

COUNCIL MEETING MINUTES

TUESDAY, FEBRUARY 25, 2020 AT 5:15 P.M.

(LUNENBURG TOWN HALL)

PRESENT: Deputy Mayor John McGee
Councillor Ronnie Bachman
Councillor Danny Croft
Councillor Peter Mosher
Councillor Matt Risser

ALSO PRESENT: Patrick Burke, Q.C., Town Solicitor
Lisa Dagley, CPA, CGA, Finance Director
Arthur MacDonald, Heritage Manager
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer
Dawn Sutherland, Planning and Development Manager

ABSENT: Mayor Rachel Bailey
Councillor Joseph Carnevale

The Deputy Mayor called the meeting to order at 5:15 p.m.

1. Agenda

Motion: moved by Councillor Risser, seconded by Councillor Mosher to approve the agenda.
Motion carried.

2. February 11,13 and 19, 2020 Council meeting minutes

Motion: moved by Councillor Croft, seconded by Councillor Risser to approve the February 11, 13 and 19, 2020 minutes. Motion carried.

3. Public Hearings and Presentations

Nil.

4. Correspondence

- a. Request for Council to participate in the March Epilepsy Awareness Month and March 26 Purple Day

Motion: moved by Councillor Risser, seconded by Councillor Bachman to recognize March as Epilepsy Awareness Month and March 26, 2020 as Purple Day in the Town of Lunenburg.
Motion carried.

5. Committee Meeting Minutes and Recommendations

a. Active Transportation Committee minutes February 5, 2020

The minutes were provided to Council for information.

b. Planning Advisory Committee minutes February 10, 2020 – two recommendations

Motion: moved by Councillor Risser, seconded by Councillor Mosher first reading and sets a public hearing date of March 24, 2020 for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating six Tannery Road properties owned by ABCO (PIDs 60053188, 60053196, 60053204, 60053212, 60386018 and 606072839) from the Architectural Control Area (Schedule "A"). Motion carried.

Motion: moved by Councillor Risser, seconded by Councillor Croft first reading and sets a public hearing date of March 24, 2020 for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 owned by the Ameros (PID 60642741) from the Architectural Control Area (Schedule "B"). Motion carried.

c. Comprehensive Community Project Plan Steering Committee meeting notes February 12, 2020

The minutes were provided to Council for information.

d. Lunenburg War Memorial Community Centre Committee minutes February 12, 2020 – two recommendations

Motion: moved by Councillor Bachman, seconded by Councillor Croft that staff prepare a report assessing the Back Harbour Trail/Operational Plan document (Schedule "C"), including potential priorities and cost estimates. Motion carried.

Motion: moved by Councillor Bachman, seconded by Councillor Risser that Council approve the rescheduling of Recreation Committee meetings from every second month to quarterly and approve an amended Recreation Committee Terms of Reference (Schedule "D"). Motion carried.

It was noted that the Committee can hold additional meetings as requested by the Chair.

6. Unfinished Business

a. Corporate Services

i. Lunenburg Folk Harbour Society request for property tax exemption for the Lunenburg Opera House at 290 Lincoln Street

The Finance Director reviewed the staff report (Schedule "E"), which shows the financial impact of the request to the 2020/21 operating budget.

Motion: moved by Councillor Mosher, seconded by Councillor Risser to deny the Lunenburg Folk Harbour Society's request for tax relief until a suitable criteria can be put in place. Motion carried. Councillor Bachman voted in the negative.

Motion: moved by Councillor Risser, seconded by Councillor Croft that Council refer tax exemption to the General Government Committee as a policy discussion. Motion carried.

ii. Council remuneration and succession planning

The Assistant Municipal Clerk provided a summary of the staff report and recommendations (Schedule "F").

Motion: moved by Councillor Risser, seconded by Councillor Bachman that the issues of Council remuneration, potential barriers to elected office, and Council 2020 orientation training be referred to the next General Government Committee meeting for recommendation back to Council, which shall include potential amendments to Policy #56 Council and Committee Member Honourarium (Schedule "F"). Motion unanimously defeated.

iii. Draft 2020/21 Budget Council meeting reminders

- March 10 – Draft operating and capital budget review
- March 24 – Public presentation of draft operating and capital budget

7. New Business

a. Corporate Services

i. Councillor Carnevale request for a medical leave of absence from Council meeting attendance February 25 - April 21, 2020

Motion: moved by Councillor Mosher, seconded by Councillor Croft to approve Councillor Carnevale's request for a medical leave of absence from February 25 - April 21, 2020 (Schedule 'G'). Motion carried.

ii. Proposed review of policing services options

This item was deferred in the absence of Councillor Carnevale.

b. Public Works

i. January 2020 Water and Wastewater treatment test results

The report was provided to Council for information. Council requested that future reports be prepared in a comparative chart format including several months' data if possible.

8. Motion to meet in camera

Motion: moved by Councillor Risser, seconded by Councillor Bachman to meet in camera to consider Town land leases and sales and contract negotiations pursuant to section 22, Municipal Government Act. Motion carried.

5:49 p.m. – 6:45 p.m. – Council recessed to meet in camera.

9. Consideration of any Council in camera meeting recommendations

Council reconvened in public session at 6:45 p.m. with no recommendations to make.

10. Adjournment

Motion: moved Councillor Risser, seconded by Councillor Croft to adjourn the meeting.
Motion carried.

The meeting was adjourned at 6:46 p.m.

Bea Renton, CAO and
Heather McCallum, Assistant Municipal Clerk

Document No: 5 (a)
 Meeting: February 10, 2020
 Circulate To: PAC, BR, DS, HM
 File: PAC

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: FEBRUARY 6, 2020

**RE: PLANNING ADVISORY REPORT (ABCO)
 Proposed amendments to the Municipal Planning Strategy's Map 2
 Future Land Use Map to remove 6 properties (PIDs 60053188,
 60053196, 60053204, 60053212, 60386018, 606072839) from the
 Architectural Control Area along Tannery Road.
 (ABCO Industries Inc. application)**

Applicant	ABCO Industrial Holdings Limited, Jason Huskilson
Land Owner	ABCO Industrial Holdings Limited
Proposal	Application for MPS map amendments to remove 6 properties from the architectural control area along Tannery Road
Lot Area	Combined: ≈7.3748 acres/321 247 sq ft./ 29 844.8229 sq. metres
Designation	Industrial, Residential
Zone	Marine Industrial (MI), Residential (R)
Surrounding uses	residential, marine industrial, institutional
Architectural Control Area	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal) -NOT within the designated UNESCO World Heritage Site or buffer zone -Location of Camp Norway Monument

1. FACTS

A. Process

Jason Huskilson, on behalf of ABCO Industries Inc., has submitted his application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove 6 properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area along Tannery Road. Mr. Huskilson appeared before

Council on 22 October 2019 to seek permission to apply. Council invited Mr. Huskison to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying letter are attached as **Schedule A**.

This application is for the removal of 6 properties from the architectural control area along Tannery Road only. This application does not contain any request related to acquisition of the sea bed or allowance for mixed residential/commercial development.

The applicant wishes to enlarge the current industrial space by adding to the current metal clad manufacturing area, which is located behind the barracks portion of the ABCO building at 81 Tannery Road. Where the properties are located in the Architectural Control Area on Map 2 Future Land Use Map, Part 26 G of the Land Use By-law applies. Part 26 G places restrictions design and cladding as well as limits the size of additions. Part 26 G can be found in **Schedule B**.

Please find below a rendering of the proposed addition:



A public information meeting was required under the Town of Lunenburg's Public Participation Program. This meeting was held on 13 January 2020 to provide members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC).

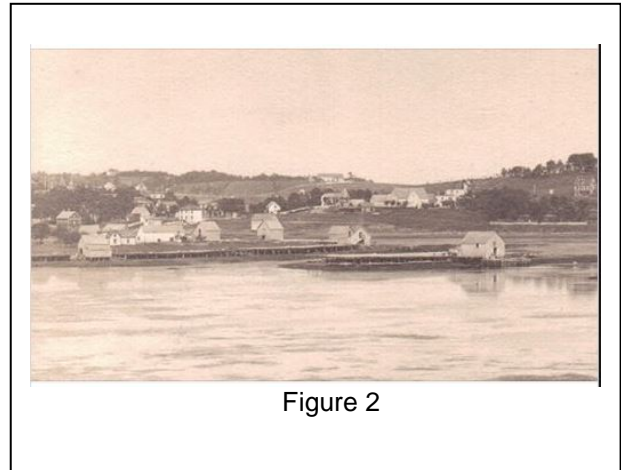
The purpose of this meeting is for PAC to consider the application, public comments, and staff report and then make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

Detailed information on the process is below.

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	-Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, - Applicant notified -PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	-PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	-Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	-Approved advert sent to paper -Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation
8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

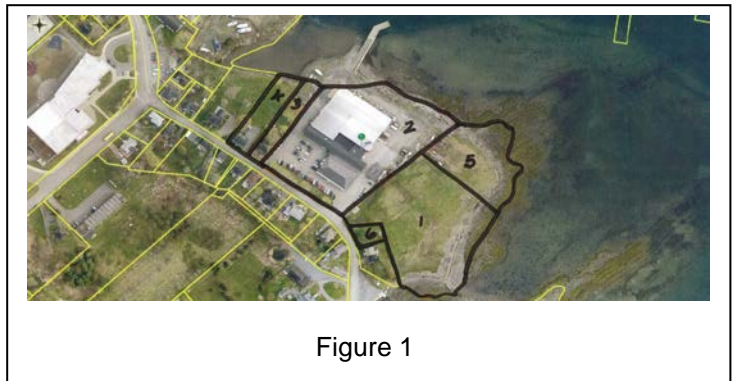
B. Property Information

The six (6) properties shown in Figure 1 are the subject of this application. These properties are in the Industrial designation and Marine Industrial (MI) Zone with the exception of #6 on the map, which is in the Residential Designation and Residential (R) Zone. Part 16 Marine Industrial (MI) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule C.



Please note that the views and view planes are not protected. Design and use are currently regulated by the Land Use By-law.

These lots are within the Architectural Control Area along Tannery Road. An excerpt from the Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road is attached as Schedule D. Please note that Little



Island (AKA Burns Island) is not part of this application as it is not within the Architectural Control Area. The island is within the Marine Industrial (MI) Zone.

The lots are located off Tannery Road and are on the south west side of Lunenburg Harbour. The lots are relatively flat and, with the exception of Lot 09-1, PID 60672839 (#6 on the mapping), abut the shore. All are accessed off of Tannery Road.

The uses on the lots vary. The ABCO Industries Inc. lands have been used for traditional fishing industries. In an undated post card, Figure 2 shows fish shacks on Burns Island and on the other ABCO lands. The Camp Norway monument is located on Lot A, PID 60053188 (#1 on mapping). Briefly, Norwegian sailors were housed at Camp Norway after the Nazis invaded Norway during World War II. ABCO is responsible for and maintains the Camp Norway memorial allowing public access to the site at all times. The former barracks are being used as office space. The large industrial addition on the building is used by ABCO for a variety of industrial and marine industrial uses including fabrication of food processing machinery, marine fabrication (aluminium boats and fishery and aquaculture processing machinery), environmental equipment (water treatment, solid waste recycling and separation, composting) and custom industrial design and fabrication. ABCO is considered a major employer in the Town, employing over 60 people with intentions of expanding their operation and employee resource base.

There are two residential properties (houses) at 57 and 61 Tannery Road. 57 Tannery Road is a rental property while 61 Tannery Road is currently used for ABCO storage.

The two houses are listed permitted uses in the MI Zone, which affords them certain property rights even though they are in an industrial area. Three lots are currently vacant (#1, 5, 6 on mapping) with the exception of the Camp Norway monument on #1. #6 on the map is vacant but in the Residential (R) zone, as it was severed from the parent lot at 97 Tannery Road in 2009.

The abutting properties and those across Tannery Road (south) have residential uses.

2. ISSUES AND OPTIONS ANALYSIS

A. Land Use Designation and Zone

The preservation and protection of Lunenburg's working waterfront is an important component of Lunenburg's planning documents as evidenced in Part 8 Industrial Development and Land Use of the Municipal Planning Strategy. It is noted that much industrial activity occurs on front harbour waterfront with most related to shipping and fishing industries. Although the Municipal Planning Strategy was written in 1996, it is relevant. It notes that there is very limited additional development potential on the waterfront. Continued use of the waterfront is to be accommodated and encouraged.

All but one of the properties are in the Industrial Designation and Marine Industrial (MI) Zone. Any proposed expansion of the ABCO facility would occur in the MI Zone. To be clear, the MI Zone allows for marine industrial and industrial uses as well as general commercial uses. There are specific residential properties that are listed as existing residential uses in the MI Zone. With the exception of the vacant lot beside 97 Tannery Road, Lot 09-1 (PID 60672839, #6 on the map in Figure 1), the subject lands are designated for industrial uses. This is where industrial uses are encouraged to go and to expand. There is no issue with the zoning for any proposed expansion. A subdivision would be necessary to consolidation and reconfigure the boundaries of certain lands, which is not an issue.

As noted above, there are residential properties listed in the MI Zone as existing residential uses. There are seven (7) such properties. These properties are listed so that they have certain property rights even though they are in a MI Zone where all other residential uses are not permitted. They are considered as conforming to the Land Use By-law so that the structure may be added on to and use extended into that addition. There is an area of friction between the intent of policy to allow for industrial uses to be sited and expanded and the overlay of architectural control provisions, which limit the size of an addition and does not allow for typical industrial cladding such as metal or concrete.

