



AGENDA

Town of Lunenburg Council Meeting

Tuesday, July 27, 2021 at 6:00 p.m.

Zoom and YouTube Live Broadcast Only

(Agenda is subject to change due to additions and/or amendments)

-
1. Call to Order – Mayor Risser
 2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People – Mayor Risser
 3. Agenda – draft motion

Motion: moved and seconded approval of the agenda.

4. July 13, 2021 Council meeting minutes – draft motion

Motion: moved and seconded approval of the July 13, 2021 Council meeting minutes.

5. Public Hearings, Presentations and Questions

- a. Presentation of Construction Safety Nova Scotia Certificate of Recognition (COR) Designation to the Town of Lunenburg by Laura Langille, CHSC, GSC, OHS Advisor Construction Safety Nova Scotia;
- b. Stellar Investments Request to Extend Development Agreement for 101 Mason's Beach Road – **Application Withdrawn**

Motion: moved and seconded that Town Council accepts Stellar Investments Inc.'s withdrawal of their application to amend the Development Agreement (Document No. 98133185) for 101 Masons Beach Road to extend the commencement date for development. Council is therefore canceling the Public Hearing associated with Council's intent to refuse this application.

- c. Proposed Repeal and Replacement Municipal Planning Strategy, Land Use By-law and Subdivision Bylaw With Specifications – public hearing for written and verbal public submissions

- Nona White, Russell and Diane Crouse
- Rachel Bailey
- Donnie Parks

Motion: moved and seconded to close the public hearing portion of the Council meeting regarding the proposed repeal and replacement of the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use Bylaw and 2007 Subdivision Bylaw with Specifications for which no further public submissions will be considered.

6. Correspondence, Petitions and Proclamations Consideration (nil)

7. Business Arising from the Minutes/Unfinished Business

- a. Stellar Investments Request to extend Development Agreement for 101 Mason's Beach Road – staff report and **revised draft motion**

Motion: moved and seconded that:

Whereas the Town of Lunenburg (the "Town") entered into a Development Agreement with Stellar Investments Inc. (the "Developer") dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as Document No. 98133185 (the "Development Agreement");

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Now therefore, Town Council by virtue of section 229(2) of the Municipal Government Act (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, orders that the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect.

And further that the Mayor and COA/Clerk are authorized to execute the Development Agreement Discharge Notice on behalf of the Town which shall be recorded at the Land Registration Office.

(Note: There is no mechanism in the Municipal Government Act to appeal the discharge of a Development Agreement to the NS Utility and Review Board.)

Motion: moved and seconded that Town Council cover any costs associated with the filing of the 101 Masons Beach Road Development Agreement Discharge Notice at the Lands Registration Office.

- b. Proposed Repeal and Replacement Municipal Planning Strategy, Land Use By-law and Subdivision Bylaw With Specifications – staff report and draft motion

Motion: moved and seconded that Council hereby repeals the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use Bylaw and 2007 Subdivision Bylaw with Specifications and hereby approves the adoption of the revised draft Municipal Planning Strategy, draft Land Use Bylaw, draft Subdivision Bylaw and draft Specifications for Subdivision with non-substantial changes as outlined in the non-substantial changes list attachment.

- c. Proposed Resubmission of a Department of Municipal Affairs Funding Application for the Municipal Innovation Program - Joint IT Services Project with the Municipality of the District of Chester – draft motion reconfirming the Town's funding application for Provincial reconsideration

Motion: moved and seconded that the Town of Lunenburg Council approves the resubmission of an application for Municipal Innovation Program funding with the Town assuming a 40% project cost share and Municipality of the District of Chester 60% for a joint IT services project.

8. Committee Meeting Minutes, Recommendations, Reports and Notices of Motion

- a. Protective Services Committee July 8, 2021 Meeting Minutes;
- b. Comprehensive Community Plan Steering Team June 9, 2021 Meeting Minutes; and
- c. Joint Occupational Health and Safety Committee July 15, 2021 Meeting Minutes.

9. New Business

- a. Proposed Regional Emergency Bylaw, Emergency Management Centre Financial Authorizations and Comfort Centre Agreement – staff report and draft motions

Motion: moved and seconded that the Town of Lunenburg Emergency Measures Organization Bylaw be repealed and replaced by the Lunenburg County Regional Emergency Management Bylaw with first reading being given at the August 10, 2021 Town Council meeting. Following which this shall be advertised for public input and

consideration at a Council meeting a minimum of two weeks later for second and final reading.

Motion: moved and seconded that the CAO or designate is authorized to expend up to and including \$10,000 plus HST for Lunenburg County Regional Emergency Centre operations expenses in the event a local emergency is declared.

Motion: moved and seconded that the Mayor and CAO are authorized to sign the MOU for Use of Facilities as a Comfort Centre during an Emergency for potential use of the Lunenburg and District Fire Hall and Community Centre Auditoriums.

b. Lunenburg Art Gallery Society Lunenburg Arts Festival Town Special Event
Permit Application – Application and draft motion

Motion: moved and seconded (dis)approval of the Lunenburg Arts Festival Special Event Permit Application to use various Town lands (TBA) subject to the following conditions - _____.

10. Meet in camera

Motion: moved and seconded to meet in camera to consider Lunenburg Academy and Old Fire Hall lease and contract negotiations, Municipal Government Act section 22 (2) (a) and (e).

11. Resumption of Council meeting in public session - motion to consider any in camera meeting notices of motion and recommendations pursuant to section 22 (3) Municipal Government Act

12. Adjournment – Mayor Risser

Agenda items awaiting staff reports, etc. for further consideration

<u>Agenda Item</u>	<u>Assigned to</u>	<u>Council Meeting Assigned</u>	<u>Status</u>	<u>Anticipated Return Date</u>
Cultural Action Plan	Corporate Services	September 8, 2020	Staff will prepare a report about what the expectations of Town are and suggested resources	Assistant Municipal Clerk anticipates an August 2021 Council report
Watershed boundary extension and land management plan with external resources	Public Works	October 13, 2020	Staff will prepare a report for draft Budget 2021/22 consideration	Town Engineer preliminary report anticipated for September 2021 Council meeting

TOWN OF LUNENBURG COUNCIL MEETING MINUTES

TUESDAY, JULY 13, 2021 AT 6:00 P.M.

**LUNENBURG COUNCIL CHAMBER, 120 TOWNSEND STREET AND
VIA ZOOM/YOUTUBE BROADCAST**

PRESENT: Mayor Matt Risser
Deputy Mayor Peter Mosher
Councillor Jenni Birtles
Councillor Stephen Ernst
Councillor Ed Halverson
Councillor Susan Sanford

ALSO PRESENT: Alison Carlyle, Blue Route Development and Cycling Advocacy
Director, Bicycle Nova Scotia
Kelly Cunningham, Recreation Director
Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer
Fire Chief Darren Romkey, Lunenburg and District Fire Department

ABSENT: Councillor Melissa Duggan

1. Call to Order

The Mayor called the meeting to order at 6:00 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and uncaded territory of the Mi'kmaq People

The Mayor recognized Lunenburg's location on the uncaded territory of the Mi'kmaq people.

3. Agenda

Motion: moved and seconded approval of the agenda. Motion carried.

4. June 22, 2021 Council meeting minutes

Motion: moved and seconded approval of the June 22, 2021 Council meeting minutes. Motion carried.

5. Public Hearings, Presentations and Questions (Nil)

6. Correspondence, Petitions and Proclamations Consideration (Nil)

7. Business Arising from the Minutes/Unfinished Business

a. Deed Transfer Tax Bylaw draft amendment second/final reading

The Finance Director advised that the Provincial Registry of Deeds will not be able to implement proposed Deed Transfer changes in their IT system until August 1, 2021. Any property sales concluded before that date would therefore be subject to the current rate.

Motion: moved and seconded final reading and approval of amendments to the Deed Transfer Tax Bylaw setting a new rate of 1.5% and related provisions (Schedule A) to be advertised in the local newspaper with an effective date of August 1, 2021. Motion carried.

b. Request of Lunenburg and District Fire Department to Award an RFP Contract for a Replacement Fire Rescue Truck

Councillor Birtles declared an interest in the matter because her husband is an LDFD member. She sat in the public gallery and did not participate in Council's consideration of it.

Motion: moved and seconded award of the Fire Rescue vehicle proposal from Micmac Fire & Safety Source Ltd. at a cost of \$618,315, plus net HST and a \$10,000 contingency, plus net HST for any unforeseen expenses that may arise during the building of the truck (Schedule B). Motion carried.

Councillor Birtles resumed her Council seat.

8. Committee Meeting Minutes, Recommendations, Reports and Notices of Motion (Nil)

9. New Business

a. Bicycle NS Active Transportation Pilot Project

Motion: moved and seconded the appointment of a Blue Route Hubs Project Team, coordinated by Bicycle Nova Scotia, consisting of the Town's Recreation Director and Facilities/Project Superintendent, Councillor Halverson, and some Lunenburg residents. The Project Team shall make a pilot project recommendation to Council for approval. The Project Team will dissolve at the end of the pilot project. Motion carried.

b. Lunenburg and District Fire Department Request to Purchase Various Items for Water/Ice Rescue Operations from the Town's Joint Equipment Account

Councillor Birtles declared an interest in the matter because her husband is an LDFD member. She sat in the public gallery and did not participate in Council's consideration of it.

Motion: moved and seconded approval of a transfer of funds from the Town's Joint Equipment Account to Lunenburg and District Fire Department in the amount of \$9000 to purchase ice rescue equipment. Motion carried.

Councillor Birtles resumed her Council seat.

10. Meet in camera

Motion: moved and seconded to meet in camera to consider contract negotiations pursuant to section 22 (2) (e) NS Municipal Government Act. Motion carried.

6:09 p.m. - Council recessed and met in camera.

6:22 p.m. – Council resumed meeting in public session.

11. Resumption of Council meeting in public session

The Mayor advised that there are no recommendations to report from the Council in camera meeting at this time.

11. Adjournment

The meeting was adjourned at 6:23 p.m. by the Mayor.

Bea Renton, CAO



WHO WE ARE

Construction Safety Nova Scotia is an industry founded and funded membership based not-for-profit association. We are focused on improving Occupational Health & Safety outcomes in the construction industry. Our Board of Directors and our team work towards a safer construction industry by engaging with our membership to reduce injuries and improve safety culture. We are leaders in Occupational Health & Safety and through collaboration with industry partners, we are making Nova Scotia safer.

We provide training and services with qualified, competent, and engaging safety professionals. We work with construction employers & employees, youth, and people throughout Nova Scotia helping them develop the knowledge, values, and skills needed for safer work practices. We offer a variety of training and mentoring opportunities through the Certificate of Recognition (COR) training, the Safety Culture Project, and the Construction Entry-Level Training (CELT), in accordance with

Occupational Health & Safety Legislation. We work within ISO 9001 standards to be compliant, safe, and efficient for our members and province.

Members of Construction Safety Nova Scotia are any firms registered with Workers Compensation Board of Nova Scotia under the construction industry classification codes 4011-4499 & 3551. In collaboration with our members, we work diligently to affect a positive culture shift in the construction industry of Nova Scotia.

OUR HISTORY



FOUNDED IN
1994

8 FOUNDING MEMBERS

Organizations and leaders from across the construction industry joined together to work towards reducing the number and severity of safety related incidents in the construction industry.



SUCCESSES



305,000 individual participants & **3000+** firms trained with Certificate of Recognition (**COR**)

1186
in
1994

WCB Time-Loss Claims

in
2017

547

Overall assessable payroll & number of workers in the industry has increased





CERTIFICATE OF RECOGNITION (COR)

What is COR?

Certificate of Recognition (COR) is a health & safety certification program for organizations in construction and related industries. COR is proof a company's safety program meets nationally established standards outlined by the **Canadian Federation of Construction Safety Associations**. It also meets the Workers Compensation Board (WCB) safety certified criteria.

Your company size (Owner/Operator, Small Business, Intermediate, or Standard) will determine your path to achieving COR. Companies will complete COR & compliance training, implement a safety program, and complete an annual evaluation of their safety program. Upon achieving COR, companies who maintain their COR standard are issued an annual Letter of Good Standing.



Companies who maintain COR standard are leaders in their industry, working to reduce workplace incidents and injuries.

Benefits of COR

Companies who participate in COR through Construction Safety Nova Scotia benefit from:

- Online access to the COR evaluation tool
- Support from professional OH&S advisors and support staff
- Qualifying to bid on government tenders
- Being eligible for a WCB rebate having obtained COR for CSNS members

- Increasing productivity & profitability
- Reduced workplace injuries
- Lower Time-Loss Claims
- The ability to transfer COR to other provinces

Building Blocks to COR

SURVEY:

This tool will help you identify your company classification as either Owner/Operator, Small Business, Intermediate, or Standard. These classifications are based on requirements outlined in the national standards and policies within the OH&S Act.

Please contact us if:

- You need to confirm your company classification
- You are a design professional or project manager
- You need support in your COR process

Tel: 902.468.6696

Toll free: 1.800.971.3888

Complete this questionnaire (answering will bring you to your pathway to achieving COR):

1. What is your maximum number of regularly employed personnel? ⓘ

----- ▼

2. Do you hire sub-contractors?

----- ▼

SUBMIT



Arthur MacDonald

From: Piotr Luczak <piotr@wolffhaus.com>
Sent: Monday, July 26, 2021 9:43 AM
To: Willyard, Katherine
Subject: Re: [EXTERNAL] Re: Development Agreement

Hi Katie:

Thank you for taking the time to chat on Friday. My client Stellat Investments Inc. has advised me that it hereby withdraws its application for an amendment to the Development Agreement with the Town of Lunenburg.

I trust you will find the above in order. Should you require any further information, please do not hesitate to contact me.

Kind regards,
Piotr Luczak

Piotr Luczak
Lawyer & Notary Public

Tel +1 (902) 634-8354 | Fax +1 (902) 634-4226

Burke, Macdonald & Luczak
Barristers & Solicitors
Wolff House 28 King Street, PO Box 549
Lunenburg, NS B0J 2C0

Confidentiality notice: This email is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately and delete it.

Arthur MacDonald

From: Willyard, Katherine <katherine.willyard@mcinnescooper.com>
Sent: Monday, July 26, 2021 3:40 PM
To: Arthur MacDonald
Cc: Bea Renton; Monroe, George
Subject: RE: 101 Masons Beach Road - Reiblings - Stellar - Development Agreement - Emailing:
New Motion upon Withdrawal of Application [IWOV-Active.FID4358166]

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Hi Arthur,

In light of the correspondence received from the developer and their lawyer, in our view you can proceed with accepting the withdrawal of the application and cancellation of the public hearing as outlined in your draft motion.

While you of course cannot control whether or a decision is appealed, in our view you are in no worse of a position if you cancel the public hearing. You have no obligation to hold a public hearing on the decision to discharge of the development agreement, and where the developer has withdrawn their application there is no longer any application to consider. Where the developer has consented to both the discharge and withdrawal of the amendment, there would be few people with standing to appeal under the MGA regardless of whether a public hearing was held.

Katie

Katherine Willyard
Lawyer
McInnes Cooper

tel +1 (902) 455 8206 | fax +1 (902) 425 6350

From: Arthur MacDonald <AMacDonald@exploratorlunenburg.ca>

“Motion: moved and seconded that:

Council accepts Stellar Investments Inc. withdrawal of their application to amend the Development Agreement (Document No. 98133185) to extend the commencement date for development and hereby cancels the associated Public Hearing associated with Council’s intent to refuse the application.”

“Motion: moved and seconded that:

Whereas the Town of Lunenburg (the “Town”) entered into a development agreement with Stellar Investments Inc. (the “Developer”) dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “Development Agreement”);

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Now therefore, Town Council by virtue of Section 229(2) of the Municipal Government Act (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, orders that the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect.

And further that the Mayor and COA/Clerk are authorized to execute the Development Agreement Discharge Notice on behalf of the Town which shall be recorded at the Land Registration Office.”

(Note: There is no mechanism in the Municipal Government Act to appeal the discharge of a Development Agreement to the URB.)

It is recommended that Council covers the costs associated with filing the Discharge Notice at the Lands Registration Office.

“Motion: moved and seconded that:

Council covers any costs associated with the filing of the Discharge Notice at the Lands Registration Office.”

Kelly Jardine

Importance:

High

----- Forwarded message -----

From: **Timothy Reibling** <treibling@tigroup.us>

Date: Wed, Jul 21, 2021 at 7:09 PM

Subject: Stellar Investments Inc. Public Hearing re: Development Agreement

To: Dawn Sutherland <DSutherland@explorelunenburg.ca>, Chris Reibling <creibling@tigroup.us>, Matthew Reibling <mgreibling@tigroup.us>, Jacqueline Sarty <burkeassistant@wolffhaus.com>, Patrick A. Burke Q.C. <burkelaw@wolffhaus.com>

Hi Dawn,

It has come to my attention that we need to notify you that we won't be participating in the public hearing on July 27th regarding the development agreement.

My brothers and I respect the PAC's decision and the new direction that the Town and community would like to go in, and will not be participating in the public hearing on July 27th and are OK with the development agreement expiring.

Thanks,

--

Timothy Reibling
VP Operations & IT

<https://www.TIGroup.us>



Document No:
Meeting: July 27, 2021 Council
File: Council

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER/PLANNING ASSISTANT

DATE: JULY 16, 2021

**RE: TO REFUSE AN APPLICATION TO AMEND THE EXISTING
DEVELOPMENT AGREEMENT AND SUBSEQUENTLY DISCHARGE THE
DEVELOPMENT AGREEMENT
101 MASONS BEACH ROAD, LUNENBURG
PIDS 60388105, 60388097, 60053097**

Applicant	Stellar Investments Inc.
Land Owner	Stellar Investments Inc.
Application	The application was to extend the existing Development Agreement for another 10 years. On June 22, 2021 Council approved First Reading to consider the refusal of the application and subsequently discharge the Development Agreement.
Lot Area	PID 60388105 Lot 00-1 1.21 acres PID 60388097 Lot 00-2 1.16 acres PID 60053097 Lot 00-3 7.24 acres TOTAL 9.61 acres or 418,611.6 ft ²
Designation	Rural
Zone	Rural Residential (RR)
Surrounding uses	Recreation (Golf Course), vacant lands, residential, tourist accommodations
Heritage	Not a designated heritage property, or within an area of architectural control or heritage conservation district.

1. FACTS

A. Background

On April 5, 2011, the Town entered into a development agreement with Stellar Investments Inc. to allow for the construction of a 120 bed resort hotel, 60 condominium units, 30 unit apartment building along with associated facilities such as a restaurant, conference room, spa, pools, etc. on three lots at 101 Masons Beach Road.

The agreement was negotiated under the policies of the 1996 Municipal Planning Strategy, as amended, which remains in effect today. The agreement was found to



Figure 1. Three subject lots, showing home at 101 Masons Beach Road

meet the intent of the Municipal Planning Strategy and, therefore, was approved and entered into by Council.

As noted in the application of March 22, 2021 Timothy Reibling, President, Stellar Investments Inc., requested a 10 year extension to the existing 10 year commencement timeframe. Under the 2011 agreement, commencement of construction was to begin by 5 April 2021. Mr. Reibling noted the delay in construction was as a result of several factors including the downturn in the economy after the 2008 global crisis and the rise in popularity of short term rentals. He related that his late father, Guenther Riebling, former president of the business, expressed interest in beginning the project just prior to his passing in 2020. Stellar Investments Inc. wishes to evaluate the feasibility of the proposal and requests a 10 year extension to the commencement timeframe. The application is found in **Schedule A**. The existing development agreement is found in **Schedules B and C** and the draft Discharge Agreement is attached in **Schedule G**.

B. Proposal

The request is for a change to the allowable timeframe for construction to begin. If a 10 year extension is granted, then construction for the uses permitted would have to begin within 10 years of the signing of the amended development agreement. If not, the amending development agreement would need to be further amended under Part 9. Termination of Agreement.

The uses permitted are set out in Part 1 Use of the Development Agreement, shown below:

1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
- (b) the use of the properties for the development of :
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and
- (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

Part 9 gives Council flexibility to discharge the agreement, in which case the Land Use By-law would regulate development on the properties. 9.b. sets out that Council may discharge if no use has commenced within 60 months (5 years) of the date of the agreement (April 5, 2011). Council may also discharge if there is no use listed in 1.b for a period of 60 months or longer. Council can discharge if there has been material misrepresentation of the facts by the developer.

The Planning Advisory Committee (PAC) considered the application and held a duly advertised Public Participation Meeting on May 19, 2021. The PAC recommended to Council to consider amending the existing Development Agreement for a twenty four months (2 years) extension as per motion outlined below:

“To recommend to Town Council approval of Option 3 in the staff report (Schedule B) to amend the Development Agreement to allow for an extension for lesser period of time than 10 years for commencement by amending Part 9. Termination of Agreement in a similar manner as in Option 2 in the staff report (Schedule B; as noted below) within a time period of twenty four months.”

During the regular Council meeting of June 22, 2021 Council considered the application to extend the Development Agreement for another 10 years. A motion was passed to refuse the application and discharge the Agreement as outlined below:

“Motion: moved and seconded that:

Whereas the Town of Lunenburg (the “Town”) entered into a development agreement with Stellar Investments Inc. (the “Developer”) dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “Development Agreement”);

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Now therefore, Town Council by virtue of Section 229(2) of the Municipal Government Act (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, refuses the application to amend the development agreement, and orders that the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect."

"The CAO asked that Council consider holding a recess for a legal review of this motion and implications of same as it was received along with the accompanying staff presentation materials (Schedule C) for the first time at this meeting. It does not contain reference to a public hearing before a final determination unless this is the intended effect. The Planning/Development Manager said a solicitor did review and prepare the draft motion for her.

The motion was put and passed. Mayor Risser voted in the negative.

It was agreed that this motion will be further considered at a July 27 public hearing before possible final adoption."

2. ISSUES AND OPTIONS

A. Relevant MPS Policies

It is important to note that enabling MPS policies 6.4 and 6.5 remain unchanged since 2011. Policy 6.4 enables Council's consideration of multi-unit dwellings in the Rural Residential (RR) Zone through the development agreement approval process. The development is to be in accordance with Policy 5.12. Implementation Policy 5.12 was amended in 2013 as Policy 5.12 A. Policy 6.5 enables Council's consideration of tourist accommodations in the Rural Residential (RR) Zone through the Development Agreement approval process. The development is to be in accordance with implementation Policies 19.8 and 19.9, which have remained unchanged. Municipal Planning Strategy Policy 5.9 allows Council to consider multi-unit dwellings through the Development Agreement approval process.

There has been little change in the area and conditions over the last 10 years. No changes are requested or proposed for the development. While the Land Use By-law was updated in 2012, there is virtually no change to the uses or zone standards.

The planning report contains the analysis with the above referenced policies in **Schedule D**.

B. Issues Identified

Council deemed the proposal to meet the intent of the Municipal Planning Strategy and subsequently entered into the development agreement in 2011. The enabling and implementation policies are the same except for Policy 5.12. Policy 5.12A is used when considering proposals for new construction of multi-unit residential buildings by Development Agreement. The intent is to ensure that there is adequate area, green space, buffering, and site design. The Development Agreement meets the intent of Policy 5.12A.

The capacity of the sewage treatment plant during storm events has been an on-going issue that the Town has committed great resources in addressing and is making progress. It is a top priority of Council. It should be noted that there were these issues during storm events in 2011 when the original development agreement was entered into.

There are factors such as driveway approvals, connections to the sewer and water services, and determination of need and possible road upgrades that will be dealt with at the point of development permit application, which may or may not impact the Town budgeting process. The Town is under no obligation to upgrade the roadway to put in a turning lane, for example. It will be the decision of Council as to whether it wishes to invest in infrastructure upgrades to facilitate development.

This is a significant development proposal for Lunenburg. It would provide much needed housing and choice in terms of renting or owning a condominium unit in a multi-unit building. It would also provide additional tourist accommodations and associated services at the hotel resort.

The main issue is whether Council wishes to extend the commencement timeframe given that 10 years has already passed since the signing of the agreement. The minutes of the December 7, 2010 Council meeting noted that construction may take 15 – 20 years. However, in its approval, Council chose to limit the term to 10 years in Part 9 of the DA, which meant that construction was to commence within 10 years of the signing of the agreement. The 10 year commencement is a long time, however, this is a large development that will be built out over time. The condominium component adds a layer of complexity as a number of units will need to be purchased in advance. Today one must consider the current global pandemic's impact on the economy, which includes constraints regarding the availability and cost of construction materials and the ability of the applicants to commence such large project from afar.

The draft planning documents of Project Lunenburg are not in effect so this application must be considered under the current 1996 Municipal Planning Strategy, as amended.

C. Options

As the June 22nd motion specifies, the proposal is to refuse the application to amend, and orders that the Development Agreement be discharged. This is the description of the motion that was approved on June 22nd; that was described in the letters circulated to all property owners within 30 metres of the subject property advising them of the up-and-coming Public Hearing as well as the advertisements for the Public Hearing.

In light of the above, Council has two options following the close of the July 27th Public Hearing (See draft motions at page 7, 8 and 9):

- 1) To pass the motion for refusal and discharge as outlined under the "Recommendation and Draft Motions" section of this report (See draft motion #3 at page 9); or
- 2) Refer the matter back to Council for First Reading for further consideration (See draft motion #2 at page 8).

Option 1:

It should be noted that the motion outlines Council's reasoning for refusal. The reasons given for refusal are based on Council's authority to discharge the Development Agreement pursuant to Section 9(b) and Section 9(c) of the Development Agreement as further described in the motion and provided below for clarity:

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Option 2:

If Council wishes not to approve Option 1, they may refer the matter back to Council for First Reading. As these options were considered through the Public Information Meeting (PIM) as well as Council during their review on June 22nd, they may proceed with First Reading during the July 27th meeting or otherwise wait for a future meeting of Council. The options would be to:

- 1) To consider First Reading of a proposal to approve to amend an existing Development Agreement between the Town and Stellar Investments Inc. to enable a 10 year extension for development at 101 Mason's Beach Road and set a Public Hearing date of September 7th or 21st; or
- 2) To consider First Reading of a proposal to approve to amend an existing Development Agreement between the Town and Stellar Investments Inc. to enable a 2 year extension (*or alternative # of year(s) extension*) for development at 101 Mason's Beach Road and set a Public Hearing date of September 7th or 21st.

3. **FINANCIAL IMPACT**

No direct costs to the Town other than advertisement costs and costs associated with legal fees and the registration of the discharge agreement with the Land Registration office.

4. **STRATEGIC PLAN RELEVANCE**

The proposal to refuse the application and discharge the Development Agreement can be supported in keeping with the Comprehensive Community Plan's Strategic Directions and Goals:

Community Structure: Direction regarding how the town will be structured and how land will be used. Protect the Bluenose Golf Course lands that are visible from Old Town Lunenburg as open space. C2 Grow responsibly and invest in new services wisely.

However, it should also be noted that the extension of the Development Agreement could also be in keeping with the Comprehensive Community Plan's Strategic Directions and Goals namely:

Community Structure: A town that accommodates growth and change in a well-planned way that is respectful of its layered past and creates opportunities for its long-term future (CCP, pg 17); and

Housing: A town that offers a wide range of high quality and affordable housing options (CCP, pg 40).

5. **RECOMMENDATION AND DRAFT MOTIONS**

The process for considering the proposed motion to refuse and discharge the Agreement has been duly advertised in compliance with the Municipal Government Act. Following the July 27th Public Hearing and Council's consideration of the public comments, this matter will be appropriately before Council for consideration.

At the end of the Public Hearing the following motion would be in order to close the Public Hearing at which point in time no additional public submissions may be considered by Council.

"Motion: moved and seconded

to close the Public Hearing portion of Council regarding 101 Masons Beach Road."

Following the Public Hearing and Council's consideration of the public comments Council may consider the following:

1. defer any consideration and vote on the draft motions (motions 2 or 3 below) to the August 10th, 2021 meeting of Council;
2. refer the matter back to Council at either the July 27th or August 10th meeting of Council for First Reading to consider the following motion:

"Motion: moved and seconded that:

the proposed amendment to the 101 Masons Beach Road Development Agreement by allowing for a two year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after commences more than, delete "10" and insert "12" before years from the date of this agreement;
- b. In the first paragraph, after this agreement requires delete "an" and insert "a further" before amending agreement;
- c. In the third line of 9.(b), after sixty (60) months of the date of this insert "amending" before agreement;
- d. In the third line of 9.(c), after sixty (60) months or longer insert "(which period is fully after the date of the amending agreement)";

AND

to reference multi-unit dwellings in 1. Use as follows:

- a. after bed resort hotel; and delete
 - sixty (60) residential condominium units; and
 - thirty (30) apartments

insert

- multi-unit dwelling with sixty (60) units (shown as Building C);
- and
- multi-unit dwelling with thirty (30) units (shown as Building D);
- and

before

- other facilities ordinarily;

and give first reading and set a public hearing date of September 21st, 2021 to further consider this application.”

