

Karen Chafe

From: Karen Chafe
Sent: Friday, June 25, 2021 12:25 PM
To: Sheilagh O'Leary; [REDACTED]; Shawn Skinner
Cc: Jason Sinyard; Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Ken O'Brien; Lindsay Lyghtle Brushett; Karen Chafe; Planning
Subject: RE: (EXT) Fermentation Vats

Good Afternoon:

Thank you for your comments. Members of Council will receive all feedback on this matter prior to its referral to the July 13th Regular Meeting for a decision.

Karen Chafe
Acting City Clerk

From: Sheilagh O'Leary <soleary@stjohns.ca>
Sent: Friday, June 25, 2021 12:15 PM
To: [REDACTED]; Shawn Skinner <sskinner@stjohns.ca>
Cc: Karen Chafe <kchafe@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>
Subject: Re: (EXT) Fermentation Vats

[REDACTED]

Good day and thank you kindly for your comments.

I am cc'ing both the acting city clerk and our Deputy city manager of planning & Engineering, so your comments can be officially noted.

Kind regards,

Sheilagh O'Leary
Deputy Mayor
City of St. John's
P.O. Box 908
St. John's, NL A1C 5M2
(709)576-8363

From: [REDACTED]
Sent: Thursday, June 24, 2021 12:21 PM
To: Shawn Skinner; Sheilagh O'Leary
Subject: (EXT) Fermentation Vats

Hello, I would like to protest, in writing, my strong objection to a Discretionary Use, submitted by Bannerman Brewery at 90 Duckworth St. This Discretionary Use is requested, as told to me by the owner/manager, with whom I met on this property June 22nd, 2021, because by increasing the production they are hoping to sell Bannerman Brewery Beer at NLC.

I was stunned when he showed me exactly where these fermentation vats would be erected. There is a lane running

between the Brewery and residences on Wood St. , as well as backing on residential property. Tall, solid fences border these properties. At the moment, in this lane, there are 2 big garbage bins and storage of other items, plus a truck parked there. These 4 tanks will be located in this lane on a concrete block and will be the equivalent of a two-storey building high with ugly piping on top of that. They will be a little over 4 ft. In diameter and will only be 24 inches from adjoining properties. The garbage bins will be moved to the front of this lane, which information was volunteered by the manager/owner, and as a result will be visible from the sidewalk. The tanks will be visible from the whole area.

This east end part of St. John's is a jewel with mixed use, which I enjoy. Residences, which owners are upgrading, restaurants, coffee shops, interesting retail, the Portuguese Park, green spaces etc., to name a few. The residences are unique architecturally, not suburbia. I find when something happens in a neighbourhood, which is not pleasing, residents move away eventually and the area becomes run down and neglected.

I feel sorry for the residents who have to look at these vats every day, as well as the people who work there. Foot traffic is abundant in this area. This traffic will not enjoy the new "scenic" addition. Maybe we need new councillors who will be more attuned to preserving what we already have and moving forward with responsible, new ideas for the future.

Be Safe



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June 28, 2021

Office of the City Clerk
City of St. John's, NL
A1C 5M2

Re.: RESIDENT SUBMISSION regarding the Discretionary Use Application submitted by Bannerman Brewery for exterior Fermentation Tanks

Dear Honorable Mayor Dennis O'Keefe and respected City Councilors,

In reviewing our letter of August 2017, it is evident that the disturbances predicted, for negative change in our previously enjoyed neighbourhood, have fully come to pass. The issues cited include:

- Illegal parking
- Outdoor patio, and open window, noise
- Impacts from brewing – odours, also from the commercial kitchen fryers
- Industrial noise – service vehicles
- Hours of operation – events have often extended beyond opening hours, with windows open
- Precedent setting – competing/complimentary businesses have since been established here

In addition, we are frequently awakened by late night noise of animated, loud voices on our street, as patrons leave from an evening in a loud bar. And the traffic on our street and at the complex Duckworth/Ordnance intersection has markedly heightened. The dangers are especially concerning when Bannerman patrons back out on to that main road.

All of the above affect us regularly, at the top of Wood Street, but more distressing are the complaints from our neighbours at the lower end of the street. They experience much more intense smells – of garbage – and too-near staff smoking. They also tell us of noise – from open windows, but more offensively, from large numbers of staff and patrons who join them in the “break” area behind the brewery. We have sadly watched neighbours sell their homes and listened to concerns of decreasing property values.

In 2017, we were assured of a “family” style restaurant, with “early closing hours” and a primary concern for the surrounding neighbours – a community building establishment. The insistence that this business plan needed to be at this location – because it is themed on and called “The Firehall”, could be taken as strong evidence of veiled promises. The name changed quickly to “Bannerman”, the firehall focus scrapped; this business could have been developed in a much more appropriate area, without negatively impacting an entire residential neighbourhood.

And now we are asked to believe the next big business promise. While the published Site Plan is a difficult to discern detail of a bigger illustration, excluding specific neighbouring properties, one does not have to know anything at all of the brewing process to know that no one wants 4 massive fermentation tanks near their property. Aside from the obvious fears of odours, access, servicing, maintenance, and

visual offence, is the known result of increased production leading to more patrons, delivery vehicles, noise, parking and traffic issues, and garbage smells and servicing.

