

TOWN OF LUNENBURG COUNCIL MEETING MINUTES

TUESDAY, MAY 19, 2020 AT 2:00 P.M. – 4:00 P.M. APPROX.

VIA AUDIO/VIDEO CONFERENCE DURING COVID-19 PANDEMIC

PRESENT: Mayor Rachel Bailey
Deputy Mayor John McGee
Councillor Joseph Carnevale
Councillor Danny Croft
Councillor Ronnie Bachman
Councillor Peter Mosher
Councillor Matt Risser

ALSO PRESENT: Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer
Dawn Sutherland, Planning/Development Manager

The Mayor called the meeting to order at 2:01 p.m. She offered condolences to the family, friends and comrades of Capt. Jennifer Casey, RCAF, who died on May 17 in a Canadian Snowbirds aeronautics team jet crash. Capt. Casey was the Snowbirds Public Affairs Officer that had undertaken Operation Inspiration, a cross country fly-over to salute Canadians doing their part to fight the spread of COVID-19 pandemic. Capt. Casey was from Halifax.

1. Agenda

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

2. May 12, 2020 Council meeting minutes

Motion: moved by Councillor Mosher, seconded by Councillor Croft to approve the May 12, 2020 Council meeting minutes. **Motion carried.**

3. Public Hearings and Presentations

- a. Public Hearing – public Zoom audio/video conference submissions regarding 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 (Eldona and Joe Amero, previous owners and original applicants and Art Gregg, new owner applicant)

The Mayor opened the public hearing. She asked the Planning/Development Manager to provide an overview of the application. The Planning and Development Manager summarized the application background, the process today including advertisements for today’s public hearing and manner in which public submissions may be made (**Schedule “A”**). There is no

right of appeal from Council's decision in the matter because this is a Policy amendment. The vacant lot in question was recently sold by the Ameros who still support this application as does the new owner, Art Gregg.

The Mayor advised that the applicants and interested members of the public may make submissions by prior written comment or participation in today's audio/video platform.

The Planning and Development Manager stated that the Town received a prior submission from a neighbor, Mary Knickle, 78 Broad Street, in opposition to the application relating to lot drainage and other issues and a petition in favour of the amendment (**Schedule "B"**). Another submission was just received from Gerry Rolfsen, Lincoln Street, in support of the application, which she read aloud (**Schedule "C"**).

The Mayor inquired if there are any Council questions of the Planning/Development Manager before receiving further public submissions? There were none at this time.

The Mayor next asked if the applicants wished to make a presentation? The Planning and Development Manager advised that Mr. Gregg does not wish to make a presentation, but Mr. Amero does. Mr. Amero addressed Council commenting that any drainage issues were created by an adjacent property when a deck was built which caused water run-off to other properties. As well, he did not create the lot; but rather, re-subdivided it to create more frontage for Lot A2 and migrated it when they sold the adjacent lot with their former home on it. Mr. Amero said he now lives on Archibald Street in a mid-1800's heritage property with a Lunenburg bump and is appreciative of Lunenburg's built heritage, but the application relates to a vacant lot in New Town. He submitted that the removal of this lot neither affects the cohesiveness of the Architectural Control Area as it is vacant and on the edge, nor is it detrimental to the Town's World Heritage Designation. Council recently approved a somewhat similar application by ABCO Industries on Tannery Road. He thanked those who signed his petition of support for this application and for Town Committee and Council consideration of their application.

The Mayor asked if there were any further submissions by electronic means through the Zoom webinar? The Assistant Municipal Clerk said there are none and explained the means by which to make public Zoom submissions should anyone wish to still comment.

Following which Ted Kelly, 82 Kempt Street, addressed Council noting that the subject lot drainage issue will remain whether the land is in the Architectural Control Area or not. There have been changes throughout heritage areas in the community including the removal of brick chimneys and other traditional features that occur over the course of time.

Marc Glassman, 95 Dufferin Street, spoke next advising that their main concern is the drainage from this lot which they inspected before they bought their adjacent home. They did landscaping in their own backyard to address pre-existing drainage issues there before they built a rear deck. They believe the drainage comes from the applicants' lot which could increase with infill for construction of a future home there by the applicant. The Planning and Development Manager noted that lot drainage is a private issue and is not connected to the Architectural Control Area criteria. She has not received any plans from Mr. Gregg so does not know what he plans to build there or how he will deal with any lot drainage issues. Mr.

Kelly asked to address Council again, which he was permitted, commenting that architectural designs of various periods can address any drainage issues.

Deborah Glassman, 95 Dufferin Street, tried to speak to Council but there were audio issues with her computer connection so her written "Zoom – Chat" comments were read aloud by the Assistant Municipal Clerk as attached ([Schedule "D"](#)).

The Mayor advised Council that since there were no other public submissions a motion of Council to close the public hearing would be in order.

- Close of public hearing and receipt of public submissions

[Motion](#): moved by Councillor Risser, seconded by Councillor Croft that the public hearing be closed and no further public submissions will be received. [Motion carried](#).

The public hearing portion of the meeting closed at 3:05 p.m. approx.

- Council consideration of public submissions in Unfinished Business portion of agenda

Council proceeded to consider the merits of the application below.

6. Unfinished Business

a. Corporate Services

- i. 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 – discussion and possible motion to approve, defer or deny

[Motion](#): moved by Councillor Risser, seconded by Deputy Mayor McGee that Council hereby gives second reading and approves the proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area as set out in the map ([Schedule "A"](#)).