(Note: An amendment to a Development Agreement may be appealable to the URB by an aggrieved person; the applicant; an adjacent municipality; a village in which an affected property is situated; or the Director. Section 247(2) of MGA)

Or

3. Consider the following motion as a follow-up to the June 22nd motion of Council:

“Motion: moved and seconded that:

Whereas the Town of Lunenburg (the “Town”) entered into a development agreement with Stellar Investments Inc. (the “Developer”) dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “Development Agreement”);

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Now therefore, Town Council by virtue of Section 229(2) of the Municipal Government Act (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, refuses the application to amend the development agreement, and orders that

the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect.

And further that the Mayor and COA/Clerk are authorized to execute the Development Agreement Discharge Notice on behalf of the Town which shall be recorded at the Land Registration Office after the expiry of the appeal period if no appeals have been filed.”

(Note: A refusal to amend a Development Agreement may be appealable to the URB by an aggrieved person; the applicant; an adjacent municipality; a village in which an affected property is situated; or the Director. Section 247(2) of MGA.)

(Note: There is no mechanism in the Municipal Government Act to appeal the discharge of a Development Agreement to the URB.)

It is recommended that Council covers the costs associated with filing the Discharge Notice at the Lands Registration Office.

Motion: moved and seconded that:

Council covers any costs associated with the filing of the Discharge Notice at the Lands Registration Office.

6. SCHEDULES

Schedule A, Application

Schedule B, 2011 Development Agreement text document

Schedule C, 2011 Development Agreement plans

Schedule D, Policies Analysis

Schedule E, Development Agreement Approval Process

Schedule F, Public Hearing Process Outline

Schedule G, Draft Discharge Notice of Development Agreement

Town of Lunenburg Planning Application for Development Agreements

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name: Stellar Investments Inc.	Name: Stellar Investments Inc.
Company Name (same)	Company Name: (same)
Mailing Address: PO Box 849, Lunenburg, NS B0J 2C0	Mailing Address: PO Box 849, Lunenburg, NS B0J 2C0
Email: c/o Timothy Reibling, President treibling@tigroup.us	Email: same as applicant
Phone	Phone
Cell 902-527-6376	Cell 902-527-6376

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: 101 Masons Beach Road	☒ Copy of Deed
PID: 60053097, 60388097, & 60388105	☐ Survey Plan or Equivalent
Present Use of Property: no active use	☒ A Letter Explaining the Proposal
Proposed Use of Property: as referred to in Development Agreement dated April 5, 2011	☒ Application and Advertising Fees \$945.15 (\$245.15 + \$700.00)

EXPLANATION OF PROPOSAL AND SIGNATURE
A short explanation of your proposal (please include a detailed letter with a full explanation) Applying for an amending Agreement to extend the times referred to in clause 9 of the Development Agreement
By submitting this application I affirm that the facts set forth are true and complete. Stellar Investments Inc. Name (printed): <u>Timothy Reibling</u> Signature: <u></u> Date: <u>3/22/2021</u>

OFFICE USE ONLY: Type of DA Application: Substantial Amendment Date received:

Stellar Investments Inc.

March 22, 2021

Dawn Sutherland
Manager of Planning and Development
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS B0J 2C0

Dear Ms. Sutherland:

Re: Development Agreement Application – Stellar Investments Inc.

Stellar Investments Inc. entered into a Development Agreement with the Town of Lunenburg which is dated the 5th day of April, 2011. The first recital in the Agreement states:

“WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #'s 60053097, 60388097, and 60388105; ... ”

No construction has been commenced to date. Stellar Investments Inc. owned by the Estate of the late Guenther and Susan Reibling is requesting that the current development agreement in place be extended an additional 10 years, keeping the current terms in place. The project “The Top” proposed at Masons Beach in Lunenburg was delayed by Guenther Reibling due to several factors including the worldwide economic crisis of 2008 and the rise of vacation rental platforms such as VRBO and AirBNB that have the potential to change the dynamic of the proposed project. Before Mr. Reibling’s passing in July 2020 he expressed interest in focusing on this project as he recently sold his company in the United States and was ready to tackle this project with his sons in his retirement. The Estate believes there is a housing shortage in Lunenburg and elements of this project make sense to develop. It is our intention to continue to evaluate the feasibility of “The Top” project proposed for Masons Beach as designed and kindly request that you extend the in-place development agreement another 10 years.

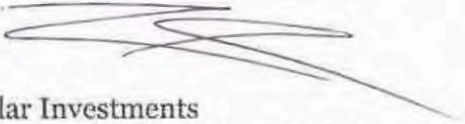
The company wishes to make application to amend **clause 9** of the existing Development Agreement as follows:

1. Change 10 years in the first paragraph to 20 years and insert the word “further” before the words “amending agreement”;
2. In the third line of paragraph (b), change “date of this agreement” to “date of the amending agreement”; and
3. In the third line of paragraph (c), insert the words “(which period is fully after the date of the amending agreement)” after the word “longer”.

Attached to this letter is an Application and a Cheque to the Town of Lunenburg in the amount of \$945.15 for Application and Advertising Fees as well as a copy of the Deed.

Should anything further be required in this process, please do not hesitate to contact the undersigned.

Yours very truly,



Stellar Investments
Per: Timothy Reibling, President
Email: treibling@tigroup.us
Phone Number: 902-527-6376

Z:\PAB - WIP\1 - OPEN\Stellar Investments Inc. - Development Agreement\Letter to Dawn Sutherland March 22, 2021.docx

Form 26

*Purpose: to record an interest in a parcel; or
to record a power of attorney in the power of attorney roll*

Registration district: Lunenburg
 Submitter's user number: 1728
 Submitter's name: John R. Cameron

For Office Use

LUNENBURG COUNTY LAND REGISTRATION OFFICE I certify that this document was registered as shown here. Joan Plunkett, Registrar	
98133185	LR ☒ ROD ☐
Document #	
APR 13 2011	15:30
MM DD YYYY	Time

In the matter of Parcel Identification Number (PID)

PID 60053097	60388097
PID 60388105	

(Expand box for additional PIDs, maximum 9 PIDs per form.)

Power of attorney (Note: completion of this section is mandatory)

- ☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
- ☐ recorded in the attorney roll
 - ☐ recorded in the parcel register
 - ☐ incorporated in the document

OR

- ☒ No power of attorney applies to this document

See Document Attachment:

Document # 98133375

This form is submitted to record the attached document (select applicable box):

- ☒ in the parcel register as a recorded interest
- ☐ in the power of attorney roll
- ☐ in the power of attorney roll as a duplication of a power of attorney registered under the *Registry Act*

The following information relates to the interest being recorded:

Instrument type	Agreement re Use of Land (Development Agreement)
Expiry date (if applicable)	
Interest holder and type to be added (if applicable) Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable	Town of Lunenburg Party to Agreement
Mailing address of interest holder to be added (for power of attorney, provide mailing address for donee)	P.O. Box 129 Lunenburg, Nova Scotia, B0J 2C0

May 4, 2009

Name and mailing address power of attorney donor to be added <i>(if applicable)</i>	
Name and mailing address power of attorney donee to be added <i>(if applicable)</i>	
Reference to related instrument in names-based roll/parcel register <i>(if applicable)</i> <i>(for power of attorney to be duplicated, insert document/instrument number/year; include book/page if applicable)</i>	

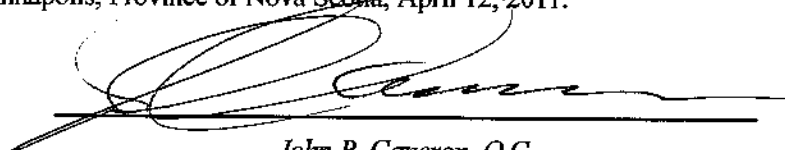
The textual qualifications in the above-noted parcel register(s) are to be changed as follows:

Textual qualification on title to be removed <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
Textual qualification on title to be added <i>(insert replacement textual qualification)</i>	

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Bridgetown, in the County of Annapolis, Province of Nova Scotia, ~~April 12, 2011.~~



John R. Cameron, Q.C.

Name: John R. Cameron, Q.C.

Address: 5 Victoria Street, P.O. Box 70,
Bridgetown, Nova Scotia, B0S 1C0

Phone: 902 665-5035

E-mail: jrcameronlaw@ns.alliantzinc.ca

Fax: 902 665-5037

- ☐ This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

May 4, 2009

This Development Agreement made this 5 day of ^{April} January, A. D., 2011

BETWEEN: Stellar Investments Inc.,
hereinafter called the "DEVELOPER"

OF THE ONE PART

AND

Town of Lunenburg, a municipal body corporate pursuant to the
Municipal Government Act
hereinafter called the "TOWN"

OF THE OTHER PART

WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #'s 60053097, 60388097, and 60388105; and

WHEREAS the properties described in Schedule A are situated within an area designated Rural on the Future Land Use Map of the Municipal Planning Strategy (1996), and zoned Rural Residential (RR), on the Zoning Map of the Land Use By-law (1996); and

WHEREAS Policy 6.4 of the Municipal Planning Strategy requires that multi-unit dwellings be considered only by development agreement in the Rural Residential (RR) Zone, and policy 6.5 of the Municipal Planning Strategy requires that tourist accommodations be considered only by development agreement and Part 8 of the Land Use By-law provides that multi-unit residential uses and tourist accommodations be considered only by development agreement in the Rural Residential (RR) Zone; and

WHEREAS the Town by resolution of Town Council passed at a meeting on December 7, 2010, approved the proposed development subject to the execution of this development agreement by the parties hereto; and

WHEREAS the Developer is the owner of the properties described in Schedule A;

Now this agreement witnesseth that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:

1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
- (b) the use of the properties for the development of :
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and
- (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

2. Parking and Driveway Area

- (a) that driveways and a minimum of two hundred and twenty-seven (227) parking spaces be developed and maintained in a manner which meets the requirements of the Town Engineer and Traffic Authority, with a minimum of 227 parking spaces located in an underground parking garage approximately as shown on Schedule B; and
- (b) that the driveways and parking area be surfaced to prevent the raising of dust due to wind or vehicular movement and that these areas be resurfaced or treated from time to time to ensure that dust will not be generated; and
- (c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

3. Landscaping, Lighting and Screening

- (a) that any exterior lighting be limited to lighting for safety and security only, and be focused on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result;

- (b) that landscaping in keeping with the nearby golf course and the neighborhood be developed and maintained on all portions of the property which are not built on; and more particularly that the landscaping be substantially as provided on the landscaping plan annexed as Schedule D; and
- (c) that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as "height" is defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) temporary advertising signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property. The temporary signs must be removed within thirty-six (36) months of the issuance of the occupancy permit for the hotel, condominiums and apartment structures; and
- (b) that a maximum of two (2) permanent signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property.

6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:
 - (I) the maximum number of rental units within the hotel; and
 - (II) the maximum number of residential condominium units; and
 - (III) the maximum number of one-bedroom apartments.

9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; any development which commences more than 10 years from the date of this agreement requires an amending agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if no use described herein has been commenced within sixty (60) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if there is no use described in Section 1 (b) for a period of sixty (60) months or longer; and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

10. Other

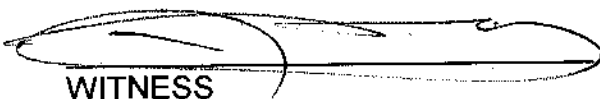
That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the Developer, its successors and assigns and the owner or owners from time to time of the property described in Schedule A, until discharged.

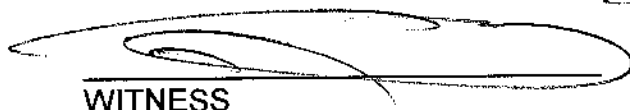
11. Compliance with Other By-laws and Regulations

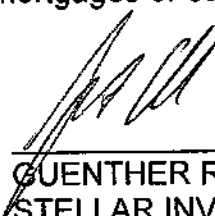
That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

12. **Ownership**

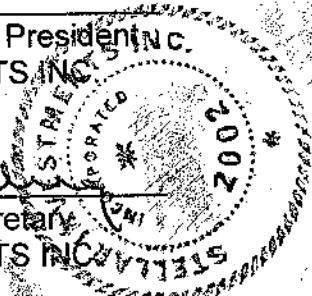
We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as Document #4029 on July 4, 2003. Stellar Investments Inc. has not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.


WITNESS


WITNESS


GUENTHER REIBLING, President
STELLAR INVESTMENTS INC.


SUSAN REIBLING, Secretary
STELLAR INVESTMENTS INC.



IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

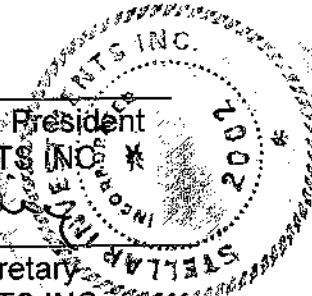
In the presence of:

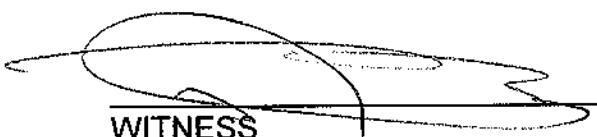

WITNESS


WITNESS


GUENTHER REIBLING, President
STELLAR INVESTMENTS INC.


SUSAN REIBLING, Secretary
STELLAR INVESTMENTS INC.



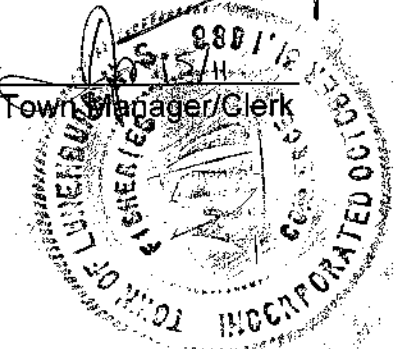

WITNESS


WITNESS

TOWN OF LUNENBURG


D. LAURENCE MAWHINNEY, Mayor


BEA RENTON, Town Manager/Clerk



SCHEDULE "A"

(Lots 00-1, 00-2 and 00-3, Mason's Beach Road, Lunenburg)

All those lands and premises conveyed in a Warranty Deed dated the 14th day of May, 2002 from Sherman Zwicker to Gunther Reibling and Susan J. Reibling as recorded in Bridgewater Registry of Deeds Office on the 15th day of May, 2002 in Book 839 at Page 965 under Number 2880 and therein more particularly described as follows:

Nova Scotia Grid North

April 16, 2002

ALL those lots of land and premises situate at Masons Beach Road, in the Town of Lunenburg, in the County of Lunenburg, in the Province of Nova Scotia, and shown on a Plan of Survey 00-099, dated October 4, 2000, prepared by Turner Surveys, and being more particularly bounded and described as follows:

First

Lot 00-1A Lot of Land in the Town of Lunenburg

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeastern side of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being on a Southwest boundary of the former Edwin Kaulback property, occupied now by the Bluenose Golf Club, this survey marker being 13' more or less from the Southeast limit of the Masons Beach Road;

THENCE South 55° 05' 18" East along the Southwest boundary of the former Kaulback property, occupied by the Bluenose Golf Club 134.83' to a point marked by a survey marker;

THENCE South 55° 05' 18" East continuing along the Kaulback property occupied by the Bluenose Golf Club 196.30' to a point at the most Easterly corner of the herein described lot;

THENCE South 24° 19' 39" West along the Northwest boundary of the Kaulback property occupied by the Bluenose Golf Club 31.21' to a point marked by a survey marker;

THENCE South 24° 19' 39" West continuing along the Kaulback property occupied by the Bluenose Golf Club 124.29' to a point marked by a survey marker at the most Easterly corner of Lot 00-2, the property of Sherman F. H. Zwicker;

THENCE North 51° 30' 06" West along the Northeast boundary of Lot 00-2, 408.78' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North 50° 14' 05" East along the Southeast limit of the Masons Beach Road 131.98' to a point at the Northwest corner of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE South 55° 05' 18" East along a Southwest boundary of the Kaulback property occupied by the Bluenose Golf Club 13.30' to the point of beginning.

The above described lot is all of Lot 00-1 shown on the aforementioned Plan of Survey and contains an area of 1.21 acres more or less and is part of the property referred to as "Windycress".

For reference to title see a deed dated July 5, 1937, from Julia Selig et vir to F. Homer Zwicker and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 344.

Schedule "A"

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Second

Lot 00-2

A Lot of Land in the Town of Lunenburg Adjoining the First Lot Above Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the most Westerly corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE South 49° 37' 55" West along the Southeast limit of the Masons Beach Road 120.90' to a point marked by a survey marker at the North corner of Lot 00-3, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Northeast boundary of Lot 00-3, 460.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE North 24° 19' 39" East along the Kaulback property occupied by the Bluenose Golf Club 117.50' to a point marked by a survey marker at the South corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE North 51° 30' 00" West along the Southeast boundary of Lot 00-1, 408.75' to the point of beginning.

The above described lot is all of Lot 00-2 shown on the aforementioned Plan of Survey and contains an area of 1.16 acres more or less. The above described lot is part of the property referred to as "Windycrest".

For reference to title see Lot No. 1 described in deed dated May 21, 1937, from Daniel Smith et ux to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on May 25, 1937, in Book 103, Page 185.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Third

Lot 00-3

A Lot of Land in the Town of Lunenburg Adjoining the Second Lot Herein Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the West corner of Lot 00-2, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Southwest boundary of Lot 00-2, 450.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Course;

SR.

THENCE South $23^{\circ} 02' 57''$ West along the former Edwin Kaulback property occupied by the Bluenose Golf Course 418.01' to a point marked by a survey marker at the East corner of Lot 00-4, the property of Sherman F. H. Zwicker;

THENCE North $52^{\circ} 57' 32''$ West along the Northeast boundary of Lot 00-4 marked by the remains of a wire fence, 499.20' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North $53^{\circ} 17' 02''$ West along the limit of the Masons Beach Road 8.35' to a point marked by an iron pipe;

THENCE North $53^{\circ} 17' 02''$ West continuing along the limit of the Masons Beach Road 5' more or less to a point on the Southeast limit of the Masons Beach Road;

THENCE in a Easterly direction following along the various courses of the Southeast limit of the Masons Beach Road 428' more or less to the point of beginning, a tie line between the last mentioned survey marker and the point of beginning being North $28^{\circ} 24' 02''$ East 417.37'.

The above described lot is all of Lot 00-3 shown on the aforementioned Plan of Survey and contains an area of 7.24 acres more or less and a portion of the Zwicker house having Civic No. 101 is located on this lot, which is part of the property referred to as "Windycrest".

SUBJECT TO any easement that might exist in favour of the Lunenburg Electric Company for the overhead service line crossing the above described lot and located as shown on the aforementioned Plan of Survey.

For reference to title see a deed dated July 6, 1937, from Anna Bertha Young to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 345.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.



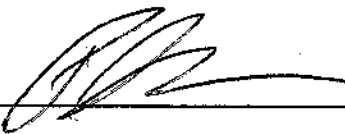
PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG SS)

ON THIS 5 day of April, A.D. 2011, before me, the subscriber personally came and appeared, Patrick A. Burke, the subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that the **TOWN OF LUNENBURG**, a municipal body corporate, one of the parties thereto, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by the Mayor and Town Manager/Clerk in his presence.


PETER JOHN HAUGHN
A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG SS)

ON THIS 5 day of April, A.D. 2011, before me, the subscriber personally came and appeared, Patrick A. Burke, the subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **STELLAR INVESTMENTS INC.**, a body corporate, one of the parties thereto, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officers in his presence.

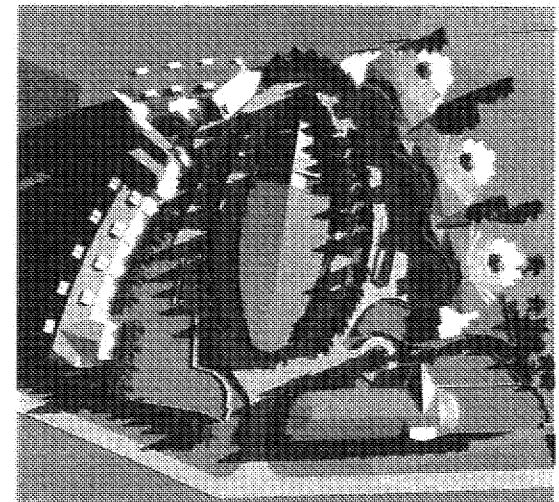

PETER JOHN HAUGHN
A Commissioner of the Supreme
Court of Nova Scotia

Schedule C





STELLAR INVESTMENT INC



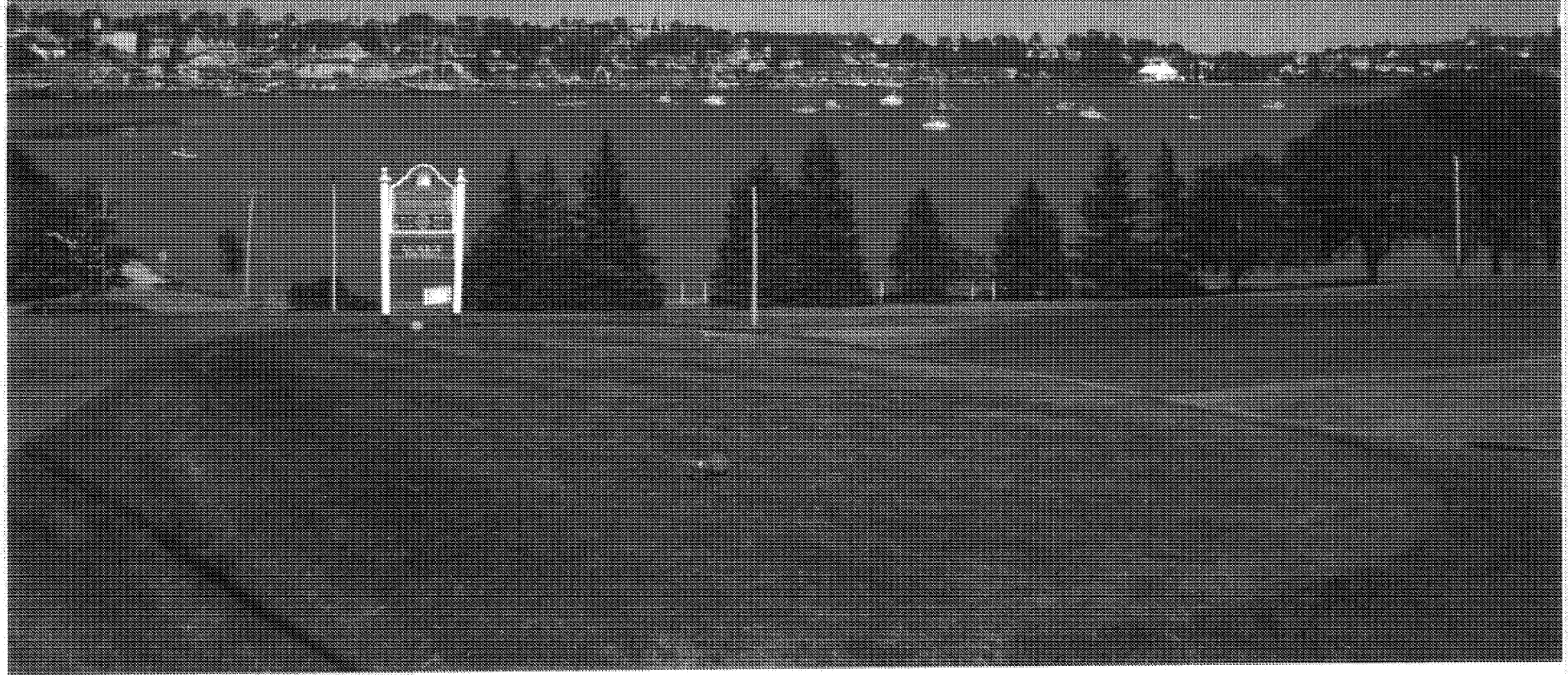
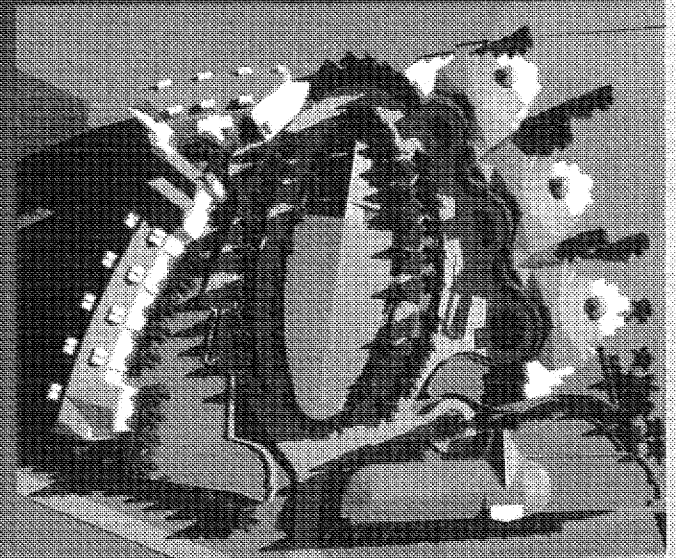
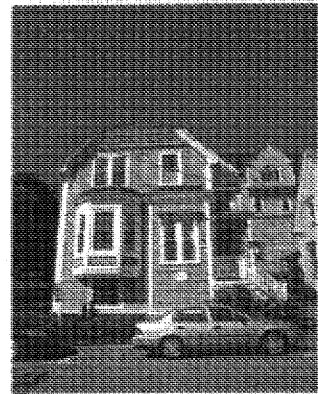
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

Planning Doc # 2010-34
Planning Doc DA 2009-58

THE 101
LUNenburg NOVA SCOTIA

Schedule "C"



CONTEXT

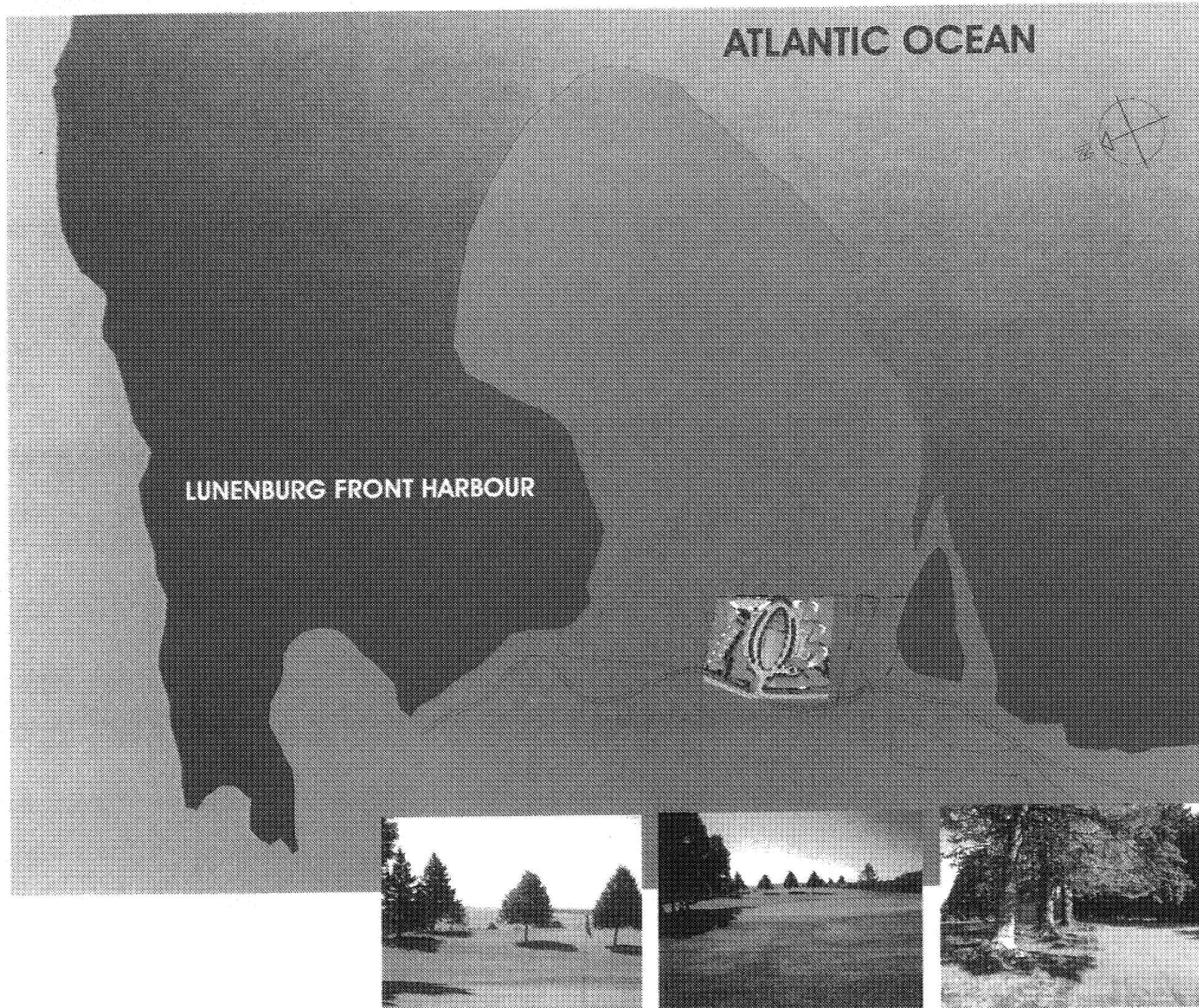
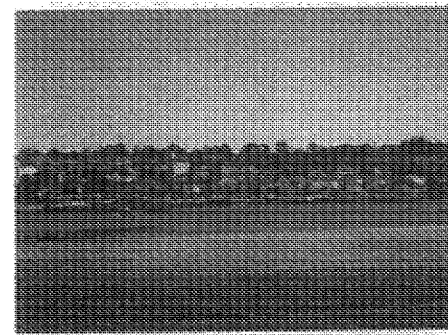
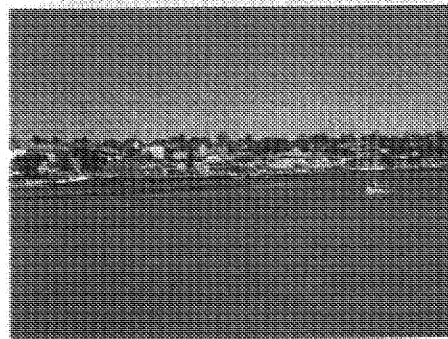
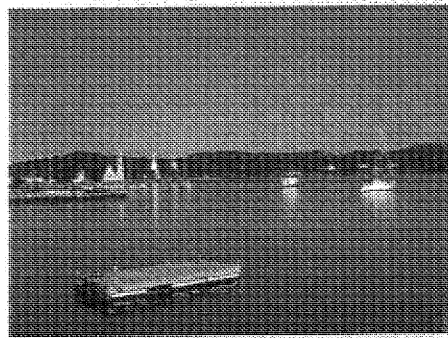
PETROFF PARTNERSHIP ARCHITECTS

