

TOWN OF LUNENBURG  
**COUNCIL MEETING AGENDA**  
Tuesday, October 8, 2024 | 6 pm  
Lunenburg Town Hall – Council Chamber  
120 Townsend Street



**NOTICE:** Council meetings are open to the public and held in Town Hall. **Please use the back entrance at 120 Townsend Street.**

The public can also watch meetings through Zoom. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/88956545878>

Meeting recordings are also available on the Town's [YouTube](#) channel.

**1. CALL TO ORDER**

**2. LAND ACKNOWLEDGEMENT**

This meeting takes place in the traditional and ancestral territory of the Mi'kmaq people. We are all Treaty people.

**3. ADDITIONS/ DELETIONS TO AGENDA**

**4. APPROVAL OF AGENDA**

4.1 October 8, 2024 Council Meeting Agenda

**Recommendation:** That Council approve the agenda for the October 8, 2024 meeting as presented.

**5. APPROVAL OF MINUTES**

5.1 September 24, 2024 Council Meeting Minutes

**Recommendation:** That Council approve the September 24, 2024 Council meeting minutes as presented.

**6. PRESENTATIONS**

**7. PUBLIC INPUT AND QUESTIONS – 20 MINUTES**

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair
- Comments and questions are limited to items on today's agenda

## **8. CORRESPONDENCE**

*Unless a recommendation has been provided, correspondence items are for information only. Should Council wish to act on something within a correspondence item, a motion of Council must be made.*

8.1 Message of Thanks – *Lunenburg County Wheels*

8.2 South Shore Open Doors Association (SSODA) August 2024 Date Report

## **9. PUBLIC HEARINGS, PUBLIC INFORMATION MEETINGS AND APPEALS**

*Public hearings are held to discuss planning and development items and new bylaws or changes to existing bylaws. They are open to anyone to speak or submit written comments. Public hearing process:*

- Staff will provide an overview of the agenda item
- Staff will answer questions from Council
- The meeting be opened to the public for questions
- Each person is limited to 5 minutes
- Each person must state their name
- Questions or comments are directed to the Chair
- Once the public hearing is closed, no further questions or comments on the matter will be received

9.1 Redesignation and Rezoning of Lower Green Street – *MPS and LUB Amendment Application*

**Recommendation 1:** That Council close the public hearing regarding the redesignation and rezoning of Lower Green Street, in relation to the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) amendment application.

**Recommendation 2:** That Council approve the second and final reading of the amended Municipal Planning Strategy and Land Use Bylaw to redesignate PID 60052495, PID 60052503 (rear and front portion), PID 60052511, PID 60052529, PID 60734167, PID 60052552, PID 60487857, PID 60052560, PID 60052578, PID 60052586, PID 60052594 to Residential (RES) and rezone them Lower Density Residential (RL).

9.2 Amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

**Recommendation 1:** That Council close the public hearing regarding the amendment of the Municipal Planning Strategy (MPS) to ensure consistency with the Old Town Lunenburg Heritage Conservation District Plan and By-law.

Recommendation 2: That Council approve the second and final reading of the amended Municipal Planning Strategy, as presented in Attachment A, to ensure consistency between the Municipal Planning Strategy and the Old Town Lunenburg Heritage Conservation District Plan and By-law.

## **10. BUSINESS ARISING AND UNFINISHED BUSINESS**

### **11. NEW BUSINESS**

11.1 Inspection Services Agreement – *Amendment Request*

Recommendation: That Council accept the amended Inspection Services Agreement as presented in Attachment A.

11.2 Sustainable Infrastructure Grant Program Evaluation & Delivery Framework – *Request for Direction*

11.3 Potable Water Quality Test Results: April to June 2024 – *Information Report*

11.4 Wastewater Quality Test Results: April to June 2024 – *Information Report*

## **12. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS**

12.1 Renaming of Cornwallis Street – *Presented by Councillor Halverson on Sept. 24, 2024*

Draft motion 1: That Council rescind the motion made at the November 28, 2023 Council meeting, which stated, "That Council approve Queen Street as the new name for Cornwallis Street."

Draft motion 2: That Council approve the renaming of Cornwallis Street to either 'Samqwan Street' or 'Reconciliation Street,' as determined by Council's preference.

## **13. MOTION ACTION LIST**

## **14. IN CAMERA**

## **15. ADJOURNMENT**

TOWN OF LUNENBURG  
**COUNCIL MEETING MINUTES**

September 24, 2024 | 6 pm

Lunenburg Town Hall – Council Chamber and virtually through Zoom



**Present** Mayor Jamie Myra, Deputy Mayor Stephen Ernst, Councillors Jenni Birtles, Peter Mosher and Ed Halverson

**Absent** Councillor Melissa Duggan

**Also present** Hilary Grant, Interim CAO  
 Tyson Joyce, Director of Public Works  
 Kathleen Rafuse, Town Accountant  
 Marc Kiely, Interim Director of Community Development  
 Laura LeGresley, Heritage Officer

**Call to Order** The meeting was called to order at 6:00 p.m.

**Land acknowledgment** It was acknowledged that Lunenburg is located in the unceded territory of the Mi'kmaq people.

**Approval of Agenda** Moved by Deputy Mayor Ernst, seconded by Councillor Birtles, that Council approve the agenda for the September 24 meeting, 2024 meeting as presented.

**Motion carried unanimously**

**Approval of Minutes** Moved by Councillor Birtles seconded by Deputy Mayor Ernst, that Council approve the September 3, 2024 Committee of the Whole meeting minutes as presented.

**Motion carried unanimously**

Moved by Councillor Mosher, seconded by Councillor Halverson, that Council approve the September 10, 2024 Council meeting minutes as presented.

**Motion carried unanimously**

**Public Input** Murray Barkhouse spoke on behalf of the nomination of Brigadier General Sheila Hellstrom as Prominent Lunenburg.

**Noise By-law Exemption** Moved by Deputy Mayor Ernst, seconded by Councillor Mosher, that Council approve a Noise By-law exemption for the Lunenburg Fire

Request	<p>Department to accommodate fireworks in celebration of Guy Fawkes Day from the back parking lot of the Lunenburg Fire Station on Saturday, November 2, 2024, between 7:00 p.m. and 8:00 p.m.</p> <p style="text-align: right;"><b>Motion carried unanimously</b></p>				
SSHAC letter	<p>Council received a presentation follow-up from SSHAC.</p>				
CTWG TOR	<p>Council received a request to amend the Cultural Tourism Group's Terms of Reference to include that meetings should be livestreamed and recorded.</p> <p>With respect to this request, Council made the following motion:  Moved by Councillor Halverson, seconded by Deputy Mayor Ernst, that Council amend the Cultural Tourism Working Group's Terms of Reference to state that the group's public meetings will be livestreamed and recorded.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">FOR</td> <td style="width: 50%;">AGAINST</td> </tr> <tr> <td>3 Councillors</td> <td>2 Councillors (Councillors Mosher &amp; Birtles)</td> </tr> </table> <p style="text-align: right;"><b>Motion carried</b></p>	FOR	AGAINST	3 Councillors	2 Councillors (Councillors Mosher & Birtles)
FOR	AGAINST				
3 Councillors	2 Councillors (Councillors Mosher & Birtles)				
Proclamation Request	<p>Moved by Councillor Mosher, seconded by Councillor Ernst, that Council proclaim December 12, 2024, as High Liner Foods Day in the Town of Lunenburg, in celebration of High Liner Foods' 125th anniversary.</p> <p style="text-align: right;"><b>Motion carried unanimously</b></p>				
Council Procedural Policy	<p>Moved by Councillor Ernst, seconded by Councillor Mosher, that Council approve the Council Procedural Policy as presented, repealing and replacing, Policy #96, the Council and Committee Meetings and Proceedings Policy.</p> <p style="text-align: right;"><b>Motion carried unanimously</b></p>				
Pelham Street Reconstruction Phase 1 – Project Deferral	<p>Moved by Councillor Halverson, seconded by Councillor Mosher, that Council defer the Pelham Street Reconstruction – Phase 1 Project for Capital Year 2024/25.</p> <p style="text-align: right;"><b>Motion carried unanimously</b></p>				
Nomination of Prominent Lunenburger	<p>Moved by Councillor Ernst, seconded by Birtles, that Council approve the nomination of Sheila Hellstrom as a Prominent Lunenburger per the Recognition of Prominent Lunenburgers Policy.</p> <p style="text-align: right;"><b>Motion carried unanimously</b></p>				

Redesignation and Rezoning of Lower Green Street Moved by Councillor Birtles, seconded by Ernst, that Council approve first reading of the amended Municipal Planning Strategy and Land Use Bylaw to redesignate PID 60052495, PID 60052503 (rear and front portion), PID 60052511, PID 60052529, PID 60734167, PID 60052552, PID 60487857, PID 60052560, PID 60052578, PID 60052586, PID 60052594 to Residential (RES) and rezone them Lower Density Residential (RL).

FOR 4 Councillors                      AGAINST 1 Councillor (Councillor Mosher)

**Motion carried**

Amending the MPS to be consistent with HCD Plan and By-law Moved by Councillor Mosher, seconded by Halverson, that Council approve first reading of the amended Municipal Planning Strategy, as presented in Attachment A, to ensure consistency between the Municipal Planning Strategy and the Old Town Lunenburg Heritage Conservation District Plan and By-law.

**Motion carried unanimously**

Notice of Motion/ Councillor Reports Councillor Halverson made a notice of motion to rescind Council’s decision to rename Cornwallis Street to Queen Street and that Council consider the name Samqwan Street or Reconciliation Street as the new name for the street. This motion will be presented for consideration at the next regular Council meeting.

Motion Action List Council received the motion action list for information.

In Camera Moved by Councillor Birtles, seconded by Deputy Mayor Ernst that Council move in camera at 6:41 p.m. to discuss agenda items 14.1 and 14.2 (Acquisition, sale, lease and security of municipal property) and 14.3 (Personnel matters per the Municipal Government Act).

**Motion carried unanimously**

Adjournment Council reverted to open session at 7:30 p.m.

There being no further business, the September 24, 2024 Council meeting adjourned at 7:31 p.m.

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The minutes were read and approved.



140-210 Aberdeen Road, Bridgewater, N.S. B4V 4G8

Lunenburg Town Council  
119 Cumberland Street  
PO Box 129, Lunenburg, NS  
B0J 2C0

September 10, 2024

To members of the Lunenburg Town Council,

On behalf of the Board of Directors for Lunenburg County Wheels, I want to thank you for the generous grant provided to the organization. This grant has enabled LC Wheels to increase its ridership by having five vehicles on the road, providing low cost fares to a wide range of residents – students, those with low incomes, workers, and residents looking for rides to leisure activities, social activities, and appointments, many of whom are seniors.

I look forward to presenting our data to the Council to show how our ridership has increased, and specifically, how we have been able to provide services to the residents of Lunenburg and surrounding areas.

Again, thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Debra Featherby', written in a cursive style.

Debra Featherby  
Fundraising



# Monthly Data Report - August 2024

**627** Total intakes completed to Date

**22** Intakes completed this Month

**142** Number of those intaked that are currently actively homeless or living at risk of homelessness

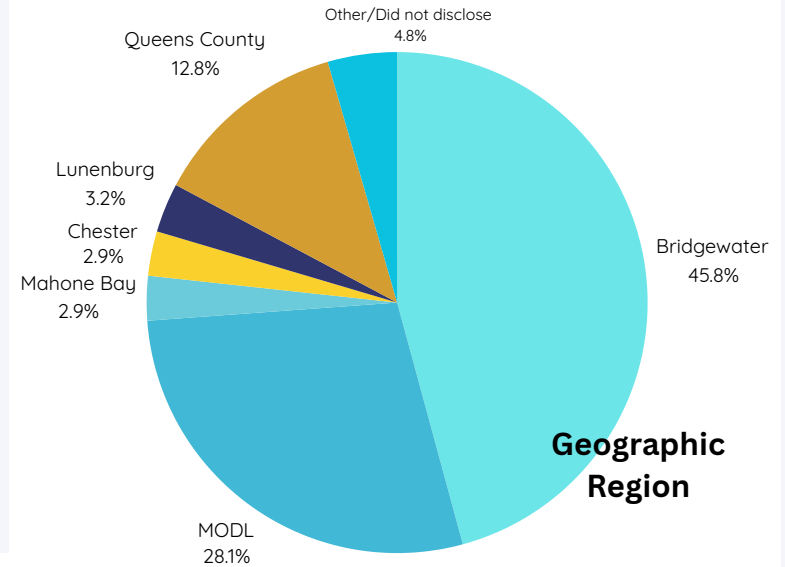
**92** Number of children identified as currently experiencing homelessness/housing insecurity

**49** Number of individuals currently experiencing chronic homelessness

**42** Number of seniors currently experiencing homelessness/housing insecurity

## Household Breakdown

Families - 219  
Seniors - 182  
Youth (25 and under) - 65  
Veterans - 13  
African Nova Scotian - 13  
Indigenous - 66  
Latin/Hispanic -1  
Other/Undisclosed- 35



## Energy Poverty

SSODA has identified **229** households experiencing energy poverty. Totalling **\$208,478.94** in N.S Power Arrears.

Average Number of Months Experiencing Homeless

**5**

Individuals/Households Matched to Housing from the By-Name-List

**140**

## Top reasons for housing loss

- Eviction - Building Sold
- Left due to Domestic Violence or Kicked out by Partner
- Eviction/Relationship Breakdown with Parents or Family

## Top sleeping arrangements:

- Renting - Pending Eviction
- Couch Surfing - Safe
- Renting - Unsafe

**Subject:** MPS and LUB Amendment Application: Redesignation and Rezoning of Lower Green Street

**From:** Community Development

**Date:** August 21, 2024 – *public participation meeting*  
September 24, 2024 – *first reading*  
October 8, 2024 – *public hearing and second reading*



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### **Recommendation**

That Council approve the second and final reading of the amended Municipal Planning Strategy and Land Use Bylaw to redesignate PID 60052495, PID 60052503 (rear and front portion), PID 60052511, PID 60052529, PID 60734167, PID 60052552, PID 60487857, PID 60052560, PID 60052578, PID 60052586, PID 60052594 to Residential (RES) and rezone them Lower Density Residential (RL).

