



Public Hearing of Objections Minutes

October 12, 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 absent.

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

Approximately 25 members of the public attended.

OPENING

The Chair opened the Hearing of Objections at 6:30 pm. The Chair welcomed attendees and outlined the procedures for the Hearing of Objections.

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.

Eleanor McCain noted that this is a watershed moment for the community. Eleanor highlighted her respect for the format and structure for the evening, but stated she would use her associated parties' speaking time and speak for 18 minutes.

Eleanor noted:

- She is a proud Maritimer, but it is easy to get distracted by her family name.
- Like others in the room, is an east coaster. Her family is from Truro and New Brunswick. The family business could have been moved anywhere, but the family kept it in New Brunswick.
- She may be a “Peggy’s Cove come from away” but is not “an heiress from a distant land”; she has a home down the street and has been part of surrounding community for 30 years.
- Her work in Peggy’s Cove is investing in community and bringing jobs. She is not benefitting financially; profits will go into a non-profit.
- Her work in Peggy’s Cove began during the Land Use Bylaw review and she had faith in process and fair decisions. However, she feels this has not been the case and the Provincial Government has done little to help the community during a difficult time. She perceives a lack of transparency, and conflict of interest. The local Councillor resigned from the Commission over systemic issues she perceived. Unfortunately, these issues continue.
- The Peggy’s Cove Commission Act needs to be updated to ensure fair and transparent decisions. Past decisions have been inconsistent and appear to favour those closest to the Peggy’s Cove Commission, to the disadvantage of the village.
- Peggy’s Cove is a Canadian icon, and it is everyone’s responsibility to make sure it survives for all.
- The Provincial Government needs to pay attention and ensure a modern governance structure and processes.

Eleanor raised four specific concerns about the most recent draft Bylaw:

- The Intent has been changed from “world class fishing village” to “authentic, traditional fishing village”. Eleanor believes this goes against the EDM Master Plan report and stated a belief that it is unfortunate that one voice caused this change.
- The “casual” application of the Conservation Zone to private properties. Eleanor raised the issue that this has never been considered in previous drafts and wondered how the boundary was determined. Eleanor noted this creates split lands and effectively expropriates private land.
- The reduction in total permitted square footage of accessory buildings on a lot. She stated having expressed concern for months about floor area provisions, and that returns on investment are almost impossible as a result of limits on scale. Eleanor

noted that limits on floor area will not contribute to authenticity in Peggy's Cove, and that a better tool is architectural controls. Eleanor suggested that this limit appears to be to the benefit of Commission members. Eleanor asked that accessory go back to 200 square metres total on a lot, and that the permitted commercial floor area on a lot be increased to 400 square metres, with no requirement for a dwelling.

- The change of 173 Peggy's Point Road from Core Zone to Residential Zone. She noted that she is not the potential buyer but brings this forward as a concerned citizen.

Eleanor noted that she asked for clarification of why these changes were made, and that UPLAND identified all changes as either a response to legal review or to the previous Public Hearing feedback about the intensity of development in Peggy's Cove. Eleanor asked that if the worry is about intensification, then why was her property kept in the Core Zone. Eleanor noted that 173 Peggy's Point Road has been used commercially for years and suggested the change is not good land use planning and is punitive. She suggested this gives the impression of protectionism against competition.

Eleanor noted the Core Zone enables a mix of commercial and residential uses and does not require that commercial must go there. She noted, however, that 173 Peggy's Point Road is well suited for commercial.

Eleanor suggested the Provincial Government has an obligation to ensure fair process and same access to opportunities. Eleanor wondered how, with the makeup of the Peggy's Cove Commission, anyone can feel fairness is being achieved.

Eleanor noted people have expressed concerns to her about speaking up.

Eleanor highlighted evidence that that "the Peggy's Cove Commission has 'worked collaboratively'" with the owner of the Sou'Wester to open its outdoor deck, even when this is not allowed under the current Bylaw. Eleanor raised concern that, in contrast, "nothing could be done" to allow her properties to open during the Land Use Bylaw review process.

Eleanor stated she will support anyone who is not being treated fairly, and highlighted a belief that there are serious systemic problems in Peggy's Cove. Eleanor stated there needs to be reform to address conflict of interest, a lack of professional support staff for the Commission, and ineffective and uneven enforcement. Eleanor noted the current result is neighbour turned against neighbour. Eleanor suggested the powers-that-be have failed. Eleanor noted that the community should be dealing with "bigger fish to fry": supporting the fishery and working towards community wastewater management.

Eleanor closed by noting the community is worthy of progress and she believes the Peggy's Cove Commission is keeping progress at bay. Eleanor noted hoping the community shapes its future not out of fear of losing tradition, and builds each other up and is fair to one another.

