January 9, 2019

Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/138/2018]

On December 10, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"I am requesting all correspondence and documents related to Ragged Beach, Gallows Cove Road and Mullowneys Lane in the Town of Witless Bay from April 1 2018 to December 10 2018."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

"29(1): The head of a public body may refuse to disclose to an applicant information that would reveal
(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

"40(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the
Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-7183 or by e-mail at rycollins@gov.nl.ca.

Sincerely,

Ryan Collins
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

   (a) a request that is disregarded under section 21;

   (b) a decision respecting an extension of time under section 23;

   (c) a variation of a procedure under section 24; or

   (d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

   (a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

   (b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).
I have forwarded your email to Robert Cotter, Secretary of the NL Appeal Board.

Dear Carol Hanlon, your office recently forwarded application E-150726 showing as a request by [redacted] for land at Ragged Beach Gallows Cove Witless Bay. The [redacted] were issued a permit to complete a development at property claimed by them. The issuing of a permit for this land was appealed to the Eastern NL Regional Appeal Board. Your action in requesting the Town of Witless Bay to comment on this application at the Public meeting March 06, 2018 is not permitted under the Urban and Rural Planning Act Section 45 while a matter associated with the property is under appeal. The application is for attachment to the existing property and is directly associated with any development as envisioned by the URPA Section 45. I ask that you inform any responsible party associated with application E-150726.

I ask that you contact the Robert Cotter Secretary ENRAB and withdraw your request to have the Town make a motion on the [redacted] property while an appeal is under way. Failure to do so will likely result in appropriate action taken against your office. I ask that you contact me by email as I am currently travelling outside the province. Thank you for your cooperation.

Robert Cotter Secretary NL Appeal Boards 729 3088 rcotter@gov.nl.ca
Walsh, Frank

From: Hanlon, Carol
Sent: Wednesday, April 4, 2018 3:36 PM
To: Cotter, Robert; Oley, Mary
Subject: FW: E-150726 Application
Importance: High

EML/2017/00151 Crown Lands Application No. 150726 [redacted]
01/19/2017 at 3:48 PM.

It looks like this application was dealt with by Jennifer Brown.

From: Hanlon, Carol
Sent: Wednesday, April 04, 2018 1:21 PM
To: Cotter, Robert; Oley, Mary
Subject: FW: E-150726 Application
Importance: High

Dear Carol Hanlon, your office recently forwarded application E-150726 showing as a request by [redacted] for land at Ragged Beach Gallows Cove Witless Bay. The [redacted] were issued a permit to complete a development at property claimed by them. The issuing of a permit for this land was appealed to the Eastern NL Regional Appeal Board. Your action in requesting the Town of Witless Bay to comment on this application at the Public meeting March 06, 2018 is not permitted under the Urban and Rural Planning Act Section 45 while a matter associated with the property is under appeal. The application is for attachment to the existing property and is directly associated with any development as envisioned by the URPA Section 45. I ask that you inform any responsible party associated with application E-150726.

I ask that you contact the Robert Cotter Secretary ENRAB and withdraw your request to have the Town make a motion on the [redacted] property while an appeal is under way. Failure to do so will likely result in appropriate action taken against your office. I ask that you contact me by email as I am currently travelling outside the province. Thank you for your cooperation.

Robert Cotter Secretary NL Appeal Boards 729 3088 rcotter@gov.nl.ca

s. 40(1)
Mary, we have sent out a refusal based upon Land Use Planning’s most recent response. I do not believe that any of the items cited below would have any bearing on the recommendation.

Steve Barnable  
Regional Lands Supervisor - Eastern  
Crown Lands Administration Division, Lands Branch  
Department of Fisheries and Land Resources  
Howley Building, Higgins Line  
P.O. Box 8700  
St. John’s, NL A1B 4J6  
Tel: (709) 729-0094 Fax: (709) 729-0726

Jennifer Brown  
Land Use Planning

Dear Jennifer:
We have recently received information from through an ATIPP request (see attached documents) regarding our applications for opening a Right of Way (#E51285) and a request to extend our existing Residential zoned land boundaries (#150726). We have noticed a number of inaccuracies in the correspondence between your department and Steve Barnable with Crown Lands.

1. There is no portion of the land zoned Conservation.
2. We are not fronting on a publicly maintained road, but at this time are merely trying to get access to our land through this long established Right of Way. We may in the future be able to apply for back-lot consideration by Council, only if it suits their development regulations for residential access.
3. The comment in the correspondence that the “cart path” is one metre wide at points is inaccurate. The survey attached from a recent Town application, also included on the ATIPP, shows the narrowest point between two land owners as 3.97 m to 4.89 m which is as wide as the existing Mullowney’s Lane and is the Town’s responsibility. This portion is not part of our application. The land and Right of Way we have applied for is past this private property and is shown as a 20 m width on the current Ten Year Plan.
4. In the most recent public meeting the Council voted that they had no objections to our applications. We would like these comments to be reflected in the decision making process. We request a meeting with Land Use Planning for further clarification. We feel that an informed decision cannot be rendered without these corrections.
Thank you,

Note: We have included Mary Oley in the cc as we can find no e-mail address for Jennifer Brown and are uncertain whether she is currently still working with this file.
On another front unrelated to cottage planning, there is one more that has been the application 150726 on the Ragged Beach. The application is for an overside residential lot that does not front on a publicly maintained road and an application for the old cart path. Both were refused by Land Use Planning, however, we have not received word back yet that it can be sent out. The refusal has been in the system since January.

Hi Steve,
I received an application for a residence and partial agriculture use in the Municipality of Witless Bay. The site is primarily zoned Residential with a small portion of the lot zoned Conservation.

Single dwellings are permitted and home-based agriculture is a discretionary use in the residential zone. Residential uses are not permitted and agricultural uses are discretionary in the Conservation zone.

Regulation 48 of the Town's Development Regulations requires residential development to front onto a publicly owned and maintain road. The site applied for does not have the minimum 30 metre public road frontage required by the Town's Development Regulations and therefore it is recommended the application be refused.

The application lacked detail pertaining to site design and access therefore I was not able to complete a thorough analysis of the proposed development. If the proposed site forms part of a Comprehensive Development Scheme, the frontage requirements referred to above would not apply. A Comprehensive Development Scheme would act as a plan for a larger area and would include a plan for a road network, including the planned frontage for application. If, in the future, the Town contracts a certified professional to develop a Comprehensive Development Plan for the area, the application could be reconsidered upon completion of that plan.

For your reference; Regulation 48, Lot Frontage:
"Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme."

Please let me know if you require further detail.

Thanks,

Jennifer

His application for the permission to construct for the right of way was also refused by Land Use Planning. While Jennifer Brown is incorrect that it intersects private land. This was likely perceived from the narrowness of the route, particularly at one point. Route is just that a "cart path" bordered on either side by private land barely more than a metre wide at points. Substantial expropriations along this road would be required.

Proposed road bisects private land. Unclear as to what the proposed road would
It would be Lindsay’s.

Carol Hanlon  
Local Governance and Land Use Planning Division  
Department of Municipal Affairs and Environment  
phone: (709) 729-3090  
fax: (709) 729-4475  
email: carolhanlon@gov.nl.ca

Who would get this file now? Lindsay? Please assign and if possible set a meeting for us to discuss when she gets back. This went to two Ministers.

Mary Oley, B.Sc. LL.B.  
Director of Local Governance and Land Use Planning  
Municipal Affairs and Environment  
Email: maryoley@gov.nl.ca  
Telephone: 709-729-1953  
Mobile: 709-725-4854

Jennifer Brown  
Land Use Planning  

Dear Jennifer:  
We have recently received information from through an ATIPP request (see attached documents) regarding our applications for opening a Right of Way (#E51285) and a request to extend our existing Residential zoned land boundaries (#150726). We have noticed a number of inaccuracies in the correspondence between your department and Steve Barnable with Crown Lands.  
1. There is no portion of the land zoned Conservation
2. We are not fronting on a publicly maintained road, but at this time are merely trying to get access to our land through this long established Right of Way. We may in the future be able to apply for back-lot consideration by Council, only if it suits their development regulations for residential access.

3. The comment in the correspondence that the “cart path” is one metre wide at points is inaccurate. The survey attached from a recent Town application, also included on the ATIPP, shows the narrowest point between two land owners as 3.97 m to 4.89 m which is as wide as the existing Mullowney’s Lane and is the Town’s responsibility. This portion is not part of our application. The land and Right of Way we have applied for is past this private property and is shown as a 20 m width on the current Ten Year Plan.

4. In the most recent public meeting the Council voted that they had no objections to our applications. We would like these comments to be reflected in the decision making process. We request a meeting with Land Use Planning for further clarification. We feel that an informed decision cannot be rendered without these corrections.

Thank you,

Note: We have included Mary Oley in the cc as we can find no e-mail address for Jennifer Brown and are uncertain whether she is currently still working with this file.
Walsh, Frank

From: Oley, Mary
Sent: Tuesday, April 24, 2018 12:27 PM
To: Hanlon, Carol
Subject: RE: Crown Land application

Thanks!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Hanlon, Carol
Sent: Tuesday, April 24, 2018 12:24 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Subject: RE: Crown Land application

I have assigned this to Lindsay and makes notes for her in TRIM that you would like to discuss

Carol Hanlon
Local Governance and Land Use Planning Division
Department of Municipal Affairs and Environment
phone: (709) 729-3090
fax: (709) 729-4475
email: carolhanlon@gov.nl.ca

From: Oley, Mary
Sent: Tuesday, April 24, 2018 9:54 AM
To: Hanlon, Carol
Subject: FW: Crown Land application

Who would get this file now? Lindsay? Please assign and if possible set a meeting for us to discuss when she gets back. This went to two Ministers.

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: [mailto:]
Sent: Friday, April 20, 2018 3:38 PM
To: Brown, Jennifer Erin <JenniferEBrown@gov.nl.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>; edjoyce@gov.nl.ca; Byrne, Gerry <GerryByrne@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Subject: FW: Crown Land application

Jennifer Brown
Land Use Planning

Dear Jennifer:
We have recently received information from through an ATIPP request (see attached documents) regarding our applications for opening a Right of Way (#E51285) and a request to extend our existing Residential zoned land boundaries (#150726). We have noticed a number of inaccuracies in the correspondence between your department and Steve Barnable with Crown Lands.

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Thank you,

Note: We have included Mary Oley in the cc as we can find no e-mail address for Jennifer Brown and are uncertain whether she is currently still working with this file.
Walsh, Frank

From: Oley, Mary
Sent: Monday, April 30, 2018 11:39 AM
To: Church, Lindsay
Subject: FW: HPRM: FW: Crown Land application
Attachments: 
Zoning ragged beach land 001.jpg; Town’s recent application showing size of ROW at narrowest point 001.jpg; MIGA land use planning inaccurate information 001.jpg

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: [redacted] (mailto:[redacted])
Sent: Friday, April 20, 2018 3:38 PM
To: Brown, Jennifer Erin <JenniferEBrown@gov.nl.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>; edjoyce@gov.nl.ca; Byrne, Gerry <GerryByrne@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Subject: HPRM: FW: Crown Land application

Jennifer Brown
Land Use Planning

Dear Jennifer,

We have recently received information from through an ATIPP request (see attached documents) regarding our applications for opening a Right of Way (#E51285) and a request to extend our existing Residential zoned land boundaries (#150726). We have noticed a number of inaccuracies in the correspondence between your department and Steve Barnable with Crown Lands.