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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



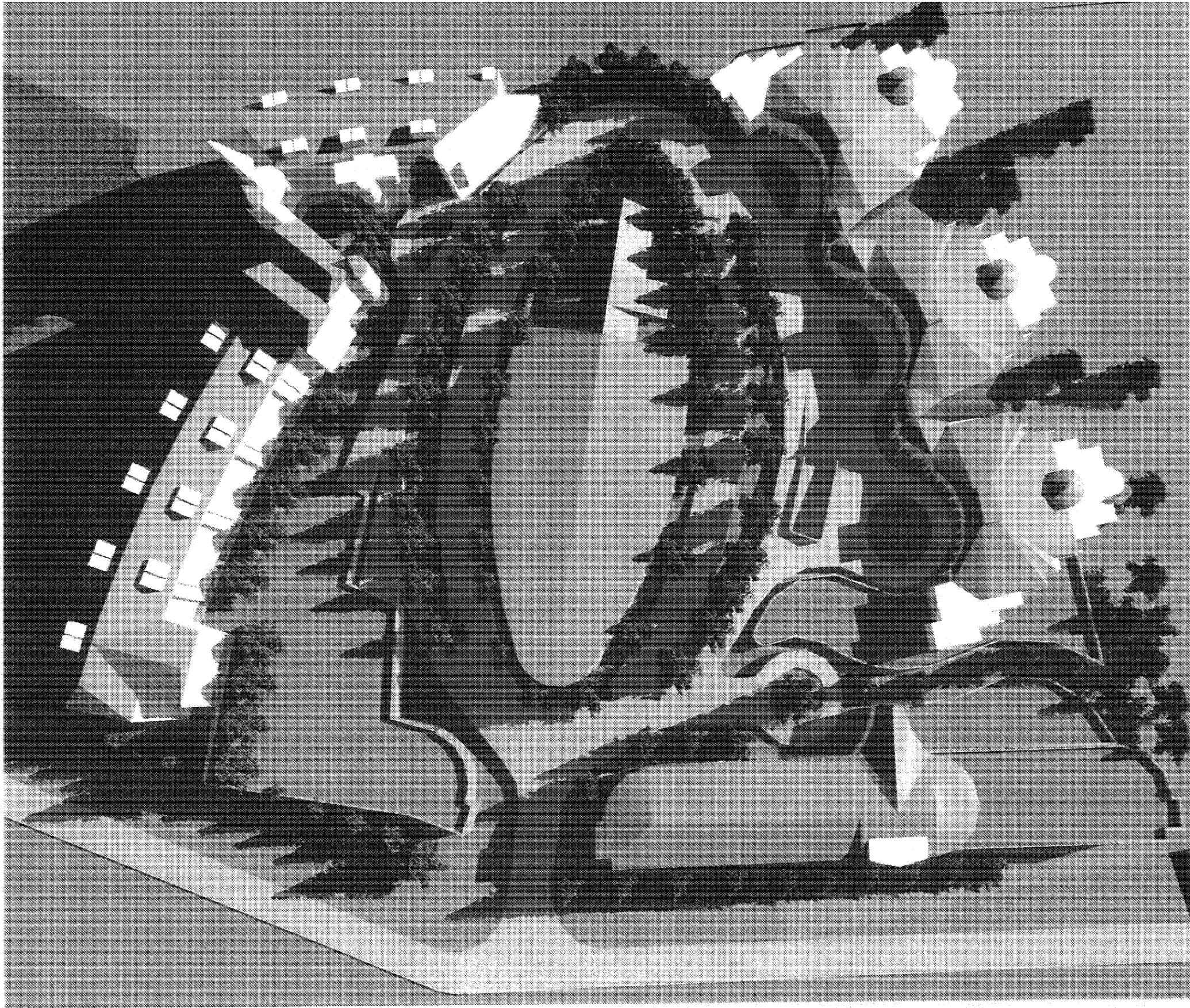
LOCATION

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC



TOP VIEW

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

HOTEL COMPONENTS

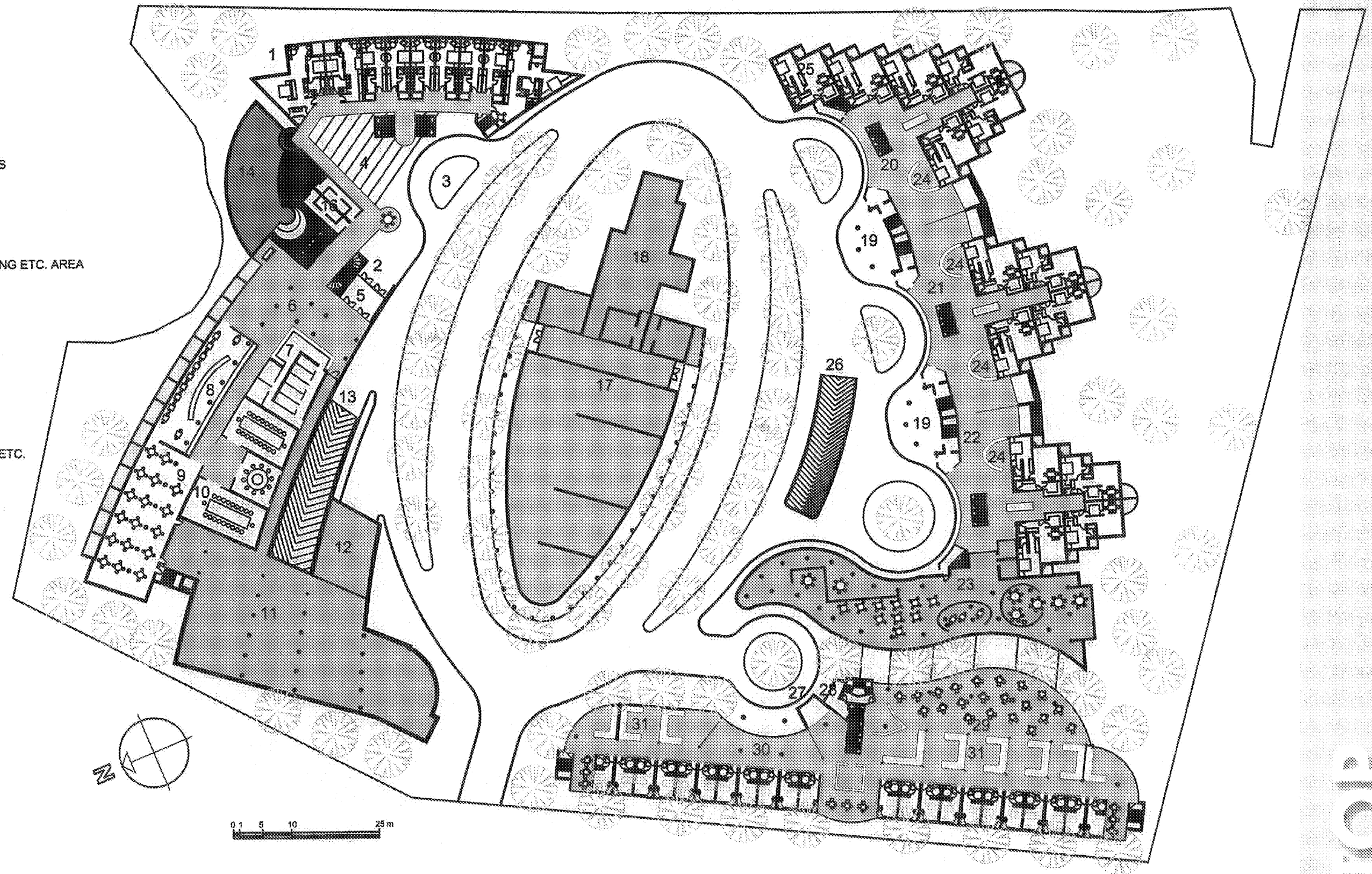
- 1 HOTEL PHASE 2
- 2 MAIN ENTRANCE
- 3 VEHICULAR ACCESS, DROP OFF-PICK UP
- 4 LANDSCAPED COURTYARD
- 5 VESTIBULE
- 6 MAIN LOBBY AND CIRCULATION AREA
- 7 FRONT DESK AND MANAGEMENT OFFICES
- 8 LOBBY BAR, LOUNGE AREA
- 9 RESTAURANT CAFE AREA
- 10 CONFERENCE MEETING ROOMS AREA
- 11 B.O.T.H. KITCHEN STAFF AREA
- 12 SHIPPING, RECEIVING GARBAGE HANDLING ETC. AREA
- 13 U.G. PARKING ACCESS-EGRESS RAMP
- 14 POOL
- 15 POOL DECK
- 16 CHANGING ROOMS

COMMON FACILITIES, RESIDENCES AND LONG TERM CARE

- 17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
- 18 RESTAURANTS, SHOPS, ETC.
- 19 TERRACES
- 20 LOBBY OF PHASE 1
- 21 LOBBY OF PHASE 2
- 22 LOBBY OF PHASE 3
- 23 PARTIES, GAMES, CONTRACT BRIDGE, TV LOUNGES ETC.
- 24 CONCIERGE
- 25 CARETAKER'S FLAT
- 26 U.G. PARKING ACCESS-EGRESS RAMP
- 27 MAIN ENTRANCE
- 28 SERVICE ENTRANCE
- 29 DINING AND MAIN ACTIVITIES AREA
- 30 LOBBY AND VISITORS AREA
- 31 SPECIFIC ACTIVITIES AREA

UNITS ON GROUND LEVEL

HOTEL UNITS	9
RETIREMENT APARTMENTS	14
LONG TERM CARE UNIT	22



GROUND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

LUNENBURG NOVA SCOTIA

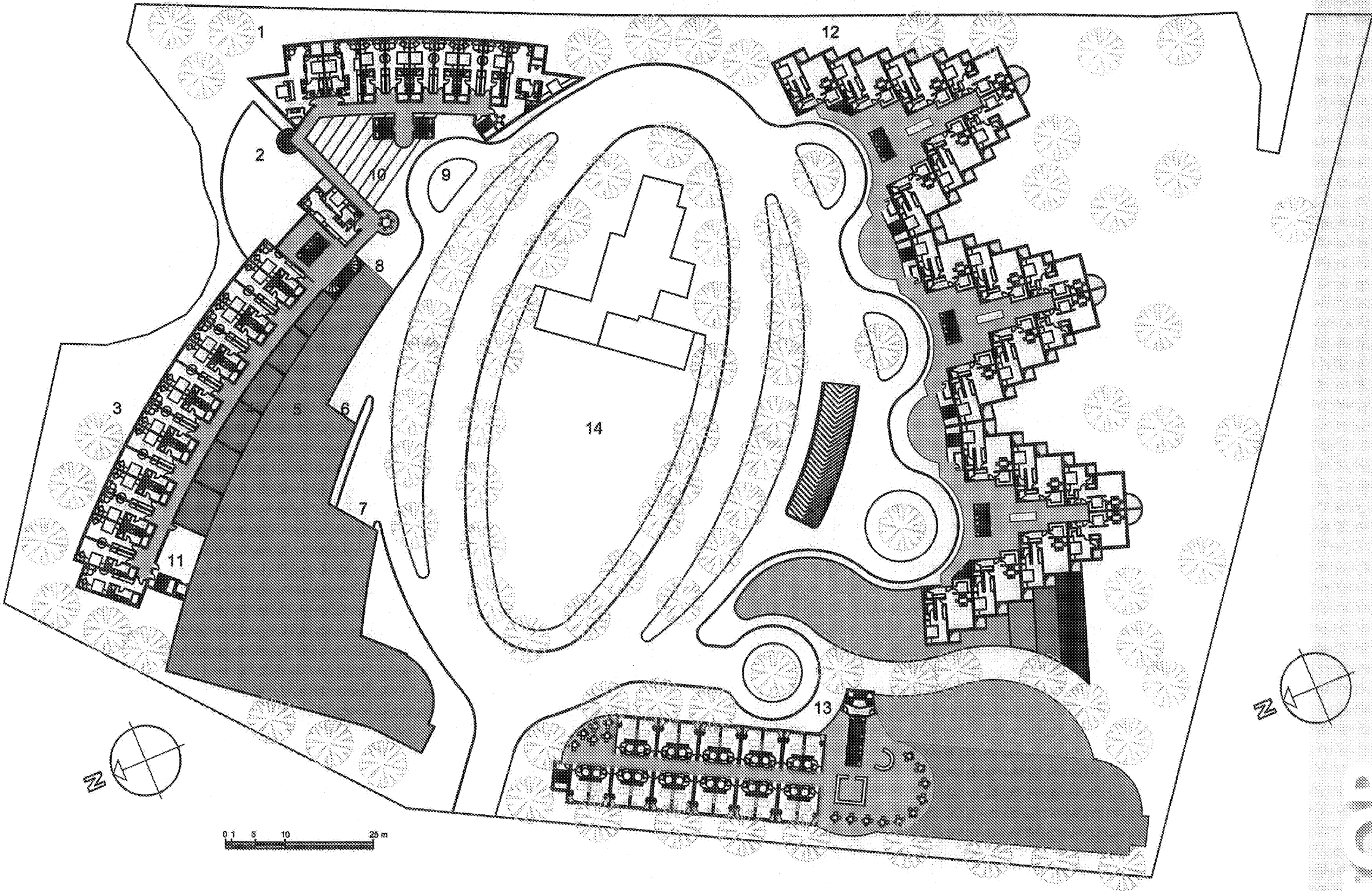
THE 101

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 2nd LEVEL

HOTEL UNITS	26
RETIREMENT APARTMENTS	20
LONG TERM CARE UNIT	22



2ND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

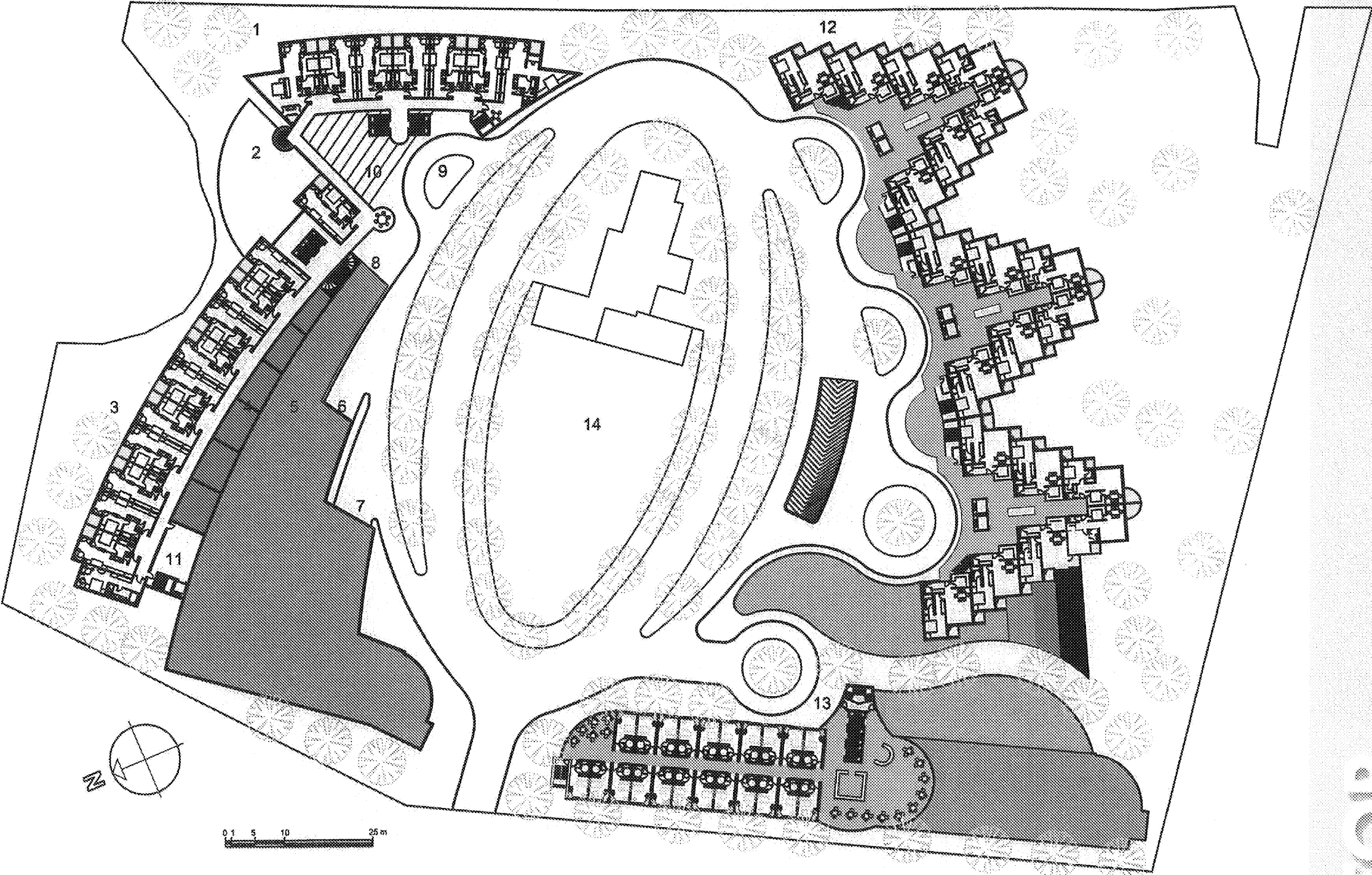
PETROFF

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
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- 6 UG. PARKING ACCESS, EGRESS
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- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 3rd LEVEL

HOTEL UNITS	19
RETIREMENT APARTMENTS	20
LONG TERM CARE UNIT	22



3RD FLOOR LEVEL

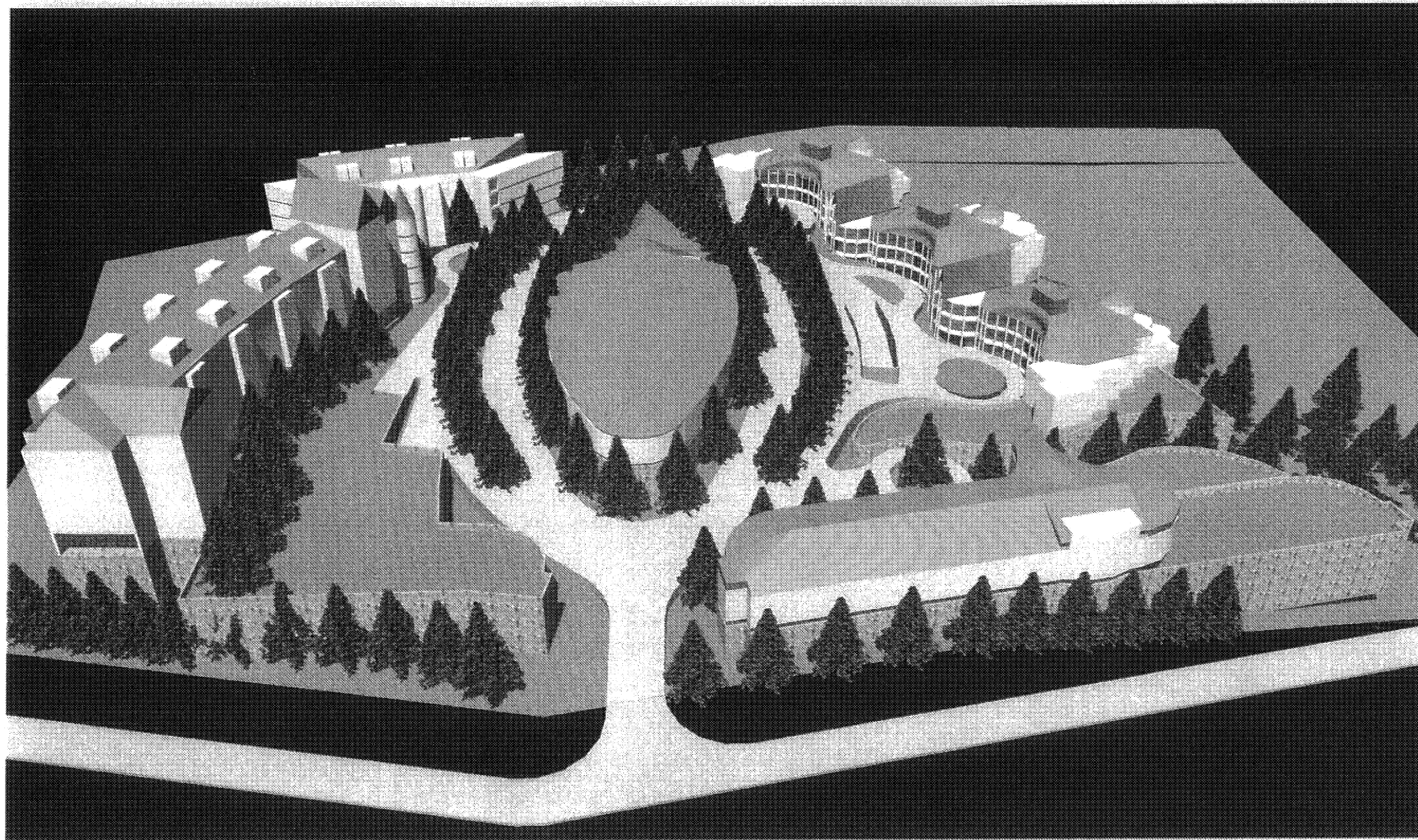
STELLAR INVESTMENT INC

THE 101

LUNenburg NOVA SCOTIA

PETROFF PARTNERSHIP ARCHITECTS

PETROFF



AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



TOWN CENTRE

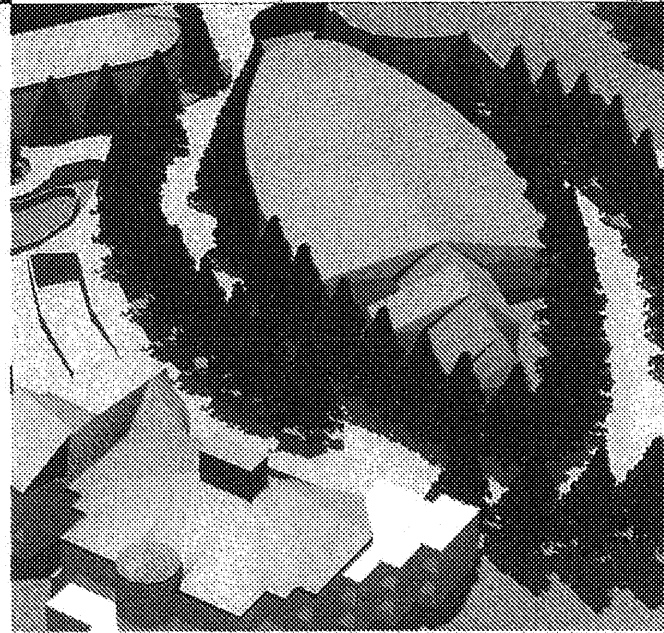
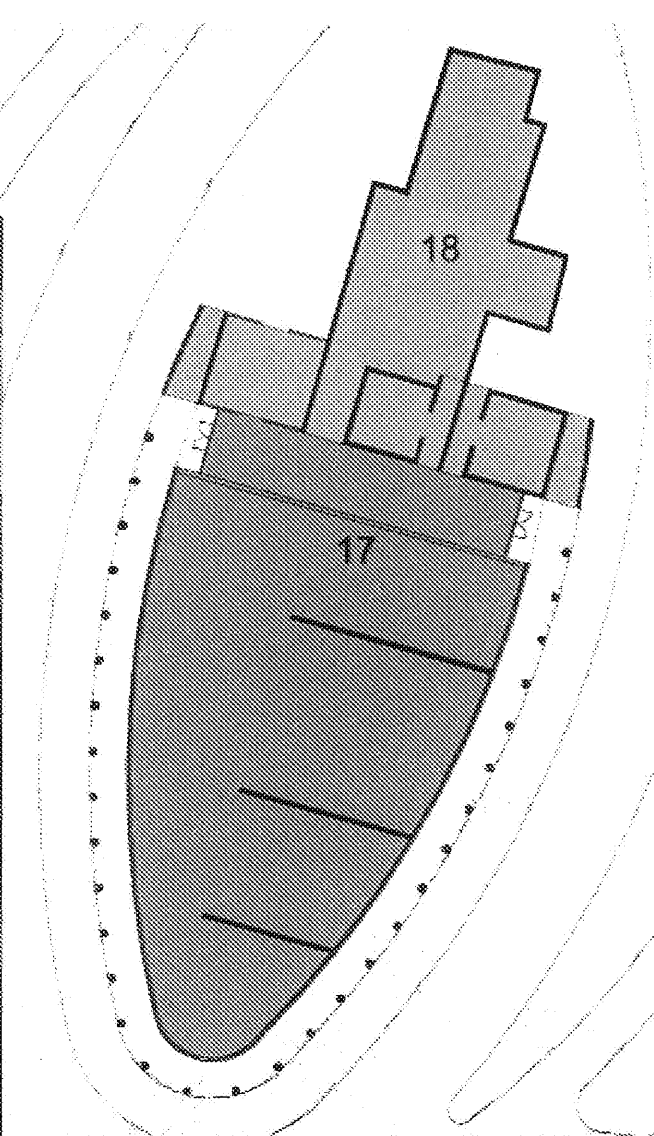
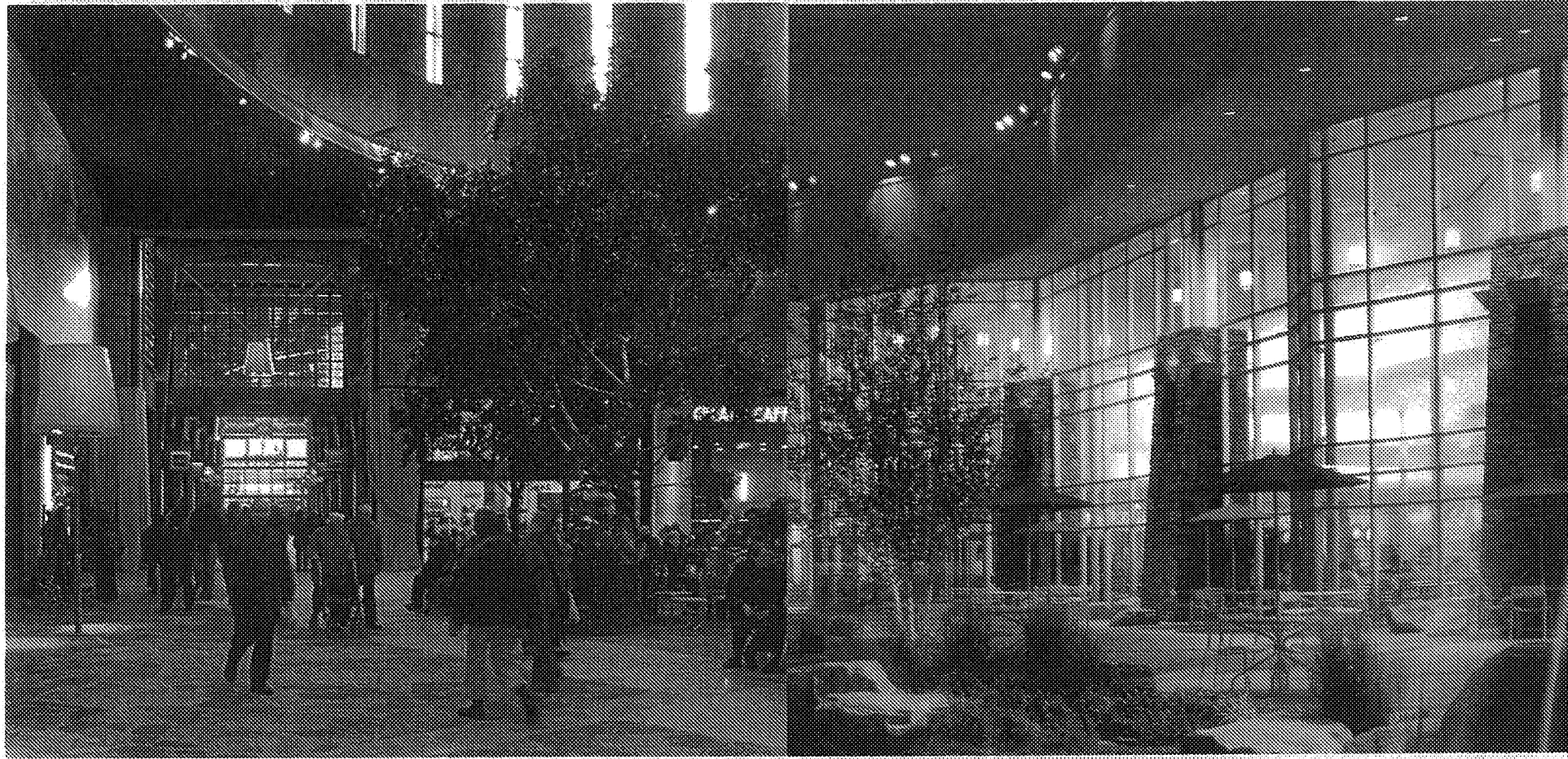
PETROFF PARTNERSHIP ARCHITECTS

