

BENTON LOCAL AREA PLAN

In effect: June 26, 1989

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**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Plan Amendments

BENTON

LOCAL AREA PLAN (REVIEW) 1989

Provincial Planning Office
Dept. of Municipal Affairs
April, 1989

NOTICE OF APPROVAL

I, Eric A. Gullage, Minister of Municipal Affairs, under and by virtue of the power conferred by section 50 of The Urban and Rural Planning Act, hereby approve the Benton Local Area Plan (Review) 1989.

The Benton Local Area Plan 1977, is revoked.

Dated at St. John's this 16 day of May, 1989.



ERIC A. GULLAGE, C.L.U., M.H.A.
Minister of Municipal Affairs

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1.0 INTRODUCTION

In June of 1982, the Community of Benton was established as a Local Service District. Prior to this, Benton was incorporated as a Community Council but in 1976 the Council was disbanded.

During that time Benton was experiencing serious financial and administrative problems. The Council had acquired approximately 550 acres of land from Bowaters Nfld Ltd. to be sold as un-serviced building lots. However, before this development could proceed and the debt repaid to Bowaters a decision was made to restrict development in Benton due to an extreme water and sewer problem which had developed.

Benton's water supply had become contaminated from sewage discharging from local septic fields into individual wells. The problem was further aggravated by the fact that the effluent from Benton was also finding its way into Gander Lake, the water supply source for the Town of Gander. It was therefore considered to be in the best interest of the community and its creditors to disband the Council and the Province became receivers of the community's affairs.

The area was subsequently declared a Development Control Area by the Minister of Municipal Affairs and a Local Area Plan was prepared and approved in 1977. Benton has since become a Local Planning Area, under Section 48 of the Urban & Rural Planning Act and, with the approval of this Local Area Plan (Review), the Development Control Division of the Department of Municipal Affairs will be the administrators of the Plan.

The Benton Local Area Plan (Review) has been prepared in accordance with section 53 of the Act, following surveys and studies of land use, population growth, the local economy, its present and future transportation and communication needs, public services, social services and other factors relevant to the preparation of the Plan.

The Plan outlines the goals, objectives and policies which will guide development within the Planning Area over the next ten years. Once approved, it is binding upon the Administrator of the Plan and upon all other persons, corporations and organizations. The Plan must be reviewed at the end of every five years from the date on which it comes into effect in order to take account of developments which can be foreseen during the next ten year period.

2.0 EXISTING SITUATION

2.1 LOCATION AND REGIONAL SETTING

Benton is located approximately 16 kilometres (10 miles) east of Gander and roughly 1.6 kilometres (1 mile) north of the Trans Canada Highway. More specifically, it is situated near the south shoreline of Soulis Pond where Soulis Brook begins its route to Gander Lake.

Map 1 shows the boundaries of the Benton Local Planning Area and as Map 2 illustrates, it is surrounded by the Gander Municipal Planning Area.

2.2 PHYSICAL FEATURES

Benton is situated on low lying, largely boggy ground between Soulis Pond and Gander Lake. The terrain is fairly level but rock outcrop is visible in places. The soil is shallow and consists largely of bedrock and hard clay which has a low porosity rate causing severe drainage problems.

2.3 HISTORY OF SETTLEMENT

Benton's existence can be attributed, in part, to the start up of logging operations in central Newfoundland and to Canadian National who once operated a siding in Benton. The community is small and has maintained its rural character largely because of its close proximity to the Town of Gander, where various commercial, institutional and social facilities exist. Bentons stability today is largely dependent upon the employment opportunities and services available in Gander.

2.4 POPULATION AND HOUSEHOLDS

The latest population figure for Benton is 190, provided by Census Canada in 1986. During the past ten years the population has steadily declined at a rate of approximately 1.8% per year. The Census also shows that the number of occupied private dwellings has also declined, from 55 in 1981 to 52 in 1986, indicating an out-migration of entire households.