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We would like these comments to be reflected in the decision making process. We request a meeting with Land Use Planning for further clarification. We feel that an informed decision cannot be rendered without these corrections.

Thank you,
Note: We have included Mary Oley in the cc as we can find no e-mail address for Jennifer Brown and are uncertain whether she is currently still working with this file.
Walsh, Frank

From: Parsons, Andrew
Sent: Thursday, May 24, 2018 12:11 PM
To: Chippett, Jamie; Simms, Randy; Glynn, Valerie
Subject: FW: Solution for a Serious Situation in Witless Bay

Andrew Parsons, Q.C.
MHA Burgeo-L'Anse aux Meadows/Minister of Justice & Attorney General

From: [Redacted]
Sent: Thursday, May 24, 2018 12:10 PM
To: Byrne, Gerry <GerryByrne@gov.nl.ca>; Parsons, Andrew <AndrewParsons@gov.nl.ca>
Cc: edjoyce@gov.nl.ca
Subject: Solution for a Serious Situation In Witless Bay

Dear Minister Byrne and Minister Parsons,

It has come to our attention that [Redacted], as Friends of Ragged Beach, are once again lobbying government officials to block development in the Ragged Beach/Mullowneys Lane area of Witless Bay using false and misleading information. The majority of people in the Town, the Town Council and the ECT are in favor of a turn around and parking lot for the area to be accessed from the existing ROW off Mullowneys Lane. The efforts of these opponents of any development in the area has led to a serious and dangerous situation. This past winter a vehicle went over an embankment at the end of Gallows Cove Road onto the beach and this past weekend cars were in the ditch trying to maneuver at the end of the road, which currently serves as the ECT parking lot. For many drivers stuck in that area, the only way out was to back up the road amidst walkers and hikers. In addition, a search and rescue operation last Winter, necessitated the closing off of the end of Gallows Cove Road with large equipment backing up into Mullowneys Lane to turn around as there is no turn around at either road end. There is a proposal at Crown Lands from the Town for a turn around and parking off the existing ROW at the end of Mullowneys Lane, which would ease the congestion in the area and provide safe entry and access to the ECT and for people living in the area. The development of this turn around and parking area would also allow use of the public right of way for 4 wheelers that currently cross the beach and use the ECT to access the back lands, destroying the natural habitat.

The opposition to the Town’s plan is irrational. It seems that there are Crown lands officials who favor [Redacted]’s position and oppose the Town’s plan, citing difficulties with the narrow width of the ROW. The fact the right of way is narrow at one point is true, but it is the same width as parts of Mullowneys Lane and many of the roads in the Town. Also, it does not require the expropriation of private property; while to widen Gallows Cove Road would require expropriation. The Town has proposed a win win solution for the public, the East Coast trail and private landowners and makes the best of a difficult situation. To do nothing is continuing a dangerous situation that will be made worse with the influx of tourists this summer season. We implore the department of Land Resources and the Department of Municipal Affairs to work with the Town to develop the turn around and the parking lot for the area.

Sincerely,

Mullowneys Lane Landowners:
Thank you.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Oley, Mary
Sent: Tuesday, May 29, 2018 12:51 PM
To: Evoy, Lori
Subject: FW: COR/2018/01599 - Witless Bay

Please see below.

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Church, Lindsay
Sent: Tuesday, May 29, 2018 12:15 PM
To: Oley, Mary <maryoley@gov.nl.ca>; Cotter, Robert <rcotter@gov.nl.ca>
Subject: RE: COR/2018/01599 - Witless Bay

There is an appeal in from [redacted] but that is regarding the decision of Council to issue a permit to [redacted] to construct a gazebo on Mullowney’s Lane. There is nothing regarding a turnaround and parking area off of Mullowney’s Lane.

I haven’t sent anything to the Town on this issue.

Lindsay

From: Oley, Mary
Sent: Tuesday, May 29, 2018 11:45 AM
To: Church, Lindsay; Cotter, Robert
Subject: FW: COR/2018/01599 - Witless Bay

Do we have an appeal in on this issue or have sent anything out to the Town on this specific issue?

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
From: Evoy, Lori
Sent: Monday, May 28, 2018 10:12 AM
To: Somerton, Danielle <DanielleSomerton@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Subject: COR/2018/01599 - Witless Bay

Mary/Danielle,

Please see COR/2018/01599. Sandy asked me to draft a response, but also wanted to confirm whether or not the Local Governance and Land Use Planning has seen any information regarding the inquiry.

Thanks,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment
Please find attached acknowledgement.

Carol

Carol Hanlon
Local Governance and Land Use Planning Division
Department of Municipal Affairs and Environment
phone: (709) 729-3090
fax: (709) 729-4475
email: carolhanlon@gov.nl.ca

Hi Carol,

I spoke to you a little while ago.

Please see attached appeal.

Payment of $230.00 has been made this morning via fax to Department of Finance at 709-729-4117.

Please confirm receipt by return email.

Thank you,
15-006-057-010
EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

July 17, 2018

BETWEEN s. 40(1) APPELLANT

AND Town of Witless Bay RESPONDENT

RESPECTING Approval

This acknowledges that an appeal has registered with the Eastern Newfoundland Regional Appeal Board on July 12, 2018. The Regional Appeal Boards are established in accordance with the Urban and Rural Planning Act, 2000 (the “Act”). In accordance with section 42(3) of the Act, the Board is responsible for making a decision in accordance with applicable plans, schemes and development regulations as it relates to the matter being appealed.

Currently, information is being received/collected for the purposes of preparing appeal packages with respect to the above-noted appeal in accordance with section 42 of the Urban and Rural Planning Act, 2000. Prior to the hearing of an appeal, the Department of Municipal Affairs and Environment (“MAE”) is unable to release information provided by parties to the appeal.

All information submitted to MAE prior to an appeal is managed in compliance with the Access to Information and Protection of Privacy Act (“ATIPPA”).

Appeal requirements

Section 42 of the Act outlines the jurisdiction the Board has regarding development decisions, specifically what can be appealed to this Board. As per section 42(5) of the Act, an appeal must be made in writing and shall include the following:

(a) a summary of the decision
(b) the grounds for the appeal
(c) the required fee.

Development shall not proceed

Please note that when an appeal is filed under section 42 of the Act, in accordance with section 45(1) of the Act all work related to the development under appeal shall not proceed. Section 45(1) states:

45(1) Where an appeal is made under section 42, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.

Appeal process

The subject matter as stated will also be advertised in the appropriate newspaper. You will be notified of the time, place and date of your hearing not fewer than 7 days before the scheduled hearing and will receive an appeal package prior to the scheduled hearing containing the following:

c/o Department of Municipal and Intergovernmental Affairs, P.O. Box 8700, St. John’s, NL, Canada A1B 4J6

Tel: 709-729-3090 Fax: 709-729-0477
EASTERN NEWFOUNDLAND REGIONAL APPEAL BOARD

- Appellant(s) submission;
- Authority(s) submission;
- technical and planning advice (completed by the Department’s Planner); and
- any other public submission(s).

Appeal fees
Under section 44(2) of the Act, the appeal fee paid by the appellant(s) to the board shall be retained by that board. As per section 44(3) of the Act, if an appeal is successful, then the appeal fee will be paid to the appellant by the council, regional authority or authorized administrator that made the appealed decision.

Should you have any questions please contact the Secretary at 709-729-3088 or email rcotter@gov.nl.ca

Yours truly,

[Signature]

Robert Cotter
Secretary
Newfoundland Regional Appeal Boards

Copy to: Town of Witless Bay
Good afternoon: This acknowledges receipt of your email of August 6, 2018 to our Minister, the Honourable Andrew Parsons.

Carol Hanlon  
Local Governance and Land Use Planning Division  
Department of Municipal Affairs and Environment  
phone: (709) 729-3090  
fax: (709) 729-4475  
email: carolhanlon@gov.nl.ca

Sent from my iPhone

Begin forwarded message:

Once more obstructions have been created on the Crown land right of way at end of Mullowneys Lane in the town of Witless bay. Posts have been erected the end point of private property forcing the public to squeeze between to access public row. These posts are intimidating and serve as a deterrent preventing public access. There are other posts erected along the ROW contravening the Lands act. This is an ongoing issue with the right of way. We are requesting removal of these obstructions and permanent marking of this ROW to prevent further encroachment.

Thank you
Mary,

I noticed that Danielle and you have offered some additional guidance. I also noticed that you asked Kim to provide some information.

In an effort to keep everyone on the same page, I have attached all related e-mails to date here.

It appears that this may be an issue for both Divisions. I also spoke to the Town.

I have scheduled a quick meeting to discuss, procedural requirements for tomorrow, Wednesday, August 22. (Meeting invite to follow).

Thanks,

Lori

---

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

---

Sure, my calendar is up to date, please feel free to set something up

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854
To: Oley, Mary <MaryOley@gov.nl.ca>; Somerton, Danielle <DanielleSomerton@gov.nl.ca>
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary/Danielle,

Please see below e-mail and attached document.

Perhaps we can schedule a meeting to discuss?

Thanks,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Hounsell, Sandy
Sent: Tuesday, August 14, 2018 10:53 AM
To: Evoy, Lori
Subject: Fwd: Objection to Motions 4(a) 4(b) Amending Town Plan

Hey Lori, would you look into this.

Thanks
Sandy

Sent from my iPhone

Begin forwarded message:

From: [Redacted]
Date: August 14, 2018 at 8:11:12 AM CDT
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.
Hi:

There is not attachment on the email you sent, but, yes, we require proof of public consultation. Witless Bay is in Kim’s area, please discuss with her whether there is a role for us here.

Thanks!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Somerton, Danielle
Sent: Tuesday, August 14, 2018 2:46 PM
To: Evoy, Lori <LoriEvoy@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary – would this be an issue of the Town potentially not satisfying requirements for public consultation/input under URPA? Do our planners require evidence of such consultation, and would there be opportunity in our process to consider these concerns?

Danielle

From: Evoy, Lori
Sent: Tuesday, August 14, 2018 11:50 AM
To: Oley, Mary; Somerton, Danielle
Cc: Hounsell, Sandy
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary/Danielle,

Please see below e-mail and attached document.

Perhaps we can schedule a meeting to discuss?

Thanks,

Lori

Lori Evoy
Dear Evoy,

I have received a letter from Sandy Hounsell, Director of Municipal Support, who is involved with the FORB. The letter outlines the concerns of a number of residents of Witless Bay regarding the proposed amendments to the Town Plan. Specifically, they are concerned about the legality of the process used to amend the plan.

The letter states that the process was not conducted in accordance with the Municipal Act and that the amendments should not have been made. The residents have requested that the amendments be removed from the Town Plan.

I have reviewed the letter and have found the concerns to be valid. The amendments were made without the proper legal process being followed. I have recommended to Town Council that the amendments be removed and that a new process be followed to ensure compliance with the Municipal Act.

I appreciate your attention to this matter.

Sincerely,

[Your Name]
Mary/Danielle,

Please see below e-mail and attached document.

Perhaps we can schedule a meeting to discuss?

