

**TOWN OF  
WEST ST. MODESTE  
MUNICIPAL PLAN**

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

**List of Municipal Plan Amendments**

URBAN AND RURAL PLANNING ACT

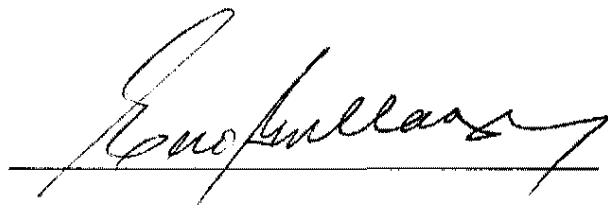
NOTICE OF APPROVAL

OF

COMMUNITY OF WEST ST. MODESTE MUNICIPAL PLAN 1988-1998

I, Eric A. Gullage, Minister of Municipal and Provincial Affairs, under and by virtue of the power conferred by the Urban and Rural Planning Act, hereby approve the Community of West St. Modeste Municipal Plan adopted by the The Community Council of West St. Modeste on the 22nd day of March, 1989.

Dated at St. John's this 6<sup>th</sup> day of *November* A.D., 1989.

A handwritten signature in cursive script, appearing to read "Eric A. Gullage", written over a horizontal line.

Eric A. Gullage, C.L.U., M.H.A.  
Minister of Municipal & Provincial Affairs

URBAN AND RURAL PLANNING ACT

COUNCIL RESOLUTION TO ADOPT A MUNICIPAL PLAN

Resolved pursuant to Section 16 of the Urban and Rural Planning Act, that the Council of West St. Modeste adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.

Resolved further pursuant to Section 18 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.

PROPOSED BY: Stanley J. Cabot

SECONDED BY: Veronica Hammond

Certified as a correct copy of a Resolution passed at a meeting of Council held at West St. Modeste on the 22 day of March, 1989.

Agnès Piché  
MAYOR

Sandra Cabot  
CLERK

SEAL AND SIGNATURE

Signed and sealed pursuant to Section 16(3) of the Urban and  
Rural Planning Act this            22    day of    *March*            1989.

(SEAL)

  
\_\_\_\_\_  
MAYOR

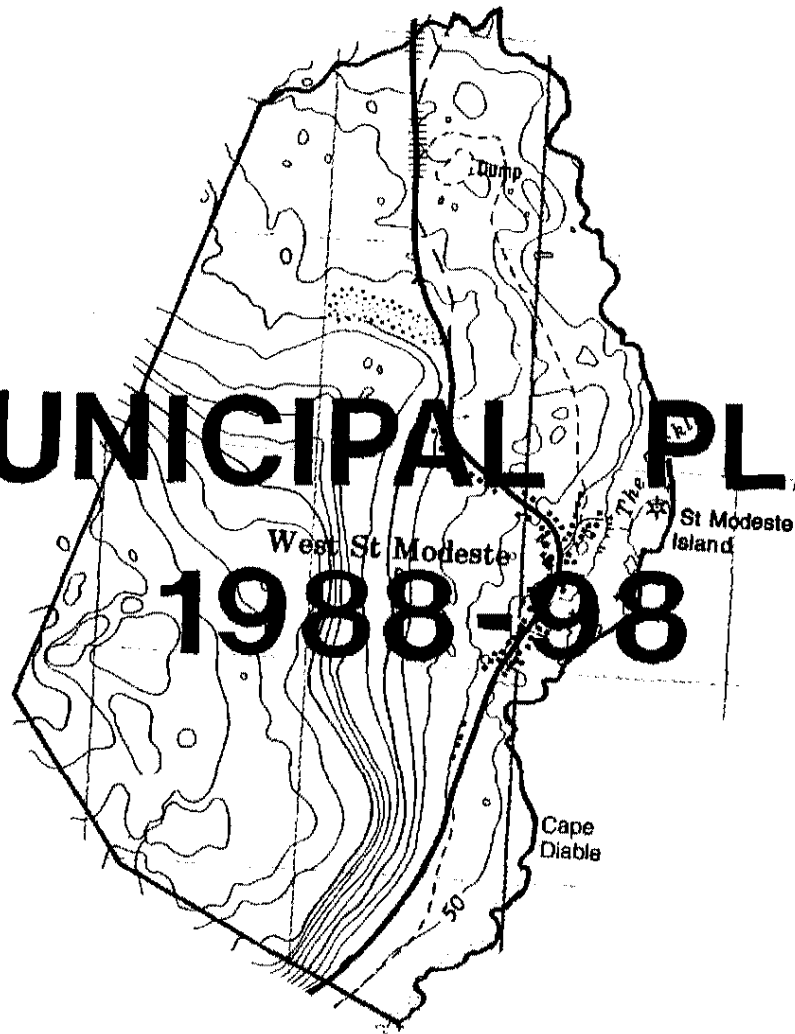
CLERK'S CERTIFICATE

Certified that the attached Municipal Plan is a correct copy  
of the Municipal Plan adopted by the Council of West St. Modeste on the  
22<sup>nd</sup> day of    *March*            , 1989.

  
\_\_\_\_\_  
CLERK

COMMUNITY  
OF  
**WEST ST. MODESTE**

**MUNICIPAL PLAN**



**1988-98**

PREPARED BY

**W. B. TITFORD LIMITED**  
TOWN PLANNING CONSULTANTS

WEST ST. MODESTE MUNICIPAL PLAN 1988-98

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WEST ST. MODESTE  
MUNICIPAL PLAN  
1988-98

1. INTRODUCTION

1.1 Planning in Newfoundland

The Municipal Plan

This Municipal Plan has been prepared in accordance with the requirements of Section 15 of the Urban and Rural Planning Act, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various Land Use categories.