Tim Harris identified himself as the Realtor for 173 Peggy's Point Road. Tim noted speaking on behalf of the owners. Tim identified himself as negotiating the pending sale, and noted

that the sale is contingent on a change of zoning. Tim noted the parties have had faith that the correct decision would be made.

Tim identified his interpretation that zoning was arbitrarily changed without due consideration of the owners. Tim asked for fairness.

Tim wondered how anyone reasonably expects this property to be a residential property. Tim noted the property has not been residential occupancy in 25 years. Tim noted that all the tour buses unload at the driveway entrance, and this can be up to 25 buses a day in high season. Tim noted people trespass on the property every day. Tim noted that 700-800,000 people visit Peggy's Cove every year, and that there is only one way to view the lighthouse – past the front yard of this property. Tim wondered who would want to live in the middle of that.

Tim suggested that while the property is one of the oldest homes in the community, it is not architecturally significant. Tim suggested that even if the house is worthy, it is in the wrong place. Tim noted that by all real estate standards the highest and best use of this property is commercial. Tim asked the Commission to do the right thing and make the property Core.

Paul Paruch gave thanks and gratitude for the extension of time given to Ms. McCain.

Paul noted that significant time and provincial money went into the Develop Nova Scotia Master Plan. Paul stated that promises were made in that Plan to the community, Canadians, the province, and to himself and his wife. Paul raised concerns about the changes to the Intent in the draft Bylaw. Paul stated finding this change disrespectful of hundreds of hours he gave into the Master Plan process.

Paul highlighted Section 4.2 of the Master Plan, "Activating the Cove". He noted it depicts a plan for his land, and that he and his wife made decisions based on this. He stated making sacrifices to enable this plan, like donating property to enable the public washrooms on the adjacent property.

Paul stated a belief that the Master Plan has been ignored in the Bylaw, and he and his wife are worse off as a result. Paul suggested the draft Bylaw seeks to close their two businesses that have operated for 13 years. Paul noted the draft Bylaw accommodates all other illegal businesses.

Paul noted that since November of 2022 the drafts have shown his property in the Core Zone, but that changed in August with no stated rationale.

Paul raised concern that in this draft the Conservation Zone is "being weaponized" just like the Fishing Zone. He noted that no one has objections to the fishing industry, but now if you have waterfront property you are either in the Fishing Industry Zone or the Conservation Zone, which makes it unusable. Paul noted you cannot even float a canoe in front of his property, and suggested the Bylaw is protecting something that does not exist.

Paul suggested the rationale for changes to the zoning on 173 Peggy's Point Road is flawed.

Paul asked if Graham Fisher has family connections in the area. [Graham responded that he has no family connections in the province].

Paul noted that if a person on the Commission may benefit from a decision they are in conflict, and he believes the Commission is in constant conflict.

Paul suggested people are scared to speak up, and the Province needs to look into this.

Paul suggested that if the community believes commercial uses have gone too far, then commercial zoning should be eliminated from everyone. Paul suggested that if the community does not think that is feasible, picking and choosing winners and losers is not fair either and the Bylaw should create permissive zoning for everyone.

Paul closed by giving advice: if you think Peggy's Cove is a good place for business, think again. If you think it is a place you want to live, think again. Your neighbours seem to have ownership over your property.

Eliza Manuel noted living in Peggy's Cove for 47 years. Eliza noted her husband has been a commercial fisherman and that her two children have decided to make the community home. Eliza stated the personal importance of Peggy's Cove, as well as its benefits to Nova Scotia. Eliza noted that, at the same time, the community needs protection, and support for effective enforcement of the Bylaw. Eliza suggested this might require changes to the Peggy's Cove Commission Act.

Eliza noted that elements of the Master Plan that benefit tourism have been completed but community infrastructure outlined in the Master Plan, like wastewater treatment and creating of a community space in the deGarthe property, have not been completed.

Eliza gave appreciation for the draft Bylaw changes that protect important viewplanes, protect the fishery, and prohibit buskers and vending. Eliza suggested these changes are important for tourism and for making Peggy's Cove a good place to live.

Eliza suggested a need for clear criteria for the Development Officer, in order to remove concerns about conflict of interest.

Eliza highlighted the fact that there are many lands in the Peggy's Cove Preservation Area that are owned by government departments and therefore not bound by the Bylaw. Eliza encouraged respect for the Bylaw even on those properties not bound by it.

Brian Cottam confirmed that his written submission was received and circulated, and asked if there were any questions about it.

Janice Steeles suggested it is fitting that Thanksgiving just went by. Janice noted being thankful to the Commission for hearing and listening to community members and increasing protection for conservation lands and residential uses.

Janice noted having stated all along that the Bylaw should outline an appropriate ratio of Core Zone to Residential Zone in order to guide future decisions about the Bylaw.