Thanks,

Lori

---

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

Hey Lori, would you look into this.

Thanks
Sandy

---

Send from my iPhone

Begin forwarded message:

From: [Redacted]
Date: August 14, 2018 at 8:11:12 AM CDT
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.
August 14, 2018

Dear Town Council of Witless Bay,

I write on behalf of supporters of FORB objecting to Notice of Motions 4(a) “To amend the Witless Bay Town Plan”, and 4(b) “to amend Witless Bay Design Road Standards” casually referenced in the Public Meeting Agenda for July 10, 2018.

As noted in the Public Meeting for July 10, 2018, Section 4 is “Business Arising from Minutes.” It is significant that neither of these motions appeared in the Public Meeting Agenda of June 12, 2018 and no details of any degree are listed in any agenda or minutes that that would in any way grant residents an understanding of the intended motions. No public discussion was forthcoming.

Town Council is intending to amend the governing legislation of the Town of Witless Bay that protects the democratic and procedural rights of the residents. The approach used by council is decidedly illegal on procedural grounds and on public consultation grounds.

Without doubt, these motions amount to governing by stealth and deception. In addition, it has raised concerns by supporters of FORB that without any public knowledge of the intentions of council, individuals or parties may receive unfair advantage, while bias towards other residents may result.

The essence of democratic decision making is full transparency. There is a complete lack of information with respect to motions 4(a) and 4(b) that would in any way inform residents. I have been asked to forward the residents' concerns to Municipal Affairs. Town Council is herein put on notice that this is considered a matter of grave concern for the aforementioned residents.

Respectfully,

[Redacted]

Friends of Ragged Beach    cc: Sandy Hounsell Municipal Support
FYI - In addition to the e-mail I sent this morning for discussion, please see attached (similar letter).

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Hounsell, Sandy
Sent: Tuesday, August 14, 2018 2:17 PM
To: Evoy, Lori
Subject: Fwd: Objection to Two Notices of Motion and Request for Withdrawal of Same

Sent from my iPhone

Begin forwarded message:

From: [Redacted]
To: "Town of Witless Bay" <townofwitlessbay@nl.rogers.com>, "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>
Subject: Objection to Two Notices of Motion and Request for Withdrawal of Same

Dear Geraldine/Barb

I hope this finds you well.

Please find attached my written objection to two notices of motion. I have including supporting documentation in the form of the agendas from the past two public meetings. As with many people I depend on agendas and minutes to keep up to date on the workings of the Witless Bay Town Council so I find recent events of vague notice of motions with little to no information, as well as procedural problems extremely troubling. My concerns are outlined in the following attached letter.

I have copied Sandy Hounsell of Municipal Affairs on this correspondence, and I respectfully request you distribute this to all councillors at tonight’s meeting and have this entered into the public record so my concerns are duly noted. I know it’s a busy time of year for everyone so I apologize for the late hour of this letter. If you could confirm receipt of this objection I would be very appreciative.

Regards

s. 40(1)
Public Meeting of Witless Bay Council
July 10, 2018

AGENDA

1. Call to order

2. Adoption of July 10, 2018 Agenda

3. Adoption of June 12, 2018 Minutes of Meeting

4. Business Arising from Minutes
   a. Motion to amend the Witless Bay Town Plan 2013-2023 (details attached)
   b. Motion to amend the Witless Bay Design Road Standards (details attached)
   c. Grub access on 241A Gallows Cove Road (deferred at June meeting for Council to review Right-of-Way on the property and compliance with Town Plan’s Development Regulations for legal ownership of land). Please see attached Objection to grub driveway at 241A Gallows Cove Road.
   d. Fill in trench on 9-23 Mullowney’s Lane (deferred at June meeting pending updated survey and detailed description)

5. Public Works & Infrastructure
   a. Private business signage at intersection of Southern Shore Highway and Southside Track
   b. Residential single family dwelling on 22-24 New Line Road (previous conditional approval granted for land purchase, but resubmission was required in the applicant’s own name)
   c. Fence – 3 Dunn’s Lane
   d. Fence to enclose commercial garbage containers – 44 Southern Shore Highway
   e. Fence & Personal Use Garage – 93 Country Path Drive
   f. Personal Use Garage – 162 Southside Track
6. **Finance**

   a. Payables – *Information purpose only*

   b. Invoice – Keith Brinston for engineering services on Harbour Road

   c. Kinsmen Club requests relating to donation for Puffin Festival, and other Town considerations

   d. Reinstalling chain link fence behind Municipal Building

   e. Call for quote results – Gull Pond Road

   f. Witless Bay Fire Dept. – Request for approval from council for a new Breathing Air Compressor and associated hardware. Estimated cost 35,000.00 and also required for this is a bank system and upgrades to their fill station at an estimated cost of an additional $5000-$6000.00
   
   (Previously approved by the Fire Service Committee)

7. **Other Business**

   a. Draft Rules of Procedure

   b. Municipal Infrastructure Agreement for Project 17-MCW-19-00013 (Feasibility Study for new fire station) – *Information purpose only*

   c. Notification of Special Assistance Grant availability for 2018 – Information purpose, unless Council is making an application

8. **Adjournment**
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Public Meeting of Witless Bay Council
Town Hall
June 12, 2018

AGENDA

1. Call to Order
2. Adoption of June 12, 2018 Agenda
3. Adoption of May 8, 2018 Minutes of Public Meeting
4. Adoption of May 9, 2018 Minutes of Privilege Meeting
5. Business Arising from Minutes
   a. Residential Dwelling on New Line Road (approved under General Regulation 10 at Privilege Meeting on May 9)
   b. Rescind Motion 2018-101 related to approval of storage building & bathroom for Kinsmen Club
   c. Culvert and pavement repair on Gull Pond Road – location for diverting water
   d. Resolution for Engineering Consultant for Project 17-MCW-00013 Feasibility Study for new fire station
   e. Canada Day Celebration
6. Public Works & Infrastructure
   a. Residential single family dwelling on 44 Country Path Drive
   b. Residential single family dwelling on 54 Country Path Drive
   c. Private garage on 18 Green Hill Drive
   d. Private garage on 28-30 Southside Track
   e. Extension to storage building on 158-160 Southern Shore Highway
   f. Fill in trench & return site to its original condition on 9-23 Mullowney’s Lane
   g. Grub driveway on 241A Gallows Cove Road
h. Install culvert on 7 Country Path Drive
i. Erect fence on 7 Country Path Drive
j. Town’s application to construct a storage building and bathrooms on Recreation Ground
k. Standing Offers – Information purpose only

7. Finance & Economic Development
   a. Payable Listing – Information purpose only
   b. Staff Increase – Information purpose only
   c. DMG Consulting:
      (i) Invoice for Southside Track review & recommendation $1012.00
      (ii) Invoice for Harbour Road Erosion $4508.00
   d. Harbour Construction invoice for Playground/Pool project
   e. Harbour Construction invoice for Aspell Property
   f. Provincial Fence – Quotes for Fencing on Playground Area
   g. Insurance options related to Recreation grounds
   h. Fire & Emergency Services Funding applications for Fire Department Tanker and Equipment
   i. Harbour Road Erosion update

8. Other Business
   a. Support letter request for ambulance service in Bay Bulls
   b. Youth Ventures – request to waive permits

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10 August 2018

Town of Witless Bay
Southern Shore Highway
Witless Bay, NL
A0A 1K0

CC: Sandy Hounsell
Department of Municipal Affairs
Government of Newfoundland and Labrador
St. John’s, NL
SandyHounsell@gov.nl.ca

OBJECTION TO TWO ‘NOTICES OF MOTION’ –
AND REQUEST FOR WITHDRAWAL OF SAME

Attached please find the official Agendas for the last 2 Public Meetings of Witless Bay Town Council:

1. Agenda – Meeting of 12 June 2018 (as posted on the day of and distributed at the start of the monthly public meeting).
   ▶ Note that there is no mention of any ‘Notice of Motion’ in the Agenda available and distributed to citizens or stakeholders.

2. Agenda – Meeting of 10 July 2018 (as posted on the day of and distributed at the start of the monthly public meeting).
   ▶ Note that two ‘Notices of Motion’ are noted, as 4(a) and 4(b).
   ▶ Note that Section 4 is “Business Arising from Minutes”.
   ▶ Note that these two Notices were NOT listed on the Agenda for the previous public meeting on 12 June (but they are listed here as having been).
   ▶ In addition, please note that there were NO “details attached” to this Agenda. Furthermore, citizens have NOT been successful in securing from Council the specific Motions proposed – or any information, of any kind, on the proposed Motions to (a) “amend the Witless Bay Town Plan 2013-2023”, and to (b) “amend the Witless Bay Design Road Standards”.

As mandated by long-established and practised precedent, as well as the Town’s Regulations and Policies and Procedures, and the Municipalities Act, a ‘Notice of Motion’ is required for substantive matters such as changes to a Town Plan – and, when tabled, the specific Motion to be addressed by Council at the future meeting must be tabled and read into the minutes and the public record, and available for review by citizens and stakeholders.
Hence, any ‘Notice of Motion’ that does not make public the specific details and the wording of the specific Motion is not a legitimate ‘Notice of Motion’ – and should be withdrawn.

These two broad ‘descriptions’ – (a) “to amend the Witless Bay Town Plan” and (b) “to amend the Witless Bay Design Road Standards” – make it absolutely impossible for any citizen or other stakeholder to be informed and to have any understanding of what a Council is proposing: is it the addition of a comma – or is it the gutting of development regulations and/or standards which have been developed by highly experienced and trained professionals, have long been successfully in service of the Town’s best interests and the protection of its citizens, and which have been adopted and practiced in the Town Plans of all ~360 incorporated municipalities all across the province.

Who knows? Certainly the people of Witless Bay do not know.

And that is an injustice to all, and a breach of fiduciary duty by Council as well as illegitimate under the Rules and Regulations of Council and the Department.

Council has an “obligation to provide accountability and transparency, and the public’s right to information”.

Council has an obligation to provide “accountability, transparency, and communications with residents”.

Council has an obligation to “collect citizens’ input on development and planning issues”.

No council can be seen as legitimate if it’s seen by its citizens and stakeholders as continuously trying to hide, disguise, and/or “sneak” changes through – particularly where the Mayor and certain Councillors are perceived by many citizens as plotting to advance and serve their personal and financial interest (and/or the interests of other individuals with whom they have clear and long-standing personal relationships and friendships).

I hereby request for the reasons noted above that these ‘Notices of Motion’ be withdrawn.

I also request that Council make the necessary changes in approach and behaviours to meet its legal and fiduciary obligations – and to make Witless Bay a town of which we can all be proud, and its Council a model for ethical behaviour and which practices accountability, transparency, and open access for its citizens and stakeholders.

Thank you for your attention to this most urgent matter.

\[\text{S. 40(1)}\]

Witless Bay

With Attachments
Walsh, Frank

From: Somerton, Danielle  
Sent: Wednesday, August 22, 2018 11:24 AM  
To: Evoy, Lori; Hounsell, Sandy; Oley, Mary  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan  

Follow Up Flag: Follow up  
Flag Status: Completed  

Looks good to me Lori!