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THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



TOWN CENTRE

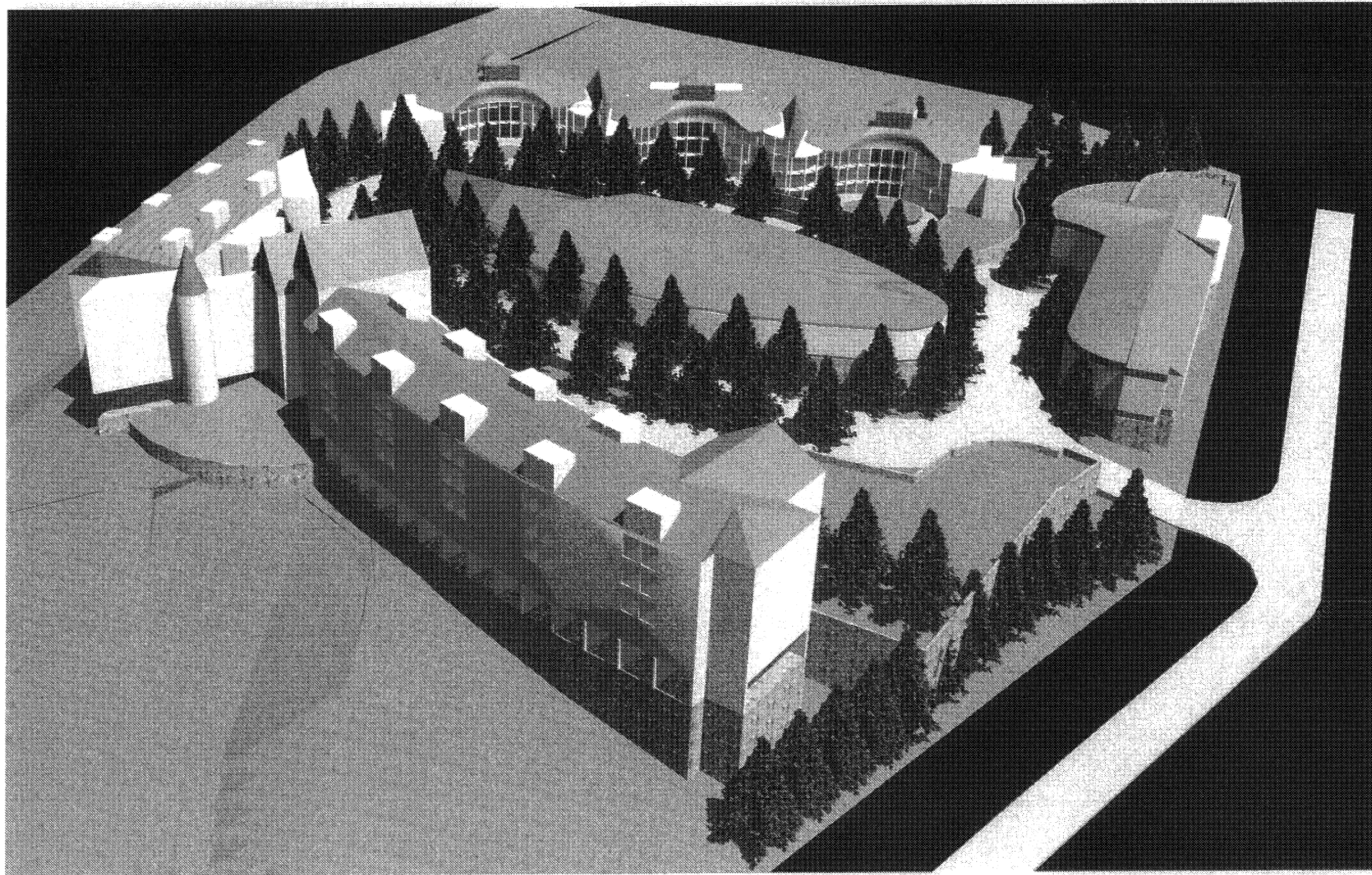
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



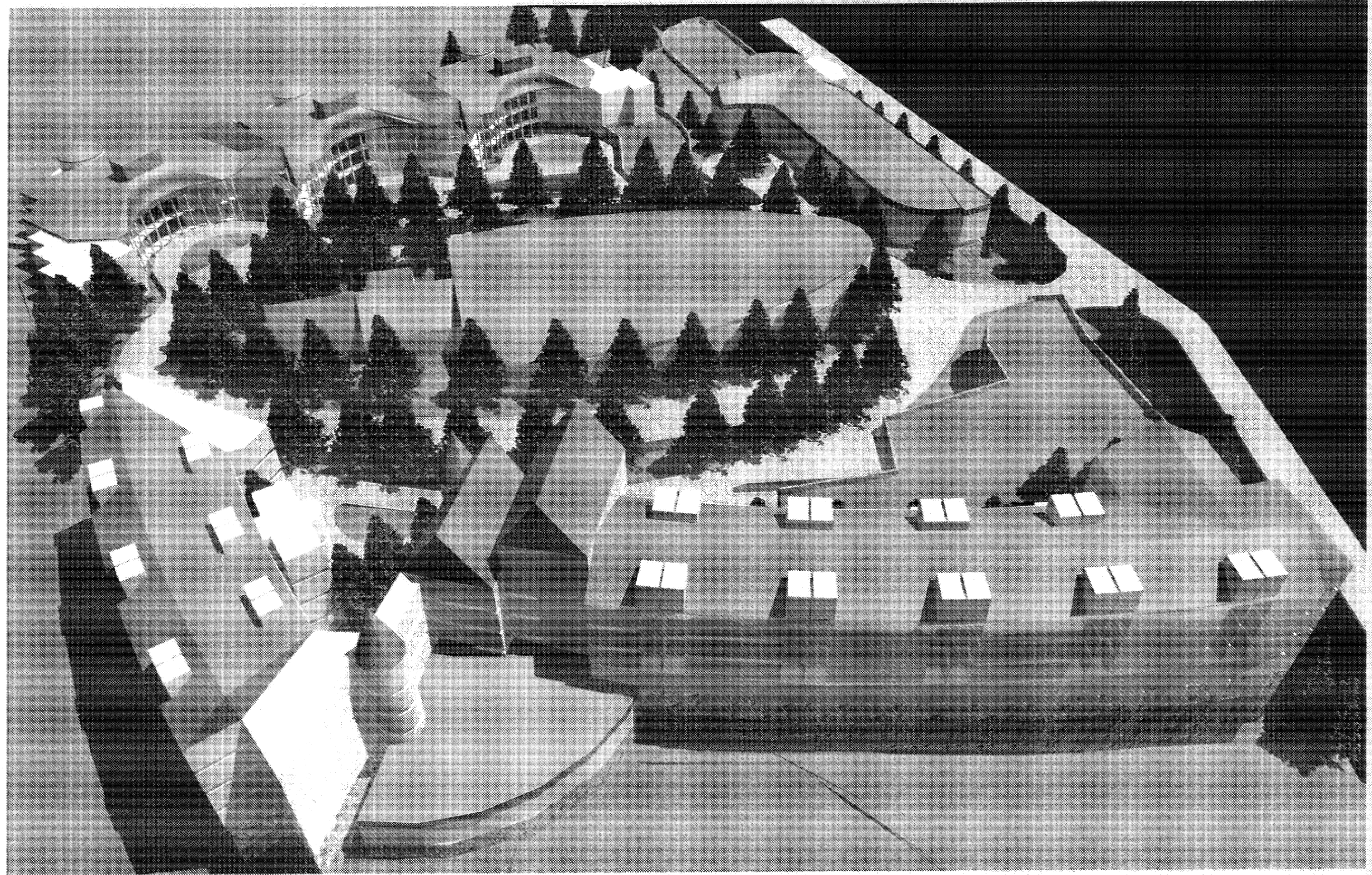
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PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

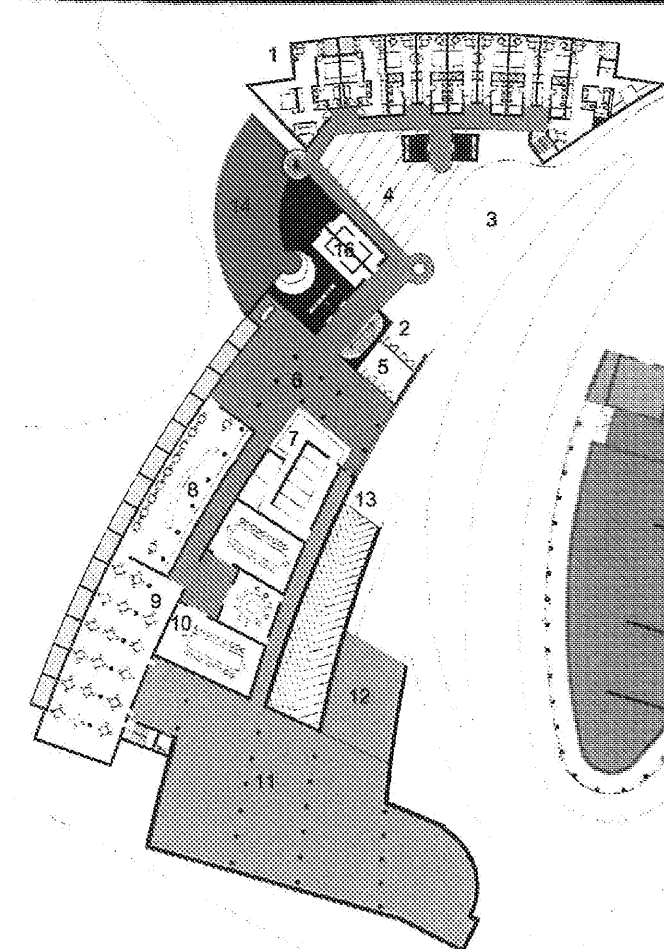
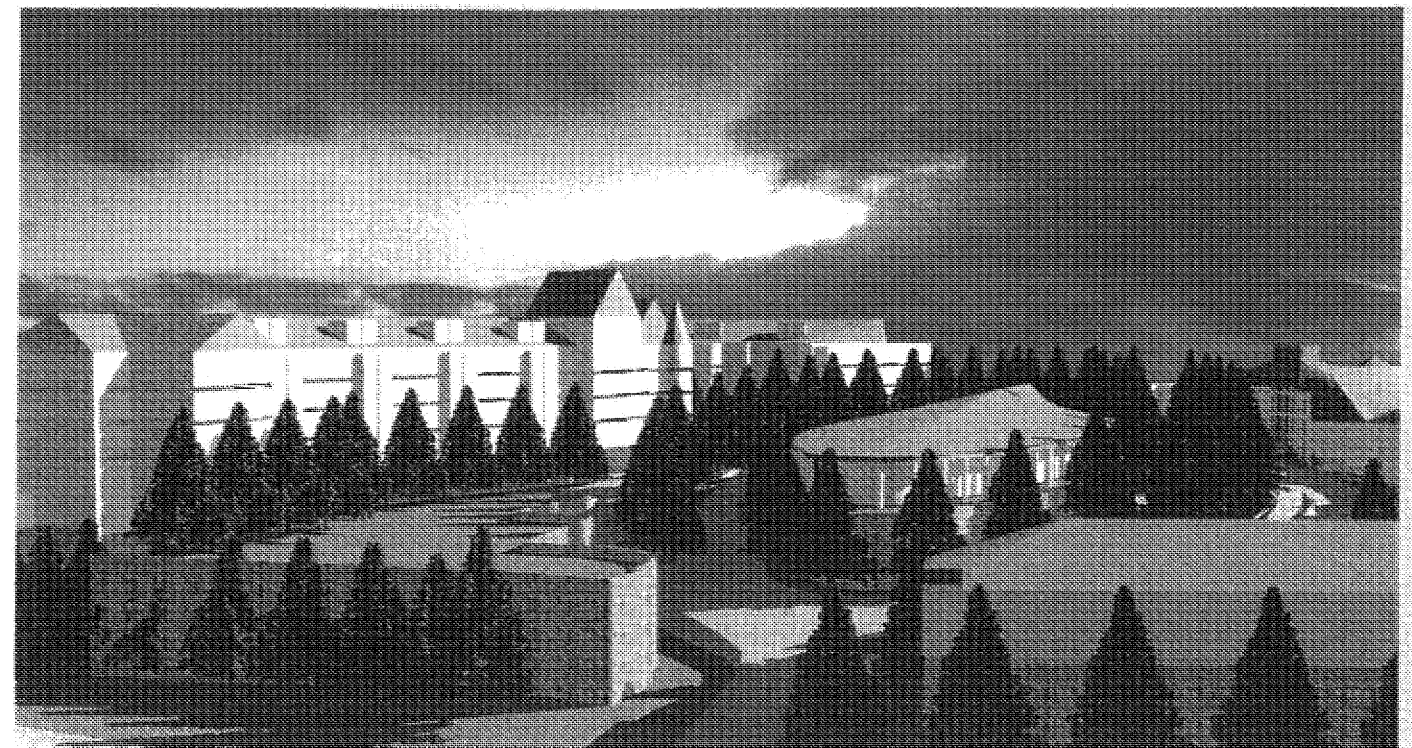
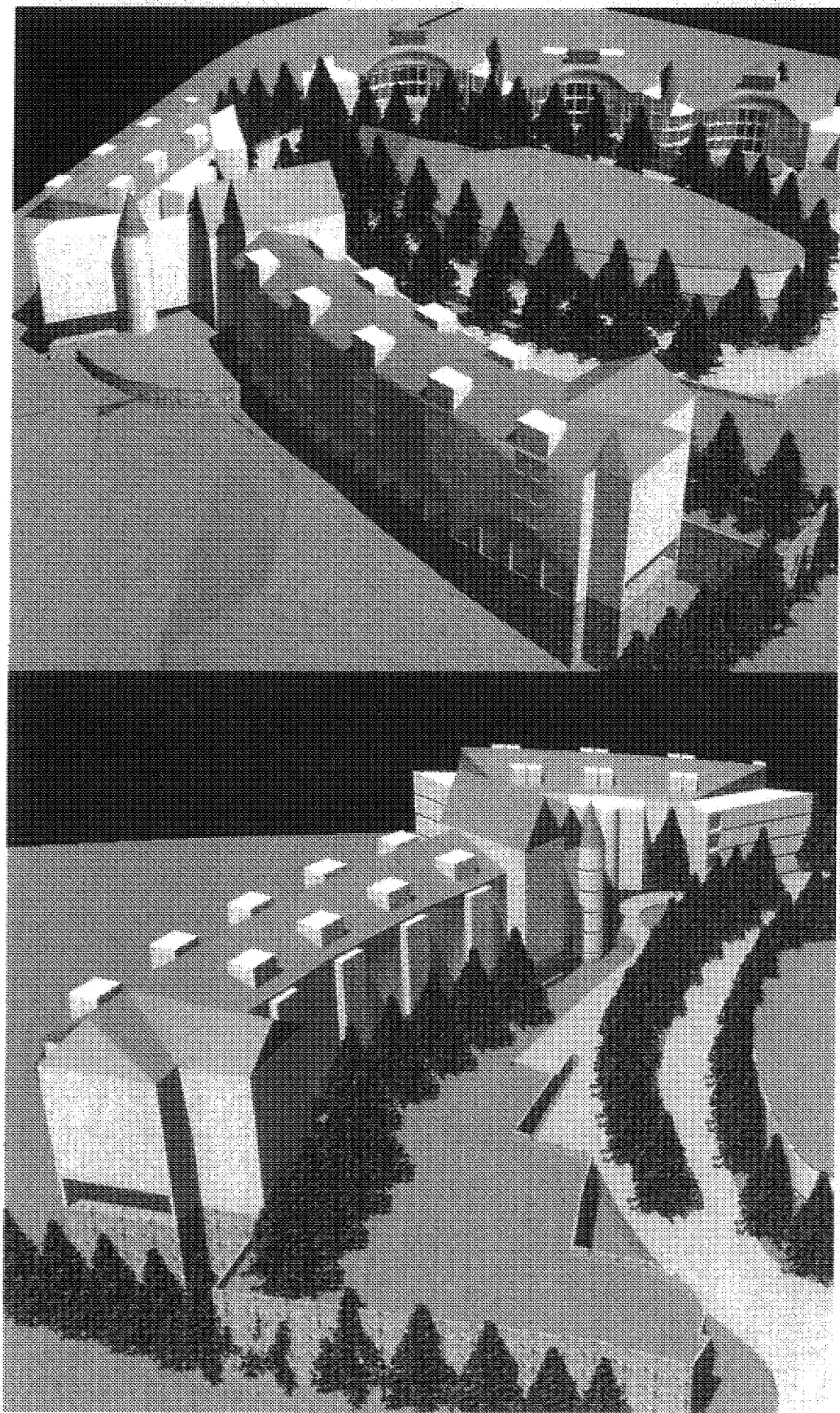
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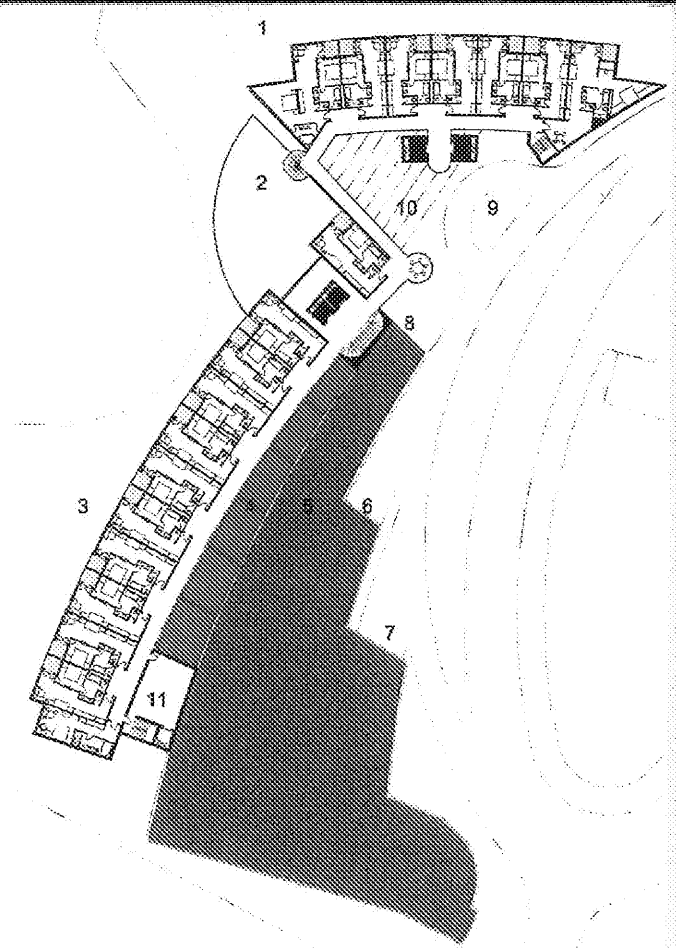
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



LOWER LEVEL



UPPER LEVELS

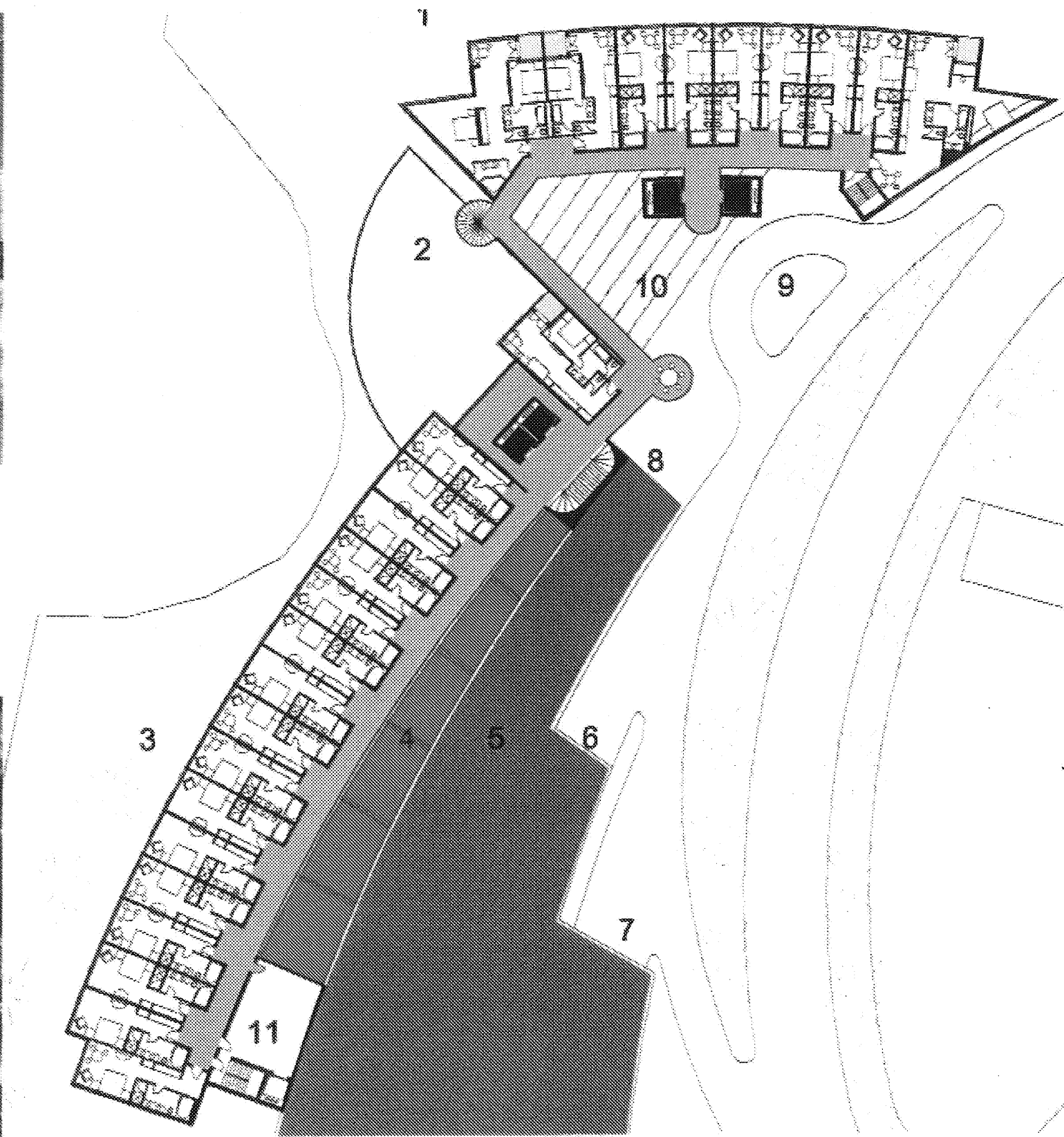
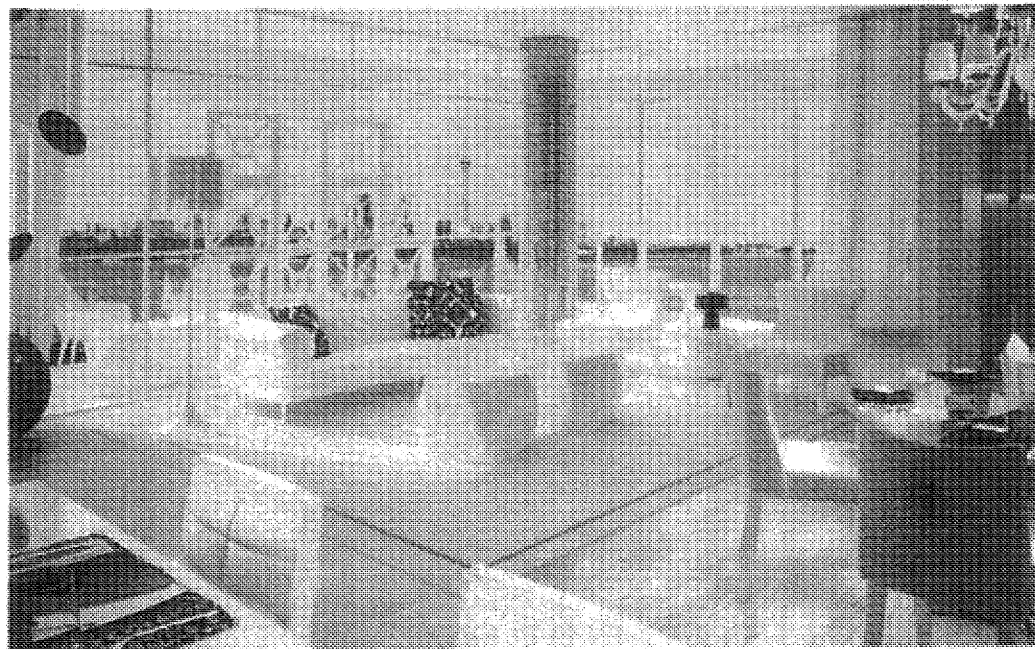
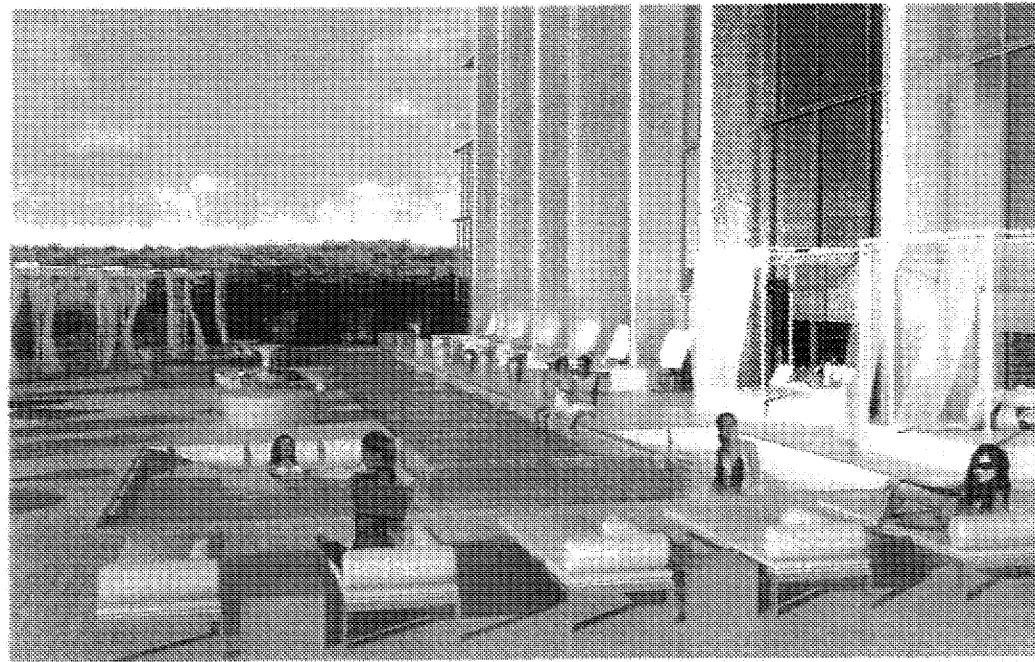
HOTEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNenburg NOVA SCOTIA



