



Public Hearing Minutes

August 23, 2023

ATTENDANCE

The meeting was chaired by Nicole Campbell.

The Peggy's Cove Commission was represented by Nicole Campbell, Maria Bartholomew, Karren Fader, Judy Dauphinee, Christina Lovitt, and Jeannie Chow. Commission member Councillor Pam Lovelace was in attendance but elected to sit in the gallery.

Staff support was provided by Ian Watson and Lydia Broderick of UPLAND Planning + Design, Graham Fisher, Lorraine Boyd, and David Mitchell.

Approximately 35 members of the public attended.

OPENING

The Chair opened the Hearing at 6:33 pm. The Chair welcomed attendees and outlined the procedures for the Hearing.

PRESENTATION

Ian Watson presented the approved draft of the Peggy's Cove Land Use Bylaw. His presentation included an overview of the legislative authority for a Land Use Bylaw, the process to-date to develop the new Land Use Bylaw, a summary of supporting material developed as part of the project, key highlights of the draft Land Use Bylaw, and an overview of the potential next steps in the project. Key highlights of the proposed Land Use Bylaw include refined and expanded administrative sections to focus on clarity and ease of administration; refinement of zones, including the creation of a new "Core Zone" that permits both commercial and residential uses; provisions around building form and size; updated architectural requirements; and refinements around other topics such as home-based businesses, special events, vending, signage, hours of operation, and solar panels.

PUBLIC COMMENTS

The Chair thanked Ian and opened the public comment period, starting with those names on the registration list.

Julia Manuel noted that Peggy's Cove is famous for its setting of fishing sheds and homes. Julia raised a concern that development at the point of the Cove could impact this setting, and suggested this area should not be included in the Core Zone.

Julia also noted that a busker is someone selling skills and should therefore be included in the definition vending.

Julia also raised the concern of the potential for development on the white rocks, even if this seems unlikely. Julia thought it would be important to include the white rocks in the Conservation Zone.

Eleanor McCain noted that passing a new Land Use Bylaw is just one aspect of regulating development in Peggy's Cove, and the role of the Development Officer needs to be established to ensure it is enforced. Eleanor thought this should be actioned immediately and that it should be a paid role. Eleanor raised questions of who will fund this, will it be a planner, what is the timeline, is Halifax Regional Municipality filling this role, and has the process to establish the role begun?

Eleanor also raised significant concerns about how the hotdog cart is being treated. Eleanor noted that she is not taking sides, but has concerns about a sense of fairness. Eleanor noted that there have been many non-conforming businesses during the time of her involvement with Peggy's Cove, and wondered why the hotdog cart is being singled out. Eleanor noted that previous drafts showed zoning that supported the hotdog cart and was concerned that the most recent proposed zoning map does not have such zoning. Eleanor wondered if this was related to issues of road status.

Eleanor noted a feeling that there are rules for some and not for others, and that it is important for everyone in this community to have a chance to exist. Eleanor emphasized a need to find a way to keep businesses afloat.

Brian Fralick raised a concern that the lower road known as Lobster Lane has been removed from the zoning map. Brian noted personally using the road since 30-35 years ago for fishing purposes, and that it has always been used by heavy trucks and trailers in support of the fishery. Brian wondered why this road was no longer recognized.

Claire Paruch identified herself as running the hotdog cart and owning 6 Rocky Road. Claire noted she and Paul Paruch bought in 2011 and were very excited to be part of the community, but that immediately a neighbour was not friendly.

Claire noted she always wanted to run a business, so initially ran the cart at the top of the hill. Claire noted the great success of the business, and feelings of resentment in the community at this success.

Claire noted that other non-conforming businesses were operated in Peggy's Cove. Claire questioned why they were not a problem, but the hotdog cart was. Claire noted feeling bullied by members of the community, and the feeling that this long-term resentment has ended up in the new Bylaws as a way to shut down the hotdog cart.

