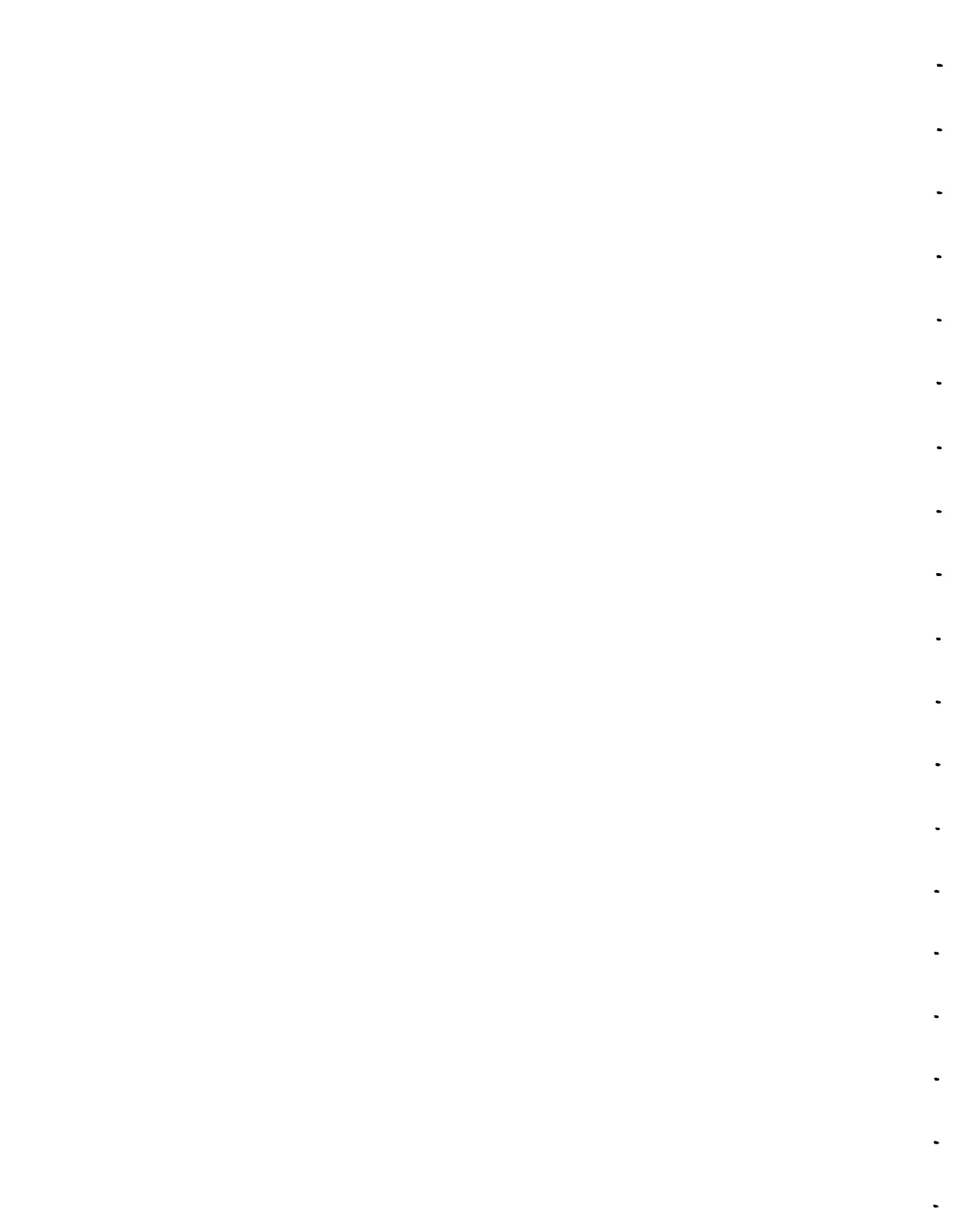


**TOWN OF CHAPEL ARM
MUNICIPAL PLAN
2017**



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MUNICIPAL PLAN

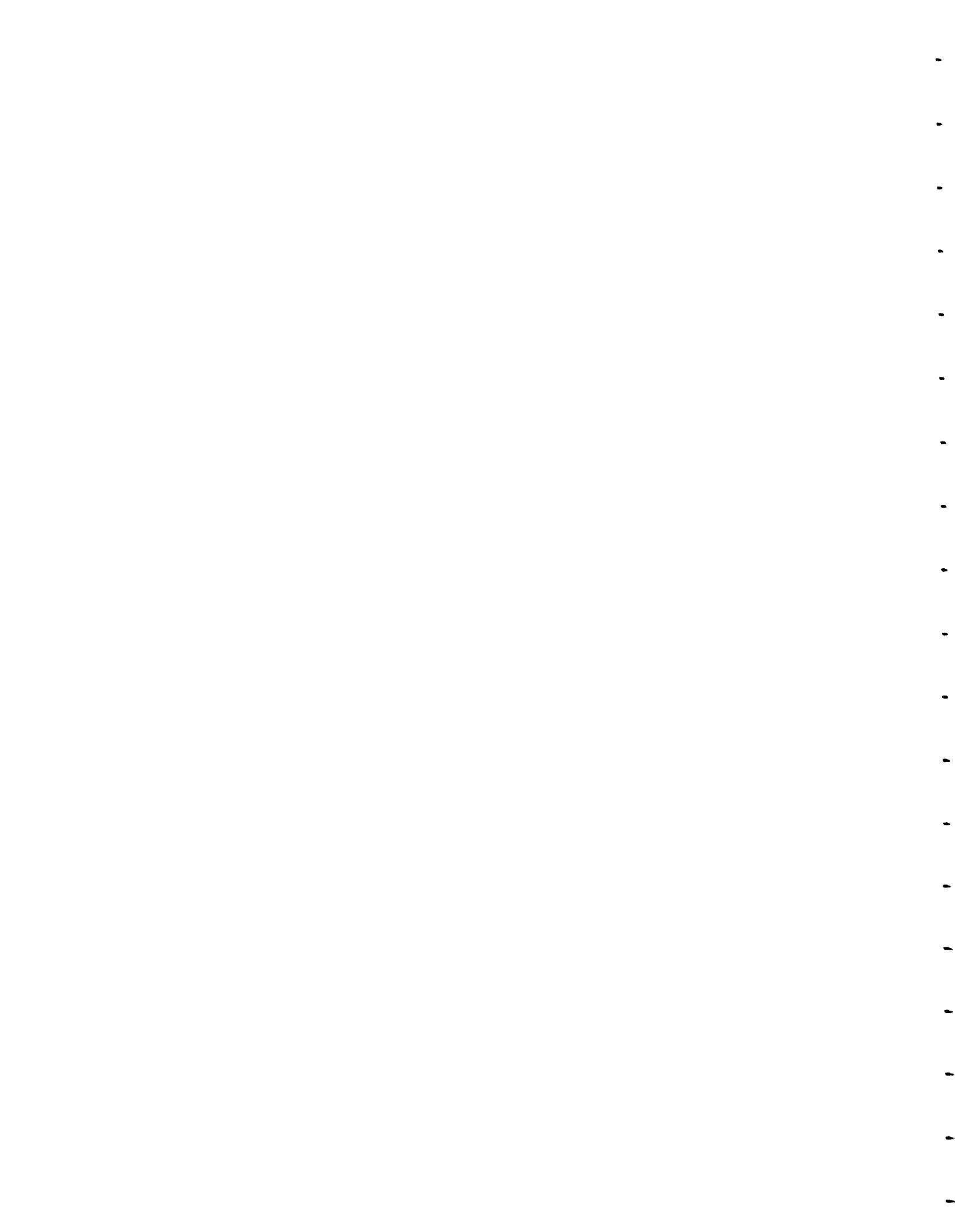
TOWN OF CHAPEL ARM



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Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Chapel Arm Municipal Plan, 2017

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Chapel Arm:

- a) Adopted the Town of Chapel Arm Municipal Plan on the 10th day of January, 2018.
- b) Gave notice of the adoption of the Town of Chapel Arm Municipal Plan by advertisement inserted on the 22nd day and the 29th day of January, 2018 in the *Telegram* newspaper.
- c) Set the 7th day of February, 2018 at 7:00 p.m. at St. John the Baptist Hall for the holding of the Public Hearing of objections.

