



Peggy's Cove Commission (PCC)

**Annual General Meeting**

**Minutes**

Thursday, June 19, 2023

6:30 p.m. – 8:30 p.m.

St. Peter's Church Hall, Hackett's Cove

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**Commissioners in Attendance:**

Nicole Campbell – Chair  
Maria Bartholomew - Vice Chair  
Judy Dauphinee  
Karren Fader  
Jeannie Chow, Dept. of Economic  
Development  
Christina Lovitt – Dept. of  
Municipal Affairs and Housing

Graham Fisher – Dept. of Municipal Affairs and Housing –  
non-voting member  
David Mitchell, Dept. of Economic Development – non-  
voting member  
Pam Lovelace, HRM Councilor (in audience)

Community Attendance: 20

Questions proposed: 17

**Agenda Items:**

1. Meet and Greet & Question Sign Up sheet 6:30 - 7:00
2. Call to Order – Chair Campbell called the meeting to order at 6:58 p.m., Quorum achieved.
3. Approval of Agenda  
Chair Campbell **Motion** to edit the Agenda: Move item 4 to 5 and item 5 to 4 and adding website update to item 8. Seconded by Commissioner Chow.  
  
Question/request from the floor, to extend item 11 to one hour. Request recorded. **Motion Approved.**
4. Meeting Terms of Conduct
  - Chair Campbell read the meeting format and terms of conduct.
    - Meeting will be Chaired, and notes taken
    - Treat everyone in the room with respect
    - The meeting will stay on agenda and efforts will be made to end on time, recognizing the request to extend Item 11 to one hour.
5. Remarks from Chair & Introductions
  - Chair Campbell provided a few remarks.
  - The Commission was reconstituted in August 2022, it has been a busy year for the Commission with increased interest in development in the Cove, increased volume of emails to address, the ongoing Land Use Bylaw (LUB) review and additional meetings of the Commission.
  - Introduction of new Commissioners: Vice Chair Maria Bartholomew, Judy Dauphinee, Christina Lovitt, Provincial Director Planning, Department of Municipal Affairs and Housing.
  - Introduction of Existing Commissioners: Chair Nicole Campbell, Karren Fader, Councillor Lovelace,

Jeannie Chow, Department of Economic Development

- Introduction of support staff: Graham Fisher, Department of Municipal Affairs and Housing, David Mitchell and Lorraine Boyd, Department of Economic Development

6. Report on Commission's Budget

- Commissioner Chow provided the report on the Commission budget.
- Chair receives \$50 per meeting; Commissioners \$35 per meeting; total budget is \$1,860.00. This is posted on the Commission website.
- Annual expenditures are posted on the Commission website.
- Other expenses are charged to the Department of Economic Development including the Land Use Bylaw review.
- Annual budget is approved by the Department of Economic Development
- Staff are paid outside the Commission budget.

7. Report of the Chair on Commission activities for 2022-2023

- Chair Campbell provided the report.
- Peggy's Cove Commission was reinstated in September 2022, following a temporary suspension of activity between January and August 2022.
- Administration of Development Permit applications and review is ongoing.
- Oversight of the Land Use Bylaw review and updates are ongoing.
- Preparation of online forms and FAQs for development related permit applications

8. Development Permit Process & Website Updates

- Graham Fisher, Planning Support, Department of Municipal Affairs and Housing provided the report.
- There is a formal process in place to review development permit applications and it is outlined on the website along with other related on-line materials and resources to help applicants.
- The development permit application is an online application and submission. It contains a Part 1 (what you want to do) and Part 2 (site plan)
- The development permit applications are checked against the Land Use Bylaw (LUB) to ensure they are in compliance with the LUB.
- The applications come into the Commission inbox, logged, a note goes to the Commission to review the application, a review is undertaken. The Commission looks at development application and how it conforms to the LUB, if it matches permitted uses, it is then approved and a Development Permit letter is issued. The Commission sends notification to applicant with approval details. The applicant takes the letter to HRM for the next stage of development. The Commission also contacts HRM to advise that the Commission has approved a development permit and HRM puts a note on file.
- Timing of review: three things influence the review
  1. Nature of application
  2. Timing of arrival to Commission (as Commission only meets once a month)
  3. Requires at least two (2) weeks to package information and review applicable pieces to complete review.
- The development permit process is complimentary to the HRM permit process and is tied to the Land Use Bylaw (LUB).
- A new flowchart of the permitting process was provided as a handout at this meeting and is available online.