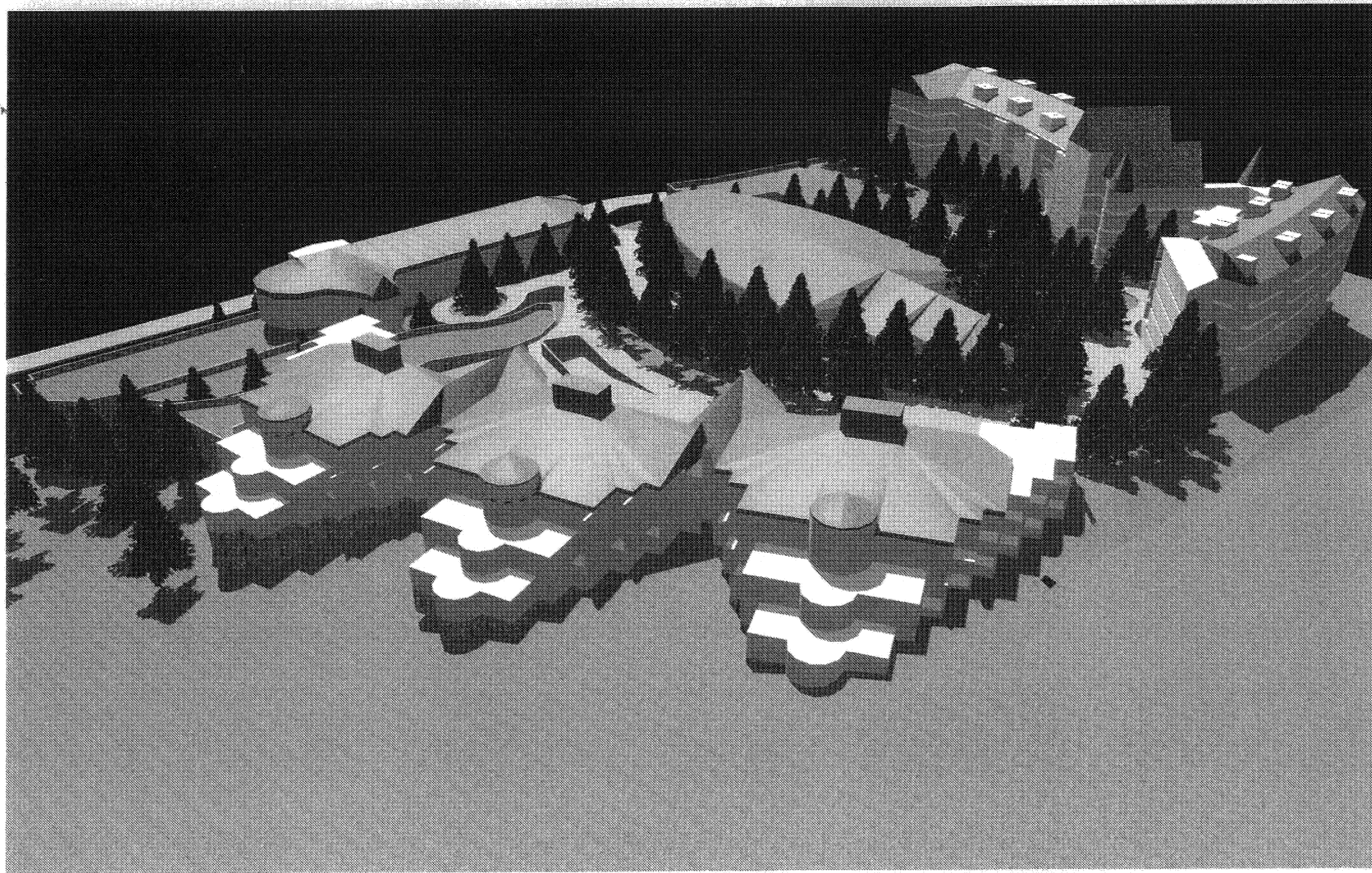
HOTEL

PETROFF PARTNERSHIP ARCHITECTS

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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



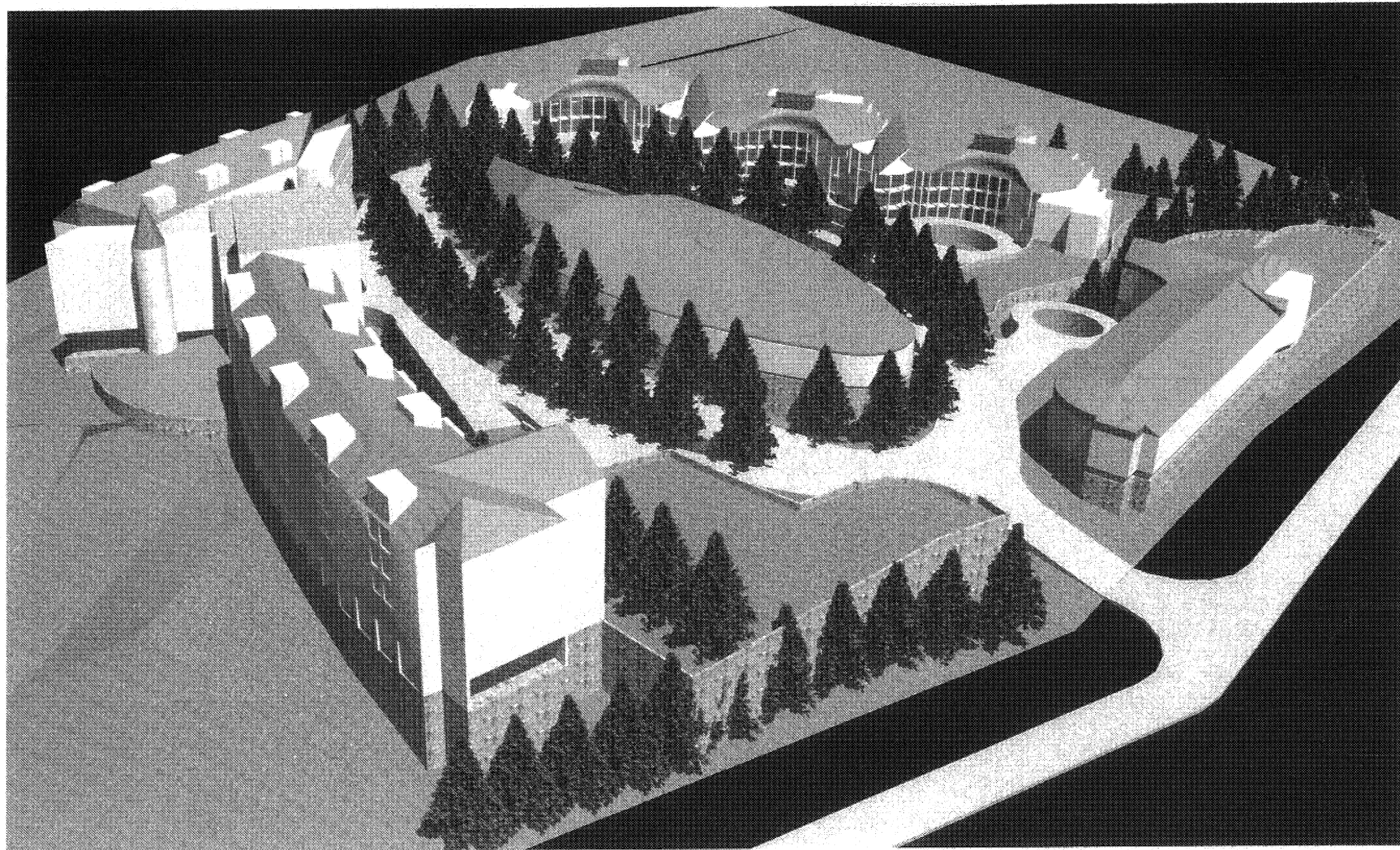
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PETROFF PARTNERSHIP ARCHITECTS

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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



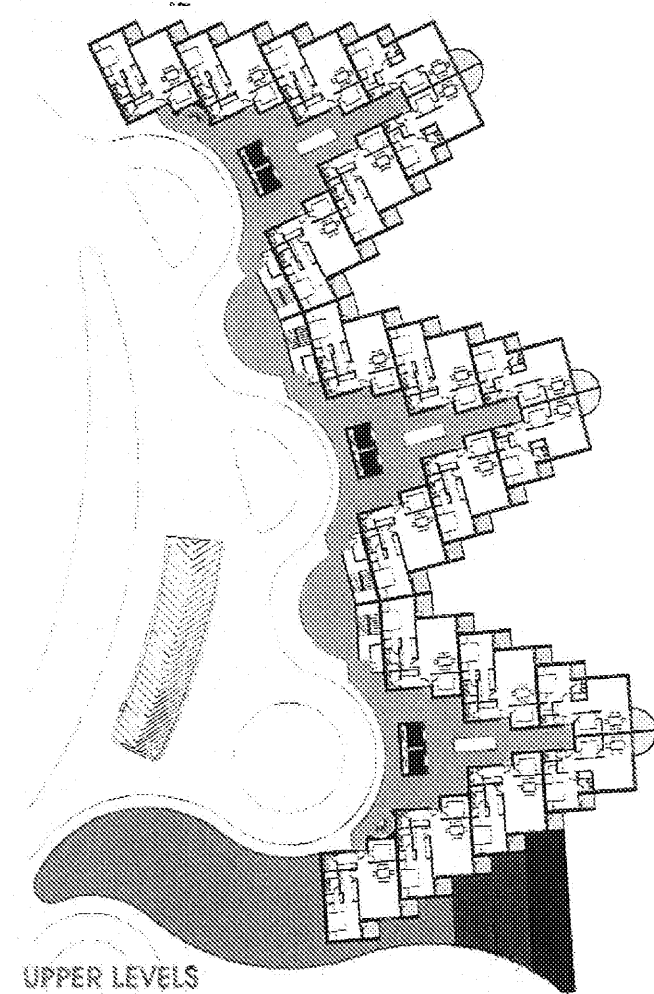
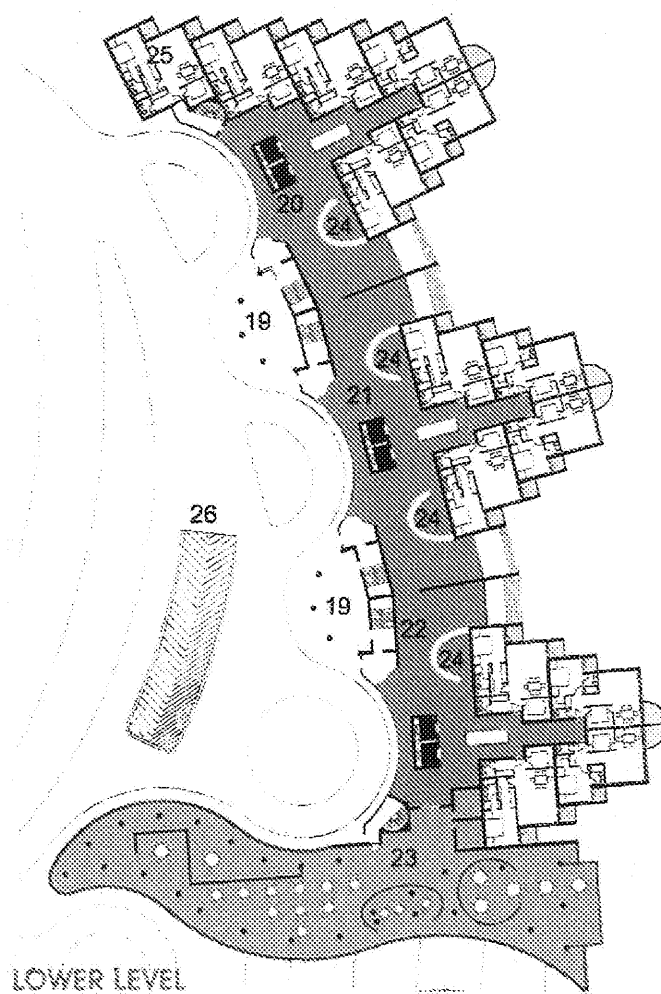
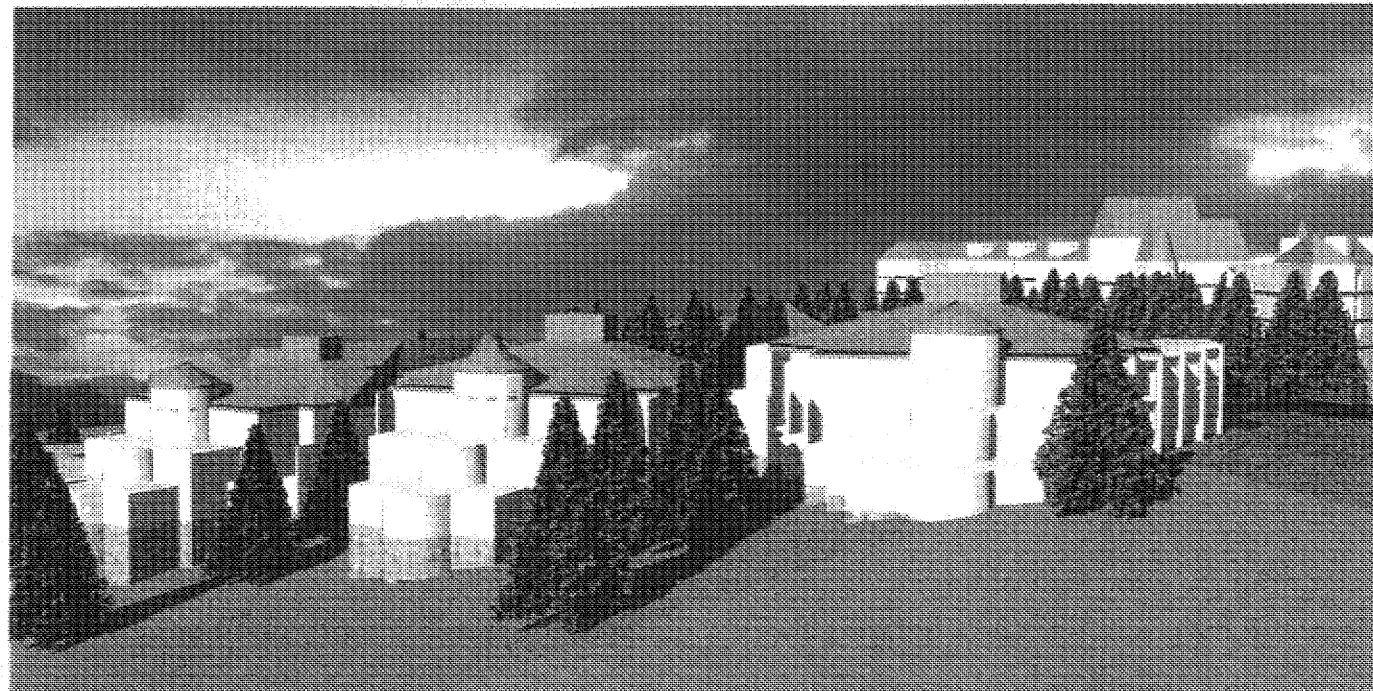
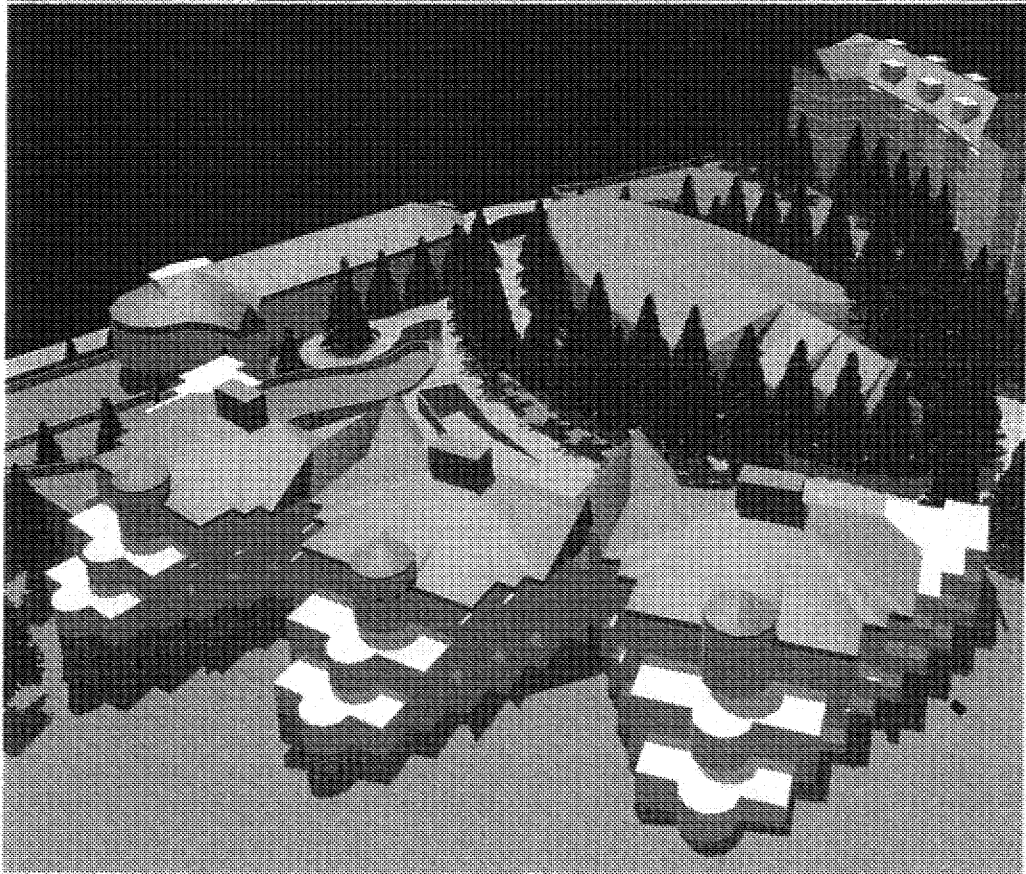
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PETROFF PARTNERSHIP ARCHITECTS

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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



RESIDENTIAL

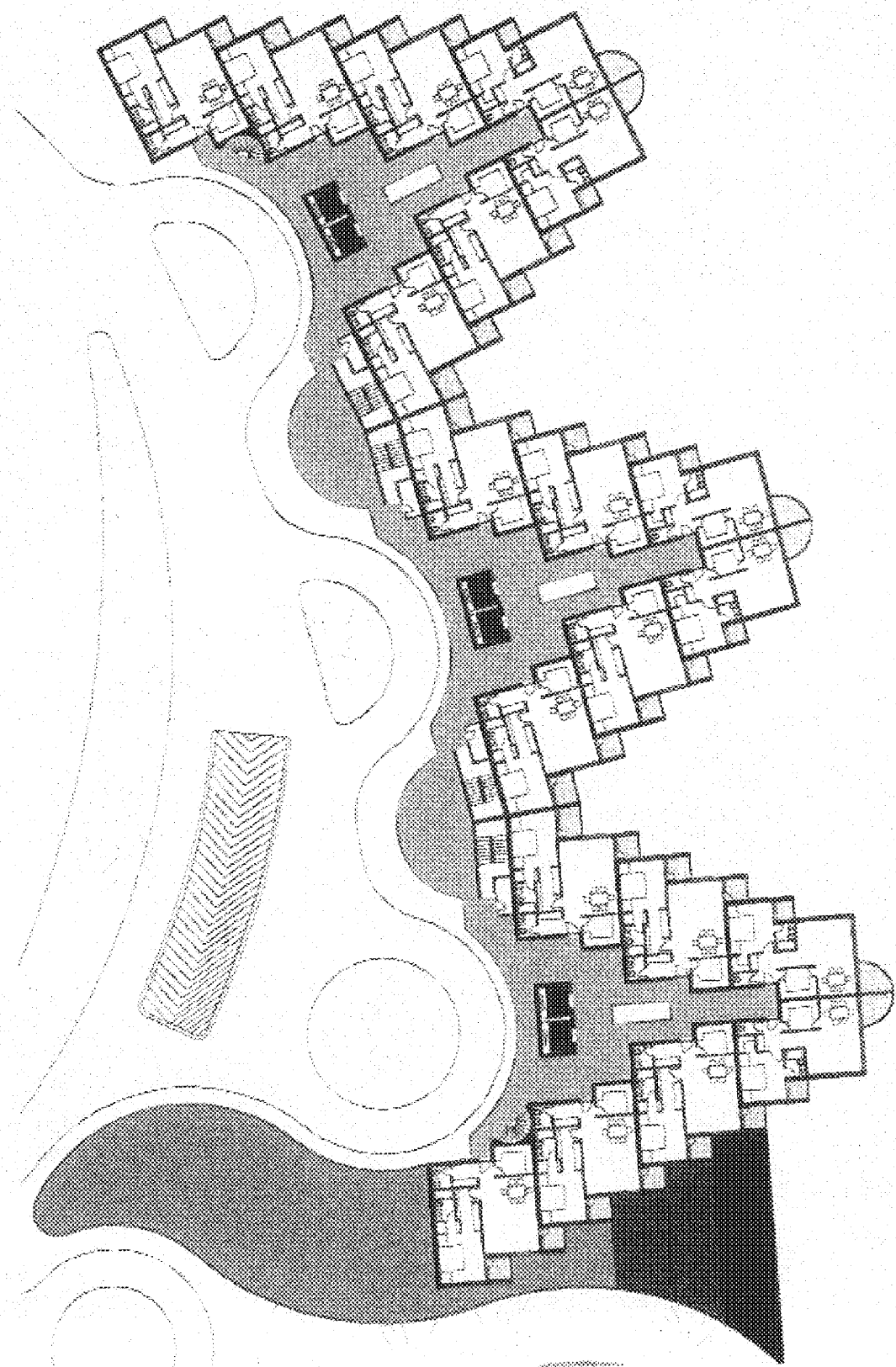
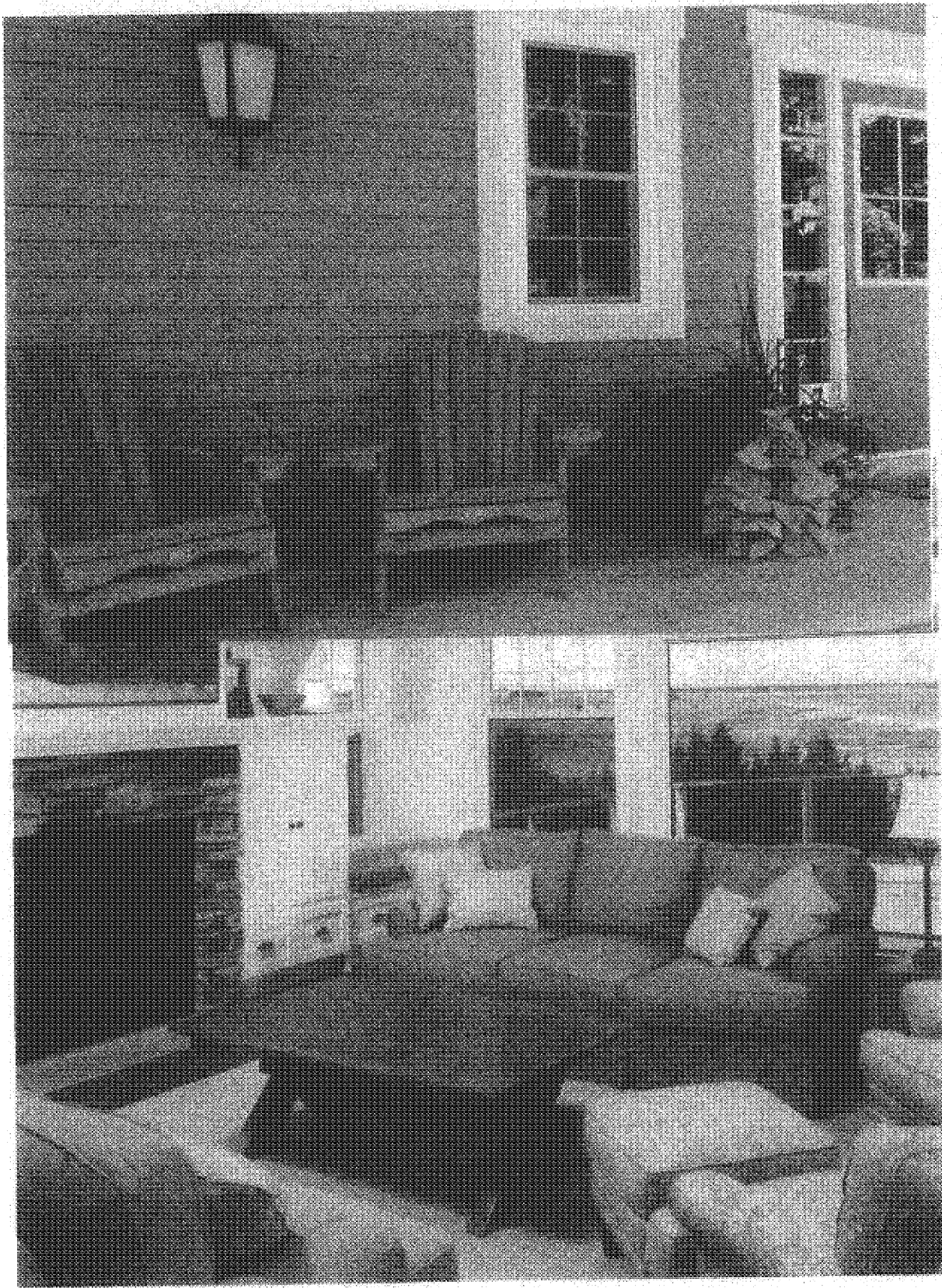
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



RESIDENTIAL

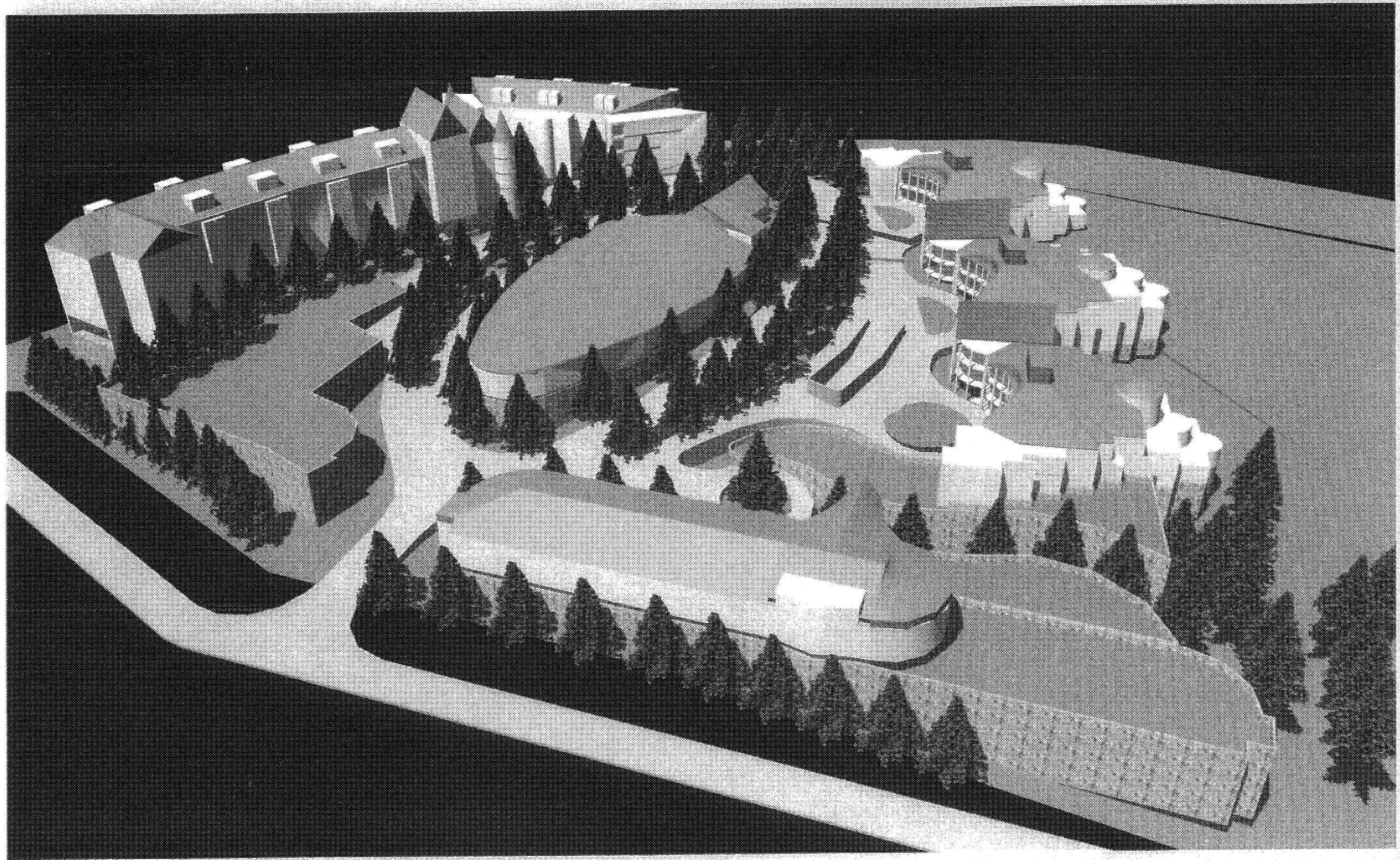
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE 101