This out-migration trend may continue in future, however the availability of employment opportunities, services, and facilities at Gander will likely have a stabilizing effect on Benton's population. It is therefore projected that Benton's future population will remain at about the present level, increasing slightly to approximately 212 by 1997. This growth is based on a Natural Growth Rate of 10.2 per 1000 population; it was derived from the actual growth rate experienced in the towns of Gander and Gambo over the past ten years, and is used here as a proxy for Benton.

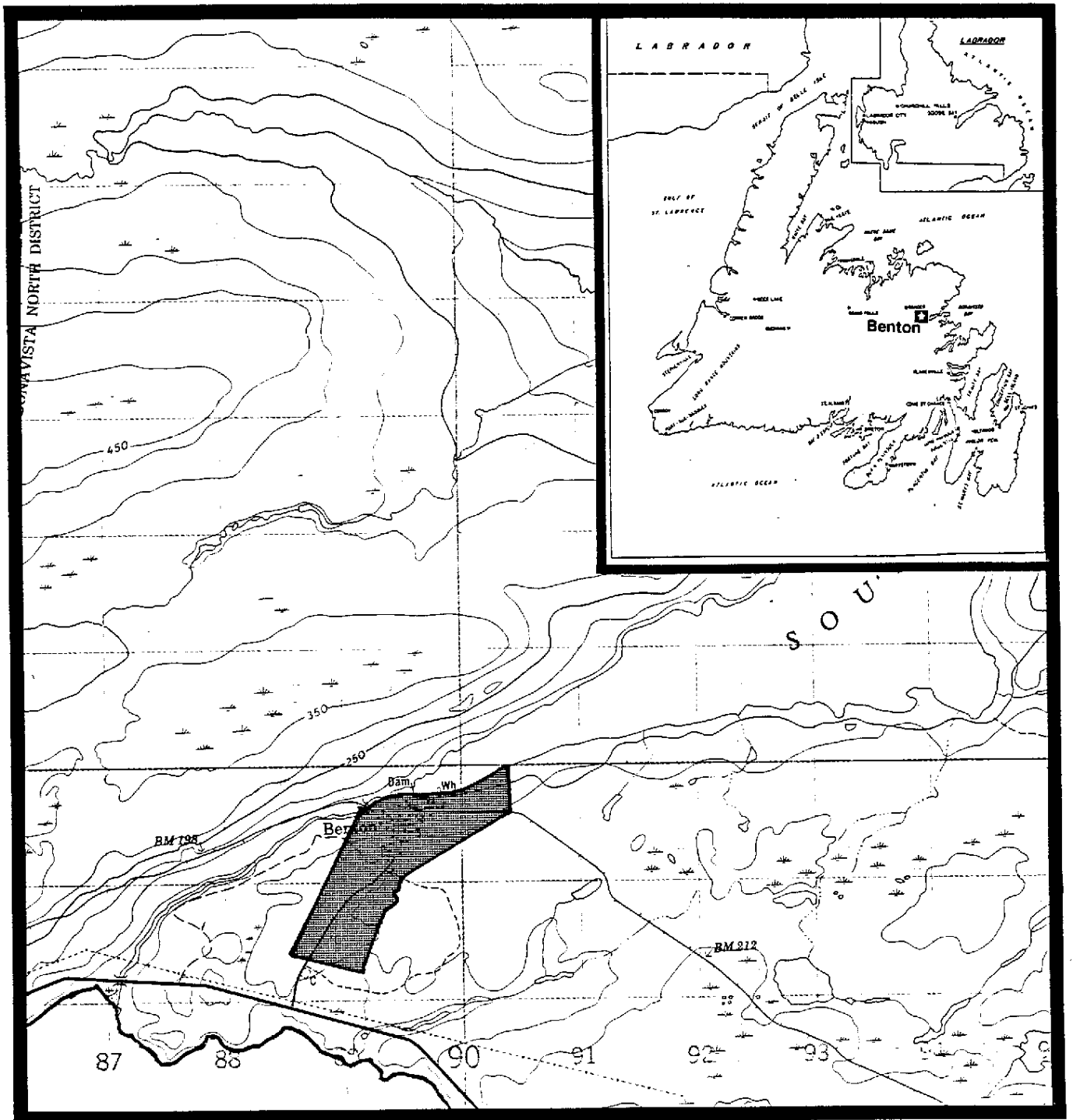
2.5 ECONOMIC BASE

Benton's economy is small with only four commercial operations in the community. These include a garage, general store, post-office and sawmill. Most goods and services are purchased in Gander the region's major growth centre.