## 9. Remarks from Commissioners

- Commissioner Chow provided an overview
- Structure, Roles and Responsibilities
  - Authority of Peggy's Cove Commission (PCC) is defined under the Peggy's Cove Act.
  - Composition is noted as there will be no more than four members of which three shall be residents and one non-resident, the Provincial Director of Planning for the Province, a representative from the Department of Economic Development and the Municipal Councillor.
  - The PCC is administered by Department of Economic Development
  - The PCC is tasked in legislation to preserving the unique scenic beauty, character and atmosphere of the area for the enjoyment of both residents and visitors.
  - Fulfilling this duty involves reviewing development applications against the LUB, which sets out land use and building design requirements aimed at preserving the scenic beauty and character of the area. There is a balance to understand the needs of both.
  - Land Use Bylaw review is currently underway.
  - The LUB will be posted on Commission website if approved by the Minister of Economic Development.
- Conflict of Interest
  - The Peggy's Cove Commission Act requires the Commission to include three residents of the Peggy's Cove Preservation Area as Commissioners.
  - It is difficult to get membership from approximately 30 residents and perceived conflict of interest is very high.
  - The Commission has conflict of interest procedures in place, like recusal from discussions and abstention from voting, on any matter where a member on the Commission has a conflict.
  - Declaration is up to a Commissioner to note they are in conflict.
- Non-compliance
  - When an issue of non-compliance is identified, the Commission discusses the matter, seeks legal interpretation if needed, and discusses next steps for addressing the matter.
  - Letters are sent to the property owners flagging the non-compliance and requesting the owner remedy the situation. It is left up to the property owners to decide how to resolve the non-compliance issue.
  - The PCC is not supported by a compliance officer resource which is challenging. The absence of this resource is also the case in other communities in HRM.
- Complaint
  - Complaint is in the Governance document.
  - If a complaint is received by the Commission, we follow previous comments made.
  - Peggy's Cove Act Section 14 and 15 govern the Commission. Section 14 notes the authority Commission has by issuing a \$50 fine and also going to the Supreme Court.
  - Under the LUB is the only authority the Commission has.
- Resignation of Councillor of the polling district
  - While a resignation letter has been received by Minister of DED, the Peggy's Cove Commission Act requires the municipal Councillor for the polling district that includes Peggy's Cove to be a member of the Commission.
  - There is no mechanism by which the Councillor for that district ceases to be a Commissioner other than ceasing to be the Councillor for the district.
  - The Councillor remains a Commissioner and the Commission still invites the Councillor to meetings and includes them on correspondence and can still attend meetings if they choose to join the Commission.

## 10. Land Use Bylaw Review Update

- Land Use Bylaw review was started in Summer 2021 and UPLAND was hired then.
- A Steering Committee was formed to oversee the process until it got to the Draft stage.
- The process was on hold for 10 months until the Commission was reinstated due to membership vacancies.
- Late Summer 2022 the process started again and in April 2023 a draft LUB was released and a community meeting has been held.
- We heard from the community that they wanted more engagement, so additional engagement was offered through surveys and one-on-one meetings where deadline was June 9 to respond.
- 13 business owners and residents have responded and 10 surveys were submitted.
- UPLAND summarized the details and will present to the Commission on June 20 to review and recommend edits.
- UPLAND will post an updated version prior to the next community meeting.
- A follow-up meeting will be held on July 13 with feedback and edits being made for the release of the final draft for the Public Hearing at the end of July and a Public Hearing being held at the end of August. Edits will be made from the feedback and the final package will then go to the Dept. of Economic Development.
- Continue to check the LUB website for information on the LUB. Contact information is located at the bottom of the Agenda. <https://www.peggyscovelub.ca/>

## 11. Questions from the floor

- 10 people signed the Q & A sheet noting 17 questions to put forward.

### Q1 - E. McCain - Conflict of Interest

- it is thought that Commissioner Dauphinee is in conflict of interest with their project application and they should recuse themselves as they are related to their competitors. It is felt that this ongoing conflict of interest is eroding public trust.
- A – conflict of interest has to be brought up by Commissioners.