### **Alternatives**

- Refuse the application of the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB).
- Not include 2-4 Tannery Road (PID 60052578) and 3 Green Street (PID 60052560) in the proposed grouping for redesignation and rezoning to Lower Density Residential (RL).
- Defer a decision.

### **Background**

On October 24, 2023, Council received a request that residential properties on Green Street be rezoned from Residential (R) to General Commercial (CG) under the 2021 Land Use By-law and be reverted to their previous status of residential zoning.

On February 27, 2024 Staff brought forward this proposal to Council for guidance and approval to proceed with the required MPS and LUB amendments. Approval to proceed was granted, resulting in a public participation meeting held by the Planning Advisory Committee (PAC) March 25, 2024. PAC recommended that Council adopt the amendments but to also include two additional lots, located at 4 Tannery Road (PID 60052578) and 3 Green Street (PID 60052560).

This recommendation was reaffirmed at the most recent PAC meeting held August 21, 2024 where the amendments were brought forward a second time to ensure compliance under the newly developed Planning Public Participation Policy.

### **Discussion**

The property owners with confirmed interest in the requested MPS/LUB amendment are:

- PID 60052503, PID 60052495 - 27 Green Street
- PID 60052511 - 23 Green Street
- PID 60052529 and PID 60734167 - 21 Green Street
- PID 60052552 and PID 60487857- 11 Green Street
- PID 60052586 - 6 Tannery Road
- PID 60052594 - 8 Tannery Road

Three property owners within the noted area wish to maintain their General Commercial (CG) Use zoning:

- PID 60052487 – 45 Victoria Road
- PID 60052560 – 3 Green Street; and
- PID 60052578 – 2-4 Tannery Road

The applicant has expressed concern that the current General Commercial Zoning will cause the loss of the historic residential flavour of their neighbourhood, noting that this area has always been residential and includes heritage homes built between 1887 and 1923. They argue that commercial enterprise on Green Street could lower property values, negatively impact the neighbourhood's aesthetics and disrupt residents enjoying their homes, especially seniors (see Attachment A).

### **Staff Analysis**

#### General Considerations in the Current Planning Context

Council approved a Comprehensive Community Plan (CCP) in 2020 that designates Victoria Road coming into Town following Falkland Street to Lincoln Street as “Main Street Mixed Use” (Community Structure Tomorrow Map Page 20). This was to encourage this corridor’s development into a mixed-use commercial-residential zone. In 2021, lands along Victoria Road near Green Street and Falkland Street were rezoned from Residential (R) to General Commercial (CG) Use under a new Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB). Tannery and Green Street were also included in the CG Use Zone because otherwise, they would have been a very small strip of residential properties surrounded by commercial, industrial, and institutional zoning. General Commercial Use (GC) zoning of these properties may contribute to developing the mixed-use commercial-residential corridor.

Policy 4.1 (e) of the MPS provides context to the development of the General Commercial (CG) Use Zone as outlined below:

*Policy 4-1:* Council shall, through the Land Use By-law, establish Use Zones, shown on the Use Zoning Map of the Land Use By-law, to establish the uses permitted in different areas of Lunenburg. The Use Zones shall generally conform to the following scheme:

- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.

Staff note that granting individual rezoning requests can create a patchwork of zoning designations because it encourages a piecemeal approach to development, driven by individual property owners' interests rather than a holistic strategy considering the broader community impact. This fragmented approach can result in a lack of cohesive land use planning, with adjacent parcels governed by different regulations, making it difficult to implement consistent and coherent policies. Zoning fragmentation can hinder the efficient provision of public services, requiring resources to be allocated based on a shifting landscape of zoning designations. To mitigate these challenges, a careful balance must be struck between accommodating property owner requests and maintaining a cohesive urban planning framework.

#### Application-focused Considerations

Rezoning a historic residential street from General Commercial Use (CG) to Residential (R) could potentially impact:

- Preservation of Historic Character: Residential zoning may help preserve the historic character of the neighbourhood by preventing commercial development that could alter the architectural and aesthetic qualities or 'feel' of the area. However, it would not guarantee any architectural preservation of the streetscape, only its continued residential use.
- Community Cohesion: Residential zones often have a sense of community and neighbourhood cohesion, as they typically have fewer residents and lower traffic levels.
- Reduced Noise and Traffic: Converting to residential zoning may result in reduced noise and traffic levels, contributing to a more peaceful and tranquil living environment.
- Economic Impact: Rezoning to Residential may limit potential economic opportunities for the community, such as local businesses and commercial developments that could contribute to the local economy.
- Loss of Mixed-Use Benefits: Mixed residential-commercial zoning allows for a diverse range of land uses, fostering a more dynamic and vibrant community. It can also

decrease the walkability of communities by limiting convenient access to commercial services. Rezoning to Residential would result in the loss of these mixed-use benefits on these specific lots.

Staff note there is no clear empirical indication of how the use of zoning impacts property values. Some studies suggest that low-density residential areas may experience higher property values, which could be beneficial for homeowners in the rezoned areas. On the other hand, a wider range of use options can be seen as an advantage to buyers and increase property values. An assessment of the effect of rezoning on property values is beyond Staff expertise.

Staff recommended that PAC consider in their recommendation to Council amending the MPS and LUB because, historically, the lower Green Street area has been residential with a row of historic homes that enhances the residential streetscape and history of the area. The Lower Density Residential Use Zone may help minimize potential impacts from commercial development for residents, such as increased traffic.

Considerations for inclusion of 45 Victoria Rd., 3 Green St., and 2-4 Tannery Rd. properties in the proposed amendment:

In their recommendation to PAC, staff considered the question of including or omitting the lots at 45 Victoria Road, 2-4 Tannery Road and 3 Green Street from the proposed rezoning to Lower Density Residential (RL) as these homes also have a role to play in preserving the street's residential flavour. These are the lots whose owners indicated a wish to retain the current designation and zoning status.

- 45 Victoria Road is situated at the corner of Victoria Road and Green Street. Other properties along and across Victoria Road will remain in a 'commercial' use zone (the Commercial General (CG) Use Zone (across) and the Commercial Mixed Use (CM) Use Zone (down the road towards Tim Horton's). From this perspective, the retention of this particular property in the General Commercial (CG) zone is considered compatible with the existing zoning within the general area.

On August 21, 2024 PAC reaffirmed that their original recommendation made March 25, 2024 proceed to Council, that is, that this property retain its CG designation and CM use zoning.

- 3 Green Street and 2-4 Tannery Road are located at the intersection of Green Street, Tannery Road, and Falkland Street near West Nova Fuels. From this perspective, Staff consider the retention of these properties in the General Commercial (CG) zone as compatible with the existing zoning within the general area, particularly across Tannery Road and along Falkland Street. However, good planning practice would suggest that Council consider a rezoning to "residential" as the properties are part of the historic

residential streetscape of Green Street, which would avoid what could be considered a non-contiguous 'spot zoning'.

On August 21, 2024 PAC reaffirmed that their original recommendation made March 25, 2024 proceed to Council, that is, to include these properties in the amendment.

### **Proposed Amendments**

Proposed amendments to the MPS are outlined in Attachment E and proposed amendments to the LUB are outlined in Attachment F.

The proposal requires an amendment to the MPS to redesignate lands under the Future Land Use Map, as well as an amendment to the LUB to rezone the lands pursuant to the Use Zone Map. Two of the properties are split pursuant to the Future Land Use Designation and one of the properties is split pursuant to the Use Zone Map. It is recommended that these splits be removed so that each lot is in one (1) designation and one (1) Use Zone. The proposed amendments will accomplish this.

Policy 4-2 (Attachment B) of the MPS outlines which Land Use Zones are enabled under which Land Use Designations. The recommended redesignation and rezoning are consistent with Policy 4-2.

Policy 6-22 (Attachment C) enables Council to amend the MPS, including the Future Land Use Map when a proposed LUB map amendment conflicts with the MPS and there are valid reasons for the LUB amendment. Most of the lands along Lower Green Street (with the exception of 45 Victoria Road/ and adjacent PID 60052495) are currently located in the Downtown Commercial (DOWN) designation, and as such, a proposed rezoning to residential would be contrary to Policy 4-2 as the Downtown Commercial Land Use Designation does not permit residential Use Zones. Therefore, it is necessary to amend the Future Land Use Map (MPS) to enable the rezoning to residential to occur.

Policy 6-10 and Policy 6-11 of the MPS enables Council to consider an amendment to the Use Zoning Map, Schedule C, of the Land Use By-law (LUB) if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. Policy 6-10, 6-11 and 6-19 are reviewed in Attachment D.

Any amendment to the LUB should be evaluated pursuant to the Statements of Provincial Interest. The proposed amendments are considered not to be contrary to any Provincial Interest Statements as shown in Attachment G. Attachment G also reviews the amendments with regards to the Lunenburg County Accessibility Plan.

As mentioned, the Comprehensive Community Plan (CCP) identified Victoria Road coming into Town following Falkland Street to Lincoln Street as "Main Street Mixed-Use" area on the Community Structure Tomorrow Map (Page 20 of the CCP). The intent was to encourage the

development of this corridor as a mixed-use commercial-residential zone. The proposed redesignation and rezoning of the subject lands will not change this intent. The Victoria Road, Falkland Street and Lincoln Street approaches will retain this “Main Street Mixed-Use” flavour and no amendment to the CCP is deemed necessary at this time.

### **Strategic Plan Relevance**

- *Community Structure*: Direction regarding how the town will be structured and how land will be used.
- *Heritage*: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

### **Relevant Legislation**

The Municipal Government Act (MGA) outlines the required process for amendments to the Land Use By-law.

### **Financial**

There are no direct financial impacts to the Town.

### **Attachments**

- A. Applicant’s Submission
- B. MPS Policy 4-2
- C. MPS Policy 6-22
- D. Evaluation against MPS Policy 6-10, 6-11 and 6-19
- E. Amendments to the MPS – Future Land Use Map
- F. Amendments to the LUB – Use Zone Map
- G. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

ATTACHMENT A

6 November 2023

Mr. Arthur MacDonald  
Director of Community Development  
Town of Lunenburg  
119 Cumberland Street  
P.O. Box 129  
Lunenburg, Nova Scotia B0J 2C0

Dear Mr. MacDonald:

Thank you for your email of 30 October inviting my parents and their neighbours to request rezoning of the lower part of Green Street and for waiving the fee for such application.

As I and my neighbours have pointed out to you in email correspondence, this portion of the street had been zoned as Residential for decades. It is not, nor has it ever been, a commercial area. It is an intact residential streetscape of heritage homes built between 1887 and 1923. My brothers and I were the 4<sup>th</sup> generation of our family to live in our home.

These long-term homeowners have always taken great pride in their properties and this is reflected in how well the residential streetscape is maintained. This area of Green Street serves as a backdrop to the park, keeps a sense of neighbourhood feel to the park and its activities, and is also the "first taste" of heritage properties for the many numbers of visitors who arrive in Lunenburg via the Bridgewater and Blockhouse entrances to the Town. A commercial enterprise on that section of the street would destroy the aesthetic integrity of that area.

The change in zoning was done without proper consultation of the long-time residents of the area and they had no knowledge of, or input into the process. In fact, it was a surprise to them and their adult children to learn that their neighbourhood had been rezoned as General Commercial. Furthermore, the decision to rezone this neighbourhood could have very negative repercussions for the inhabitants of the area. A commercial enterprise on that part of the street has the potential to lower property values for the adjacent homes. Additionally, the establishment of a commercial enterprise in that area would almost certainly disrupt the quiet enjoyment of their homes for these citizens, most of whom are in their twilight years.

Please find attached signed applications for municipal planning amendment completed by the homeowners involved.

Yours truly, 

## Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address <i>BOJ 200 LUNENBURG N.S.</i>	Mailing Address <i>BOJ 200 LUNENBURG N.S.</i>
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed  <input type="checkbox"/> Survey Plan or Equivalent  <input type="checkbox"/> A Letter Explaining the Proposal  <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>Residence (private)</i>	
Proposed Use of Property <i>Private Residence</i>	

### EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

*WE ARE REQUESTING THAT THE ZONING FOR THIS PROPERTY BE CHANGED BACK TO RESIDENTIAL FROM COMMERCIAL*

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: *NOV. 5 2023*

OFFICE USE ONLY: Type of Application:

Date received:

# Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	E
Phone	P
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>private Residence</i>	
Proposed Use of Property <i>private Residence</i>	

### EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

*Please see attached letter by*

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed) \_\_\_\_\_ Signature: \_\_\_\_\_ Date: *5 Nov. 2023*

OFFICE USE ONLY: Type of Application:

Date received:

*5 Nov. 2023*

## Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>Residential</i>	
Proposed Use of Property <i>Residential</i>	

### EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

*Please see attached letter*

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed) \_\_\_\_\_ Signature: \_\_\_\_\_ Date: *6 Nov 2023*

OFFICE USE ONLY: Type of Application:

Date received:

*6 Nov 2023*

# Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>private garden</i>	
Proposed Use of Property <i>private garden</i>	

### EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

*Please see attached letter*

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed)	Signature:	Date: <i>6 Nov 2023</i>
----------------	------------	-------------------------

OFFICE USE ONLY: Type of Application:

Date received:

*6 Nov 2023*

## **Attachment B**

### **Town of Lunenburg Municipal Planning Strategy - Policy 4-2**

**Policy 4-2:** Council shall establish, on the Future Land Use Map, a series of Land Use Designations to guide the evolution of Use Zone placement over time. The Designations and the Use Zones permitted for consideration in each Designation are as follows:

(a) The Residential Land Use Designation permits:

- Lower Density Residential Use (RL) Zone
- Medium Density Residential Use (RM) Zone
- Higher Density Residential Use (RH) Zone
- Rural Use (RUR) Zone
- Institutional Use (INS) Zone
- Parks and Recreation Use (PR) Zone

(b) The Main Street Land Use Designation permits:

- Commercial Mixed Use (CM) Zone
- Institutional Use (INS) Zone
- Parks and Recreation Use (PR) Zone

(c) Downtown Commercial Land Use Designation permits:

- General Commercial Use (CG) Zone
- Institutional Use (INS) Zone
- Parks and Recreation Use (PR) Zone

(d) Waterfront Designation permits:

- Waterfront Use (W) Zone
- Marine Industrial Use (MM) Zone
- Parks and Recreation Use (PR) Zone

(e) Industrial Designation permits:

- Industrial Use (M) Zone
- Institutional Use (INS) Zone
- Parks and Recreation Use (PR) Zone

Parks and Institutional Designation permits:

- Institutional Use (INS) Zone
- Parks and Recreation Use (PR) Zone

## **Attachment C**

### **Town of Lunenburg Municipal Planning Strategy Policy 6-22**

#### 6.6.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

**Policy 6-22:** Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- incorporation of a detailed secondary area strategy into this Plan is desired; or
- this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.