B. Architectural Control

The preamble in Part 10 Architectural Heritage of the Municipal Planning Strategy sets out that Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. It acknowledges that Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated. The architectural control areas regulate the

appearance of buildings through special provisions in the Land Use By-law. Architectural controls are a way of ensuring the protection of Lunenburg's built heritage.

The Architectural Control Areas are shown on the Municipal Planning Strategy's Map 2 Future Land Use Map. There are two areas: Falkland/Dufferin Streets and Tannery Road. "Old Town" was originally an architectural control area before becoming a Heritage Conservation District. If a property is in one of these areas, then it is subject to the architectural controls that are contained with the Land Use By-law.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule E. Regulation is through the Land Use By-law. Part 26G Architectural Control Area of the Land Use By-law regulates heritage design. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, style. ABCO Industries Inc. wishes to be removed from these restrictions.

ABCO is part of a working waterfront with industrial activity. A quick survey of similar areas in the Town of Yarmouth and CBRM indicate that there are no architectural controls or heritage regulations with similar zones and uses in their planning documents.

ABCO Industries Inc. is planning an expansion to their operations. It will require the ability to expand their current building foot print considerably. LUB Part 26G.3.a Additions and Alteration to Existing Buildings sets out that the total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996. The applicant has related that ABCO had increased the footprint of the building in 1999 by 7835 ft². The total square footage of ABCO, prior to 1996, was 41,098 ft² which means, at the time, ABCO had the freedom to expand by 10,275 ft² (25% as per the current control rules). This leaves 2440 ft² (approx. 50ft x 50ft) that ABCO can expand. ABCO has related that they will not be able to expand their manufacturing line given the current restrictions.

They wish for any addition to be clad with metal – the same steel cladding that is currently on the existing additions. In addition, they wish to have the flexibility to expand their operation as needed (in excess of the 25% of the ground floor area found in LUB Part 26.G.3) and be subject only to the standards of the Marine Industrial (MI) Zone. They would like the ability to use more modern cladding as well. Flexibility and timely permitting are concerns.

If the subject properties were removed from the architectural control area, they would still be subject to the MI Zone provisions and any other applicable provisions (e.g. parking, signage). There would be no control on the size of addition or design (e.g. roof shape, cladding, window area to wall area ratio). Any new buildings or additions could have modern design and cladding. There would be no limit on the size of additions and there would not be a requirement for these addition to be sensitive to the existing architecture of the area. This would have a negative impact on the existing streetscape.

The view from the wharves along Bluenose Drive across the harbour cannot be protected under the Provincial *Heritage Property Act*. This would be a view across a federal body of water. Land use planning regulates development on the land, such as building height or a defined view plane on the land. If the proposal goes forward, the view would be of an addition to the ABCO manufacturing facility.

It should be noted that the applicant would not have to construct an addition as shown in the 3D rendering. There would be no restriction on size, roofline, etc. Height would not exceed 45 ft. Yard requirements (setbacks) in the MI Zone are nil but are subject to building code.

C. Heritage Conservation District linkage

This is a planning application and, as such, a discussion on a proposed revised Heritage Conservation District Plan and By-law is not within the duties and responsibilities of the Planning Advisory Committee. Below is for information and context.

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law have been reviewed by the Heritage Advisory Committee but has not begun the Council approval process. The draft includes the Tannery Road Architectural Control Area as well as Burns Island becoming part of an expanded Heritage Conservation District along with the Dufferin Street architectural control area. After this application was received, the revised Heritage Conservation District By-law had been amended to allow for metal cladding. ABCO Industries Inc. wishes to be removed from the Tannery Road Architectural Control Area and does not wish to be included in a new Heritage Conservation District. They wish to have the same regulations to operate under as the Lunenburg Foundry does, which is the MI Zoning only.

D. Provincial Statements of Interest

Development undertaken by the Province and municipalities should be reasonably consistent with the statements. As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

1. Statement of Provincial Interest Regarding Drinking Water
Goal: To protect the quality of drinking water within municipal water supply watersheds.
Basis: A safe supply of drinking water is a basic requirement for all Nova Scotians.
Application: This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.
Comment: Not applicable. The properties are not within a water supply watershed.

2. **Statement of Provincial Interest Regarding 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.
Basis: Floodplains are nature's storage area for flood waters. New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development. Five floodplains have been identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.
Application: This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are
 - (1) East River, Pictou County,
 - (2) Little Sackville River, Halifax County,
 - (3) Sackville River, Halifax County,
 - (4) Salmon and North Rivers, Colchester County, and
 - (5) West and Rights Rivers and Brierly Brook, Antigonish County.
Comment: The properties are not within the identified Flood Risk Areas. There is a risk of impact from storm surge and tidal inundation. There are uses on the property that are marine related, which make location on the shoreline beneficial.

3. **Statement of Provincial Interest Regarding Agricultural Land**
Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
Basis: The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development. There are land-use conflicts between agricultural and non-agricultural land uses.
Application: This statement applies to all active agricultural land and land with agricultural potential in the Province.
Comment: The properties are not in agricultural production or considered to have soils with high capability for agricultural development.

4. **Statement of Provincial Interest Regarding Infrastructure**
Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.
Basis: All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.
Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.
Application: All communities of the Province.
Comment: The properties are currently serviced. Development on these properties would be considered infill. There is no "leap frog" development proposed.

5. **Statement of Provincial Interest Regarding Housing**
Goal: To provide housing opportunities to meet the needs of all Nova Scotians.
Basis: Adequate shelter is a fundamental requirement for all Nova Scotians. A wide range of housing types is necessary to meet the needs of Nova Scotians.
Application: All communities of the Province.

Comment: There is no impact on the provision of housing. With one exception, the properties are in the Industrial designation. The related development proposal is for industrial and marine industrial use, which is in keeping with the uses set out in the Land Use By-law. There would be no impact on the Residential (R) zoned lot as it continues to be subject to the provisions of that zone.

E. Economic Development

As part of Project Lunenburg, a discussion paper dated January 2020 was prepared Upland Planning and Design in association with Turner Drake and Partners. The introduction of the paper sets out that:

The Town of Lunenburg has a diverse economy, one that has adapted to changing micro- and macro-economic conditions throughout its history. Farming, fishing, shipbuilding and ocean-based commerce formed the foundation of the early economy. To varying degrees these sectors maintain an important presence today, alongside accommodations, hospitality, manufacturing, and creative and service industries, which play an important role in Lunenburg's economy...

Just as Lunenburg has adapted throughout its history, continuing to explore ways to develop and innovate how the town's economy functions will be critical to the prosperity of the town. Economic development and innovation can create an environment where people want to invest, live, and work.

The discussion paper further sets out that Lunenburg's built heritage and harbour represent two of the Town's strongest assets to attract visitors and new residents. The fact that Lunenburg's harbour is a working waterfront gives visitors an authentic destination experience. Tourism plays an important role in our economy.

Having a diverse economy adds resiliency to a community. The two greatest proportion of employers are in the retail trade and accommodations & food services industries. The highest proportion of employees are in the health & social care, manufacturing, and accommodation & food services industries. Manufacturing, health & social care, information & culture, and professional services are associated with a high level of jobs per employer. Manufacturing plays an important role in our economy.

Will removal of the architectural controls on the subject properties have an impact on the economy of Lunenburg?

The view from across the harbour will be impacted as the removal of architectural controls will allow for a large expansion of the existing manufacturing facility. It is doubtful that this will had a great impact on tourism. Tourists will continue to come to see the UNESCO world heritage site, visit our restaurants and museums, and explore Old Town and the waterfront along Bluenose Drive. It would have an impact on the streetscape of Tannery Road in that there would no longer be the requirement to have compatible architecture and materials on new or additions to existing buildings. There would be an obvious delineation of areas under and not under architectural control. The

streetscape would be impacted and thus attractiveness to tourist who are drawn by the vernacular architecture along Tannery Road would be diminished.

ABCO Industries has a long history of industrial activity in Lunenburg. It has provided many full time permanent jobs to residents of Lunenburg and the surrounding area over the years. ABCO employs engineers, machinists, welders, etc. on a year round basis. The intention is to grow and expand the business which will require a significant expansion to the building. It is anticipated that new positions will be created by the expansion. It contributes to Lunenburg's offering of marine related services on and around our harbour. Many of these businesses work together to offer a complete range of services. This strengthens and reinforces the concept of Lunenburg having a working waterfront area.

Successful businesses evolve to meet market demand. If a company's business plan determines that innovation and expansion are necessary to remain viable and competitive in the global marketplace, it is realistic to expect that a company will change its operations. ABCO Industries wishes to expand its operations in order to be able to accommodate new business opportunities. If unable to expand, it will have a negative impact on the vision for their business and may draw into question the suitability of their current location. Repercussions of a departure of one of our major employers would include job relocation or loss, reduction of commercial tax base, vacant buildings, as well as impact on those in the area that are in a business relationship with ABCO.

F. UNESCO World Heritage Site: Impact on the Outstanding Universal Value

In order to be a World Heritage site, the location must be of Outstanding Universal Value, demonstrating international significance. It must "transcend national boundaries and be of common importance for present and future generations of all humanity" (UNESCO's Operational Guidelines 2012). It must also meet at least one of the six cultural (I-VI) or four natural (VII-X) heritage criteria.

Old Town meets criteria iv and v:

- iv. To be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. To be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

UNESCO sets out the following for Old Town Lunenburg, A UNESCO World Heritage Site with respect to the statement of Outstanding Universal Value:

Brief synthesis

Old Town Lunenburg is the best surviving example of a planned British colonial settlement in North America. Established in 1753, it has retained its original layout and overall appearance, based on a rectangular grid

pattern drawn up in the home country. The inhabitants have safeguarded the town's identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

Criterion (iv): Old Town Lunenburg is a well-preserved example of 18th century British colonial urban planning, which has undergone no significant changes since its foundation, and which largely continues to fulfil the economic and social purposes for which it was designed. Of special importance is its diversified and well-preserved vernacular architectural tradition, which spans over 250 years.

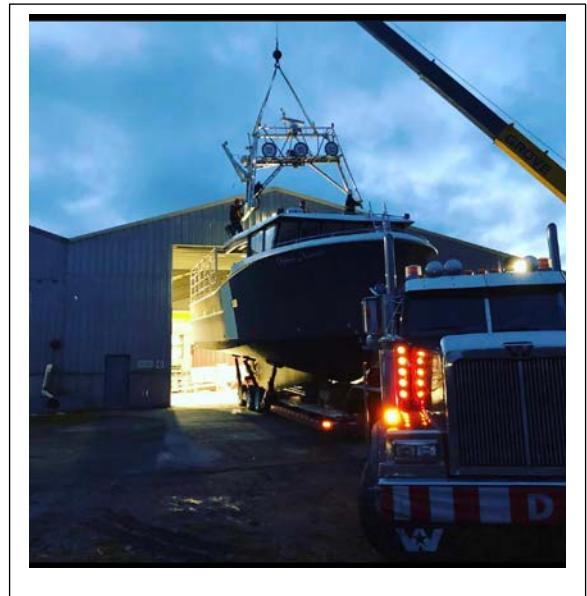
Criterion (v): Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

The subject properties are not in or near the designated World Heritage Site. They do not form part of the buffer. They are located across Front Harbour. They can be seen from areas within the site.

A component of the ABCO operations is related to the offshore Atlantic fishery. ABCO manufactures aluminium boats, such as 60 ft aluminium boats that are used in the offshore Atlantic fishery. It does repairs to fishing boats. It develops specialized processing machinery used in the fishing industry, for use on board and on shore. It is one of a number of marine related business around Lunenburg's harbour. Uses at ABCO support the integrity and authenticity of the site through Criterion v.

Other considerations:

A removal of these properties from the architectural control area will not create a financial burden for the Town in relation to such things as cost associated with services. It would allow a larger building to be built. With the increase in capacity of the facility, there would be additional traffic from more employees and trucks. The site is currently serviced with municipal water and sewer services. There is potential for land use conflict given that there are residences nearby and the industrial use will expand. The lands have experienced storm surge. Where a portion of the facility is dedicated to the construction of aluminium boats where testing often occurs at ABCO's small launch area, the use is considered marine related with harbour access being important. The



facility is not a source of pollution as waste is dealt with properly. The use does not contribute to soil erosion or siltation of watercourses. There is little risk of an expansion to the facility causing a flooding problem. The site is suitable in terms of grade.

OPTIONS:

- A. Grant the request to remove all 6 properties from the Architectural Control Area along Tannery Road.

This option would provide flexibility and the ability to expand operations in a timely manner in response to market demands. It would allow the applicant to carry out future operations on the subject properties. There would not be any restrictions on the size of additions or heritage design. It would allow the highest and best use of these industrial lands in terms of physical form (not nuisance).

- B. Partially grant the request by removing properties except the front portion of the lots containing 57 Tannery Road and 61 Tannery Road.

Please note that a minimum of 20 ft for the rear yard must be maintained. The remainder of the lot in the rear would no longer be in the architectural control area with Option B.

- C. Amend Part 26 G Architectural Control Area of the Land Use By-law to allow for special provisions for the Marine Industrial (MI) Zone such as:

Insert after Part 26G.4

26G.5 Industrial and Marine Industrial uses in the Marine Industrial (MI) Zone

Notwithstanding the above, new main buildings, additions and alterations to existing buildings, and renovations and replacements shall be compatible in terms of cladding and form with the existing main buildings or with buildings in the Architectural Control Area along Tannery Road that have been used for an industrial or marine industrial use.