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



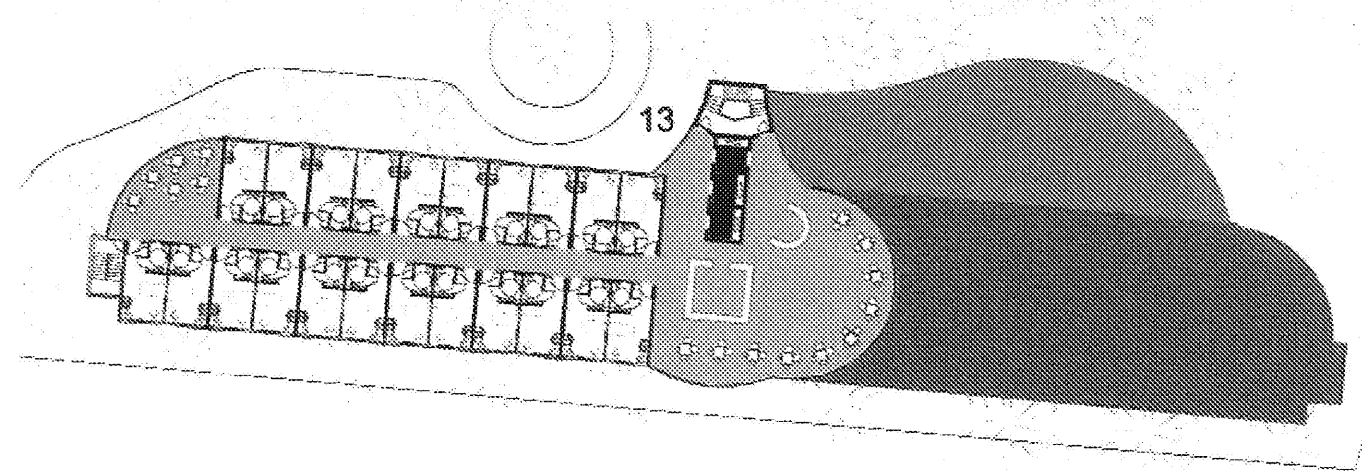
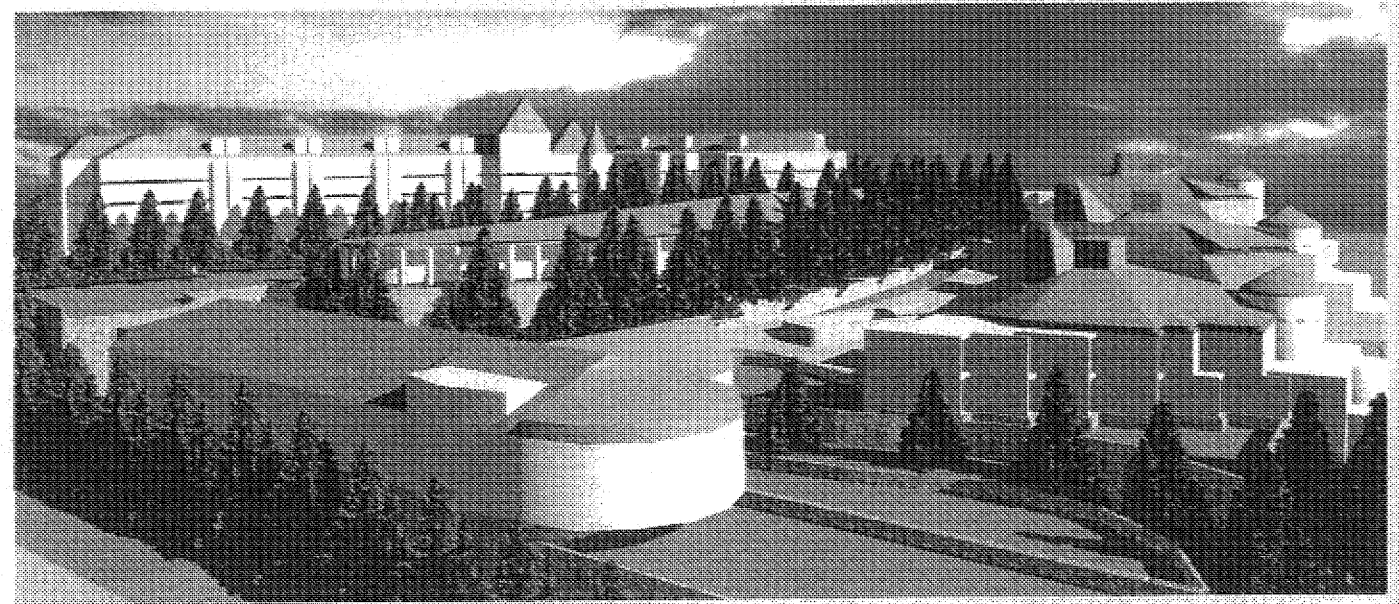
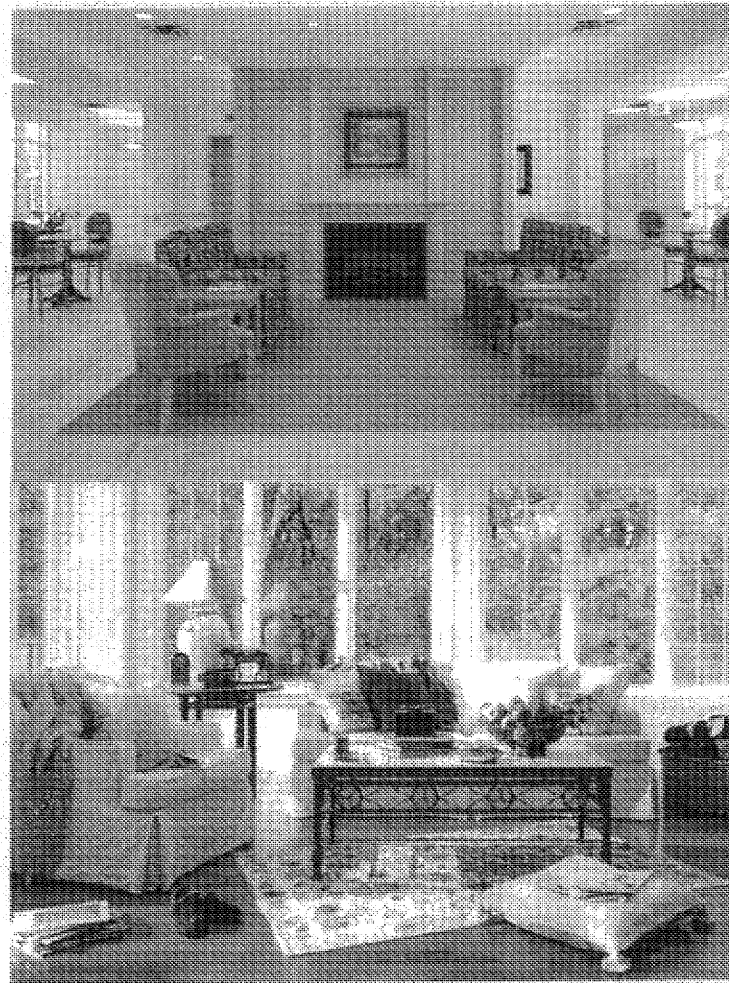
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PETROFF PARTNERSHIP ARCHITECTS

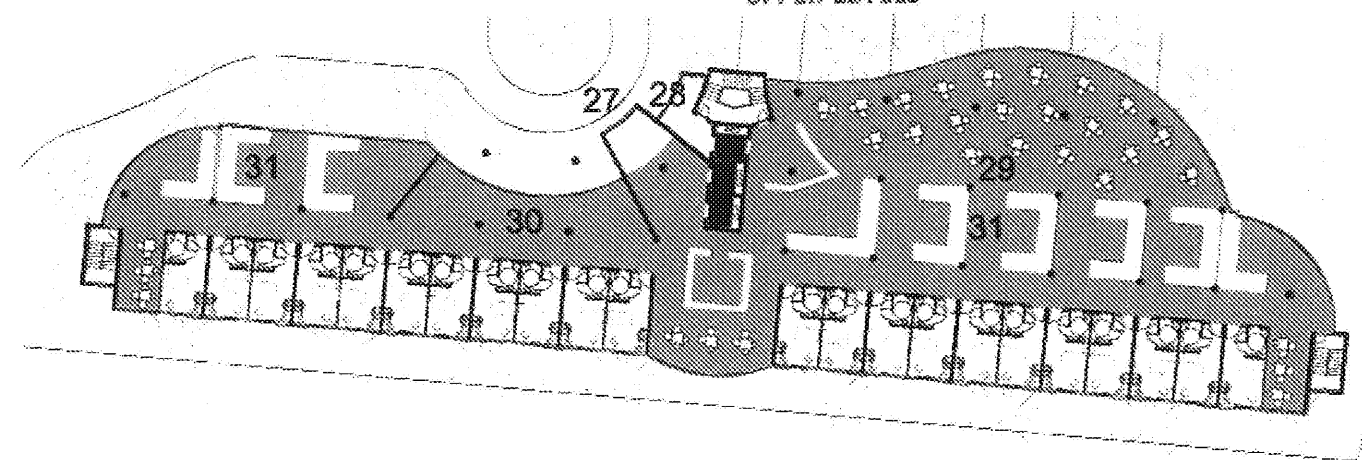
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THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



UPPER LEVELS



LOWER LEVEL

LONG TERM CARE FACILITIES

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA

Schedule D Policies Analysis
Municipal Planning Strategy Policy 19.8, 19.9

Implementation Policy 19.8	Analysis
19.8 enter into development agreements pursuant to Subsection 38(2)(p) and Section 55 of the Planning Act on the terms and conditions set forth in this Municipal Planning Strategy, and a development agreement shall:	<i>Please refer to the draft development agreement that was part of the submission to Council during their June 22, 2021 Council meeting, for relevant terms noted below.</i>
(a) specify the development, expansion, alteration, or change permitted; and	Terms of the draft development agreement specify the uses (DA 1. Uses), as well as any changes (DA 8 & 9)
(b) specify the conditions under which the development may occur; and	The draft development sets out conditions in DA 2-7
(c) set forth the terms by which Town Council can terminate an agreement. The provisions of the Land Use By-law shall prevail after discharge of an agreement	Terms of termination are found in DA 9. Termination of Agreement

Implementation Policy 19.9	Analysis
Criteria For Development Agreements and Land Use By-law Amendments 19.9.1 consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy when considering amendments to the Land Use By-law or development agreements:	
(a) that the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and	The proposal is in-keeping with the intent of the Municipal Planning Strategy and other applicable By-laws and regulations in the Town. (Council felt it was in keeping with initially entering into the DA in 2011).
(b) that the proposal is not in conflict with Municipal or Provincial programs in effect in the Town; and	The proposal is not in conflict with Municipal or Provincial programs.
(c) that the proposal is not premature or inappropriate by reason of: (i) financial ability of the Town to absorb costs related to the development; or	There may be costs related to the development. DA 6 relates to Serving. A storm drainage plan needs to be approved by the Town Engineer prior to a building permit being issued. It also notes that changes to the road in the immediate vicinity of the subject properties, which are deemed necessary by the Town, are to be carried out prior to a development permit being issued. Who is paying for the upgrades is not expressly written in the agreement. Developer pays or cost-sharing arrangements would need to be addressed if required. Access permits (driveway) would be tied to the capability of the road to handle anticipated traffic load.
(ii) adequacy and proximity of school, recreation and other community facilities; or	Adequate

(iii) negatively affecting the enjoyment of established residences; or	Although abutting a golf course and vacant lands, there will be an impact on nearby residences due to the density and uses on the site. For example, there will be increased traffic travelling on Masons Beach Road. The impact is considered minimal as the subject lands are not adjacent to an established neighbourhood and in a rural environment. Note that a Development Permit has been issued for a single detached dwelling at PID # 60053089 directly to the South of the subject lands, but no construction has been started to date.
(iv) the creation of any undue traffic hazard or congestion; or	No undue hazard or congestion as a result of this proposal has been identified. Road upgrades may be necessary, which would be determined by the Traffic Authority and Town Engineer.
(v) adequacy of Town sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or	The operation of the Sewage Treatment Plant is negatively impacted by infiltration and salt water intrusion during significant storm events. Capacity is an issue during these times. The Town is working diligently and committing a great deal of funds and other resources in addressing the storm event related issues. The developer must provide information on the fire flows for the approval of the Town Engineer. It will be the responsibility of the developer to pay for costs associated with tying into the Tannery Road 8" sewer line. The Town Engineer will need to approve the servicing plan - this is not written in the DA but is standard practice.
(vi) adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem; or	DA 6.b sets out that the developer must provide a drainage plan to the satisfaction of the Town Engineer before a development permit can be issued.
(vii) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or	No pollution problem has been identified.
(viii) suitability of site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; and	The site appear to be suitable, given the information provided.
19.9.2 consider the following in addition the criteria set out in 19.9.1 above, when considering development agreements:	
(a) that the proposal provides adequate off-street parking. In the case of development by development agreement, parking need not comply with the requirements of the Land Use By-law, and the intention of Council is to reduce the amount of parking required as far as reasonable in relation to the location of the property; and	D.A 2 Parking and Driveway Area There is a <u>minimum</u> of 227 parking spaces to be provided with 227 in underground parking. Load calc.: RES 1.25 space X 90 res units= 112.5=113 HOTEL: 1 space X120 units= 120 LUB Parking requirement: is 233 spaces Minimum provided: 227 There is a difference of 6 spaces.

	Development agreements allow flexibility. Where the difference is small and the DA sets out a minimum, a load requirement of 227 is reasonable.
(b) that the proposal provides adequate emergency vehicle access; and	DA 2.c sets out that there be a minimum of two access/egress points, which will need to be approved by the Town Engineer and Traffic Authority. The locations are shown on the site plan.
(c) that the hours of operation of the proposed use will not unduly disturb nearby properties; and	No hours of operations are set out in the agreement for the hotel use. The greatest impact will be on the residential uses within the development and the proposed Single Detached Dwelling at PID # 60053089 directly to the South of the subject lands.
(d) that the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding, and shape and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and	There are no detailed architectural drawings provided but there are concept drawings in the DA (PLANS attachment). The properties are not in an area of architectural control, Heritage Conservation District, or abutting a designated property. DA 4 Exterior Appearance of the Structure sets the height at 65 ft. and ties the appearance to that similar to the concept.
(e) that the proposal will not significantly alter the existing character or stability of the surrounding neighbourhood; and	The location is more rural in nature; not in or abutting an established residential neighbourhood.
(f) that the proposal will be integrated into the surrounding area by means of good landscaping and sensitive site orientation and screening adequate to eliminate the impact of any objectionable features such as parking or outdoor storage of equipment, parts and waste material; and	DA 3. Landscaping, Lighting, and Screening Sets out that landscaping is to be in keeping with the nearby golf course and the landscaping plan. The development will be taking advantage of the aesthetic provided by the adjacent golf course. The PLANS show buffering along Masons Beach Road as well as the landscape plan. DA PLANS' Schedule D shows the plantings and their mix. The majority of the parking will be underground. Currently, there are no abutting residential uses that require screening. However, a Development Permit has been issued for a single detached dwelling to the South located at PID #60053089.
(g) that residential developments provide sufficient usable outdoor open space; and	There is sufficient usable open space on the landscaping plan. It is shown as "Lawn" or "Lawn Area" on DA PLANS' Schedule D.

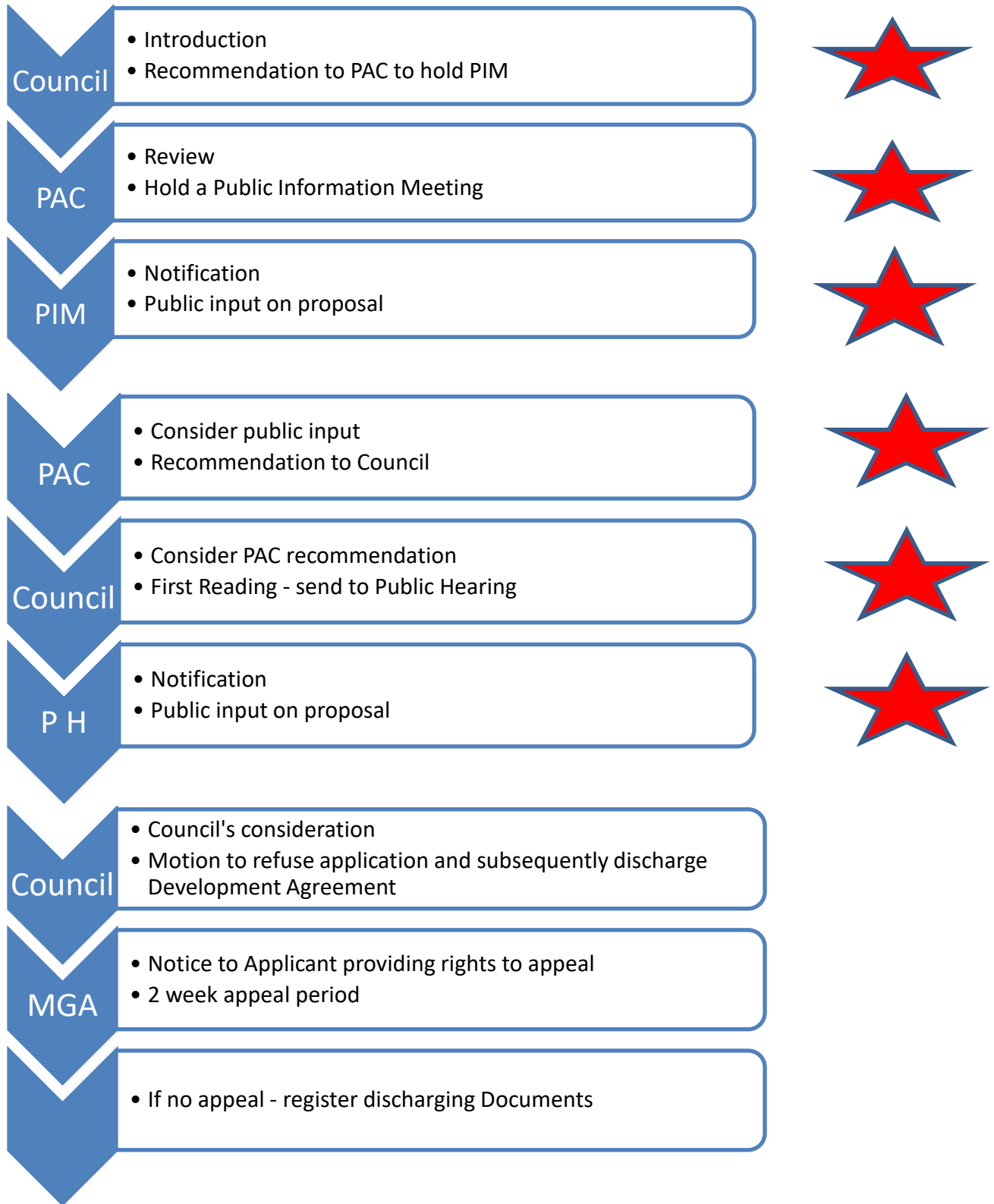
(h) that the proposal will not result in a significant risk of damage to either the natural or built environment. This determination will be made by a person deemed to be qualified by Council. Where Council determines, on the advice of a qualified person, that there is a significant risk of such damage, environmental studies shall be undertaken by the developer in order to determine the nature and extent of any likely damage. The proposal shall not be approved by Council until Council is satisfied that all concerns respecting the impact of the development have been adequately addressed; and	There is no apparent or anticipated risk of damage to the natural or built environment.
(i) that adequate provision is made for garbage collection and industrial waste disposal, and Council is satisfied that all necessary permissions for these services have been received from the regulatory body having jurisdiction; and	DA 3.c. sets out that equipment, parts or waste material be located below ground in association with the parking garage or screened from public view. The Town of Lunenburg contracts for waste removal. Disposal must in accordance with By-law # 38
(j) the use shall not as a result of emissions of noise, odour, dust, or light or any other form of emission, have an undue negative effect on the enjoyment of other properties in the area.	There will be the usual impact as a result of the hotel as well as increased residential density. DA 3 regulates, landscaping, lighting, and screening of the development.

Implementation Policy 5.12A	Analysis
5.12A (1) Ensure that the following criteria are met when Council is considering proposals for new construction of multi-unit residential buildings by development agreement:	
(a) The minimum lot size must be 279 sq m. (3,000 sq ft) per dwelling unit up to four and 1,000 sq ft for each additional unit	
(b) Residential developments of 4 or more units must provide 20% of the minimum lot area as dedicated greenspace to be maintained in plantings and not paved – the approximate location of the green space and the plan for planting it must be included in the development agreement;	Meets the minimum 20% of lot area. Please refer to DA PLANS' Schedule D, which shows the plantings and their mix.
(c) Development must be screened from adjacent one or two unit residential uses by trees and shrubs according to the following requirements: (i) 4-5 units 1.5 m (5 ft) (ii) 6-10 units 3 m (10 ft) (iii) 11-15 units 4.5 m (15 ft) (iv) 16 units and over 6 m (20 ft) The location, plant mix and maintenance standards must be included in the development agreement.	Currently there are no adjacent one or two unit residential uses. However, a Development Permit has been issued for a single detached dwelling to the South located at PID #60053089. The proposal is screened from Masons Beach Road.
(d) 1.25 parking spaces are required for each unit in all developments of 4 and over.	RES 1.25 space X 90 res units= 112.5=113 (see above comments)
(e) parking in the front yard is prohibited	No parking in the front yard. Majority of parking is underground.
(f) location and design of parking spaces and driveways must be included in the development agreement.	Location and design are approximate/concept. Detailed design will be submitted for approval prior to the issuance of a development permit.

(2) In the case of additions to existing residential development, the criteria in subsection (1) apply only to the addition.	N/A
(3) In the case of conversions, the specific criteria in subsection (1) do not apply but the factors listed should be taken into account in the development agreement to the extent the existing lot permits.	N/A

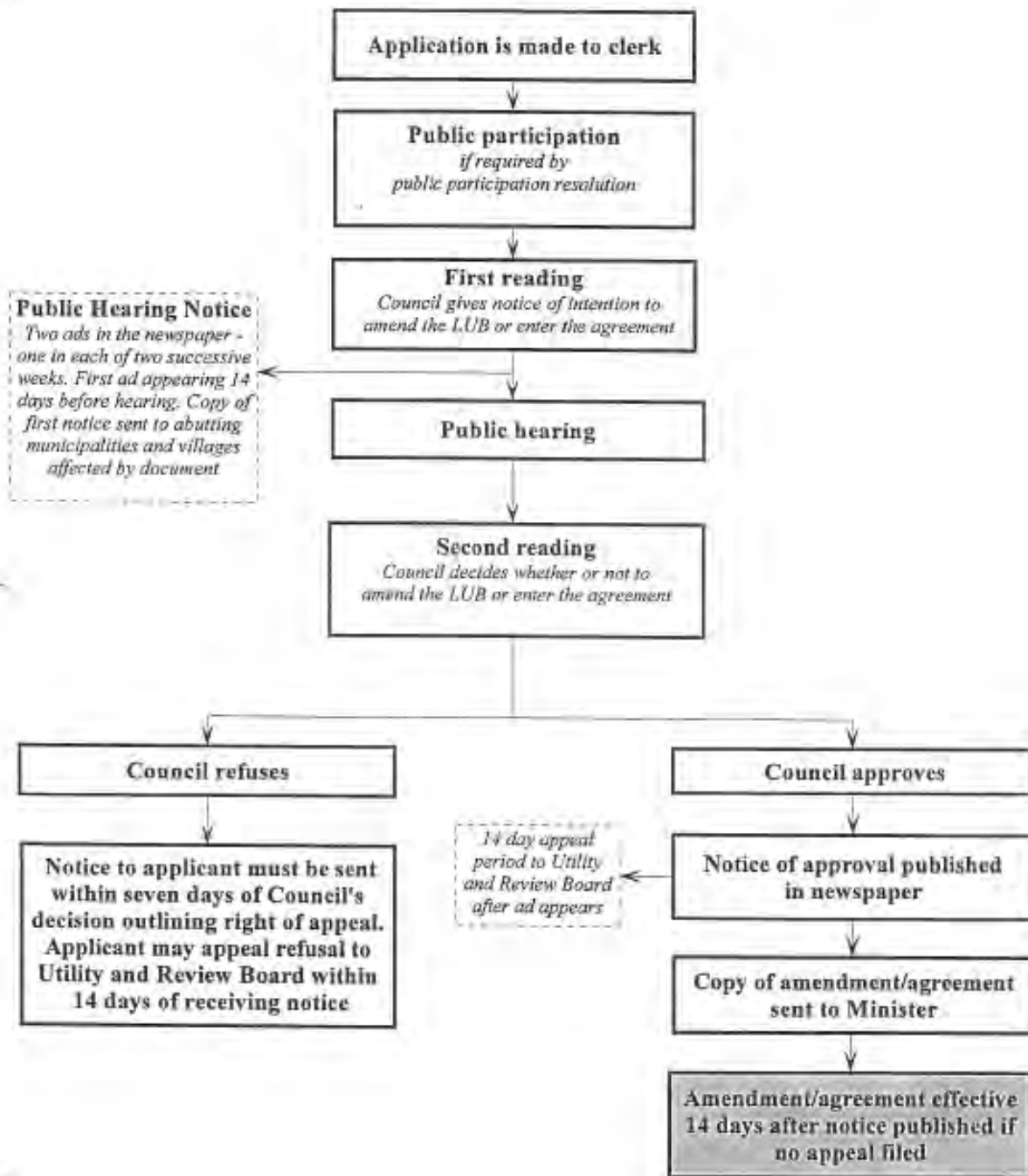
Schedule E

Development Agreement Process



See Development Agreement Process Flowchart on next page:

Chart 2 - Land Use Bylaw¹ / Development Agreement Approval Process



Schedule F
Public Hearing Process Outline

1. Opening of the Public Hearing

A Public Hearing provides members of the public with an opportunity to learn about a proposal and make their views known to Council. A Public Hearing is required under the Municipal Government Act for certain planning related applications/proposals.

In terms of process, after the Public Hearing is held, Council may make a decision or defer decision to a later date. Please note that time for questions from the gallery is during the Public Hearing. Once the Hearing is closed, discussion is to be between the Council members only. After the Public Hearing, Council may make a decision.

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 for speakers 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.*

3. Public Hearing

- (i) Presentation by Arthur MacDonald
- (ii) Opportunity for presentation by applicant, Timothy Riebling, Stellar Investments Inc., or representative
- (iii) Written submissions
- (iv) Public input (oral submissions)

4. Closing of the Public Hearing

Motion: moved and seconded to close the Public Hearing portion of the Council regarding 101 Masons Beach Road.

THIS DISCHARGE made this ____ day of _____, 2021.

BETWEEN:

THE TOWN OF LUNENBURG

(the “**Town**”)

-and-

STELLAR INVESTMENTS INC.

(the “**Developer**”)

WHEREAS the Town and Developer entered into a development agreement dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “**Development Agreement**”);

AND WHEREAS Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

AND WHEREAS the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

AND WHEREAS Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

AND WHEREAS there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

AND WHEREAS by an order in council dated • the Development Agreement was discharged pursuant to Section 229(2) of the *Municipal Government Act* (Nova Scotia) and Section 9(b) and (c) of the Development Agreement;

AND WHEREAS the Town is providing this discharge for the purpose of releasing the Development Agreement from the burdened property;

NOW THEREFORE THIS INDENTURE WITNESSETH in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada, the receipt of which is hereby acknowledged, the Town releases all interest and right created by virtue of the Development Agreement.

[Signature page to immediately follow]

IN WITNESS WHEREOF the Town of Lunenburg through its proper officers, have duly executed these presents and have affixed its corporate seal the day and year first above written.

SIGNED, SEALED & DELIVERED
in the presence of:

THE TOWN OF LUNENBURG

Witness

Per: _____
Name:
Title:

Witness

Per: _____
Name:
Title:

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

ON THIS _____ day of _____ , 2021, before me, the subscriber, personally came and appeared, _____ (insert witness name), the subscribing witnesses to the foregoing Indenture, who, having been by me duly sworn, made oath and said that _____ and _____, duly authorized officers, signed, sealed and delivered the same in h_____ presence.

A Barrister of the Supreme Court
of Nova Scotia.

Latest Lunenburg County Lifestyle Centre upgrade to cost \$1.845 million

Taxpayers fronted spending on similar work in 2015

By KEITH CORCORAN
keith.corcoran@lighthousenow.ca
@NewsmanKeith

Lunenburg County Lifestyle Centre (LCLC) officials expect to award a procurement in the coming days to finally address heating, ice plant and other mechanical operational issues with the Bridgewater multiplex, some of which was attempted six years ago.