Now under the authority of Section 23, of the *Urban and Rural Planning Act, 2000*, the Town Council of Chapel Arm approves the Chapel Arm Municipal Plan as adopted.

Signed and Sealed this 13th day of February, 2018.

Mayor:

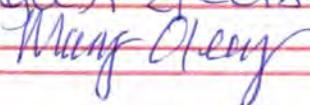


Mark Thorne

Town Clerk/ Manager:



Tracy Smith

Municipal Plan/Amendment	
REGISTERED	
Number	1030 - 2018 - 002
Date	August 2, 2018
Signature	

(Council Seal)





Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Chapel Arm Municipal Plan, 2017

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Town Council of the Town of Chapel Arm adopts the Town of Chapel Arm Municipal Plan 2017.

Adopted by the Town Council of the Town of Chapel Arm on the 10th day of January, 2018.

Mayor: 
Mark Thorne

Town Clerk/ Manager: 
Tracy Smith

(Council Seal)

Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP: 
Member of the Canadian Institute of Planners



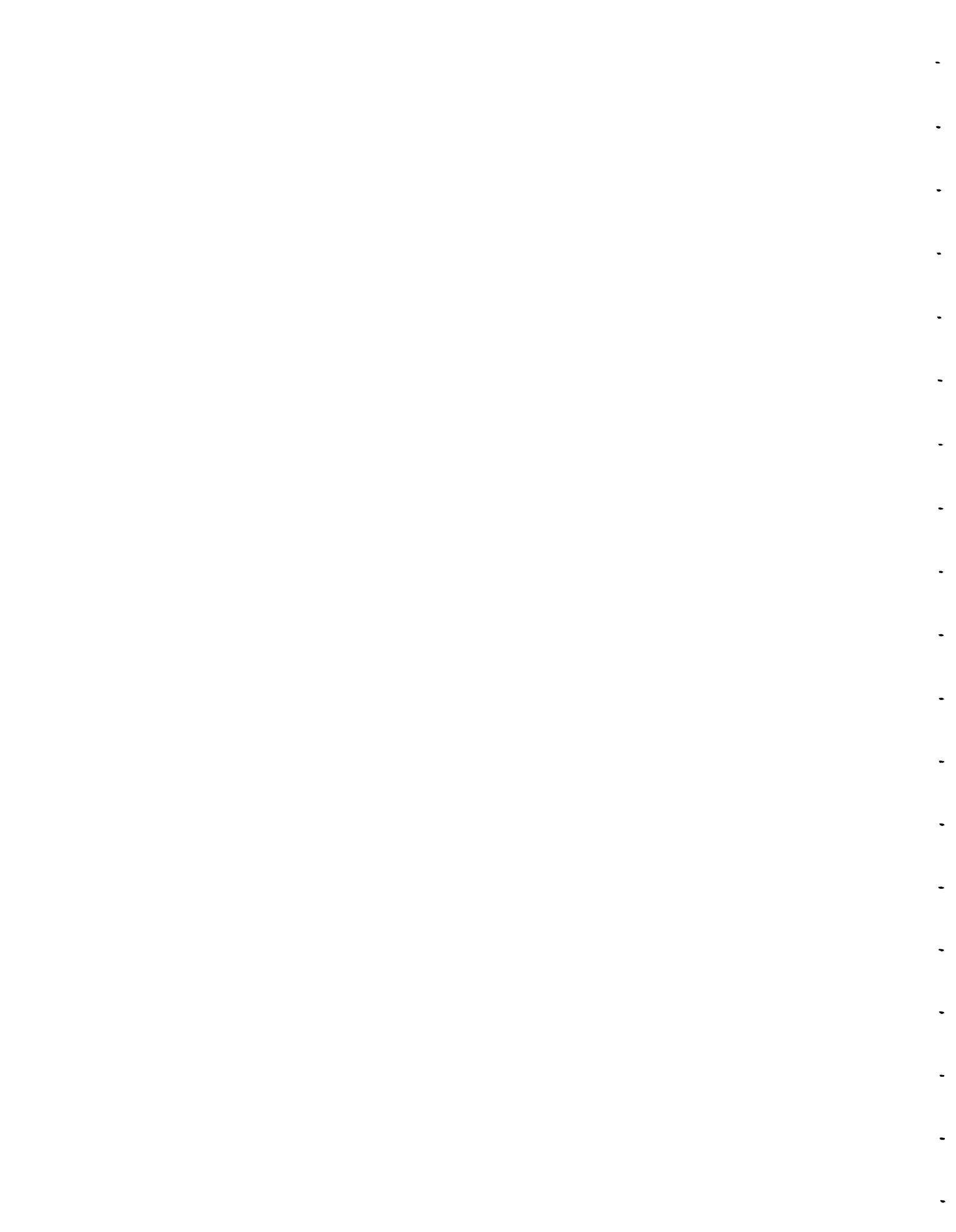


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1.0 INTRODUCTION

1.1 FORWARD

This comprehensive review of the Chapel Arm Municipal Plan was prepared in accordance with the Urban and Rural Planning Act, 2000 (URPA). Pursuant to URPA, the Chapel Arm Municipal Plan contains policy statements and maps approved by Council and the Minister of Municipal Affairs to guide community growth and development for the next 10 years.

Section 1 provides an overview of the community's planning framework, summarizes the contents and structure of the Municipal Plan document and the relationship to the Development Regulations document as well as the related mapping. It explains the legal implications of the Plan in relation to the defined lands within the Municipal Planning Area.

Section 2 provides general background, demographic, and contextual information and broadly outlines the planning issues that form the basis for the policies contained in Section 3.

Section 3 sets out the land use policies that are realized in the Chapel Arm Development Regulations. It outlines the Plan goals, general development policies, specific land use designations and policies for the Urban and Rural designations, and other development policies, as well as Plan implementation. Section 3 is often referred to when there is an appeal against a decision of Council under the Development Regulations, because it provides the framework for the Regulations and so is used in their interpretation where it is necessary to shed additional light on a specific case. The Future Land Use Maps lay out the broad land use designations of the Municipal Plan, and are included in Section 3.

Section 3 of the Municipal Plan is permissive in that it allows the Authority, the Town Council of Chapel Arm, to zone for the array of uses and similar uses set out under Section 3. It does not direct the Town to zone for such uses, and so the Town may not necessarily zone for the full range of uses that are enabled and set forth under Section 3.

1.2 THE EFFECT AND VARIATION OF THE MUNICIPAL PLAN

Managing land use and development is not a static process; therefore, the municipal planning documents are not intended to be static. URPA directs that Plans be prepared with a 10-year planning horizon, and a 5-year review period. If determined necessary at the time of review, the Plan may be revised to take account of development that can be foreseen during the next ten-year period.

In response to the changing needs of the community, the planning legislation provides Council with the authority to consider changes to its planning framework, in accordance with an amendment process that involves public notification and consultation as defined under URPA.