As we voice this objection, we acknowledge the success of this brewery and have been patrons, but we know that many of the unintended consequences of their business wealth could easily be addressed by the owners, and the city, but both have given minimal consideration to the costs of that success on the neighbouring properties.

We are requesting a public meeting, should this application not be withdrawn.

With respect and sincerely –

[REDACTED]

[REDACTED]

St. John's NL

[REDACTED]

Stacey M. Corbett

From: Karen Chafe on behalf of CityClerk
Sent: Thursday, June 24, 2021 2:09 PM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ashley Murray; Ann-Marie Cashin; Dave Wadden; Jason Sinyard; Ken O'Brien; Karen Chafe; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) 90 Duckworth St

Good Day:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Karen Chafe
Acting City Clerk

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, June 23, 2021 10:51 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) 90 Duckworth St

City Clerk,

I am the owner of [REDACTED] Water Street and am writing to inform the city of my approval for the Discretionary Use Application by Bannerman Brewery at 90 Duckworth Street.

Sincerely,
[REDACTED]

Sent from my iPhone

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

The Ordnance House Condominium Corporation
2 Ordnance Street
St. Johns NL A1C 3K6

Sunday, June 27, 2021
Office of the City Clerk
Sent via Email : cityclerk@stjohns.ca

RE: Discretionary Use Application from Bannerman Brewery at 90 Duckworth Street

We just received notification that Bannerman Brewery is proposing to double their enterprise by installing 4 x 18 foot holding tanks on the outside of the buildings - 24 inches from the Condominium's property line, approximately 4 feet from all windows/bedrooms for all four apartments and approximately 3 feet from all of the Condominiums four personal balconies. No further details have been provided to local residents or the planning department.

For our corporate, owners and tenants there are two factors that need to be considered for this approval:

- A) Is this the site to have such a **large-scale** brewery when the majority of the area is residential and how will this expansion of the existing brewery affect the residents/tenants living in the condominiums - their peaceful use of enjoyment of their properties, their property values and their ability to rent them.
- B) The issues and concerns initially raised by the residents opposed to having a brewery forced on top of them, that have become reality and how our city staff and councillors are going to rectify them.

While the commissioner report and counsellors at the time seem to keep commenting that this is a natural rezoning as Duckworth is predominantly commercial, is not an accurate fact at all. Duckworth is mainly commercial - length-wise - but there is no other part of Duckworth Street that borders on a majority of residential housing like this brewery does. And while I feel most residential were in agreement at the time that the re-development of a historical site was a good thing and it could be used as a commercial venture, but all were very adamant that it is not at the expense of the livelihood, peaceful enjoyment, detriment to investment properties, parking issues, use of the residents own backyards and decks, or at risk to their health, physically and mentally.

There is a four-apartment family Condo directly behind on Ordnance Street, and residential housing all the way up Ordnance Street. There are three single family homes running along the side of the brewery on Wood Street and the rest of Wood Street is also residential. There is 60 plus condominium almost directly across the road - it is not like this proposal from the start was going into a fully commercial area like the rest of Duckworth Street and Water Street where there are only a small minority of residential apartments on top of commercial store fronts. York Street and even further back Gower Street – residential, residential, residential. The majority of taxes from the properties affected by this brewery are residential – not the other way around. This is a highly sought-after area because of the beautiful heritage structures. Yes, any commercial venture could have caused changes/impacts to local residents, but a brewery is a whole different level of operation than a café, restaurant, hotel or art gallery.

1. Noise –From the Commissioners Report

"Will monitor and adjust their hours of operation to minimize noise concerns for the neighbours."
Will not even monitor their staff noise.

"They reiterate and acknowledge the need to be mindful of a responsible to concerns of the adjacent neighbours." No meaningful communication or any dialogue whatsoever.

"Every measure will be taken into consideration to ensure that our deliveries, equipment and patrons have minimal impact on the local residents."

2. Smoking from patrons and staff.

The Decision/Direction Note dated September 20, 2017 directly addresses this, quoted from page *"They will require their staff not to smoke outside the area behind or to the west of their building near neighbouring houses."* Residents have been ignored by the brewery owners and city has done nothing to rectify.

3. Smells – Deep Frier and Hops

Told there will be no smells. The installation of a deep frier was not even told to the residents. The venting of their deep frier needs to be addressed urgently. This is a health issue. Looking at the notes from the public meeting held August 30, 2017 as described by Mr. Follett, under Project, page 2, *"By day, the space will function as a café and food will be available in the evenings"*. That deep fryer is running all day and I have seen they are offering a lunch menu.

Hop's smell – from the notes from the public meeting held August 30, 2017 as described by Mr. Follett, under Potential Odors, page 3, *"They can also install further devices to mitigate the problem if it becomes one."* It has become one. We can assume if the tanks are doubling the operation, the brewery will be brewing twice as much and make the situation even worse.

4. No adjustments to the exterior of the Fire Hall.

Approval was given based on this factor. No shadowing, no construction closes to balconies etc. *"The Building Height will not change and hence, there will be no more shadowing that currently is created by the existing buildings. Similarly, the buildings footprint will remain the same and will not impose any further on surrounding buildings."*

The installation of 4 18-foot tanks will now hover over 3 of the 4 condominium balconies, not more than 3 feet away and will reach nearly three storeys' high.