This option would give more flexibility but still have a small measure of control over architectural character. Marine industrial uses would need to be defined. This option would involve a planning process in that any Land Use By-law amendments would have to begin again with PAC holding a Public Information Meeting. The proposed text of the above provision may change as a result of public participation.

- D. Do not grant the request. No change.

- E. Other

It would be the decision of Council as to whether to include any, all, or part of the Tannery Road Architectural Control Area in a revised Heritage Conservation District Plan and By-law. A revised Heritage Conservation District Plan and By-law requires Council approval. Responsibility for recommendations regarding the revised Heritage Conservation District Plan and By-law is with the Heritage Advisory Committee.

3. FINANCIAL IMPACT

Potential financial impacts have been discussed in the report.

4. STRATEGIC PLAN RELEVANCE

4) Foster an environment for business success

5. RECOMMENDATION AND DRAFT MOTION

Option A will allow the allow the highest and best use of industrial lands and encourage future industrial development on the subject properties, with the exception of Lot 09-1(60672839, #6 on the map in Figure 1), which is in the Residential (R) Zone. The designation and zoning on this lot will be subject to review as part of Project Lunenburg.

As such, staff recommend the following motion:

THEREFORE BE IT RESOLVED THAT:

the Municipal Planning Strategy's Map 2 Future Land Use Map be amended to remove 6 properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area along Tannery Road.

Attachments –

Schedule A, application form and accompanying letter
Schedule B, LUB Part 26G Architectural Control Are
Schedule C, Part 16 Marine Industrial (MI) Zone of the Land Use By-law
Schedule D, Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road

Schedule E, Part 10 Architectural Heritage in the Municipal Planning Strategy

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Schedule A - Application form and accompanying letter

**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 Jason Huskilson	Name 3-H ABCO Holdings Inc.
Company Name ABCO Industries Inc.	Company Name ABCO Industries Inc.
Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0	Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0
Email jason@abco.ca	Email jason@abco.ca
Phone -----	Phone (902) 634-8821
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 81 Tannery Road, Lunenburg, NS, B0J 2C0 PID # 60386000 60053188 60053196* 60053204** 60053212** 60386018 60672839	<input checked="" type="checkbox"/> Copy of Deed <input checked="" type="checkbox"/> Survey Plan or Equivalent <input checked="" type="checkbox"/> A Letter Explaining the Proposal <input checked="" type="checkbox"/> Application and Advertising Fees \$945.15 (\$245.15 + \$700.00)
Present Use of Property Manufacturing* Residential** Empty	
Proposed Use of Property Allowable uses under the Marine Industrial Zoning	

EXPLANATION OF PROPOSAL AND SIGNATURE

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

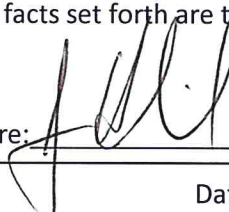
A significant expansion of the manufacturing foot print of ABCO Industries Inc. This increased space will house new machinery and facilitate work space for new hires.

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

Name (printed):

Jason Huskilsen

Signature:



Date:

Oct 25, 2019

OFFICE USE ONLY: Type of Application:

Date received:

To Whom it may concern,

ABCO Industries Inc. is a world class supplier of manufactured metal products. Since 1947, ABCO has built a customer base that spans the globe. This customer base, coupled with new investment from the New Ownership, puts ABCO in a position to grow if we had an adequately sized facility. This is impossible with the current rules and by-laws which is why we are asking to be removed from the Architectural Control zone. This will give ABCO Industries the freedom to grow. Our current foot print has been pushed to the limit in recent years and we are looking to make a change.

ABCO is looking to expand the existing floor space up to, and possibly beyond, 100% of the current foot print. ABCO would like to build new infrastructure that may include detached structures or additions to the existing building. Any new additions could be of similar shape and colour of the existing structure which Lunenburg has been accustomed to seeing for over 50 years. We feel that this expansion will be a welcome part of the working waterfront of Lunenburg and we look forward to continued community investment.

The Marine Industrial zoning would give ABCO the architectural freedom to manage our growth. Removal from the Architectural Control Zone will facilitate the transition to being limited only by the Marine Industrial controls. We appreciate the consideration thus far, and we look forward to continuing our growth within the Town of Lunenburg.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Huskilon', is written in a cursive style.

Jason Huskilon

Director ABCO Industries

Oct 25, 2019

Schedule B - LUB Part 26G Architectural Control Area

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.

PART 16 **MARINE INDUSTRIAL (MI) ZONE**

16.1 **Permitted Developments**

Developments Permitted

any use permitted in the Industrial (I) Zone
any use permitted in the General Commercial (GC) Zone, **with the exception of residential uses**

dry cleaning or laundry establishments or depots
funeral homes
medical clinics
places of entertainment, recreation and assembly
boatyards, including boat storage
existing residential uses as follow:

Civic Address	Owner
29 Falkland Street	Cynthia and Adam Dial
49 Falkland Street	Lunenburg Foundry & Engineering
175 Montague Street	Adams and Knickle
43 Tannery Street	Clarence Dauphinee
49 Tannery Road	ABCO
57 Tannery Road	ABCO
61 Tannery Road	ABCO

fish uses, including fish processing
marinas, including boat rentals and charters, fuel sales, and pump-out facilities
marine railways
marine uses
marine-related commercial uses
parking lots
parks
public uses and buildings
sale of fish and other seafood
shipbuilding and repair
ship chandlery and provisioning
storage buildings for commercial fishing gear
wharves and docks
wholesale fish establishments
outdoor yacht and boat sales and displays, including yachting and boating merchandise

16.2 Developments Permitted by Development Agreement

- (i) industrial development which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.7
- (ii) Places of entertainment, recreation or assembly in accordance with Municipal Planning Policy 8.7A.

16.3 **Marine Industrial (MI) Zone Standards**

Minimum Front Yard	nil
Minimum Side Yard	nil
Minimum Rear Yard	nil
Maximum Height of	13.5 metres (45 feet)
Minimum Lot Area	37 square metres (400 square feet)
Minimum Frontage	nil

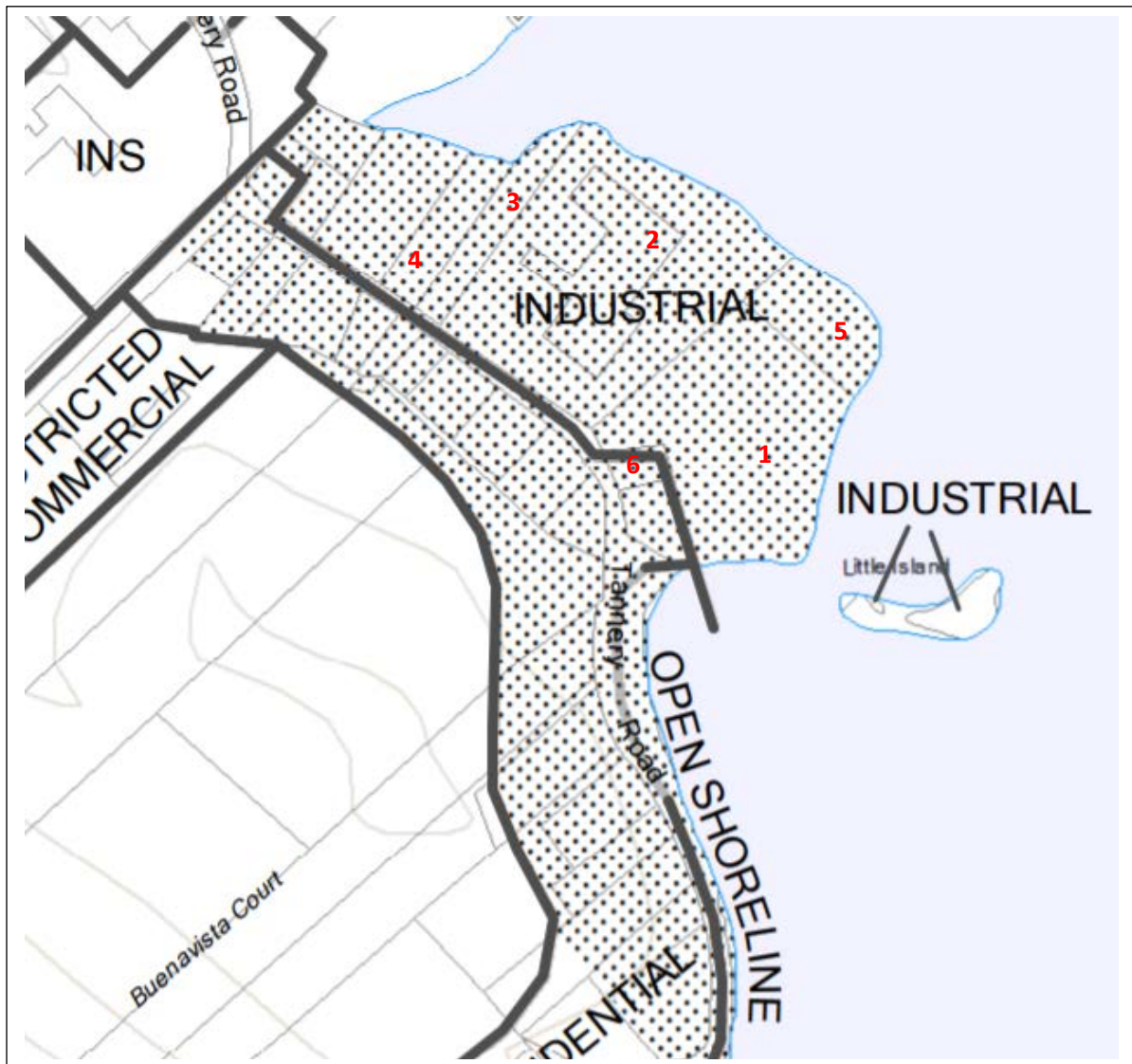
16.4 Notwithstanding section 16.3, a boathouse may be erected on a lot that is at least 37 square metres (400 square feet).

Schedule D – Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road

Property online search of “ABCO” shown on excerpt from Town of Lunenburg, Municipal Planning Strategy, Map 2, Future Land Use, showing Architectural Control Area along Tannery Road with lands owned by ABCO Industries Holdings Limited numbered in red

7 October 2019

	PID	OWNER	PROPERTY ADDRESS/AREA
1	60053188	ABCO Industries Holdings Limited	Lot A, Tannery Road (2.37 acres)
2	60053196	ABCO Industries Holdings Limited	81 Tannery Road (3.28 acres)
3	60053204	ABCO Industries Holdings Limited	61 Tannery Road (19375 sq ft) residential
4	60053212	ABCO Industries Holdings Limited	57 Tannery Road(19845 sq ft) residential
5	60386018	ABCO Industries Holdings Limited	Lot 2, Tannery Road (29900 sq ft)
6	60672839	ABCO Industries Holdings Limited	Lot 09-1 (6013 sq ft)



Document No: 5 (b)
 Meeting: February 10, 2020
 Circulate To: PAC, BR, DS, HM
 File: PAC

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: FEBRUARY 6, 2020

**RE: PLANNING ADVISORY REPORT (AMERO)
 Proposed amendments to the Municipal Planning Strategy's Map 2
 Future Land Use Map to remove Lot A1 (PID 60642741) from the
 Architectural Control Area along Dufferin Street.
 (Amero application)**

Applicant	Joseph Amero & Eldona Amero
Land Owner	Joseph Amero & Eldona Amero
Proposal	Application for MPS map amendments to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street
Lot Area	10641.0 sq. ft
Designation	Residential
Zone	Residential (R)
Surrounding uses	residential
Architectural Controls	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal)

1. FACTS

Joseph and Eldona Amero, have submitted an application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street. Mr. Amero appeared before Council on 27 August 2019 to seek permission to apply. Council invited Mr. Amero to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying documentation are attached as Schedule A.

Mr. Amero has related that he has had Lot A1 for sale for a number of years and believes that the architectural control area restrictions have hindered its sale. He wishes to be removed from the architectural control area and be subject only to the Residential (R) Zone provisions.

A public information meeting was required under the Town of Lunenburg's Public Participation Program. This meeting was held on 13 January 2020 to provide members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC).

The purpose of this meeting is for PAC to consider the application, public comments, and staff report and then make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

Detailed information on the process is below.

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	-Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, - Applicant notified -PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	-PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	-Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	-Approved advert sent to paper -Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation

8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

B. Property Information

The subject property is in the Residential designation and Residential (R) Zone. Part 5 Residential (R) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule B. The surrounding uses are all residential. The lot is currently vacant.

The lot was originally part of the property next door at 95 Dufferin Street. The Ameros severed the parent property in 2005 to create Lot A1 (subject property) and Lot A2, which contains the home at 95 Dufferin. 95 Dufferin Street is no longer owned by the Ameros.

The property slopes from a higher elevation at Dufferin Street to a lower elevation at the rear. The rear of the property was found to be quite wet during the site visit on 16 October 2019. The property to the north at 107 Dufferin Street is at a higher elevation as fill was brought in at the time of construction. Drainage from this property has been a concern from some adjoining neighbours.

Figure 1 shows the change in grade from the rear of the lot to the front of the lot abutting Dufferin Street. Figure 2 shows the streetscape from the corner of Dufferin and Tupper Streets. Figure 3 shows the 2005 subdivision that created Lot A1.