Once completed in accordance with URPA, a Municipal Plan is legally binding on Council and all persons who undertake development within the Town's Municipal Planning Area. The Municipal Plan, along with any amendments that are undertaken, remains in legal effect until such time as a comprehensive review is done and a new Plan is prepared.

1.3 MUNICIPAL PLANNING AREA

The Chapel Arm Municipal Planning Area is the boundary of land to which the Municipal Plan and Development Regulations apply. This planning area was established by the Minister of Municipal Affairs under the Urban and Rural Planning Act, and reflects the same area as the Town's legal incorporated Municipal Boundary, established in accordance with the *Municipalities Act*. The Municipal Planning Area and the corresponding Municipal Boundary are shown on the Future Land Use Map. It is also referred to as the "Planning Area" in this document.

2.0 BACKGROUND

2.1 GENERAL

Chapel Arm is a small community with a population of 470¹ situated on the Isthmus of the Avalon, between Trinity and Placentia Bays. Chapel Arm is accessed by taking Highway 201, which leads northward off the Trans-Canada Highway (Route 1). It is located approximately 110 kilometers west of the capital City of St. John's.

Highway 201, which provides access to Chapel Arm, also links the communities of Norman's Cove-Long Cove, Thornlea, and Bellevue. The communities of Chapel Arm and Norman's Cove-Long Cove are extensions of each other along Chapel Arm and the Highway – which is also called Main Road. At the Trans-Canada Highway intersection, the route leading north-easterly is Highway 201, while the route leading south-westerly is Highway 202 leading towards Long Harbour-Mount Arlington Heights and Placentia Bay.

The Isthmus connects the Avalon, Burin, and Bonavista Peninsulas, three areas that are major centres of economic development in Newfoundland and Labrador: Come by Chance (oil refinery); Arnold's Cove (Whiffen Head oil storage); Bull Arm (oil rig construction); Marystow (ship yard), Long Harbour (nickel processing plant); and the capital region of the province (St. John's Metropolitan Area).

The strategic location of the Isthmus is not only economically advantageous, but the Isthmus area connects regions with that are promoted as strong tourism and cultural heritage destinations. The Town of Chapel Arm is part of the Discovery Trail system. Reaching from Chapel Arm to Terra Nova, Clarenville to Elliston, and Bonavista to Trinity Bight, the Discovery Trail is 230 kilometres long and is one of the province's premiere tourist destinations.

The overall structure of the community is characterized as follows: Leading into the gateway to the community via Trans-Canada Highway to Highway 201, the Town is comprised of a relatively new strip of highway-oriented commercial development, transitioning to a mix of commercial

¹ Chapel Arm Profile – Community Accounts (2011).
http://nlcommunityaccounts.ca/profiles.asp?_=vb7En4WVgaauzXFjWw__

and residential development, leading to the older more established part of town that is built up with development in proximity to the water.

The traditional part of the community of Chapel Arm still retains the layout of a fishing community with narrow paved roads and a relatively consistent scale of housing that contributes towards the visual harmony of this community. Development adjacent to the Arm extends along both sides of Highway 201 (Main Street) in the form of ribbon development, meeting the border to the adjacent community of Norman's Cove approximately 2.6 kilometres from the Town Office. Development is clustered around the bottom of the Arm, as well as 'Wester' and 'Souther' Coves, at Western Cove Pond and Southern Cove Pond and the area in between. The land use designation and zoning allow for a mix of uses in the form of mostly residences, interspersed with some small commercial, community and institutional uses.

Beyond these fairly compact areas of development, a significant amount the landmass in the community is rural and undeveloped; however, there are challenges to opening up rural lands to new development, most notably steep slopes and changing grades, as well as utility transmission corridors. There is a significant utility corridor, essentially parallel to the TCH, offset by about 1.5-2 kilometres, which cuts through the community and limits development potential. This utility corridor meets in a T-intersection with another transmission to the west of Highway 201/202 leading south-westerly to Long Harbour. NL Hydro will be rebuilding TL201 and installing a new line from Soldier's Pond to the Chapel Arm Terminal Station in the coming years. A portion of these two new lines (re-build of TL201 and a new line from Soldier's Pond to Chapel Arm) will extend through the Town of Chapel Arm. The Town must accommodate for the construction and maintenance of the transmission line and utility corridor, including an additional Right-of-Way of 70 metres to the south of the existing easements it holds in this area.

It is only relatively recently – since the development of highway-oriented facilities, commercial operations and amenities, as well as the inclination towards larger house types – that the separation of uses has become a more poignant issue, and issues of compatibility and use mixes have evolved. The changing lifestyle, changing economy and employment opportunities, and transition away from traditional agriculture activities, has also meant that agricultural livestock uses that once may have been tolerated are no longer viewed as suitable close to dwellings. In part, this clash of uses is worsened by the more intensive livestock management practices.

2.2 POPULATION TRENDS

Chapel Arm has experienced population fluctuations in recent years, and has been steadily declining from a population of 699 in 1986. The Town's population at the last census in 2011 was 470, and has declined 1.1% since the 2006 census (down from 475). Over the same period, the entire province experienced a population increase of 1.8% since 2006. The median age in Chapel Arm at the 2011 census was 49, slightly older than the median age of 44 for the province of Newfoundland and Labrador as a whole.

There are factors that could influence population in both negative and positive ways. Contributing to potential decline in population is the ageing population, and few employment opportunities located directly within the community bounds. Positive influences on the community population and sustainability include the fairly strong regional economy, and the close proximity to oil and gas operations and mega project development. Given the small size of the community, for the purpose of this document, a stable population and a modest increase in the number of dwellings is projected.

2.3 THE ISSUES

When Council formally approved the intent to proceed with the preparation of its inaugural Municipal Plan and Development Regulations in late 1999, it had identified the following as requirements that would have to be satisfied:

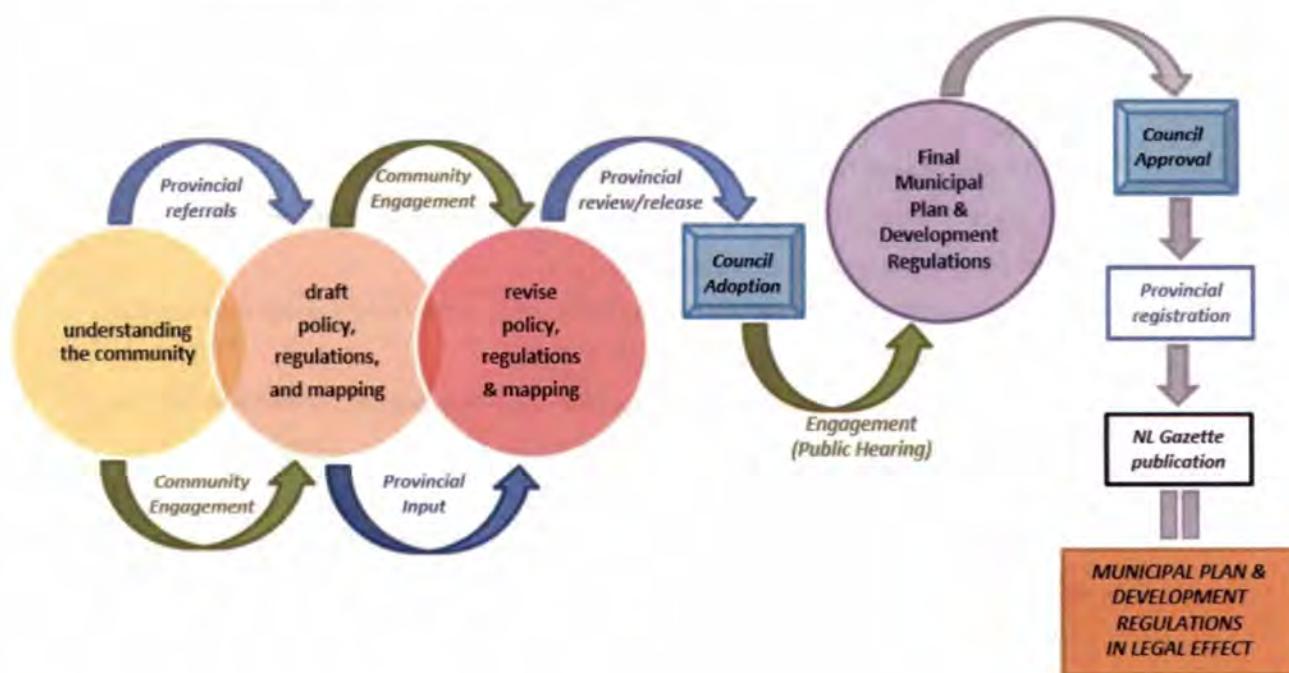
- a) An effective mechanism for the regulation of development that would enable the Town of Chapel Arm to regulate development in accordance with the community's wishes and in compliance with relevant Provincial requirements;
- b) The protection of built-up areas from non-compatible developments while allowing some compatible business development;
- c) The reservation of an area along Highway 201 in front of the Trans-Canada Highway for larger scale Commercial and Light Industrial Uses;
- d) The reservation of an area between the present built-up area along Highway 201 and the commercial industrial area for new housing development and other compatible development;
- e) Protection of the water supply of dwellings along Main Street - Highway 201 (and elsewhere) by the control of forestry and other activities on upstream slopes to prevent soil erosion, well contamination, and damage to property and roads.

The Town's Municipal Plan and Development Regulations gave Council the authority and the development control mechanisms to address the issues that faced them at the time. In this Plan Review, Council's main objective is to satisfy the statutory requirement under the Urban and Rural Planning Act (URPA) to review its planning framework. The Plan required updating to bring it in conformance with URPA 2000, which included a standardized component for inclusion in all Municipal Plans: The Minister's Development Regulations. Revisiting the Plan and Regulations provides an opportunity not only to ensure compliance with provincial policy and law, but also to consider ways in which the Plan might be updated to reflect current thinking and contemporary practice.

2.4 THE PLAN REVIEW PROCESS

As illustrated in the figure below, there are a number of steps involved in the planning process under the provincial planning legislation, the *Urban and Rural Planning Act, 2000* (URPA). Whether developing a new inaugural plan for a community, or reviewing a plan that has been in legal effect, or amending that plan, URPA requires a consistent process that may vary in magnitude or scope. The legislation also provides for public engagement at various steps of the process.

In the statutory review of the Town of Chapel Arm Municipal Plan and Development



Regulations, communications and meetings took place with Council and staff late summer and Fall 2015 to gain an understanding of the community and the priorities in reviewing the town plan. The public engagement process involved an on-line community survey questionnaire that ran until February 2016, and a public meeting was held May 4, 2016 at St. John the Baptist Hall. Through postings on social media on the Town's Facebook page and at the Town Hall, and the publication of public notices, the community residents and stakeholders were made aware of the process underway, and given opportunity to become involved and provide input into the process. Through the government referral process, Provincial departments and agencies are provided opportunity to provide comments and recommendations. The input and results of the community survey, the feedback from the meeting with members of the community, the on-going dialogue with the Town staff, as well as the provincial input were all among the considerations in conducting the review of the Municipal Plan and the Development Regulations.

The draft Plan and Development Regulations are ultimately submitted to Municipal Affairs for provincial review to ensure compliance with provincial policy and law. Once released from provincial review, the Council may formally adopt and give notice of a public hearing on the Municipal Plan. The Hearing overseen by an objective Planning Commissioner who will hear representations from the public and provide the last opportunity for objections before writing a report and recommendations for Council's consideration to finalize and approve its Plan. On the basis of the commissioner's report, Council will approve the Plan as adopted, or may approve with the commissioner's recommended amendments. Once approved by Council, the Municipal Plan and the Development Regulations are submitted for final review and registration by Municipal Affairs, and take legal effect upon publication in the *NL Gazette*.

3.0 MUNICIPAL PLAN

3.1 CHAPEL ARM MUNICIPAL PLAN GOALS

- 1) Enhance the physical, economic and social environment for the residents of the Chapel Arm Municipal Planning Area through the mechanism of a municipal plan and land use regulations.
- 2) Ensure that the growth and development of the Chapel Arm Municipal Planning Area occurs in an orderly and economic manner through a compact urban development pattern.
- 3) Enhance the natural environment and rural resource base through appropriate conservation and protection measures.
- 4) Establish a framework to guide Council's decisions regarding the location of land uses, the provision of municipal services, the protection of the environment and other matters relating to the growth and development of the Municipal Planning Area.
- 5) Work with neighbouring municipality of Norman's Cove-Long Cove to cooperatively plan and manage development along the shared municipal boundary to establish appropriate connectivity of development for roads and trails in keeping with the goals, objectives and policies of each municipality.

3.2 GENERAL DEVELOPMENT POLICIES

The general development policies are as follows:

- a) to retain the present basic land use pattern of Chapel Arm - which is to say, a traditional mixed use community centred on Chapel Arm and the valleys and ridges leading from it, and the newer commercial - industrial area extending down from the Trans-Canada Highway along Highway 201;
- b) to set out and protect the major trails and watercourses that form an important part of the life of the community;
- c) to consider impacts to coastal and ocean ecosystems in the control of growth and development in Chapel Arm, in keeping with the principles of sustainable development, climate change adaptation, and hazard preparedness;

- d) to endeavor to preserve and protect special views and vistas in the community, and prohibit development in special areas and high points of land, except for conservation and recreation open space, public trails, public amenities and tourism attractions;
- e) to accommodate the construction and maintenance of the NL Hydro transmission line and utility corridor.

3.3 LAND USE DESIGNATIONS & POLCIES

The Municipal Plan Future Land Use Map sets out Urban and Rural designations within which certain land use policies apply under Section 3 of the Municipal Plan.

The boundary between the Urban and Rural Land Use designations is meant to distinguish between areas that are developed and likely to be developed for:

- a) primarily urban purposes - that is, housing, businesses, and various other public and private services and facilities - areas that could eventually be serviced; and,
- b) areas set aside for primarily rural and rural-resource based purposes.

With this distinction, urban uses are largely protected from incompatible rural uses, and rural resource uses are basically protected from urban types of uses that could unduly restrict their operations.

3.4 URBAN DESIGNATION

The lands designated Urban on the Future Land Use Map are, subject to the other policies of this Plan, reserved for various categories of predominantly urban uses – namely residential, commercial, industrial, public and institutional, open space and recreational uses – and uses that are compatible with and/or accessory to such uses. The basic use groupings and the criteria for development are described in greater detail in the ensuing sections.

Within the Urban designation the Town shall zone for Commercial - Industrial (Section 3.4.2) and Mixed Development areas (Section 3.4.3). Subject to the requirements of the Urban and Rural Planning Act and the other provisions of this Municipal Plan, the land use zone boundaries within the Urban designation may be amended from one urban land use zone to another without amendment to the Municipal Plan Future Land Use Map 1 (i.e. there is provision for stand-alone zoning amendments from one Urban land use zone to another, where deemed appropriate, to only change the Development Regulations).