2.6 EXISTING LAND USE

GENERAL LAYOUT

The settlement pattern in Benton has taken on a T-shaped form. Development extends north from Little Pond along the main access road to the CN tracks. Near the tracks the road forks to



BENTON

PROVINCIAL SETTING

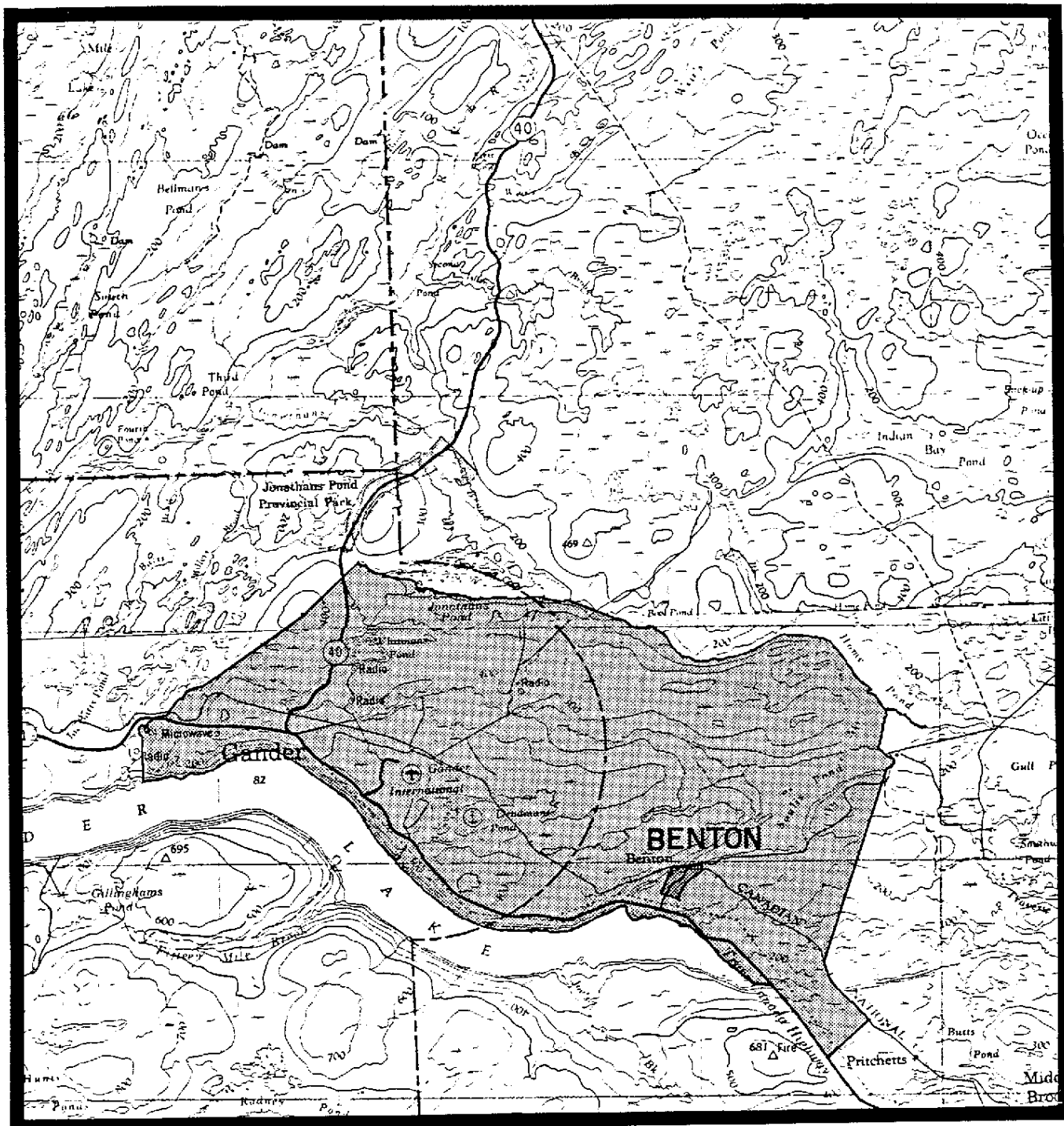
MAP— I



Benton Local Planning Area

Grid  North


Scale 1:50 000




BENTON

REGIONAL SETTING

MAP—2

 Benton Local Planning Area

Grid  North

 Gander Municipal Planning Area

Scale 1 : 250 000

the right, a dead end and to the left where it crosses the tracks and runs east between the tracks and Soulis Pond.

The main concentration of development is located south of the tracks. In this area there are approximately 45 residential dwellings, a church, post office, general store, garage and scrap yard. In some areas there is extensive spacing between buildings, due mainly to poor soil conditions, while in other areas lot sizes are substandard.

PUBLIC BUILDINGS AND FACILITIES

Public buildings and facilities in Benton serve a local function. These include two churches, a recently built community centre and a children's playground. There is no school in Benton, instead children are bused to Gander for their education.

INDUSTRY

Benton has three sawmills, located along the shoreline of Soulis Pond, only one of which appears to be in operation. The Department of Environment has expressed concern about the build-up of sawdust and other waste from this operation in Soulis Pond. The pollution is also detrimental to the fish stocks known to be present in this area.

Two other industrial activities in Benton include a scrap yard, located in the centre of the community and a garage situated just south of Little Pond. The scrap yard is not entirely visible from the road but nevertheless, it does not conform with nor complement the surrounding residential properties and should be encouraged to relocate.

2.7 COMMUNITY SERVICE

SOLID WASTE DISPOSAL

The Local Service Committee in Benton handles the collection of all garbage which is collected once weekly. The waste disposal site is located near the community's southern boundary, approximately 900 metres from the nearest developed land.