Council discussed what to do if they are presented with more such requests to remove properties from the Architectural Control Area? The Planning and Development Manager suggested that this application and the prior ABCO application have been in process for some time and the matter can be generally considered during Project Lunenburg and Heritage Conservation District By-law review discussions.

[The motion was put and passed.](#)

[Motion](#): Councillor Risser, seconded by Councillor Mosher to recess and for Council to meet in camera. [Motion carried](#). Deputy Mayor McGee voted in the negative.

It was agreed by Council that the remaining agenda items will be deferred to the May 26, 2020 Council meeting.

4. Correspondence

Nil.

5. Committee Meeting Minutes and Recommendations

- a. Joint Occupational Health and Safety Committee May 7, 2020 – information only

6. Unfinished Business

a. Corporate Services

ii. Budget 2020/21

- May 22 public submission deadline advertised for May 26 Council meeting
- Notice of Provincial Department of Justice notice of 2.62% RCMP annual municipal policing services cost to \$815,492
- Notice of Municipality of the District funding approval for Town Recreation Department facilities and equipment

iii. Municipal Election 2020 – Department of Municipal Affairs confirmation that the October 17, 2020 election is proceeding as scheduled

iv. Strategic Plan 2019 Progress Report

7. New Business

b. Corporate Services

- i. Request of Edward J. Kelly for 82 Kempt Street to be removed from the Heritage Conservation District - staff report

c. Public Works Department

- ii. Golden Retriever Gathering July 18 2020 Special Event Application – Council motion

8. Motion to meet in camera to consider potential Town land leases and sales, personnel matters and legal advice eligible for solicitor-client privilege

3:19 p.m. – 3:30 p.m. – Council recessed to meet in camera to consider contract negotiations, the sale and lease of Town lands pursuant to section 22 of the Municipal Government Act.

The meeting adjourned at 3:30 p.m.

Bea Renton, CAO

PUBLIC HEARING PACKAGE (Amero application)

Proposal: A proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area

Date: Tuesday, 19 May 2020

Time: 2:00 pm

Via: Zoom webinar

Please click the link below to join the webinar:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://zoom.us/j/565813028>

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

Canada: +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 438 809 7799 or +1 587 328 1099

Webinar ID: 565 813 028

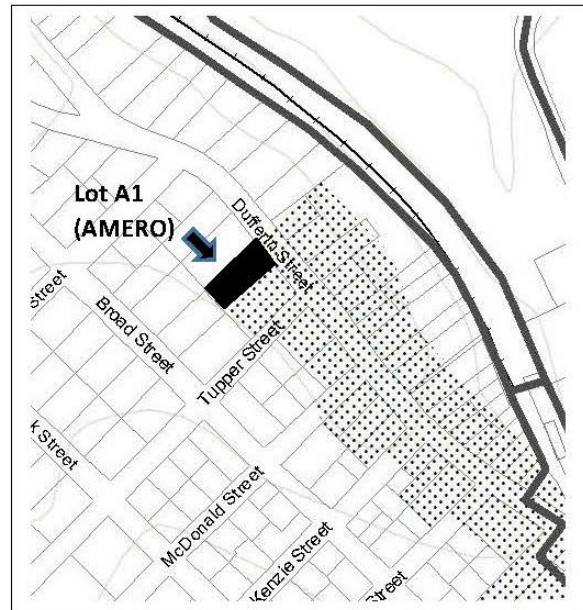
International numbers available: <https://zoom.us/j/565813028>



Amero application

PUBLIC HEARING

for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area, as set out below:



Public Hearing Agenda

1. Opening of the Public Hearing

A public hearing provides members of the public with an opportunity to make their views known to Council prior to Council making its decision. A public hearing is required under the Municipal Government Act.

Please note that only those members of the Council present at the public hearing may vote.

2. Review of General Rules of Conduct

There are a few general rules of conduct that are to be observed so that everyone who wishes to speak can do so in an open and respectful environment.

The general rules of conduct are:

- Please state your name and civic address clearly so that it may be recorded in the minutes.***
- We ask that you be respectful of others' opinions.***
- Speakers will be limited to one presentation unless called upon by the Chair for further comment.***
- Speakers are limited so that all may have an opportunity to participate.***
- Council members may question each speaker.***
- Comments and questions by the public are to be directed to the Chair.***

• IT IS IMPORTANT TO NOTE THAT this is the last opportunity for submissions to be received by Council for consideration in making its decision. After the public hearing is closed, Council members can no longer consider submissions.



Public Hearing Agenda

3. Public Hearing

Proposal: A proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area

- (i) Presentation by Town Planner Dawn Sutherland
- (ii) Opportunity for presentation by applicant/owner
- (iii) Written submissions
- (iv) Oral submissions via Zoom

4. Closing of the Public Hearing




(The end of the receipt of any public submissions)

Motion to close the Public Hearing.



