

# Town of Witless Bay

## February Newsletter

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### **COUNCIL BY-ELECTION: FEBRUARY 25TH**

A by-election has been called to fill the two seats currently available on our Town Council. Voting takes place at the Town Office from 8am to 8pm on Wednesday, February 25<sup>th</sup>. Three residents have been nominated for election:

**BRENDA ARMSTRONG \* KEN BRINSTON \* ALBERT MURPHY**

### **JOIN THE COMMUNITY ENHANCEMENT COMMITTEE!**

The goal of this committee is to make Witless Bay a better, friendlier, even more beautiful place to live. Meetings during the Spring and summer are from 7:30pm to 9:00pm on the first and third Tuesdays of each month. ***The next meeting takes place on TUESDAY, MARCH 3<sup>rd</sup> at 7:30pm*** in Council Chambers. We hope to see you there!

### **OUR MUNICIPAL PLAN: SMART DEVELOPMENT = PROSPEROUS COMMUNITY**

The 2014-2024 Municipal Plan has now been submitted to the Province for registration. The result of many hours of study, analysis, and extensive public consultation, the purpose of this plan is to ensure smart development for a prosperous town. Attached to this Newsletter are the details relating to the two issues that have received the most attention during the past months. We invite residents to read about Council's decision to retain the original RURAL zoning at Ragged Beach, and Council's decision to increase the minimum lot size in undeveloped parts of the town, ensuring that future subdivisions are an asset, not a liability.

### **PRESENTING WITLESS BAY'S**

#### ***TOURISM & BUSINESS RENEWAL & GROWTH STRATEGY 2015-2020***

Describing what they wish Witless Bay would be like in the year 2030, residents painted a picture of a town that looks a lot like the place we know and love today: a beautiful community with rural charm, a rich heritage, and rugged natural beauty. The Town's new *Tourism & Business Renewal & Growth Strategy* will help diversify our local economy and create a more stable commercial tax base by guiding Council in the coming years, establishing clear goals and actions to be followed so that we can continue to make Witless Bay an even better place in which to grow and prosper. Next month's newsletter will have all the details!

### **THE TOWN COUNCIL & STAFF WISH ALL RESIDENTS A SAFE WINTER!**

Mayor Sébastien Després, Deputy-Mayor Dena Wiseman

Councillors Kevin Smart, René Estrada, & Ralph Carey

Town Clerk-Manager Geraldine Caul, Assistant clerk Barb Harrigan, Grounds/Maintenance Aiden Carey.

# NEW SUBDIVISION LOT SIZES:

## ***PROTECTING OUR WATER SUPPLY, PRESERVING OUR COMMUNITY'S RURAL CHARACTER & KEEPING TAXES LOW***

Lot size has an important impact on a broad range of issues. The most obvious of these is the risk of problems with the water table. Allowing half-acre lots in future subdivisions would eventually force the Town to install piped water & sewer, at great cost to our residents. We don't need a crystal ball to know this – we just have to look to the hundreds of other NL communities that have found themselves in this position.

Until very recently, residential development in Witless Bay took place slowly and naturally. Because of this, the town we know and love today has narrow lanes, houses at various levels from the road, roads on steep inclines, irregular lots, and will soon have nearly forty kilometres of winding roadway. While these things make Witless Bay the gorgeous place we get to call home, they also would make the installation, operation, and maintenance of public water and sewer exceptionally costly.

### **Piped services are not a guarantee of safe drinking water.**

Most communities in the province that are currently equipped with public systems can't guarantee a healthy source of drinking water to their residents. Almost 200 NL communities issued Boil Water Orders in the past two years, with 137 of these lasting for over 5 years. Residents in almost a third of communities in the province are drinking water with dangerously high levels of haloacetic acid and/or trihalomethanes. These disinfectant by-products are linked to cancers of the liver, kidneys, bladder & colon, & shorten life expectancies. [www.mun.ca/HarrisCentre/Rural\\_Water\\_Report.pdf](http://www.mun.ca/HarrisCentre/Rural_Water_Report.pdf)

### **Other advantages of larger lots in new subdivisions:**

- *Larger lots are more comfortable for homeowners, their children, and their pets.*
- *They help protect the community's rural character & are better for a rural lifestyle.*
- *They have a positive impact on the community's property values & resale values.*
- *They allow subdivision developers to do selective cutting instead of clear-cutting.*
- *They are much more flexible. They allow for later remodeling and expansion.*
- *Larger lots allow for a better siting of structures and more organic landscapes.*
- *They allow for gardening, increased self-sufficiency, and enjoyment of their property.*
- *Larger lots require much less reworking for septic installation.*
- *Larger lots allow for better siting of Town infrastructure (storm drains, ditches, etc.)*
- *Larger lots also help produce privacy (for both current and future residents).*

Residents have asked Council to protect the rural character of the community and its water table. This has come through as a priority during public consultations, strategic planning retreats, public hearings, residents' advisory committee meetings, and in everyday correspondence. One-acre lots in newly developed parts of the town will help protect our water supply, preserve our community's rural character, & keep taxes low.

# RAGGED BEACH:

## ***WHY THIS AREA WILL KEEP ITS RURAL DESIGNATION***

Although many people are not aware of it, the new Town Plan does NOT rezone the private land at Ragged Beach. This area has always been zoned rural, and it remains rural in the new Town Plan. While Council did initially intend to rezone this section as "recreation," it was finally decided, last August, that it will keep its original zoning.

