2023, posted to all mail boxes in the community and emailed to all on the Town's email list. After review of the material along with the Municipal Plan and Development Regulations I was satisfied that due process had been followed.

By two days prior to the Public Hearing, set for the 5 October 2023, sixteen (16) written representations (copies attached) were received so it was necessary for the Hearing to proceed.

2.0 The Proposed Amendments

Proposed Municipal Plan Amendment No. 2, 2023 adds "microbrewery" as a use which may be considered in the Heritage Area land use designation in Policy HA-2 and adds conditions to the same policy allowing Council to consider a range of commercial use for the St. Joseph' Church property so long as the use would have minimal impact on the surrounding residential uses and that there would be adequate parking and access. Plans for the new use should include measures to minimize impacts such as screening, controlled access, parking, hours of operation, lighting, management of waste, odors, deliveries and landscaping.

The corresponding Development Regulations Amendment No 3, 2023 will add "microbrewery" as a Discretionary Use in the Heritage Area Use Zone Table and adds a condition allowing Council to consider a range of commercial uses for the St. Joseph's Church property where it can be shown that the use would have minimal impacts in the same areas as listed in the Municipal Plan Policy

3.0 The Hearing

In opening the Hearing I explained my role was to report to Council on the issues raised concerning the proposed Amendments and to recommend that they be approved as adopted, be approved with amendment or that they not be approved. There were approximately thirty people present when Ms. Bishop outlined the Amendments. I then called on those who made submissions to elaborate on their issues.

As noted above sixteen written submissions were received .only two of which were in favor. However some support was given from the floor. Those in favor expressed the wish that the Town should move forward and encourage small business and the proposal to develop a microbrewery would be a benefit to the community; it would add jobs and bring potential revenue to other local business It would be an added attraction and draw more visitors to the Town. Reference was made to how other towns such as Brigus and Trinity have benefited from developing their tourism industry. Petty Harbour also has the potential to develop this sector.

In the fourteen written submissions a number of issues were repeated and so rather than outlining each individual submission and so avoiding repetition I will deal with issues and not attribute them to any one individual

A common concern raised by almost everyone was the likelihood of increased traffic in what is a residential area with narrow roads and no sidewalks. Residents in the area claim that there are already large volumes of vehicle and pedestrians. A traffic count by one resident of Cribbies Road in late September recorded from 216 to 319 vehicles per day along with from 20 to 67 walkers, plus ATVs and bicycles Included in pedestrians are children walking to and from school buses. It was noted that at this time of year many businesses and attractions were closed but if they had been open traffic volumes would have been much higher.

It was stated that the proposed microbrewery/restaurant would employ about 35 persons and have a capacity of 100. Add to their movements deliveries and the disturbance to residents is increased..

It is also noted that the former Church property would accommodate only 27 vehicles. Where would any other employees and patrons park? I am aware there is some parking at the adjacent Community Centre but that is for the Centre's use.

By far and probably the greatest concern to residents of this immediate area is the impact on their quality of life with the development of high volume business in their vicinity. Traffic volumes have been noted earlier but that is only one issue. Having a potentially high capacity use on your doorstep and a use which may cause odors and be brightly lit at night is not a use that most people want to live next to or nearby. It was claimed that there is already a drinking and driving and litter problem which will not be improved with another drinking establishment coming to the area. There could also be noise generated by the use and comings and goings of patrons particularly at night

.Some concerns were raised about level of water consumption and the disposal of waste

4.0

Analysis

It was stated by Councilors Ed Dyke and Irene Stack that in their opinion many comments appeared to assume that the Hearing was all about whether or not a microbrewery should be permitted on the former church property. However all the proposed Amendments were to give Council the ability to consider this and other commercial uses for that property.

Their interpretation is strictly correct. However in my opinion the fact that part of the Amendment specifically adds the microbrewery use to the list of possible uses, that it appears the property has been purchased and it seems to be widely known that the owner is proposing to develop the property for that use, then it is not unreasonable that residents of the area should assume the worst case scenario.

It can not be questioned that local roads are little more than one lane wide, do not have sidewalks and introducing a use that, if it is successful, will generate significant extra activity.

Some support was expressed for a microbrewery but not all supporters live in that area and so would not be directly impacted. I was given a petition against the proposed Amendments containing 118 signatures and it was clear to me that residents of the area are against the possibility of a microbrewery being developed on the former church property. They would be the ones affected by such a development whether by increased traffic, noise and odors.

In my opinion before these Amendments were considered those issues of concern should have been addressed before and not after the fact.

In my opinion the microbrewery use should not be added to Policy HA-2 of the Municipal Plan and microbrewery should not be added as a Discretionary Use in 8.6.8 of the Heritage Area Zone Table.

I have no problem with the remaining parts of the Amendments namely to allow consideration of a range of commercial uses for the St. Joseph's Church property. It is clear that it should be put to some use and not left unused and to likely deteriorate.

5.0 Recommendations

After considering the intent of the proposed Amendments, the objections to them and based on the previously noted Analysis, I recommend that;

1. The Petty Harbour-Maddox Cove Municipal Plan Amendment No. 2, 2023 now be approved by Council but only with the removal of microbrewery from Policy HA-2, and
2. The Petty Harbour – Maddox Cove Development Regulation Amendment No. 3, 2023, now be approved by Council but only with the removal of microbrewery from the list of Discretionary Uses in the Heritage Area Zone Table.

Respectfully submitted,



Stanley N. Clinton

Dated 11 October, 2023