**Note:** The proposed map amendment to the Use Zone map of the LUB would have been in conflict with the MPS without an amendment to the Future Land Use Map of the MPS. Therefore, the proposed amendment to the MPS is in keeping with Policy 6-22(b) of the MPS.

## **Attachment D**

### **Evaluation against Town of Lunenburg Municipal Planning Strategy Policy 6-10, 6-11 and 6-19**

#### **6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law**

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

**Policy 6-10:** Council shall consider amendments to the Use Zoning Map of the Land Use By-law when the proposed map amendment is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or
- (c) notwithstanding the Use Zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed Use Zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be abutting the designation on the other side of the right-of-way.

*Evaluation:* Once the amendment to the Future Land Use Map of the MPS becomes effective (and the amendments may run concurrently) the proposed Use Zone will be enabled by this Plan in keeping with Policy 6-10(a). The proposed MPS amendment to the Future Land Use Map is in keeping with Policy 6-22(b).

**Policy 6-11:** Council shall not amend the Use Zoning Map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal is consistent with the description of the Use Zone in Policy 4-1 and any specific policies, if any, directing where it is appropriate to place the proposed Use Zone; and
- (b) the proposed Use Zone and the uses it permits meet the general criteria for amending the Land Use By-law, set out in Policy 6-19.

*Evaluation:* Once the Future Land Use Map of the MPS is amended the proposed Use Zones would be considered consistent with the description of the Use Zone in Policy 4-2. In addition, the proposed rezoning meet the general criteria for amending the Land Use By-law, set out in Policy 6-19 as reviewed below:

### 6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

**Policy 6-19:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;  
Please note that an amendment to the MPS is required. The proposal will be considered consistent with the intent of the MPS once the Future Land Use Map has been amended. Once amended the proposed rezoning will be considered to be consistent with the intent of the MPS, in particular Policy 4-2.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;  
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb public costs related to the proposal;  
The proposal is not considered premature or inappropriate due to the ability of the Town to absorb public costs related to the proposal. No public costs are anticipated with the proposed amendments.
  - ii. impacts on existing drinking water supplies, both private and public;  
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public. No new development proposals are anticipated at this time.

- iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;

The proposal is not premature or inappropriate due to the adequacy of central water and sewage services. There is a 375mm water line and a 200mm sewer line available along this section of Green Street. No new development proposals are anticipated at this time.

- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;

The proposal is not premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal. The proposed redesignation and rezoning are considered a less intensive use of land and will have less of an impact than development proposals permitted as-of-right under the current General Commercial (CG) Use Zone.

- v. the adequacy of fire protection services and equipment;

There is a 375mm water line available along this section of Green Street. The proposal is not premature or inappropriate due to the adequacy of fire protection services and equipment.

- vi. the adequacy and proximity of schools and other community facilities;

The area is adjacent to the Bluenose Academy and the Town Recreational Complex. The proposal is not premature or inappropriate due to the adequacy and proximity of schools and other community facilities.

- vii. impacts on UNESCO World Heritage Site statements of outstanding value;

The development is in New Town, a significant distance away from Old Town Lunenburg WHS. In this regard the amendments will not have, or impose, any impact on the WHS or its Statements of Outstanding Universal Values (OUV's).

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;

The proposed redesignation and rezoning will not cause any new, or worsening of any known, pollution problems.

- ix. site-specific climate change risks;

The proposed redesignation and rezoning will not cause or increase any known site-specific climate change risks. The dwellings are existing, and no development is being contemplated at this time.

- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;

The proposed redesignation and rezoning will not cause any known flooding or drainage issues. The site is located outside of the Flood Risk Area shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. The dwellings are existing, and no development is being contemplated at this time.

xi. impacts on known habitat for species at risk;

The proposed redesignation and rezoning will not have any impact on known habitat.

xii. impacts on the navigability and environment of Lunenburg Harbour;

The proposed redesignation and rezoning will not have any impact on navigation or have any impact on Lunenburg's Harbour. The dwellings are existing, and no development is being contemplated at this time.

xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and

The proposal is not premature or inappropriate due to the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way. The dwellings are existing, and no development is being contemplated at this time.

xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.

The proposal is not premature or inappropriate due to land use conflicts that could place limits on existing operational procedures at existing businesses. The proposed redesignation and rezoning are considered a type of "downzoning" from "commercial" to "residential". As a result, the proposal should have less land use conflicts. In addition, the dwellings are existing, and no development is being contemplated at this time.

## Attachment E

### Amendments to Municipal Planning Strategy – Future Land Use Map, Schedule “A”

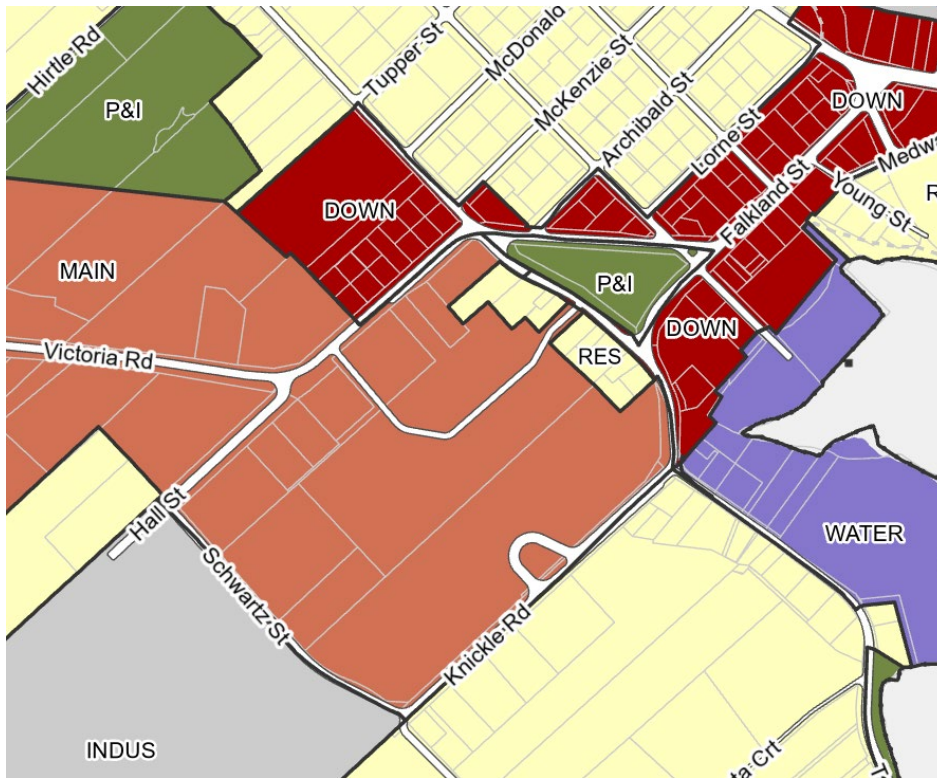
- 1) An amendment to the Municipal Planning Strategy, in particular the Future Land Use Map, Schedule “A”, thereby redesignating the lands as per table and maps shown below:

<b>Property:</b>	<b>Application:</b>
PID 60052495 – 27 Green Street (Vacant lot)	Redesignate from Main Street (MAIN) to Residential (RES).
PID 60052503 – 27 Green Street (Rear portion of the lot)	Redesignate from Main Street (MAIN) to Residential (RES).
PID 60052503 – 27 Green Street (Front portion of the lot)	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052511 – 23 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052529 – 21 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60734167 – 21 Green Street (Vacant lot)	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052552 - 11 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60487857 – 11 Green Street (vacant lot)	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052560 – 3 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052578 – 2-4 Tannery Road	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052586 – 6 Tannery Road	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052594 – 8 Tannery Road	Redesignate from Downtown Commercial (DOWN) to Residential (RES).

**Existing Future Land Use Map, Schedule "A":**



**Proposed Future Land Use Map**



# ATTACHMENT "E" - Amendments to MPS - Future Land Use Map, Schedule "A"

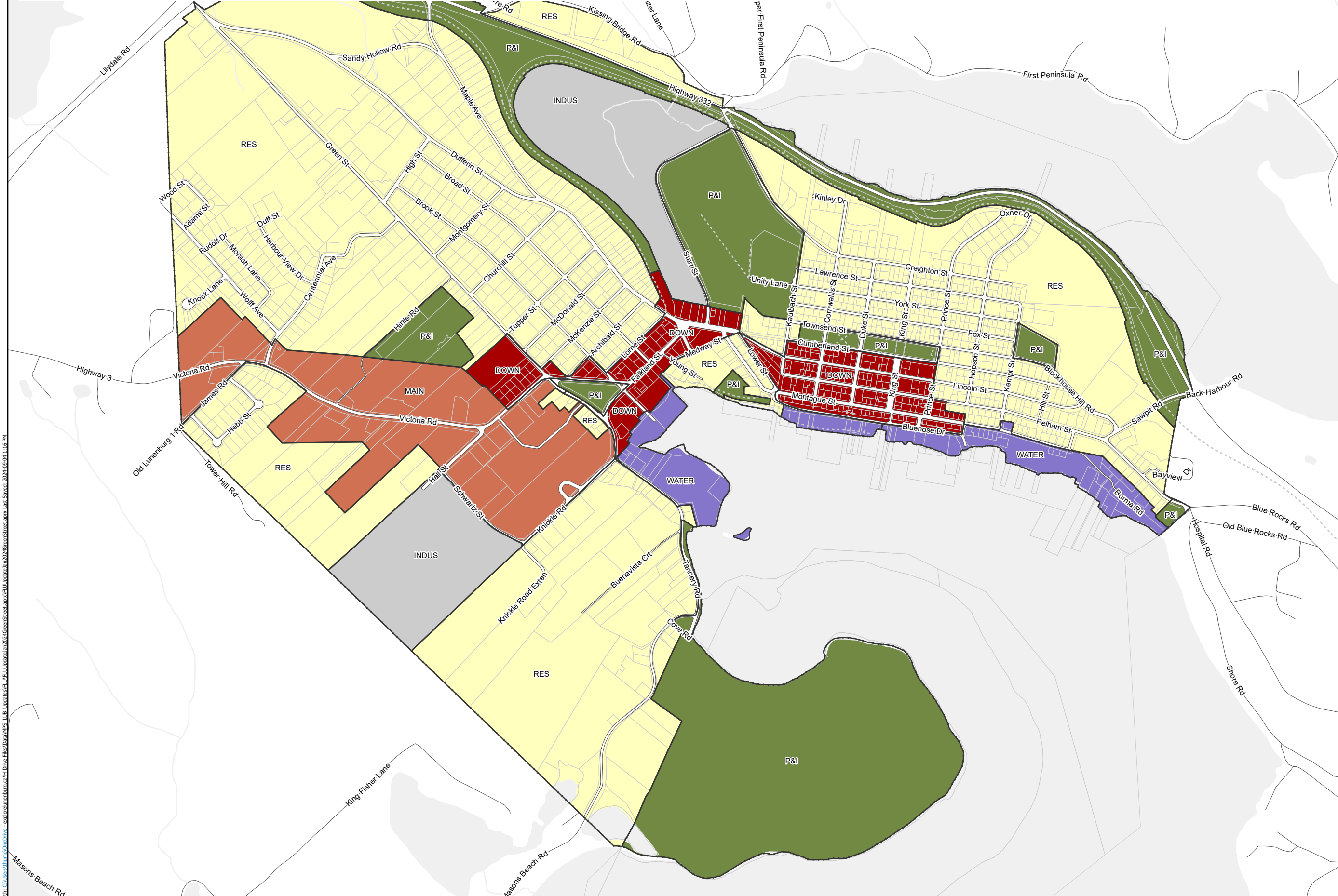


## MAP Future Land Use

SCHEDULE	LAST UPDATED
A	2024-01-15

NORTH	SCALE
	1:10,000

LEGEND	
	RES Residential
	MAIN Main Street
	DOWN Downtown Commercial
	WATER Waterfront
	INDUS Industrial
	P&I Parks and Institutional



Path: C:\Users\lunenburg\OneDrive - Lunenburg\Documents\GIS\MapData\MPS - amendments\MPS - Future Land Use Map - Schedule A - 2024-01-15.mxd  
 Date: 2024-01-15 11:16 AM