Ministerial Approval

When the Municipal Plan is formally adopted by resolution of the council under Section 16 (1) of the Act, two copies must be impressed with the Seal of the Council and signed by the Mayor. The council must then give notice of its intention to seek the approval of the Minister of Municipal Affairs by publishing a notice in the Newfoundland Gazette and in a newspaper published, or circulating, in the community. The notice must state where and when the Municipal Plan may be inspected by any interested person and the time and place set by the Minister for

the hearing of any objections or representations. At the Public Hearing, a Commissioner appointed by the Minister will hear the objections and representations, and subsequently forward to the Minister a written report, together with copies of all the evidence taken at the Public Hearing.

After the Public Hearing is concluded and the Commissioner's report has been submitted, the Council must apply to the Minister for approval of the Municipal Plan. The Minister requires two copies of the Municipal Plan certified correct by the Clerk of the Council, a copy of the adopting resolution and of all written objections and representations considered at the Public Hearing. On receipt of this material, the Minister may approve the Municipal Plan, with or without modification, or may disapprove it and order that a new Municipal Plan be prepared. Upon approval, the Minister will endorse a copy of the plan and return it to the council. Within ten days of receipt of the final approval by the Minister, the Council must publish a notice of approval in the Newfoundland Gazette and in a local newspaper.

#### The Effect and Variation of the Municipal Plan

When the Municipal Plan comes into effect, it is binding upon the Council and upon all other persons, corporations and organizations. The Plan has to be reviewed by the Council at the end of every five years from the date on which it comes into effect and at that time revised as necessary to take account of developments which can be foreseen during the next ten-year period.

The Municipal Plan may be amended in whole or in part for just cause by repeating the process by which it was adopted and approved initially.

#### Development Schemes

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Sections 31-33 of the Act for the purpose of carrying out specific proposals of the Municipal



Plan. A development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings which are necessary to carry out provisions of the Municipal Plan. The Scheme 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 agreements with the owners of the land as will permit its acquisition and use for those purposes. The Development Scheme 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 the Development Scheme.

Development Schemes are prepared and approved in exactly the same way as the Municipal Plan, and, when approved, form part of that Plan.

#### Municipal Plan Administration

When a Municipal Plan comes into effect, the council is required to develop a scheme for the control of the use of land in strict conformity with the Municipal Plan in the form of land use zoning, subdivision, and any other regulations necessary. After adoption by the council, these regulations must be submitted to the Minister for approval.

Regulations must comply with the requirements of the Urban and Rural Planning Act, and Standard Provincial Regulations have been developed to form the basis of these regulations. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulations.

The day-to-day administration of the Municipal Plan, and subsequent regulations, is in the hands of staff members authorized by the Council. Council staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning area.

## 1.2 Summary of Background Report

### (a) Regional Context

- West St. Modeste is mainly dependent on the salt fish industry. Local fishermen also land fish fresh at the Red Bay and L'Anse au Loup processing plants. Scallops are a potential additional resource.
- A regional bait depot is located in the community. A marine service centre is located five kilometres south of the community at L'Anse au Diable.
- The incorporated community of Pinware is immediately adjoining to the north, and the unincorporated settlement of Capstan Island lies immediately south of West St. Modeste.
- West St. Modeste is the administrative centre for the Roman Catholic Church in the Straits area.
- Medical, governmental and main commercial services are available at L'Anse au Loup and Forteau, 15 km and 30 km southwards by highway respectively.
- Tourism is a growing economic resource, based on sports fishing in the Forteau and Pinware Rivers and archaeological discoveries. Many sites of potential archaeological significance have been noted along the Labrador and Quebec coastline requiring further exploration.
- Tourist travel to the area is mainly by way of the Island of Newfoundland, crossing to Labrador by ferry from St. Barbe to Blanc Sablon.
- Air Nova and Quebec Air maintain daily scheduled air service to the Blanc Sablon Airport.

(b) Physical Environment

- The community lies at the base of a steep rocky prominence along the highway following the west side of Pinware Bay.
- There is a substantial band of soil deposit lying between the base of the rocky escarpment and the shoreline.
- Water drainage through the community is by numerous small streams and groundwater percolation. There are no main drainage routes.
- Environmental constraint is required with respect to:
  - (i) The existing water supply catchment area in the vicinity of Shelf Pond.
  - (ii) The potential water supply resource atop the hill.
  - (iii) Sites of historic and archaeological significance.
  - (iv) Aggregate resources defined by the Department of Mines.

(c) Growth

- The population of West St. Modeste is expected to decline to about 200 in 1991 and to 170 by 1998. The overall population decline is anticipated as a result of further substantial decline in the pre-school and school age population, a smaller decline in the labour force, and a small increase in the elderly population.
- It is estimated that a total of ten new dwellings may be required during the planning period and that these may be expected to be in the form of single-family detached dwellings.
- Land south and to the rear of the church and school appears to be the prime locational prospect for new residential development.

(d) Commerce and Industry

- There is a potential regular employment base for about 100 people, of which 70 are employed in the fishery or fish processing sector of the local economy and are hence seasonal in nature.
- Harbour development by means of breakwater construction has potential for an expanded fishery capacity.
- Additional future employment opportunities may result from further development of marine maintenance facilities at L'Anse au Diable and the possible introduction of boat building as a source of gainful employment during the off-season.
- Additional highway commercial services are likely with an increase of tourist activity during the summer season.
- Commercial land uses are centrally located in the community, opposite the school and south of the school opposite Boats Cove.
- Industrial land use is entirely marine related and is located along the shoreline of The Tickle and south of Boats Cove.

(e) Community Services and Recreation

- Public buildings are centrally located along the highway and consist of the church and school complex and the community hall.
- Enrolment of Our Lady of Labrador all-grade school is expected to continue to decline from the present 144 pupils to about 100 by the end of the planning period.
- The community is well served for indoor recreational and social needs but, with the exception of the outdoor rink, lacks developed outdoor recreational facilities.