3.4.1 PUBLIC AND RECREATIONAL USES

- 1) Public uses, such as schools, churches, government offices, along with arenas and other assembly uses, commercial recreational, and more intensive recreational uses and other similar uses may be permitted as discretionary uses throughout the Urban designation, provided that such uses are compatible with existing and future residential and commercial and industrial developments.
- 2) Public open space recreational uses shall be permitted throughout the Urban designation.
- 3) The Town may require that any development within a specified distance of a recognized trail be reviewed to ensure that development does not negatively impact such trail. New development must be considerate of and mitigate the impacts on traditional footpaths, public right-of-ways, and trail networks. Development approval in the context of existing pedestrian trails may be subject to conditions such as continued accessibility, and separation buffer from the proposed development to the existing trail.
- 4) Significant areas of scenic, recreational, and tourism amenity shall be taken into consideration in the development of trail systems and to access and link together recreational day-use sites for hiking, picnicking, swimming, skating, etc. Sites identified with historical or future public recreational development purpose include: Southern Cove Pond/ Beach, Western Cove Pond/ Beach, Little Gut, Big Tunnel, Falls, Bill Moore's Road.

3.4.2 COMMERCIAL AND INDUSTRIAL AREA

The Commercial Industrial area accommodates a range of commercial uses in the business or personal services group, commercial residential, industrial uses, mercantile, and non-building uses (cemetery and antenna), as defined more specifically by the CI use zone of the Development Regulations.

Large-scale commercial and industrial development shall be permitted along the both sides of Highway 201 between the Trans-Canada Highway and point approximately 100 metres south of the access road to the West Avalon Substation under a commercial - industrial zoning.

A buffer shall be maintained between major commercial and light industrial development and residential properties.

General Assembly uses may be permitted as a discretionary use in this zone.

3.4.3 MIXED DEVELOPMENT AREA

A range of use classes are accommodated in the Mixed Development area – including assembly, institutional, residential, business and personal service, service station, mercantile, industrial, and a range of non-building uses – as reflected in the Mixed Development zoning. The mixed development area comprises the older and more traditional part of Chapel Arm, and it includes predominantly residential, blended with commercial (including commercial residential), small industrial, open space, and harbour-related uses.

The predominant use in this area shall be residential, and residential development shall be permitted, although mobile homes may be treated as discretionary uses under the development regulations. Residential uses include single dwellings, double dwellings, subsidiary apartments, boarding house residential, childcare, and home-based businesses.

- 1) Smaller scale commercial and light industrial development that is compatible with residential development may be permitted throughout and adjacent predominantly residential areas in Chapel Arm, as discretionary uses under mixed development zoning. Commercial and marine related industrial and recreational development may be permitted as discretionary uses at the marina situated at Wester Cove zoned mixed development.

3.4.4 HOME OCCUPATION/ HOME BASED BUSINESS

Home Occupations and Home-Based Businesses – in the form of medical, professional, and personal service uses, as well as crafts and repairs, and office use – shall be permitted in conjunction with residential development in Chapel Arm. The Home Business use must be situated on a residential property where the primary use of the property remains residential, and the appearance of the business within the dwelling is not highly visible or changes the character of the primary residential use. Businesses operating as home occupations shall not create nuisance or hazards to surrounding properties in the form of traffic, noise, dust, odours, and shall be in keeping with the use restrictions and floor area ratio as prescribed in the development regulations.

3.4.5 RESIDENTIAL DESIGNATION

While the Chapel Arm Plan does not currently have any lands solely designated for residential use, and directs residential urban development to the mixed development designation, Council may be open to consider residential neighbourhoods based on comprehensive planning. Comprehensive Development Areas could accommodate such Comprehensive Development Schemes for the development of new residential neighbourhood living.

3.4.6 COMPREHENSIVE DEVELOPMENT AREA LAND USE POLICIES

While the land mass is extensive for the municipal planning area, Chapel Arm has limitations on the future development potential to amend rural lands for urban development, including: topographical and environmental constraints, as well as the restrictions imposed by the utility corridor that bisects the land in the community.

Council is interested in finding ways to open up the potential for additional development, mainly to accommodate mixed and/or residential development. Comprehensive Development Areas have been identified to enable coherent future growth and expansion. The purpose of this designation is to allow prospective land developers to pursue potential development on the basis of further investigation, evaluation, and site assessment.

Two CDA areas have been designated on the Future Land Use map for comprehensive planning, subject to the policies and regulations expressed in the Chapel Arm Plan and Development Regulations and in keeping with sound planning principles:

- 1) Along the westerly hills to the rear of the existing roadside development of Route 201, from Western Cove Pond to Norman's Cove. With careful further planning and investigation of the slopes, drainage, and consideration of quality of life features such as protecting views, high points of land, and traditional trails, Chapel Arm could explore the potential and appropriateness for future comprehensive development in this area.
- 2) Extending the Mixed Development zoning further eastward along the Old Cabot Highway. Currently, this former highway route exists under the authority of the Department of Transportation and Works. DTW has indicated the Department is open to negotiation to transfer maintenance and responsibility to the municipality to enable additional new development. This would require a comprehensive planning approach and consideration for connectivity and future development of back lands.

3.4.6.1 Comprehensive Development Areas

- In Comprehensive Development Areas (CDA), no new buildings or other development except maintenance and operation of existing uses shall be permitted until such time as the Town approves a Comprehensive Development Scheme that defines the objectives for the rational development of the CDA, including road layout, connectivity, scale, form, use, and phasing of future development, as well as the identification of public amenity and recreational use.
- CDA Schemes shall include a conceptual design for the development of the overall site, and detailed design for the initial phase(s), and must assess the suitability of land for development, the sensitivity of the environment, and identify constraints to development.
- Designated Comprehensive Development Area schemes must be prepared and certified by the appropriate development professional in accordance with the Urban and Rural Planning Act. Development of a CDA may not necessarily require an amendment to the Municipal Plan (does not require re-designation of lands on the Future Land Use Map), but shall require an amendment to establish the appropriate zoning and development standards in the Land Use Zoning Map and the Development Regulations.
- Once approved and registered, a Development Scheme is to become part of the Town's legal planning framework for the subject lands.

3.4.6.2 Collaborative Planning Approach

- Council shall consult with the public and local landowners in the process of developing a Comprehensive Development Scheme for Comprehensive Development Areas (CDA)
- Proposed development of new CDA areas shall be done in consultation with the Department of Municipal Affairs respecting the Town's Limits of Servicing Agreement which defines municipal roads eligible for provincial cost-sharing.
- For lands in Chapel Arm along the shared municipal boundary with Norman's Cove-Long Cove, Council shall consult and work cooperatively with the neighbouring municipality to ensure that development be approached in a rationale comprehensive manner respecting access, connections, and flow.
- As Chapel Arm is located in the Isthmus region, Council shall endeavor to work collaboratively with other incorporated municipalities and growth centres where development is concerned, being cognizant of the impact of decisions on the Town of

Chapel Arm as well as the Region at large. Regional cooperation may significantly affect the viability and feasibility of future long-range planning and development.

3.5 RURAL DESIGNATION

Subject to the other policies of this Municipal Plan, lands designated Rural on the Future Land Use Map are reserved for rural resource or rural appropriate uses, such as forestry, agriculture, mineral workings, mineral exploration, mining, solid waste disposal, scrap yards, general industry, cemeteries, recreation, conservation and public open space, together with appropriate accessory uses (see also sections on Agriculture, Mineral Workings/ Mineral Exploration, Scrap Yards/ Solid Waste Disposal, and Woodcutting and Forestry, as well as S. 3.6 Other Development Policies). Antennae may be allowed as a discretionary use.