Claire also highlighted the Develop NS Master Plan process, and how the plan ended up feeling like a lie. Claire recounted how the proposed Master Plan showed public washrooms on lands adjacent to their property, and how they initially said "no" to concessions they needed to make to enable the washrooms. Claire noted that Develop NS's consultant suggested the washrooms would help Claire get a bistro on her property, and as a result they allowed a wetland adjustment on their property to enable construction of the washrooms. Claire recounted later conversations with a health inspector who said the washrooms were for the public and that they would still need to build their own washrooms if they wanted to open a bistro. Claire noted that she still has plans for a bistro and feels the promises of the Master Plan should be kept.

Claire noted serious concern that the proposed Core Zone on their land has shrunk over time with each iteration of the draft Land Use Bylaw, and then was removed entirely in the approved draft. Claire noted feeling this is not good business ethics.

Claire asked that the hot dog cart, which provides happy memories to people all around the world, be included in the new Bylaw, and that promises of the Master Plan be kept.

Paul Paruch thanked the Commission, UPLAND, and provincial and municipal representatives for their work to-date.

Paul noted that he and Claire Paruch are "new" residents – 13 years. Paul noted having the longest-run short-term accommodations in Peggy's Cove as well as the hotdog cart. Paul noted that these are provincially- and municipally-registered and meet all health standards. Paul suggested that they were in some ways the "original disrupters".

Paul noted that the process of thinking about development in Peggy's Cove actually started before the current Land Use Bylaw project, and for them started in 2018 or 2019 with Develop NS's Master Plan. Paul noted the belief that the Master Plan was a promise to the community, to Canada, to the province, and himself and Claire. Paul noted that this Plan guided new infrastructure that was built in the Cove, that the Plan exists and that it was used. Paul noted that Section 3.3, "the Vision", and Section 4.2, "Activating the Cove" of the Master Plan are of critical importance. Paul noted

feeling UPLAND did a good job of carrying that intent into the proposed Land Use Bylaw. Paul noted the goal in the Master Plan and proposed Land Use Bylaw stating that residents should be able to participate in benefitting from hosting the world.

Paul described how their property was key in implementing the Master Plan. Paul stated that the public washrooms would not be there without their concessions, and that those concessions changed their property drastically.

Paul questioned why the extent of the Core Zoning changed in in the approved draft Land Use Bylaw. Paul noted feeling like this is a negotiation in bad faith and that it reeks of undue process. Paul noted that all other non-conforming businesses he could identify have been addressed through application of the Core Zone, and wondered why their property was treated differently.

Paul raised concerns that the changes in the proposed Bylaw help corporations more than they help residents, and suggested that people check land titles to see this.

Paul noted how they had started a small online petition the previous day, which at last look had gained over 1,000 signatures. Paul noted that they could not present it at the Hearing, but wanted to communicate the fact that people are voicing support for small business.

Paul closed with the suggestion to create good policy, not politics, and to follow through in the spirit of the engagement and concessions that were made.

Marylynne Milledge identified herself as a painter in Peggy's Cove that would fall within the proposed definition of "vendor". Marylynne noted painting in Peggy's Cove, for over 9 years, previously as part of the Hags on the Hill co-operative. Marylynne described how for the last 3 years she has been freelancing on the boardwalk, engaging with visitors. Marylynne noted that perhaps 90 percent of her paintings have contributions from children.

Marylynne raised concerns about the impact of the proposed prohibition of vending on musicians, painters, etc. Marylynne noted the joys in past travels of engaging with vendors of food, art, etc. Marylynne noted the lovely environment of Peggy's Cove that enables artisans to give back to the community. Marylynne noted not being able to give any examples of people who did not enjoy a music event or art event.

Marylynne expressed opposition to the one item in the draft Bylaw that says vendors are not allowed.

Marylynne noted that many people come to Peggy's Cove and vendors enrich the conversation and the arts in the Cove, and that people go home with good memories as a result.

Marylynne requested that the Commission not erase musicians, artisans, and writers from participating in the beauty of Peggy's Cove.

Thomas Young identified himself as a former planner for West Dover.