Figure 1

2. ISSUES AND OPTIONS ANALYSIS

A. Land Use Designation and Zone

The subject properties and surrounding properties are in the Residential designation and Residential (R) Zone. The area is intended for residential uses with one and two unit dwellings listed as permitted uses in the zone (via development permit) and multi-unit dwellings allowed through the development agreement approval process. The subject property is surrounded by low density residential development. The lot is approximately 60 ft wide so no further subdivision of the lot can be done. This is an infill lot (vacant between two existing residences).

B. Architectural Control

The preamble in Part 10 Architectural Heritage of the Municipal Planning Strategy sets out that Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. It acknowledges that Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated. The architectural control areas regulate the appearance of buildings through special provisions in the Land Use By-law. Architectural controls are a way of ensuring the protection of Lunenburg's built heritage.

The Architectural Control Areas are shown on the Municipal Planning Strategy's Map 2 Future Land Use Map. There are two areas: Falkland/Dufferin Streets and Tannery Road. "Old Town" was originally an architectural control area before becoming a Heritage Conservation District. If a property is in one of these areas, then it is subject to the architectural controls that are contained with the Land Use By-law.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule C. Regulation is through the Land Use By-law. Part 26G Architectural Control Area of the Land Use By-law regulates heritage design. Please refer to Schedule D for Part 26G. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, and style. Mr. Amero has related that pending sales have been lost when buyers become aware of the restrictions in the Architectural Control Area. He has asked that Lot A1 be removed from the Dufferin Street Architectural Control Area and does not wish to be included in a new Heritage Conservation District.

The subject lot is on the south west boundary of the Dufferin Street Architectural Control Area. It had been part of the parent lot when this boundary was defined. The property to the north of Lot A1 at 107 Dufferin Street is not within the boundary. The property directly across the street at 102 Dufferin Street is within the boundary. While the Georgian style home at 95 Dufferin Street, beside Lot A1 at the corner of Dufferin and Tupper Streets, was built sometime after 1946, the homes that are across Dufferin

Street at 90 Dufferin Street (1888-1890), 96 Dufferin Street (1891-1893) and 102 Dufferin Street (1910) are much older. Please refer to Schedule E for a map showing the Amero lot, Lot A1, in Architectural Control Area on Dufferin Street.

Removing the architectural controls on this lot would have much the same impact as that of 107 Dufferin Street, which abuts the subject lot to the north. The boundary of the architectural control area would move roughly 60 ft. Where the lot is at the edge and it is vacant, there is less impact on the integrity of the architectural control area. It is a unique situation in the Dufferin Street architectural control area.

C. Heritage Conservation District linkage

This is a planning application and, as such, a discussion on a proposed revised Heritage Conservation District Plan and By-law is not within the duties and responsibilities of the Planning Advisory Committee. Below is for information and context.

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law have been reviewed by the Heritage Advisory Committee but has not begun the Council approval process. The draft includes the Dufferin Street architectural control area becoming part of an expanded Heritage Conservation District. Mr. Amero wishes to be removed from the architectural control area and does not wish to be included in a new Heritage Conservation District. He wishes to have the same regulations to operate under as 107 Dufferin Street, which is R Zoning only.

D. Provincial Statements of Interest

Development undertaken by the Province and municipalities should be reasonably consistent with the statements. As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

1. Statement of Provincial Interest Regarding Drinking Water
Goal: To protect the quality of drinking water within municipal water supply watersheds.
Basis: A safe supply of drinking water is a basic requirement for all Nova Scotians.
Application: This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.
Comment: Not applicable. The property is not within a water supply watershed.
2. Statement of Provincial Interest Regarding 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.
Basis: Floodplains are nature's storage area for flood waters. New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development. Five floodplains have been

identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.

Application: This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) East River, Pictou County,
- (2) Little Sackville River, Halifax County,
- (3) Sackville River, Halifax County,
- (4) Salmon and North Rivers, Colchester County, and
- (5) West and Rights Rivers and Brierly Brook, Antigonish County.

Comment: The property is not within the identified Flood Risk Areas. The property is wet at the rear and water flows across this property onto neighbouring properties. It does not contribute to a flood risk situation.

3. Statement of Provincial Interest Regarding Agricultural Land

Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Basis: The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development. There are land-use conflicts between agricultural and non-agricultural land uses.

Application: This statement applies to all active agricultural land and land with agricultural potential in the Province.

Comment: The properties are not in agricultural production or considered to have soils with high capability for agricultural development.

4. Statement of Provincial Interest Regarding Infrastructure

Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.

Basis: All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

Application: All communities of the Province.

Comment: The properties is capable of being serviced. Development on this properties would be considered infill. There is no "leap frog" development proposed.

5. Statement of Provincial Interest Regarding Housing

Goal: To provide housing opportunities to meet the needs of all Nova Scotians.

Basis: Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application: All communities of the Province.

Comment: The development of this lot would add to housing stock as it is in a residential zone. Removal from architectural controls will not affect the ability for residential development.

B. UNESCO World Heritage Site: Impact on the Outstanding Universal Value

In order to be a World Heritage site, the location must be of Outstanding Universal Value, demonstrating international significance. It must “transcend national boundaries and be of common importance for present and future generations of all humanity” (UNESCO’s Operational Guidelines 2012). It must also meet at least one of the six cultural (I-VI) or four natural (VII-X) heritage criteria.

Old Town meets criteria iv and v:

- iv. To be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. To be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

UNESCO sets out the following for Old Town Lunenburg, A UNESCO World Heritage Site with respect to the statement of Outstanding Universal Value:

Brief synthesis

Old Town Lunenburg is the best surviving example of a planned British colonial settlement in North America. Established in 1753, it has retained its original layout and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have safeguarded the town’s identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

Criterion (iv): Old Town Lunenburg is a well-preserved example of 18th century British colonial urban planning, which has undergone no significant changes since its foundation, and which largely continues to fulfil the economic and social purposes for which it was designed. Of special importance is its diversified and well-preserved vernacular architectural tradition, which spans over 250 years.

Criterion (v): Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

The subject properties are not in or near the designated World Heritage Site. It does not form part of the buffer. It cannot be seen from areas within the site. Removal from the

architectural control area will not impact the integrity or authenticity of the world heritage site.

Other considerations:

A removal of the property from the architectural control area will not create a financial burden for the Town in relation to such things as cost associated with services. The site has direct access to municipal water and sewer services. There is little potential for land use conflict given that there would be low density residential development on the infill lot. The lot is not considered a source of pollution. The permitted uses in the R Zone do not contribute to soil erosion or siltation of watercourses. The site would require grade alterations as the rear is at a much lower elevation and is wet. Neighbours have concerns regarding storm drainage coming onto their properties should the site be developed.

OPTIONS:

A. Grant the request to remove Lot A1 (PID 60642741) from the Architectural Control Area along Dufferin Street.

This option would not require any new home to be built in accordance with the architectural controls set out in LUB Part 26G. Modern design would be permitted.

B. Amend Part 26 G Architectural Control Area of the Land Use By-law to have less restrictions on heritage design.

Any amendment would likely apply to all residential uses in the architectural control area along Dufferin Street (not site specific). This option is not preferred as it would impact the integrity of the area as a whole. This option would involve a planning process in that any Land Use By-law amendments would have to begin again with PAC holding a Public Information Meeting.

D. Do not grant the request. No change.

E. Other

It would be the decision of Council as to whether to include any, all, or part of the Dufferin Street Architectural Control Area in a revised Heritage Conservation District Plan and By-law. A revised Heritage Conservation District Plan and By-law requires Council approval. Responsibility for recommendations regarding the revised Heritage Conservation District Plan and By-law is with the Heritage Advisory Committee.

3. FINANCIAL IMPACT

There would be little financial impact on the Town.

If a home is constructed on the lot, then there would be increased residential assessment. The lot is not with the Old Town Lunenburg UNESCO World Heritage Site and will have little impact on tourism or local economic development.

4. STRATEGIC PLAN RELEVANCE

1) Promote a high quality of life for residents

5. RECOMMENDATION AND DRAFT MOTION

Where the lot is at the edge of the architectural control area on Dufferin Street and the lot is vacant, the impact on the integrity of the area is lessened.

As such, staff recommend the following motion:

THEREFORE BE IT RESOLVED THAT:

the Municipal Planning Strategy's Map 2 Future Land Use Map be amended to remove Lot A1 (PID 60642741) from the Architectural Control Area along Dufferin Street.

Attachments –

Schedule A, application form and accompanying letter
Schedule B, Part 5 Residential (R) Zone
Schedule C, Part 10 Architectural Heritage in the Municipal Planning Strategy
Schedule D, LUB Part 26G Architectural Control Area
Schedule E, Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Schedule A - Application form and letter

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 Joseph Amero and Eldona Amero	Name Joseph Amero and Eldona Amero
Company Name N/A	Company Name N/A
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 Lot A1, Dufferin Street	<input checked="" type="checkbox"/> Copy of Deed
PID # 60642741	<input checked="" type="checkbox"/> Survey Plan or Equivalent
Present Use of Property VACANT	<input checked="" type="checkbox"/> A Letter Explaining the Proposal
Proposed Use of Property SALE FOR RESIDENTIAL USE	N/A Application and Advertising Fees \$945.15 (\$245.15 + \$700.00) FEES WAIVED BY MOTION OF COUNCIL 27 AUGUST 2019

EXPLANATION OF PROPOSAL AND SIGNATURE

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

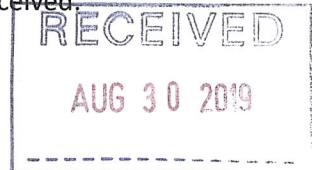
Please see the letter included

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

Eldona Amero *J Amero*
Name (printed): Joseph Amero Signature: J Amero Date: Aug 29, 2019

OFFICE USE ONLY: Type of Application: MPS, Map Amendment

Date received:



Joseph Amero
34 Archibald St.
Lunenburg ,NS
PO Box 1893
B0J 2C0
August 29, 2019

Mayor Bailey and Members of Town Council
Town Hall
Lunenburg,NS

Request to Remove Land Use By-Law Heritage Designation:

We are requesting the removal of our Lot PID #600 554 49 from the Land Use By-Law Heritage Designation for the following reasons:

1.Many people have been asking me why this lot is so designated as it is far removed from the Heritage area of Old Town.My answer is always,"I am not sure because when you look at where it is located ,it does not make sense.Furthermore ,I spoke to Michael Zinck , Funeral Director and owner of Sweeny' s Funeral Home. He told me that in his attempt to build his new Funeral Home there ,the question of a Heritage site was never brought up.

When we lived in 95 Dufferin St. we never considered it to be a Heritage House nor that it was located on a Heritage designated Lot. It was not in the description of sale nor ever mentioned to us by the real estate agent. It was an older Georgian but of modern design and a very beautiful one at that.So we purchased it.

The only time the question of this block being a Heritage site was when we tried to sell it.

2.We have lost many potential buyers as a result of this designation :e.g.

Families with children, retirees, working people and others who wanted to relocate to our beautiful town.Potential buyers have walked away scratching their heads after finding out from Mr. Arthur MacDonald that the lot was a Heritage Designated site and being told what kind of house they

could build by Mrs.Dawn Sutherland.This has caused us considerable frustration as well as to the potential buyers.

Many of these potential buyers had taken great care to draw up sketches and plans for their new home not to mention time and expense only to have their dreams squashed.

I would draw your attention to the attached email ,especially the last comment on that page.

“They certainly should change the by-law(s) with the loss of \$60000 to roughly\$80000 in tax revenues yearly.definitely ! No one except for a rich individual with a taste for old traditional housing in a newer developed area with newer **looking houses would ever want to purchase and build on it with the guidelines in place.”**

The town would also benefit from this change in that it would have a new revenue stream and be seen as providing for additional housing which we all agree is needed.

Also new residents have the potential of being assets to the Town’s culture and population growth.

3. This area in question creates a delineation halfway through this residential block which has a mix of older and newer homes which does not bear any correlation to a Heritage area.This lot is vacant and the home next to it is of modern construction. A house of Heritage construction would be out of place and appear as an anomaly.

5. We are ardent fans of heritage preservation as we live in a late 1800’s house .We feel that our request is reasonable under the circumstances.

Thank you .



Joseph and Eldona Amero

From: **Stephanie deVries** stephanie@viewpoint.ca
Subject: Buyers Comments re Arhicitucally Protected Area
Date: May 22, 2019 at 6:41 PM
To: **Joseph Amero** eamero@eastlink.ca

Hi Joseph and Eldona

Well that was was short lived-sorry. Please find the buyers comments below re his meeting with the Town today.

"Good afternoon Stephanie & David,

I've just completed a meeting with Mrs. Dawn Sutherland the Town Development/Planning Manager, Mr. Lee Fougere the Town Engineer had to attend another meeting and Mr. Arthur MacDonald the Town Heritage Manager is away from his office until May 27th.

Mrs. Sutherland and I discussed the architectural design guidelines of the Old Town Heritage bylaws, **a small portion of which I've attached**, along with application for the property in question to be removal from the Heritage designation by town council.

I was advised by Mrs. Sutherland that the home I proposed for placement on the property would not fit in with the present heritage guidelines and that application for the property to be removed from the heritage designation by council could take up to 6 months, without guarantees, along with the fact it could still be appealed by surrounding homeowners/residents even if it was granted.

I presented my case of lost tax revenue to the town over the 10 or more years it has been unoccupied, ranging from \$60,000 to \$80,000 and continuing due to the lot's restricted width and architectural guidelines but this didn't make a difference.