PUBLIC HEARING PRESENTATION



Process

	<p>1. Applicant wishes to make a planning application and makes a request to apply.</p>		
	<p>2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply.</p> <p>Referral to the Planning Advisory Committee (PAC).</p>	<p>-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)</p>	<p>Town of Lunenburg Public Participation Program</p>
	<p>3. PAC holds Public Information Meeting (PIM) 13 January 2020</p>	<p>-PAC learns about application -Public learns about application and asks questions -no decisions at this time</p>	<p>Town of Lunenburg Public Participation Program</p>
	<p>4. PAC meeting, recommendation to Council 10 February 2020</p>	<p>-Staff report with analysis -PAC makes a recommendation to Council</p>	<p>PAC recommendation to go forward for First Reading and then Public Hearing</p>



NOTE: Council members have been provided with all reports, meeting minutes, and previous submissions in Council agenda packages (e.g., minutes from 13 Jan 20 Public Information Meeting are contained in Council agenda package of 28 Jan 20)

PROCESS

	<p>5. Council – First Reading and sets a Public Hearing date</p> <p>25 February 2020</p> <p><i>(Public Hearing set and advertised for 24 March 2020 was rescheduled as a result of Covid-19)</i></p>	<p>-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 (4 May 2020), Second advert (11 May 2020) Chronicle Herald</p>	<p><i>Municipal Government Act</i></p>
	<p>6. Council - Public Hearing</p> <p>19 May 2020</p> <p>Public Hearing likely will be closed by motion of Council at this time.</p>	<p>Public input – Presentation via Zoom Webinar, Written submission: email, letter Oral submission: Zoom webinar</p> <p>Option to defer consideration of decision on Second Reading/Approval – additional staff report (conditions).</p>	<p><i>Municipal Government Act</i></p>
	<p>7. Council – Decision made on giving Second Reading (approval) or not.</p> <p>Today or next mtg 26 May 2020</p>	<p>-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation</p> <p>Option to defer consideration, as above.</p>	<p><i>Municipal Government Act</i></p>
	<p>8. If positive (Approved by Council), Province reviews</p>	<p>30 days</p>	<p><i>Municipal Government Act</i></p>



PROCESS

	<p>9. Province Approval required – 60 days, approve with or without amendments or refuse</p> <p>OR</p> <p>Approval not required</p>		<p><i>Municipal Government Act</i></p>
	<p>10. Notice in newspaper setting out that MPS amendment is in effect</p>	<p>Effective date of amendment is upon publication in paper.</p> <p>(NO APPEAL TO UARB)</p> <p>END</p>	<p><i>Municipal Government Act</i></p>

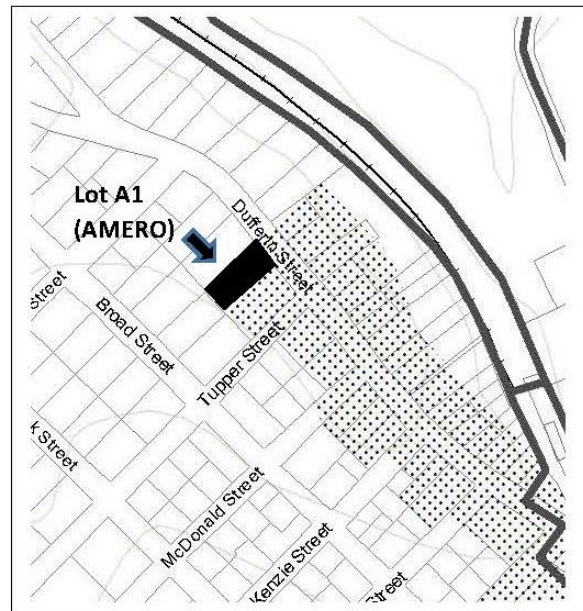
As this application process has met the requirements of the Town of Lunenburg Public Participation Program and the *Municipal Government Act*, the proposed Municipal Planning Strategy amendment is properly before Council for Public Hearing.



Amero application

PUBLIC HEARING

for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area, as set out below:



Amero application – new owner of Lot A1

The Ameros have recently sold Lot A1 to Mr. Art Gregg. The change in title does not impact the MPS approval process. The Public Hearing is to continue and the planning process completed. The new owner wishes to proceed with the application. Confirmatory email of 13 May 2020 is below:

Good Morning Ms Sutherland,

Thank you for your email to Mr. Art Gregg. I am a relative of Mr. Gregg's (his son) who is writing on behalf of Mr. Gregg this morning because he is having difficulties replying directly by email due to issues with his email/computer this morning.

I have made sure to include Mr. Gregg on this email at his request.

Mr. Gregg would like to respond to your last email to CONFIRM that he wishes to support the proposed MPS Map amendment for the removal of Lot A1 Dufferin Street from the Architectural Control Area along Dufferin Street.

Please respond to this email to confirm that you received Mr. Gregg's reply to your question. Please also forward the link to the zoom meeting on May 19 when you have a moment. If you are able to reply to both Mr Gregg's address and mine that would be great, so that I can make sure that he receives the zoom link in the event that his computer/email challenges persist.

*Regards,
Shannon Lynch*



Reason for Request

- **Mr. Amero has had Lot A1 for sale for a number of years and believes that the architectural control area restrictions have hindered its sale.**

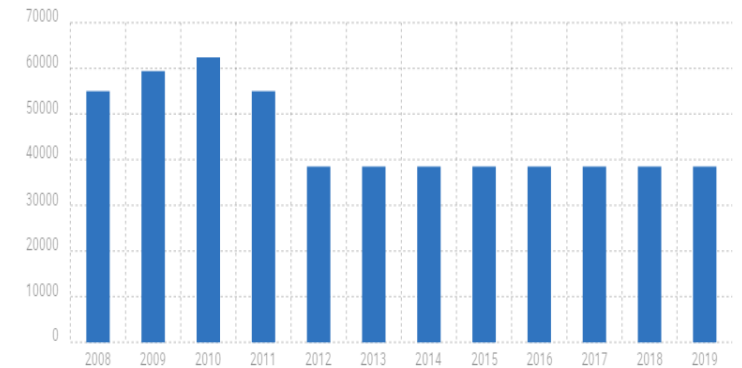
Mr. Amero has also related that pending sales have been lost when buyers become aware of the restrictions in the Architectural Control Area.