## Attachment F

### Amendments to Land Use By-law – Use Zone Map, Schedule “C”

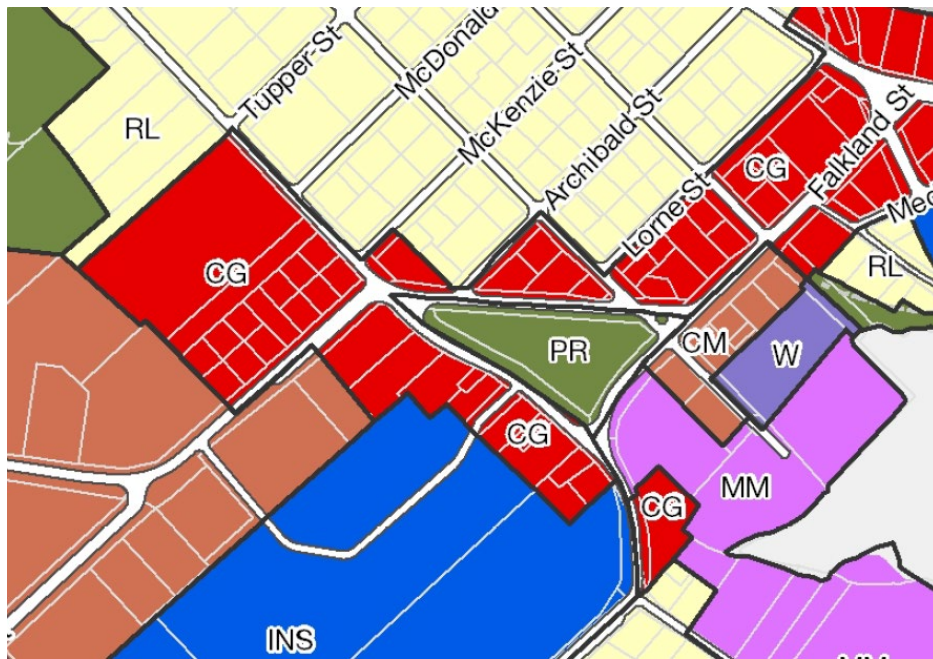
- 1) An amendment to the Land Use By-law, in particular the Use Zoning Map, Schedule “C”, thereby rezoning the lands as per table and maps shown below:

Property:	Application:
PID 60052495 – 27 Green Street (Vacant lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052503 – 27 Green Street (Rear portion of the lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052503 – 27 Green Street (Front portion of the lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052511 – 23 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052529 – 21 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60734167 – 21 Green Street (Vacant lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052552 - 11 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60487857 – 11 Green Street (vacant lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052560 – 3 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052578 – 2-4 Tannery Road	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052586 – 6 Tannery Road	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.

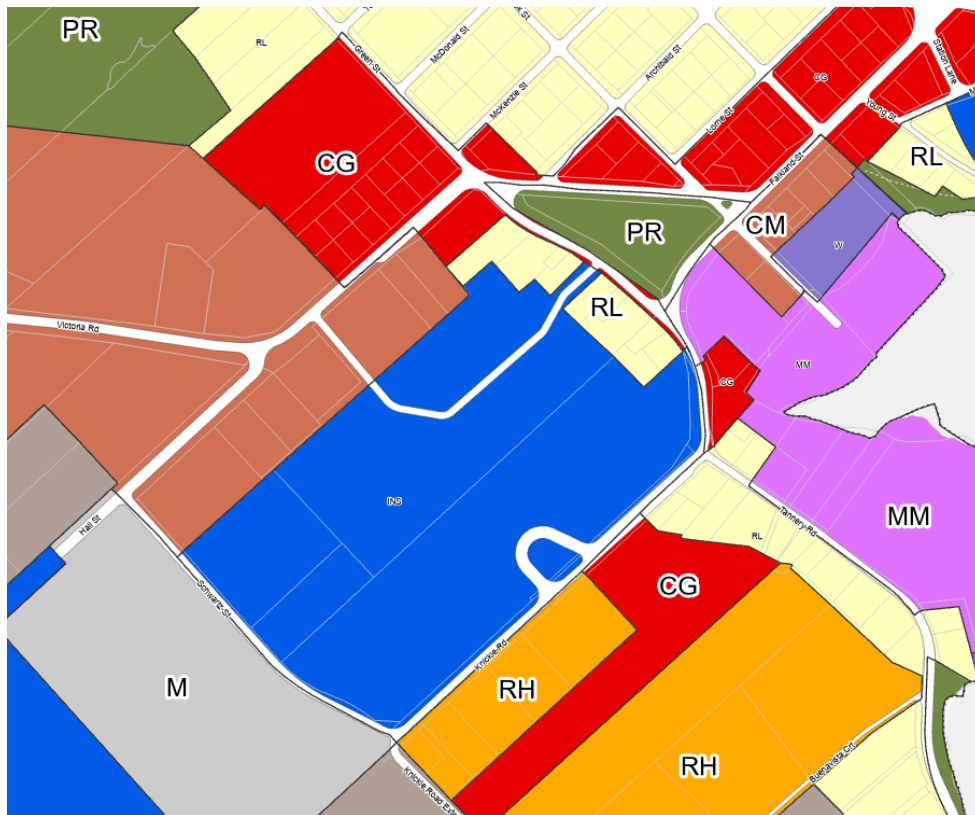
PID 60052594 – 8 Tannery Road

Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.

**Existing Use Zoning Map, Schedule "C":**



**Proposed Use Zoning Map, Schedule "C":**





**Attachment G**

**Review of Provincial Interest Statements and Lunenburg County Accessibility Plan**

<b>Provincial Interest Statements</b>	
<p>Statement 1: Drinking Water</p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>The proposed redesignation and rezoning of the subject lands will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed amendments.</p>
<p>Statement 2: Flood Risk Areas</p> <p>GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.</p>	<p>The proposed redesignation and rezoning will not have a direct impact on the Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and will not affect Provincial Interest Statement 2. The lands are located outside of the Flood Risk Area as identified on the Flood Risk Area Map.</p>
<p>Statement 3: Agricultural Land</p> <p>GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.</p>	<p>The proposed redesignation and rezoning of the subject lands will not affect Provincial Interest Statement 3.</p>
<p>Statement 4: Infrastructure</p> <p>GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>The proposed redesignation and rezoning will not affect Provincial Interest Statement 4. The redesignation and rezoning to “residential” is considered a less intensified use of land and should have less of an impact on Town infrastructure, with regards to water supply and wastewater disposal.</p>
<p>Statement 5: Housing</p> <p>GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>The proposed redesignation and rezoning are intended to reflect the existing uses and the “residential” flavour of this historic streetscape. Though one could argue that by removing the existing designation and zoning you are removing the possibility for the market to dictate the potential number of dwellings, as the General Commercial (CG) Use Zone permits unlimited number of dwellings. However, the proposed redesignation and rezoning will not affect any existing planned residential expansions. No development is being contemplated at this</p>

	<p>time. Each lot in the Lower Density Residential (RL) Use Zone may development up to three (3) dwellings per lot (two (2) main dwellings and one (1) accessory dwelling). The intensification of dwelling units in this area may still occur. In light of the above, the proposed redesignation and rezoning is considered to be not contrary to Provincial Statement 5.</p>

Review amendment through an accessible lens	
<p>Review amendment with a focus on equity, diversity, and inclusion.</p>	<p>This amendment is a redesignation and rezoning of the use of land and will not negatively impact issues pertaining to equity, diversity, and inclusion. One could argue that addressing the needs and wishes of the community to revert back to “residential” zoning provides a sense of fairness and inclusion in their ability to be heard and respected by Council and the community.</p>

**Subject:** Amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

**From:** Department of Community Development

**Date:** *August 21, 2024 – public participation meeting*  
*September 24, 2024 – first reading*  
*October 8, 2024 – public hearing and second reading*



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### **Recommendation**

That Council approve the second and final reading of the amended Municipal Planning Strategy, as presented in Attachment A, to ensure consistency between the Municipal Planning Strategy and the Old Town Lunenburg Heritage Conservation District Plan and By-law.

### **Alternatives**

- Refuse the application of the proposed amendments to the Municipal Planning Strategy (MPS)
- Defer a decision

### **Background**

On September 13, 2013, the Town’s Heritage Advisory Committee recommended the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law. On February 27, 2024, the Council approved the second reading of the HCD Plan and By-law.

Following Council’s adoption, Staff sent the new Plan and By-law to the Province for review. A provincial senior planner and Coordinator of the province’s Heritage Property Program recommended amending the Town’s Municipal Planning Strategy to reconcile it with the new Old Town Lunenburg Heritage Conservation District Plan and By-law. Staff consider this a housekeeping amendment to ensure consistency across the Town’s plans and by-laws.

The Planning Advisory Committee received an information memo on the proposed amendments July 31, 2024. At the August 21, 2024 meeting, a recommendation to Council was made that they amend the MPS following attachment A to make the MPS consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-Law.

### **Discussion**

#### **The Current Planning Context**

Sections 2.2.2 and 2.2.5 of the 2021 MPS are dedicated to ‘A Working Waterfront’ and ‘Living Heritage.’ These Sections do not need to be updated as they align with the new Old Town Lunenburg Heritage Conservation District Plan and By-law.

Section 5.3.1 of the MPS Section needs to be amended for the new Old Town Lunenburg Heritage Conservation District Plan and Bylaw to come into effect.

It states: *“In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.”*

Section 5.3.2 states *“Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.”*

The accompanying MPS policy is:

*Policy 5-4: Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.*

Now that a new Old Town Lunenburg Heritage Conservation District Plan and By-law has been adopted, this language should be updated.

### **Proposed Amendment**

The proposed amendment updates the Municipal Planning Strategy so it remains aligned with the Town’s planning context, namely the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law.

First, it removes references to ongoing and upcoming work now that this work is complete. It also updates Policy 5-4 so it uses the same language as Policy 47 in the Old Town Lunenburg Heritage Conservation District Plan and By-law.

*Policy 47: It is Council's policy to align this Plan and By-law with the Town of Lunenburg's Municipal Planning Strategy and Land Use By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.*

Staff feel the proposed amendments are administrative in that they do not materially change the intention of the Town’s Municipal Planning Strategy. The intent remains to conserve Old Town Lunenburg National Historic Site and Old Town Lunenburg World Heritage Site.

### **Strategic Plan Relevance**

- *Community Structure*: Direction regarding how the town will be structured and how land will be used.
- *Heritage*: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

### **Relevant Legislation**

The Municipal Government Act (MGA) outlines the required process for amendments to the Municipal Planning Strategy.

### **Financial**

There is no direct financial impact to the Town because of the proposed amendments other than advertising costs.

### **Communications**

In accordance with the Town's Planning Public Participation Policy, this meeting was advertised 14 days in advance in the newspaper, on the Town's website, and on social media. The advertisement was also shared with the Municipality of the District of Lunenburg. A public hearing will be held following receipt of the Planning Advisory Committee's recommendation.

### **Attachments**

- A. Proposed Amendment to Municipal Planning Strategy
- B. MPS Policy 6-22
- C. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

## Attachment A

### Proposed Amendment to Municipal Planning Strategy

Amend Section 5.3.1 to read *"In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary."*

Section 5.3.2 states *"Establishment of a Heritage Conservation District comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre 1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures."*

The accompanying policy is:

Policy 5-4: *Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.*

*align the Municipal Planning Strategy and Land Use By-law with the Old Town Lunenburg Heritage Conservation District Plan and By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.*

**Attachment B**  
**Municipal Planning Strategy Policy 6-22**

**6.6.2 Municipal Planning Strategy Amendments**

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

**Policy 6-22:** Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.

Staff Comments

The Municipal Planning Strategy can be amended occasionally, and Council may initiate an amendment arising from an internally identified need. The proposed amendment will follow the process outlined in the Municipal Government Act and the Town's Planning Public Participation Policy. The proposed is an amendment to create alignment across the Town's planning and heritage policies.

## Attachment C

### Review of Provincial Interest Statements and Lunenburg County Accessibility Plan

Provincial Interest Statements	
Statement 1: Drinking Water	
Goal: To protect the quality of drinking water within municipal water supply watersheds.	The proposed MPS amendment will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed amendments.
Statement 2: Flood Risk Areas	
GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	The proposed MPS amendment will not affect Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and will not affect Provincial Interest Statement 2.
Statement 3: Agricultural Land	
GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	The proposed MPS amendment will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure	
GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	The proposed MPS amendment will not affect Provincial Interest Statement 4.
Statement 5: Housing	
GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	The proposed MPS amendment will not affect Provincial Interest Statement 5.

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	
	This amendment will not negatively impact issues pertaining to equity, diversity, and inclusion.

**Subject:** Inspection Services Agreement – *Amendment Request*

**Prepared by:** Community Development Staff

**Date:** October 8, 2024



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## **Recommendation**

That Council accept the amended Inspection Services Agreement as presented in Attachment A.

## **Alternatives**

1. Reject the Inspection Services Agreement
2. Accept the Inspection Services Agreement with changes
3. Defer a decision

## **Background**

The Municipality of the District of Lunenburg (MODL) provides the Town of Lunenburg's building, fire, and dangerous and unsightly premises inspection services under a joint service agreement. Staff feel that partnering with MODL, Region of Queens Municipality, and the Town of Bridgewater ensures reliable, high-quality and consistent inspection services across the region at a reasonable rate, as presented April 23, 2024 ([Attachment B](#)).

On September 9, 2024, MODL staff shared the Region of Queens Municipality has requested a change to the agreement.

## **Discussion**

The only modification to the agreement is the addition of Clause 35A. This clause allows a partner to withdraw, with notice, if they disagree with a proposed budget. In such a case, the partner would not be required to contribute to the budget they do not support.

