



Peggy's Cove Commission Meeting

Meeting Minutes

Thursday, May 11, 2023

3:00 – 5:00 p.m.

Via Teams/Conference Call

Members in Attendance:

Nicole Campbell – Chair
Maria Bartholomew - Vice Chair
Judy Dauphinee
Karren Fader
Pam Lovelace, HRM Councilor

Christina Lovitt – Dept. of Municipal Affairs and Housing
Graham Fisher – Dept. of Municipal Affairs and Housing –
non-voting member
Geoff Leung, Dept. of Justice - Guest

Regrets: Jeannie Chow, Dept. of Economic Development, David Mitchell, Dept. of Economic Development – non-voting member

Agenda Items:

1. **Call to Order** – Quorum achieved, Chair Campbell called the meeting to order at 3:02 p.m.

2. Approval of Agenda

Motion to approve May 11, 2023 Agenda with additions of Conflict of Interest and PVSC. **Upon motion and duly seconded**, the Commission majority approves to adopt the agenda with additions. **Motion carried.**

3. Approval of Minutes

Motion to Approve the April 13, 2023 with edits and April 19, 2023 Minutes. **Upon motion and duly seconded**, the Commission majority approves the April 13, 2023 Minutes with edits and April 19, 2023 Minutes as presented. **Motion carried.**

4. Review of Action items

- Thank you letter to Deputy Minister, DED for guidance on LUB next steps.
- PCC LUB approval steps require further edits, then will be posted to website.
- Draft LUB was posted to website.
- Development Permit applicants will be advised that their applications will be reviewed at May 11, 2023 meeting.
- Newsletter was updated to reflect changes and circulated for final review before being posted to website.
- AGM date and location was discussed.
- Meeting recordings awaits feedback from DED Records Analyst.
- Build NS will be sent a letter inquiring about mechanism for addressing busking in the Cove as HRM does not manage the right-of-way in Peggy's Cove.

5. Development Permit Applications

Chair Campbell declared a conflict of interest on this application and left the meeting at 3:14 p.m., Vice Chair Bartholomew took the Chair. Quorum maintained.

- **PC DP 2023-3 - Seasonal outdoor restaurant patio**

- The applicant has been contacted and during the discussion, it was noted that the Commission allowed special concessions during the COVID pandemic. The applicant has been asked for additional information to review as it was not provided in the original application. Once the information has been received and reviewed, a decision will be emailed to the Commission to review and provide an e-vote before being sent to the applicant. This process has been suggested in order to provide a timely response to the applicant and before the next PCC meeting in June.
- Inquiry was made as to whether the applicant had received any communication indicating they should not use the deck after one year, as the special circumstance permit expired that Fall?

Motion to provide a letter to the applicant to include:

- (1) There are no special circumstances this year 2023.
- (2) The approval under special circumstances required a dismantling of the structure.
- (3) We are reviewing the application under the current LUB based on the applicant providing further information to have a completed application.
- (4) Until an approved DP is received from the Commission, they are not authorized to operate the restaurant patio.

Upon motion and duly seconded, the Commission majority approves to send a letter to the applicant prior to making a final decision on the application. **Motion carried.**

Chair Campbell returned to the meeting at 3:31 pm and resumed the Chair role.

- **PC DP 2023-4 - open for 2023 season the Schoolhouse (120 Peggy's Point Road) and Spindrift Gallery (128 Peggy's Point Road)**

- The applicant requests permission to open for 2023/24 season operating as a non-profit and a tea house.
- It was noted that these are not a home-based business, so it is not permitted under the current LUB.
- A request was made to allow opening under the SSLU. The Summer Season Land Use (SSLU) was a one-time use for COVID in 2021, which was created for a special circumstance, limited in term and was applied to existing businesses in the Cove.
- It is recommended to decline the request, and indicate they need to wait for the new LUB.

Motion to deny application request to open for 2023/24 season under the current LUB. Send letter indicating no current special circumstances available to allow exceptions to operate.

Upon motion and duly seconded, the Commission majority approves to Deny this application request. **Motion carried.**

6. Conflict of Interest

Request made to add conflict of interest as a standing item on the Commission agenda going forward.

Motion to include conflict of interest on the Commission Agenda as a standing agenda item.

Upon motion and duly seconded, the Commission majority approves adding conflict of interest to Commission agendas. **Motion carried.**

7. Land Use By-Law Review

- The Commission has received a response from Deputy Minister, DED, regarding a request from PCC for additional support for Upland to carry out additional work to complete the LUB.
- A meeting will be setup with DED and Upland to discuss the go forward details and timelines which will be shared with the Commission.
- There may be additional steps to add to the process steps being posted on the website.
- Suggestion made to send a message to the community indicating our request was approved for additional consultant work in completing the LUB. Commission agreed to additional messaging to the community.

8. PCC Communication

- Newsletter – edits will be made, circulated for final review and e-vote, then posted to website.
- Annual General Meeting – new date and location were discussed, location needs to be secured before notice goes to community. Tentative date is June 19, 2023 at 6:30 pm., location TBD.
- Notice only will be sent, agenda will be discussed at June 8 meeting.

Motion to have AGM on Mon, June 19, 2023, when location has been confirmed then send out invite to community. Agenda can be distributed after June 8, 2023 meeting.

Upon motion and duly seconded, the Commission majority approves holding the AGM on June 19, 2023.
Motion carried.

9. Property Valuation Services Corporation (PVSC)

The Commission moved into in-camera for the PVSC discussion.

10. Correspondence – since last meeting

- Outgoing – 4 were recorded
- Incoming – 4 were recorded (5 discussed as they were received after meeting package was distributed)
 - #2 – Draft a response to suggestions on safety, signage and murals referring them to BuildNS. Motion to send response referring to BuildNS. **Upon motion and duly seconded**, the Commission majority approves sending a response. **Motion carried.**
 - #4 Draft response to CTV Atlantic indicating any LUB activity will be posted on website.
 - Additional letter 1 – Draft a response to thank you feedback provided on LUB.
 - Additional letter 2 – Draft a thank you letter to DED

Chair Campbell declared a conflict on the next two correspondence and left the meeting at 5:06, Vice Chair Bartholomew assumes the Chair. Quorum is maintained.

- Additional letter 3 – re 110 Peggy’s Point Road and 154 Peggy’s Point Road requesting confirmation of commercial property.
- Additional letter 4 – re 120 Peggy’s Point Road and 154 Peggy’s Point Road requesting granting of prior use.
 - The Commission had no knowledge of a business operating as a non-conforming land use entity at 154 Peggy’s Point Road. The Commission is now aware as a result of this discussion and will draft a response for each correspondence that will be sent to DoJ for review, shared with Commission, before being sent to inquiree.

Commissioner Lovelace left the meeting at 5:46 pm, and the Commission fell out of quorum.

11. New Business - NIL

12. Adjournment

Meeting adjourned at 5:48 pm.

Next meeting – June 8, 2023 (3:00-5:00 pm)