5. Mechanical Noise and Vibrations

"No noise from HVAC system"

Has this been testing? That is only 50db, because this is at least 10 feet from our bedrooms, but I hear it all the time.

"Refrigeration system – minimal noise"

Has this 50-60 db. been tested? Tenants have said they can hear noise. These tanks will have piping to pump in and out and temperature control. How can the brewery state there will no noise? It is impossible to run these systems without noise especially when they are proposed mere feet from the bedrooms and balconies. They will omit CO2 and they will also have to be cleaned with his horridly smelly process – currently contained within their building.

6. Concerns of future impacts and Accountability

From the Decision/Direction Note Dated Dec 5, 2017 found within the Dec 11 2017 minutes.

"A public meeting was held on August 30, 2017. A number of questions and concerns were raised at the public meeting pertaining to noise (especially night-time noise with houses so close by), odours from brewing beer, hours of operation, and what options area residents have if there are problems with the development after the property is rezoned." What options to have these items rectified are available to us?

Within the commissions report.

1. under *Commercial Land Uses* it references the city of St Johns development objectives *"The City has a role in ensuring appropriate and adequate commercial land use by facilitating appropriate development in new areas, maintaining the viability of older areas, and minimizing the impact of commercial development on residential neighbourhoods"*,
Will the City Counsellors and City Staff acknowledge there has been an impact, that there seems to be no recourse and the expansion will make it worse for the residential neighbourhoods?
2. under *Overall vision and approach*

"...importance of encouraging increased density in all areas where appropriate and the mixture of land uses in all areas. Further, it identifies that zoning must be compatible with the dominant land use of the subject District".

Will the City Staff and City Counsellors take this into consideration that the properties directly surrounding this brewery and the buildings in the surround's blocks are indeed residential, except for one art gallery that affects the residential community in no manner?

3. *"The property at 90 Duckworth Street is bordered by a number of residential properties, and the quiet enjoyment of residents is important "*
Is this still true?
4. *"Concern over a change in the use of a nearby property is natural and understandable. The key is to avoid or minimize undue impacts."*

Do the city staff and counsellors actually feel this is has been the reality for residents?

The Corporation has spent a considerable amount of money to upgrade and restore the beautiful historical building at 2 Ordnance Street. This brewery has caused immense stress on all the owners and tenants of the Condominium, and this is not the site for **large** brewing enterprise which is what is now being proposed. These tanks will indeed negatively affect residential owners' lifestyle, investments, health and peaceful use of their property and should not be approved.

A black rectangular redaction box covering the signature of the President.

President,
The Ordnance House Condominium Corporation.

[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Sent via Email : cityclerk@stjohns.ca

RE: Discretionary Use Application from Bannerman Brewery at 90 Duckworth Street

I am an owner within the Condominium located directly behind the brewery. We were directly involved when the initial phase of the approval process was started to change the zoning from residential, and with the proposal for a brewery to be allowed to operate.

I am adamantly opposed to the request that Bannerman Brewery be allowed to build four 18-foot tanks on the outside of their building – only 3 feet from my balcony and only 4 feet from bedroom doors/windows. Only details provided on this is that there 'will be no noise or smell – the same guarantees that were made before the brewery was allowed to proceed and of which is a total falsehood.

From our written submission back in 2017 and the public hearing held on August 30, 2017, not one single item of the local resident's concerns was addressed in a manner that any of us felt was remotely taking into consideration the damaging affects this would have on us as residents. We all felt we were totally ignored and forced into a situation that we all knew could not turn out as promised by the owners of the brewery. Suggesting there will be no smell from a brewery was ludicrous, but the commissioner and councillors seemed to agree that a brewery could function without smell. So here we are, forced to live with our windows closed and an inability to even use our personal decks because of the smell of garbage, the smell of hops, horrendous deep frier smells, cigarette smoke and continuous noise.

We were promised that this brewery would not inflict any change to property values or quality of life as the following was guaranteed.

1. Noise: it was guaranteed that our peaceful enjoyment to use any parts of our properties would not be affected and that we would not be affected by noise. Has this been the reality – **not at all**. The noise, swearing and partying, and machinery running is non-stop. And the worst is the majority of the noise is coming from the staff and their friends that congregate along our property lines. Last Sunday, there were at 19 of them, drinking, smoking, partying all day long. We asked them nicely to move inside or to the brewery's balcony – the areas they are legally allowed to drink, but they were back at it within 15 minutes. The owners put it in writing that they would ensure staff had no impact on residents, but yet...
2. Garbage – we were personally guaranteed the garbage bins would not be put on the boarder of our property – where the proposed tanks are now proposed to be built – as we stated this is not more than 3 feet from the balconies of all four apartments and four feet from bedroom windows/doors. Has this been met since opening – **NO. The bins stink**. The new proposal just moves the problem from my balcony to the backyard of #6 Wood Street.