- An area of about two acres on backland west of the highway at the south end of the community has been cleared and fenced for use as a community garden.
- It is Council's intention to develop a ball park and other recreational uses on an area of cleared sandy soil on the east side of the highway north of the community.
- An outdoor recreational area is required in close proximity to the school because the existing school yard is too small and too open to passing highway traffic.

(f) Municipal Streets and Services

- There is a partial municipal water supply extending from the area of Shelf Pond to the fishermen's wharf at The Tickle. Other water supplies are from private wells.
- Sewage disposal is generally by private septic disposal methods, with some dwellings having a pipeline to the shore. However, a high water table is prevalent and is not conducive to good septic disposal characteristics.
- Local roadways are unpaved and consist of a loop road to the public wharf and fishing premises at The Tickle plus several minor lengths of public roadway where development has occurred in depth from the highway.
- The highway is paved and has a 30 m (100 ft.) reservation.
- In wintertime ice accumulation from groundwater seepage tends to block drainage ditches alongside the highway.
- Garbage disposal is by contract with disposal at the regional disposal site at Crow Head, Forteau.

- A 15-person volunteer fire brigade is equipped with a standard community fire package unit housed in a garage attached to the community hall.
- About \$10,000 is raised annually by local taxes and fees. This is supplemented by an equivalent amount of provincial grant. There is no significant amount of outstanding capital debt.

### 1.3 Basic Assumptions

In evaluating the probable course of future growth and its effect on the timing and relative importance of works to be undertaken to accommodate it, a number of assumptions have been made as follows:

- The West St. Modeste population will decline to about 170 persons by the end of the planning period as a result of a declining birth rate and some out-migration. The labour force will remain relatively stable.
- Residential construction during the period, estimated at about ten dwellings, will continue to be detached single family units.
- Publicity generated by archaeological discoveries in the area and the probability of other such finds being uncovered, will result in a substantial increase of tourism and demand for additional tourist services.
- New sources of federal-provincial financial assistance will enable extension and improvement of municipal services.

To the extent that assumptions are in error, the Program of Public Works will be affected as to timing, municipal cost and/or budgetary ability. This may then be adjusted to meet circumstances as they arise. However, the stated Objectives and Policies will continue to control and guide development whatever the pace of development might be.

## 2. LAND USE OBJECTIVES AND POLICIES

The Urban and Rural Planning Act, Section 15 (2), requires that a Municipal Plan "...contain proposals for such general development of the Municipal Planning Area as can be foreseen for a period not exceeding ten years from the date of completion of the Municipal Plan and shall be designed to co-ordinate the public purposes of the Authorized Council that bear upon urban development so as to achieve the common well-being of the community and to conserve the financial and material resources of the Municipal Planning Area...".

Main aspects of the Plan implementing this requirement and, in so doing, establishing the planned basic structure of the Community are as follows:

- Improvement of the existing water supply system by installing a storage reservoir as initially proposed by engineering consultants.
- Development of a fully serviced residential subdivision central to the community, on land west of the highway to the rear of the church and school site, and made accessible by construction of a road extending from Boats Cove to a point on the highway near the rink.
- Provision for infilling of existing residential areas.
- Establishing guidelines for developing serviceable residential land within the community and priorities for accommodating residential growth and extension of municipal services during the planning period.
- Designation of useful shoreline frontage for continued use of fisheries and other marine related industrial uses.

- Designation of land fronting the highway near the rink for industrial needs not requiring ocean frontage, thus providing direct highway access and separation from residential uses.
- Designation of land fronting the highway opposite Boats Cove as the main area for future commercial expansion. This location has substantial highway frontage vital to the commercial need of catering to passing regional and tourist traffic and is also conveniently central to the community population.
- Development of land central to the community, safely accessible from the school and alongside the proposed serviced subdivision, for community outdoor recreational use. Provision is also made for development of land at the northern extremity of the community for outdoor recreational use.

## 2.1 Residential

The housing forecast of the Background Report anticipates a demand for ten new dwelling units during the 1988-98 planning period. All, or a substantial majority of these, are expected to be in the form of single family detached dwellings. To provide for this, Council intends to construct a residential roadway extending from the highway at Boats Cove, around the rear of the school and church site, to meet the highway again at a point north of the church, as shown on Map No. 2. This roadway, together with the portion of connecting highway, represents the initial stage of fully serviced development proposed for the community as indicated on Map No. 2. It is therefore Council's intention to encourage new residential development to locate within this area.

Provision of municipal water and sewer services enables the use of smaller residential building lots than was previously the case. It is therefore Council's intention to encourage development of smaller building lots within fully serviced areas as a means of conserving land for long-term future use and as a means of utilizing costly municipal



services more efficiently. By so doing, the proposed new residential road enables the development of more building lots than are anticipated during the planning period and is therefore capable of accommodating longer-term growth needs or change in growth rate as may conceivably occur.

There being ample serviceable land area available to meet short- and long-term future residential needs, Council intends to discourage further residential development of highway frontage, other than infilling of existing residential frontage, to preserve the safe use of the highway as a through traffic route.

The following are objectives and policies which Council will observe in respect of residential land use during the period of the Plan.

- Objectives:
- (i) To promote a convenient, safe and satisfactorily serviced residential environment by controlling the classes of land use and characteristics of development permitted within residential areas.
  - (ii) To designate land for residential use and promote its further development in a manner designed to make efficient use of municipal services and to conserve municipal financial resources.
  - (iii) To enable development of other housing types, in addition to single-family detached dwellings, as may be required to supply future economic demand.
  - (iv) To ensure that residential development takes place in a manner that does not prejudice access to and appropriate development of neighbouring land.