However, in order to protect the quality of downstream domestic wells the Town may prohibit livestock operations within certain parts of the Rural designation lying between the watersheds (more or less) of Wester Cove Brook and Southern Cove Brook, which are zoned as Rural Special, and may impose certain conditions which are likely to mitigate the possible negative impacts of agricultural uses on domestic water supplies.

3.5.1 AGRICULTURAL USES

- 1) Agricultural uses are set out as discretionary uses within the Rural Zone.
- 2) Agricultural uses involving livestock operations are prohibited within a selected area of the Rural Designation, and this area is zoned Rural Special.
- 3) Where permitted in selected areas of the Rural designation, higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments and shall conform to Provincial Government policies and guidelines with respect to their development and management.

3.5.2 MINERAL WORKINGS/ EXPLORATION, SCRAP YARDS/SOLID WASTE DISPOSAL

- 1) Mineral Workings including Mineral Exploration, Scrap Yards and Solid Waste Disposal, may be permitted within the zones under the Rural designation as discretionary uses;
- 2) Appropriate separations and other controls over the environmental and visual impact of these uses shall be applied in order to ensure that these uses are compatible with other uses;

- 3) Authorization from provincial or federal departments or agencies may be required over and above municipal approvals.

3.5.3 WOOD CUTTING AND FORESTRY

Subject to the requirements of Provincial Government, wood cutting and forestry shall be permitted in areas where such practices will not have a deleterious impact on downhill uses. In particular, woodcutting on the eastern slope of the Green Hills area shall be assessed as to impacts on development along Main Street (Highway 201) leading to Norman's Cove.

3.6 OTHER DEVELOPMENT POLICIES

3.6.1 ARCHAEOLOGICAL SITES AND HISTORIC RESOURCES

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted.

The Town shall endeavour to conserve and develop its heritage resources, and encourage the preservation of buildings of historic interest through regulation and/or other suitable means.

3.6.2 GENERAL ENVIRONMENTAL PROTECTION & ECOLOGICAL INTEGRITY

3.6.2.1 Council shall protect the environment by:

- a. preventing development of environmentally sensitive land such as wetlands, and steep or unstable slopes; and
- b. satisfying itself that a proposed development shall not create a pollution problem including the contamination of a watercourse through erosion or sedimentation.
- c. ensuring that development decisions are made on the basis of sound information and, where necessary, based on studies, reports, analysis, or recommendations prepared (at the cost of the proponent) by certified engineering, planning, landscape architectural, architectural, geotechnical, or other professionals.

3.6.2.2 Minimize impacts on Natural environment:

It shall be a policy of Council to encourage the preservation of natural features such as wetlands, mature forested areas, and natural shorelines and coastal lands, among other features, in order

to preserve natural ecosystems for future generations. New development shall be required to minimize impacts on the environment.

3.6.2.3 Suitable soil and drainage required:

It shall be a policy of Council that development shall only be permitted on lands having soil and drainage conditions, which are suitable to permit the proper siting, and development of the proposed uses.

3.6.2.4 Climate Change:

Council shall be considerate of climate change impacts, especially in controlling the use of land in proximity to rivers, floodplains, and coastlines. Council shall work with the Departments of Municipal Affairs, Environment and Conservation, and the provincial Climate Change office to ensure that the community is able, wherever possible and practical, to mitigate climate change impacts such as increased precipitation, flooding, extreme weather events, sea level rise, sea surge, and coastal erosion. Refer to:

www.nr.gov.nl.ca/mines&en/geosurvey/publications/CR2010/2010_Batterson-Liverman.pdf

www.exec.gov.nl.ca/exec/ccee/publications/idf_curve_2015.pdf

3.6.2.5 Provincial Coastal and Ocean Strategy:

Council shall be cognizant of the Provincial Coastal and Ocean Strategy, especially where development may have an impact on coast and ocean ecosystems.

www.fishaq.gov.nl.ca/publications/pdf/CoastalStrategy_2011.pdf

www.fishaq.gov.nl.ca/fisheries/sustainable_fisheries_oceans/coastal_oceans.html

www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2014/Irvine-2014.pdf

3.6.2.6 National Building Code:

The Town of Chapel Arm has adopted the National Building Code of Canada. Chapel Arm does not have building inspection services, and shall advise all property owners that it is their responsibility to comply with NBCC requirements, including new requirements in accordance with NBCC S 9.36 regarding energy efficiency for new buildings.

3.6.3 WATERCOURSE PROTECTION & WATER RESOURCE MANAGEMENT

3.6.3.1 Protective buffer:

Unless required for trails, wharves, public services, and similar uses or conservation purposes, it shall be a policy of Council that any development or land use activity will be separated from any the shoreline of any body of water, lake, pond, river, or tributary by a protective buffer of

undisturbed soil and vegetation. Council shall prohibit development in areas exposed to ocean surges, flooding, or other significant natural dangers. This buffer shall be of sufficient width to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat. The minimum width of this buffer is 15 metres, but Council has authority to require a more substantial buffer.

3.6.3.2 Water Resource Management consideration and approval:

All proposed development activity in the water, or within the required buffer area, or development involving any alteration of a watercourse or water body, and any development within a protected watershed and buffer along a watercourse must be referred to the Water Resource Management Division of the Department of Environment and Conservation, along with other Provincial and Federal agencies.

Under the authority of the *Water Resources Act*, SNL2002 cW-4.01

<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>, the Water Resources Management Division (WRMD) <http://www.env.gov.nl.ca/env/waterres/index.html> is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

General

- Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations*, 2003
<http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.
- Application forms for permits and licences, fee schedules, and guidelines are available at:
<http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.
- The MPA includes a portion of the Bruce's Pond watershed. This has been identified as a possible public drinking water source for the Town of Chapel Arm, although there has been no activity in developing this supply to date.

Work in a Body of Water

- The proponent must apply for and obtain a permit under the *Water Resources Act*, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any work in any body of water (including wetland) prior to the start of construction.

Contact: Manager, Water Rights & Investigations Section - (709) 729-4795

- The Water Resources Management Division, Department of Environment and Conservation no longer requires permits under Section 48 of the Water Resources Act for works within 15 meters of water bodies (including wetland). This does not apply to Flood Risk Areas or work IN a body of water. The Regional Crown Lands office should be consulted to determine if work is being completed within a Crown Lands reservation (may be around water bodies, streams, lakes, ponds, coastal areas, etc.)
- The Water Resources Management Division generally does not recommend approval for the construction of residential (single dwelling or subdivision) properties, especially if unserviced, within wetland areas. There is a risk that adjacent properties could have water quality or quantity issues from these developments. As well, the Water Resources Management Division does not recommend approval for the infilling of water bodies for residential development, nor the diversion of streams to accommodate residential development.

Wharf/Boathouse/Slipway/Breakwater

- A permit under the *Water Resources Act*, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> is no longer required for the applied structures. However, the proponent must follow the guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses which are available at: http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf
- Please note a permit will be required under Section 48 of the Water Resources Act for any infilling or dredging work associated with these structures or other works in a body of water
- A proponent must apply for and obtain a permit under the *Water Resources Act*, 2002, specifically Section 48 <http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm> for any infilling or dredging work associated with these structures or other works in any body of water prior to the start of construction.

Contact: Manager, Water Rights & Investigations Section - (709) 729-4795

Groundwater Assessment

- Development is subject to the groundwater assessment requirements of the Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.