The assessment on Lot A1 has decreased from when it was first created. This appears to be the case as shown by the assessment history from Viewpoint.ca at right.

(Source: Viewpoint.ca, accessed 30 August 2019)



Assessment History



YEAR	ASSESSED AT	% +/-
2008	\$55,000	0.0%
2009	\$59,400	8.0%
2010	\$62,400	5.1%
2011	\$55,000	-11.9%
2012	\$38,500	-30.0%
2013	\$38,500	0.0%
2014	\$38,500	0.0%
2015	\$38,500	0.0%
2016	\$38,500	0.0%
2017	\$38,500	0.0%
2018	\$38,500	0.0%
2019	\$38,500	0.0%

Reason for Request

- He wished to be removed from the architectural control area and be subject only to the Residential (R) Zone provisions.

He has asked that Lot A1 be removed from the Architectural Control Area and does not wish to be included in a new Heritage Conservation District.

Where the property is 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 on design and cladding** as well as **limits the size of additions**



Intent of Policies

- **The intent of the policy is for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft.**

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Regulation is through the Land Use By-law.

There are restrictions on size of additions and such things as cladding, roof shape, style. The owner wishes to be removed from these restrictions.



Residential (R) Zoning

There is no issue with the zoning.

Single unit dwellings and two-unit dwellings are permitted developments under Part 5.1.a of the Land Use By-law.

New dwellings are subject to zone standards, as set out in Part 5.2.

Minimum front and rear yard: 6 metres (20 feet)

Minimum side yard: 2.4 metres (8 feet)

Maximum height of buildings: 10.5 metres (35 feet)



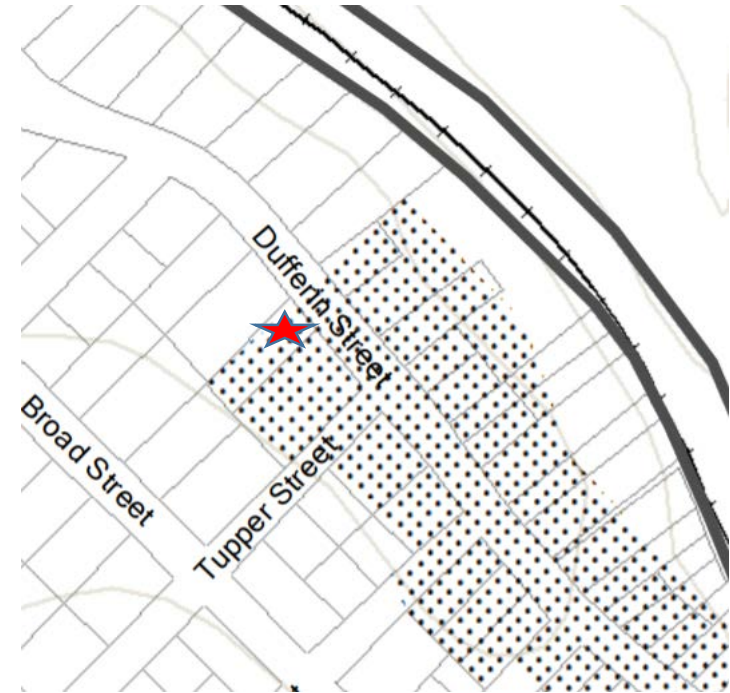
PROPERTY INFORMATION

Applicant	Joseph Amero & Eldona Amero
Land Owner	Former: Joseph Amero & Eldona Amero Current: Arthur Gregg (deed registered 8 May 2020)
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 (currently vacant)
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)