- (v) To maintain and preserve highway safety by restricting further residential development fronting on the highway to infilling of existing residential areas.

- Policies:
- (i) Single and double dwellings and recreational open space may be permitted within areas designated for residential land use shown on the Plan of Land Use (Map No.2), subject to control by Council of specific development and locational arrangements prescribed by Policies (iii) and (iv) following and in accordance with development regulations.
  - (ii) Row dwellings, apartment buildings, boarding houses, mobile homes and uses of a residential convenience nature, such as a church, child day care centre, junior school, confectionary store or small business office, may be permitted within serviced residential land use areas where, in its discretion, Council is satisfied that such use will not adversely affect the character and quality of the immediate neighbourhood.
  - (iii) Development may be permitted only on lots which have the required amount of frontage on a public street and to which municipal water and sewer services are directly available. (Residential development may be permitted within the Phase 1 service area prior to the installation of services, subject to requirements of the Department of Health.)
  - (iv) Notwithstanding the provisions of Policy 2.1 (ii), single or double dwellings may be permitted as infilling within unserviced residential areas subject to meeting lot area, well-water supply and septic sewage disposal requirements of the Department of Health.

- (v) Where vacant land is to be developed in depth from an existing road, Council may require the preparation of a suitable plan of overall subdivision of vacant land in the immediate vicinity to an extent deemed necessary to ensure that such other vacant land will not be adversely affected for future residential use. Council may adopt this plan of subdivision by Resolution of Council and development for that area will thenceforward be required to conform with it or with such revisions to it as Council may subsequently adopt.
- (vi) Council may, on its own initiative, prepare and adopt a plan of subdivision or new street design in respect of any land area and undertake to acquire property, rights-of-way and easements to develop a portion or all of the area. The cost of such work will be assessed as a Service Levy authorized by Sections 148-153 of The Municipalities Act.
- (vii) Serviced building lots owned by Council, as may result through the implementation of Policy (vi), may be sold at market value. Revenue received from the sale of such building lots will be applied to adjust the cost assessed as a Service Levy.
- (viii) Extension of municipal services will be carried out in a phased sequence designed to conserve public financial resources and keep pace with the demand for new building lots.

## 2.2 Commercial

Council intends to promote commercial development in conveniently accessible locations central to the community. Land fronting the

highway opposite the school and opposite Boats Cove meet these criteria and are also the site of existing commercial uses. Additional land is accordingly designated for commercial use in these location as shown on Map No. 2.

The site of the Cash and Carry store near Partridge Cove Brook is also designated for continued commercial use and provision made for possible expansion to include commercial uses of a highway service nature. Highway frontage, opposite the community hall, is also designated for commercial use and is intended for eventual development of highway services, possibly including a motel.

In permitting development in these areas Council will be particularly observant of highway safety by requiring restricted points of highway access and by ensuring provision of adequate off-street parking accommodation.

Commercial uses of a minor local convenience nature may be permitted elsewhere in the community where acceptable to Council and to the immediate neighbourhood.

Council's objectives and policies in support of these matters are stated as follows:

- Objectives:
- (i) To promote commercial development in conveniently central locations.
  - (ii) To encourage development of tourist services.
  - (iii) To provide for ease and safety of traffic movement to and within commercial areas and along the highway.
  - (iv) To enable development of minor convenience commercial uses within residential areas.

- Policies:
- (i) Areas designated for commercial use are shown on Map No. 2. Development standards for these areas will be prescribed by development regulations.
  - (ii) Council will require the provision of adequate arrangements for traffic access and off-street parking to ensure the safe and unimpeded movement of traffic along public thoroughfares.
  - (iii) Land uses permitted within these areas include retail sales, highway commercial and tourist services, and business offices to be more specifically defined by development regulations.
  - (iv) Minor industrial uses, such as repair services, warehousing and workshops normally associated with commercial uses may be permitted at council discretion.
  - (v) Commercial development of a local convenience nature may be permitted in residential land use areas where Council is satisfied that such development is compatible with neighbouring land use and that appropriate arrangements are made for off-street parking.

### 2.3 Industrial

Council intends to reserve the shoreline area of The Tickle and the southern shoreline area of Boats Cove specifically for fisheries and other marine related industrial uses. Other industrial uses as may eventually be required (such as open storage, warehousing and auto-body repair) will be directed to locate within the area designated for this purpose northwards along the highway from the skating rink.

Council's objectives and policies pertaining to industrial land use are stated as follows:

- Objectives:
- (i) To reserve useful shoreline frontage for fisheries and other marine related industrial use.
  - (ii) To reserve sufficient land in an appropriately serviceable and accessible location capable of accommodating other industrial needs as may arise during the planning period.
  - (iii) To control and direct industrial development in a manner designed to protect adjoining land uses and the natural environment from adverse effects of industrial operation and to maintain an acceptable state of appearance from the highway.
- Policies:
- (i) Areas designated for industrial use are as shown on Map No. 2. Development standards for these areas will be prescribed by development regulations.
  - (ii) Industrial land use designated along the waterfront of The Tickle and at Boats Cove is reserved for storage, processing and transportation uses associated with the fishery and other marine operations, including storage of boats and fishing equipment.
  - (iii) The roadway serving the waterfront at The Tickle, extending from the fishermen's wharf to the public wharf, is to be improved in alignment and width, and the steepness of road slope in the vicinity of the public wharf reduced, to improve trucking access and movement through this area.
  - (iv) Industrial land use fronting the highway north of the skating rink is intended for a wide variety of types and scale of industrial use, but excluding the bulk storage of hazardous substances.

- (v) Council will ensure that adequate provision is made for safe vehicular access and parking accommodation, particularly in instances where there is direct access to and from the highway.
- (vi) Areas used for outside storage of goods, equipment or discarded material may be required by Council to be fenced and/or screened from view.