*35A) In the event that a Participating Municipality provides notice of withdrawal from this Agreement due to disagreement with any new costs, commitments, or liabilities introduced in the proposed capital or operating budget, the withdrawing Municipality shall not be liable for its proportionate share of such new costs, commitments, or liabilities for the upcoming fiscal year. Furthermore, the withdrawing Municipality shall not be responsible for any associated liabilities or commitments arising from the proposed capital or operating budgets, including but not limited to those specified in paragraph 5 of this Agreement. Moreover, it is expressly stipulated that the withdrawing Municipality shall forfeit any and all entitlements to benefits or advantages that may arise from the proposed capital or operating items.*

This clause empowers and protects each municipality equally.

### **Strategic Plan Relevance**

- Housing: Direction to support different types of housing development, tenant structures, and affordability.
- Community Structure: Direction regarding how the Town will be structured and how land will be used.

### **Financial**

Accepting the amended agreement has no immediate impact on the Town's budget.

### **Communications**

N/A.

### **Relevant Legislation**

- Nova Scotia Building Code Act
- Nova Scotia Fire Safety Act
- Nova Scotia Accessibility Act

### **Attachments**

Attachment A: Draft Inspection Services Agreement

Attachment B: [April 23, 2024, Inspection Services Agreement Memo](#)

Attachment C: 2024-2025 Calculation of Contributions

Attachment D: Town of Lunenburg Building Permit Fees

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_ 2024, is

BETWEEN

**Municipality of the District of Lunenburg**, a municipal body corporate

and

**Region of Queens Municipality, Town of Bridgewater, Town of Lunenburg**, municipal bodies corporate

(all parties hereinafter collectively referred to as the “Participating Municipalities”)

WHEREAS:

A. The Participating Municipalities may enter into agreements with each other for the provision of services within the respective municipalities pursuant to the provisions of s. 60 of the *Municipal Government Act, SNS 1998 c. 18* (“MGA”); and

B. The Participating Municipalities are desirous of, and have consented to, having the Municipality of the District of Lunenburg (“MODL”) provide building inspection services, fire inspection services and minimum standards by-law inspections within the participating Municipalities. The Participating Municipalities are also open to providing dangerous and unsightly premises inspection services as an optional service provided that the Participating Municipality requesting this optional service provides at least 90 days’ notice of its desire to opt into this service to the other Participating Municipalities.

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the promises and the mutual covenants hereinafter contained and in consideration of the payment of \$5 by each of the Participating Municipalities to the others, receipt of and sufficiency of which is acknowledged, the parties hereto agree as follows:

### **Definitions**

1. In this agreement, the following terms have the following meanings:

“Annual Operating Cost” means the annual cost to MODL of the Inspection Services.

“Building Bylaw” means a bylaw or bylaws adopted by any Participating Municipality to regulate building within its jurisdiction and as may be amended from time to time.

“Building Code” means the Nova Scotia Building Code established pursuant to the *Building Code Act, RSNS 1989 c. 46* and any Regulations issued thereunder.

“Building Official” means a qualified Building Official per the standards established by the Nova Scotia Building Code Training & Certification Board and who has been appointed by each of the Participating Municipalities as a Building Official for that Municipality.

“Fire Code” means the Nova Scotia Fire Code established pursuant to the *Fire Safety Act, SNS 2002 c. 6* and any Regulations issued thereunder.

“Fire Inspector” means an inspector who has been appointed by each of the Participating Municipalities as a municipal fire inspector pursuant to the provisions of the *Fire Safety Act, SNS 2002, c. 6*.

“Inspection Services Manager” means the Manager of the Inspection Services department at MODL.

“Inspection Services” means the duties to be completed by a Building Official or a Fire Inspector pursuant to this Agreement and includes only the following:

- i. Working with staff of the Participating Municipalities to administer and implement the relevant requirements of the *Municipal Government Act, Building Code Act* and *Fire Safety Act*;
- ii. Reviewing plans and applications for construction, repair and alteration of buildings and plumbing for conformance with the applicable Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code;
- iii. Issuing permits pursuant to the applicable Building Bylaw and the Building Code;
- iv. Inspecting permitted construction for compliance with the applicable Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code;
- v. Preparing inspection reports pursuant to the applicable Building Bylaw and Fire Code for submission to the applicable Participating Municipality;
- vi. Advising owners and contractors of construction corrections or changes that are required to comply with the applicable Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code, and inspecting to confirm corrections or changes have been made;
- vii. Issuing stop work orders or remediation orders pursuant to the applicable Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code;
- viii. Answering inquiries related to the applicable Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code;
- ix. Receiving complaints and coordinating investigations of potential infractions of the applicable Building Bylaw, Minimum Standards

Bylaw, Building Code, Fire Code and *Municipal Government Act* and following the applicable procedures and processes to ensure compliance with the applicable Building Bylaw, Building Code, Fire Code and Part XV of the *Municipal Government Act*;

x. Enforcing relevant provisions of the *Municipal Government Act*, Building Bylaw, Minimum Standards Bylaw, Building Code and Fire Code, including requesting inspections by other officials or public authorities as required;

xi. Making recommendations to the Council of the applicable Participating Municipality in cases of violations of the applicable Building Bylaw, Minimum Standards Bylaw, Building Code, Fire Code or Part XV of the *Municipal Government Act*;

xii. Working with bylaw enforcement officers of the applicable Participating Municipality, as required, to investigate, report and enforce contraventions of the applicable Building Bylaw, Minimum Standards Bylaw, Building Code, Fire Code or Part XV of the *Municipal Government Act*;

xiv. Submitting application review documentation, inspection reports and investigation reports to the applicable Participating Municipality, or to a central repository designated by MODL as may be applicable;

xv. Ensuring that documentation as required by the applicable Building Bylaw, Minimum Standards Bylaw, Building Code or Fire Code is obtained;

xvi. Submitting quarterly activity reports and other reports when requested, including appearing before Council of a Participating Municipality if necessary; and

xvii Using GPS to collect the building footprint of buildings under construction in support of the Participating Municipality's civic addressing program.

"Minimum Building Standards Bylaw" means a bylaw or bylaws adopted by any Participating Municipality to regulate minimum building standards within their jurisdiction and as may be amended from time to time.

## **Term**

2. This Agreement shall commence on the 1st day of September 2024 and the Agreement shall have an indefinite term, however, all Participating Municipalities agree that they shall engage in a review of the effectiveness of this Agreement and its terms every five years from the commencement date of the Agreement.

## **Termination and Withdrawal**

- 3.

- (a) A Participating Municipality may withdraw from this Agreement by providing written notice of its intention to withdraw to the other Participating Municipalities no later than 12 months prior to the fiscal year end for the Participating Municipalities. The Participating Municipality providing notice to withdraw from this Agreement will cease to be a Participating Municipality at 11:59 pm on the March 31<sup>st</sup> next-following the expiry of its 12 month notice of withdrawal.
  - (b) A Participating Municipality may withdraw from this Agreement “for cause” upon 6 month’s written notice to the other Participating Municipalities. “Cause” shall be defined as a material breach of this Agreement by any Participating Municipality which is not remedied within in a reasonable period of time, having regard to the nature and seriousness of the breach.
- 4. A Participating Municipality that withdraws from this Agreement shall not be entitled to receive any assets acquired by another Participating Municipality to provide the Inspection Services without the unanimous agreement of the remaining Participating Municipalities.
  - 5. A Participating Municipality that withdraws from this Agreement shall be liable to the remaining Participating Municipalities for all costs incurred as a result of its withdrawal, including but not limited to employee severance and equipment or vehicles lease obligations.

#### **Employment of Building Officials and Fire Inspectors**

- 6. Building Officials or Fire Inspectors employed by a Participating Municipality at the commencement of this Agreement will remain the employees of the respective Participating Municipalities unless the employment of a Building Official or Fire Inspector is altered by a subsequent agreement of the employer Participating Municipality and MODL.
- 7. Participating Municipalities shall place their Building Officials and Fire Inspectors with MODL for the provision of Inspection Services and MODL shall oversee the work performed by a Participating Municipality’s Building Officials or Fire Inspectors. MODL shall assign all work to be performed by, and shall be responsible for creating work schedules for, Building Officials or Fire Inspectors.
- 8. A Participating Municipality may enter into a Secondment Agreement with MODL to manage the employment relationship for Building Officials and Fire Inspectors, the terms of which shall be agreed upon by the employer Participating Municipality and MODL.
- 9. No employment relationship between a Building Official or Fire Inspector employed by a Participating Municipality (other than MODL) and MODL shall exist, be deemed to exist, or be created by this Agreement.
- 10. Nothing in this Agreement shall constitute, or be deemed or construed to create a partnership, joint venture, common employer, related employer or similar relationship between an employer Participating Municipality and MODL. No Party hereto shall be deemed to be the agent of another Party hereto by virtue of this Agreement, it being understood and agreed that an employer Participating Municipality and MODL are independent parties contracting for the Services. No Party hereto has, nor shall it hold itself out as having, any authority to enter into any contract or create any obligation or liability on behalf of another Party to this Agreement.

11. If any concerns arise with a Building Official or Fire Inspector placed with MODL by an employer Participating Municipality to perform Inspection Services, MODL will report the nature and details of the concerns to the employer Participating Municipality.
12. In the case of performance issues by a Building Official or Fire Inspector, the employer Participating Municipality will consult with MODL before issuing any disciplinary action against the employee. In the case of a complaint against a Building Official or Fire Inspector, in addition to notifying the employer Participating Municipality of the nature and details of the complaint, MODL shall be entitled to conduct its own investigation of the subject matter of the complaint in a manner which is reasonable and consistent with generally acceptable human resources practices. MODL may make recommendations to the employer of the Building Official or Fire Inspector who is the subject of the investigation and the employer Participating Municipality shall meet with officials from MODL to discuss necessary action to be taken to address MODL's concerns.
13. If MODL is not satisfied that the actions taken by the employer Participating Municipality are adequate to address any performance issues or complaints against the Building Official or Fire Inspector, MODL may refuse to use that Building Inspector or Fire Official to perform Inspection Services, either temporarily or permanently. All costs associated with a Building Official or Fire Inspector who is not performing Inspection Services shall be borne solely by the employer Participating Municipality, and will not be included in the calculation of Annual Operating Costs.
14. Participating Municipalities will only hire new Building Officials or Fire Inspectors to provide Inspection Services with the consent of MODL. In the event that a Participating Municipality hires or trains an employee to act as a Building Official or Fire Inspector without the consent of MODL, all costs associated with that employee, including training costs, will be borne by the Participating Municipality solely and will not be included in the calculation of Annual Operating Costs.
15. The Participating Municipalities agree that they will use best efforts to harmonize salary and benefit levels for Building Officials and Fire Inspectors, and the Participating Municipalities acknowledge that this provision will not be used to lower the salary or decrease benefits for a Building Official or Fire Inspector.
16. MODL shall maintain automobile insurance, as part of the Annual Operating Cost, on owned and/or leased vehicles which will be used by Building Officials and Fire Inspectors during the provision of the Inspection Services as required by the laws of Nova Scotia, and as required under any motor vehicle lease agreement.

#### **Administration of Inspection Services**

17. The Participating Municipalities acknowledge and agree that MODL is authorized to hire additional Building Officials or Fire Inspectors as required to effectively carry out the Inspection Services, including the hiring of employees who have yet to be qualified in either of those positions but who will be trained to meet the necessary qualification of a Building Official or Fire Inspector.
18. MODL will utilize the services of an Inspection Coordinator and at times the Director of Planning and Development to assist in the effective administration of the requirements of is Agreement.

### **Coordination of Bylaw and Administrative Provisions**

19. Each Participating Municipality will use a standard method of calculating building permit fees based on the value of construction and will make the necessary alteration to their bylaws or policies to effect this requirement.
20. The Participating Municipalities will work cooperatively to review and revise their bylaws, policies and administrative processes to provide for a consistent regime of Inspection Services and of administrative processes which support the Inspection Services, including the enforcement of Bylaws, the Building Code or Fire Code.

### **Records Retention**

21. The Participating Municipalities agree to the development of a common records retention policy in relation to the Inspection Services that will mandate the retention of all such records for a minimum period of 20 years. Each Participating Municipality agrees that they will comply with the common records retention policy and will maintain records created by it or maintained in its custody in accordance with that policy and the terms of this Agreement.
22. MODL shall maintain all records created by Building Officials and Fire Inspectors in compliance with the terms of the common records retention policy and the Participating Municipalities shall ensure that all such records are transferred to MODL for retention.

### **Provision of Inspection Services**

23. The Participating Municipalities agree and acknowledge that Inspection Services shall not include:
  - (a) Collecting fees;
  - (b) Receiving and processing permit and inspection applications;
  - (c) Booking inspections; and
  - (d) Reviewing applications or conducting inspections for compliance with any bylaws or regulations of the Participating Municipalities other than the Building Bylaw, Minimum Standards Bylaw, Building Code, Fire Code and Part XV of the *Municipal Government Act*.
24. MODL will make all reasonable efforts to meet the services standards set out in this Agreement. In the event that a Participating Municipality believes that MODL has failed to meet a service standard set out herein it shall provide notice to MODL and MODL shall be provided a reasonable time to meet the identified standard.
25. Building permit applications will be reviewed by Building Officials and a response provided to the applicant and Participating Municipality within 14 days of the Building Official receiving all information required by the relevant Building Bylaw.
26. Participating Municipalities shall utilize the software and protocols implemented by MODL to schedule inspections by Building Officials or Fire Inspectors.