From: Evoy, Lori  
Sent: Wednesday, August 22, 2018 11:23 AM  
To: Hounsell, Sandy; Oley, Mary; Somerton, Danielle  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan  

Mary/Danielle,  

Please see draft response below, as we discussed. The same response can be sent to [redacted]. Sandy, Did you want to send this out under your signature?

DRAFT Response:

Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you co’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

The Municipalities Act, 1999, does not stipulate a specific process for introduction of a notice of motion. A notice of motion is procedural. Please note, that with respect to amendments to a Town Plan, under the Urban and Rural Planning Act, 2000, there is a procedure to follow which includes public notice and consultation.

If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.

Sincerely,

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: Hounsell, Sandy  
Sent: Tuesday, August 14, 2018 10:53 AM
To: Evoy, Lori  
Subject: Fwd: Objection to Motions 4(a) 4(b) Amending Town Plan  

Hey Lori, would you look into this.

Thanks  
Sandy  

Sent from my iPhone  

Begin forwarded message:  

From:  
Date: August 14, 2018 at 8:11:12 AM CDT  
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>  
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>  
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan  

Town Council  
Mr. Sandy Hounsell Director of Municipal Support  

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.
Looks great to me

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Wednesday, August 22, 2018 11:23 AM
To: Hounsell, Sandy <SandyHounsell@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>; Somerton, Danielle <DanielleSomerton@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary/Danielle,

Please see draft response below, as we discussed. The same response can be sent to...

Sandy, Did you want to send this out under your signature?

DRAFT Response:

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Sincerely,

Lori Evoy
Hey Lori, would you look into this.

Thanks
Sandy

Sent from my iPhone

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From: [Redacted]
Date: August 14, 2018 at 8:11:12 AM CDT
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
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Town Council
Mr. Sandy Hounsell Director of Municipal Support

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Walsh, Frank

From: Evoy, Lori  
Sent: Tuesday, August 28, 2018 11:36 AM  
To: Hounsell, Sandy  
Subject: Fw: Objection to Motions 4(a) 4(b) Amending Town Plan

For discussion.

Lori

Sent from my BlackBerry 10 smartphone on the Bell network.

From: [Redacted]  
Sent: Tuesday, August 28, 2018 9:39 AM  
To: Evoy, Lori  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in our community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives. A few months ago I met with Tara Morgan of Lands Branch, Keith Deering ADM, and Steve Barnable at my home to clarify a perception of bias issue relating to Ragged Beach development. Mr. Deering describe the meeting as “very productive” If you agree to a meeting it will only be me in attendance and I can assure you equal courtesy and a certainty with respect to productivity. Thank you FORB

From: Evoy, Lori <LoriEvoy@gov.nl.ca>  
Sent: August 22, 2018 3:51 PM  
To: [Redacted]  
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

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Sincerely,
From: [Redacted]
Date: August 14, 2018 at 8:11:12 AM CDT
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.

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Walsh, Frank

From: Evoy, Lori
Sent: Tuesday, September 4, 2018 11:28 AM
To: 
Subject: RE: Objection to Two Notices of Motion and Request for Withdrawal of Same

Good morning,

Yes, the Urban and Rural Planning Act, 2000 is available on-line.

Please see the following link:

http://assembly.nl.ca/legislation/sr/statutes/u08.htm

If you have any questions related to the Urban and Rural Planning Act, 2000, they are best directed to the Local Governance and Land Use Planning Division of Municipal Affairs and Environment. The telephone number is 729-3090.

Sincerely,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: 
Sent: Wednesday, August 29, 2018 10:31 AM
To: Evoy, Lori
Subject: Re: Objection to Two Notices of Motion and Request for Withdrawal of Same

Hi Lori

Thanks so much for this response. I apologize for the late reply - it’s been puffin fledgling season in Witless Bay as you probably know so I’ve been burning the candle at three ends.

Could you tell me if the Urban and Rural Planning Act, 2000 is online?

Thanks and have a great day

On Aug 22, 2018, at 3:50 PM, Evoy, Lori <LoriEvoy@gov.nl.ca> wrote:
Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

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If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.

Sincerely,

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [Redacted]
To: "Town of Witless Bay" <townofwitlessbay@nl.rogers.com>, "Hounsell, Sandy" <SandyHounsll@gov.nl.ca>
Subject: Objection to Two Notices of Motion and Request for Withdrawal of Same

Dear Geraldine/Barb

I hope this finds you well.

Please find attached my written objection to two notices of motion. I have including supporting documentation in the form of the agendas from the past two public meetings. As with many people I depend on agendas and minutes to keep up to date on the workings of the Witless Bay Town Council so I find recent events of vague notice of motions with little to no information, as well as procedural problems extremely troubling. My concerns are outlined in the following attached letter.

I have copied Sandy Hounsell of Municipal Affairs on this correspondence, and I respectfully request you distribute this to all councillors at tonight’s meeting and have this entered into the public record so my concerns are duly noted. I know it’s a busy time of year for everyone so I apologize for the late hour of this letter. If you could confirm receipt of this objection I would be very appreciative.

Regards

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Walsh, Frank

From: Evoy, Lori
Sent: Thursday, September 6, 2018 2:17 PM
To: Oley, Mary
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary,

When you have a minute, I can drop over to discuss.

Thanks,
Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Oley, Mary
Sent: Wednesday, September 05, 2018 3:40 PM
To: Evoy, Lori; Hounsell, Sandy
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Sure, I’m free all afternoon tomorrow

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Wednesday, September 5, 2018 3:31 PM
To: Oley, Mary <MaryOley@gov.nl.ca>; Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

No problem. I am available tomorrow for a chat.

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Oley, Mary
Sent: Wednesday, September 05, 2018 3:27 PM
To: Evoy, Lori; Hounsell, Sandy
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan


Let’s chat prior to committing to a meeting. I think you would need to attend in relation to the procedural issues.

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Wednesday, September 5, 2018 3:23 PM
To: Hounsell, Sandy <SandyHounsell@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary,

Please see the e-mail below from [REDACTED]

As this is more a planning issue, would it be best if someone from your Division met with [REDACTED]? I do not mind attending the meeting to address any operational issues.

If you would like, we can discuss further to determine who would be best to attend such a meeting.

Thank you,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [REDACTED]
Sent: Tuesday, August 28, 2018 9:40 AM
To: Evoy, Lori
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in our community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives. A few months ago I met with Tara Morgan of Lands Branch, Keith Deering ADM, and Steve Barnable at my home to clarify a perception of bias issue relating to Ragged Beach development. Mr. Deering describe the meeting as “very productive” If you agree to a meeting it will only be me in attendance and I can assure you equal courtesy and a certainty with respect to productivity. Thank you [REDACTED] FORB

From: Evoy, Lori <LoriEvoy@gov.nl.ca>
Sent: August 22, 2018 3:51 PM
To: [REDACTED]
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan
Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

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If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.

Sincerely,

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [redacted]  
Date: August 14, 2018 at 8:11:12 AM CDT  
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>  
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>  
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council  
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.

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Mary,

Please see below. Do you know if anyone from your Division has spoken to [REDACTED]? This appears to be a Land Use Planning Issue.

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

Good morning,

I was a follower of the Ragged Beach development from the start. How is it possible that MA continues to let the [REDACTED] start construction on a lot for which they have no access and don’t expect to get? Demand they remove the structure. NOW please. Get on this immediately.
Mullowneys Lane Landowners

Dear Mullowneys Lane Landowners:

**Re: Development of Parking Lot in the Mullowneys Lane Area**

I am writing in response to your e-mail dated May 24, 2018, in which you express concerns regarding individuals in the Town of Witless Bay lobbying government officials regarding a development in the Ragged Beach/Mullowneys Lane area of the Town of Witless Bay.

The Government of Newfoundland and Labrador provides significant support to municipalities in this province through a number of funding and service delivery programs. In addition to this support, legislation is provided enabling municipalities to deliver various services to their residents.

While the Department of Municipal Affairs and Environment is involved with municipalities through this support, legislation does not permit the Department to be directly involved with the delivery of these services, such as the development of roadways. The responsibility for deciding to develop certain roadways is an operational decision of the municipality. I encourage you to discuss your concerns with town officials at the council office.

While I appreciate the concerns you have raised, at this time there is no authority for the Department of Municipal Affairs and Environment to intervene in these matters. Please note, if you have concerns with Crown Lands, you may wish to contact officials with the Department of Fisheries and Land Resources and the Eastern Regional Lands Office in St. John’s toll free at 1-833-891-3249.

Sincerely,

**ANDREW PARSONS, QC**

Minister of Municipal Affairs and Environment

cc: Hon. Gerry Byrne, Minister of Fisheries and Land Resources
Thanks! between premier’s forum and MNL – I am flat out

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

No problem. I have it marked in my calendar for a reminder next week.

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

Sure.

I’m booked solid through this week, but let’s touch base next week

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Tuesday, October 2, 2018 8:22 AM
To: Oley, Mary <maryoley@gov.nl.ca>; Blanchard, Kimberley <KimberleyBlanchard@gov.nl.ca>
Cc: Hounsell, Sandy <sandyhounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Please check your calendar and let’s touch base next week.

Lori
Thank you for the information.

Yes, I understand your position. Based on the request below, Mary and I have been trying to connect with regards to the best person(s) to meet, if anyone, with at this time.

Mary, when you have a minute, perhaps we can discuss further.

FYI - I have looped Sandy into the e-mail for information purposes.

Thank you,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

Hi Lori,

While planners often hear from residents or members of the public who are displeased with Council’s decisions, it is really outside of the role of Land Use Planning here at the province to attend meetings with private individuals or groups that are displeased with local Councils.

Appeal is the mechanism to grieve development decisions. The planning legislation (Urban and Rural Planning Act, S. 42) provides for those individuals or groups aggrieved by a development decision of Council to appeal through the appropriate Regional Appeal Board.

Under URPA 42(2), there is no provision for appeal of Council decisions respecting various stages of the process for enacting or amending a Municipal Plan and Development Regulations. URPA requires that Plans/ Regulations/ Amendments be certified by an individual holding professional planning designation (MCIP or FCIP), and that person certifies that the work is compliant with the legislation. One of the roles of the professional planners in the Land Use Planning section is a ‘check & balance’ in reviewing planning documents submitted for registration to ensure that the work prepared by municipalities (or on their behalf) is done in accordance with the minimal established requirements of the planning legislation. It is important to note that, when it comes to public consultation, the legislation enables public input to inform the decision-making process for the elected officials on Council, but URPA is generally not very prescriptive regarding consultation; that is to say, it is up to the Council to determine the specific consultation approach based on the complexity of the issue. An opportunity for input might be simply a public notice in a newspaper advertisement that invites comments by a specific date, or might include public briefing sessions, focus groups, surveys, etc.

Please don’t get me wrong, it’s not that Land Use Planning wouldn’t like to offer help or support at a meeting to speak to LUP side of things. Frankly, there is not only a lack of mandate for LUP in this requested meeting,
There may be a role for the Manager of Legislation. As Director, Mary would be best to speak to whether Danielle should get involved.

Thanks,
Kim

---

Kimberley J. Blanchard, BA, MEDes (planning), MCIP
Senior Planner, Local Governance & Land Use Planning Division
Department of Municipal Affairs & Environment
Tel: 709.729.0422 | Fax: 709.729.4475
Email: KimberleyBlanchard@gov.nl.ca
Address: P.O. Box 8700, St. John’s, NL A1B 4J6

From: Oley, Mary
Sent: Monday, October 01, 2018 11:47 AM
To: Blanchard, Kimberley
Cc: Evoy, Lori
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi:

Have I already sent this to you? Can you please follow-up with Lori.