### Q2 – Enhance transparency of the Commission by: posting agendas in advance; more robust minutes; open meetings to the public.

- A – all items can be discussed by the Commission, and open public meetings has been discussed in the past and will be revisited.

### Q3 – Current LUB is in effect says Deputy Minister Farmer. Why not process amendments, and request for public hearings? It is their right under the Act.

- A – Act is silent on public engagement prior to public hearings.
- Want Public Hearing for rezoning request.
- A – discussed at June 8/23 meeting, Commission waiting for legal opinion prior to responding.

### Q4 - T. Young – How many acres in the preservation area? Some in Indian Harbour and some in West Dover. What does PCC control? Is there a map?

- A – Commission will get back to T. Young

### Q5 – R. Morash – All Commissioners, why did they volunteer to be on the Commission or what was their motivation?

Commissioner Fader – love Peggy’s Cove

Commissioner Dauphinee – wanted to assist completing the LUB and not many residents will put their name forward.

Commissioner Bartholomew – Loves Peggy’s Cove and wanted to help preserve the natural beauty.  
Commissioner Campbell – grew up in Peggy’s Cove and tries to be involved in the community.  
Commissioner Chow – appointed as representative by Dep. Of Economic Development, and they knew changes were needed. Also to help the community help the Commission update the LUB.  
Commissioner Lovitt – appointed as representative by Dep. Municipal Affairs and Housing. Welcomed the opportunity to update the LUB.

**Q6** – J. Manuel – there is a lack enforcement. What is being done about that? Things have been done in the Cove ...

- A – you can write a letter to the Commission, it will be looked at, and if necessary a letter goes to the non-compliance, a message to the complainant that something has been done.
  - Complaints Policy is item 13 in Governance document which is online.
  - Compliance / enforcement / monitoring need to be in place to be effective in applying new Bylaw.

**Q7** – J. Steeles – Peggy’s Cove Commission is under Dep. of Economic Development and Peggy’s Cove is a community. How much pressure is there for Peggy’s Cove to be an economic development place versus be a community where you build a family?

- A – Have received lots of support and no pressure from Dep. Of Economic Development.
  - It is an important time and turning point going forward to achieve balance.

**Q8** – A. Garrison

- Thank you for volunteering your time.
- Enforcement, will new Bylaw officer be able to handle current issues?
  - A – Challenges on enforcement of Bylaws, so we have asked for changes to the legislation by Dep. of Economic Development.
  - LUB mechanisms are legislative.

**Q9** – N. Edwards

- Occupancy permit is only from HRM?
  - Yes
- Approved letter from Commission is only way to get occupancy permit.
  - – Yes

**Q10** – Councillor Lovelace (from the floor) – Level of frustration over the last two years. Transparency is a struggle. Minutes are posted, agenda are not posted, no open meetings. Challenge to be a member. Sent resignation letter on May 25/23 to Minister, Dep. of Economic Development, making a stand to push system forward. The PC Act is outdated. Will not attend Commission meetings until they are open to the public.

- How is AGM communicated?
  - A – website, mail and email
- Why not the Masthead News?
  - A - Will look into.
- Lack of legal support at Commission meetings to support Commissioners.
  - A - Solicitors respond to Commission through D. Mitchell, DED, and their support ebbs and flows with the Commission’s need. They are available but not at all meetings.
- No accuracy of record keeping.
  - A – there is a shared drive accessed by both Dep. of Economic Development and Dep. of Municipal Affairs and Housing.
- LUB website is location for sharing next Community Meeting? Can the Masthead News be a

location as well?

- A – Will look into.

**Q 11** – P. Paruch – Conflict of Interest – notion anyone owns a business in Commission is in conflict?

- A - People are trying to balance living and working in Peggy's Cove.
- Businesses are direct contravention of bylaw (infractions)
  - A – write a letter to Commission, to close the loop of complaint – a message will go back to complainant that something has been done.
- Be equitable and fair to all
- Would Commission commit to investigate infractions within two weeks?
- Oct 2, 2021 UPLAND did an inventory of property in the Cove, this document should be used by Commission to when reviewing applications.

## 12. Adjournment

Meeting adjourned at 8:35 pm.