Property Information

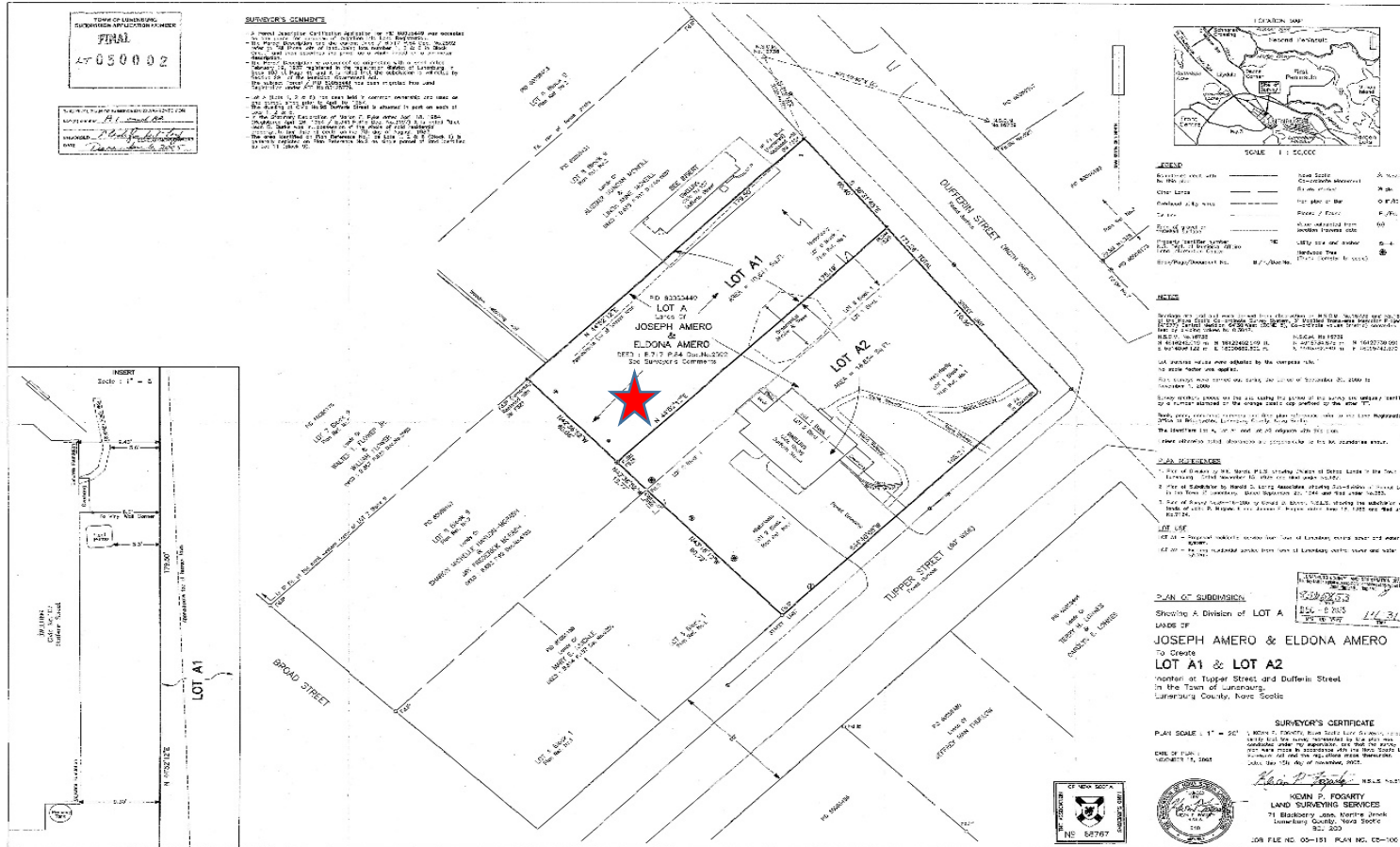
- The lot is currently vacant.
- The lot was originally part of the property next door at 95 Dufferin Street. The Ameros severed the parent property in 2005 to create Lot A1 (subject property) and Lot A2, which contains the home at 95 Dufferin.
- 95 Dufferin Street is no longer owned by the Ameros. This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



Excerpt from Map 2 showing Lot A1 entirely within the Architectural Control Area, depicted by the dots.



Property Information



Public Hearing: Amero application

19 May 2020, via Zoom Webinar

Property Information

- 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



This shows the change in grade from the rear of the lot to the front of the lot abutting Dufferin Street.



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).



ISSUES AND OPTIONS ANALYSIS

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.



ISSUES AND OPTIONS ANALYSIS

B. Architectural Control

- **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.**



ISSUES AND OPTIONS ANALYSIS

B. Architectural Control

Part 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.



ISSUES AND OPTIONS ANALYSIS

B. Architectural Control



- The **subject lot, A1**, 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.



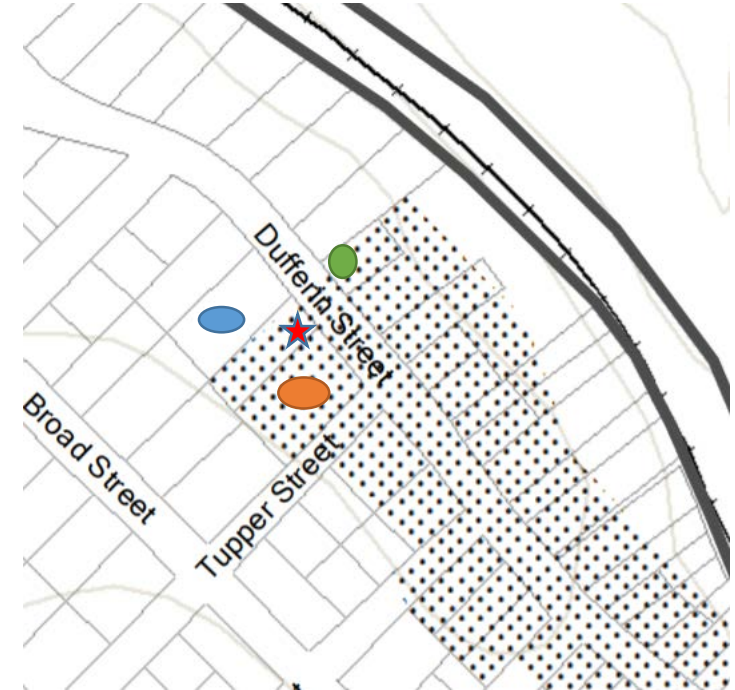
- The property to the north of Lot A1 at **107 Dufferin Street** is not within the boundary.



- 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.



Map 2 – current boundaries of Architectural Control Area



ISSUES AND OPTIONS ANALYSIS

B. Architectural Control

- 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.
- There could be a negative impact on the streetscape as modern design and materials would be permitted.
- 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 (vacant lot at edge of area).