Thanks!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Wednesday, September 5, 2018 3:23 PM
To: Hounsell, Sandy <SandyHounsell@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary,

Please see the e-mail below from [Redacted].

As this is more a planning issue, would it be best if someone from your Division met with [Redacted]? I do not mind attending the meeting to address any operational issues.

If you would like, we can discuss further to determine who would be best to attend such a meeting.

Thank you,

Lori

Lori Evoy
Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in the community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives. A few months ago I met with Tara Morgan of Lands Branch, Keith Deering ADM, and Steve Barnable at my home to clarify a perception of bias issue relating to Ragged Beach development. Mr. Deering describe the meeting as “very productive” If you agree to a meeting it will only be me in attendance and I can assure you equal courtesy and a certainty with respect to productivity. Thank you FORB

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Sincerely,

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment
Town Council
Mr. Sandy Hounsell Director of Municipal Support

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From: Oley, Mary
Sent: Tuesday, October 2, 2018 11:49 AM
To: Blanchard, Kimberley
Subject: FW:

Please see below and provide response. Please cc me.

Thanks!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Wednesday, September 19, 2018 2:37 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Subject: FW:

Mary,

Please see e-mail below. Would this be more appropriate for your Division?

Can you ask the appropriate person in the Planning Division to respond?

Thank you,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Evoy, Lori
Sent: Monday, September 03, 2018 1:49 PM
To: Evoy, Lori
Subject:

Good morning,

I was a follower of the Ragged Beach development from the start. How is it possible that MA continues to let the [REDACTED] start construction on a lot for which they have no access and don't expect to get? Demand they remove the structure. NOW please. Get on this immediately.

[REDACTED]
Hello

Thank you for your email Monday afternoon. I was asked to provide a response to your concerns from a land use planning perspective and development control perspective.

The Town of Witless Bay has a legally enacted Municipal Plan and Development Regulations. As such, the local town Council is the decision-making authority to control development in the community. The municipal councilors are the officials elected and authorized to make decisions on behalf of the community, and this includes decisions such as guiding development.

Our provincial planning legislation, the *Urban and Rural Planning Act, 2000* (URPA), allows for individuals or groups to appeal the way in which a Council carried out at a development decision (such as issuing permits, rescinding permits, placing conditions on permits, or issuing orders) to the appropriate Regional Appeal Board. Barring the expense of a Court setting, the Appeals process is the mechanism offered under URPA S. 42 to challenge development decisions in a quasi-judicial system.

Please find the following link to the Frequently Asked Questions about Appeals:
http://www.mae.gov.nl.ca/faq/faq_appeals.html

The Department of Municipal Affairs and Environment appreciates that there are numerous stakeholders and different perspectives on local decisions that are made; however, municipal councils are given autonomy to make development decisions without interference by the province.

Kim
Mary,

As discussed please see the draft response to [redacted] below. I have also copied Sandy and Danielle, to keep them in the loop. I borrowed some of Danielle’s language in a previous correspondence with respect to URPA. Feel free to suggest changes.

Thanks everyone,

Lori

As per the request below, both myself and Mary Oley, Director of Local Governance and Land Use Planning, are available to meet with you.

We are able to meet in St. John’s at the Confederation Building at a time which is convenient to you.

The meeting would be an opportunity for you to speak to Department Officials and the Department to listen to your concerns regarding Council’s role and responsibilities as per the Municipalities Act, 1999.

Please note, the Department aims to ensure that all local councils are working within their respective municipal and planning frameworks in guiding development within their communities. It is important to recognize that members of a municipal council are locally elected officials, authorized to make decisions on behalf of the municipality. As such, the Department would not be involved in operational decisions of Council.

Furthermore, where individuals or groups are aggrieved by development decisions of Council there is provision in Urban and Rural Planning Act for appeal. The appeal board is the proper entity to review the use of council authority, and the process followed in exercising its authority in its decision making process with regards to permitting and enforcement orders. Therefore, the Department is not in the position to discuss these matters.

If you would still like to schedule a meeting, then please advise of some dates and times that you are available, and we can coordinate a meeting.

Sincerely,

Lori Evoy

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Evoy, Lori  
Sent: Thursday, September 06, 2018 3:29 PM  
To: [Redacted]  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Thank you for your e-mail.

We are in receipt of your request for a meeting to discuss your concerns as outlined below. I am coordinating with other Department official’s to determine who will be the best person(s) to meet with you. I will contact you in the near future with more information.

Sincerely,

Lori

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [Redacted]  
Sent: Tuesday, August 28, 2018 9:40 AM  
To: Evoy, Lori  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in our community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives.

A few months ago I met with Tara Morgan of Lands Branch, Keith Deering ADM, and Steve Barnable at my home to clarify a perception of bias issue relating to Ragged Beach development. Mr. Deering describe the meeting as “very productive” If you agree to a meeting it will only be me in attendance and I can assure you equal courtesy and a certainty with respect to productivity. Thank you FORB

From: Evoy, Lori <LoriEvoy@gov.nl.ca>  
Sent: August 22, 2018 3:51 PM  
To: [Redacted]  
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

The Municipalities Act, 1999, does not stipulate a specific process for introduction of a notice of motion. A notice of motion is procedural. Please note, that with respect to amendments to a Town Plan, under the Urban and Rural Planning Act, 2000, there is a procedure to follow which includes public notice and consultation.
If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.

Sincerely,

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [Redacted]  
Date: August 14, 2018 at 8:11:12 AM CDT  
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>  
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>  
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council  
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Thanks!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Hardy, Christopher
Sent: Monday, October 15, 2018 1:56 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Cc: Blanchard, Kimberley <KimberleyBlanchard@gov.nl.ca>
Subject: Ragged Beach

Kim has been working on that file (collection of files). I don’t know if she spoke to [REDACTED] or not.

Christopher Hardy MCIP
Planner III, Land Use Planning,
Municipal Affairs and Environment
(T) 709.729.4265

From: Oley, Mary
Sent: Monday, October 15, 2018 11:33 AM
To: Blanchard, Kimberley <KimberleyBlanchard@gov.nl.ca>; Hardy, Christopher <ChristopherHardy@gov.nl.ca>
Subject: FW:

Please see below and advise Lori

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Thursday, September 6, 2018 2:20 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: FW:
Mary,

Please see below. Do you know if anyone from your Division has spoken to [redacted]? This appears to be a Land Use Planning Issue.

Lori

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [redacted]
Sent: Monday, September 03, 2018 1:49 PM
To: Evoy, Lori
Subject:

Good morning,

I was a follower of the Ragged Beach development from the start. How is it possible that MA continues to let the [redacted] start construction on a lot for which they have no access and don't expect to get? Demand they remove the structure. NOW please. Get on this immediately.
Great; thanks Kim!

Mary Oley, B.Sc. LL.B.
Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Blanchard, Kimberley
Sent: Monday, October 15, 2018 3:48 PM
To: Hardy, Christopher <ChristopherHardy@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Cc: Evoy, Lori <LoriEvoy@gov.nl.ca>
Subject: RE: Ragged Beach

Hi,

Attached is the email response that I sent to [redacted] (with copy to Lori as well as Mary). I also had a follow-up conversation with Lori on this soon after sending my response. To date, I received no reply from [redacted] to my correspondence.

Kim

From: Hardy, Christopher
Sent: Monday, October 15, 2018 1:56 PM
To: Oley, Mary
Cc: Blanchard, Kimberley
Subject: Ragged Beach

Kim has been working on that file (collection of files). I don’t know if she spoke to [redacted] or not.

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(T) 709.729.4265

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Director of Local Governance and Land Use Planning
Municipal Affairs and Environment
Email: maryoley@gov.nl.ca
Telephone: 709-729-1953
Mobile: 709-725-4854

From: Evoy, Lori
Sent: Thursday, September 6, 2018 2:20 PM
To: Oley, Mary <MaryOley@gov.nl.ca>
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: FW:

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Please see below. Do you know if anyone from your Division has spoken to [REDACTED]? This appears to be a Land Use Planning Issue.

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [REDACTED]
Sent: Monday, September 03, 2018 1:49 PM
To: Evoy, Lori
Subject:

Good morning,

I was a follower of the Ragged Beach development from the start. How is it possible that MA continues to let the [REDACTED]'s start construction on a lot for which they have no access and don't expect to get? Demand they remove the structure. NOW please. Get on this immediately.

[REDACTED]
Hello [redacted]

Thank you for your email Monday afternoon. I was asked to provide a response to your concerns from a land use planning perspective and development control perspective.

The Town of Witless Bay has a legally enacted Municipal Plan and Development Regulations. As such, the local town Council is the decision-making authority to control development in the community. The municipal councilors are the officials elected and authorized to make decisions on behalf of the community, and this includes decisions such as guiding development.

Our provincial planning legislation, the Urban and Rural Planning Act, 2000 (URPA), allows for individuals or groups to appeal the way in which a Council carried out at a development decision (such as issuing permits, rescinding permits, placing conditions on permits, or issuing orders) to the appropriate Regional Appeal Board. Barrin the expense of a Court setting, the Appeals process is the mechanism offered under URPA S. 42 to challenge development decisions in a quasi-judicial system.

Please find the following link to the Frequently Asked Questions about Appeals:
http://www.mae.gov.nl.ca/faq/faq_appeals.html

The Department of Municipal Affairs and Environment appreciates that there are numerous stakeholders and different perspectives on local decisions that are made; however, municipal councils are given autonomy to make development decisions without interference by the province.

Kim
APPEAL SUMMARY FORM

- Your appeal and fee must be filed with the Regional Appeal Board (Attention: Robert Cotter) at the address below within the 14 day appeal period
- The following information is required. With this form, you must submit.
  - a copy or summary of the decision being appealed
  - statement outlining the grounds for your appeal
  - appeal fee $200.00 plus HST (total $230.00)

In providing the documentation, please check the items indicating that they are submitted with this appeal form

This information will be managed in compliance with the Access to Information and Protection of Privacy Act

1. (Please check one of the following) Did you,
   - ☑ submit a development or building application to the Authority.
   - ❌ receive an Order;
   - Or, are you
     - ☑ an interested third party.

2. I am appealing a decision made under (please check one)
   - ☑ Town of White Bay Municipal Plan and Development Regulations
   - ☐ Interim Development Regulations
   - ☐ Local Area Plan
   - ☐ Protected Area Plan
   - ☐ Protected Road Zoning Regulations
   - ☐ Highway Sign Regulations
   - ☐ S. 194 or 404 of the Municipalities Act
   - ☐ S. 240 of the City of Mount Pearl / Corner Brook Acts

3. What decision are you appealing? (please check one)
   - ☑ Approval
   - ☐ Refusal
   - ☑ Conditions of an Approval

4. What is the street address of the subject property/development?

5. When did the Authority make its decision?
   - 11/12/22
   - Day Month Year

6. When did you receive notification of this decision?
   - 12/16/22
   - Day Month Year

7. Please include any documentation from the authority related to the appeal.

8. Please copy all documents to the Authority

   Name: [Name]
   Telephone: [Telephone]
   Fax: [Fax]
   E-Mail: [E-Mail]

   Mailing Address: [Mailing Address]
   Postal Code: [Postal Code]

   Check ☑

I certify that the information provided above is true to the best of my knowledge and belief.