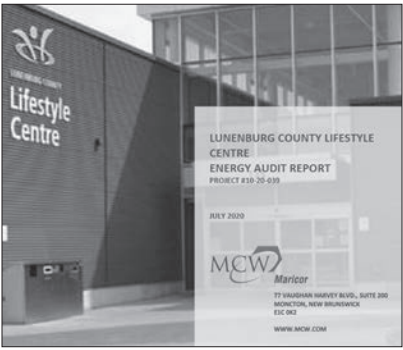
Taxpayers are chipping in \$1.845 million to aid the series of upgrades cited in the July 2020 report. Funding commitments by the province (\$615,000), Ottawa (\$738,000) and the municipal corporation overseeing the LCLC (\$492,000) were announced July 5.

The work was identified in a 38-page energy audit report released last summer.

Andrew Tanner, chairman of the LCLC board, said some of the recommended lighting retrofit work is finished, but the bulk of the job mentioned in the report is expected to finish by year's end. A New Brunswick firm completed the report, which cost \$8,450.

"Before this [announcement] we were only taking the priority items and getting those done and the next capital cycle we'd try and pick away at more of them," Tanner, who is Bridgewater's deputy mayor, told *LighthouseNOW*. "But, with this money, everything's being done, which is just beautiful."

The renovation and upgrade targets the building's dehumidification system and ice-making facility in the arena; the filtration system and office climate control in the aquatic centre; and the building's surveillance system. Cutting greenhouse gas emissions, reducing operating costs and allowing arena operations to continue year-round is the goal. Officials plan to re-direct energy cost-savings to LCLC commun-



Measures covered under the latest spending on upgrades were born out of this report commissioned by Lunenburg County Lifestyle Centre officials.

ity services and programming.

The energy audit report said the work represents about \$73,000 in financial savings and a payback of about 14 years.

"The energy savings are so substantial," Tanner commented.

The LCLC, which opened in 2013, cost about \$32 million to build. The sport, recreation, and community facility houses an NHL-size arena with a capacity to seat 1,200 spectators, an aquatic centre suited to both leisure and competitive users, a therapeutic pool and a public library.

The building also houses administrative offices, community and cultural spaces, and areas capable of hosting meetings, exercise classes, senior citizens' activities and other functions.

For a relatively young building, the North Park Street structure in Bridgewater's industrial park has needed its fair share of attention.

Back in July 2015, Ottawa committed \$70,583 to help the LCLC "complete infrastructure improvements to its arena, pool, and surveillance system" with the goal of the work designed to "enhance the dehumidification system and ice making facility in the arena; the filtration system and office climate control in the aquatic centre; and the building's surveillance system."

Tanner said other recreational facilities constructed during the same period, like the LCLC, ran into issues associated to specific building rating systems and, since that time, many technology and design standards have evolved.

Items dealing with the rink will likely get addressed first before ice programs start later in the summer.

Only minor disruptions are expected during the upcoming construction process, Tanner estimated. "I don't think the public will notice it a whole lot."

Ontario woman fined \$1,000 for not wearing face covering

Case went to trial in Bridgewater

By KEITH CORCORAN
keith.corcoran@lighthousenow.ca
@NewsmanKeith

A Hamilton, Ontario woman defended her refusal to wear a face-covering in a Queens County supermarket with medical and human rights arguments in court, but was ordered to pay a \$1,000 fine after a justice of the peace ruled she failed to provide any evidence to support either claim.

Nicole Serene Martens, 36, was recently sentenced in Bridgewater provincial court following her conviction of failing to comply with the mask-wearing clause under the province's Health Protection Act.

Martens was found guilty of the offence, which occurred December 7, 2020 at the Atlantic Superstore in Liverpool. Lianne Jacklin, a justice of the peace, recently issued a written decision concerning the matter.

"Ms. Martens did not provide any medical or independent evidence in support of her contention that she had a medical disability or condition that prevented her from wearing a mask," Jacklin wrote in her six-page decision.

"Without the assistance of a duly qualified medical professional, the court does not have the necessary medical knowledge to make medical determinations or to make conclusions about whether any medical issues make it impossible for Ms. Martens to wear a mask."

Jacklin also determined Martens also did not present any independent lay witness testimony to corroborate "limited evidence" of a physical reaction to wearing a mask.

Martens did not exercise due diligence in determining if the grocery store "had reasonable accommodations available to her such as curbside pickup, so she could avoid entering the store without a mask and exposing other patrons to risk, Jacklin noted.

"Further, she attended the store with her husband who could have entered the store in her place. Lastly, Ms. Martens made a vague statement that the requirement to wear a mask violated her charter rights," Jacklin said in the June decision. "Not only did Ms. Martens not provide

notice of her intent to make a constitutional challenge to the legislation, she also did not provide any evidence or argument or grounds as to how or why the legislation violated her rights for me to consider."

Martens' face was not covered at all as she pushed a shopping cart in the store on the date in question, before noon. A RCMP officer attended the scene and, when he asked Martens to put on a mask, she declined, evidence gleaned from the April trial indicated.

"She stated she had a medical exemption and did not need to wear one. [the officer] did not observe any apparent breathing difficulties at the time," reads the court's decision, referencing the facts of the case.

Martens even showed up for court without masking. "She had a shirt which she pulled up over her nose when she was not socially distanced more than six feet," Jacklin noted. "I directed her to cover both her nose and mouth when she was coming up to the witness stand and she did so. I did not observe any apparent breathing difficulties or indices of alarm in Ms. Martens demeanor on the witness stand after covering her mouth and nose."

Jacklin determined the prosecution proved its case beyond a reasonable doubt and subsequently handed down a conviction.

The police have written a few tickets over the months since the pandemic started alleging health rule, or other-related, contraventions where fines were imposed in open court.

A Greenfield woman, 25, was sentenced after a trial to pay a \$582.50 penalty for participating in a large gathering as she rang in the New Year in January.

A 33-year-old Bridgewater woman was fined \$1,000 for not self-quarantining in April 2020. During the same month, a Mahone Bay man, 38, entered a closed beach, breaching the province's Emergency Management Act, and was punished with a \$697.50 fine.

There are other cases navigating the local legal system or awaiting trial.



TOWN OF LUNENBURG

PUBLIC HEARING

Date/Time: Tuesday, July 27, 2021 at 6:00 p.m.

Location: Zoom Webinar (allows for two-way interaction):
<https://zoom.us/j/95489144585>

Also broadcasted on the YouTube channel (viewing only):
<https://bit.ly/YouTubeTOL>

The Public Hearing is being held to provide an opportunity for the public to learn about Council's intention to refuse an application to amend an existing Development Agreement between the Town and Stellar Investments Inc. and subsequently consider Council's intention to discharge the Development Agreement regarding 101 Mason's Beach Road, Lunenburg. (PIDs 60053097, 60388097, 60388105), essentially reverting the lands back to being regulated by the Town's Land Use By-law.

Stellar Investments Inc. had applied to amend its development agreement to extend the commencement of construction of a 120 bed resort hotel and multi-unit residential buildings (60 condominium units and a 30 unit apartment building) along with associated facilities such as a restaurant, conference room, spa, pools, etc. on three lots at 101 Masons Beach Road, Lunenburg. (PIDs 60053097, 60388097, 60388105). The request was to extend the allowable commencement date for 10 years. However, Council passed First Reading of a motion during their regular Council Meeting of June 22, 2021 to proceed to a Public Hearing in order to consider the refusal of the application and subsequently to consider the discharge of the existing development agreement. A map showing the location of the proposed development is outlined below:



For further information, copies of staff reports and questions about making a submission, please contact Arthur MacDonald, Development Officer at 902-634-4410 x 234, amacdonald@explorelunenburg.ca. Everyone is welcome to attend.

From: [Dr. D. Wilson](#)
To: [Dawn Sutherland](#)
Subject: some points about the building permit for masons beach road
Date: May-26-21 8:00:46 AM
Attachments: [masons beach permit.docx](#)

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Sent from [Mail](#) for Windows 10

When this plan was first presented, the councillors saw this as an increase in the tax base for the town. Mr. Riebling was unable to raise investors and the construction was not done. A convention centre is not feasible for this town and cannot be sustained. Consider Oak Island, White Point, Lunenburg Arms. These all struggle in the shoulder seasons and winter in NS. Few visitors travel to Lunenburg in the off season. Where would the staff come from and where would they live?

With a new strategy and bylaws set to be approved based on 2 years of work, it seems improvident to renew that kind of long-term agreement without understanding if it is consistent with the new strategy. The permit should be denied. Once the new strategy is in place. The applicants can reapply and the committee judge if the plan aligns with the new strategy.

The town needs housing. A large development with underground parking will be expensive. The average person will not be able to afford to buy into this. The housing will go to wealthy people who will come for 3 weeks in the summer and be empty for the rest of the year. This will not help the town, or businesses.

Who would want to buy an apartment or condominium knowing that there will be years of construction outside their door?

Even though the last council approved the development permit, it does not mean that it must be renewed. The committees and councillors have changed. Times have changed.

Lunenburg currently has new investors who are planning subdivisions (such as newly purchased land near Centennial Avenue, and along the 332 by Lilydale). Small subdivisions with affordable housing are what is needed.

Disruption along Mason's Beach Road over many years will affect homeowners and businesses including the Topmast Motel, a business that has been in operation for decades. The road provides access to a medical office and construction will make access a problem. Masons Beach Road is a narrow road that will not withstand a lot of traffic. There are narrow sections, and it passes through a school zone.

Lunenburg is fortunate that the Kaulbach family has leased the land for the Bluenose Golf Course. Construction will disrupt the beauty and peace of the course for many years. It would be a travesty if the Kaulbach's were to pull out their support of the golf course land because of these disruptions.

With a project of this size, an environmental assessment should be completed before any permit is allowed, especially with the town's view to having environmental issues at the forefront.

The sewage treatment system problems have finally been resolved. Will the sewage treatment plant be able to accommodate the addition of huge development? Who will pay for the upgrades to the sewage treatment plant?

A 10-year development permit is unreasonably long.

How much does the development permit add to the sale price of the now dilapidated home that sits on that property?

Ann Covey

Subject: 3 Coun Jun 22 21 Formal Objection to 101 Masons Beach Road: Application to extend Development Agreement
Attachments: attachment 1.pdf

From: blaynelcollins [<mailto:blaynelcollins@aol.com>]

Sent: June 18, 2021 1:44 PM

To: Matt Risser <MRisser@explorelunenburg.ca>; Peter Mosher <PMosher@explorelunenburg.ca>; Jenni Birtles <jBirtles@explorelunenburg.ca>; Melissa Duggan. <MDuggan@explorelunenburg.ca>; Stephen Ernst <SErnst@explorelunenburg.ca>; ED Halverson <EHalverson@explorelunenburg.ca>; Susan Sanford <SSanford@explorelunenburg.ca>

Cc: Bea Renton <brenton@explorelunenburg.ca>; Dawn Sutherland <DSutherland@explorelunenburg.ca>; Daniel Keeler <dan.keeler@ntlworld.com>

Subject: Formal Objection to 101 Masons Beach Road: Application to extend Development Agreement

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Dear Mayor Risser, Deputy Mayor Mosher and Town Councillors

Re: Formal Objection to [101 Masons Beach Road](#): Application to extend Development Agreement.

We understand the above item is due to go before Council for First Reading [on Tuesday June 22nd](#) with a public hearing tentatively set for [July 27th](#) with possible second reading to follow that evening. We wish to formally object, to the above application by the developer Stellar Investments to alter the terms of the development agreement for the proposals known as 'The Top' on [101 Masons Beach Road](#) for a 120-bed resort hotel, 60 residential condominium units, 30 apartments with a minimum of 227 parking spaces.

Please see attached letter outlining the details of our objection to the proposed extension of the development agreement.

We respectfully request that the contents of our letter of objection could be considered at the [June 22nd](#) town council meeting as we understand council will be voting on this matter at that time.

Unfortunately, we cannot attend that meeting as we will be in Bridgewater receiving our second covid shot and could not change this appointment without difficulty. We look forward to watching the YouTube video of meeting.

Thankyou for reading our letter. If you have any questions for us, please feel free to contact us.

Blayne Collins
Dan Keeler
[267 Pelham St](#)
[Lunenburg](#)
[B0J 2C0](#)
blaynelcollins@aol.com

Sent from my iPad

‘Forgotten Corner’
267 Pelham Street
Lunenburg
B0J 2C0

June 18th, 2021

Lunenburg Town Council
119 Cumberland Street
Lunenburg
B0J 2C0

FAO Mayor Risser

Dear Mayor Risser, Deputy Mayor Mosher and Town Councillors

Re: 101 Masons Beach Road: Application to extend Development Agreement.

We understand the above item is due to go before Council for First Reading on Tuesday June 22nd with a public hearing tentatively set for July 27th with possible second reading to follow that evening. We wish to formally object, to the above application by the developer Stellar Investments to alter the terms of the development agreement for the proposals known as ‘The Top’ on 101 Masons Beach Road for a 120-bed resort hotel, 60 residential condominium units, 30 apartments with a minimum of 227 parking spaces.

The Town Council approved a development agreement on April 05, 2011, which gave the landowners, Stellar Investments up to 10 years to commence the development. The agreement, under section 9, also provides the Town of Lunenburg the option to terminate and discharge the development agreement: **‘if no use has been commenced within sixty (60) months of the date of this agreement.’** The ‘Termination of Agreement’ clauses are notably included in the Development Agreement to allow the Town of Lunenburg the option and ability to discharge the agreement should circumstances change over the intervening period ie. any time after 5 years. Any such circumstances should include other developments happening within the town area, potential impact on services infrastructure and changes in local planning policies to the benefit of the town.

On March 22nd, just 2 weeks before the development agreement expired on April 5th, Stellar Investments submitted a request to Town Council for the development agreement to be extended from 10 to 20 years.

On May 19th, the Planning and Advisory Committee meeting was held online at which Stellar Investments made a presentation to Town Council on the merits of their development but failed to adequately demonstrate why nothing had been done for the last 10 years. It also failed to explain why the existing mid-century modern house, intended to be at the heart of their proposals appears to have been neglected for so many years through lack of maintenance. The presentation by Stellar Investments attempted to show personal commitment from the family owners to implement their late fathers’ vision for the proposals when the right economic circumstances arise. According to the listing history on Viewpoint it is worth noting that between August 2016 and February 2018 this development site was on the market for \$2M but failed to attract a suitable buyer. Furthermore, it was confirmed at the PAC meeting that the benefit of the development agreement (ref. section 10) could be transferred and reassigned to successors of the property if sold on.

The proposals approved 10 years ago are now outdated and inappropriate in scale, scope and use for the site context, landscape environment and town infrastructure. The developer should therefore be encouraged to consider alternative proposals more appropriate in scale for the site and in doing so embrace the emerging MPS policies.

The Planning and Advisory Committee were presented with a bewildering ‘menu’ of options and after much discussion settled on Option 3 – to vary the time extension to the Development Agreement by 24 months to April 05, 2023. This motion was carried to recommend to full council, and we understand will be before Council for First Reading next Tuesday June 22nd.

The Town Council and Project Lunenburg team must be congratulated on the excellent and substantial work on shaping and implementing the carefully planned policies and guidelines within the new MPS and Project Lunenburg documents. Whilst we acknowledge this specific application relates to the current MPS policies in force it is quite clear that the PAC recommendation to extend the development agreement for this site flies in the face of the emerging MPS and Project Lunenburg objectives soon to be adopted. The key priority for good quality housing in appropriate locations is clearly identified in the MPS and Project Lunenburg. Crucially this will avoid piecemeal development and ensure the town grows in a sustainable manner. Indeed, one of the key drivers on the front page for Project Lunenburg asks, ‘Why is a plan needed?’ and states:

‘Choosing not to plan is accepting that the future simply happens or is beyond our influence. It assumes that it will be alright to go in different directions at the same time, or that we can make each decision one by one and hope for the best. Plans can give us a constant direction that will help us take control over our own fate.’

Yes, ‘The Future Will Happen No Matter What’ but with the visionary plans of Project Lunenburg ready to serve the Town and community, why spoil it now and go in a different direction? The Town of Lunenburg are under no obligation to extend this development agreement so we would urge the Town Council to take control and make a good decision for this community and future generations. We urge you to discharge this development agreement. Thank you for your time and consideration.

Yours sincerely

Blayne Collins

Email: blaynelcollins@aol.com

Daniel Keeler

Email: dan.keeler@ntlworld.com

CC (by email)
Deputy Mayor Peter Mosher
Cllr Jenni Birtles
Cllr Melissa Duggan
Cllr Stephen Ernst
Cllr Ed Halverson
Cllr Susan Sanford
Bea Renton (CAO/Town Clerk)
Dawn Sutherland (Development Planning)
Gerry Rolfsen; Derek Kinsman; Peter Goforth (PAC)

The logo for the Lunenburg Waterfront Association Inc. is a black rectangular banner with a gold border. Inside the banner, the text "LUNENBURG WATERFRONT ASSOCIATION INC." is written in a gold, serif, all-caps font. On either side of the text is a gold decorative flourish or scrollwork element.

LUNENBURG WATERFRONT ASSOCIATION INC.

June 3, 2021

Your Worship Mayor Matt Risser
And Members of Town Council,
Town of Lunenburg
P.O. Box 129,
Lunenburg, NS B0J 2C0

Reference: Stellar Investments' request to extend the development agreement
for 101 Mason's Beach Rd.

Dear Mayor and Councillors:

The Lunenburg Waterfront Association (LWAI) Board met after the Planning Advisory Committee had voted to recommend a two year extension of the 10 year old unexecuted development agreement with Stellar Investments for 101 Mason's Beach Rd. That decision was not well received, and we agreed we should write urging Council to discharge it.

In February LWAI had presented to the newly elected Council advising of the need to consider the surroundings of the whole harbour when planning this culturally sensitive gem of a Town and its working waterfront. That concept has been endorsed by UNESCO and supported by millions of dollars from Canadian tax payers. To exercise that trust, the people of Lunenburg fully engaged with Project Lunenburg. We voted strongly for this Council believing it ran on the "Project Lunenburg ticket".

LWAI believe that a development that adds to, or alternatively detrimentally appropriates, the Town and waterfront view into which so much has been invested, should be judged not by the old rules but by the aspirations and eventual new rules of Project Lunenburg.

This Council, with its upcoming decision, has the chance to endorse the mandate upon which it ran and was elected. We urge Town Council to let the old development agreement continue to lapse. We understand that Stellar Developments has the opportunity to resubmit its development plans and that any subsequent application would be reviewed in the spirit of the Project Lunenburg.

Respectfully yours;

Sandy

W. A. Sandy Marshall
Chair, LWAI Board of Directors

June 16, 2021

Town Council
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS B0J 2C0

Re: Development Agreement Amendment Application – Stellar Investments Inc.

Dear Mayor Risser and Members of the Town Council:

My brothers, Matthew and Timothy, and I would like to take this opportunity to thank you and the other Members of the Town Council for your consideration of our request to extend the Development Agreement that was previously awarded to our father for our property at 101 Masons Beach Road. We are very appreciative of the time the Planning Advisory Committee committed to discussing our request at last month's meeting and found the feedback of the other town residents extremely valuable.

While the purpose of our application is limited to a request to extend the previously approved Development Agreement for an additional 10 years, the details of the development plan itself inevitably became the focus of that meeting. Several local residents, as well as a few of the committee members, expressed a variety of concerns including: questioning why the development plan hadn't commenced during the initial 10 year term; construction traffic and increased traffic long term; the suitability of the building aesthetics and appropriate landscaping; additional strain on the towns infrastructure; and the development agreement's alignment with Lunenburg's new Municipal Planning Strategy. We understand that any development, particularly one of this size and complexity is going to generate as many questions and concerns as we can list benefits.

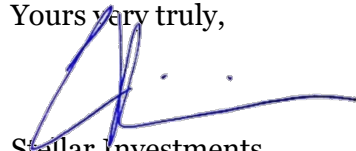
With the support of several community and Committee Members in attendance at that meeting, the Committee was gracious enough to put forth a recommendation to extend the Development Agreement by 24 months. We take this decision to mean that the Committee, to some degree, recognizes the viability and benefits of the project for the Town, but wants to encourage a faster development of the site than we initially proposed.

It is the purpose of this letter to request the Town Council reconsider the recommendation of the Committee and consider reusing the terms agreed to in the initial Agreement, a 10-year term with the Councils right to discharge the Agreement if construction hasn't commenced within the first 5 years. While we greatly appreciate the Committee's support of the development plan, we believe that they have greatly underestimated the amount of time it's going to take to get this project shovel-ready. We understand there are questions as to why we haven't started yet. The best we can respond is that my brothers and I have yet to be given the chance. The original Agreement was a passion project of our father's, that he had been looking forward to focusing on in his retirement. My brothers and I would appreciate the opportunity to make his vision a reality.

As highlighted in last month's Committee meeting, there are a number of questions that we need to thoroughly evaluate during the pre-development phase of this project. We will want to do everything we can to minimize the projects effects on local infrastructure, which we understand might require us to improve some of the local roadways or contribute to additional water/sewer services as we apply for individual building permits. We will want to thoughtfully design landscaping that is both cost effective and esthetically pleasing for our adjacent neighbors as well as from Town. We will need to fully understand the long-term effects Covid will have on the cost of construction materials and access to labor. We will also need to identify the correct development/operating partner for the hotel phase of the property, which in a post-Covid environment is going to take some time.

All this said, we believe in the potential of this project and that it will be accretive to the Town's new planning strategy, not a distraction. We believe that the town will benefit directly from the increased tax base as well as employment. It will help address the towns immediate need for additional housing and the proposed hotel/conference space will attempt to create a truly year-round destination. We respectfully ask the Council to recognize that we do not want to rush into the construction phase of the project and that we want to build an asset that the Town of Lunenburg is going to be proud of.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'C. Reibling', with a long horizontal flourish extending to the right.

Stellar Investments
Christopher Reibling
creibling@tigroup.us
904-540-9689

Cc: Members of the Lunenburg Town Council
Ms. Bea Renton
Ms. Dawn Sutherland
Mr. Patrick Burke

M. Stuart Gourley & E. Jane Gourley
Lot 00-4 Masons Beach Road
Lunenburg, N. S.
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Dear Mayor and Councillors

May 28th, 2021

My name is Stuart Gourley and my wife (Jane) and I own the property which adjoins the property owned by the Rieblings. As such we have an interest in the development of the property.

Let me say right away that we are guided by a number of beliefs:

- the town of Lunenburg must always seek to increase its tax base
- the business community in Lunenburg is, and always must be, in search of increased customer traffic and sales
- the parcel of land in question will be developed, one way or another

The development proposal in question was developed and put forward ten years ago; a great deal has changed and evolved in Lunenburg, indeed all of Nova Scotia, in the intervening years. As such I believe the development proposal should be revisited to ensure that the premises upon which it was put forward and accepted are still valid and that it is both economically and socially acceptable to the citizens of the Town of Lunenburg.

As it relates to our concerns regarding **this** project, they fall into four broad categories:

Infrastructure

The impact of this project on the infrastructure of the Town is very significant. Roads within the town will be subjected to very significant amounts of heavy equipment traffic, from dump trucks to floats hauling heavy excavators and bulldozers. Roads will have to be dug up for the purposes of installing water and

sewer lines. Clearances (“pinch points”) for the passage of this heavy hauling will need to be looked at, along with the need to straighten out some of the corners so large vehicles can move through.

Traffic patterns as they relate to both the construction period and post construction will need to be assessed especially in regard to the school, other businesses, and residences along the streets leading to the site.

I am very sure that Peter Baker has a much clearer understanding of the impact of such a large development on the water system, (eg. pipe sizes beyond the hook up point, water reserves for handling peak flow demands, impact of our changing climate and the reduction in rainfall that we have seen and will continue to see in the future, etc), and the sewer system (eg. treatment capacity, pipe sizes beyond the hookup point, etc.). What additional hidden costs to the Town are buried within these questions, assuming that the developer is prepared to shoulder the costs to bring these services to the site - a very considerable capital cost that will have to be built into room rates, facility rental rates, condominium sales prices and rents for apartments, etc..

Development Planning

The Town of Lunenburg has just spent a considerable amount of money, staff time and public feed back efforts in order to develop a new set of planning and development guidelines and, presumably by-laws. We can only assume this was done because Town Leadership felt there was a strong need to undertake this effort.

Now, after a ten year wait for something (construction) to happen with this project, the Town is considering the nulification of this new development work by “grandfathering” a project planned and designed ten years ago under rules the Town

Leadership felt needed to be up dated and brought into the present in order to guide future development.

Viability of This Project

As the Rieblings stated in their presentation to the Planning Advisory Committee, they need time to go back and “work the numbers”. This is an absolute necessity as the capital costs for this project have exploded over the ten years , indeed over the last year. Construction material costs have sky rocketed in the last year, (re-bar alone has gone up 41.3 % in the last few months alone, and we all know what lumber costs now). Labour costs have gone up as well and the shortages of skilled trades people is an on-going issue in Nova Scotia as a whole.

All of this additional cost must be reflected in the cost of rates at the Hotel, rents in the apartments and sales costs for the condominiums.

The attraction of users for a conference centre is predicated on a wholesome market for these services in the area and the province as a whole. This market must be there all 12 months of the year. It is also predicated on the availability of amenities and attractions in the area beyond those at the facility itself. These also must be available 12 months of the year.

A very quick and not particularly scientific look at these two requirements would suggest that the market for conferences in the winter months on the South Shore as a whole is not robust (as could be attested to by the Atlantica Oak Island Inn and White Point Beach Lodge, both of whom have considerable on-site attractions that this Hotel would not). Additionally the availability of amenities and attractions in the Lunenburg area during the shoulder and winter months is limited. Simply put, there must be a draw for customer traffic and the traffic must be there before the hotel is built.

With regard to the apartments which, purportedly, will help with the rental housing situation in Lunenburg, would suggest to me a mis-calculation. The capital cost of the apartments and there location viewing a world famous UNESCO heritage site would lead one to realize that the rental rates for these units would be at a premium level and not suited to the middle and lower middle class renters that are disadvantaged in the Lunenburg area. The “value proposition” for these units would suggest to me that the would be “condoized” or “B&B’d” in a very short period of time. One need only look to Bridgewater to see where rental rates have gone. A one bedroom at the back , ground floor level, in a brand new building is starting at C\$1200 a month. An apartment in this location would be well beyond that in my estimation.

As it relates to condominiums, it is my belief that this is the direction the town should be looking. Their construction is not as intensive, if appropriately controlled, and they would not be as service intensive, as the number of units would be limited by the “luxury” aspect of the sales pitch. They would add significantly to the tax base of the town due to their value and they would bring in wealthy owners who would certainly add to the service/merchandise dollars spent in the town. The market place for these units would likely be Montreal/Toronto, the southern United States and , possibly, Europe. Notably, it is my understanding that this could be accomplished under the new planning program and not involve an extended Development agreement or a long drawn out construction effort.

The impact of COVID19 on the hospitality industry, tourism, construction methodologies and businesses in general is an open question and one which will take many years to figure out. Certainly the impact on travel, hotels and restaurants has been and will continue to be broad and life changing. Will people go back to travelling, will they want to stay in hotels with many people in them, will they go back to large restaurant venues or even to small ones if there is not physical distancing in place. All these questions and many more will need time, effort and

active management to get under control. COVID19, its many variants, and other pathogen based infections are not going away. They and their consequent affects will be with us for many years to come. We are not going to return to the “good old days” of normal but rather to a new normal that is yet undefined in the hospitality and tourism industry- and indeed in all public service contact businesses.

I noted an article the other day which described the explosion in the Yacht and super yacht business. The jist of the article was that those that can afford to acquire their own space, their place of safety, are doing so. I would refer you, also, to the numerous architectural trade publications where the “new” standards of design and built out spaces are being discussed. These involve such things as touch less elevators and washrooms, space segmentation using plexi-glass and plant walls, limited height buildings to avoid vertical travel and rotational workforces. These new ideas and potential norms must be taken into account in any planning effort or major development project.

Impact on the Town tax base and other Businesses in Lunenburg

Any new project is an exciting time for people, but one that has to be entered into with eyes wide open. By this I refer to the potential impacts on other businesses and recreational facilities. If I may, I will use a few examples to illustrate my point.

A new hotel is opened: what impact will that have on existing hotels/motels in Lunenburg; would they benefit? would they close? (there goes the tax base increase), would it cause them to up grade their facilities? All unknowns in **today's** context.

A big development goes ahead in the area in question. How does it impact the operation and continuation of the golf course; will it impact physically on the footprint and infrastructure of the course; will it enhance the developments saleability?

What impact does the arrival of a wealthy condo owner or tourist (on their yacht) have on the Marine services sector in this area? Do we see more boats needing service, supplies and other items. I don't know but I would like to, before anything gets set in stone.