Map 2 – current boundaries of Architectural Control Area

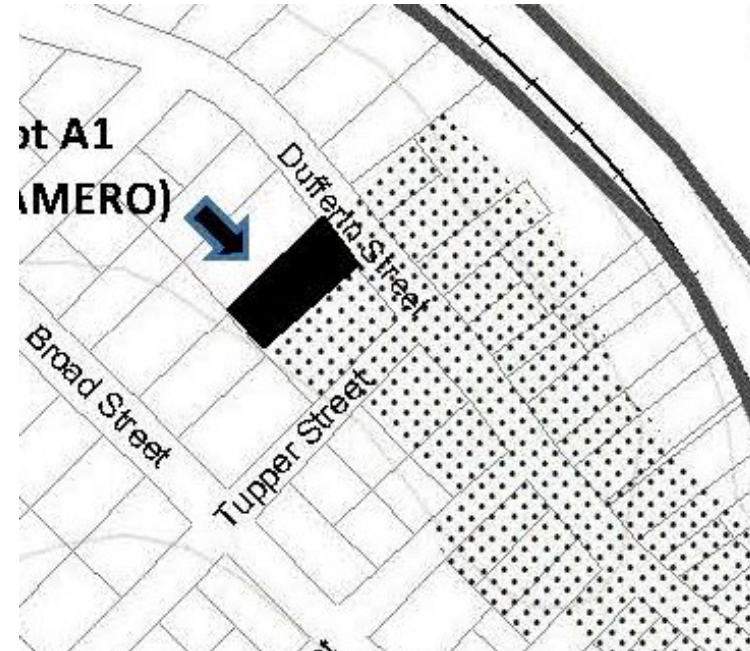


ISSUES AND OPTIONS ANALYSIS

B. Architectural Control



Existing Map 2 (current)



Proposal to remove Lot A1 from the Architectural Control Area



ISSUES AND OPTIONS ANALYSIS

C. Heritage Conservation District linkage

- **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 and the current owner Mr. Gregg wish the property to be removed from the architectural control area and do not wish to be included in a new Heritage Conservation District.**
- **Both wish to have the same regulations to operate under as 107 Dufferin Street, which is R Zoning only.**



ISSUES AND OPTIONS ANALYSIS

D. Provincial Statements of Interest

- **1. Statement of Provincial Interest Regarding Drinking Water**
- **2. Statement of Provincial Interest Regarding Flood Risk Areas**
- **3. Statement of Provincial Interest Regarding Agricultural Land**
- **4. Statement of Provincial Interest Regarding Infrastructure**
 - 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**
 - 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.



Public Information Meeting held 13 January 2020

- Much concern about drainage issues with new construction
- If removed, a new house that is built would/could not be compatible with surrounding built heritage.
- Erosion of the edges of protected areas of Town
- Shouldn't be removed as the Heritage Advisory Committee is considering an expansion of the Heritage Conservation District.
- The lot is vacant so heritage design is not appropriate. It would have little impact as the lot is at the edge of the control area – it would have much the same impact as 107 Dufferin Street (next door, not in architectural control area)



Public Hearing: Amero application



Streetscape of Dufferin Street. Lot A1 has real estate sign.

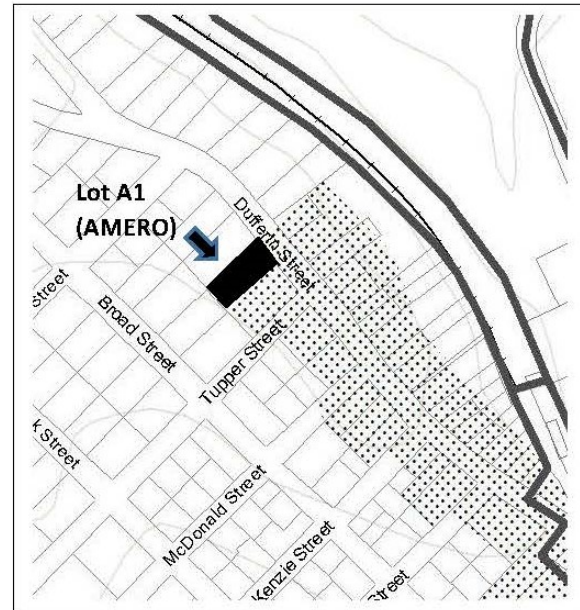


107 Dufferin Street

19 May 2020, via Zoom Webinar

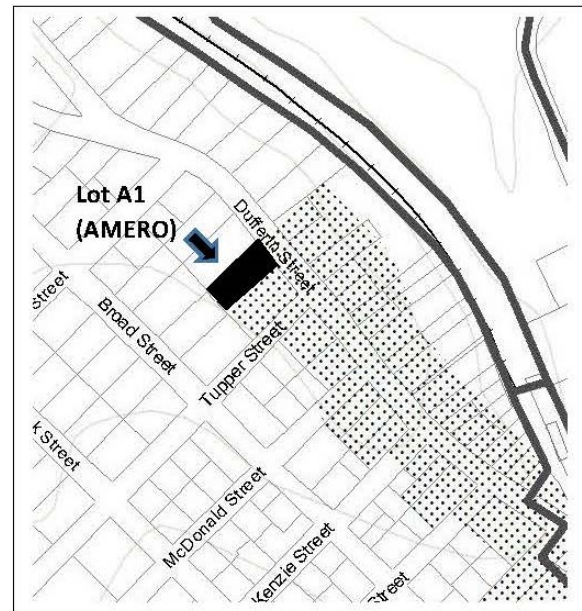
Planning Advisory Committee held 10 February 2020