#### 2.4 Public Buildings

Our Lady of Labrador school and church complex is the central focus of the community and lies within the area intended for the initial stage of supplying water and sewer services to the community. Construction of a residential road to the rear of this property enables improved driveway access to the church and opens up the proposed outdoor recreation site. It also provides a basis for locating a playground immediately to the rear of the school, thus enabling the highway frontage to be used exclusively for school parking requirements.

Ample land area is reserved around the community hall for car parking and volunteer fire brigade use. Provision is also made for additional public building development, such as a post office, on adjoining land to the east, provided that a roadway allowance is reserved enabling eventual street location as indicated on Map No. 2.

Council's objectives and policies pertaining to land use for Public Buildings are stated as follows:

- Objectives:
- (i) To provide for public buildings and institutional services in convenient central locations having ease and safety of access and adequate parking space.
  - (ii) To promote community initiative in support of social needs and community betterment.





- Policies:
- (i) Uses of an institutional or community service nature are permitted in public building land use areas shown on Map No. 2.
  - (ii) Council will encourage the improvement of roadway access, parking accommodation and provision of playground space within the area of the school and church complex. (A conceptual arrangement for consideration in this matter is shown in Exhibit 1.)

## 2.5 Recreation

Indoor recreational needs of the community are satisfied through use of the arena at L'Anse Amour, Our Lady of Labrador school gymnasium and parish hall, and the facilities of the community hall. However, excepting the skating rink, outdoor recreational facilities are lacking. It is therefore Council's intention to promote development and maintenance of a children's playground on the school site. It is also Council's intention to reserve two areas of land, one central to the community on relatively level land west of the new residential road, and the other east of the highway at the northern extremity of the community, for the development of a outdoor recreational facilities.

Additional land, adjoining the central recreation area to the south, is reserved for development over time as a passive recreation area to be improved by tree, bush and flower planting, walkway and picnic area construction as a parkland providing a site of visual beauty for local benefit as well as being attractive to passing tourists.

Objectives and policies in this regard are stated as follows:

- Objectives:
- (i) To provide for the overall recreational needs of the community.

- (ii) To promote development of a parkland and picnicing area attractive to tourists and other visitors.

Policies: (i) Land areas designated for recreational use on Map No. 2 will be reserved for this purpose and developed in a manner approved by Council.

- (ii) Council will encourage development of playground space associated with the school site in accordance with Policy 2.4 (ii).

- (iii) Council will ensure that when recreation facilities are developed, they are suitably maintained and made reasonably available for public use.

## 2.6 Conservation

There are substantial areas of land within the Planning Area where protective rather than developmental measures must take priority. These include natural drainage routes, areas of steep terrain, wetlands, and shoreline frontage not required for other uses. Council intends to protect and preserve these areas from development in the interest of public safety and well-being of the community and to enable continued public access along watercourses and the ocean shoreline.

Protective measures are also to be exercised within all land use classes in respect of archaeological finds as have been discovered in the area already and as may be discovered in the course of future development.

The present municipal water supply catchment area and possible future water supply catchment area require distinctive conservational treatment. Council's objectives and policies pertaining to these areas are accordingly contained in a separate subsection, and are separately defined on Maps No. 1 and 2

Council's objectives and policies regarding conservational land use, other than water supply catchment areas, are stated as follows:

- Objectives:
- (i) To prevent development in physically unsuitable and economically unserviceable areas.
  - (ii) To preserve public access along watercourses and shoreline frontage and to protect their environmental quality for public benefit and enjoyment.
  - (iii) To ensure that historic sites and archaeological finds are preserved and maintained for public benefit.
- Policies:
- (i) Development will not be permitted within areas designated for conservation as shown on Maps No. 1 and 2, other than natural resource or recreational uses as Council may determine to be compatible with its stated objectives.
  - (ii) Council will ensure that resource extraction or other development activity within these areas is carried out in a safe, orderly and environmentally acceptable manner and the site restored to a suitable state on completion of the work.
  - (iii) In the event of an archaeological find being discovered during the course of development in any land use area, development shall cease temporarily and Council shall contact the Historic Resources Division, Department of Culture Recreation and Youth. (Telephone: 576-2460 or 576-5074)

#### A. MUNICIPAL WATER SUPPLY CATCHMENT AREA

The public water supply catchment area is a distinctive conservational land use where more stringent measures are required for protection of public health and preservation of the natural water resource. Council's objectives and policies in this regard are stated as follows:

- Objectives: (i) To protect and preserve the quality of the public water supply from contamination.
- (ii) To ensure the continuous supply of an adequate volume of water to serve the needs of the Community.
- (iii) To protect water resources which may eventually be required to supply the future needs of the community.
- Policies: (i) All development is prohibited within public water supply catchment areas as defined on Maps No. 1 and 2.
- (ii) Council will exercise such influence and authority as may be available to it to minimize or prohibit the use of all-terrain vehicles within the catchment area defined around Shelf Pond.

## 2.7 Rural

Lands within the West St. Modeste Planning Area not designated by previous sections for specified use or conservation, are designated for rural use. Within these rural use areas development is restricted to on-site natural resource uses which may not reasonably be carried out in serviced community locations.

Council's objectives and policies in respect of rural land use are stated as follows:

- Objectives: (i) To preserve the undeveloped area surrounding the Community of West St. Modeste from unwarranted encroachment by urban-type uses.
- (ii) To enable the productive use of naturally occurring resources in locations and in a manner acceptable to Council.

(iii) To permit cemeteries in locations approved by Council.