3. Smoking from patrons and staff. None stop all day long from 7 to midnight. There is staff directly behind the property smoking and making noise. This is a health issue. Promised that no smoking would be along any property lines. Residents have been ignored by the brewery owners.
4. Smells – first the deep frier. I have no idea what system they have been allowed to install and operated but it stinks, pure and simply. And it goes from 11 am every day. Our bedrooms windows are off the balconies, 3 to 4 feet from the property line, but I can not open my windows even in the heat, it gets in the drapery, its in our clothes, it is in the linens. We can not sit on our balconies at all, the smell is so repugnant. Walking to my garage I physically gag from the smell. We have restaurants throughout the downtown, all running without omitting offensive smells. The venting of their deep frier needs to be addressed urgently. This is a health issue.
5. Smell – from running a brewery. We were promised there would no smell, in exactly the same manner this requested expansion states. Now, no one actually believed this. So, we do have smell – the intolerable hops smell that we were told we would exist, well surprise, surprise, it has happened. But we were promised that this was a small family size venture to bring the community together and brewing for the size of the small community hangout would only be 1 day per week for 1 hour. We were told that if this was an issue, further venting could be added. This is an issue, and it needs to be added.
6. Concerns of future impacts – main concerns were that if the re-zoning went ahead, and the proposal as presented, with guarantees of our concerns, that with the re-zoning this allowed for further development. Which brings us too exactly where we are now. The altruistic plan of the brewery owners to have a small family style hangout, café is how they presented it, to bring the neighbourhood together has somehow turned into a bar/brewery solely concerned with expansion and profit that will not take into consideration any of the concerns of the “residential community” surrounding it.
7. Parking – will be minimal – well I say not. I have defiantly found it harder to find a space to park, even in residential sections.
8. Vibrations and Noise from Machinery – this needs to be tested. Told there would be none but there is. What will the new 18-foot tanks bring with them?
9. Depreciation of our properties – with the new evaluation of the taxes just being released, can all the local residents expect their tax bills to decrease. I do believe a property that cannot open its windows for fresh air or use any of their outside areas due to repugnant smells and noise from a brewery will affect values. But I guess we can all dispute and argue this directly with the tax department.

As you can see, every concern, especially to those seven residential that sit virtually on top of the brewery were not addressed as we raised them. Read though all the minutes of the September 2017 and December 2017 council meetings, vague answers were given, or concerns were just pushed aside. We were told not to worry about our concerns, that we are overreacting, that anyone living in a city has to expect this. Here we are, seven residential properties forced to live directly on top of a brewery, enduring the noise (generated mainly from staff and friends, not patrons) and sickening smell of nonstop cigarette smoke, gag worthy deep fryer smells and the dreaded hops smell that lingers in our homes. We have all complained, we have all asked the staff to quieten down. We have all asked the staff to move on. We have asked those drinking next to our properties to go back and drink in the licenced areas. The brewery owners have done nothing to fix any of this, so I ask council – what recourse do the residents have to make these items be dealt with? Do residential taxpayers within the downtown core actually have any say at all?

How this has affected my investment, my lifestyle and my health.

1. The condominiums were rented to tourist on a short-term basis, we had the highest booking.com rating for all of St. John's for three years straight. After the brewery opened and

the complaints started from tourist due to the smells, noise and not being able to open windows during summer, we had no option but to shut down all short-term rentals.

2. We went back to the residential market but have had a horrendous time keeping tenants, again due to noise, vibrations, not being able to use the back decks because of cigarette smoke, deep fried horrid smell, not being able to open windows. The turnover has been unbelievable.
3. We also rented to the large movie industry in St. John's, but again, could not keep tenants due to the above.
4. I have potential tenants show up and leave straight away when I explain yes, this is every daily occurrence. The most response is you got to be kidding me. I can't lie to them.
5. I personally have an apartment within the complex but can not use it. I can not be around the smoky environment, and I can not live in a sauna with all windows close without fresh air. I can not stomach the deep-fried smell. This was to be my retirement home. Having grown up in Sydney Australia and living around the world, I know only too well the noise and smells of cities much larger than St. John's. I have never had to live under these conditions, ever.
6. We have had to reduce all rents considerably in an attempt to "just rent them".

In summary, this brewery has caused immense stress on all the seven family houses directly attached to this brewery and on the residents up and down Ordnance and Wood Street. This additional discrepancy use to add four 18-foot tanks, which is an exceptionally large expansion, should be rejected. This is not the site for **large** brewing enterprise which is what is now being proposed, and it does negatively affect residential owners. When will these affects been taken into consideration? Now that it is proposed that four 18 ft tanks will be installed – that will come up to our third level apartment. These will be hissing away nonstop. They are not contained within the building. These will be 3 feet from all personal decks and 4 ft from our windows/doors. They will omit smells, they will hiss, they will also have to be cleaned with his smelly process likely to use caustic soda and peracetic acid. How are the proposed tanks to be blocked from our view? Will shadowing occur on our balconies/windows/doors?

Sincerely,



From the Decision/Direction Note Dated Dec 5, 2017 found within the Dec 11 2017 minutes.

"A public meeting was held on August 30, 2017. A number of questions and concerns were raised at the public meeting pertaining to noise (especially night-time noise with houses so close by), odours from brewing beer, hours of operation, and what options area residents have if there are problems with the development after the property is rezoned."

"The property at 90 Duckworth Street is bordered by a number of residential properties, and the quiet enjoyment of residents is important "

"Concern over a change in the use of a nearby property is natural and understandable. The key is to avoid or minimize undue impacts."

"Every measure will be taken into consideration to ensure that our deliveries, equipment and patrons have minimal impact on the local residents."

"The Building Height will not change and hence, there will be no more shadowing that currently is created by the existing buildings. Similarly, the buildings footprint will remain the same and will not impose any further on surrounding buildings."