- Looked at a number of options and discussed
- To recommend to Town Council that Council hold a public hearing to consider a proposed amendment and first reading of removal from 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")



First Reading by Town Council on 25 February 2020

- **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.**



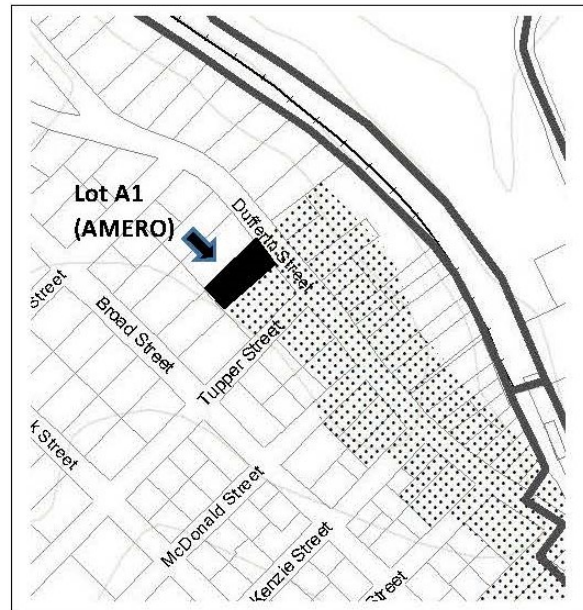
** Public Hearing postponed and rescheduled, delivered via an online format as a result of Covid-19 – no in person meetings*



Amero application

PUBLIC HEARING

for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area, as set out below:



Public Hearing Agenda

3. Public Hearing

Proposal: for a proposed amendment to the Municipal Planning Strategy's Map 2 Future Land Use Map by eliminating Dufferin Street Lot A1 (PID 60642741) from the Architectural Control Area

- ✓ (i) Presentation by Town Planner Dawn Sutherland
- ★ (ii) Opportunity for presentation by applicant/owner
- (iii) Written submissions
- (iv) Oral submissions via Zoom

4. Closing of the Public Hearing (if ready) *(The end of the receipt of any public submissions)*

Motion to close the Public Hearing.



I support Eldona and Joe Amero in their Request to Remove Land Use By-Law Heritage Designation from Lot A-1, PID # 600 554 49, Dufferin St.

NAME	Address	Phone#
<i>Geoff Jackson</i>	19 Broad St	634-3518
<i>Gary Jackson</i>	19 BROAD ST	" "
GEOFF LAWLOR	82 DUFFERIN	634-4559
Cliff Lamson	"	"
Carol Lamson	"	"
CAROL LAMSON	"	"
KATHLEEN Lamson	"	"
Kathy Kirkby	108 Dufferin St	902-489-5514
Perry Morris	108 Dufferin St.	902-579-7575
Christopher Allen	102 Dufferin St.	902-523-4187
Mary Rowland	92 Dufferin	902-634-8795
Mary Blagan	102 264 Lincoln St.	902-880-8832
Pete Sheufer	#9 Hebb St	902 523-0826
Edgar Blum	128 Brook St	902-634-3885
L.M. Topley	39 Knock Lane	902 634-4177
Anne Kennedy	51 Sandy Hollow Rd	(902) 634-3783
Ted Kelly	82 Kempt St.	(902) 634-4565
Due Kelly	82 Kempt St	902 634-4565
Humane Marshall	90 Dufferin St	902-634-3065
Neil Marshall (Sandy)	90 Dufferin St	902-634-3065

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I support Eldona and Joe Amero in their Request to Remove Land Use By-Law Heritage Designation from Lot A-1, PID # 600 554 49, Dufferin St.

NAME	Address	Phone#
<i>Donna Wentzel</i>	<i>26 Mason's Beach Rd</i>	<i>634-4501</i>
<i>[Signature]</i>	<i>26 MASON'S BEACH RD.</i>	<i>634-4503</i>
<i>[Signature]</i>	<i>GERRY ROESEN 264 LINCOLN .</i>	<i>634 8093</i>
<i>Monica Richard</i>	<i>57 Jannery Rd</i>	<i>634-3121</i>
<i>Dale Roberts</i>	<i>36 Dufferin</i>	<i>298-0940</i>
<i>Ronald Thurston</i>	<i>13 Dufferin</i>	<i>634-4876</i>
<i>Russell Marsma</i>	<i>701C</i>	<i>902 634 4095</i>
<i>Kathie Kuppattuk</i>	<i>184 Green St . Lunenburg</i>	<i>902-634-9192</i>
<i>Stephanie devries</i>	<i>26 Hopson St.</i>	<i>902-521 1575</i>

From: Alistair McNeill alistairmcneill@live.ca
Subject: Re: Support fo Eldona and Joe
Date: March 2, 2020 at 10:58 AM
To: Joe Amero eamero@eastlink.ca



To Whom It May Concern:

Originally the "Amero lot" on Dufferin St. In Lunenburg was only half in the designated heritage Zone, but some committee with little or any authority seems to have decided the whole lot should be in rather than out of the zone. We live next door to the lot at #107 Dufferin and believe it should be excluded from the heritage requirements. We strongly support the Ameros in their quest to have the lot excluded from the zone as it has recently been drawn.