Thomas noted the proposed Conservation Zone in the draft Bylaw includes lands within the West Dover conservation lands. Thomas stated that Peggy's Cove ends at the District 3 boundary. Thomas noted that the West Dover Parks Reserve already achieves conservation on these lands.

Thomas requested the Commission remove the Preservation Area sign from West Dover parking area and move it back to the District 3 boundary at the bridge.

Thomas suggested there is legal liability to expanding Peggy's Cove to West Dover and Indian Harbour.

Thomas suggested that if the Minister wants to change the extent of Peggy's Cove she will be blamed. Thomas stated that his community is District 4 and do not want to be part of Peggy's Cove.

Thomas stated the West Dover community is already dealing with protecting its preservation site.

Janice Steeles noted owning Bubba Magoos.

Janice stated that if one goes back 61 years to when the Peggy's Cove Commission was created, and think about the intent, that one should be very thankful for the forethought so that this small, amazing community could be what it is today. Janice noted those residents at the time saw the beauty and magnificent gift they had in their community.

Janice noted that we are at a crucial point now and we are failing. Janice noted that past residents protected something we have enjoyed. Janice raised the concern that this proposed Bylaw as it stands will mean the future is not the same as it has for the last 60 years. Janice raised the concern that residents will not be able to just be residents, and live and enjoy the community.

Janice noted the Commission mandate in the Act is to preserve rocks, sea, and the atmosphere of community. Janice stated the proposed Bylaw has gone way too far to the other side of commercial activity. Janice noted not knowing how to stop it, but the feeling that the proposed Bylaw as it is now is too much.

Janice highlighted the Intent of "world class fishing village" in the proposed Bylaw and suggested that someone in 10 years may not know what this means. Janice suggested inclusion of words like "authentic" and "traditional".

Janice noted not having all the answers, but suggested the way the proposed Bylaw is written now is too much on the side of economic development, and that it needs to be focused on community and residents.

Janice suggested the proposed Bylaw does not align with the Intent. Janice provided the example of home-based businesses in accessory buildings as something that is not going to look good.

Janice noted that 60 years ago the Act was for us to enjoy and that we need to pass this on to the future.

Shelley Webb provided thanks for the opportunity to speak.

Shelley addressed the area that is commonly thought of as the "Preservation Area", and raised concern that the draft Bylaw permits up to seven parking lots in this area. Shelley wondered what this will do to the landscape.

Shelley stated alarm at the proposed section on utilities that would permit facilities for distribution of electrical power and telecommunications in the Conservation Zone.

Shelley noted that the document uses the term "Preservation Area" to include both the Conservation Zone and the "village" of Peggy's Cove and is not clear when distinguishing between the two. Shelley suggested exact wording must be used. Shelley suggested that when referring to village itself, the words "excluding the Conservation Zone" should be used as this would provide a clear distinction between the village portion and Conservation Zone. Shelley noted that people want to protect the conservation area.

Shelley thanked the Commission for the work and time that has been put in, and expressed hope the final document is satisfactory to residents.

Judith Morash raised a concern that a "COR" label remains on the proposed Zoning Map at the north end of Peggy's Point Road, despite the fact that the colour of the zoning has changed here in the most recent draft. Judith wondered if this means people can still do commercial here.

Judith expressed concern over the removal of Lobster Lane from the proposed Zoning Map. Judith noted expressions in the draft Bylaw about the value of fishermen and year-round residents. Judith contrasted this to the feeling of living in a theme park. Judith noted an example of Clam Pond not being publicly accessible anymore.

Judith noted living on Church Road, and the fact that 27 Church Road is for sale. Judith recounted seeing a representative from the Department of Natural Resources on the site because someone wants to put up a wharf or float. Judith wondered what the regulations for that are.

Aonghus Garrison raised concern about the future of residential living in Peggy's Cove. Aonghus noted that the Bylaw as proposed has the possibility for erosion of the fishery, over commercialization of Peggy's Cove, and the end result that a community that has lived there for 200 years would not live in Peggy's Cove anymore.