FIRE PROTECTION

Benton owns some fire equipment consisting of a portable pump and hose, however, there is no active fire brigade. Efforts should be made to have a volunteer brigade formed in the near future.

WATER AND SEWER SERVICES

Water

The domestic water supply for Benton is obtained from Little Pond, located approximately one kilometre south of the railway tracks. This water is chlorinated and pumped to the community through 75 mm and 50 mm transmission mains. The system, which was developed in the early 1970's, provides piped water to the entire community.

In 1979, Little Pond was designated as a Protected Watershed under Section 28 (1) of the Department of Consumer Affairs and Environment Act. It appears now that some of the existing development in Benton may be located within the Watershed.

Sewer

The existing sanitary sewer system consists, for the most part, of individual septic tanks and disposal fields, most of which are not working properly. Since 1987, two sewer mains and two 2000 gallon septic tanks have been installed in Benton. Only one of the sewer lines is operational, providing piped sewage service to twelve buildings.

The sewer problem in Benton is due to the fact that the community is located in an area with a high water table. As a result, individual septic fields have become saturated and during run-off periods, sewage is re-surfacing and is evident in open road ditches. The situation is further complicated by the fact that the waste water is finding its way to Soulis Pond and Soulis River, which in turn runs into Gander Lake, the water supply source for the town of Gander. Additionally, there is evidence that some of this waste water is entering Little Pond, threatening contamination of the community's domestic water supply.

A complete sewage collection system has been proposed for Benton utilizing a waste stabilization pond as a means of secondary sewage treatment. Two 2000 gallon septic tanks were installed as temporary solution to the community's problem during the Fall of 1988. These are working to full capacity and, until the waste stabilization pond is constructed, a ban has been placed on all new developments requiring sewage service.