Sincerely,

Alistair & Linda McNeill

Sent from my iPhone

On Mar 2, 2020, at 10:32 AM, Joe Amero <eamero@eastlink.ca> wrote:

Hello Linda and Al : We have started a petition which reads : (Kathy Kirkby and Chris across the street have signed ,Sandy is away but he supports us as well)If you would send an email expressing your support it would be greatly appreciated. Joe

I support Eldona and Joe Amero in their Request to Remove Land Use By-Law Heritage Designation from Lot A-1 ,PID # 600 554 49, Dufferin St.

Dear members of Council and the Planning Committee

My Name is Mary Knickle. I am here today representing my husband Craig Ferguson and our neighbours Sharon Morash and Jay Morash as well as Deborah and Marc Glassman.

We are strongly opposed to changing the designation of this particular lot from the Architectural control zone to a regular zone.

First of all, that particular lot was originally a part of a significant and impressive Georgian Revival property at 95 Dufferin - a house that was built in 1936 - close to 85 years ago and was the home of many prominent Lunenburgers. The lot was severed from what many consider to be a heritage home to be sold separately but he Ameros.

Our primary concern is that once the town lifts the heritage designation on this particular lot, it sets a dangerous precedent that could lead to other lots in similar situations being severed and released, permitting development that could be aesthetically and structurally incompatible with Lunenburg's most important asset: the incredible built heritage that makes this town so special. Lunenburg as a town relies on these designations to preserve the heritage that so many people are attracted to. It is not just the UNESCO part of town that attracts people but the town as a whole and there are many beautifully preserved houses and parts of Lunenburg in all of Lunenburg which contribute to the town as a major tourism attraction.

I understand that the main argument for this property being released is because it will not sell due to this designation but that is not entirely true. In fact one of the main reasons is that there are serious water issues on that property that I think most of the town is aware of. I know Jo Amero has emphasized his hardships associated with trying to sell that lot but at the time the Glassman's bought the house, according to the Glassman, they offered to buy the lot for a sum and he refused (this offer was the same amount he later accepted from a buyer that walked away due to the water issues).

This is such a huge issue that if development is permitted without an obligation to mitigate the water situation, all three adjacent properties owned by the Glassmans, the Morashes and ourselves will be negatively affect. All three properties now have swamps in their backyards and have lost foliage as a result. Jay Morash has attempted to build a moat around his property. At the driest part of the summer when thousands of wells are dry in Lunenburg County and Nova Scotia and there are water restrictions issued, just come to our yards, or the above lot and you will find it wet or as one town person said.....squishy.

As far as water issues go I know this does not concern the town as the issue at hand is regarding the architectural control area. However perhaps the town should start caring. The town could put up environmental stipulations especially if there are concerns surrounding a lot instead of leaving it up to individuals who would rather not battle with neighbours.

You will always have a modern and historical mix at the edges of the architectural control area. If you change this designation on this lot, then later along you may have another application with a property on the edge of the map for another request deregulate and another and another. As I mentioned earlier this sets a dangerous precedent. Isn't this also a disservice to the town committee that took great pains in choosing which parts of the town should be architectural control and which parts should not?

I point to two of your six main objectives:

It shall be the intention of Town Council to:

1. Encourage preservation of the architectural and cultural heritage of the Town and minimize any negative impact that may result from new development or redevelopment.
2. Control land use and development in a manner that will preserve, enhance and protect both the natural and built environments of the town.

Sincerely,

Mary Knickle and Craig Ferguson

Jay and Sharon Morash

Marc and Deborah Glassman

Kelly Jardine

From: Rolfsen Carey [<mailto:gerryrolfsen@gmail.com>]

Sent: Tuesday, May 19, 2020 1:07 PM

To: Heather McCallum

Subject: Public Hearing today

The requirements in the ISSUES AND OPTIONS ANALYSIS, Section B, Architectural Control, noted in the Agenda:

include nine categories of architectural design decisions that are being taken out of the hands of the property owner and his architect, and essentially make a plea for 'fake heritage architecture'.

This is not only confusing but is also in direct opposition to prevailing authentic architectural styles and approaches found in the World Heritage Site, where each era of development and prosperity fostered a different approach to residential design. The town evolved from settler shelter through early Cape Cod styles; through Georgian, then Victorian, Queen Anne, Second Empire, and finally, Arts and Crafts styles. They all tell the story of Lunenburg's evolution and progress.

Furthermore, there is no heritage to preserve on this property; it is a swampy, vacant lot. Preservation is not an issue.

This property should definitely be removed from the ACA; and the Control Areas themselves should be seriously examined to determine what actual contribution they are making to the historic record.

**COUNCIL MEETING AND PUBLIC HEARING
MAY 19, 2020**

COMMENTS RECEIVED VIA CHAT:

14:44:34 [Marc Glassman](#): Might I make a short oral submission? Marc Glassman, 95 Dufferin Street

14:58:36 [Marc Glassman](#): A very good point, Mr. Kelly.

14:59:20 [Deborah Glassman](#): Further to my husband's comments... We have no major issue with the development of the lot and hope that what is built there respects the quality and style of the homes in the area in a tasteful way. However if the new owners add many tons of fill in order to build up, we are very concerned that the water issue on the lot will worsen and push the water out that will further render the three adjacent lots – ours, Mary Knickle and Craig Ferguson and the Morashs on Broad Street.

Secondly, my only other comment is that changes to requirements for Architectural controls and preservation of Heritage building standards should NOT be done on a lot by lot basis, in our opinion.

Also... just for the record the house at 95 Dufferin Street was built in 1936... not 1946.

Thank you.