Contact: Manager, Groundwater, Water Resources Management Division - (709) 729-2539

3.6.4 MANAGING DEVELOPMENT, INFRASTRUCTURE, SERVICES & COSTS

3.6.4.1 Growth Management

It shall be a policy of Council to consider the aesthetic character of site and building design in the approval of site plans within all land use designations. When reviewing applications for development, Council will consider whether the proposed development is complementary to surrounding buildings in terms of size, scale, style, and form.

3.6.4.2 Water & Sewer

The Town of Chapel Arm currently has no piped water or sewer services, nor any plans to invest in a municipal water and sewer infrastructure system. No development shall be permitted unless adequate water supply and waste disposal are provided in accordance with the requirements of the Government Service Centre, Service NL.

3.6.4.3 Development on Publicly Maintained Road

Except for accessory buildings and non-residential buildings associated with agriculture, forestry, sawmilling, mineral workings or other resource or industrial uses for which public road frontage would be unnecessary or undesirable, all new buildings shall have appropriate access to and frontage on a publicly maintained road, except where other policies or requirements of this Plan specify or allow otherwise.

3.6.4.4 Access

It shall be a policy of Council that access be maintained to enable future development of backlands.

3.6.4.5 Municipal Services & Costs

It shall be a policy of Council that developments requiring new streets, street extensions, and services located outside the current serviced area will be required to be constructed to standards set out in the Development Regulations and shall be the financial responsibility of the developer. Ownership of new streets and service infrastructure will be required to be transferred, at no cost to the Municipality, upon satisfactory completion.

3.6.4.6 Infrastructure & Connectivity

A challenge in the Town of Chapel Arm is the lack of connectivity of the existing road network.

The evolution of development in the community prior to having a municipal plan in place is characterized by linear development along the main road highway 201, and along the Old Cabot Highway, with a number of local residential roads that largely terminate in dead-ends (Mill Path Road, Pondside Road, Arch Path Road, Woodpath Road, Southern Cove Road, Bridget's Lane, Gran's Lane, Piste Aux Mere Road, Little Gut Road).

Dramatic topographical conditions with hills, valleys and watercourses add to the challenge of creating linkages at closer distances, routing options to navigate around, and planning for a well-connected community. As is often the case where communities are built up and evolve without the benefit of a planning framework, there are instances where existing infrastructure is contrary to the road standards for maximum length of a cul-de-sac, road separation distances, and maximum road grades. This is challenging from a maintenance perspective where vehicle turnarounds and clearances for emergency or snow clearing vehicles are not in keeping with road standards or best practice. Council should be mindful to direct new development to improve connectivity wherever practical or feasible, and guard against development that contributes to non-compliance and causes the infrastructure challenges to be exacerbated.

Connectivity is a principle that is also applicable to the pedestrian routes and trail network. Where it is impractical or prohibitive to enable connectivity of road infrastructure, Council should consider the benefit of trails to contribute to an improved sense of community connectivity and add another valuable layer to the transportation network and recreation assets for hiking, walking, and biking.

It shall be a policy of Council to endeavor to establish ways to link key assets and special areas in the community – such as the Town Hall, school, community halls and churches – by way of efficient vehicular and trail infrastructure, to create ease of access and community connectivity.

Over the next ten-year planning period, the Town should work towards a comprehensive street network evaluation to consider appropriate engineering and geotechnical approaches to upgrade, connect, and improve the effectiveness of the street network. A comprehensive approach to the community structure, and circulation patterns for vehicular transportation and trail network will help guide the Town's future long-range transportation and land use planning.

The Old Cabot Highway between the TCH and the community of Chapel Arm includes a section of the old road that is not maintained by the Department of Transportation and Works. The Department has suggested that future development in that area could occur, subject to the

transfer of jurisdictional responsibilities for the road to the Town of Chapel Arm. The Town should assess the implications and potential for growth offered by the Old Cabot Highway.

3.6.4.7 Street Right-of-ways

All development, including but not limited to buildings, accessory structures, fences, retaining wall, and parking lots, shall be set back from the right-of-way far enough to provide an adequate level of public safety and sufficient space for emergency vehicles, snow clearing, and maintenance. Such setback requirements shall be stipulated in the Development Regulations.

3.6.5 COUNCIL MAY REQUIRE STUDIES

Council has the discretion to attach conditions to development approvals, with costs to be borne by the developer. Conditional development approval may be contingent on the preparation of reports, studies, plans, or background, deemed necessary by the municipal Council, over and above provincial or federal levels of government, to inform a decision. These may include:

- LUAR/ LUIA (Land Use Assessment Report; Land Use Impact Assessment)
- Traffic & transportation impact study
- Lighting study
- Visual impact study
- Tree retention strategy
- Drainage/ landscape plan
- Lot grading plan
- Access plan
- Development Agreement
- Mitigation plan

3.7 MUNICIPAL PLAN IMPLEMENTATION

The Municipal Plan is to be implemented over the next ten-year planning period through decisions of Council and government departments and agencies that play a role in the consideration of provincial interest, public policy, and law. The Land Use Zoning, Subdivision and Advertisement Regulations, known as the “Development Regulations”, are typically prepared or reviewed at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

The Municipal Plan and the Development Regulations work hand in hand and should be read together in conjunction with the associated mapping. The broad high-level planning policies

express Council's vision for development, and enable the development regulations. The Regulations are the detailed implementation tools for development control where terms are defined, general regulations and standards are outlined for all lands, and uses are stipulated as permitted or discretionary for each use zone, with specified development standards and conditions, uses are classified and examples given, and parking schedules are provided.

The Municipal Plan and Development Regulations must comply with the requirements of *the Urban and Rural Planning Act*, the *Municipalities Act*, and any other pertinent legislation, policies, regulations, and rules enacted by the Province, relating to environment, health and safety, agriculture, mines and mineral workings, highways, forestry, and any other land use matters.

Without unduly reiterating the elements of the Development Regulations, several regulatory matters are important, namely:

- a) a permit is required for any building or development, including "pits", as defined under the *Urban and Rural Planning Act*, and as specified in the Regulations;
- b) public utilities, open space recreational uses, conservation uses, and accessory buildings and uses are permitted in any zone or land use designation; and, where not outright permitted, antennae are listed as a discretionary use;
- c) non-conforming uses that are legally in existence at the time of the enactment of the Plan and Regulations are allowed to continue, and subject to certain controls, can be expanded, altered, and exchanged for other equally compatible non-conforming uses;
- d) basic environmental, heritage, and other safeguards are required in any zone or district to protect the natural and built heritage of the community.

Comprehensive plans, design concepts, or development schemes (amendment to the Municipal Plan and or stand-alone amendment to the Development Regulations), subdivision agreements and concept plans, *further implement the Municipal Plan and Development Regulations* with more detailed design strategies, placement of roads and other facilities and development details.

While capital works programming does not affect the day-to-day regulation of land uses under the Development Regulations, it does over the long run affect how and when lands will be developed and the standards of development. Capital Works programming is left to the five-year capital works budgeting process.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. Council may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

3.7.1 MUNICIPAL PLAN ADMINISTRATION

For the purposes of administering the Plan, the Future Land Use Map shall be read only in conjunction with this policy document. Applications for development are to be carefully evaluated in relation to the Municipal Plan and Development Regulations, and Council shall require full conformity of all proposals. Nothing in this Plan shall affect the continuance of land uses that are lawfully established on the date that the Plan comes into effect.

The boundaries of land use designations shown on the Future Land Use Map are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment of this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

Once conformity to the Plan has been established, Council will ensure that all development proposals are given a comprehensive review that shall include circulation to all affected public departments and agencies. Council's final decisions will be based on the desire to guide the development of Chapel Arm in the best long-term interests of its citizens.