2.8 PLANNING ISSUES AND DEVELOPMENT CONSTRAINTS

The overriding problem in Benton is the health problem caused by the existing method of sewage disposal. The situation is such that any further development within the community will likely cause a serious health hazard, both within the community itself and possibly Gander. Therefore, until a piped sewage collection

and disposal system is installed throughout the community, new development must be restricted.

Considering Benton's location within the Gander Lake watershed and the community's limited capital resources necessary to service and maintain growth, development in Benton should be confined to that which is required to satisfy local needs. This would ensure adequate and unpolluted water for the town of Gander and would enable the provision and maintenance of a complete water and sewer system for all residents of Benton, at a reasonable cost.

This Plan will reserve sufficient land for future orderly growth, provided full services are made available, as local residents have indicated their desire to build within the community. However, the area cannot accommodate many more people because any further expansion of the community's size would make it difficult to guarantee the provision of adequate water and sewer services in future.

The Plan must also address the problem concerning the community's waste disposal site, which is unacceptably close to existing dwellings. Since the sawmill operations near Soulis Pond are creating a potential for water pollution, policies will be established to protect this watercourse and its fish stocks. There is also a need to deal with the issue of development which may be located within the Little Pond watershed.

3.0 LOCAL AREA PLAN

On the basis of the foregoing, it has been determined that Benton will likely remain a small community but one capable of accommodating a growth sufficient to meet local needs. To this end the following goals, objectives and policy statements have

been formulated. The overriding assumption is that the community should be encouraged to develop to its fullest potential, but in a manner compatible with the essential need of preserving domestic water quality for area residents.

3.1 PLANNING GOALS AND OBJECTIVES

3.1.1 COMMUNITY STRUCTURE

Goals: To encourage a growth structure for Benton that will ensure orderly development and economic use of community services.

To ensure that the scale of development remains small and compact so that community needs can be adequately provided for in the future.

Objectives: To allocate sufficient land for development on the basis of its best use considering its servability and location from existing development.

To encourage residential infilling within the built-up part of the community, wherever possible, once full services are available.

3.1.2 HOUSING

Goal: To provide for an adequate quality and quantity of housing to serve the present and future population of Benton.

Objective: To encourage the maintenance and repair of the existing housing stock and ensure that future housing developments are designed according to acceptable building standards.

3.1.3 ECONOMIC GROWTH

Goal: To promote the growth and development of a number and variety of commercial establishments to satisfy local needs.

Objective: To provide sufficient land for the expansion and development of existing and future commercial uses.

3.1.4 COMMUNITY SERVICES

Goal: To improve the living conditions in Benton through the provision of a full range of services and facilities.

Objectives: To encourage the provision of a complete sewage collection and disposal system to all households in Benton.

To ensure that all existing on-site water and sewer systems are operated and maintained to the satisfaction of the Departments of Health and Environment.

To provide fire protection to all residences through the promotion of a local fire brigade.

3.1.5 RECREATION

Goal: To ensure that residents of Benton have an equal opportunity to participate in a full range of recreational activities.

Objective: To encourage and promote the development of additional recreational facilities, whenever the need arises.

3.1.6 TRANSPORTATION

Goal: To provide a safe and efficient transportation system to serve Benton.

Objectives: To undertake a regular road maintenance program to upgrade and pave local roads.

To ensure that developments along the main access road are designed and located in a manner to permit a safe and free flow of traffic.

3.1.7 ENVIRONMENT

Goal: To promote a healthy, safe and pleasant living and working environment in Benton.

Objectives: To encourage a regular community 'clean-up' program.

To ensure that an adequate buffer is maintained between the community's waste disposal site and existing or proposed urban development.

To prevent development from occurring in areas which are physically unsuitable for urban development such as the wet lands and steep slopes, and ensure that all rivers, streams and ponds are adequately protected from pollution.