"No noise from HVAC system"

"Refrigeration system – minimal noise"



June 28, 2021

CITY OF ST. JOHN'S
P.O. Box 908
ST. JOHN'S NL CANADA A1C 5M2

Reference: 90 Duckworth St - Discretionary Use Application

As a unit owner at 2 Ordinance St (directly behind the Bannerman Pub) I am opposed to the requested expansion by the pub owners. The owners of the pub outlined in their original proposal that odors, and staff noise would be easily mitigated. To date they have not.

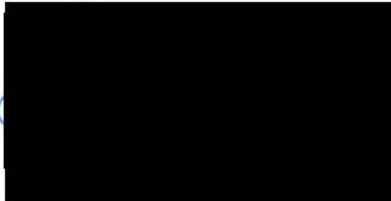
Until the owners can take responsibility for the ongoing odors from the kitchen and effectively manage their staff appropriately, no further expansion should be granted.

Currently these 2 major issues have resulted in:

1. Devaluation of the property (smells, noise, and increasingly negative views);
2. Diminished enjoyment of outside facilities (decks, patios, etc.);
3. Reduced opportunity for rental income, especially if a prospective tenant happens to be there during cooking times;
4. Ruining draperies and furniture (as a result of leaving the window open and the deep fryer emissions particulate matter (oil droplets) and volatile organic compounds (VOCs), settling on the fabrics);
5. Staff after hour activities less and smoke breaks that are less than 10 feet away from the bedroom windows and patio decks (second hand smoke, loud foul language, and general partying). The staff forget that people living next door have to get up in the morning to go to work;

In the last 5 years this property has been extensively renovated and provides a beautiful living accommodation for the residents. Unfortunately, during the last 2 years the pub owners have seen fit to ignore the concerns of their neighbours. Now they want to expand a little more which will no doubt mean more brewing, more unsightly views, more noise and more bad odors turning our property into a ghost zone where no one will want to live.

Regards



Karen Chafe

From: Karen Chafe on behalf of CityClerk
Sent: Monday, June 28, 2021 2:24 PM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Karen Chafe; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) 90 Duckworth- Bannerman Brewery

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley
City Clerk
709-576-8202

From: [REDACTED]
Sent: Monday, June 28, 2021 1:28 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) 90 Duckworth- Bannerman Brewery

Attention the office of the city clerk

As residents of [REDACTED] Street we have the following concerns.

1. Since we share the property line with the Brewery we are appalled that they are proposing to install these 4 tanks, we Will be in full view of on a daily basis. This will have a ever lasting drop in the value of our home.
2. Increasing noise and smell has been on going and not addressed.
3. The placement of the garbage bins from day one was not truthfully explained.
4. The damage to our fence has been promised but never addressed, yet all other bordering properties had them replaced.
5. The increase in Rodents is on going and has never been addressed.
6. Staff continues to smoke, drink and be loud on their breaks.

Regards

[REDACTED]

[REDACTED]

[REDACTED]

Karen Chafe

From: [REDACTED]
Sent: Monday, June 28, 2021 10:45 PM
To: CityClerk
Subject: (EXT) Re: Application - 90 Duckworth Street

Good Evening,

In regards to this development application, I have several questions regarding the placement of large tanks outside the brewery. I would request a public meeting, such as we had with the owners of Brewdock on their application, so our concerns can be heard/addressed before moving forward with this proposal.

The first question relates to the impact of doubling production and the potential for increased smell and noise. We do currently, on occasion, perceive a smell from the fermentation process and knowing that this occurs with the current tanks indoors, I wonder how this will play out with more tanks outdoors. Neighbourhoods around the other breweries in St. John's are known to have "beer odour" days and I wonder if with this addition, will our neighbourhood join them. Will there be more noise and pollution from increased delivery of brewing supplies and waste management?

My second question relates to the safety of the tanks. Given the potential for pressure increases within the tanks, what would be the safety and inspection requirements on the proposed external tanks?

My third question is related to neighbourhood livability. How much development will be allowed in "Duck East" before it becomes like George Street and unfit to live in. Currently, we do hear patrons coming and going to the Brewery. We can also hear a din from Brewdock on most pleasant evenings this summer thus far since the outdoor beer garden opened—though we were promised we wouldn't hear it given the bowl-shape/sunken feature of it. This makes it much less desirable to open our front windows than in the past.

Traffic in the neighbourhood has increased by a huge factor. Turning out of Wood Street is now mostly, due to complex traffic patterns, a right turn only affair as making a left is often impossible—necessitating a trip around the block of Cochrane/Military to go left. Many people fail to stop at the bottom of Ordinance—treating that stop sign more as a yield—creating a steady stream of oncoming traffic. Uphill traffic on Hill o' Chips likes to run that stop sign as well because of fear of stopping on a hill. Combine all of this with the bus stop in front of Caines and we have a traffic recipe for disaster. When I walk in the neighbourhood, I fear using the pedestrian crossing because I have been nearly struck by drivers/cars so many times. With increased development, comes more traffic and more pedestrians. Please give some thought to the carrying capacity of this neighbourhood. I have lived here for 24 years and development is accelerating. I ask you how much is too much?