Name: [Name]
(Please Print)
Signature: [Signature]

Day Month Year: s. 40(1)

This information is being collected for the purposes of determining and administering an appeal in accordance with Section 42(8) of the Urban and Rural Planning Act, 2000 and the Development Regulations (CNLR 3/01)
Appeal Submission

Witless Bay Town Council motion 2018-222

I became aware of the passing of this motion 2018-222 by the Town Council on October 18, 2018. It should be noted that the regular scheduled council meetings are held on the second Tuesday of the month but this public meeting was held a week earlier on October 02.

Under motion 2018-222 Town Council has removed all non-subdivision roads and public paths from the controlled standards of the Development Regulations and has created an undefined ad hoc process that empowers Town Council to approve or disallow developments without consideration of Development Regulations.

Town Council has effectively granted itself discretionary authority without any public consultation. It is my submission that Town Council has exceeded the legislative authority granted under the Municipalities Act and under the Urban and Rural Planning Act.

Motion 2018-222 directly affects my property at [Redacted] Witless Bay. The nature of this appeal can be found in the amendment made to Town of Witless Bay Engineering Design Standards as follows: “…the amendment is to add “all other road standards within the Town of Witless Bay including all public Rights-of-Ways shall be at the discretion of Council.” The amendment is to add September 2018 as our amendment date.

In my case this opens the possibility of Council granting discretionary access (via a substandard 60 meter by 3 meter path) to a stranded property at the rear of my property. This is a matter of another appeal with ENRAB submitted in July 2018.

This action of Town Council subverts the Development Regulations to provide a discretionary benefit to one property owner at the expense of another.

I am in the process of seeking legal advice on this matter and I ask that this appeal not be scheduled until the first part of 2019 as I will need time to complete research and to submit further arguments regarding the appeal.

Dated at St. John’s NL this 19th day of October 2018
Public Meeting of West Bay Council
Town Hall
September 11, 2018

Attending Mayor Rene Estrada, Councillors Fraser Paul, Chris Brinston, Neil Stratton, Vince Swain and Lucy Carew
Absent Deputy Mayor Maureen Murphy
Reporting Geraldine Caul & Barb Harrigan

1. Mayor Rene Estrada called the meeting to order at 7:35 p.m.

2. **2018-198** Councillor Fraser Paul/Councillor Lucy Carew
   Be it resolved that Council adopt the agenda as amended to include under Public Works & Infrastructure, h) Call for quotes for paving, ditching, Shouldering, and repair and resurfacing of the Town Hall Parking Lot
   Motion carried unanimously.

3. **2018-199** Councillor Lucy Carew/Councillor Vince Swain
   Be it resolved that Council adopt the August 14, 2018 Minutes of Meeting as presented.
   Motion carried unanimously.

4. Business Arising from Minutes.

   a. Quotes for chain link fence behind the Town Hall –

      **2018-200** Councillor Fraser Paul/Councillor Chris Brinston
      Be it resolved that Council accept the Quote of $5360.00 from Apex Construction Sandwich Inc. to install a chain link fence behind the Town Hall
      Motion carried unanimously.

   b. Quotes for salt and sand –

      **2018-201** Councillor Vince Swain/Councillor Lucy Carew
      Be it resolved that Council accept the Quote of $27,186.00 from Harbour Construction for sand, and the Quote of $35,451.00 from Avalon Coal Salt & Oil Ltd
      Motion carried unanimously.

   c. Quote for mini-split air conditioning –

      **2018-202** Councillor Fraser Paul/Councillor Vince Swain
c  Invoice from Provincial Fence for softball field –

**2018-217** Councillor Chris Brinston/Councillor Lucy Carew
Be it resolved that Council pay Provincial Fence for the supply, installation and repair of chain link fencing and gates at the Rec grounds at cost of $3645 50, under the condition that they complete the work.
Motion carried unanimously

d  Ball field fence addition –

**2018-218** Councillor Chris Brinston/Councillor Fraser Paul
Be it resolved that Council call for Quote for Poly-Cap (safety topper) for the chain link fence at the ballfield
Motion carried unanimously

e  Fire Department request for FES application for SCBA set and SCBA Cylinders –

**2018-219** Councillor Lucy Carew/Councillor Neil Stratton
Be it resolved that Council approve the Fire Department's request for FES application for funding for SCBA set and SCBA Cylinders
Motion carried unanimously

f  Other.

a  Request from Deputy Mayor Maureen Murphy for leave of absence –

**2018-220** Councillor Lucy Carew/Councillor Vince Swain
Be it resolved that Council accept Deputy Mayor Maureen Murphy's request for leave of absence for two public meetings, tonight's meeting (September 11, 2018) and the October 2, 2018 public meeting for personal reasons.
Motion carried unanimously

b  Feasibility Study – Prime Consultant Agreement –

**2018-221** Councillor Lucy Carew/Councillor Neil Stratton
Be it resolved that Council approve the Feasibility Study Prime Consultant Agreement as presented.
Motion carried unanimously

c  Witless Bay Engineering Design Road Standards – Councillor Lucy Carew reported that at the June 12, 2018 meeting, Council made a Notice of Motion to make amendments to the Town of Witless Bay Engineering Design Standards. The amendment is to add the word
“Subdivision,” and, the amendment is to add “all other road standards within the Town of Witless Bay including all public Rights-of-Ways shall be at the discretion of Council. The amendment is to add September 2018 as our amendment date.

2018-222 Councillor Lucy Carew/Councillor Fraser Paul
Be it resolved that Council adopt the revised Town of Witless Bay Engineer Design Standards relating to Notice of Motion made at the June 12, 2018 public meeting as amended to read Town of Witless Bay Engineering Subdivision Design Standards. All other road standards within the Town of Witless Bay including all public Rights-of-Ways shall be at the discretion of Council. Dated September 2018
Motion carried unanimously

8 2018-223 Councillor Vince Swain/Councillor Fraser Paul
Be it resolved that the public meeting adjourn at 8:35 p.m
Motion carried unanimously

The next public meeting of Council will take place on October 2, 2018 at 7:30 p.m.
Walsh, Frank

From: Hounsell, Sandy
Sent: Monday, October 22, 2018 11:33 AM
To: Evoy, Lori
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Yes.

From: Evoy, Lori
Sent: Monday, October 22, 2018 11:27 AM
To: Hounsell, Sandy
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

FYI – Please see below. Are you okay with this approach?

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: Oley, Mary
Sent: Thursday, October 18, 2018 3:32 PM
To: Evoy, Lori
Cc: Hounsell, Sandy
Subject: Re: Objection to Motions 4(a) 4(b) Amending Town Plan

Looks good to me Lori.

Thanks!

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Evoy, Lori
Sent: Thursday, October 18, 2018 12:49 PM
To: Oley, Mary
Cc: Hounsell, Sandy
Subject: FW: Objection to Motions 4(a) 4(b) Amending Town Plan

Mary,

Just a reminder of the e-mail below. Did you have a chance to review?

Thanks,

Lori

Lori Evoy
Eastern Regional Manager
From: Evoy, Lori  
Sent: Friday, October 12, 2018 1:07 PM  
To: Oley, Mary  
Cc: Hounsell, Sandy; Somerton, Danielle  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

DRAFT

Mary,

As discussed please see the draft response to s. 40(1) below. I have also copied Sandy and Danielle, to keep them in the loop. I borrowed some of Danielle’s language in a previous correspondence with respect to URPA. Feel free to suggest changes.

Thanks everyone,

Lori

---s. 40(1)---

As per the request below, both myself and Mary Oley, Director of Local Governance and Land Use Planning, are available to meet with you.

We are able to meet in St. John’s at the Confederation Building at a time which is convenient to you.

The meeting would be an opportunity for you to speak to Department Officials and the Department to listen to your concerns regarding Council’s role and responsibilities as per the Municipalities Act, 1999.

Please note, the Department aims to ensure that all local councils are working within their respective municipal and planning frameworks in guiding development within their communities. It is important to recognize that members of a municipal council are locally elected officials, authorized to make decisions on behalf of the municipality. As such, the Department would not be involved in operational decisions of Council.

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Sincerely,

Lori Evoy

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

---From: Evoy, Lori  
Sent: Thursday, September 06, 2018 3:29 PM---
To: [Redacted]
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

[Redacted]

Thank you for your e-mail.

We are in receipt of your request for a meeting to discuss your concerns as outlined below. I am coordinating with other Department official’s to determine who will be the best person(s) to meet with you. I will contact you in the near future with more information.

Sincerely,

Lori

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [Redacted]
Sent: Tuesday, August 28, 2018 9:40 AM
To: Evoy, Lori
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in our community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives.

A few months ago I met with Tara Morgan of Lands Branch, Keith Deering ADM, and Steve Barnable at my home to clarify a perception of bias issue relating to Ragged Beach development. Mr. Deering describe the meeting as “very productive” If you agree to a meeting it will only be me in attendance and I can assure you equal courtesy and a certainty with respect to productivity. Thank you

[Redacted] FORB

From: Evoy, Lori <LoriEvoy@gov.nl.ca>
Sent: August 22, 2018 3:51 PM
To: [Redacted]
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

[Redacted]

Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

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If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.
Sincerely,

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [Redacted]  
Date: August 14, 2018 at 8:11:12 AM CDT  
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>  
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>  
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council  
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.

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FYI

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [redacted]
Sent: Tuesday, October 23, 2018 10:02 AM
To: Evoy, Lori
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Thank you for your reply. I have no concerns with the amount of time you have taken to reply. To clarify, my concern with Council has nothing to do with the “...operational decisions of council” The record will show that I have a clear understanding of the Municipalities Act and the URPA that grants authority to municipalities. I have frequently communicated with MA staff in the past and acknowledge their valuable assistance. My concerns are with clarity of statutory authority and the level of monitoring of the use and abuse of statutory authority. As stated previously, I try instruct the perspectives of people who contact me for assistance with issues. My request for a meeting results from my identifying a few legitimate concerns that go well beyond a decision of council that can be directed to ENRAB. I will assemble some notes on the issues and arrange a brief meeting at a mutually convenient time. Again, thank you for your support.

From: Evoy, Lori <LoriEvoy@gov.nl.ca>
Sent: October 23, 2018 9:41 AM
To: [redacted]
Cc: Oley, Mary <MaryOley@gov.nl.ca>; Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

My apologizes for the time it has taken to respond to your inquiry. As per the request below, both myself and Mary Oley, Director of Local Governance and Land Use Planning, are available to meet with you. (I have copied Mary on this e-mail).

We are able to meet in St. John’s at the Confederation Building at a time which is convenient to you.

The meeting would be an opportunity for you to speak to Department Officials and the Department to listen to your concerns regarding Council’s role and responsibilities as per the Municipalities Act, 1999.

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Lori Evoy

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: Evoy, Lori  
Sent: Thursday, September 06, 2018 3:29 PM  
To: [Redacted]  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

[Redacted]

Thank you for your e-mail.