To prevent development in Benton from adversely affecting the quality and quantity of domestic water available at Little Pond and Gander Lake.

3.2 POLICY STATEMENTS

The manner and method of land development in the Benton Local Planning Area shall be managed in accordance with the following policy statements. The proposed land use designations are illustrated on the Plan Map in the Appendix.

GENERAL DEVELOPMENT

The following policies are general in scope and can be applied to all development within the Benton Local Planning Area.

Policies:

No development shall be permitted in Benton until such time as a complete sewage collection and disposal system is provided.

In order to ensure that safe and healthy environmental conditions are maintained, a 1.6 kilometre buffer shall be maintained in all directions surrounding the community's waste disposal site. Infilling may be permitted within this buffer, subject to approval from the Department of Environment.

Prior to the undertaking of any subdivision development in Benton, the community's waste disposal site shall be relocated to a more suitable site away from the built-up area.

No development shall be permitted to encroach upon the aggregate zone, located in the northeastern portion of the community, without prior approval from the Department of Mines and Energy.

Since the proposed sewage stabilization pond and a portion of the Little Pond watershed area are outside of the Benton Local Planning Area boundary, consideration shall be given to expanding the boundary to include these areas.

3.2.2 MIXED DEVELOPMENT AREAS

The Mixed Development designation applies to the existing built-up area where land uses are of a mixed nature.

Policies:

General Intent

It shall be a policy of this Plan to encourage infilling, once full services are available, wherever possible within the designated Mixed Development Areas in order to achieve economic use of servicing costs.

In order to ensure that developable backland areas are not sterilized for lack of access, the authority will preserve free of development the access points shown conceptually on the Future Land Use Map.

Housing Types

The designated Mixed Development Areas shall be reserved primarily for single-detached dwellings and their accessory uses. Other housing types such as mobile homes, apartments, and single-attached dwellings may be permitted on a discretionary basis, provided the sites have suitable road access and other services.

Non-Residential Uses

Non-residential service, retail, industrial, public buildings, service, and recreational open space uses may be permitted in the Mixed Development Areas, provided that the use:

- has adequate vehicle access and off-street parking;
- will not give rise to excessive noise or other forms of pollution;
- Is compatible and acceptable to adjacent residential uses; and

- can be developed in such a manner that dwellings can be sufficiently protected from any nuisance or hazard associated with the proposed use. The Authority may require such protection in the form of sideyards, screening or landscaping as a buffer.

Development Standards and Conditions

All existing and new developments within the Mixed Development Areas shall be connected to a piped water and sewer system, once available.

All existing and new developments shall have proper road access and frontage onto a publicly maintained road. In certain special circumstances, a backland lot may be developed provided full water and sewer services can be provided and the building is located close enough to road frontage to be capable of receiving fire and other emergency service.

No development on a backland lot shall be permitted to prejudice the potential use and development of adjoining backland areas.

The Authority will establish parking and loading standards, outdoor storage standards and other necessary measures relating to vehicle access and property appearance for non-residential uses. Where commercial or industrial activities abut a residential site, site development standards and conditions will be established to protect the amenity of the residential use.

3.2.3 FUTURE RESIDENTIAL AREAS

In order to promote a compact community form, the Plan intends to promote the development of backlands for future residential use, provided that full water and sewer services are available and most infill sites have been substantially developed.

Policies:

Development Approach

The Plan intends that the Future Residential Areas be developed as comprehensive urban areas, with water and sewer lines and roads built to proper standard.

Development proposals for sites in the Future Residential Areas shall be based on an overall plan of subdivision, designed to promote and enhance the overall development potential of the entire area.

Land Uses

Future Residential Areas shall be reserved for single-detached dwellings and recreational open space uses. The Authority may consider other housing types on a discretionary basis.

Convenience stores, professional offices and other small-scale commercial uses may be permitted in the Future Residential Areas provided that the uses are clearly subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.

3.2.4 CONSERVATION AREA

A strip of land along the shoreline of Soulis Pond and Soulis Brook is designated as Conservation in order to protect the quality of water in this watercourse.