I have enjoyed the presence of Bannerman Brewing and wish them every success and I want to live in a livable neighbourhood where I don't smell fermentation, don't hear loud patrons leaving facilities later at night, and where traffic is manageable.

Best regards,

[REDACTED]

Office of the City Clerk (via E-mail – cityclerk@stjohns.ca)
P.O. Box 908
St. John's, NL
A1C 5M2

June 29, 2021

RE: DISCRETIONARY USE APPLICATION – BANNERMAN BREWERY AT 90 DUCKWORTH STREET

Dear Sir/Madam:

First off, let me begin that, as a person who is pro development and an adamant voice against “NIMBYism”, I am not against the proposed development in principle. However, I wish to bring attention to concerns regarding the development process, how this application relates to other potential developments in the area, and its impacts on the confidence of the citizenry in full disclosure and expectations regarding zoning and city administration.

In its initial application before council less than 4 years ago (“The Fire Hall” – July 23, 2017), Bannerman Brewery required a rezoning of 90 Duckworth Street from Residential Downtown to Commercial Centre Mixed (CCM) to allow for its current incarnation.

Under that proposal, the 22-page submission highlighted numerous mitigating factors for which nearby residents could support the change.

1. A focus on community, even sub-titling the proposal “A Community Focused Micro Brewery and Café”
2. Minimal Exterior changes beyond general upkeep and maintenance and restoration to a heritage property, with no extension outside the original footprint beyond the added deck.
3. Brewing to take place “just twice a week and during the mid day hours. This will produce very minimal aromas effecting our neighbours during production hours.

The current proposal, I would argue, is a significant change from the initial submission and one which, had it been presented at the time of the initial application, or been presented as a possible expansion, met with a more nuanced and engaged discussion from the neighbourhood.

Zoning Changes

The proposed tanks are, even under the current CCM zoning, listed under discretionary use and are far beyond those that would have been expected under the initial change from Downtown Residential to CCM.

The introduction of approximately 38,000L of additional brewing capacity, in an exterior footprint that was initially asserted to undergo minimal changes would shift the dynamic of the establishment from a “Community Focused Micro Brewery” to a much larger commercial/industrial enterprise. While one can applaud the success of the undertaking one would question whether this expansion is something more suitable for more industrial areas of the city.

Olfactory Considerations

It is to be assumed with this gross expansion of brewing capacity the olfactory considerations of brewing will expand from “twice a week” in the original submission to a more robust schedule. As well, even on a limited brewing schedule the sheer increase in volume will increase aromas and smells throughout the neighbourhood. Existing micro breweries have mitigating factors with which to dissipate these concerns.

Yellowbelly Brewery is located in the heart of George Street, where the aroma of a brewery is not misplaced within the bar district.

Quidi Vidi Brewery is located in a coastal marine, traditionally industrial environment where the strong olfactory experiences of the marine environment, along with ocean breeze and less dense zoning all dissipate the negative effect of such an endeavour.

Bannerman Brewery, in contrast, sits at the corner of a residential neighbourhood in a densely populated area of downtown where, comparatively, air circulation and wind is not as prevalent or strong as Quidi Vidi, nor is the smell as expected as to a patron of George Street, given the community, family based environment of the surrounding neighbourhood. One would fear that persistent brewing aromas could pose significant risk to property values and quality of life in the surrounding neighbourhood.

Development Creep

Finally, I would submit this proposal poses significant risk to community acceptance and encouragement of future developments.

The initial application with a focus on community engagement and growing the neighbourhood was met with widespread acceptance. The current proposed shift to a more industrial application imposes

significant strain on the social license for similar developments in the future. Given that less than 4 years has passed since the commencement of construction it would appear this expansion had always been seen as a possibility to the applicants, and the initial proposal was somewhat disingenuous in an effort to gain neighbourhood acceptance. Approval of the current application could raise suspicion and opposition to all future zoning changes and discretionary use proposals, as it would be held as proof of the “slippery slope” argument regarding development and re-thinking of existing spaces.

Thank you for your time and the opportunity to comment on this proposal.

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

Karen Chafe

From: [REDACTED]
Sent: Monday, June 28, 2021 4:28 PM
To: CityClerk
Subject: (EXT) 90 Duckworth St. Bannerman Brewery Expansion

28 June 2021

[REDACTED], St. John's, NL [REDACTED]
[REDACTED]

TO: The Clerk of the City Council, St. John's, NL

FROM: [REDACTED]

RE: 90 Duckworth St., Bannerman Brewery, Discretionary Use Application

Bannerman Brewery's proposal to expand their business by adding a 15.7m² (169 sq.) outdoor concrete base supporting four large fermentation tanks, each measuring 1.5m (nearly 5') in diameter by 5.5m (18') is ambitious and, from a residential perspective, alarming. This was not part of the original 2017 plan, which several neighbouring residents, ourselves included, opposed. The current proposal would turn an internalized brewpub into an external industry which adjoins a residential area.

Even with the best of intentions, breweries can have more of an impact on their surroundings than the proposers anticipated. Look what happened with the Oland Brewery in Halifax (<https://atlantic.ctvnews.ca/what-s-that-smell-halifax-residents-complain-of-rotten-stench-emanating-from-brewery-1.3176652>).