All persons wishing to develop land for any purpose within the Municipal Planning Area of Chapel Arm shall apply to Council for permission through the established procedure. Council may refuse or approve applications, with or without conditions. The appeal of all Council decisions to the appropriate Appeal Board will be permitted in accordance with Part VI of the *Urban and Rural Planning Act, 2000*.

Before major land developments within the Planning Area are approved, a development agreement may be required which both the developer and Council will sign. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing development may also be enforced by being attached to the development permit.

3.7.2 PROCEDURE FOR MUNICIPAL PLAN AMENDMENTS & REVIEWS

The administration and implementation of a Municipal Plan is not a static process; but, rather, it is an ongoing continuous process designed to consider changing circumstances. During the planning period, conditions in the Town may change and, where necessary, amendments to the Municipal Plan may be undertaken by Council. In accordance with Section 27 of the *Urban and Rural Planning Act, 2000*, Council will charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request an amendment. The proportion to be charged will be set by Council as part of its annual budget process in setting its Schedule of Rates and Fees. The costs may include, but are not limited to, research and preparation of amendments, public notices and consultation, administrative processing costs, and the costs associated with a Public Hearing. Any such amendment will be read with and form part of this Plan.

In accordance with the Urban and Rural Planning Act, Council shall review Municipal Plan every five years from the date that the Municipal Plan came into effect. Where Council deems that any development foreseen during the next ten years does not meet with the policy intent of the Municipal Plan, necessary revisions should be made in accordance with the process outlined by the Urban and Rural Planning Act for amendments to the Plan.

Plan Reviews and Plan Amendments shall be carried out in the same manner as this Plan was brought into effect.

3.7.3 PROCEDURE FOR RE-ZONINGS AND DEVELOPMENT REGULATION AMENDMENTS

Development Regulations can be changed through text amendments or mapping amendments. Examples of amendments include: the addition of new definitions, the addition or removal of a permitted use or discretionary use within a use zone, additions or changes to the list of conditions, additions to the classification table, or changes to the depiction of zoning of land. For Council consideration of proposed Development Regulations amendments, the applicant shall include:

- the location of the subject property, to scale, showing lot dimensions, area, street frontages;
- the proposed means by which the site is/will be serviced (on-site);
- the proposed location of all accesses, driveways and parking areas;
- areas that are to be landscaped or left in a natural state;
- the proposed location of all buildings on the site; and

- identification of adjoining land uses, natural hazards, or sensitive natural areas.

When considering proposals for developments that necessitate amendments to the Development Regulations, Council shall consider the conformity of the application with the intent of the Municipal Plan, Development Regulations and all other Town policies/ regulations.

3.7.4 APPEALS OF DEVELOPMENT DECISIONS

Sections 5 to 11 of Ministerial Regulation 3/01 *Development Regulations* under the *Urban and Rural Planning Act, 2000*, outline the right to appeal a decision of Council and the process the appellant must follow. Furthermore, Sections 42 to 46 of the *Urban and Rural Planning Act* establish the conditions under which an appeal of a Council decision may be lodged. The Act provides for the appointment of Appeal Boards, The Appeal Board is to consider each appeal submission in accordance with the intent of the Municipal Plan or the Development Regulations, and any further plans, development schemes, or regulations that are in effect at the time of the appeal. In accordance with the *Urban and Rural Planning Act*, amendments are not subject to appeal.

3.7.5 RECOMMENDATIONS FOR MUNICIPAL DEVELOPMENT INITIATIVES

3.7.5.1 Municipal Land Assembly

In accordance with the Municipalities Act, municipalities are authorized to acquire lands for municipal works or economic development purposes. A municipality may acquire parcels of land from private landowners or other levels of government for a variety of reasons, including:

- To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- To facilitate the development of municipal parks, recreation and conservation areas;
- To facilitate development of municipal parking lots;
- To encourage or make available lands which by virtue of ownership are not available for development but which are necessary for logical and contiguous growth of the community;
- To facilitate redevelopment of a major non-conforming use where the redevelopment is either a conforming use or is consistent with the Municipal Plan.

Council may undertake municipal land assembly projects and initiatives in keeping with the Municipalities Act and the Town's Municipal Plan and Development Regulations.

3.7.5.2 Engaging Professional Consulting Expertise

Council may obtain professional advice in regard to any proposed amendment to the Municipal Plan or Development Regulations or in regards to the evaluation of proposals for development within the community, where, in the opinion of Council, such advice is warranted.

3.7.5.3 Municipal Assets & Recommendations for Enhancement

As part of the public consultation process undertaken for the preparation of this Municipal Plan, members of the community highlighted special places and landmarks in the town. Council should be mindful of these places as it considers future public development initiatives and community infrastructure enhancements, such as:

(a). Recreation and Trails

- The Town of Chapel Arm has a number of trails that show up on the town's mapping, and wonderful special destinations, including Western Cove Pond and Beach, Southern Cove Pond and Beach, Little Gut, and the falls and historical swimming destinations. Council may wish to consider undertaking a recreation and trail development plan to enhance the outdoor recreation opportunities for members of the community and visitors. Initiatives to enhance these community gathering places as municipal parks should be embraced as sensitive well-thought designs that are robust and designed for longevity with amenities for users such as seating, parking, and signage. Trail connectivity is an important component of such an initiative to plan for future developments that link together the recreation assets and provide a safe walking and hiking infrastructure conducive to outdoor recreation pursuits and healthy living. Given that topography, steep slopes, and watercourses and drainage patterns create challenges to connect the roads in Chapel Arm, this provides an added incentive to create trail connectivity for community residents to have ease of access to walk or bike places, such as getting to the school, town hall, or main road.

(b). Communications and wayfinding

- As a separate project, or as a component of the trails planning project, Council may wish to undertake a community branding, interpretation, and signage planning exercise. The history of Chapel Arm, its settlement, the origins of the town's name, and the historical ties to whaling and sealing and agriculture would be interesting stories to tell. Capturing the special quality into a logo or brand to enhance the sense of place of Chapel Arm and provide opportunities to promote the community within the Isthmus Region and the

province. This messaging can be integrated into a cohesive approach including gateway signage and design to welcome visitors to the Town, directional signage, and interpretive signage to be used in public places and enhanced recreation destinations.

(c). Landscape

- Council may wish to engage consultants to prepare landscape regulations and landscape design guidelines for urban development areas including commercial industrial as well as mixed development. Landscape regulations would give the authority to stipulate requirements for landscaping provisions to be an integral component of the design and site planning process, along with parking and access locations leading to optimal functionality, usability, and streetscape appearance. This would be particularly pertinent to create a welcoming setting along the commercial corridor, beginning at the highway gateway to the community and leading into the town. The preparation of Landscape Guidelines would be an effective means to recommend species of shrubs and plants that are hardy and tolerant to the local wind and growing conditions to achieve the desired landscape effect of shade, wind break, edge definition, bank stabilization, etc.

(d). Visual environment

- Council may wish to investigate initiatives and awareness campaigns such as Tidy Towns, Communities in Bloom, and local beautification awards and community cleanup programs to encourage community members and organizations to consider ways to enhance the aesthetics and visual appearance of the Town and celebrate the dramatic setting.

(e). Wharf and breakwater

- The Chapel Arm community wharf and breakwater is an asset to the Town that could be enhanced. Council may wish to investigate opportunities to enhance the marine opportunities for recreational boating, provision of services and amenities. This can be done in cooperation with the neighbouring communities and considered on a more regional basis.