Policies:

- (i) Rural resource-based industries and recreational uses may be permitted within areas designated for rural use as shown on Maps No. 1 and 2. Buildings subsidiary to a resource-based use, such as a dwelling or barn; or subsidiary to a recreational use may be permitted where Council is of the opinion that such building is necessary to the successful operation of the main use.
- (ii) Extractive resource use, such as mining and quarrying, may be permitted in locations approved by Council, provided Council is assured that the work will be carried out in a safe, orderly and environmentally acceptable manner and that the site will be restored to a suitable state on completion of the work.
- (iii) Cemeteries may be permitted in locations acceptable to Council.
- (iv) Council may require buffer distance separation between rural uses and other types of development and watercourses as deemed necessary to preserve public safety, amenity of adjacent land uses, water quality, natural habitat, and public access.
- (v) Council will be observant of mineral working and other resource development activity as may act to diminish environmental quality, and will take such remedial action as may be available within its regulatory authority. Otherwise it will report the matter to appropriate provincial authorities for their remedial action.

### 3. MUNICIPAL SERVICES

#### OBJECTIVES AND POLICIES

##### 3.1 Water Supply

The existing municipal water supply was installed primarily as an industrial supply to the fish plant. Some dwellings along the route were connected to the system. A 125,000 litre (27,700 gallon) storage reservoir to be located at the 90 m contour level was recommended by an engineering consultant report submitted in August 1982, but has not been installed to date. It is Council's intention to arrange for the installation of such a storage reservoir to provide continuous supply in the event of electrical outage, chlorine contact time prior to entry into the distribution system and some fire flow capacity. It is also Council's intention to extend the water supply along the highway to Boats Cove and along the route of the proposed new residential road, and to commission an engineering evaluation of the feasibility of further extending the system to existing development south of Boats Cove and along the road to the public wharf.

The municipal water supply is dependent on the flow of surface and ground water from the relatively small catchment area in the vicinity of Shelf Pond. It is in the public interest therefore that this catchment area be preserved in its natural state so that water absorbing and retentive qualities of the soil may be relied upon to provide a maximum quantity of water throughout the year. Travel through this area disturbs and destroys surface vegetation and compacts the soil. This reduces water absorption, increases evaporation, and creates conditions conducive to a rapid rate of surface water run-off. It is therefore Council's intention to limit public access to the water supply catchment area.

Council's objectives and policies concerning municipal water supply are stated as follows:

Objectives: (i) To provide a safe and reliable municipal supply of water to areas of development where it is physically and economically feasible to do so.

(ii) To protect groundwater supplies available to residents not connected to the municipal water supply system from contamination.

Policies: (i) Council will arrange for the installation of a storage reservoir at approximately the location shown on Map No. 2, to which water will be pumped from the chlorination plant.

(ii) Council will extend the municipal water supply system to make it available to development within the Phase 1 service area shown on Map No. 2.

(iii) Council will arrange for an engineering evaluation to determine the feasibility of extending the municipal water supply to other presently unserved areas.

(iv) Council will advise the public of the need to avoid travel through the designated water supply catchment area and will take such preventive measures in this regard as may be deemed advisable and within its municipal authority.

(v) The catchment area of the several ponds near the summit of the hill to the southwest of the Planning Area as shown on Map No. 1, is to be preserved from development as a potential source of future water supply.

(vi) Council will adopt regulations for control and management of the municipal water supply system with respect to matters authorized by Section 161 of The Municipalities Act.

- (vii) Council will install fire hydrant service to an extent deemed reasonable within the limitations of the water supply system.

### 3.2 Sewage Disposal

It is Council's intention to provide a municipal sewerage system to all properties served by the municipal water supply system to the extent that it is practical to do so. In this regard the Phase 1 service area delineated on Map No. 2 will be supplied with sewer service when the water supply system is installed in the area. Council will also commission an engineering evaluation of the feasibility of extending the sewer system farther northwards and southwards along the highway to the limit of existing development, and of installing a separate system to serve development in the vicinity of the road to the Public Wharf. (The need for a feasibility study is due to the reference to unfavourable soil conditions mentioned in the August 1982 consultant's report, page 12).

The location of the sewer outfall for the Phase 1 system will depend on the perceived imminence of constructing a breakwater from the point of land at Boats Cove to McDonald Island. If breakwater construction is not imminent, it may be deemed reasonable for the outfall to be located in the approximate position of "A" on Map No. 2. However, if construction is imminent, the outfall will need to be located at "B" near Bone Cove, requiring a pumping station and length of force main to move the sewage from the low point near the highway to the outfall.

Objectives and policies for sewage disposal are stated as follows:

Objective: (i) To provide for the sanitary and environmentally safe disposal of sewage effluent.

Policies: (i) A municipal sewer system for the Phase 1 service area shown on Map No. 2 will be constructed along with the water supply system referenced in Policy 3.1 (ii).



- (ii) Council will arrange for an engineering evaluation to determine the feasibility of providing municipal sewer service to other developed areas of the community.
- (iii) Development of land not serviced by a municipal sewer system may be permitted only on a building lot approved for the purpose by the Department of Health and subject to installation of a private sewage disposal system satisfactory to the Department of Health.
- (iv) Council will adopt regulations for control and management of municipal sewer systems regarding matters authorized by Section 161 of The Municipalities Act.

### 3.3 Storm Drainage

Control and maintenance of storm water drainage has, to the present, been a matter mainly related to the highway and hence a subject of concern for the Department of Transportation rather than a Council responsibility. However, construction of additional local roadway will increase Council's responsibility for providing, controlling and maintaining storm drainage channels.

Objective and policies in this matter are stated as follows:

Objective: (i) To provide and maintain a storm-water drainage system that will control surface drainage, minimize property damage and maintain the integrity of surface water quality.

Policies: (i) Council will require the design and construction of storm drainage systems in conjunction with development of new areas.

- (ii) Council will adopt regulations for the control and management of municipal storm drainage systems with respect to matters authorized by section 161 of The Municipalities Act.