We are in receipt of your request for a meeting to discuss your concerns as outlined below. I am coordinating with other Department official’s to determine who will be the best person(s) to meet with you. I will contact you in the near future with more information.

Sincerely,

Lori

Lori Evoy  
Eastern Regional Manager  
Department of Municipal Affairs and Environment

From: [Redacted]  
Sent: Tuesday, August 28, 2018 9:40 AM  
To: Evoy, Lori  
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Hi, Lori Evoy, I have been away on business and just reviewed your email. I try and keep a lid on some of the white noise in our community. Sometime that is difficult. I believe there is more to this issue that requires further discussion. I ask that if you have the time, you could meet with me in Witless Bay on your next trip in the area. The issue surrounding council secrecy and policy procedural fairness is a significant issue for some folks. No doubt there are faulty perceptions and ill defined perspectives.  

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Sent: August 22, 2018 3:51 PM
To: [Redacted]
Cc: Hounsell, Sandy <SandyHounsell@gov.nl.ca>
Subject: RE: Objection to Motions 4(a) 4(b) Amending Town Plan

Thank you for your e-mail. This is to acknowledge that we are in receipt of your correspondence in which you cc’d the Department of Municipal Affairs and Environment on your correspondence to the Town regarding your concern with the procedure for notice of motion on two motions for the Town.

The Municipalities Act, 1999, does not stipulate a specific process for introduction of a notice of motion. A notice of motion is procedural. Please note, that with respect to amendments to a Town Plan, under the Urban and Rural Planning Act, 2000, there is a procedure to follow which includes public notice and consultation.

If you would like to discuss further you may contact the Eastern Regional Office at 729-0259. If you would like to discuss the process for amendments to the Town Plan, you may contact the Local Governance and Land Use Planning Division at 729-3090.

Sincerely,

Lori Evoy
Eastern Regional Manager
Department of Municipal Affairs and Environment

From: [Redacted]
Date: August 14, 2018 at 8:11:12 AM CDT
To: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
Cc: "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>
Subject: Objection to Motions 4(a) 4(b) Amending Town Plan

Town Council
Mr. Sandy Hounsell Director of Municipal Support

A number of residents of Witless Bay involved in FORB have approached me to draft a letter outlining what they deem to be an illegal action by Town Council. My remarks are a summary of their concerns. I have limited personal knowledge of the procedural compliance by Town Council in this matter. However, the information provided would appear to justify their concerns. The attached letter is to advise Town Council of the concerns prior to the next scheduled Public Meeting. I will review the matter further and I may provide additional remarks.

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Hon. Andrew Parsons  
Minister of Municipal Affairs  
Government of Newfoundland and Labrador  

November 8, 2018  

Dear Minister Parsons,  

As I often do, I was at work today and had the house of assembly channel running in the background on my computer. My ears perked up when I heard the Hon. Lorraine Michaels talk about the concerns environmentalists have been voicing regarding artificial lighting offshore and the effects it can have on migrating sea birds.  

I was absolutely delighted to hear you say, in response, that this is an issue you are interested in as well. You are correct in your assertions that seabirds fall under federal jurisdiction, however, there are very important and meaningful steps you - as minister of Municipal Affairs - can enact to help protect marine wildlife.  

I'm sure you are aware of the contentious issue of development at Ragged Beach in Witless Bay. One only has to do a perfunctory glance through the ATIPP requests your department has processed concerning this situation to see what an intense effort developers have put forth and activists have answered for the past 9 years. To refresh your memory - I will provide a brief and bare bones history.  

In 2010, [Redacted] visited our town and hiked the East Coast Trail at Ragged Beach. On that visit they decided they wanted to build a [Redacted] home on that stretch of untouched coastline. No one had ever lived here before. They did find a piece of land for sale - a piece of land that had previously been a potato garden. At that time the land was zoned rural and had no access. When they first approached the town about rezoning the land they were told by the town manager, by town councillors, and residents of the town that they would face great opposition to rezoning this piece of coastline. However they bought the land anyway. In a local newspaper [Redacted] is quoted as saying 'we knew we couldn’t build there but we bought it anyway'.  

The opposition to development at Ragged Beach has many facets. It has always been an important area to our town in many ways. For hundreds of years. The east coast trail at that spot came into existence because over 200 years ago men from the town would walk that coastline to hunt ducks in the fall and winter to feed their families.  

At one time many residents of the town would sow vegetable gardens there. It used to be the site of one of two barking kettles in the town. The fishermen would gather there to treat their nets. Back when horses roamed free in the summer they would often be ‘turned out’ at Ragged Beach to graze.
In recent memory it is one of most accessible and widely used legs of the east coast trail. It is a popular area for tourists and locals alike who go there to have family bonfires, picnics, as well as watch whales, icebergs and seabirds. Perhaps, most important of all - it sits directly across from the Witless Bay Ecological reserve and is a very important dark coast in that respect.

In 2011, at the request of the [redacted], the Witless Bay Town Council advertised an amendment to the town plan to rezone Ragged Beach from rural to residential. In a town of 1100 people the town received almost 1500 letters of protest. These came from the majority of residents in the town, tour operators, hospitality and business owners, environmentalists, scientists, and interested parties all across the world.

They were not even acknowledged by the town.

In 2015 the area was indeed rezoned after the then minister of Municipal Affairs - Hon. Keith Hutchings - called an unprecedented plebiscite on the town plan. There were many procedural and ethical questions raised about this plebiscite. As a resident of the town one thing I can tell you is that the majority of people simply did not understand what they were voting on. And that in no way reflects a deficit in intellect - but ordinary citizens were given one week to study and understand the entire town plan and all the development regulations that go with it. That's a big ask.

Finally, in 2016 the town saw a much welcomed change of direction with a new council and this new council requested a 99 hectare crown land reserve around the lands at Ragged Beach. Minister Parsons no one is trying to take private land or dictate it's use. But what we are asking is for our government to protect and freeze the crown lands around Ragged Beach. We argue these are public lands, sensitive environmental lands, and should be there for generations to come to enjoy them as we have.

To put things in context I can give you an example of my own, albeit unscientific, observations. [redacted]. In the early years - 2010 maybe - we would find maybe 12-15 stranded pufflings in a season. Now we are finding upwards of 800 each summer. Of course it only makes sense to think there are environmental issues at play as well - but it's hard to ignore the claim that as development increases in the town, so too does the pressure on the reserve. Even in areas where there are only one or two more houses in Bears Cove - on the opposite side of the harbour - we are finding more stranded pufflings than we ever did before.

To my knowledge we have never found a stranded puffin on the road in the area of Ragged Beach. This is not about preventing people from moving into our town and enjoying the way of life we all treasure so much. This is about welcoming sensible development as well as protecting that way of life. Of encouraging sustainable development in areas that are suitable to it. But also in protecting important traditional
crown lands and recreational areas in an effort to respect the way of life that residents have enjoyed for hundreds of years. Dr. Bill Montevecchi once said (and I'm paraphrasing) that of all the reserves in Newfoundland - the Witless Bay Ecological Reserve is the one most at risk due to it's proximity to settlement and development. We are simply trying to give our reserve the best chance of not only success - but survival.

Minister Parsons the town of Witless Bay has been deeply divided by this issue as those who favour development are aggressive and ruthless in their efforts to open up Ragged Beach to development. Our current council's main mandate is to find a way to open this area up. Not to one house. Not to two - but to develop that whole coastline. I firmly believe if this happens the reserve wont fall overnight - but I wouldn't fancy it's chances in maybe 10-15 years time. Let's come down on the right side of history with this one. Currently the only thing stopping development is access. Sadly, it is not the birds or the trails or the history or the importance to the community. It has all come down to access.

Our town council and the developers refuse to listen to the wishes of the people or the urgency of protecting the reserve - even in the face of growing numbers of stranded seabirds each year.

Minister Parsons I implore you to review this file, to re-open the application for the crown land reserve and consider helping us protect this incredible natural asset once and for all. Aside from protecting this natural splendour the Witless Bay Ecological Reserve creates employment in the area in the form of several tour companies. Tourism is an important benefit of restaurants, accommodations, and other service based businesses.

If I can do anything to clarify the situation or provide any additional information you may require I would be extremely grateful for the opportunity. I thank you for your time and consideration and hope to hear from you on this urgent matter.

Regards

s. 40(1)

cc. Hon. Lorraine Michaels
   Dr. Bill Montevecchi
Walsh, Frank

From: Blanchard, Kimberley
Sent: Tuesday, November 20, 2018 11:48 AM
To: Haskell, Ellen
Subject: RE: Ragged beach - Witless Bay letter

I'm down the funny little hallway in the cute semi-d office between Env as and MA.

If you are walking down by the offices of Haseen, Dana, Tara towards Mary Oley's office, take a right! 😊

Thanks,
Kim

From: Haskell, Ellen
Sent: Tuesday, November 20, 2018 11:44 AM
To: Blanchard, Kimberley
Subject: RE: Ragged beach - Witless Bay letter

Hi yes,

I can print it off and pop down with it right now. Where are you?

Ellen Haskell
Department of Municipal Affairs and Environment
Telephone: (709) 729-2838
e-mail: ellenhaskell@gov.nl.ca

From: Blanchard, Kimberley
Sent: Tuesday, November 20, 2018 11:42 AM
To: Haskell, Ellen
Subject: RE: Ragged beach - Witless Bay letter

Hi Ellen,

My schedule is a little tight today, but how about 3:15-3:30? To be frank, I have a meeting at 2:15 and it would be a good thing to have a reason to limit that to an hour! So, if 3:15 works for you, please advise where you'd like to meet.

Perhaps you can share the correspondence so I can consider what background is needed?

Thanks,
Kim
Hi Kimberley,

As per Mary’s email, would you be available today to chat?

Thanks,

Ellen

Ellen Haskell
Department of Municipal Affairs and Environment
Telephone: (709) 729-2838
e-mail: ellenhaskell@gov.nl.ca

Hi Ellen:

This is an ongoing issue, you would be best off talking to Kim Blanchard and Robert in my Division. I have cc’d them on this email. You should also speak with Lori Evoy in municipal support as she has been dealing with this matter for some time as well.

Sent from my BlackBerry 10 smartphone on the Bell network.

Hi Mary,

I’m working on a reply letter regarding Ragged Beach. I’m not too familiar with the issue so I was wondering if you had a moment to discuss or if you could advise who in your division would be the best person to speak with.
Thanks,

Ellen

Ellen Haskell
Manager of Planning and Accountability
Policy and Strategic Planning Division
Department of Municipal Affairs and Environment
Telephone: (709) 729-2838
E-mail: ellenhaskell@gov.nl.ca
Thanks Kim!

Hi Ellen,

Hopefully our meeting yesterday was insightful.

I’m attaching just a couple of docs for history/context. There’s a lot of background and I don’t want to send you down rabbit holes.

Essence of message in 2011:

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay.

At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department has received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.

Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. As per legislation, a consultation process would be required with the Minister of Municipal Affairs having final authority for change under the Regional Plan.

As per the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision.
As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.

Hope this helps!