Given these circumstances I must withdraw my purchase proposal citing excessive expenditures required to meet the present design restrictions and it's unpalatable end result.

Please contact me should you have any further questions or concerns.

Sincerely,
(Attachment)

They certainly should change the bylaws with the loss of \$6000 to roughly \$8000 in tax revenues yearly, definitely ! No one except a for rich individual with a taste for old traditional housing in a newer developed area with newer looking houses would ever want to purchase and build on it with the guidelines in place !

Stephanie deVries
View Point Realty
Cell 902-521-1575
Fax 888-761-9052
<http://www.viewpoint.ca>

002592

THIS INDENTURE made this 20 day of April, A.D., 1999

BETWEEN:

DANIEL ZWICKER and JUDITH ANN ZWICKER, spouses, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia;

being the owner of the lands described in Schedule "A" herein.

(hereinafter called the "Grantor")

OF THE ONE PART

- and -

JOSEPH AMERO and ELDONA AMERO, husband and wife, both of Cambridge, in the Province of Ontario as JOINT TENANTS and not as Tenants-in-Common;

(hereinafter called the "Grantee")

OF THE OTHER PART

WITNESSETH THAT in consideration of One Dollar and other good and valuable consideration:

THE GRANTOR hereby conveys to the GRANTEE the lands described in Schedule "A" to this Warranty Deed as JOINT TENANTS and not as Tenants-in-Common and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia.

THE GRANTOR covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required.

IN THIS DEED the singular includes the plural and the masculine includes the feminine and neuter genders, with the intent that this Deed shall be read with all appropriate changes of number and gender required of the context.

IN WITNESS WHEREOF the Grantors have signed and sealed this indenture on the day and year first above written.

SIGNED, SEALED AND DELIVERED)

- in the presence of -)

Handwritten signatures of Daniel Zwick and Judith Ann Zwick on lines.

D. Zwick
DANIEL ZWICKER

Judith A. Zwick
JUDITH ANN ZWICKER

LUNenburg COUNTY REGISTRY OF DEEDS	2592	717	84-86
I certify that this document was registered as shown here.	Document #	Book	Pages
Joan Plunkett Registrar	06	01	11:50 AM
	MM	DD	Time

AFFIDAVIT OF SPOUSAL STATUS

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

We, Daniel Zwicker and Judith Ann Zwicker, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia make oath and say as follows:

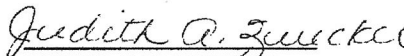
1. THAT We are the Grantors in the foregoing Warranty Deed and are of the full age of nineteen (19) years.
2. THAT We are now, and intend to be at the date of closing residents of Canada within the meaning of the Income Tax Act (Canada).
3. THAT for the purposes of this our Affidavit, "spouse" means either of a man or a woman who:
 - (i) are married to each other;
 - (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity; or
 - (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabitating or have cohabited within the preceding year.
4. THAT we are the spouses of each other and we have no other spouse as defined herein.

SWORN TO (severally) at
Lunenburg, in the County
of Lunenburg, Province
of Nova Scotia, this 7th + 20th day
of April, A.D., 1999.

A _____
OF THE SUPREME
COURT OF NOVA SCOTIA

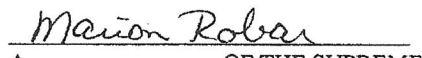
David K. Macdonald
A BARRISTER OF THE
SUPREME COURT OF NOVA SCOTIA AFFIDAVIT OF EXECUTION


DANIEL ZWICKER


JUDITH ANN ZWICKER

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

ON this 5 day of May, 1999 before me, the subscriber personally came and appeared David K. Macdonald, a subscribing witness to the foregoing indenture, who having been by me duly sworn, made oath and said that DANIEL ZWICKER and JUDITH ANN ZWICKER, two of the parties thereto, signed, sealed and delivered the same in his presence.


A _____
OF THE SUPREME
COURT OF NOVA SCOTIA

MARION R. ROBAR
A Commissioner of the
Supreme Court of Nova Scotia

SCHEDULE "A"

All those lands and premises conveyed in a Trustee's Deed dated the 7th day of May, 1984 from Patrick A. Burke and Mary Ann Burke, Executors and Trustees under the last Will and Testament of Jean B. Burke, to Daniel Zwicker and Judith Ann Zwicker recorded in Bridgewater Registry of Deeds Office on the 8th day of May, 1984 in Book 342 at Page 204 and therein more particularly described as follows:

" ALL those certain lots of land situate, lying and being in the Town of Lunenburg and bounded as follows:

BEGINNING at an iron bolt at the Northwest intersection of Tupper and Dufferin Streets;

THENCE in a Westerly direction along said Dufferin Street One Hundred and Seventy (170') feet to a stake;

THENCE in a Southwardly direction One Hundred and Eighty (180') feet to a stake;

THENCE in an Eastwardly direction One Hundred and Seventy (170') feet to a stake on the bounds of Tupper Street, aforesaid;

THENCE along said Tupper Street Northwardly One Hundred and Sixty-seven (167') feet to the place of beginning and being lots Number 1, 2, and 6 in Block One according to a plan of division of School lands made by S.E. March, P.L.S. and dated November 15th, 1926.

BEING AND INTENDED TO BE the same lots of land as conveyed by the Board of Management of School Lands to William T. Powers by deed dated the 19th day of February, 1937 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 103 at Page 49 under No. 77.

For further reference to title see:

1. Last Will and testament of William T. Powers dated the 31st day of August, 1955 duly admitted to Probate at the Probate Court for the County of Lunenburg on the 31st day of October, 1955 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 120 at Page 408.

2. Last Will and testament of Jean Bernice Burke duly admitted to Probate at the Probate Court for the County of Lunenburg on the 11th day of August, 1982. "

JB

Dmz

Schedule B - Part 5 Residential (R) Zone

PART 5 RESIDENTIAL (R) ZONE

5.1 Permitted Developments

(a) Developments Permitted

existing commercial uses as follow:

Civic Address	Use
60 Dufferin Street	part-time upholstery business in accessory building
195 Green Street	retail florist

existing multi-unit dwellings as follow:

Civic Address	Number of Units
37 Blockhouse Hill Road	15
30-36 Broad Street	8
138-146 Centennial Avenue	5
119 Cornwallis Street	15
23 James Road	14
41 James Road	14
28 Sawpit Road	12
36 Sawpit Road	12

existing visitor-oriented commercial uses as follow:

Civic Address	Use
18 Lower Street	(1) use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys
	(2) use of 450 square feet of the property for outdoor sales and display
	(3) use of two signs, each a maximum of 5 square feet in area
34 Linden Avenue	(1) use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs
	(2) use of 100 square feet of the property for outdoor sales and display
	(3) use of three signs: <ul style="list-style-type: none">• one 25 square foot quilt hung on the dwelling• one 13.6 square foot ground sign; and• one 3.5 square foot flat fixed wall sign

guest houses up to 3 units subject to Section 3.1
 parking lots associated with uses permitted in the Residential (R) Zone
 single-unit dwelling
 two-unit dwellings

- (b) Developments Permitted by Development Agreement
- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
 - (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
 - (iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
 - (iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
 - (v) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

5.2 Residential (R) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Side Yard on Side with Common Wall	0 metres (0 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)
Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

5.3 Attached Dwellings on Separate Lots

Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

5.4 Special Requirements: Existing Visitor-Oriented Commercial Uses in the Residential (R) Zone

In the Residential (R) Zone visitor-oriented commercial uses listed in the zone may:

- (a) continue the use;
- (b) expand the building for residential purposes in accordance with the requirements of the Residential (R) Zone;
- (c) replace the building;
- (d) move the use to a different location within the building, provided that
 - (i) there is no increase in the size of the use beyond that listed in the

- Residential (R) Zone;
- (ii) there is no increase in the area of outdoor display and sales beyond that listed in the Residential (R) Zone;
 - (iii) there is no change in the type of item available for retail sale from those items listed in the Residential (R) Zone; and
 - (iv) all other activity related to the business use, such as parking, is in accordance with the requirements of Section 5.1 of the Land Use By-law.

10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

ARCHITECTURAL CONTROL

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- 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.

Council will also consider the future possibility of extending the heritage conservation district to include the Dufferin Street, Falkland Street, and Tannery Road architectural control areas and other historic parts of the Town by future amendment of the conservation plan and bylaw and this municipal planning strategy.

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

- 10.1** regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

- 10.2** designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

- 10.3** incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:
- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 **New Main Buildings**

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 **Additions and Alterations to Existing Buildings**

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

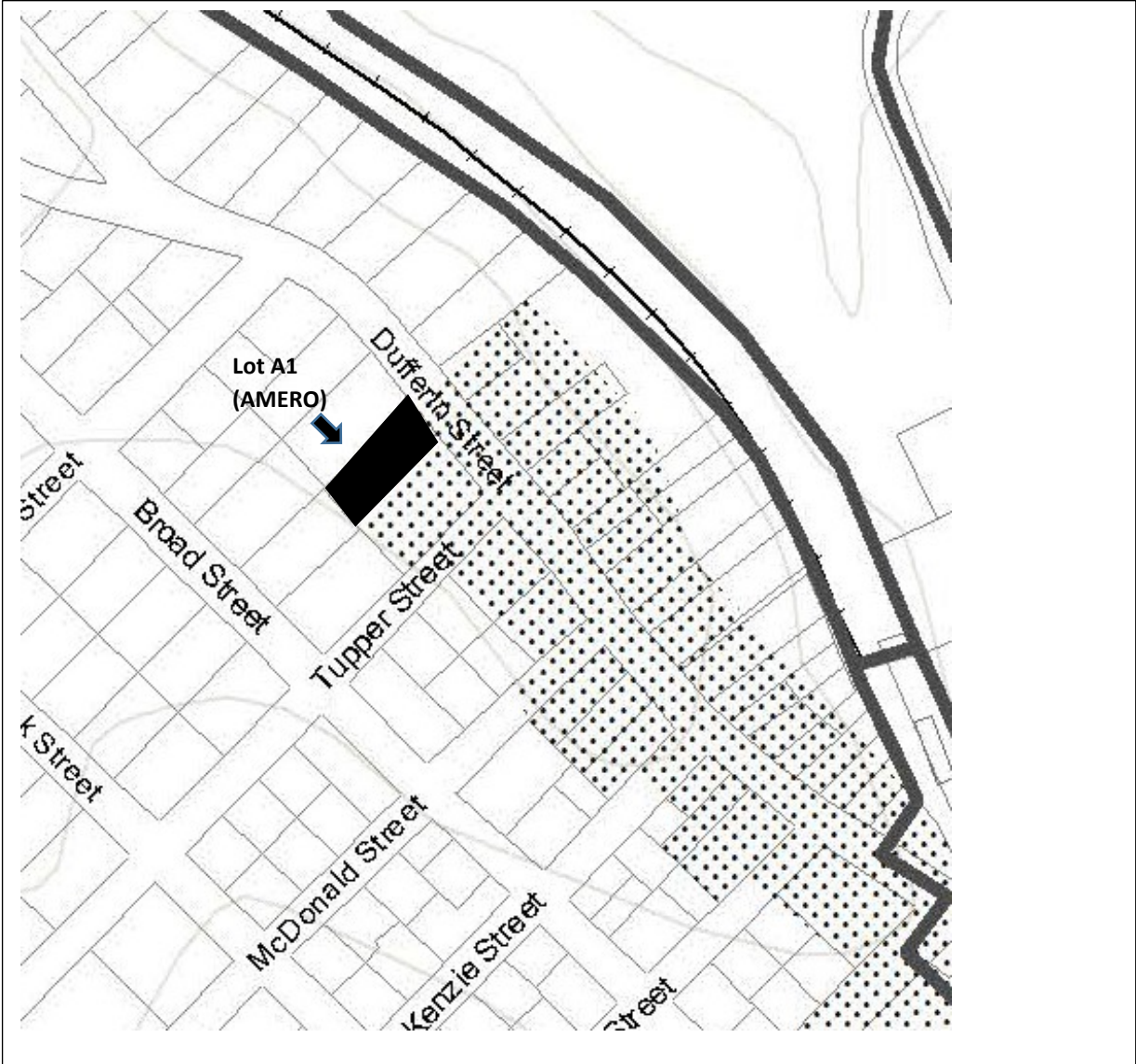
- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 **Renovations and Replacements**

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.

Schedule E – Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street



Back Harbour Trail / Operational Plan

January 7, 2020

Written by: Allan Richards

Staff comments: Kelly Cunningham, Recreation Director

To: Recreation Committee Members,

As per my commitment to the committee here are my observations and suggestions to implement an operational plan for the Back Harbour Trail.

To my knowledge there has been no proactive operational maintenance plan for the Back Harbour Trail since at least 2011. A \$3,000 budget was approved for 2019/20 (see page 51 of approved budget document) to pay for a contractor to execute a major trim of overgrowth on the trail, but to date, to my knowledge, it has not occurred.

Staff comment: A request for quotation (RFQ) was tendered in December 2019. A successful contractor was awarded and the work will be completed prior to March 31, 2020.

In that time there have been several instances where the Recreation Department and/or public works staff have responded to reactively fix specific issues generally related to storm damage - downed tree removals, selective ditching to redirect major water runoff and minor repairs to the trail bed. Many of these fixes have been directly related to no maintenance plan which in turn created the conditions for these problems to occur.