### 3.4 Transportation System

Council anticipates paving its local road system when paving equipment is available in the area to pave the highway to Red Bay. It is therefore Council's intention to arrange for as much construction and servicing of streets as possible during the first 2-3 years of the Plan so that these may also be paved at that time.

It is also Council's intention to continue to support the prospect of harbour improvement by means of breakwater construction from the point of land at Boats Cove to McDonald Island and by roadway improvement along the shoreline of The Tickle. The feasibility of constructing a roadway along the route of the breakwater, enabling use of McDonald Island for fisheries and other marine related facilities, should be investigated.

Council also supports establishment of an ambulance service in conjunction with the Health Centre at Forteau to serve the emergency medical needs of the Straits Area. It is also of the opinion that a helicopter landing facility should be designated at Boats Cove, rather than continuing the practice of indiscriminate landings at any accessible location in the community.

- Objectives:
- (i) To provide a street system enabling the safe and convenient movement of traffic throughout the Community.
  - (ii) To improve harbour facilities as a base for an expanded fishery.
  - (iii) To minimize conflict between internal and highway traffic.

(iv) To promote establishment of emergency travel service for the Straits Area.

(v) To provide a designated site for helicopter landings.

Policies:

(i) Council will strive to maintain the integrity of the highway as a through traffic route by limiting local street and private driveway access to a minimum.

(ii) The waterfront roadway at The Tickle will be improved in accordance with Industrial Policy 2.3 (iii).

(iii) Council will promote construction of a breakwater and possible roadway link to McDonald Island located as indicated on Map No. 2.

(iv) Council will promote development of a helicopter landing facility within the Boats Cove industrial area to serve the needs of potential users and protect residents from the hazard of indiscriminate landings within the Community.

(v) Council supports establishment of an ambulance service in conjunction with the Health Centre at Forteau to serve the emergency medical needs of the Straits Area.

(vi) Council will establish a hierarchy of roads and adopt a schedule of street reservations consistent with the Municipal Plan and will prohibit the erection or location of fences, buildings and other fixed objects within these reservations. The approximate location of additional local roads which may be required to meet growth needs beyond the period of the Plan are indicated on Map No. 2. These roadway routes will also be preserved from development.

- (vii) Council may acquire property contained within street reservations and arrange for removal of existing fences, buildings and other objects to the extent that it is convenient and financially prudent to do so.
- (viii) Council will arrange for paving municipal streets on a cost-share basis with the provincial government when paving equipment is available as a result of other work being carried out in the Straits Area.

### 3.5 Garbage Disposal

The teepee incinerator, located in a quarry site on the height of land at Forteau's eastern boundary, is not now in use due to a structural problem. An area near the incinerator is used as a sanitary landfill site. This garbage disposal site, whether by incineration or sanitary landfill, is operated as a regional disposal site utilized by the Community of West St. Modeste. Policies for the operation of this site are of a joint regional nature rather than local. However, Council's objectives and policies in respect of this matter are stated as follows:

Objective: To maintain a sanitary, clean and uncluttered environment within the Community and its Planning Area.

Policies: (i) To consult regularly with representatives of neighbouring communities which use the regional garbage disposal site and officials of the Department of Environment as to the satisfactory collection and disposal of garbage.

(ii) To establish a suitable site for public disposal of solid waste, such as car bodies and other metal objects, and to avail of opportunities as arise for removal of this scrap material to minimize the extent of its accumulation.

- (iii) To contribute on a "per capita" basis to the regional municipal cost of garbage and solid waste disposal.

### 3.6 Fire Protection

**Objective:** To maintain a fire-fighting capacity in West St. Modeste to a standard capable of providing a protective service to its people, property and facilities.

**Policies:** (i) To support the organization and training of a volunteer fire brigade capable of responding quickly to emergency situations.

(ii) To ensure that suitable equipment, supplies and transportation facilities are available to the brigade to fulfill its protective responsibilities.

(iii) To ensure that fire-fighting equipment and supplies are adequately housed and maintained to be in a continuous state of readiness.

### 3.7 Program of Public Works

The following projects are seen as necessary to be undertaken during the 10-year planning period and are listed in a recommended order of priority. However, this sequence of priorities is intended as a guide only, as Council's decision to proceed with or select from among these works will depend on the urgency of need as perceived from time to time, coupled with Council's financial ability to fund the projects.

Project costs are estimated in 1988 dollar values and include engineering fees. Subdivision development costs include installed municipal services as required, but do not include pavement, curb, gutter or sidewalks, and no allowance has been made for land acquisition. Paving estimates for

local roads assume an asphalt width of 6 metres with 1.5 metre shoulders. Also, project cost estimates represent the overall cost of the project and are not reduced to reflect only municipal cost resulting from anticipated provincial cost-sharing arrangements, as such arrangements may be subject to variation from time to time.

#### CAPITAL WORKS PROJECTS

Priority	Project Description	Cost Estimate
1	Construction and installation of water storage reservoir and pumping system at 90 m elevation near chlorination plant. [Policy 3.1 (ii)]	\$ 210,000.
2.	Construct new residential roadway to gravel surface standard and install municipal water and sewer services within the Phase 1 service area, including sewer outfall "A". [Policies 3.1 (ii) and 3.2 (i)]	\$1,070,000.
3.	Feasibility study for further extension of water and sewer system. [Policies 3.1 (iii) and 3.2 (ii)]	\$ 20,000.
4.	Additional cost requirement for Phase 1 sewer system outfall if located at "B".	\$ 95,000.
5.	Waterfront roadway improvement. [Policies 2.3 (iii) and 3.4 (ii)]	\$ 65,000.
6.	Pave municipal streets. [Policy 3.4 (viii)]	\$ 340,000.
7.	Install fire hydrant service along existing water supply route outside of Phase 1 area. [Policy 3.6 (iv)]	\$ 30,000.
8.	Develop community recreation areas. [Policy 2.5 (i)].	Indeterminate
9.	Construction of breakwater extending to McDonald Island. [Policy 3.2 (iii)]	Indeterminate