Council thoroughly examined the proposal to develop Ragged Beach and met with the developer a number of times to discuss the many impediments to the project. Council finally assessed that allowing a subdivision at this site is not in the best interests of the community, since the issues, problems, lost opportunities, and costs related to the project far outweigh the benefits the Town and its residents would reap from it.

### **Issues with Access**

The very first time the proposal for a development at Ragged Beach was presented to Council (early 2010), the issue of access was identified as a concern. This was set as a condition, and repeated throughout the history of the file. Access to the property has not been demonstrated, after more than **five years** of repeated requests from Council.

The issue of access is complicated by the regulations, which stipulate that no dead-end street can be over 300 metres in length. To circumvent this regulations, the subdivision proposal at Ragged Beach called for the construction of a cul-de-sac coming out from a dead-end road which itself would come out from the end of another lane at the end of another dead end road. This complicated scheme required the Town to treat three sections of the same road as three separate and distinct roads. Such distortion of the facts for the Town to avoid following its own regulations (and the Province's) is questionable and would set a dangerous precedent.

### **Expropriation of Other Landowners & Financial Considerations**

When the Ragged Beach file was discussed by the past Council, it was made very clear that no expropriation would take place. And rightly so: Expropriation is a governmental power reserved for circumstances where the public interest is clearly served, and the proposed subdivision does not meet this conditions. Since the path proposed as an access to the proposed subdivision has never been owned by the Town, the expropriation of land and assets from private landowners would therefore be necessary for development to proceed at Ragged Beach. Since the Expropriation Act is unclear about what constitutes "land detrimentally affected by an expropriation," this could expose the Town to a many unforeseen financial responsibilities.

Members of the former Council also made it clear that Mallowney's Lane would not be widened to allow for the proposed development. Since then, however, the Minister has made the widening of this lane a condition for rezoning. While the applicant had offered to pay for a portion, a substantial portion of the cost would nonetheless fall on the Town. Legislation states that a municipality must compensate landowners for the removal of improvements within a street reservation when these were built before a road was approved by council. This is treated as an expropriation under the Planning Act. There are a number of such improvements on Mallowney's Lane, including two wells. The widening Mallowney's Lane therefore exposes the town to significant costs.

One of the top priorities of a municipal government is to ensure its financial wellbeing. Allowing the development of land at Ragged Beach would be detrimental to the town's financial position, with costs far outweighing benefits. In addition to construction costs, road maintenance and snow clearing costs of the proposed roadway would be the Town's responsibility. The cost of servicing and maintaining this roadway would outweigh the tax revenues generated by the proposed development. Piped water and sewer, should these ever be required in this area, would be cost-prohibitive.

## Ragged Beach: A Key Asset

Ragged beach has long been recognized as one of the community's key assets. Designated as a park in the 2005 Town Plan, the town's 2010 Integrated Community Sustainability Plan highlighted the importance of preserving, sustaining, and protecting this site. Witless Bay is perfectly situated to capture an important share of the province's billion-dollar tourism industry. One of the obvious stopping points along the Irish Loop, our beautiful town has a lot to offer: it is home to the largest colony of the province's official bird, and our Puffin Patrol is attracting international attention. Witless Bay has breathtaking views, great beaches, tons of heritage homes and buildings, some of the best angling around, fantastic trail systems for hiking and snowmobiling, and a stunning pristine rural coastline. National Geographic Traveller Magazine has rated the Avalon's Coastline as the world's top Coastal destination.

Witless Bay just became the first town in the area to win a **Tidy Towns** award, and has been invited to participate in the national **Communities in Bloom** competition. These significant achievements demonstrate that Witless Bay is well on its way to realizing its extraordinary potential as a tourism destination. For the town to achieve its potential, however, its key assets must be carefully managed and protected.

## Environmental Impact

A number of experts, specialists, groups, citizens' organizations, and associations have voiced grave concerns about the environmental impact that the proposed development could have on the nearby ecological reserve, as has the Province's Minister of Environment and Conservation, who invited Council to proceed with caution. The Witless Bay Ecological Reserve has great potential as an economic driver for our community, so it makes good business sense to protect it.

There has been unprecedented opposition to the proposal to develop a subdivision at Ragged Beach. **Over 400 letters opposing the project were sent in by residents of Witless Bay.** In addition to these, nearly 1000 additional letters were submitted by various other stakeholders. Only 11 individuals ever submitted letters in favour of the project.

Hundreds of residents have asked Council to consider the importance of Ragged Beach for their families, to recognize its symbolic importance to the community, and to realize this area's great potential as an income generator for the town. The opposition to the development of Ragged Beach was consistent throughout the Public Consultation process that was held to allow for various stakeholders' opinions to be heard. The report submitted by the Public Consultation Planning Committee was squarely opposed to it, and our Town Planner advised the Town against it.

The series of public consultations held by the current Council regarding the future of our town have re-confirmed the importance of this area to our residents. The Commissioner's Report from last summer's Public Hearing (available at the Town Office) confirms the merit of Council's approach and validates the land use planning decisions made by the Town.

**For these reasons, Ragged Beach will keep its original RURAL designation in the 2014-2024 Municipal Plan.**