

Community of Malpeque Bay
Regular Council Meeting
September 19, 2012
Sea View Hall

Attendance: James Carruthers, Darren Cousins, Jamie Crozier, Grafton Cole,
Jeremy Stiles, Herb Clark, Bob Beairsto

Administrator: Joanne McCarvill

Adoption of Agenda

The meeting was called to order by Chairman Carruthers at 7:05 pm. One item was added to the Agenda. The Landowner's group wished to address Council following the discussion regarding the Official Plan and final payment to Janice Harper. It was moved by Mr. JayDee Murray and seconded by Mr. Bob Beairsto to accept the Agenda as presented. Motion Carried

Approval of Minutes

The minutes of the July 19, 2012 Special Meeting were approved as read.

Business Arising

The Task Force appointments announced by Minister Sheridan were discussed and there was a concern expressed that the community plan will be delayed. Their recommendations could be different than the direction taken by the Community which may entail further changes.

Correspondence

It was noted that Council had received a thank you note from Andrea Hickey for the gift of money provided at graduation.

Council is now receiving copies of all building permits being issued by the Province to area residents. Two were available for the meeting to review.

Minutes – Community of Malpeque Bay

The meeting was reminded of the Budget Item 'Community Initiatives' and the Resolution which provides all districts with an annual \$25.00 grant for the ongoing upkeep and maintenance of community signs. Not all districts have community signs; however, those who do are encouraged to submit a request in writing for the funds. The

Malpeque WI submitted a request to Council identifying that they have two large Welcome signs in Malpeque. A cheque for \$50.00 will be mailed to the Women's Institute for the maintenance of these signs.

Official Plan Presentation

Joanne noted that Council will not be voting on acceptance of the Official Plan at this meeting. The Planning Board will be submitting the Official Plan to Council for review and voting on whether or not Ms Harper's work can be considered complete and her final payment provided to her will take place at a future meeting. Jeremy Stiles noted that the Planning Board still had some minor edits to make to the Plan and Bylaws and as such they will not be presented at this meeting.

The recent appointment of the Task Force and the recommendation by municipal affairs to hold off submitting the OP to the province until after the Task Force has developed their recommendations on sustainable land use policies is going to require some additional revisions to the Plan which can probably be made by the Planning Board.

Jeremy met with some officials (Christine Mackinnon and Samantha Murphy) to review and discuss the request made by the Community concerning the Coastal Zone Bylaws replacing the Special Planning Area regulations at the time the Plan is approved. The response was that they do not believe that our Plan goes as far as the SPA and managing land use and that they would provide to Jeremy a summary of these differences in order that we can revise or modify our Plan accordingly.

A discussion regarding viewscapes was held. It was noted that there were no such areas developed within community boundaries. Two areas recommended were the Darnley Bridge and the old school property in Darnley.

The Chair identified that Council had an outstanding invoice from Janice Harper. It was noted that because the schedules and updates were not made available to the meeting payment of the invoice would be tabled until the October Council meeting. Chairman Carruthers indicated that he hoped Council and residents would take the opportunity to review the final draft of the OP. Jeremy Stiles indicated that he will post the final draft of the OP before the end of September. The Chair encouraged all councillors and residents to review the plan prior to the October meeting and be prepared to vote on payment of the outstanding invoice.

Minutes – Community of Malpeque Bay

Page 2 of 4

September 19, 2012

Pond Ownership

JayDee Murray requested information on the ownership of four ponds within community boundaries. Joanne had been in contact with the Registry of Deeds who identified ownership as follows:

Adams Pond – partially owned by Lloyd, David and Paul Pickering.

Branders Pond - suggests a possible ownership on the Western most end of the pond but no deeds assert ownership of the pond.

Cousins Pond - one section at the Western end is owned by Andrew Dibling however all other surrounding parcels do not seem to assert any ownership of the pond.

MacKay Pond - what they could ascertain was that there are no properties asserting ownership of the pond.

It was suggested by Maria Tremblay Assistant Registrar of Deeds for the Department of Finance and Municipal Affairs that Council consider hiring a title searcher. She identified that doing an historical search of these areas would be time consuming and she would never recommend that council try to undertake this job. She indicated that we may wish to contact the properties section of TIR (Transportation and Infrastructure Renewal). This section of TIR is responsible for searching, acquiring, selling etc of all properties which may involve Government. It is possible that they may already have some historical searches done in the area. Ms. Tremblay also provided the name of a free lance title searcher...Robert Shaw (902) 629-9387 or 368-4592 titlesearchpei1@gmail.com

Joanne will make an inquiry to TIR and report back to council.

Lighthouse Update

Joanne identified that the Malpeque Historical Society had petitioned for the Outer Range Lighthouse and that they were working with Twin Shores to develop a business plan which would be submitted to DFO in the near future. Both parties are hoping to see the Lighthouse moved to a site at Twin Shores, enabling more access. A beacon for navigational purposes would be erected on a poll, should the Lighthouse be moved.

Other Business

A lively discussion took place regarding the term ‘floating zones’ used to describe an area outside of the four zones identified in the OP.

Minutes Community of Malpeque Bay

Page 3 of 4

September 19, 2012

Mr. Brian Potter a Land Surveyor, discussed the public process necessary to have an area re-zoned. He identified that he believed the concept of a ‘floating zone’ made it too easy for developers to develop an area that could compromise the surrounding landowners land without due process.

He identified that the process in place worked; ie developer makes an application to council, a public meeting is advertised and the application debated, council votes, and if the application is approved issues a building permit, OR council may deny the application in which case the developer may appeal and contact IRAQ.

Mr. Potter believed the community only required two zones; Agriculture and Coastal and that the term 'floating' should be removed from the OP entirely. Jeremy Stiles identified that according to his provincial contacts the government would not accept a plan with two zones. Multiple zones were required. He noted that Council would follow the exact scenario discussed earlier by Mr. Potter for all building permit applications including applications made for a property in the 'floating' zone. He identified that each zone had very specific 'permitted uses' and anything outside the 'permitted use' would be considered 'special use' which would prompt a public meeting. In addition all request for re-zoning would be subject to the notification and review process described in the Bylaws currently being considered.

It was unclear whether residents simply didn't like the term 'floating' or if there was concern with the concept. Jeremy has researched the term and notes that it has been applied in land use management since the late 1950's and is currently being used as we propose it to be used in jurisdictions throughout Canada and the USA. In addition, the Province has accepted the concept as it has been proposed and agrees that it is an effective way to manage land use and development issues in a rural community. It was suggested that the Minister be invited to attend the October meeting. Joanne will put in the request with the Minister's office.

Jay Dee Murray moved for adjournment, seconded by Bob Beirsto and the meeting adjourned at 8:30.

Next meeting will be held on October 17, 2012 at 7PM at Hamilton Hall.

James Carruthers Chairman
September 19 2012

Joanne McCarvill, Administrator
September 19, 2012