Proactive maintenance plan = timely maintenance, less long term expenses and user satisfaction

Reactive response = temporary fixes, increased expenses and negative user experience

Maintenance Overview – what has been done

- Public works resurfaced the "Maple Street" access portion of the trail in (2014?) as per the Active Transport plan for short term projects and replaced a very outdated trail map sign at the Dufferin Street entrance (2015?).
- In 2019 Public Works installed four new trail signs utilizing universal symbols for displaying trail "rules" to users.
Staff Comment: The four trail signs were purchased and installed by the Recreation Department.
- Public Works repaired the trail surface in several areas due to excessive storm water runoff, some clearing of the nearby ditches that caused the problem and installed a new "pathway" to the trail at the end of Creighton Street. Included in storm related damage were numerous trees and large bushes that had to be removed from the trail pathway.

- Scheduled spring and summer maintenance is generally limited to a Recreation staff member mowing the grass on the ever decreasing grass "fringe" of the trail shoulder several times during the growing season.

Maintenance Recommendations

The major issue for the trail is the absence of a proactive operational maintenance plan for this extremely important community "active living" asset.

It can be characterized by the need for three key maintenance objectives to be completed first, and then maintained on a scheduled basis. In order of priority:

1. **Cut back all vegetation to the outside edge of the old rail bed.** This will end the overgrowth onto the trail path and remove growth in the drainage ditches causing blockage and trail surface damage from water runoff. If large, healthy, mature trees are located in this "shoulder" zone then trim as required and leave in place. Ideally all vegetation is chipped as part of the cutback and distributed in the adjacent woods. This cleanup will also reduce the ideal Lyme tick habitat currently created by a lack of ongoing and effective vegetation management.

On a separate note the operational plan should also identify where knot weed has appeared on the trail and what could / should be done to reduce or at least avoid more hot spots appearing after the cut back.

[Staff comment: To be completed prior to March 31, 2020.](#)

2. **Identify areas along the entire trail where the drainage ditch is not functional and repair.** Remove excess vegetation on outside edge of ditch where required. This also includes the area adjacent to the old town dump where public works backfilling has altered the natural drainage basin and created a minor lake below two major drain culverts. I believe we can all agree the frequency and amount of rain falling in our area has increased dramatically over the past five years and drainage systems throughout the town require maintenance and upgrades to respond to this climate fact.

[Staff comment: Public Works to respond to "minor lake" in Spring/Summer/Fall 2020.](#)

3. Once the first two are completed, **repair the trail surface where uneven and rocky and resurface with crusher dust for a firm, consistent, safe trail bed.** If possible, as part of any trail surface repairs consideration should be given to ensuring the width of the trail meets Bicycle NS standards.

[Staff comment: Included in the 2020/21 draft budget is to re-gravel half of the Back Harbour Trail \(second half to be completed in 2021/22\).](#)

4. Maintenance plan specifics starting at Dufferin Street trail entrance and ending at Sawpit Entrance [refer to photos attached]:

Staff comment: For staff to fully review and investigate the items in this section would require Council direction.

Photos - # 1, 2, 3, 4

- Trail prior to entrance, across from the CN station - cleanup old brush dumped by adjacent homeowners and rake up all dead leaves and ensure drain ditch and culvert is not blocked.
- Request to these adjacent property owners - no more dumping of old brush / cuttings on the adjacent trail bank.
- Entrance - remove the entire thorn bush on left hand side of entrance as it's always growing onto the entrance path.
- Remove all excess signage and re-install the "symbol" signage on post adjacent to main entrance where it is visible to trail users.
- Remove black plastic garbage tub in parking lot and replace with grey pole unit on existing wooden post at the entrance. Staff comment: The Town is currently developing a Waste Reduction Strategy, which will prioritize on multi-stream waste containers.
- Aesthetic consideration - Consider relocating gasoline storage tank to PW land or, if not possible, hide the tank with cover over the chain link fence.

Photos - # 5, 6, 7, 8, 9, 10

- "Back" parking lot - remove overgrowth at entrance to open up visibility to this lot. Remove selected birch trees as part of this cleanup as most are ready to fall into the lot.
- Parking lot trail access - this entrance allows easy trail access from the Dog Park via "Murphy's Way" path. Signage should be installed with trail rules. If "universal" signs not available simply utilize existing signage removed from main entrances. Minimum required - "Dogs on leash" and "pick up after dog" signs. Confirm the entrance width will deny access to all terrain vehicles.

Photos - # 11, 12, 13, 14, 15, 16

- Trail has numerous examples of overgrowth into and onto the trail area, blocked drainage ditches and uneven trail surface due to runoff. In particular, the "lake" created by PW is on this section of the trail.

Photos - # 17, 17a, 18, 19

- To fix the major drainage issue adjacent to old town dump PW will need to re-open the natural drainage path blocked due to back filling. Also, the need to remove a new path allowing public access to the dump from the trail, which the backfilling created.

Photos - # 20, 21

- Photos show where the adjacent home owner has cleaned up the trail shoulder and the drainage ditch. This is what the entire trail border area

should ideally look like after cutback and ditching are completed. (Perhaps this homeowner should be thanked for his unheralded civic effort!)

Photo - # 22

- Maple Street trail extension "intersection" - reinstall the "Rum Runners" directional trail signage at the junction (PW has in storage).

Photos - # 23 to 39

- Maple Street stairs - investigate if a "switchback" path could be installed vs. current stairs. If not, then the stairs should be assessed for functionality - especially the placement of tire "rail" to allow wider tires and ease of use {to close to railing and pedal gets caught}.
- The path immediately at the top of the steps needs to have drainage problem fixed and then properly resurfaced.
- Trail rule signage should be installed at the top of the stairs. Ideally symbol - if not available then both dog signs. Additional signage near the Maple Ave. entrance will improve awareness.

Photo - # 40

- "Academy" look-off rest stop area - assess furniture to confirm in good repair and remove overgrowth from view plane so Academy can actually be seen. (Note - Knotweed hotspot.)

Photos - # 41, 42

- Starr Street entrance - remove all signs except symbol sign. Remove blue box and install grey garbage unit on existing post. Confirm that ATV's cannot get past entrance onto the trail.

Photo - # 43

- Kissing Bridge Road entrance - remove all signage except symbol signage. Relocate symbol signage to post adjacent to entrance for best visibility. Consider additional large boulders to ensure no off road vehicle access - placed to right of entrance post.

Photos - # 45 to 52

- Kinley Drive / Cornwallis Street Access - this was installed in late spring 2019 probably to easily dispose of ground from emergency ditching project next to this entrance. There is a capital works budget caption for this location to create a switchback entrance due to steep slope of bank which is apparent with current setup. A decision should be made if this current setup acceptable or a switchback required.
- The other issue to be resolved is the knotweed overgrowth that basically completely covers the new path and hides the access entrance. Again, signage should be installed - both dog signs at a minimum.
- The caption on the 2019/20 recreation capital budget for this access point (page 94 and 96). The budget of 18,000 originally included 6,000 for a switch

back and 12,000 for side walk extension down Creighton to trail access. The description for this caption is frankly "incorrect" as its purpose is not a "safe access" to the other side of town. It's simply a convenient new trail access point for old town residents. There is no reason to extend a sidewalk on this extremely low traffic very wide street. It is suggested the project and budget be removed unless a switchback access is preferred over current sloped path. If switchback is preferred then Recreation Department / PW should confirm an updated installation time line and appropriate budget for this activity.

Photo - # 57

- There are several "scenic" rest stops with furniture on this section of the trail and all should be assessed for condition and the view planes should be cut back {and maintained} so a view is actually available.

Photo - # 54

- Oxner Drive walk-on trail access point - install trail signage on existing post adjacent to water treatment pump house. Dog signs at a minimum.

Photos - # 44, 53, 55, 56, 58

- There are numerous examples on this section of drainage issues, vegetation overgrowth, and uneven, rocky trail surface.

Photos - # 59, 60, 61, 62

- Sawpit Road entrance - remove all signs (except symbol sign) and the blue box - install grey garbage unit on existing post and confirm both access points are able to restrict off road vehicles. Note the tubs previously at this, and Kissing Bridge Road location, have been removed as they were used as a dumping ground for residential garbage.
- Note once the grey garbage units have been installed at Sawpit Road and Starr Street entrances the company responsible for garbage pickup has to be informed so they revisit these locations as part of their regular coverage.

5. Winter maintenance

While there are no required winter maintenance activities on the trail there is a need to ensure public works snow plows do not block the four key trail entrances - Dufferin / Starr / Kissing Bridge / Sawpit. This will ensure trail users can easily access the trail without having to climb over large snow banks left by the plow. This can be completed after all streets and sidewalks are clear.

Operational Plan - Suggested Implementation

- Identify any safety / liability issues for immediate resolution - i.e. uneven trail surface that might cause falls, or trees in danger of collapse onto the trail.

- It is suggested that after any major weather event, that the recreation department conduct an immediate inspection of the entire trail to identify any related damage, especially safety (read liability) issues.
- Complete a timing and budget assessment for each of the three key objectives - vegetation cutback, ditching, and trail surface. Consider private contractor or public works or combination of both.
- Interested parties to inform or seek participation from - trail users so they know the plan and possible trail closure due to work activity, adjacent homeowners with shared border to respect no dumping and if desired, to help with ongoing maintenance on their "section", Coastal Action for advice on drainage plan and knotweed growth, and public health regarding how best to inform trail users about ticks and ideally a symbol to add to the posted trail rules.
- Based on budget availability create a short and long term plan for execution with performance expectations and completion dates.
- It is also critical to confirm who is ultimately responsible for the trail asset - the recreation department or public works. "Shared" responsibility really translates to no responsibility. Since it is classified as a recreation asset the recreation department should be the sole owner of the plan and implementation. PW could / should be a service provider to the recreation department depending on their financial and manpower availability. If PW cannot deliver the required services then work should be directed where appropriate to outside suppliers. Once the three key maintenance objectives are completed Recreation staff should be able to maintain the basic seasonal mowing schedule.

It was noted in the Project Lunenburg "Recreation and Community Spaces" discussion paper that the Back Harbour Trail was assessed by the project consultant and given a score rating of 36/45 points for an overall average of 4 out of 5 on the 9 areas of assessment, for an overall score of 80%.

I disagree with this value and note two specific areas where the score was over rated based on the facts noted above. Namely "construction and maintenance" and "drainage". My overall assessment would score 25/45 points for an overall average of 2.8 out of 5 on the 9 areas assessed, for an overall score of 55.5%.



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20



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Town of Lunenburg
Lunenburg War Memorial Community Centre (Recreation) Committee

Terms of Reference

(Approved by Town Council November 28, 2017)

(Draft Amendment February 12, 2020)

Purpose

To act in an advisory capacity to Council and staff on matters affecting the development and maintenance of recreational facilities, programs, and services within the Town of Lunenburg.

Objectives

- To represent the community at large in regards to recreation challenges and opportunities;
- To create a healthy, active community to improve the quality of life for residents and visitors;
- To provide input on the development of policies and plans related to the Committee's purpose.

Membership

The Recreation Committee should consist of the following:

- A member of the Lunenburg Town Council who shall act as the Chair;
- Three additional members of Council;
- Three community representatives;
- One local member of Council from MODL;
- Support Staff: The Town Recreation Director (non-voting).

Term

- Community representative's terms shall be **three years** with eligibility to reoffer.
- Council member terms will be established by Council.

Decision Making

- The Recreation Committee makes recommendations to Council by motion from minutes through the Chair or designate.
- The Committee will strive to make decisions through consensus. If consensus is not possible, decisions will be made using a majority vote (50% + 1) of those present.
- Committee quorum is 5 members.

Meeting Frequency

The Recreation Committee will meet ~~bi-monthly~~ **quarterly** on the 2nd Wednesday of the month at 5:15 p.m. in Council Chambers unless otherwise requested by the Chair.

Review Period

The Terms of Reference will be reviewed periodically and after a Municipal Election.

Document No:
Meeting: Feb. 25, 2020 Council
Circulate: Council, BR, KR
File: Budget 2020/21

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA, FINANCE DIRECTOR

DATE: FEBRUARY 19, 2020

**RE: FOLK HARBOUR SOCIETY REQUEST FOR SECTION 71
TAX EXEMPTION**

1. FACTS

At the February 11, 2020 meeting Council passed the following motion:

*Motion: moved and seconded that a staff report be prepared on the implications of the Folk Harbour Society request for tax relief on the finances of the Town.
Motion carried.*

2. ISSUES AND OPTIONS ANALYSIS

Section 71 of the Municipal Government Act (MGA) allows for tax exemptions for registered Canadian charitable organizations if the property is being used directly and solely for charitable purposes.

It also allows for tax exemptions of non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization if Council feels the organization provides a service that might otherwise be the responsibility of Council.

Council may provide that the tax payable with respect to all or part of the taxable commercial property of any non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization be reduced to the tax that would otherwise be payable if the property were residential property.

A tax exemption or reduction under Section 71 shall be shown on the tax bill and accounted for by the municipality as an expenditure.

Council may refuse to grant an exemption or reduction under Section 71.

Section 71A allows for Council, by by-law, to provide that the tax payable with respect to all or part of the taxable commercial property of any day care licensed under the *Day Care Act* be reduced to the tax that would be payable if the property were residential property.

The Town currently have five Tax Exemptions:

Full Commercial Tax Exemptions	2020/21 Draft Exp.
Lunenburg Swimming Pool	\$3,633
Lun. Board of Trade – Tourist Bureau	\$15,682

Residential Rate applied to Commercial Assessment	2020/21 Draft Exp.
Lunenburg Curling Club	\$4,066
Lunenburg Heritage Society – Knaut Rhuland House	\$5,063

Section 71A Day Care Act properties	2020/21 Draft Exp.
Residential Rate applied to Commercial Assessment	
Lunenburg Day Care	\$7,360

For a total cost of \$35,804 which has been incorporated within the draft 2020/21 Operating Budget within the General Government Services expenditures.