27. Except in cases of an emergency related to dangerous premises inspections, MODL shall only dispatch Building Officials or Fire Inspectors during normal business hours.
28. MODL shall make all reasonable efforts to ensure that a Building Official, upon receiving a request for Inspection Services from a Participating Municipality, is dispatched to the Participating Municipality within three (3) business days.
29. MODL shall be under no obligation to dispatch the Building Official in response to requests for Inspection Services from Participating Municipalities in the order in which the requests are received. Inspections will be carried out in a manner that most effectively utilizes the resources administered under this Agreement giving regard to the service standards identified in clauses 23 to 28 herein.
30. In the event that a Participating Municipality is dissatisfied with the Inspection Services provided by a Building Official or Fire Inspector, the Participating Municipality shall provide written notice of its complaint, including any relevant details, to the Director of Planning and Development Services of MODL as soon as reasonably possible. Within 10 business days of receiving the complaint the Director of Planning and Development Services for MODL and the Inspection Services Manager shall meet with representatives of the complaining Participating Municipality to discuss its complaint and to determine an appropriate resolution to the complaint.

#### **Annual Costs**

31. MODL shall apportion the total Annual Operating Cost among the Participating Municipalities based on the following calculation:
  - (a) A “base charge” to cover overhead and administrative costs of providing the services outlined under this Agreement will be charged to each of the Participating Municipalities. Fifty percent of the base charge will be divided equally among the Participating Municipalities and the remaining fifty percent will be apportioned on the basis of the proportionate share of each Participating Municipality’s uniform assessment to the total uniform assessment for all Participating Municipalities based on the preceding year’s assessment records.
  - (b) the remainder of the Annual Operating Cost will be apportioned among the Participating Municipalities based on the proportionate number of inspections performed for each of the Participating Municipalities during the preceding year.
  - (c) Within 2 months of the end of each fiscal year MODL will conduct a review of the prior year’s actual operating costs and will reconcile the actual costs against the Annual Operating Cost contribution of each of the Participating Municipalities and report the results of the reconciliation to all Participating Municipalities. Participating Municipalities will then be invoiced for the shortfall in actual operating costs or provided a refund from its Annual Operating Cost contribution for the preceding year as determined by the reconciliation results.
32. If any Participating Municipalities withdraw from this Agreement pursuant to section 3, MODL shall apportion the Annual Cost between the remaining Participating Municipalities pursuant to the cost formula outlined in section 31 for the duration of the term of this Agreement.

33. MODL shall deliver an annual invoice to each Participating Municipality no later than May 31 of each year during the term of this Agreement for Annual Operating Cost.
34. The Participating Municipalities shall pay the amount of the annual invoice to the MODL no later than June 30 of the year in which the annual invoice was issued.
35. Each year during the term of this Agreement MODL shall provide to the Participating Municipalities a capital budget for providing the Inspection Services for the upcoming fiscal year. The capital budget shall be shared by MODL to the Participating Municipalities on or before January 15<sup>th</sup>. The capital budget shall be apportioned among the Participating Municipalities for each year on the same basis as the Annual Operating Cost per the number of inspections. Eligible capital costs shall include the acquisition of equipment, vehicles, computer hardware and software necessary to carry out the Inspection Services.
- 35A) In the event that a Participating Municipality provides notice of withdrawal from this Agreement due to disagreement with any new costs, commitments, or liabilities introduced in the proposed capital or operating budget, the withdrawing Municipality shall not be liable for its proportionate share of such new costs, commitments, or liabilities for the upcoming fiscal year. Furthermore, the withdrawing Municipality shall not be responsible for any associated liabilities or commitments arising from the proposed capital or operating budgets, including but not limited to those specified in paragraph 5 of this Agreement. Moreover, it is expressly stipulated that the withdrawing Municipality shall forfeit any and all entitlements to benefits or advantages that may arise from the proposed capital or operating items.
36. The Participating Municipalities agree that all costs associated with the enforcement or prosecution of violations of an applicable Building Bylaw, Building Code, Fire Code or Part XV of the *Municipal Government Act* shall be incurred solely by the Participating Municipality which is commencing the enforcement or prosecution activity.

### **Annual Review**

37. MODL shall provide each Participating Municipality with a written review of the funding model and Annual Operating Cost, including a report on how the Annual Operating Cost was expended, no later than October 31 of each year. The written review shall include the estimated Annual Cost for the following fiscal year, including the proposed percentage breakdown between base costs and operating costs

### **Insurance**

38. The Participating Municipalities shall, at their own cost, procure and maintain a comprehensive general liability policy.
39. MODL shall be added as an additional insured to the respective liability insurance policy of each Participating Municipality in relation to the inspection services provided under the terms of this Agreement.
40. Each Participating Municipality shall provide the MODL with written confirmation, annually by May 31 of each year, that MODL is added as an additional insured on its policies of insurance as required by section 39.

### **Indemnification**

41. MODL shall indemnify and hold harmless a Participating Municipality (other than MODL) its Council, inspectors, agents and employees from all actions, claims, demands, losses, costs (including legal costs), damage, causes of action, negligence, or any other legal consequence, including damages (collectively referred to as "claims"), arising from MODL's actions, errors, omissions, misconduct and/or violations, in relation to its participation in this Agreement.
42. A Participating Municipality shall indemnify and hold harmless MODL, its Council, inspectors, agents and employees from all actions, claims, demands, losses, costs (including legal costs), damage, causes of action including wrongful dismissal or other employment-based claims, negligence, or any other legal consequence, including damages (collectively referred to as "claims"), arising from the Participating Municipality's actions, errors, omissions, misconduct and/or violations, in relation to its participation in this Agreement.

### **Survival of Provisions Following Termination**

43. The Terms of sections 21, 22, 49 and 50 dealing with Records Retention and Indemnification, and the obligations set out therein, shall survive any termination of this Agreement, whether by one or more parties, and each shall continue to bind the Participating Municipalities.

### **Freedom of Information and Protection of Privacy**

44. The Participating Municipalities acknowledge and agree that the printed, electronic and other records produced by Building Officials or Fire Inspectors for the purpose of or in connection with the provision of Inspection Services are to be submitted to the Participating Municipalities for their records and as such, are under the custody and control of the Participating Municipalities and governed by the Freedom of Information and Protection of Privacy provisions of the *Municipal Government Act*.

### **Dispute Resolution**

45. In the event of any dispute or disagreement arising from the interpretation or application of this Agreement, or in the event of any breach or alleged breach by any party, written notice shall be provided by any party to the other parties describing the nature of the breach or alleged breach, or the disagreement or dispute. In the event that such notice is given, the parties shall:
  - (a) immediately proceed to negotiate in good faith to resolve the matter to the mutual satisfaction of both parties; and
  - (b) if a resolution satisfactory to both parties is not achieved within sixty (60) days of the first written notice being delivered to the parties, then any party may serve a second written notice upon the other parties that the matter is to be referred to binding arbitration pursuant to the provision of the *Commercial Arbitration Act, SNS 1999, c. 5*.

### **General**

46. Time shall be of the essence in this Agreement.

47. Any notice required to be provided under this Agreement shall be provided by registered letter, to the address indicated at the beginning of this Agreement and any such notice will be deemed to have been delivered on the second business day following that on which it was mailed.
48. An amendment to this Agreement is only valid if it is in writing and executed by all parties.
49. This Agreement shall not be assigned by any party hereto except with the prior written consent of the others, which consent shall not be unreasonably withheld.
50. This Agreement enures to the benefit of and is binding upon the parties, their respective successors and permitted assigns. The waiver by any party of any failure on the part of any other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
51. The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope of meaning of this Agreement or any provision of it.
52. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine of the body corporate or politic as the context so requires.
53. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
54. If any term of this Agreement is held to be invalid or illegal or unenforceable by a court having the jurisdiction to do so, that term is to be considered to have been severed from the rest of this Agreement, and the rest of this Agreement remains in force unaffected by that holding or by the severance of that term.
55. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of Nova Scotia.
56. Any reference in this Agreement to an enactment, statute, regulation or order of the Province of Nova Scotia, or the Government of Canada, means such enactment, statute, regulation or order as same may be amended, replaced or re-enacted from time to time.

[signature page to follow]

IN WITNESS WHEREOF the parties have executed this Agreement this \_\_\_\_ day of \_\_\_\_\_ 2024.

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**REGION OF QUEENS MUNICIPALITY**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**TOWN OF BRIDGEWATER**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**TOWN OF LUNENBURG**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**CALCULATION OF CONTRIBUTIONS FOR SHARED INSPECTION SERVICES**

2024-03-07

	MODL	%	RQM	%	TOB	%	TOL	%	TOTAL		
<b>BUDGET</b> (current year)											
<b>DIRECT EXPENSES</b>	\$ 828,398		\$ 180,646		\$ 99,129		\$ -		\$ 1,108,173		
<b>INSPECTIONS</b> % of inspections (previous year) 2022-2023	2493	59.4%	910	21.7%	624	14.9%	173	4.1%	4200	1	100.0%
<b>Share of all direct costs</b> (based on inspections)	\$ 657,780		\$ 240,104		\$ 164,643		\$ 45,646		\$ 1,108,173		
<b>BUDGET OVERHEADS</b>	\$ 131,100		\$ 29,478		\$ 15,900		0		\$ 176,478		
<i>Equal share contribution</i> 50%	\$ 22,060		\$ 22,060		\$ 22,060		\$ 22,060		\$ 88,239		
<i>UA contribution</i> 50%	\$ 51,922		\$ 18,104		\$ 12,855		\$ 5,358		\$ 88,239		
<b>Share of overhead costs</b>	\$ 73,982		\$ 40,164		\$ 34,914		\$ 27,417		\$ 176,478		
<b>TOTAL SHARE of Operating COSTS</b>	\$ 731,762		\$ 280,268		\$ 199,557		\$ 73,063		\$ 1,284,651		
<i>less direct costs paid</i>	\$ 828,398		\$ 180,646		\$ 99,129		\$ -		\$ 1,108,173		
<i>less overhead expenses incurred</i>	\$ 131,100		\$ 29,478		\$ 15,900		\$ -		\$ 176,478		
<b>Net amount owing to lead agency (Operating)</b>	\$ (227,736)		\$ 70,145		\$ 84,528		\$ 73,063		\$ -		
<b>Capital Contribution owing to lead agency</b>	\$ (78,002)	\$ (17,037)	\$36,735	\$ 4,235	\$32,309	\$ 10,024	\$8,958	\$ 2,779			
<b>Grand Total</b>	\$ (305,738)	\$ (244,773)	\$ 106,879	\$ 74,380	\$ 116,838	\$ 94,552	\$ 82,021	\$ 75,842			
UA (\$\$ millions) 2022-2023	2888	58.8%	1007	20.5%	715	14.6%	298	6.1%	4908	1	

Inputs required:

Uniform Assessment

Budget information: Direct expenses and overheads from both lead agency and participating municipal units

Inspections data from previous year

Regional Building Services  
Capital Assets

Unit	Year	Make	Model	Total cost after HST rebate	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2030
MODL	2016	FORD	ESCAPE	\$ 25,571.91	\$ 3,653.13							
MODL	2019	JEEP	CHEROKEE	\$ 34,680.87	\$ 4,954.41	\$ 4,954.41	\$ 4,954.41	\$ 4,954.41				
MODL	2019	JEEP	CHEROKEE	\$ 34,680.87	\$ 4,954.41	\$ 4,954.41	\$ 4,954.41	\$ 4,954.41				
MODL	2021	FORD	MUSTANG MACH-E	\$ 71,984.20	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46	\$ 10,283.46
MODL	2022	VOLVO (1)	XC40	\$ 83,120.15	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31	\$ 11,874.31
MODL	2022	VOLVO (2)	XC40	\$ 73,069.97		\$ 10,438.57	\$ 10,438.57	\$ 10,438.57	\$ 10,438.57	\$ 10,438.57	\$ 10,438.57	\$ 10,438.57
MODL	2023	FORD	F-150 LIGHTNING	\$ 102,052.05		\$ 14,578.86	\$ 14,578.86	\$ 14,578.86	\$ 14,578.86	\$ 14,578.86	\$ 14,578.86	\$ 14,578.86
Queens	2018	CHEVROLET	COLORADO	\$ 38,267.90	\$ 5,466.84	\$ 5,466.84	\$ 5,466.84	\$ 5,466.84				
Queens	2021	Subaru	Cross Trek	\$ 34,415.70		\$ 4,916.53	\$ 4,916.53	\$ 4,916.53	\$ 4,916.53	\$ 4,916.53	\$ 4,916.53	\$ 4,916.53
MODL	New Permit Tracking System			\$ 150,000.00			\$ 150,000.00					

\* Full HST amount on invoice

Total		\$ 217,467.39	\$ 67,467.39
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**Capital Contribution**

MODL	\$ 207,084.02
Queens	\$ 10,383.37

Unit	Percent Share	Share of Capital	Capital Contribution	Balance
MODL	59.4%	\$ 129,082.43	\$ 207,084.02	\$ (78,001.59)
Queens	21.7%	\$ 47,117.93	\$ 10,383.37	\$ 36,734.56
TOB	14.9%	\$ 32,309.44		\$ 32,309.44
TOL	4.1%	\$ 8,957.59		\$ 8,957.59
<b>Total</b>	<b>100.0%</b>	<b>\$ 217,467.39</b>		<b>\$ -</b>

## Attachment D: Town of Lunenburg Building Permit Fees

### **APPLICATION FEES**

#### BUILDING/OCCUPANCY PERMIT:

Construction Value (materials and labour) \$ \_\_\_\_\_ X 0.002 = \$ \_\_\_\_\_ + \$60.90 = Total Permit fee \$ \_\_\_\_\_

#### BUILDING/OCCUPANCY PERMIT (DECK AND STAIRS ONLY):

Construction Value (materials and labour) \$ \_\_\_\_\_ X 0.002 = \$ \_\_\_\_\_ + \$30.50 = Total Permit fee \$ \_\_\_\_\_

TEMPORARY BUILDING/OCCUPANCY PERMIT: \$45.70

BUILDING PERMIT RENEWAL: \$15.40

DEMOLITION PERMIT: \$30.50

## REQUEST FOR DIRECTION

**Subject:** Sustainable Infrastructure Grant Program Evaluation & Delivery Framework

**Prepared by:** Community Development Staff

**Date:** October 8, 2024

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### Recommendation

That Council provide direction on a Sustainable Infrastructure Fund Evaluation Framework.