Council adopts the following policies for the financial support of capital works projects required for the provision of necessary municipal services:

- Policies:
- (i) Repair and renovation of existing municipal services will be carried out at municipal expense using current revenue where possible.
  - (ii) Capital projects of a relatively minor nature will be paid for out of current revenue where possible as a means of keeping capital debt to a minimum.
  - (iii) The cost of providing municipal services to previously unserved areas will be defrayed by local improvement assessment of real property in accordance with Sections 142 to 147 of The Municipalities Act.
  - (iv) Where trunk services are improved or newly installed to accommodate service requirements of previously unserved areas, the cost of this work will be apportioned to the area or among areas benefited by the work, and a service levy will be assessed on real property within the area or areas in accordance with Sections 148 to 153 of The Municipalities Act.

### 3.8 Municipal Finance

Objective: To provide a publicly acceptable level of services at minimum cost to present and future residents.

- Policies:
- (i) To annually prepare a five-year forecast of public works required to improve and extend necessary municipal services and to assign priorities to these works with reference to Section 3.7 of the Municipal Plan and to conditions as they prevail at that time.
  - (ii) To adopt a program of public works in conjunction with the annual budget and with reference to the five-year forecast of capital works.

## 4. IMPLEMENTATION

### 4.1 Regulatory Control

Powers and procedures for dealing with development applications in conformity with the Municipal Plan are contained in Land Use Zoning, Subdivision and Advertisement Regulations. These regulations support the Plan and will be adopted by resolution of council following adoption of the Municipal Plan and submitted for approval of the Minister along with the Municipal Plan. These regulations will combine standard parts and schedules, designed in accordance with provincial government policy, with use zone tables and maps designed to meet the Community's particular needs. Use zone tables may distinguish between permitted uses and discretionary uses, the latter being permissible at Council discretion.

Boundaries between land use designations shown in map form are approximate only except where they follow streams and roads. These are to be interpreted in terms of their general intent and amendment of the Plan is not required to permit minor adjustments of this nature.

If a proposed development conforms to all requirements of the regulations pertaining to the land use zone in which it is located, it must be permitted. However, in instances where Council determines that a development proposal is premature due to the lack of adequate services (eg. roads, watermains and sewers), the development may not be allowed unless the developer is prepared to pay the cost of providing the needed services to the standard required by Council.

### 4.2 Discretionary Powers

Council's discretionary powers in dealing with development applications are as follows:



- Council may refuse a permit for development or attach conditions to a permit even though the application conforms with the regulations if, in the opinion of Council, the resultant effect, overall appearance, or other material aspect of a proposed development is deemed to be contrary to overall policies of the Municipal Plan.
- Council, to a limited degree and with respect to matters other than relating to land use, may by way of a "variance" approve an application which does not comply with implementing regulations, providing, among other things, that the variance is not contrary to the general intent of the Plan and is in the public interest.
- Public notice may be given concerning any application coming before Council to enable objections or representations to be received for consideration. However, such public notification must be given with respect to any proposed variance or authorized discretionary land use.

#### 4.3 Non-Conforming Uses

Existing development which does not conform with the land use designated by the Plan may continue in this non-conforming use subject to limitations as to the extent of enlargement and alteration to be prescribed in the Regulations.

#### 4.4 Development Schemes

At any time after the Municipal Plan comes into effect council may prepare and adopt a development scheme(s) for the purpose of carrying out the proposals of the Plan. In doing so, the council may specify the manner in which a particular area of land is to be used, sub-divided or developed. This is prepared and submitted for approval using the same procedure as applies to the Municipal Plan and when approved forms part of the Municipal Plan.

Comprehensive Development Areas and such development scheme(s) as may have been in effect prior to adoption of this Municipal Plan are rescinded and replaced by the provisions of this plan.

#### 4.5 Appeals

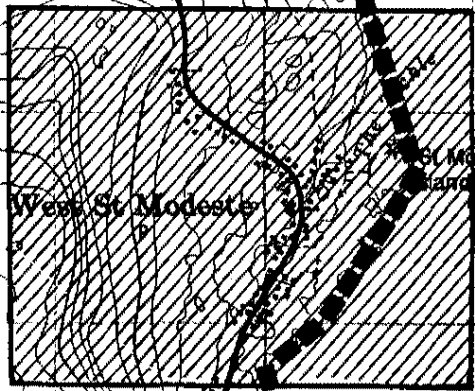
When the Municipal Plan and the Regulations come into effect, council may appoint members to a Local Board of Appeal, with duties and responsibilities as prescribed in the Regulations. In the absence of such appointment, an Appeal Board established by the Minister will act as the Local Board of Appeal.

PINWARE RIVER  
PROVINCIAL PARK

21 22

19  
18  
17  
16  
15  
14

Pinware  
Bay



West St Modeste






COMMUNITY  
OF

# WEST ST. MODESTE

PLAN OF LAND USE

## MAP No. 1

SCALE - 1 : 35 000

- Area covered by Map No.2 -- 
- Water supply conservation -- 
- Residential -- 
- Rural -- 
- Planning area boundary -- 

Dated by *Agnes Piché*  
this *12* day of *April* A.D. 19 *89*

MINISTÈRE

Pinware

Cemetery

Fish Packing  
Plant  
Ship  
Head

PROVINCIAL PARKS

750

Cape  
Diable

Capstan Island

Fish Packing Plant

L'Anse-au-Diable

DATED AT *West St Modeste*

THIS *12* DAY OF *April* A.D. 19 *89*

*Agnes Piché*

MAYOR

*André Cabot*

CLERK