We would have liked to see more than just the proposer's assurance that there will be no odour arising from the increase in production. We urge City Council to take more time to consider a second objective opinion. Are there any recent precedents for this kind of industrial development next door to family homes? Occasionally our sleep is disrupted by late-night noise and 5:30 a.m. waste removal in the laneway. Fumes from trucks idling on the other side of the fence already force us to vacate our backyard.

We appreciate the enormous difficulties local businesses have suffered during the pandemic, but once the concrete is poured and the fermentation tanks are in place, they won't be moving any time soon. My wife and I are both senior citizens. I bought [REDACTED] as a retirement home. In choosing to live downtown we anticipated some night-time disturbance, but we weren't expecting to have two new pubs — one with a brewery — within a few metres of our bedroom windows. If this plan goes ahead, property values will no doubt be affected. We oppose this proposal as it stands.

[REDACTED]
[REDACTED]
[REDACTED]
Monday, June 28, 2021
Office of the City Clerk

RE: Discretionary Use Application from Bannerman Brewery at 90 Duckworth Street

I am a multi-unit owner of [REDACTED] Street, the Condo Corp directly behind the Bannerman Brewery. I am completely opposed to the requested expansion of Bannerman Brewery, namely, the erection of four 18-foot beer holding tanks.

When the concept of this establishment was tabled, in 2017, it was touted as being a small operation. A café that would bring the community together and leave extraordinarily little footprint on the existing environment for residents living in close quarters in regard to smell, noise and garbage. Fast forward four years and the reality is one of broken promises. Garbage bins that were promised not to be on our fence line have been there since Day 1. We were promised that nobody would smoke in the rear of the building that adjoins the neighbouring residential properties. There is not only a constant presence of people smoking in this area, but it also seems to double as the gathering and party place for staff and friends to congregate.

Oh, and yes, the smell. There will be minimal impact of smell. We cannot open our windows or sit on the balcony without the disgusting smell of grease, hops or cigarette smoke permeating every hair follicle in our nostrils and entering our homes. Now, we not only have had to live with the impact that has already been inflicted upon us, but the plan also now calls for four 18-foot tanks to be placed just mere feet from balconies, bedrooms, and backyards. This is completely insane and in direct opposition to the project's community spirit and low residential impact.

I ask every member of council – would you like to live in these conditions in properties whose value have plummeted and now turns off would be renters. “We love the apartment, but I can not live with that smell”. “Are they smoking there all the time?”

I have questions regarding the health concerns that may exist living this close to daily omitting grease and cigarette smoke from a never-ending parade of people gathering, smoking, and drinking in unlicensed areas. I must question the ventilation system because in research I have done, nothing should smell that bad.

This is a discretionary application which allows council to employ maximum attention to ensuring minimum impact on the local residents enjoying their properties. I certainly can not see how the approval of the proposal to put in an additional four 18-foot tanks to expand the brewing business is ensuring minimum impact of residents.

Sincerely
[REDACTED]
[REDACTED]

Stacey M. Corbett

From: Karen Chafe on behalf of CityClerk
Sent: Thursday, June 24, 2021 2:05 PM
To: [REDACTED]; CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Karen Chafe; Lindsay Lyghtle Brushett; Planning
Subject: RE: (EXT) RE: 90 Duckworth Street

Good Day:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Karen Chafe
Acting City Clerk

From: [REDACTED]
Sent: Tuesday, June 22, 2021 2:05 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) RE: 90 Duckworth Street

We are in full support of the construction of the outdoor fermentation tanks on the property for Bannerman Brewery.

Thank you

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[REDACTED]

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

Karen Chafe

From: [REDACTED]
Sent: Monday, June 28, 2021 3:54 PM
To: CityClerk
Subject: (EXT) 90 Duckworth Street

Hello

I'm writing in response to the proposal to add 4 tanks to the Bannerman Brewery at 90 Duckworth.

Even though Bannerman has been an excellent addition to the community it's a bit concerning. Is this an indication that the brewery is expanding from a craft operation to a more industrial scale that might be more suited for an industrial area of town? I don't think anyone wants to have another full-on Molson sized brewery operating on Duckworth street.

Perhaps the owners could comment on the general vision for the brewery. In particular, will these new tanks imply any increase in activity around the building? More noise? Any odors?

Thanks,

[REDACTED]

Karen Chafe

From: [REDACTED]
Sent: Monday, June 28, 2021 9:45 PM
To: CityClerk
Subject: Re: (EXT) Re: Application - 90 Duckworth Street
Attachments: Discretionary Use Development Agreement - 90 Duckworth St.pdf

Hello Elaine,

Thank you for collecting comments from the neighbourhood on this proposal. We sincerely appreciate your time and efforts.

We wish to start by requesting a public meeting. As I have indicated previously, we don't believe that adequate information has been provided to residents to properly engage with the proposal. The scale of this expansion, and a mock-up of the lane way with the fermentation tanks in place and the placement of garbage/recycling, spent grain bins and staff table would be a bare minimum.

We live directly adjacent to 90 Duckworth. We have spent many hours inside the brewery enjoying the atmosphere and events. We appreciate that they have created a community space. The business is a small scale craft brewery and they have applied to nearly double their production. While the application specifically addresses an expansion, we will first address existing concerns, which we hope may be remedied in the near future.

In respect of the proposed expansion, at this time, we oppose this proposal due to concerns about the eyesore of fermentation tanks nearly 2 stories tall, the increased trucking/ transportation traffic in the lane, and the odours from fermentation, garbage and spent grains.