Janice noted that the Bylaw is an authoritative document, and raised concerns about the addition in this draft of notes on the maps that soften their authority. Janice emphasized the need for accurate maps.

Janice noted a need for a specific definition of “community” in the Bylaw, not just a deferral to the Oxford dictionary. Janice suggested there is so much more in the word “community”. Janice noted that the journey to protection for community is a difficult one, but necessary. She recounted trick-or-treating with her younger sister, and how the most memorable feature was not the candy but the conversation her mom had with each neighbour. Janice suggested the Peggy’s Cove community goes deeper than Bylaws or property lines, and that community is working together, like a family, knowing we have each other and will get through it all.

Thomas Young identified himself as the former planner for District 4, which abuts the former District 3, now 13.

Thomas wondered what has been put in the draft Bylaw to protect Peggy’s Cove from rising assessments. Thomas wondered what happens to the assessments for the little guys when big investments are made into the community. Thomas expressed concern that the community will be forced out and Peggy’s Cove will be owned by “the elite”. Thomas noted seeing this in other communities. Thomas raised concern about seeing all the ‘private property’ signs and worried about Peggy’s Cove becoming a gated community.

Thomas noted District 3 starts 500 metres from Peggy’s Cove, at the bridge, and beyond that is District 4. Thomas suggested the proposed Bylaw is infringing into the West Dover side. Thomas noted that when they created the Preservation Area they expropriated land from the community.

Thomas asked that the Peggy’s Cove Preservation Area sign be put on the right side of the line.

Thomas stated he lives on Prospect Road and wondered why his community’s kids go to Indian Harbour school. Thomas raised concern about the history of decisions.

Thomas expressed hope that the Minister will “scrap” the Peggy’s Cove Commission Act and the Commission.

Julia Manuel expressed appreciation for the Commission and how they heard and listened to the community. Julia suggested the changes in the most recent draft make the appropriate

protections for the community, and expressed hope that they will make the Commission's job easier.

Julia noted that the Development Officer needs to be a third party separate from all existing parties.

Judith Morash questioned what happened to the north end of her property. Judith noted that a recent sale of her neighbour's property caused her to commission a property survey to clarify ownership. She noted that the survey identified land that she thought was hers but was not. She noted being told these lands were expropriated by the government in 1977. Judith expressed desire for a clarification of this issue.

Shelley Webb thanked everyone for the opportunity to make comments and for the work being done. Shelley expressed hope the community will get through this. Shelley noted thinking of herself as a self-adopted member of Peggy's Cove.

Shelley expressed appreciation for the changes that clarify signage in the Conservation Zone. Shelley suggested clauses 9.1.3 (a) and (b) of the most recent draft are redundant and unneeded since buildings and premises are not permitted in the Conservation Zone.

Shelley highlighted the definitions section of the draft Bylaw, and expressed concern that 'Peggy's Cove Preservation Area' is not directly defined and instead defers to the Peggy's Cove Commission Act. Shelley noted not everyone will have the Act on hand. Shelley suggested the definition should note that the 'Preservation Area' includes two distinct areas – the conservation land and the "village".

Shelley also highlighted "some things not to do with the Bylaw". Shelley suggested the absence of road marking lines is "scandalous" and is an accident waiting to happen. Shelley stated she will volunteer to join the painting party. Shelley also highlighted the "disgraceful state" of the deGarthe property. Shelley noted you can see daylight through holes in walls. Shelley suggested the deGarthes expected these buildings to be maintained, and that their current state is "an embarrassment".

Shelley closed by expressing hope everything will be worked out satisfactorily.

Aonghus Garrison thanked the Commission and everyone who spoke. Aonghus noted it is powerful when people get to speak, and that it is abundantly clear that everyone has a passion for Peggy's Cove, each for their own reasons. Aonghus stated his reason for passion is being a resident, and that he will be in the community until he dies. Aonghus asked that people keep in their minds as they are making decisions that this is where people live.

The Chair called for any additional speakers.

Claire Paruch requested clarification of the process following the meeting.

Ian Watson reiterated the process following this Hearing of Objections:

- The Commission will meet at a later date to vote on recommending the Bylaw to the Minister.
- If the Commission makes substantive changes, or if the Minister rejects the Bylaw, the draft would be updated and another Hearing of Objections would be held.
- If the Commission recommends the Bylaw and the Minister approves, the Bylaw will go into effect when registered.

Paul Paruch asked how people would be notified.

Ian Watson responded that notification for another Hearing of Objections would be the same as previous ones, along with a summary of changes to the document.

Nicole Campbell clarified that if the documents are recommended to the Minister, the Commission would notify the community that the recommendation has been made and the recommended draft Bylaw would be made public.

CLOSING

The Chair thanked everyone for coming and closed the Hearing of Objections at 7:54 pm.