Policies:

Developments which have the potential to adversely affect the water quality of Soulis Pond and Soulis Brook shall not be permitted in the Conservation Area.

No person shall carry on any work or undertaking that result in the harmful alteration or destruction of this fish habitat.

Proposals to develop new or expand existing developments within the Conservation Area shall be referred to the Dept. of Environment and the Dept. of Fisheries and Oceans for comments and approval.

3.2.5 PROTECTED WATERSHED AREA

The purpose of the Watershed designation is to preserve the water quality of Little Pond as a domestic water supply source. The boundaries of the Watershed, as shown on the Future Land Use Plan, are only approximate, therefore, there is a need for careful evaluation to determine whether or not existing development has located within the Watershed. Furthermore, a more detailed determination of the Watershed boundary is necessary before any new development is permitted in Marginal areas.

Policies:

No development which may affect the quality or quantity of available water shall be permitted within the designated Watershed Area.

It is the long-term aim that no urban type uses shall remain within the Little Pond watershed. However, any existing use may remain unless it can be shown that its continuation will have a detrimental affect on water quality.

Uses permitted within the Watershed may include limited passive recreational activities, such as hiking and picnicking. Proposals for any other form of non-urban development shall be referred to the Dept. of Environment for approval.

3.2.6 TRANSPORTATION

The road system in Benton is meant to facilitate the efficient movement of people and goods throughout the Planning Area. To ensure a safe and efficient transportation system roads must be designed in accordance with the function they perform.

Two types of roads are proposed within the Benton Planning Area; Collector and Local.

Collector Roads are designed to link local streets with arterial roads. Access should not be limited but should be properly planned. Limited on-street parking may be allowed. The road falling under this classification is the Benton access road.

Local Roads function to provide direct access to public and private properties. The remainder of the roads in Benton fall under this category.

All roads within the Benton Local Planning Area shall be upgraded and maintained so as to maximize the safety and efficiency of vehicular and pedestrian traffic.

3.2.9 RURAL AREAS

All land not designated for urban or associated uses is designated as Rural. The intent is to limit the growth of the community to a scale which can be economically serviced and maintained; ensuring also that any possible adverse affects of development in Benton on the Gander Lake water supply are minimized.

Policies:

All land in this category shall be kept free of buildings and structures, except for the maintenance and operation of existing uses, in order to ensure the preservation and conservation of land within the Gander Lake Watershed Area.

Uses which shall be permitted within the designated Rural Areas include agriculture, forestry, fishing, hunting, and recreational open space. Cemeteries, public utilities and rural industries associated with resource development, such as sawmills and aggregate extraction, may be permitted on a discretionary basis, provided such uses do not adversely affect the environment, particularly the water quality of Little Pond and Gander Lake.

4.0 IMPLEMENTATION

The Benton Local Area Plan (Review) provides the basis from which all development within the Planning Area will be controlled and monitored. The Plan will be implemented through the approval of the Benton Development Control Regulations and by the undertaking of the necessary capital works, as outlined in the Plan.

4.1 PUBLIC WORKS

In order to meet the stated objectives of the Plan, a complete sewage collection and disposal system is necessary in Benton but must await the availability of funding. The estimated cost for this project is \$1,000,000.00.

Benton is unacceptably close to its waste disposal site and efforts should be made to relocate this facility. It is estimated that this project could cost between #35,00 - \$40,000.

4.2 ADMINISTRATION

The Benton Development Control Regulations, 1977, made by the Lieutenant-Governor in Council will, with the approval of The Benton Local Area Plan (Review) 1988, be administered by the Development Control Division, Department of Municipal Affairs, in strict conformance with the Plan. All development within the Local Planning Area will require approval of the Authority.

ANNEX "A"

BENTON DEVELOPMENT CONTROL REGULATIONS

1989

Superceded by:

Benton Development Control Regulations
under the
Urban and Rural Planning Act
(O.C. 96-219)