Kim

Kimberley J. Blanchard, BA, MEdes (planning), MCIP
Senior Planner, Local Governance & Land Use Planning Division
Department of Municipal Affairs & Environment
Tel: 709.729.0422 | Fax: 709.729.4475
Email: KimberleyBlanchard@gov.nl.ca
Address: P.O. Box 8700, St. John’s, NL A1B 4J6
Hi Emily,

I actioned the Ragged Beach letter to you this morning. I hope it made, I am still very TRIM simple so I apologize if it’s not there and I will try again. I also double checked with Kim and there has been no recent updates in regards to the Witless bay Municipal plan. Would this be something we would like to communicate back in our correspondence?

Thanks Emily,

Ellen

---

Ellen Haskell  
Department of Municipal Affairs and Environment  
Telephone: (709) 729-2838  
e-mail: ellenhaskell@gov.nl.ca

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From: Blanchard, Kimberley  
Sent: Wednesday, November 21, 2018 11:14 AM  
To: Haskell, Ellen  
Subject: RE: Ragged Beach

Hi Ellen,

Our system reflects no recent changes. The current Municipal Plan and Development Regulations came into legal effect June 24, 2016, and there have been no subsequent amendments.

Kim

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From: Haskell, Ellen  
Sent: Wednesday, November 21, 2018 10:15 AM  
To: Blanchard, Kimberley  
Subject: RE: Ragged Beach

Hi Kim,

Just to double check, are there any updates or recent activity in regards to Witless Bay’s plan in maybe the past year or so?
Hi Ellen,

Hopefully our meeting yesterday was insightful.

I’m attaching just a couple of docs for history/context. There’s a lot of background and I don’t want to send you down rabbit holes.

Essence of message in 2011:

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay.

At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department has received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.

Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. As per legislation, a consultation process would be required with the Minister of Municipal Affairs having final authority for change under the Regional Plan.

As per the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision.

As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.

Hope this helps!

Kim
Thanks Ellen!

What if we say this in the letter:

Thank you for your letter dated November 8, 2018 concerning wildlife protection at Ragged Beach in Witless Bay addressed to Minister Parsons. I note you raise additional concerns with Crown land allocation near Ragged Beach in relation to the protection of the Witless Bay Ecological Reserve.

In regards to planning and zoning for the Town of Witless Bay, the current Municipal Plan and Development Regulations came into legal effect June 24, 2016, and there have been no subsequent amendments. This would include the zoning around the Ragged Beach area.

However, matters related to wildlife, ecological reserves, and allocations of Crown land are under the responsibility of the Department of Fisheries and Land Resources, which would be the appropriate department to address these specific concerns. Further to this, I am copying the Minister of the Department Fisheries and Land Resources, Minister Gerry Byrne.

Ellen Haskell
Department of Municipal Affairs and Environment
Telephone: (709) 729-2838
e-mail: ellenhaskell@gov.nl.ca

Hi Emily,

Here are Kim’s emails. Oh and [redacted] is on the phone!
Hi Ellen,

Our system reflects no recent changes. The current Municipal Plan and Development Regulations came into legal effect June 24, 2016, and there have been no subsequent amendments.

Kim

Hi Kim,

Just to double check, are there any updates or recent activity in regards to Witless Bay’s plan in maybe the past year or so?

Thanks so much!

Hi Ellen,

Hopefully our meeting yesterday was insightful.

I’m attaching just a couple of docs for history/context. There’s a lot of background and I don’t want to send you down rabbit holes.
Essence of message in 2011:

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay.

At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department has received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.

Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. As per legislation, a consultation process would be required with the Minister of Municipal Affairs having final authority for change under the Regional Plan.

As per the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision.

As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.

Hope this helps!

Kim
Forgot to add this BN!

From: Haskell, Ellen
Sent: Wednesday, November 21, 2018 10:03 AM
To: Blanchard, Kimberley
Subject: RE: Ragged Beach

Thanks Kim!

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Ellen Haskell
Department of Municipal Affairs and Environment
Telephone: (709) 729-2838
e-mail: ellenhaskell@gov.nl.ca

From: Blanchard, Kimberley
Sent: Wednesday, November 21, 2018 10:01 AM
To: Haskell, Ellen
Subject: Ragged Beach

Hi Ellen,

Hopefully our meeting yesterday was insightful.

I’m attaching just a couple of docs for history/context. There’s a lot of background and I don’t want to send you down rabbit holes.

Essence of message in 2011:

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay.

At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department has received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.
Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. As per legislation, a consultation process would be required with the Minister of Municipal Affairs having final authority for change under the Regional Plan.

As per the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision.

As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.

Hope this helps!

Kim
Title: Proposed amendment to accommodate development in Ragged Beach, Witless Bay

Issue:
- Provincial interests concerning proposed amendment in Witless Bay in the Ragged Beach area.
- This note is provided by the Land Use Planning Section for the Minister’s consideration.

Background:
- The Town of Witless Bay has a Municipal Plan and Development Regulations in effect since January 20, 2006. The Town of Witless Bay is also located within the St. John’s Urban Region, which has had a Regional Plan in effect since 1976.
- The Town of Witless Bay wishes to accommodate a proposed residential development in the Ragged Beach area, which is contrary to the planning framework in effect. Planning staff have determined that, in order to accommodate the proposal, amendments would be required for the Regional Plan as well as the Town’s Municipal Plan and Development Regulations.
- The Municipal Plan outlines the Town’s vision for development in the community. The land use policies of the Municipal Plan identify the area of Gallows Cove-Ragged Beach as Park and direct policies for the use of this area. Development is to be in accordance with the Town’s Open Space/Tourism Development Plan, including interpretation displays, parking lot with public washrooms, picnic tables and development of walking trails.
- In accordance with the Town’s Municipal Plan the area is identified on the Future Land Use Map within the Rural designation. In the Town’s Development Regulations, there is corresponding zoning which is also Rural.
- In accordance with Section 14 of the Urban and Rural Planning Act (URPA), the Town conducted public consultation which resulted in significant public controversy and outcry against the development. Approximately 1400 expressions of objection were filed against the development, and Municipal Affairs staff fielded many complaints pertaining to the proposal. Representations on this issue have also been directed to the province.
- This issue has received media attention and become debated in the public venue. Many letters have been directed not only to the Minister of Municipal Affairs, but also to other Departments and Agencies which may have an interest in the issue.
- Section 15 of the URPA requires that the Department review proposed amendments to determine provincial interests that may be impacted by the proposed amendments. The Town submitted documents for provincial review of provincial and other government agency interests and law.

- The Minister is the authority respecting the Regional Plan, and has discretion to consider whether to proceed with the process of an amendment to the Regional Plan to accommodate the development.

- Proposed development in the context of the Ragged Beach area has raised several potential provincial interests. Some of these include: the Witless Bay Ecological Reserve, the East Coast Trail, and conservation of coastal lands.
Title: Proposed amendment to accommodate development in Ragged Beach, Witless Bay

- While the official referrals would not be made until such time as it is determined whether the Minister wished to consider an amendment to the Regional Plan, the following are salient points from of the objections where issues of provincial interest have been raised:

  s. 29(1)(a)

Decision / Direction Required:
- Draft correspondence is attached for consideration.
Hi Ellen,

Hopefully our meeting yesterday was insightful.

I'm attaching just a couple of docs for history/context. There's a lot of background and I don't want to send you down rabbit holes.

Essence of message in 2011:

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay.

At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department has received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.

Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John's Urban Region Regional Plan. As per legislation, a consultation process would be required with the Minister of Municipal Affairs having final authority for change under the Regional Plan.

As per the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision.

As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.

Hope this helps!

Kim
May 10, 2011

Witless Bay Residents Association
PO Box
Witless Bay, NL
A0A 4K0

Dear Sirs and Madams:

Re: Opposition to proposed amendment in Ragged Beach area of Witless Bay

I write in response to the letter dated May 6, 2011 from the Witless Bay Residents Association stating concerns and opposition with the proposed amendment to the Witless Municipal Plan and Development Regulations respecting an area of town known as Ragged Beach-Gallows Cove.

The Department of Municipal Affairs is aware of the issue about a possible request for rezoning of the area known as Ragged Beach in the Town of Witless Bay. At this time we do not have a new proposal from the Town of Witless Bay regarding the possible rezoning of this area. The last correspondence the department received on this topic was several months ago when the Town indicated to us they would not be proceeding with a request for rezoning at that time.

Under the Urban and Rural Planning Act, 2000, municipalities have the autonomy to prepare a Municipal Plan that reflects community vision for future growth and priorities. Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. As Minister of Municipal Affairs, I am the Authority for the Regional Plan. A public consultation process is required for all amendments and, for municipal and regional amendments that are undertaken together, this process is normally achieved by a coordinated approach for advertisements, and the public hearing.

In accordance with the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. If such an application is received it will be reviewed by my officials and I will make the appropriate decision. As a part of the process to make this decision we will take into account the comments of any interested parties including: the Witless Bay Residents Association which has voiced concerns over the proximity of this development to the East Coast Trail; the Town of Witless Bay; and the developers.
Sincerely,

KEVIN O'BRIEN
Minister

cc: Hon. Terry French, Department of Tourism, Culture and Recreation
Hon. Ross Wiseman, Department of Environment and Conservation
Mr. Keith Hutchings, MHA, Ferryland District, Parliamentary Secretary to the Minister of Health and Community Services
November 18, 2013

Deар [Redacted]

Re: Proposed Development in Witless Bay – Gallows Cove/ Ragged Beach Area

I write in response to your letter to Minister O’Brien dated May 13, 2011 regarding your concerns with respect to proposed development in the Gallows Cove/ Ragged Beach Area of Witless Bay. The Department of Municipal Affairs is aware of the issue about a possible request for rezoning in this area, and we appreciate your letter and insights into the situation.

Under the Urban and Rural Planning Act, 2000 (URPA) municipalities have the autonomy to prepare a Municipal Plan that reflects community vision for future growth and priorities. Residential Development in the area of Ragged Beach, Witless Bay would require an amendment to both the Witless Bay Municipal Plan and the St. John’s Urban Region Regional Plan. The municipal Council is the Authority for its Municipal Plan and Development Regulations. The Minister of Municipal Affairs is the Authority for the Regional Plan. URPA provides for amendments to these plans in accordance with a specified process that includes public consultation.

In accordance with the Urban and Rural Planning Act, changes can only be made to plans where there is no conflict with provincial law or provincial interests. Municipal Affairs will ensure that the process is followed and that various interests are taken into consideration as required by our legislation.

Sincerely,

Kimberley Blanchard
Senior Planner
Dear [Redacted],

Thank you for your letter dated November 8, 2018 concerning wildlife protection at Ragged Beach in Witless Bay addressed to Minister Parsons. I note you raise additional concerns with Crown land allocation near Ragged Beach in relation to the protection of the Witless Bay Ecological Reserve.

With regard to planning and zoning for the Town of Witless Bay, the current Municipal Plan and Development Regulations came into legal effect June 24, 2016, and there have been no subsequent amendments. This would include the zoning around the Ragged Beach area.

However, matters related to wildlife, ecological reserves, and allocations of Crown land are under the responsibility of the Department of Fisheries and Land Resources, which would be the appropriate department to address these specific concerns. Further to this, I am copying the Minister of the Department Fisheries and Land Resources, Minister Gerry Byrne.

Sincerely,

[Signature]

GRAHAM LETTO, MHA
District of Labrador West
Minister of Municipal Affairs and Environment

c: Hon. Gerry Byrne, Minister of Fisheries and Land Resources