Aonghus suggested he does not have a crystal ball, but does see these outcomes as a possibility.

Aonghus asked the Commission and Minister, in making their final decision, to ask themselves, "is this a place where I would want to live? Raise a family?".

Pam Lovelace noted she is the municipal Councillor for District 13.

Pam stated she is not here as a Commissioner, that she has resigned her Commissioner seat, and that she has the full support of the Halifax Regional Municipality Chief Administrative Officer and lawyers in this matter.

Pam noted being fortunate as Councillor to receive training and have resources from the Municipality, and recounted how she had offered these to the Department of Economic Development in the past but was turned down.

Pam expressed concern about a lack of fair process, transparency, and intent in the Bylaw process. Pam further expressed concern that the Commission would not consider substantive changes to the draft Bylaw.

Pam recounted how Halifax Regional Municipality was obligated to name Lobster Lane for civic addressing purposes because it is a shared access providing emergency access to multiple properties. Pam stated that removing Lobster Lane from the proposed Zoning Map is a direct conflict with provincial regulation. Pam suggested this is a slap in the face and that one cannot just remove a lane that has been there. Pam questioned why the Commission has done this. Pam noted that Halifax Regional Municipality works with civic address professionals, EMO, and first responder partners, to build, support, and maintain an accurate database that supports emergency response measures. Pam wondered why the proposed zoning map would conflict with this and suggested that this is irresponsible. Pam stated that a substantive change needed.

Pam highlighted the 2019 Develop NS Master Plan as a project that was done with community, for the community, to ensure everyone is on the same page. Pam noted the Master Plan contains red flags on wastewater services and capacity limits and suggested the proposed Bylaw conflicts with this. Pam noted the proposed Bylaw does not include anything about wastewater and does not include provisions for a wastewater district. Pam expressed outrage that the Master Plan was not included in the Bylaw.

Tobias Beale stated he was transplanted to Peggy's Cove in 1975. Tobias recounted how it was a shock, with a very different culture compared to Ottawa. Tobias noted it was frightening, exciting, and welcoming. Tobias recounted how the families of Peggy's Cove treated his family with open arms, and how Peggy's Cove is a very generous community that puts on its best face regardless of the circumstances.

Tobias noted that the current Bylaw project is not the first attempt at guidance for the community and noted previous work by Robert Barker. Tobias recounted a time when trucks started work to accommodate parking and how the community knew there was trouble brewing. Tobias stated the community was not sure how it would be dealt with, and how the Peggy's Cove Preservation Society tried different things.

Tobias noted his age and the time this has given for reflection. Tobias suggested community members are all pawns to cruise ship industry. Tobias noted the community gives them whatever they want, such as smooth passage for buses so they can sell Peggy's Cove, but the community does not benefit.

Tobias also noted how Peggy's Cove's status as an "iconic tourist destination" affects communities far beyond the Cove itself. Tobias noted how all the money and development goes to Peggy's Cove, but all along the roads out to Tantallon and West Dover are affected. Tobias noted how the success of Peggy's Cove means West Dover and elsewhere get ignored.

Tobias stated concern about busking. Tobias suggested that, as drafted, he could show up in a kilt with a saxophone and play it all day every day and that would take the community down a notch.

Tobias wondered who would tell the busses to stop idling, or would tell someone they needed to do something about their stinky septic system when the wind blows the wrong way.

Tobias noted that the draft Bylaw document makes him feel small and stupid. Tobias wondered who is protecting the residents and the culture of Peggy's Cove.

Michael Covey noted he is not a resident of Peggy's Cove but has lived in the area all his life.

Michael noted that when driving through Peggy's Cove it was not the Peggy's Cove he once knew. Michael raised the concern that there have been a lot of changes, and some do not really feel like what Peggy's Cove was and should be.

Michael thanked the room.

The Chair called three times for any further speakers.

CLOSING

The Chair thanked everyone for coming and noted that eight written submissions had been received and would form part of the Public Hearing record.

The Chair closed the Public Hearing at 7:45 pm.