### Alternatives

1. Provide no further direction at this time.

### Background

Staff seek Council's input on which metrics should be used to evaluate applications to a Sustainable Infrastructure Grant Program and how much weight each metric should carry in the overall assessment. Staff will incorporate Council's feedback into draft program guidelines, including evaluation framework and funding agreement, and present them for formal approval at a future meeting.

The development of a robust and comprehensive evaluation framework for the Sustainable Infrastructure Fund is critical to ensure the Town's resources are allocated to projects that will have the greatest positive impact. To safeguard the Town's investment and ensure that projects meet their housing commitments, Council could consider outlining specific conditions that could lead to a reduction or revocation of funding.

### Discussion

#### **Additional Background Information**

On August 8, 2023, Council approved six housing initiatives through an application to the Canadian Mortgage and Housing Corporation's Housing Accelerator Fund (HAF), including a new Sustainable Infrastructure Grant Program. This program should encourage cost-sharing between the public and private sectors, facilitating municipal infrastructure extension and maintaining high-quality servicing without excessive costs. The hope is that developers will be attracted by a transparent, efficient and well-funded program and that housing projects will be expedited. On April 23, 2024, Council directed staff to revise the Street Extension Policy and create a Sustainable Infrastructure Fund in 2024/25.

The [Street Services Extension Policy](#) (Attachment A) was initially crafted to bolster housing growth areas. However, no application forms or other guidance on collecting information to assess applications for 'Clear Benefit for Public Investment,' as stipulated in the Street Services Extension Policy have been created, hindering assessment. Council also has not established

conditions successful applicants would need to meet to receive or retain Town funds, such as following through on stated development goals like providing housing.

### **Evaluation Criteria**

Given that the goal of the Sustainable Infrastructure Grant Program is to accelerate housing development, staff propose the following considerations for evaluating how effectively an application supports housing construction.

- **Number of Housing Units**: The number of housing units the project guarantees to deliver, both immediately and over a specified time frame.
- **Type of Housing**: The variety of housing types (e.g., affordable, mixed-income, rental, single-family homes) and how these meet community needs.
- **Timeline for Completion**: A clear timeline for the commencement and completion of housing construction. Projects with shorter construction timelines may be prioritized.
- **Land Made Developable**: The amount of land the project makes available for housing, particularly land that was previously undevelopable due to a lack of servicing.
- **Residential Growth Areas**: Whether the project is in one of the Town's Residential Growth Areas identified in the Comprehensive Community Plan (Attachment B).

Additional metrics could be incorporated into the program. Staff are seeking Council's direction on these and any additional or alternative metrics Council may propose.

- **Cost-Effectiveness**: The projected long-term cost savings for the Town, such as reduced maintenance costs due to sustainable infrastructure, relative to the number of housing units delivered.
- **Energy Efficiency**: Implementation of energy-efficient technologies.
- **Climate Resilience**: Ability of the project to withstand or mitigate climate-related risks (e.g., flooding, extreme weather).
- **Planning and Permitting Status**: Whether the necessary permits and approvals are in place to move forward.
- **Funding Leverage**: The ability of the applicant to match the Town's investment or secure additional sources of funding
- **Timeline and Phasing**: A realistic project timeline, including milestones for construction and completion.
- **Affordability and Accessibility Targets**: The extent to which the project ensures equitable access to housing for low-income residents, seniors, and people with disabilities.
- **Applicant's Track Record**: The applicant's history of delivering housing projects on time and within budget.

### **Funding Withdrawal Conditions**

To protect the Town's investment and ensure projects deliver the promised housing units, it is crucial to establish clear conditions under which funding may be withdrawn or reduced. Staff propose the following scenarios as potential triggers for reducing or revoking funding:

- Failure to Meet Timeline Requirements: A project that fails to commence construction within a specified timeframe (e.g., 12 months) from receiving funding approval could be subject to reduced or revoked funding.
- Non-compliance with Reporting Obligations: Recipients must submit regular progress reports detailing financial expenditures, construction milestones, and outcomes achieved. Failure to provide adequate or timely reporting could result in a suspension or reduction of funding.
- Change in Project Scope: If the nature or scope of a project significantly changes after funding approval, resulting in a reduced sustainability impact or altered objectives, Council may consider reducing or rescinding the funding.

### **Strategic Plan Relevance**

- Housing: Direction to support different types of housing development, tenant structures, and affordability.
- Community Structure: Direction regarding how the Town will be structured and how land will be used.

### **Financial**

A new sustainable infrastructure fund would not impact the Town's 2024/25 operating or capital budget.

### **Communications**

N/A.

### **Relevant Legislation**

Nova Scotia Municipal Government Act

### **Attachments**

Attachment A: [Street Services Extension Policy](#)

Attachment B: Comprehensive Community Plan Residential Growth Areas

## Attachment B: Comprehensive Community Plan Residential Growth Areas



G= Gentle Density  
M= Medium Density  
H= High Density

**Subject:** Potable Water Quality Test Results: April to June 2024  
**From:** Tyson Joyce, Director of Public Works  
**Date:** August 9, 2024

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## Recommendation

This is an information report. No decision of Council is required.

## Background

The Nova Scotia Environment and Climate Change (NSECC) Approval documents to operate for the Water Treatment Plant (WTP) require that certain tests be carried out to verify the quality of treated potable water. There are also Federal testing standards that must be followed. Routine testing is conducted in the Town of Lunenburg (TOL) lab at the WTP, and independently by accredited laboratories to determine compliance levels with both the Provincial and Federal standards. If any test result exceeds the standards, then explanations are provided. This report provides a monthly summary of these results.

The timing of this document follows from the testing schedule at the WTP, which is performed on a quarterly cycle. The next Council report will be prepared at the end of the next quarter.

At the end of each year an annual report is also prepared for the WTP and filed with the Provincial and Federal governments.

## Discussion

### 1.0 Water Quality

The TOL waster system operates according to two Nova Scotia Environment Approvals:

- Approval for Operation – Water Treatment Facility (Approval #2010-071794-02)
  - Updated Approval to Operate effective May 4, 2022
- Approval to Withdraw Water – Dares Lake (Approval #2011-079411-01)

The Approval to Operate document requires the following water quality sampling:

- Weekly total coliform and fecal coliform tests for water entering the distribution system and various water distribution system sample points (maximum none/100 mL).
- Quarterly tests for Manganese (maximum 0.12 mg/L).
- Quarterly tests for disinfection by-products:
  - Trihalomethanes (maximum 0.1 mg/L).
  - Haloacetic acids (maximum 0.08 mg/L).

- Lead and Copper testing performed in accordance with the “Requirements for Lead and Copper Management Municipal Public Drinking Water Supplies” which requires 10 samples taken between May 1<sup>st</sup> and September 30<sup>th</sup> each year (maximum of 0.005 mg/L).
- Turbidity measured continuously at each filtration unit shall not exceed 0.1 NTU 99% of the time and shall not exceed 0.3 NTU at any time.
- Chlorine residual must be between 0.2-4.0 mg/L measured continuously.
- The Province can also request virus testing for *Giardia* and *Cryptosporidium* at any time. Treatment efficiencies are required to meet:
  - 3-log reduction (99.9%) of *Giardia* and *Cryptosporidium*.
  - 4-log reduction (99.9%) of viruses.
- Treatment must also limit corrosion of water distribution and/or plumbing systems and reduce odors.

Federal Guidelines for Monitoring Public Drinking Water Supplies require annual testing of raw water and treated water for compliance. A more in-depth assessment is required every five years.

## Results

From April to June 2024, all weekly, monthly, and quarterly regulatory testing and in-house daily testing complied with the Approval requirements.

The following table summarizes the sampling results for this quarter, including parameters identified in the Approval to Operate. This table reports periodic turbidity and chlorine residual testing, but not continuous testing. Turbidity and chlorine residual are continuously monitored and recorded on the WTP Supervisory Control and Data Acquisition (SCADA) system. There are safeguards in place that automatically raise alarms for the operator and shut down equipment when the required conditions are not met.

Parameter Tested	Approval Limit	Exceeded Approval Limit
Lead	<0.005 mg/L	None
Manganese	<0.12 mg/L	None
Trihalomethanes	<0.1 mg/L	None
Haloacetic Acids	<0.08 mg/L	None
Turbidity	<0.1 NTU 99% of the time, and not to exceed 0.3 NTU	None
Chlorine Residual	0.2-4.0 mg/L	None
Total Coliforms	None/100 mL	None
Fecal Coliforms	None/100 mL	None
Comment: None		

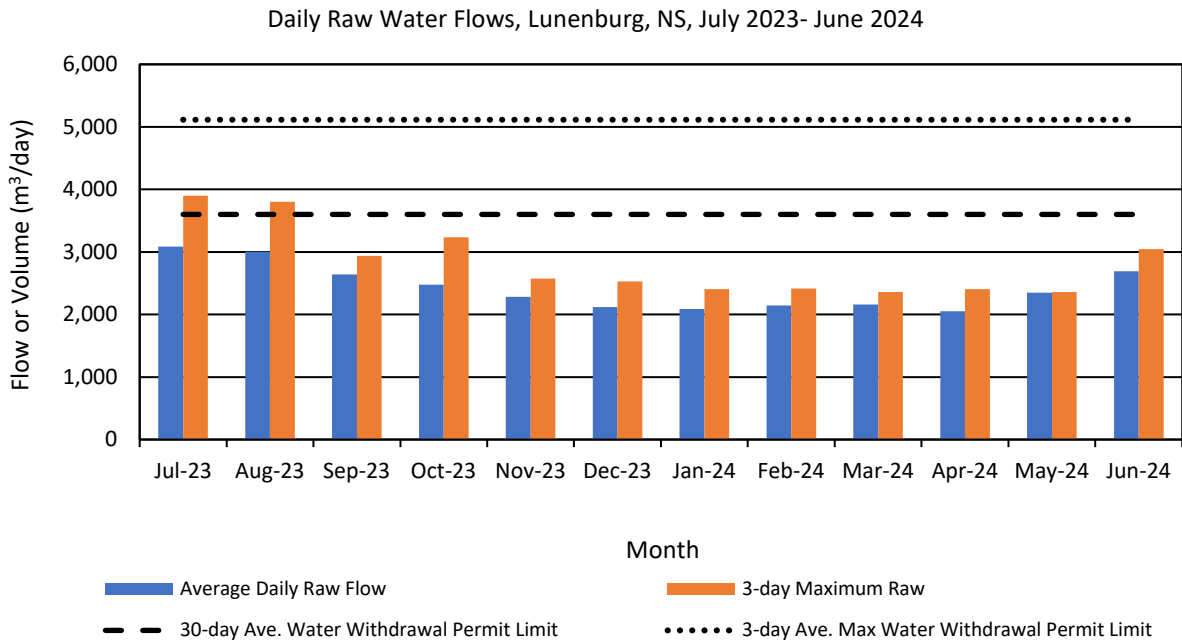
## 2.0 Raw and Treated Water Flows

The WTP withdraws water from Dares Lake and can withdraw water at a rate outlined in the Approval to Withdraw Water. The approved rates of withdrawal as of July 31, 2022, are as follows:

- Average rate of withdrawal: 3,600,000 L/day (averaged over 30 days).
- Maximum rate of withdrawal: 5,114,000 L/day (averaged over 3 days).

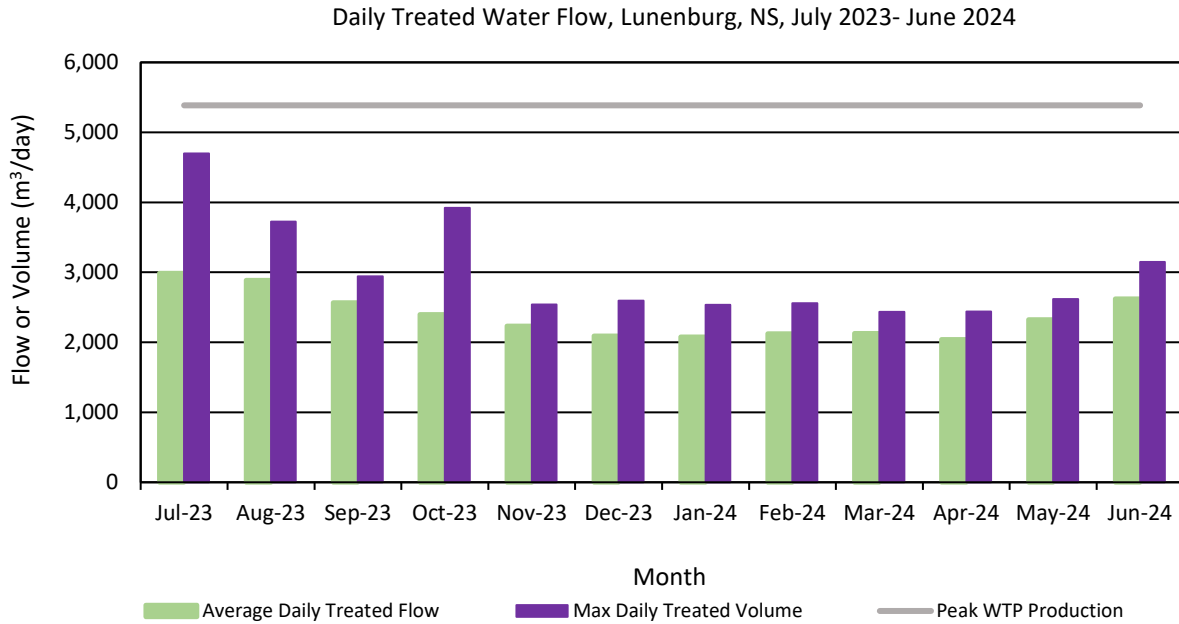
Average and Maximum Daily Flow of Raw Water:

The following graph shows the historical monthly flows and the 3-day maximum flows for the raw water entering the WTP over the past year, inclusive of this quarter:



Average and Maximum Daily Flow of Treated Water:

The following graph shows the historical average daily flows and the maximum daily flow for the treated water from the WTP over the past year, inclusive of this quarter:



**Results**

The average daily raw water flow did not exceed the 30-day average Water Withdrawal Permit Limit during this quarter.