The Lunenburg Folk Harbour Society has requested a full tax exemption (copy of request attached).

2020 Taxable Commercial Assessment	\$504,000
Est. 2020/21 Commercial taxes based on draft 2020/21 tax rates	\$16,924
Est. 2020/21 Tax Exemption if Residential Rate applied to Commercial Assessment based on draft 2020/21 tax rates	\$10,115
Est. 2020/21 Tax Exemption if Residential applied to 50% and Commercial applied to 50%	\$5,057

If Council wishes to proceed with a full commercial tax exemption for the Folk Harbour Society the \$16,924 of additional expense would have to be incorporated within the draft 2020/21 Operating Budget. Options would be to find savings of this amount or increase tax rates by \$0.006 for both the Residential and Commercial tax rate.

If Council wishes to proceed with a residential vs commercial tax exemption for the Folk Harbour Society the \$10,115 of additional expense would have to be incorporated within the draft 2020/21 Operating Budget. Options would be to find savings of this amount or increase tax rates by \$0.004 for both the Residential and Commercial tax rate.

If Council wishes to proceed with a 50/50 residential vs commercial tax exemption for the Folk Harbour Society the \$5,057 of additional expense would have to be incorporated within the draft 2020/21 Operating Budget. Options would be to find savings of this amount or increase tax rates by \$0.002 for both the Residential and Commercial tax rate.

If approved, the Tax Exemption Bylaw #43 should be replaced with a Policy instead as is provided for in the Municipal Government Act.

A further alternative would be to increase the grant to the Folk Harbour Society in the amount of an equivalent exemption level desired. The impact to the Draft 2020/21 Operating budget would be the same.

3. FINANCIAL IMPACT

As noted above.

4. STRATEGIC PLAN RELEVANCE

#2 Celebrate our community by:

B. Cultivating a positive visitor experience.

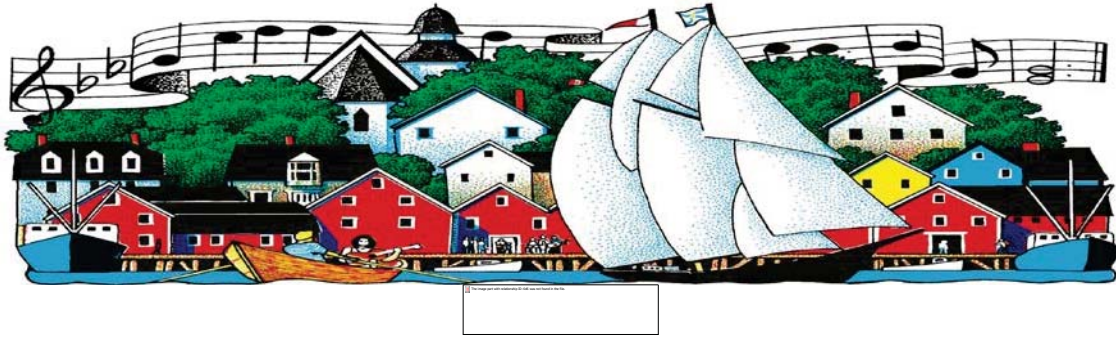
C. Facilitating and encouraging film and other artistic endeavours featuring or referencing Lunenburg.

5. RECOMMENDATION AND DRAFT MOTION

This report is provided for Council's information and further direction.

Acknowledged only by:

Bea Renton
CAO



The Lunenburg Folk Harbour Society

Request to the Town of Lunenburg for Tax Exemption

The Lunenburg Folk Harbour Society (LFHS) is registered with the Nova Scotia Registry of Joint Stock Companies (not-for-profit) under the Societies Act and is a registered Canadian non-profit charitable volunteer run organization (Registration # available on request). In April 2019 the LFHS purchased the Lunenburg Opera House, 290 Lincoln Street, Lunenburg Nova Scotia, located in the “Old Town” municipal Heritage Conservation District. (PID# 6006 1504; AAN# 02138522; Zone: GC).

The mandate of the Society is to promote and preserve traditional folk music from a diverse range of maritime cultures and regions and to encourage the writing and performance of related contemporary genres. In addition, the Society supports an educational component and provides workshops aimed at children and youth. Besides the annual August festival, the LFHS also provides free summer outdoor concerts and a Spring and Fall Concert Series.

Launched in 1986, the Lunenburg Folk Harbour Festival is the longest-running music festival in Nova Scotia and one of the oldest in Canada. In 2018 the Society was honoured to win the East Coast Music Association award for *Event of the Year* and the Music Nova Scotia Award for *Community Presenter of the Year*. These awards acknowledge and celebrate the town, the history of the Festival, our expertise, our supporters and the many volunteers who make the Lunenburg Folk Harbour Festival possible.

While the LFHS continues to present music in various locations throughout the town, owning the Lunenburg Opera House ensures the preservation of a significant historic property and a permanent venue with rental income opportunities. Non-profits receive a 25% discount on rental of the space. Making the space available for rental for music,

cinema, theatre performances and community events assists with expenses related to the maintenance and operation of the building, of which taxes are a significant part.

Given that the Lunenburg Folk Harbour Society is a volunteer run, non-profit charitable organization that contributes significantly to the culture and economy of the Town and uses the property directly and solely for a charitable purpose, the Society is requesting tax exemption (excluding utilities) for the Lunenburg Opera House, currently designated as a commercial property, with an amendment to the Town of Lunenburg's "Tax Exemption for Charitable Properties " By-law #43.

Notes:

- Precedents for tax relief in the Town of Lunenburg include:
 1. Full exemption (eg. Lunenburg Heritage Society Bandstand; Tourist Bureau land, washroom, and trailer park; Lunenburg Swimming Pool; churches)
 2. Reduction from taxable commercial property to the tax that would otherwise be payable if the property were residential property (eg. Knaut-Rhuland House).
- An alternative to tax exemption could be a grant from the Town of Lunenburg at least equal to the amount of current taxes.
- While the Lunenburg Folk Harbour Society receives rental income from the rental of the Lunenburg Opera House, like churches which rent their spaces to community groups, the Society uses that income for the operation and maintenance of the building and to carry out the mandate of the not-for-profit charitable organization. Neither the not-for-profit charitable organization nor individuals benefit financially.
- The work of the Lunenburg Folk Harbour Society (including fund raising) is done by volunteers. It is a major accomplishment for the Society's volunteers to raise the money needed to carry out the work of the Society – the Festival and year-round concerts. The addition of the Opera House requires those same volunteers to do even more work to raise funds. Given that the contributions of the Lunenburg Folk Harbour Society are a significant economic and cultural driver for the Town of Lunenburg, it would be highly respectful of the work of these volunteers for Council to provide tax relief.

- The LFHS is pursuing fund raising from private/individual, federal, and provincial granting sources and programs to assist in the operation, maintenance and renovation of the LOH. Acquisition of the building was made possible by significant Foundation and private donations. A Go-Fund-me Campaign is underway; a request for project assistance has been made to the Atlantic Canada Opportunities Agency (ACOA); a grant proposal has been initiated with the Canadian Heritage Cultural Spaces Fund; discussions have begun with the Nova Scotia Department of Communities, Culture and Heritage. Federal and provincial grants require that projects be supported by all three levels of government (including municipal) and demonstrate private and community support.
- Since purchasing the Lunenburg Opera House, the LFHS has used the auditorium (main floor) to present 12 concerts, 2 as part of the Spring Concert Series, 6 during the August Folk Harbour Festival, and 4 for the Fall Concert Series. All (except 2) of these were “sold-out” or at capacity. The LFHS rented the facility to the Rotary Club which hosted 2 sold-out fund-raising concerts and to the Lunenburg Doc Fest for its four-day Festival as well as to the Nova Scotia Craft Spirits Festival, “Spirited Away” for its Gala event. The space was rented for a Memorial service as well as the venue for the Annual Chapin Family Concert. The upper hall has been used to conduct a five-week Drawing Class. The LOH is proving to be a popular venue for audience members and a vital community attraction and resource.
- Including Spring, Fall & Summer Concerts and the four-day Festival, LFHS engaged 91 musical acts and presented 209 performances for approximately 13,000 people. It is estimated that the economic impact of the Lunenburg Folk Harbour Festival alone (not counting the concert series and summer bandstand series) is that in the four days 3,500 people pack the Town of Lunenburg and spend in excess of \$700,000.

Respectfully submitted,

Harold Pearse
President
Lunenburg Folk Harbour Society

Document No:
Meeting: Council February 25, 2020
Circulate To: Council, HM, BR, LD,
KR
File: Elections 2020

MEMORANDUM

TO: TOWN COUNCIL

**FROM: HEATHER MCCALLUM, ASSISTANT MUNICIPAL CLERK AND
BEA RENTON, CAO**

DATE: FEBRUARY 20, 2020

RE: COUNCIL REMUNERATION AND SUCCESSION PLANNING

1. FACTS

Council approved the formation of a Council Succession Development Sub-Committee on March 26, 2019. There were insufficient applicant numbers to form the Sub-Committee and Council decided on December 10, 2019 Council to proceed with the preparation of a staff report "...regarding Council remuneration and succession planning be prepared" to address the earlier objectives identified for the Sub-Committee.

This included three central issues: future Council remuneration; options to remove barriers for potential candidates seeking elected municipal office; and Council orientation program development which this report addresses.

2. ISSUES AND OPTIONS ANALYSIS

Future Council Remuneration

Town Policy #56 Council and Committee Member Honourarium (**Attachment "A"**) established annual honourarium amounts and payment provisions. Amounts can be adjusted as per the Policy: "Council may vary the amount of annual honorariums by resolution as required from time to time by amending the within Procedural Policy."

Since the Policy's 1999 adoption, adjustments to the amount of honourariums paid have been adjusted by motion of Council including on November 18, 2014 when Council adopted a motion: "To tie Council honorarium increases to NS CPI (Consumer Price Index) for the preceding calendar year in all future years." In 2018 Council decided not to include a CPI adjustment, but typically it has been included in each approved Town budget. Council approved a January 1, 2019 Council honourarium adjustment to offset

the elimination of a Federal one-third tax exempt portion of annual Council honourariums for Council office expenses as recommended by the then Union of NS Municipalities and adopted by many NS municipalities.

Staff have compiled a Council honourarium comparison chart (Figure A. below) for nine municipalities from local and similar sized NS Towns for the period 2016-2019.

Fig. A – Remuneration Rates

	Mar 31 2016	Mar 31 2017	Mar 31 2018	Mar 31 2019
MAYOR				
Town of Middleton	\$16,000	\$16,000	\$16,000	\$13,792
Town of Berwick	n/a	\$18,332	\$18,971	\$18,943
Town of Mahone Bay	\$11,308	\$15,000	\$17,289	\$20,000
Town of Stellarton	\$20,343	\$20,343	\$20,343	\$20,343
Town of Shelburne	\$16,000	\$19,866	\$19,866	\$22,511
Town of Digby	\$19,230	\$19,769	\$23,430	\$26,418
Town of Lunenburg	\$25,090	\$25,391	\$25,391	\$29,200
Town of Windsor	\$22,455	\$22,455	\$22,455	\$29,891
Town of Wolfville	\$27,216	\$29,400	\$30,134	\$34,628
Town of Bridgewater	\$31,850	\$31,850	\$31,850	\$36,525
DEPUTY MAYOR				
Town of Berwick	--	--	--	--
Town of Mahone Bay	\$8,385	\$9,000	\$10,679	\$12,100
Town of Shelburne	\$11,000	\$12,685	n/a	\$15,758
Town of Stellarton	\$15,915	\$15,915	\$15,915	\$15,915
Town of Digby	\$15,000	\$15,420	\$17,573	\$19,489
Town of Windsor	\$14,787	\$14,787	\$14,787	\$19,922
Town of Wolfville	\$17,388	\$19,995	\$20,488	\$23,172
Town of Lunenburg	\$20,070	\$20,311	\$20,311	\$23,357
Town of Bridgewater	\$20,930	\$20,704	\$20,930	\$23,560
Town of Middleton	\$11,500	\$11,500	\$11,500	\$9,913
COUNCILLOR				
Town of Middleton	\$9,000	\$9,000	\$9,000	\$7,758
Town of Berwick	n/a	\$9,700	\$9,849	n/a
Town of Mahone Bay	\$8,000	\$8,000	\$9,153	\$10,500
Town of Shelburne	\$9,500	\$9,786	n/a	\$13,506
Town of Stellarton	\$14,359	\$14,359	\$14,359	\$14,359
Town of Lunenburg	\$13,381	\$13,542	\$13,542	\$14,489
Town of Windsor	\$13,144	\$13,144	\$13,144	\$17,516
Town of Digby	\$14,000	\$14,392	\$16,401	\$18,020
Town of Bridgewater	\$18,200	\$18,200	\$18,200	\$20,230
Town of Wolfville	\$15,156	\$17,700	\$18,148	\$20,720

Notes on figures:

- “n/a” indicates that figures were not available.
- The Town of Berwick has no Deputy Mayor position.
- The Town of Middleton reduced honorariums in 2019/20 as a one-year budget decision; they will be restoring levels in 2020/21.

The next chart (Figure B. below) indicates whether the municipalities in the comparison group have remuneration policies, whether they made a 2019 Federal CRA adjustment, and the terms of honourarium adjustments.