Existing Issues

Breaches of the Development Agreement

We note that the development agreement expressly prohibits delivery/service vehicles outside of daytime hours, yet trucks back (beeping) down the lane well before 7am. The development agreement also prohibits smoking on the North and West sides of the building, yet frequently people are smoking and vaping in the laneway and last fall I picked close to 50 discarded cigarette butts out of our yard. We do not smoke. These were discarded by staff and/or patrons of the brewery.

The recent discretionary use application also causes a breach of the development agreement though to my knowledge, and to their credit, the brewery has not yet exploited this loophole. The agreement requires the exterior doors and openings to be closed by 10:00pm on weeknights and 11:00pm on weekends, rather than 11pm 7 days a week as permitted under the deck expansion.

Noise

At present, we find the establishment itself to be a positive addition to the neighbourhood. There are, however, a few key pain points. Noise is the big one. They have installed an air conditioner, or some large piece of equipment that is loud (I suspect it exceeds the decibel ratings permitted). It can be heard from inside the house and is very disruptive. When it shuts off, you can finally hear the sounds of the neighbourhood.

The second significant source of noise is staff on break or just hanging out (occasionally having a party). Some days there will be people outside talking, laughing and making merry in the laneway throughout the day and night. In the summer, we all want to spend more time outside and our yards are close together, so it's important for us all to be considerate of one another. The experience as a neighbour is as though someone was having company over 6 days a week, throughout

the day and sometimes late into the evening. At times it is a pleasant backdrop of sound and at other times, it can be frustratingly incessant.

Traffic/Parking

It has to be said that the intersections at the bottom of Ordinance/ Duckworth/ Hill O'Chips is incredibly dangerous. Another crosswalk, with flashing lights is needed. I expect nothing will be done about this, but don't say no one warned you when someone is gravely injured or killed.

When the brewery starts using their parking as a patio, there will be a parking crunch as there are relatively few public parking spaces in close proximity. This hasn't been an issue yet.

The Current Proposal

We feel that the current proposal is lacking in detail and specificity. We are concerned about the eyesore of fermentation tanks, the increased trucking/ transportation traffic in the lane, increased spent grains and grain bins.

Odours

We are concerned about where the garbage bins will be moved as these have quite a bad odour, especially in summer. We find that the odours from the current brewing operations are not problematic. They are only really on Tuesday (which because the brewery is closed to the public, is a favourite day for us to spend outside in our yard). While there is a smell, it's limited to one day and it's inside the building. We have a difficult time believing the claim that there will be no odours from these new tanks outdoors. I would like to know the type of tank and where else they are used and to hear of the experience from folks in those neighbourhoods.

Air quality

As residents of a busy downtown, we are already exposed to disproportionate rates of air pollution. Diesel and gas trucks for delivery and service of goods pass through this area, revving to get up the hills and idling at stop signs. Recent studies have shown the significant harm of this type of [exposure](#). In addition, as residents along the laneway, trucks servicing the brewery idle right in our backyards. While we appreciate that this is to some extent the price we pay to live downtown, we do not wish to see the brewery expanded and the air pollution increase.

Neighbour quality

Finally and most importantly, we are concerned about the neighbourhood itself. We are very pleased to be a neighbourhood with a mix of owner occupied and rental properties. In recent years, we have seen more short-term/ vacation rentals in the area. Having these sprinkled in is great. We get to meet new people and it provides visitors with a lovely experience. However, if the smells and sounds of the local brewery and bar make these homes unlivable, we're afraid that this wonderful close-knit neighbourhood will lose its character. People will prefer to live elsewhere. That is a very sad thought, given that this is the very best neighbourhood in St. John's.

Conclusion

Overall, we are glad that Bannerman Brewery has been a success. We do not believe that turning our neighbourhood into a full scale industrial brewing operation is necessary or appropriate for them to continue to thrive. Thank you for your thoughtful consideration of the proposal and these concerns.

[REDACTED]

P.S. Our neighbour, [REDACTED] has indicated that she wishes to express her opposition to the proposal. She asked me to do so on her behalf as she has some difficulty in conveying her concerns. I believe she has also expressed them to Deputy Mayor O'Leary, who I hope will be able to relay them to the rest of council.

[REDACTED]

[REDACTED]

On Thu, Jun 17, 2021 at 11:59 AM CityClerk <cityclerk@stjohns.ca> wrote:

Good Morning [REDACTED]

Your email is forwarded to the City's Department of Planning, Engineering and Regularly Services for a response to the questions posed.

Elaine Henley

City Clerk

709-576-8202

From: [REDACTED]
Sent: Thursday, June 17, 2021 11:53 AM
To: CityClerk <cityclerk@stjohns.ca>; Planning <planning@stjohns.ca>
Subject: (EXT) Re: Application - 90 Duckworth Street

Hello,

Can you please provide further information about the current operations? How many such tanks do they currently have? Do you have a plan for where the garbage and empty grain bins will be located? I'd also like to ask about how the business proposes to address the staff smoking area. This currently occurs along the lane (contrary to the development agreement).

I have now had discussions with several neighbours who feel there is not adequate information being provided. We would sincerely request that this matter go to a public meeting so that the community can get all the information needed to properly engage with this proposal.

Thanks,

[REDACTED]