The 3-day maximum average withdrawal limit was not exceeded this quarter.

The treated water flow did not exceed the peak production rate within this quarter.

**3.0 Water Main Breaks and Repairs:**

There were three leaks reported in this quarter, which are detailed in the following table:

Month	Date	Street	Address or Block	Problem or Cause
April	9	Green Street	140 Churchill	Leak identified in 3/4" service line. Repaired April 17. When digging to locate the main, the 8" plastic main on Green St was hit and needed to be repaired. The section that was hit was removed and replaced with PVC DR 18.
April	20	Northwest Rd	252	Leak identified in 8" line. The section of break was replaced.
June	13	Wolff	219	Leak identified in hydrant valve due to rusted bolts which were removed and replaced.

#### 4.0 Complaints

The complaints reported this quarter are detailed in the following table:

Month	Date	Street	Address or Block	Problem or Cause
June	11	Masons Beach Rd	252	Black substance identified within residence water fixture. Further investigation into possible causes is required.
June	26	Lawrence St	206	Follow up correspondence for complaint filed February 25, 2024, which was resolved on March 4, 2024.

#### Strategic Plan Relevance

Strategic Planning Goal #3. A. (a.) of the Town’s Strategic Plan is to “Champion opportunities for our community’s health and well-being by ... Protecting our natural environment ... Continue to provide solid waste management, sewage treatment and high-quality water to all of our residents”.

#### Relevant Legislation/Approvals

The TOL water system operates according to two Nova Scotia Environment Approvals:

- Approval for Operation – Water Treatment Facility (Approval # 2010-071794-02)
- Approval to Withdraw Water – Dares Lake (Approval # 2011-079411-01)

#### Financial

Funds are included in the WTP operating budget to pay for these water quality tests.

**Subject:** Wastewater Quality Test Results: April to June 2024  
**From:** Tyson Joyce, Director of Public Works  
**Date:** September 27, 2024

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## **Recommendation**

This is an information report. No decision of Council is required.

## **Background**

The Nova Scotia Environment “Approval” documents to operate for the Wastewater Treatment Plant (Class II wastewater treatment facility) require that certain tests be carried out to verify the quality of treated wastewater at the plant. There are also Federal testing standards that must also be followed. Routine testing is conducted both in the Town of Lunenburg (TOL) labs at the WWTP and independently by accredited laboratories to determine compliance levels with both the Provincial and Federal standards. If any test result exceeds the standards, then explanations are provided. This report provides a monthly and quarterly summary of these results.

The timing of this document follows from the testing schedule at the WWTP, which is performed on a quarterly cycle. The next Council report will be prepared at the end of the next quarter.

At the end of each year an annual report is also prepared for the treatment plant and filed with the Provincial and Federal governments.

## **Discussion**

The Lunenburg WWTP was issued an amended Approval to Operate by Nova Scotia Environment and Climate Change (NSECC) in 2023. The requirements of this Approval, as well as the Federal Requirements are summarized in the following tables:

**Provincial Approval 2012-082710-03 Testing Requirements**

<p>Treated wastewater must be tested a minimum of five times per month (once per week) for:</p> <ul style="list-style-type: none"> <li>• Carbonaceous Biochemical Oxygen Demand (CBOD, maximum 20 mg/L)</li> <li>• Suspended Solids (SS, maximum 20 mg/L)</li> <li>• <i>E. coli</i> (maximum 1000 counts/100 mL)</li> <li>• pH (acceptable pH is in the range 6.0 - 9.0)</li> </ul>
<ul style="list-style-type: none"> <li>• The facility is considered to be in “compliance with the treated effluent discharge criteria if the average value calculated for the averaging period meets the specified limits. All average residuals shall be the arithmetic mean with the exception of <i>E. coli</i>, which shall be the geometric mean.” The averaging period is defined as quarterly.</li> </ul>

**Federal Wastewater Systems Effluent Regulations Testing Requirements**

<p>Treated wastewater must be tested every two weeks for:</p> <ul style="list-style-type: none"> <li>• Carbonaceous Biochemical Oxygen Demand (CBOD maximum 25 mg/L)</li> <li>• Total Suspended Solids (TSS maximum 25 mg/L)</li> <li>• Un-ionized ammonia (maximum 1.25 mg/L) and</li> <li>• pH (between 5.5 - 9.5)</li> </ul>
<ul style="list-style-type: none"> <li>• Acute Lethality Tests are mandated to be conducted quarterly. In this test, rainbow trout are used to determine if they can survive in wastewater effluent over a 96-hour period. According to the regulations, if four consecutive Acute Lethality Tests pass when taken quarterly (over a year), then the testing for acute lethality can be reduced to once per year. The WWTP is currently on the reduced program of one lethality test per year.</li> </ul>

**Results**

The required number of tests per month for CBOD, SS, *E. coli* and pH were carried out, and all pH tests were within the required ranges.

Quarterly Averages:

Quarterly averages for this reporting period are summarized in the following table. As per the Approval, an arithmetic mean is used for CBOD and SS, and a geometric mean is used for *E. coli*.

Quarter	Quarterly Average		
	CBOD (20 mg/L)	TSS (20 mg/L)	<i>E. coli</i> (1000 counts/100 mL)
Qtr. 1 2024	6.7	8.6	243

All CBOD and TSS test results met the Provincial and Federal requirements this quarter. *E. coli* test results were above the Provincial requirements in four instances this quarter ranging from 1,100 to 2,500 counts/100mL. Nonetheless, on a quarterly basis, which is the basis for meeting the requirements in the Provincial Approval, *E. coli* test results met the Provincial requirements this quarter.

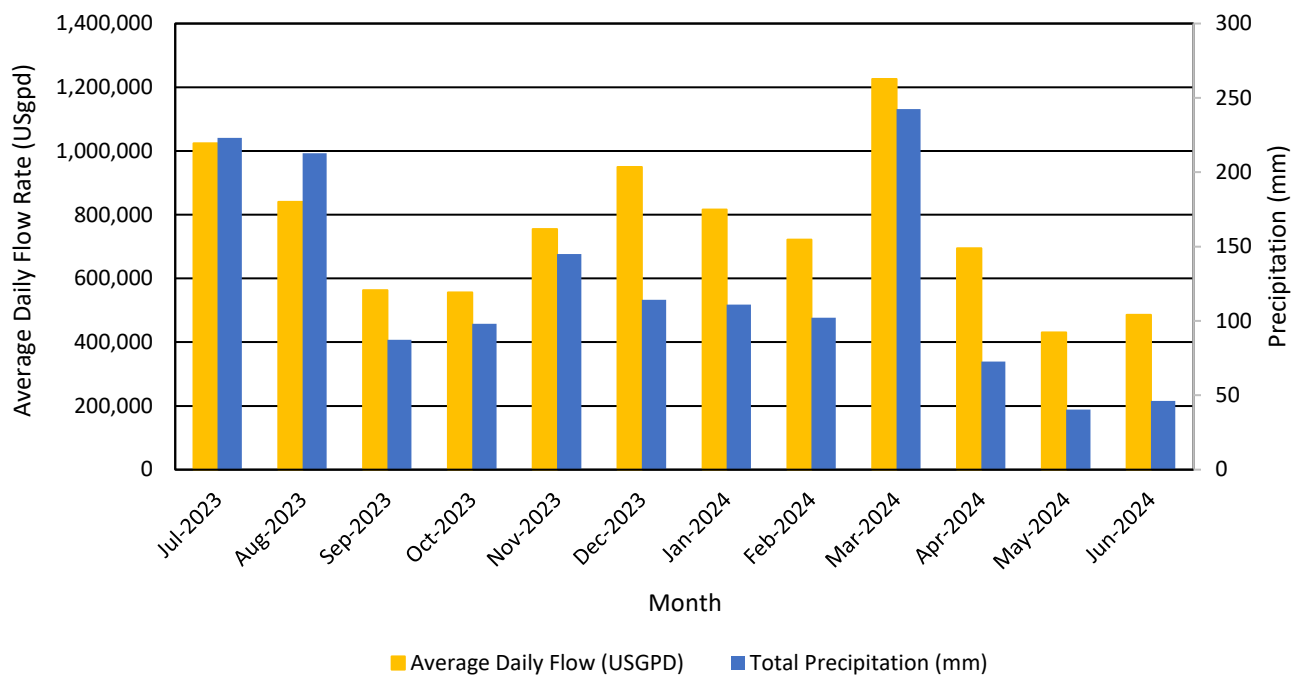
Lethality Testing:

According to the *Wastewater Systems Effluent Regulations* we are now only required to test for acute lethality yearly because the last six consecutive samples passed the test requirements. The next acute lethality test will be performed in November 2024.

Average Monthly Daily Flow of Wastewater with Total Monthly Precipitation:

The following graph shows the monthly flows for the wastewater treatment plant over the past year, along with the total monthly precipitation. Total precipitation data was taken from Western Head, Nova Scotia.

Average Daily Flow of Treated Wastewater, Lunenburg, NS,  
July 2023 – June 2024



Sewer Breaks and Repairs:

Nil

Complaints:

Nil

Overflows:

There was one overflow event reported this quarter, which is detailed in the following table:

Date	Lift Station	Address	Estimated Overflow (USg)	Problem or Cause
June 27-28, 2024	Tannery Road	103 Tannery Road	4,067	Mechanical failure.

**Strategic Plan Relevance**

Strategic Planning Goal #3. A. (a.) of the Town’s Strategic Plan is to “Champion opportunities for our community’s health and well-being by ... Protecting our natural environment ... Continue to provide solid waste management, sewage treatment and high-quality water to all of our residents”.

**Financial**

Funds are included in the Wastewater Treatment Plant operating budget to pay for these effluent quality tests.

**MOTION ACTION LIST**

TITLE	REQUESTED DATE	COUNCIL MOTION OR DESCRIPTION	RESPONSIBLE	TARGET DATE	STATUS & UPDATES
Community Grants Policy Amendment	Sept. 26, 2023	Amend the Community Grants Program Policy to add criteria for Lunenburg students needing extra funds for provincial or national recreational or cultural activities, allocating \$2,000 from the Community Grants Fund exclusively for qualifying student applicants.	Director of Finance / Recreation Manager	TBD	
Lunenburg RV Park and Campground Benefits	Sept. 26, 2023	CAO will seek detailed financial and community benefit reports from the Lunenburg Board of Trade about the Lunenburg RV Park and Campground.	CAO	To be completed after Economic Impact Study	
Marketing Levy By-law	Feb. 27, 2024	Bring forward a draft Marketing Levy By-law for first reading.	Community Development	TBD	
Short Term Housing Report	April 9, 2024	Prepare a comprehensive report on the Town's responsibilities and options concerning short-term housing. This report should address potential taxing and zoning options and an evaluation of both positive and negative impacts of short-term housing within TOL.	Community Development	To be completed after Economic Impact Study	
Sustainable Infrastructure Fund	April 23, 2024	Revise the Street Extension Policy and create a Sustainable Infrastructure Fund in 2024/25.	Community Development	Fall 2024	
NSUARB application to amend Regulation 5.14	April 23, 2024	Amend Electric Utility Regulations to include energy storage alongside renewable low-impact generators, limited to devices with a capacity of 27kW or less.	Finance	TBD	
Canada Housing Infrastructure Fund	April 23, 2024	Review the Canada Housing Infrastructure Fund for financing the next phase of the Town's stormwater/wastewater separation. If it aligns with the fund's criteria, submit an application.	Finance & Public Works	TBD	

Streets By-law Review	May 14, 2024	Review all by-laws and policies governing Town streets, including street rights-of-way, and prepare a report for Council.	Multi-departmental	Upon completion of Traffic and Parking Study	
Pest Control Measures	May 28, 2024	Draft regulations mandating pest control measures for all building demolitions within the Town of Lunenburg.	Community Development	TBD	
Municipal Archive	May 28, 2024	Explore the creation of a Municipal Archive.	Community Development/ Municipal Clerk	TBD	
Paid Parking Infrastructure	May 28, 2024	Prepare a report on paid parking infrastructure, which accepts various payment options for consideration in conjunction with the 2025/26 budget deliberations.	Multi-departmental	Upon completion of Traffic and Parking Study	
Property Standards/ Dangerous and Unsightly Policy	June 25, 2024 Sept. 3 COTW	Create a comprehensive property/ dangerous and unsightly by-law that also includes lawn standards, following the presentation of vegetation standards by-law to allow for lawn naturalization.  Sept. 3 direction: Develop a Dangerous and Unsightly Premises Policy that includes clear grass height restrictions; flexibility for lawn naturalization with appropriate safeguards against hazards; a refined definition of "unsightly"; reasonable compliance timelines, and provisions for the town to take remedial action if needed.	Municipal Clerk	Fall/Winter 2024	Council provided further direction on what they would like included in this policy at the Sept. 3 COTW
LUB Amendments: Main Street Form Zone	Aug. 13, 2024	Prepare a report with recommendations for revising the Land-Use By-law's Main Street Form Zone requirements, with the aim of encouraging more varied development within this zone	Community Development	TBD	
Public Submissions Policy	Sept. 10, 2024	Refer the draft Council Meeting Submissions and Public Input Policy to the incoming Council for its consideration.	Municipal Clerk	Fall/Winter 2024	