Fig. B – Remuneration Policy

	Have policy	CRA adjust	Date of remuneration policy / latest honourarium rate & Terms of honourarium adjustment
Town of Berwick	Y	Y	Remuneration update: 2012 / 2019 Adjustment: NS CPI, not to exceed 5%
Town of Bridgewater	Y	Y	Remuneration update: 2019 / 2019 Adjustment: Set by policy renewal
Town of Digby	Y	Y	Remuneration update: 2019 / 2019 Adjustment: NS CPI
Town of Lunenburg	Y	Y	Remuneration update: 1999 / 2019 Adjustment: NS CPI
Town of Mahone Bay	N	Y	Remuneration update: 2019 / 2019 Adjustment: Set by motion of Council
Town of Middleton	Y	N	Remuneration update: 2013 / 2019 Adjustment: Static until policy updated
Town of Shelburne	Y	Y	Remuneration update: 2016 / 2019 Adjustment: NS CPI
Town of Stellarton	N	N	Remuneration update: 2016 Adjustment: Revisited every four years
Town of Windsor	n/a	Y	Remuneration update: 2019 / 2019 Adjustment: n/a
Town of Wolfville	Y	Y	Remuneration set: 2016 / 2019 Adjustment: NS CPI

Please note these comparisons are financial only and do not take into consideration elected officials’ differing Council and Committee work demands, additional responsibilities with governance oversight of a municipal cemetery, electric utility, special events, UNESCO and other unique aspects of the Town of Lunenburg.

Town Policy #56 Council and Committee Member Honourarium should be amended to reflect the CPI adjustment and any other updates Council may wish to consider.

Potential Barriers to Elected Office

In the Sub-Committee’s Terms of Reference (Attachment “B”) there was a direction to consider potential barriers for candidates seeking municipal elected office and strategies to address this. In lieu of the Sub-Committee, this discussion could take place at an upcoming General Government Committee. Potential barriers to discuss may include:

- Gender, race, or other perceived forms of discrimination.
- Accessibility – visual, physical, hearing, etc.
- Hours and/or frequency of Council and Committee meetings that may conflict with school, work, etc. schedules.
- Child care requirements to attend Council and Committee meetings.
- Parental leave accommodation.
- IT knowledge for Council and Committee meeting information access.
- Numeracy and literacy gaps.
- Public expectations of elected officials and challenges of meeting these in the social media age.

Town social media and website video and other posts could be developed with the involvement of former and not-returning Council members about what they have found rewarding about serving on Council to encourage residents to consider offering in the 2020 municipal election.

The NS Department of Municipal Affairs also produces a Candidate's Guide to Municipal and School Board Elections. When the 2020 version is received it will be publically shared to further encourage municipal election participation.

Candidates are also encouraged to attend Council and Committee meetings in advance of the election to learn about current issues. The Town website and social media sites provides an abundance of information about municipal matters, and staff are available to answer candidate questions.

Ways of encouraging use of these information sources may be another discussion topic for the General Government Committee.

Newly Elected Council Orientation Training Opportunities

Following municipal elections, newly elected Council members are offered a wide range of electronic and print information including an extensive guide and workshops covering topics such as:

- Swearing-In ceremony protocol;
- Council Code of Conduct;
- Municipal government finance including an overview of Town Capital and Operating budgets;
- Mock Council and Committee meetings and rules of order;
- Town Departments' staff, project and budget overviews;
- Municipal law;
- Council priority planning;
- Communication skills;
- Joint municipal services initiatives;
- Provincial and Federal intergovernmental relations;
- Council and Committee structure and function;

- IT resources and support;
- Town work requests process; and
- Council honourarium and expense payments.

The Department of Municipal Affairs holds a two-day orientation conference for newly-elected Council members and all Mayors and Wardens. Staff is also obtaining quotes for conducting an initial Council orientation session led by municipal leadership specialists on Council team and project priority development.

Opportunities for additional conference attendance, information sessions, and further training are made available throughout the Council term of office.

The General Government Committee is encouraged to discuss future Council orientation and training opportunities for improvements to be made.

3. **FINANCIAL IMPACT**

Council remuneration level was increased by the 2018 NS CPI at 2.2% on November 1, 2019 as per the earlier Council motion and approved 2019/20 budget as set out below in (Figure C. below).

Fig. C. – November 1, 2019 Lunenburg Town Council annual honourarium

Mayor	\$29,842
Deputy Mayor	\$23,871
Councillor	\$14,808

It is projected in the draft 2020/21 Town operating budget that these amounts will be adjusted again by the 2019 NS CPI of 1.6% which will be applied on November 1, 2020 unless other direction is given.

The Draft 2020/21 Town Budget will reflect prior Council orientation training costs. This will include an amount for replacement of all Council members' iPads.

4. **STRATEGIC PLAN RELEVANCE**

This project is in keeping with:

- Strategic Plan Goal #5: Operate the Town efficiently and effectively.
 - C. Developing and updating Town bylaws, policies, procedures and plans.
 - E. Maintaining a positive work environment for Council and staff.

5. **RECOMMENDATION AND DRAFT MOTION**

It is recommended that Council adopt the following draft motion.

Draft motion: moved and seconded that the issues of Council remuneration, potential barriers to elected office, and Council 2020 orientation training be referred to the next General Government Committee meeting for recommendation back to Council, which shall include potential amendments to Policy #56 Council and Committee Member Honourarium.

Attachments

- A. Policy #56 Council and Committee Member Honourarium
- B. Council Succession Development Sub-Committee – Terms of Reference

#56. Town of Lunenburg

Council and Committee Member Honourarium Policy

1. Objective

To provide an annual honourarium for the Mayor, Deputy Mayor, Councillors and non-elected/appointed Committee members in lieu of their previous entitlement to an honourarium and/or meeting pay in light of the April 1, 1999, Municipal Government Act's implementation. This Policy does not affect the entitlement of Town of Lunenburg staff to meeting pay which is still permitted under the Municipal Government Act. Nor does this Policy impact on the Mayor's, Deputy Mayor's, Councillors', non-elected/appointed Committee members' or staff's entitlement to expenses as provided for in the Town of Lunenburg Personnel Policy and the within Policy.

II. Purpose

The purpose of this policy is to establish a fair and reasonable procedure to determine honourariums which reflects the varying workloads and responsibilities of Council and Committee members.

III. Policy Statement

1. Annual honourariums are as follows: Mayor (1) - \$15,000.; Deputy Mayor (1) - \$12,000.; Councillors (5) - \$8,000.; and Committee Members - \$225. (non-elected, appointed).
2. The annual honourarium entitlement of the Mayor, Deputy Mayor and Councillors shall be paid in monthly, pro-rated amounts due and payable on the 15th of each month or next working day.
3. The annual honourarium entitlement of non-elected/appointed Committee members shall be paid at the end of the applicable calendar year, to be pro-rated based on the number months served in this capacity.
4. Council may vary the amount of annual honourariums by resolution as required from time to time by amending the within Procedural Policy.

5. Any remuneration received by the Mayor, Deputy Mayor, Council or non-elected/appointed, serving on an external Board, Commission, etc., shall be paid to the Town of Lunenburg and received in general revenues to be expended as Council determines from time to time.
6. One third (1/3) of honourarium paid shall be considered an expense allowance for income tax purposes.
7. Expenses will continue to be reimbursed to the Mayor, Deputy Mayor, Councillors and other Committee members as provided in the Town's Personnel Policy.
8. Meeting pay will continue to be paid to Town staff members pursuant to Procedural Policy #31 - Town of Lunenburg Meeting Pay Procedure.

myfiles/honour.policy.m23.99

TOWN OF LUNENBURG
COUNCIL SUCCESSION DEVELOPMENT SUB-COMMITTEE

TERMS OF REFERENCE

**Approved by Council on March 26, 2019.*

1.0 DEFINITIONS

“Town” means the Town of Lunenburg.

“Council” means the Council of the Town of Lunenburg.

“Sub-Committee” means the Council Succession Development Sub-Committee, an advisory body reporting to the General Government Committee.

2.0 PURPOSE

The purpose of the Sub-Committee is to conduct an independent review of the current annual remuneration paid to the Town of Lunenburg’s Mayor, Deputy Mayor, and Council, and recommend an appropriate remuneration structure for implementation after the October 2020 election. The Sub-Committee will also examine issues related to the removal of potential barrier for candidates seeking municipal elected office and strategies for newly elected Council member municipal government and governance orientation.

3.0 RESPONSIBILITIES

3.1 The responsibilities of the Sub-Committee will be to:

- a. Establish the criteria for comparison between Council responsibilities and other municipalities.
- b. Assess and make recommendations to the Town’s General Government Committee including but not limited to such matters as:
 - The compensation required to attract a diverse and representative pool of candidates for public office.
 - The responsibilities, time commitments, and accountability associated with municipal Council elected positions.
 - The public expectation of the roles and commitment required of the Mayor and members of Council and public acceptance of any new remuneration recommendations.

- The complexity and importance of issues brought before Council for consideration.
 - The compensation provided to equivalent positions in other jurisdictions across the province.
 - Comparison criteria to other jurisdictions may include physical size, permanent and seasonal population, average income, tax base, municipal services and utilities, special responsibilities, e.g., heritage, electric and water utilities, etc.
 - The full remuneration package for the Mayor, Deputy Mayor, and Council, including honourariums, allowances, benefits, cost of living increases, metrics as they relate to Town Policy #56 Council and Committee Member Honourarium and other relevant references.
 - Potential barriers for candidates seeking municipal elected office and strategies to address this.
 - Opportunities for newly elected Council municipal government and governance orientation programming.
- c. Recommend the procedure and/or timing for future remuneration reviews.
- d. Review the Town's current Procedural Policy #56 Council and Committee Member Honourarium Policy and advise on possible revisions.
- e. Consult with the Town's Finance Director on budgetary impact prior to making budget recommendations in its report.
- 3.2 The Sub-Committee may consult with Town staff, Council and stakeholders as necessary.
- 3.3 The Sub-Committee may seek outside expertise as necessary.

4.0 MEMBERSHIP

- 4.1 The members of the Sub-Committee shall consist of five (5) members: at least three (3) Town citizens; and two (2) former members of Council or such other combination as Council determines by motion from time to time.
- 4.2 The Chief Administrative Officer, or designate, shall attend Sub-Committee meetings in a supporting role to take meeting minutes and provide advisory services.
- 4.3 The Sub-Committee shall select a chair from among its appointed members.

- 4.4 Members of the Sub-Committee are appointed until such time as the Sub-Committee has fulfilled its mandate or has been terminated by motion of Council.
- 4.5 No member of Council shall be a member of the Sub-Committee or attempt to influence its recommendations. Nothing in this section shall prevent the Sub-Committee from consulting with the current Mayor and members of Council.

5.0 MEETINGS

- 5.1 The time and schedule of Sub-Committee meetings shall be determined by the Chair in consultation with the Sub-Committee members.
- 5.2 A quorum of the Sub-Committee shall consist of a majority of its members.
- 5.3 All meetings of the Sub-Committee shall be held in public.
- 5.4 The Sub-Committee shall operate in accordance with the procedures provided in the Municipal Government Act and Roberts Rules of Order.

6.0 FINAL REPORT

- 6.1 The Sub-Committee shall submit a written report to Council outlining its findings and recommendations by January 2020 for consideration by the General Government Committee which shall in turn make recommendations to Council.
- 6.2 The Sub-Committee's report shall be a public document and will contain reasons and justification for all recommendations.

Rec'd Feb 7 20

(date) Feb 6/2020.

By Email and Hand Delivered

Mayor and Town Council
Town of Lunenburg
PO Box 129
Lunenburg, NS B0J 2C0

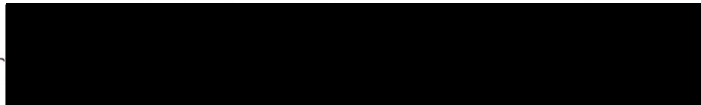
Your Worship and Town Council:

Re: Request for Leave of Absence from Lunenburg Town Council Meetings

As Town Council is aware, the Municipal Government Act and Municipal Elections Act require that a Council member seek the leave of Council to be absent from three or more consecutive regular Council meetings. Accordingly, please be advised that I request a leave of absence for the following Lunenburg Town Council meetings:

- 1.) Feb 25/2020
 - 2.) MARCH 10/2020
 - 3.) " 24/2020
 - 4.) APRIL 7/2020
 - 5.) APRIL 21/2020
- (Dates)

The reason(s) for this request is:



- Medical
- Provincial or Federal election candidate
- Vacation
- Employment
- Other (???)

Feb 25 to Apr. 21, 2020

I am unable to attend the above-noted Town Council and any Committee meetings during the period (date) to (date). Following which it is my intention to attend all regular Council and Committee meetings after (date).

ON MAY 5/2020.



If my leave of absence is approved by Council, I further request that my Council honourarium:

- continue to be paid because ???
- not be paid.

I understand that if Town Council does not approve my request for a leave of absence for three or more consecutive regular Council meetings: I will cease to be qualified to serve as a Council member; be required to vacate my office; and my office shall be declared vacant by Council. Should this request be denied, therefore, I will instead
???.

Reviewing this issue with Council's members.

Thank you for your consideration. Please advise if additional information is required in support of this request.

*Dr. Reports ARE CAN
BE SUPPLIED.
Thank you.*

Yours very truly,

Joseph Carmichael

(name)

Town of Lunenburg Council Member