On a last note I would like to thank you for your patience in wading through this piece, I am sure you are all very busy . I would also like to thank the Reiblings for including in their development plan a significant green space between my property and theirs. I am likely putting that at risk if a new developer were to come in, but in my mind it is worth it to say "Is there something better, for the town and for the Reiblings, than a ten year old plan that may or may not fit today's context."

Respectfully submitted:

Jane & Stu Gourley

Document No:

Meeting: July 27, 2021 Council

File: Council

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER/PLANNING ASSISTANT

DATE: JULY 6, 2021

RE: TO REPEAL THE TOWN'S EXISTING MUNICIPAL PLANNING STRATEGY, LAND USE BY-LAW AND SUBDIVISION BY-LAW WITH SUBDIVISION SPECIFICATIONS AND CONSIDER THE ADOPTION OF A NEW MUNICIPAL PLANNING STRATEGY, LAND USE BY-LAW AND SUBDIVISION BY-LAW WITH SUBDIVISION SPECIFICATIONS

1. FACTS

A. Background

Council approved the Comprehensive Community Plan (CCP) on November 17th, 2020. The outcomes of the CCP included a proposed new Municipal Planning Strategy, Land Use By-law and Subdivision By-law with Subdivisions Specifications.

The Planning Advisory Committee (PAC) held a Public Information Meeting in-keeping with the Town's Public Participation Program on May 26th and June 2nd, 2021 and forwarded a positive recommendation for Council consideration. On June 22, 2021 Council approved First Reading and set a Public Hearing Date of July 27th to consider public feedback on the proposed Municipal Planning Strategy, Land Use By-law and Subdivision By-law with Subdivisions Specifications. The First Reading motions approved by Council on June 22nd are provided below:

Motion: moved and seconded first reading of the proposed repeal of the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications (Schedule E) to be scheduled and advertised for further consideration at the July 27, 2021 Council meeting. **Motion carried.**

Motion: moved and seconded first reading, scheduling and advertising of a public hearing on July 27, 2021 for the proposed adoption and public input regarding the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision dated June 2, 2021 (Schedule F) save for minor nonsubstantive changes and as posted on the Project Lunenburg website. **Motion carried.**

B. Proposal

The proposal is to hold a Public Hearing to consider the repeal of the Municipal Planning Strategy, Land Use By-law and Subdivision By-law with Subdivisions Specifications and to consider the adoption/approval of a new Municipal Planning Strategy, Land Use By-law and Subdivision By-law with Subdivisions Specifications.

Upland Planning and Design has a presentation for Council's consideration. The process for the Public Hearing is outlined in **Attachment "A"** and the adoption process is outlined in **Attachment B**.

2. ISSUES AND OPTIONS

As the First Reading Motion specifies, the proposal is to repeal the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications the consider the proposed adoption and public input regarding the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision.

In light of the above, Council has two options following the Public Hearing:

- 1) To pass a motion as outlined under the "Recommendation and Draft Motions" section of this report; or
- 2) Refer the matter back to First Reading for further consideration.

3. FINANCIAL IMPACT

None at this time.

4. STRATEGIC PLAN RELEVANCE

The adoption of the proposed draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision is in-keeping with the following directions of the Town's Comprehensive Community Plan (CCP):

- **Community Structure:** Direction regarding how the town will be structured and how land will be used.
- **Housing:** Direction to support different types of housing development, tenant structures, and affordability.
- **Servicing and Facilities:** Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.
- **Economic Development:** Direction to support economic development.
- **Heritage:** Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

- ▶ **Urban Design:** Direction to enhance residents' and visitors' experience of the built environment.
- ▶ **Environment + Sustainability:** Direction to foster environmental stewardship and adapt to climate change.
- ▶ **Culture and Recreation:** Direction to support community life and assets in Lunenburg, including cultural identity, heritage interpretation, and the arts sector, as well as parks, open spaces, sports, and other activities.

5. **RECOMMENDATION AND DRAFT MOTIONS**

The process for adoption has been duly advertised in-keeping with the Town's Public Participation Program and the Municipal Government Act and the adoption of the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision, following the Public Hearing (and Council's consideration of the public comments), will then be legally before Council for consideration.

At the end of the Public Hearing the following motion would be in order to close the Public Hearing:

Motion: moved and seconded

to close the Public Hearing portion of Council regarding the repeal of the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications and the consideration of the adoption of the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision.

Following the Public Hearing and Council's consideration of the public comments Council may consider the following:

1. adjourn any consideration and vote on the draft motion to a future meeting of Council; or
2. consider the following motion:

Motion: moved and seconded that:

Council hereby repeals the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications and hereby approves the adoption of the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision as outlined in **Attachment C**.

Attachment A - Public Hearing Process Outline

Attachment B – MPS-LUB-SUB Adoption Process

Attachment C - Draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision

ATTACHMENT "A"
Public Hearing Process Outline

1. Opening of the Public Hearing

A Public Hearing provides members of the public with an opportunity to learn about a proposal and make their views known to Council. A Public Hearing is required under the Municipal Government Act for certain planning related applications/proposals.

In terms of process, after the Public Hearing is held, Council may make a decision or defer decision to a later date. Please note that time for questions from the gallery is during the Public Hearing. Once the Hearing is closed, discussion is to be between the Council members only. After the Public Hearing, Council may make a decision.

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 for speakers 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.*

3. Public Hearing

- (i) Presentation by Interim Town Planner Arthur MacDonald
- (ii) Presentation by UPLAND Planning and Design
- (iii) Written submissions
- (iv) Public input (oral submissions)

4. Closing of the Public Hearing

Motion: moved and seconded to close the Public Hearing portion of Council regarding the repeal of the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications and the consideration of the adoption of the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision.

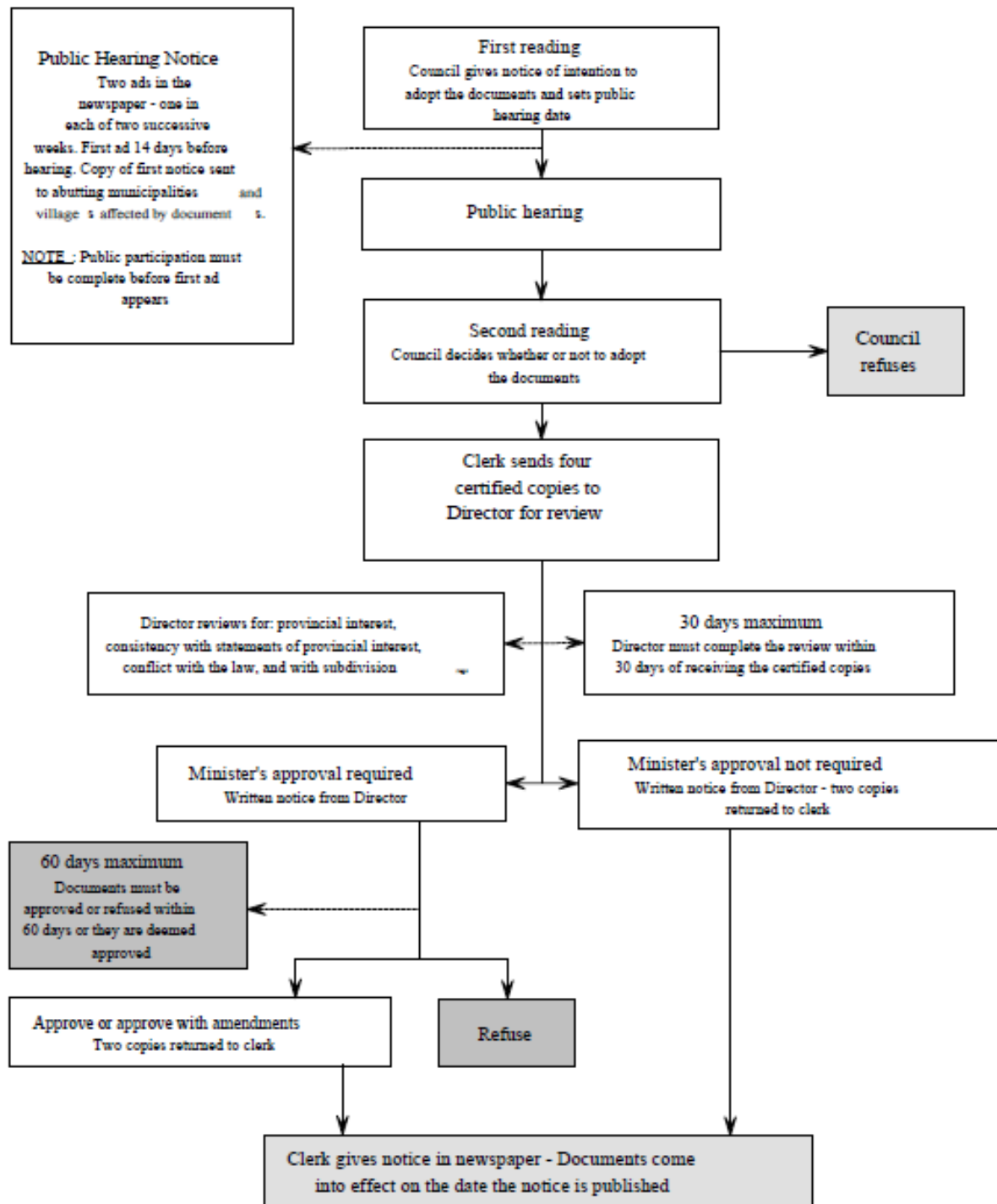
Attachment "B"

MPS-LUB-SUB ADAPTION PROCESS



See next page for flowchart of Planning Document Approval Process:

Chart 1 - Planning Documents Approval Process



MUNICIPAL PLANNING STRATEGY DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG MUNICIPAL PLANNING STRATEGY, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:

Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change

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Chapter 1 - Introduction

1.1 The Municipal Planning Strategy

This Municipal Planning Strategy (“MPS”) is the policy document that guides land use and development in the Town of Lunenburg. It provides the context and policy for a variety of land use and development topics, including housing, infrastructure, commercial and industrial uses, parks and open spaces, the environment, and more. The Municipal Planning Strategy is primarily implemented through two other documents, the Land Use By-law and the Subdivision By-law. The first establishes zoning and the other standards by which development is approved. The second establishes the process for subdividing land and the standards for infrastructure (streets, sewer, and water) constructed through the process of subdivision.

1.2 Lunenburg Context

Lunenburg, or E’s’e’katik, was first inhabited by the Mi’kmaq people, and oral and archeological evidence dates the traditional territory of Mi’kma’ki back more than 10,000 years. In the Lunenburg region First Nations people used the land for agriculture, fishing, and hunting; however, the nature of these practices left little physical evidence visible today.

The first European contact in Lunenburg was made by the Acadians in the 17th century, and these families established a logging and farming community. In 1753, settlers from southern and central Germany, Switzerland, and the Montbeliard region of France were recruited by the British and settled in the Lunenburg area. Lunenburg was established as a Town in 1888, signaling a period of colonial prosperity. The impacts of European settlement have often not been accurately recorded in the history of what are now predominately white communities, and the displacement and genocide (Article II Genocide Convention, United Nations) resulting from settlement across Mi’kma’ki and Turtle Island (or North America) is often omitted from the narrative.

As a structure for settlement, the British established what is now known as Old Town, built on its rectangular grid of 48 blocks with narrow lots. The town continued to expand and New Town was established west of Old Town by the late 19th century.

Throughout the history of Lunenburg, sea related activities have played an integral role in the town’s development. A thriving economy was established on the trade of fish and was supported by shipbuilding and the town’s docklands. This legacy carried forward into the 20th century where large fishing vessels were routinely launched, including the Bluenose, a celebrated fishing and racing schooner that can today be seen on the Canadian dime.



Like several other Nova Scotia coastal communities, Lunenburg prospered during times of war. Lunenburg provided ships and other materials during World War II. During the same time, Lunenburg hosted a group of the Royal Norwegian Navy, a legacy which still exists today at Camp Norway.

Today, Lunenburg is one of several population centres along Nova Scotia's South Shore, including the Towns of Bridgewater and Mahone Bay. These towns offer local and regional services to residents and visitors in the area. However, like many communities in Nova Scotia, the population of Lunenburg has decreased and aged over the past decade. The decline of traditional marine industries, including fishing, has been a major contributing factor to Lunenburg's population decline.

This has been offset to a degree by recent economic development success stories in industries such as aerospace and video game development. These have provided new employment opportunities, though many employees commute from surrounding areas. In addition, tourism has become a major contributor to Lunenburg's economy.

The architectural and planning history that Lunenburg was built on has contributed to the town's success as a tourist destination. A UNESCO World Heritage Site, Old Town Lunenburg draws thousands of visitors each year from Nova Scotia and outside of the province and is integral to the economic success of the town. Despite this success, the impacts of tourism have been on the thoughts and minds of residents for years. Increased demand on services for things like parking and road capacity create large amounts of congestion in the summer months and the increased use of short-term rentals have threatened the already limited housing supply.

Despite its decreasing and aging population, the town boasts a strong institutional and commercial base. The town is built on a rich academic and cultural history with the Lunenburg Academy, Lunenburg School for the Arts, and many more that provide unique educational experience for people of all ages. Arts and culture thrive in Lunenburg. There are many independently owned local businesses in Lunenburg, as well as national chain retailers, giving residents and visitors access to an array of goods and services throughout the year.

Within Lunenburg, the town is connected by an extensive road network that enables and facilitates the majority of local trips. Most trips by residents to their place of employment are made by private automobile, while only about a fifth of residents walk to their place of work. While extensive in some areas, sidewalks and active transportation systems are disjointed, contributing to the overall high use of private automobiles.

Regionally, Lunenburg is connected through Nova Scotia's highway system. Highways 103 and 3 connect Lunenburg to the surrounding region and beyond while local roads connect the town to smaller communities just outside of Lunenburg. As a harbour community, Lunenburg is also connected to the region through the use of private boats and vessels that are able to safely dock in the harbour.



1.3 Statements of Provincial Interest

Land use planning in Nova Scotia is enabled and required by the *Municipal Government Act*. The “Act” sets out the requirements for responsible municipal planning. Included within the Act are five “Statements of Provincial Interest”. These statements cover land use topics that are important to all Nova Scotians and to the sustainability of the province. Municipal planning documents must be consistent with the Statements of Provincial Interest. The following tables outlines the Statements and the ways in which this Municipal Planning Strategy is consistent with them.

	Statement 1: Drinking Water
	<i>Goal: To protect the quality of drinking water within municipal water supply watersheds.</i>
A clean source of drinking water is essential to the health of our communities. The Statement of Provincial Interest Regarding Drinking Water recognizes this, and requires municipal planning documents to address the protection of municipal water supplies. The Town of Lunenburg has one designated municipal water supply, at Dares Lake. However, the lake is located outside the Town’s boundaries, within the Municipality of the District of Lunenburg. The Town is therefore unable to implement direct land use planning protections for the water supply; rather, such protections will be maintained through the Dares Lake Protected Water Area designation made under the <i>Protected Water Areas Regulations</i> and partnership with the District.	
Applicable MPS Policies: N/A; CCP Section 4.1	



Statement 2: Flood Risk Areas

GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

The Statement of Provincial Interest Regarding Flood Risk Areas specifically applies to areas designated under the Canada-Nova Scotia Flood Damage Program, of which there are none in the Town of Lunenburg. However, Council recognizes the spirit of this Statement of Provincial Interest and has implemented flood risk areas in which development must be given careful consideration.

Applicable MPS Policies: 5-2 and 5-3



Statement 3: Agricultural Land

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

The Statement of Provincial Interest Regarding Agricultural Land specifically applies to lands with soils identified in the Canada Land Inventory as Class 2, 3, or active Class 4. The Town of Lunenburg is within an area of Class 3 soils. Some of these soils are already developed, while others are used for light agricultural activities (pasture, hay fields). This Plan supports continued agricultural uses on these lands, but also recognizes that allowing such lands to be developed may support the Statements on Infrastructure and Housing, as well as reduce pressure on agricultural lands in unserved areas.

Applicable MPS Policies: 4-19 and 4-20



Statement 4: Infrastructure

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

Lunenburg is blessed with extensive networks of public infrastructure such as roads, sidewalks, sewer, and water. These assets help the community to flourish, but also come at a cost. This Plan and its implementing documents support efficient use of the Town's infrastructure by enabling a variety of development opportunities within areas of existing services, by establishing criteria for evaluating servicing extensions outside of town boundaries, and by establishing standards for new infrastructure.

Applicable MPS Policies: 3-3 through 3-14



Statement 5: Housing

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

Safe, clean, affordable housing is a basic human need. However, the form that housing takes varies depending on the specific living arrangements of individuals, families, and other groups of people who choose to live together. Meeting these needs and creating a thriving community requires a diversity of housing types with sufficient availability. This Plan supports housing opportunities to meet the needs of all Lunenburgers by enabling housing at a variety of scales throughout the town, and by supporting initiatives that can help promote housing affordability, such as enabling accessory dwellings and placing limits on short-term rentals.

Applicable MPS Policies: 4-1; 4-5 through 4-9; 4-15



Chapter 2 - Key Issues

2.1 Planning Process

Perhaps uniquely in Nova Scotia, this Municipal Planning Strategy was developed after the process of creating a Comprehensive Community Plan (“CCP”) for the Town. This process was known as “Project Lunenburg”. The CCP outlines strategic initiatives covering many aspects of life in Lunenburg and related municipal operations. It links land use and development with municipal investments in public space, relationship building, community programs, public infrastructure, and research. The CCP contains additional contextual information that may be of interest to anyone reading this Municipal Planning Strategy.

The CCP was created over the course of two years from late 2018 to September, 2020. As a “community” plan, the CCP was developed in close relationship with residents, business owners, and visitors in Lunenburg; over 400 individuals participated in developing the CCP. Engagement for the CCP included eight discussion papers and related public workshops, online surveys, an online mapping tool, stakeholder engagements, and three additional public workshops to review and shape the draft CCP.

This Municipal Planning Strategy is one implementing tool of the CCP. The project team developed a draft of the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law directly following from the strategic direction of the CCP. Once these drafts were completed, the project team returned to the community to review the documents and gain feedback on the specific proposed approaches to implementing planning in Lunenburg.

The draft engagement for the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law included an online public open house followed by two Public Information Meetings. Participants could ask questions and submit comments and suggestions for changes by email or phone following the meetings. The project team received many thoughtful comments and suggestions and as a result updated the draft documents between each meeting. Planning Advisory Committee recommended the drafts to Council at their June 2nd, 2021 meeting, at which point the documents entered the formal adoption process.



2.2 Key Issues

The background research and public engagement conducted as part of the CCP process identified a number of “Key Issues” in the community, many of which tie directly in to land and development planning. The policies of this Municipal Planning Strategy attempt, in particular, to address the following:

2.2.1 Housing

Like many communities on Nova Scotia’s South Shore, Lunenburg is facing a housing challenge. The average age of the population is increasing and average household sizes are decreasing. Between 2006 and 2016 Lunenburg’s median age increased from 50.5 to 56.1, and the average household size fell from 2.2 to 2.0 people per household. These trends create a need for different forms of housing, including smaller units and barrier-free options, which can be especially challenging in Lunenburg’s stock of historic housing.

Lunenburg also has a large service industry in the summer months, which creates an influx of staff who need to be housed. This occurs, of course, at the same time as peak demand for tourism accommodations; with the rise of short-term rental accommodations there has been additional pressure on housing availability as existing stock is converted to serve the tourism market.

In addition to these particular pressures, there is always a need to provide diverse housing options to accommodate different needs, lifestyles, and economic means. This includes enabling and encouraging a mix of home ownership and rental opportunities, different home sizes to accommodate everything from a single person to large families, and housing that is affordable.

2.2.2 A Working Waterfront

Lunenburg was founded and prospered on the strength of its waterfront industries, from boat-building to the fisheries. Today, many of these activities still continue and are important components of Lunenburg’s economy and of its charm as a place to live and to visit. However, many of these waterfront industries have operational needs that can be hard to accommodate if other types of development are allowed to intrude. This can include trucking access, storage and laydown space, and the ability to freely make noise or emit odours. It is, therefore, essential that Lunenburg’s waterfront be recognized as a “working waterfront” and that certain protections be given to enable these activities to continue.



2.2.3 Sustainable Infrastructure

Lunenburg is fortunate to have a range of infrastructure that supports development and quality of life in the community. These assets include sewer, water, roads, sidewalks, and even a municipal electric utility. Infrastructure is, however, also a liability that must be maintained and replaced as it ages. This is a significant cost burden to the Town. Existing infrastructure should be used to its fullest to make the most of this investment, and new infrastructure should be carefully considered to balance its sustainability against the potential benefits it can bring.

2.2.4 A Changing Climate

There is now overwhelming evidence that Earth's climate is changing as a result of greenhouse gas emissions caused by human activities. Now the questions are how fast and extreme the changes will be, and how a changing climate will affect different communities around the world. The science suggests that Lunenburg could experience a number of impacts, such as stronger rains and an increase in invasive species. Perhaps the most tangible impact is a rising sea and the potential for increased damage due to storm surge. Planning for the future must account for these expected changes, and also help the Town and its residents minimize their contributions to emissions.

2.2.5 Living Heritage

Lunenburg is steeped in heritage, from its exceptional building stock, to the physical layout of its streets, to the practices of its craftspeople and artisans. This heritage has been honoured by the designation of Old Town as a UNESCO World Heritage Site. Lunenburg is also a "living town" in which its heritage can be seen every day in the lives of its residents and business owners. Each successive generation builds on the stories and practices of those that came before, and continues the evolution of Lunenburg as a living entity. Planning for the future must be respectful and celebratory of the past, while reflecting the needs and dreams of today.



2.3 Planning Approach

Traditionally in Nova Scotia, standards for subdivision, land use, and building form have been tightly tied together through a single set of “zones” that contain standards for each of these aspects of planning. However, the history of Lunenburg has shown that these factors can independently define the character of the community.

For example, New Town and the northern area of Old Town are both predominantly residential in nature when it comes to use, but the size of lots and the form and placement of buildings results in very different neighbourhoods. Similarly, many of the buildings within Lunenburg have hosted a wide range of uses over their storied histories. What were once residences have become shops and hotels; what were once fishing sheds have become restaurants and galleries; and what was once a school has become a hub for the arts. This constant adaptability has been one of the keys to Lunenburg’s success over the years.

Addressing the Key Issues in Lunenburg must be based on the community’s strengths. This Municipal Planning Strategy and its associated Land Use By-law recognize the community’s historic adaptability and help support Lunenburg’s continued evolution by adopting a somewhat unique approach to planning in which lots, uses, and form are regulated separately from each other.



Chapter 3 - Community Development Patterns

3.1 Introduction

The character of Lunenburg fundamentally begins with land lots, and the streets and other public spaces between them. The history of the town is visible in the evolution from the rigid grid and small lots laid out in Old Town by British military engineers, to larger blocks and lots of New Town, to the winding streets of contemporary subdivisions. Each of these development patterns creates a different atmosphere or “feel” that clearly demarks the various areas of town. While buildings may come and go, the location of roads and the invisible lines between lots rarely change once established.

Patterns of community development are also influenced by choices about infrastructure. Sewer and water servicing enable smaller lots, while decisions about road standards and sidewalks affect our experiences of space as we move about the town.

This Chapter establishes the policies for these most fundamental tools in planning for the future of Lunenburg.

3.2 Lot Zones and Subdivision

3.2.1 Introduction

Subdivision is the formal process of creating new lot lines. It is often thought of as lot creation. Subdivision to create lots can occur on a small scale, such as subdividing a large lot in two to provide land to a family member, or on a large scale, such as the creation of a brand-new neighbourhood by a single developer. However, subdivision also includes the process of consolidating two or more lots into one, and the adjustment of boundaries between existing lots.

In Nova Scotia there are province-wide standards for creating unserviced lots. Beyond this, municipalities are free to establish more stringent standards, or to establish smaller standards for serviced lots.

3.2.2 Lot Zones

Lots can vary in area and in dimensions. Lot frontage (the length of the lot line along the road) is typically the key lot dimension that affects community character, as well as the amount of infrastructure required to service each lot. The Land Use By-law contains “lot zones” that establish the standards for lot area and frontage when creating new lots. In this way the character of the various areas of Lunenburg can be reinforced.



Policy 3-1: Council shall, through the Land Use By-law, establish Lot Zones, shown on the Lot Zoning Map of the Land Use By-law, to establish standards for the subdivision of new lots. The Lot Zones shall generally conform to the following scheme:

- (a) Lot Zone 1 is intended to replicate the fine-grained lot pattern of development in and around Old Town. Lot Zone 1 shall contain maximum lot area and maximum lot frontage requirements to prevent large-scale consolidations that would fundamentally change the character of these areas.
- (b) Lot Zone 2 is intended to reflect the larger lots that can be found in New Town.
- (c) Lot Zone 3 is intended to enable relatively small lots in areas of new development in order to enable density and efficient use of services.
- (d) Lot Zone 4 is intended to provide very flexible lot requirements to accommodate sites with atypical development needs.

3.2.3 Flag Lots

“Flag lots” are lots in which the main body of the lot (the “flag”) is located behind other lots and is connected to the road frontage by a very narrow “pole”. This lot arrangement can allow for more efficient use of land, but raises concerns about servicing and emergency access. Additionally, the character of Lunenburg is very much founded on a strong grid of lots, contrary to the development character of flag lots. For these reasons, Council has elected to prohibit the creation of new flag lots.

Policy 3-2: Council shall, through the Land Use By-law, prohibit the creation of new flag lots.

3.3 Infrastructure

3.3.1 Introduction

Lunenburg’s public infrastructure includes the sewer and water systems, sidewalks, roads, and electric system. When new lots are created they will typically require some or all of this infrastructure. In existing developed areas of town, it is often simply a matter of the new lots tying in the infrastructure that is already there. From the Town’s perspective, this is ideal since it makes good use of existing assets. In non-developed areas of town, subdivision must be accompanied by an extension of at least some of this infrastructure; even if a lot is to be serviced by on-site septic and a well, it will still require some form of road access and likely electrical service. The processes for developing this new infrastructure, and the standards to which infrastructure is developed, are contained within the Subdivision By-law.



3.3.2 Sewer

The Town's sewer system consists of almost 22 kilometres of sewer line. Sewage drains downhill into one of nine pumping stations located at the low points of the community, and from there is pumped to the wastewater treatment plant located on Starr Street, near Back Harbour. Finally, treated effluent travels back through Old Town and is released into Lunenburg Harbour.

The sewer system is essential to enabling sustainable growth in Lunenburg; however, the current system faces stresses from seawater infiltration and from excess treatment volumes caused by combined stormwater and wastewater pipes. The Comprehensive Community Plan contains a number of strategic actions related to upgrading the Town's sewer system, and this Municipal Planning Strategy and the Land Use By-law allocate growth opportunities to areas best supported by the current system.

Despite the challenges with the current sewer system, there is still capacity for growth in the near-term, and this growth will help support reinvestment in the system.

Policy 3-3: Council shall, through the Subdivision By-law, require all news lots with access to the central sanitary sewer system to connect to the system.

3.3.3 Central Water

The Town owns and operates a central water system with over 27 kilometres of pipe. The source water is Dares Lake, located in the Municipality of the District of Lunenburg. As a result, the Town does not have direct land use planning control over its source watershed. However, the Dares Lake Protected Water Area Regulations made under the *Environment Act* provide similar protections.

The Town's central water supply is a valuable asset, providing an abundant supply of clean, safe water. It also enables denser development because lots do not need to accommodate a well. However, the sustainable operation and upkeep of this community asset depends on utilizing the system to its fullest to spread costs among as many users as possible.

Policy 3-4: Council shall, through the Subdivision By-law, require all news lots with access to the central water supply system to connect to the system.

3.3.4 Service Extensions Outside of Town

The Town of Lunenburg is neighbours with the Municipality of the District of Lunenburg. Much of the land within the District adjacent to the Town boundary is undeveloped and, as of 2021, is not subject to land use controls (e.g. zoning) by the District. However, the Town has on occasion received requests from land owners to extend central services into the District to enable efficient development patterns that cannot be achieved with on-site services. While such extensions may occasionally be warranted, Council is hesitant to encourage "unplanned" development outside of the Town boundary and intends to develop a formal policy for servicing extensions. In the meantime, Council will consider such requests but only permit them when the benefits to the Town are clear.



Policy 3-5: Council shall, pending the adoption of a formal servicing extension policy, consider requests for sewer and water service extensions outside the Town boundary on a case-by-case basis. In evaluating such requests Council shall establish that there is a clear benefit to the Town if the extension is permitted. Such benefits may include, but are not limited to:

- (a) solving an environmental or health risk created by failure of existing on-site systems;
- (b) allowing the continuation of a development pattern for a development that is primarily within, and has clear transportation links to, the Town but which extends across the Town boundary into the District; or
- (c) enabling the establishment of a major employer which could not feasibly be located within the land base of the Town.

Policy 3-6: Council shall, when considering a request for service extensions outside the Town boundary, have regard for:

- (a) cost recovery to the Town for both capital and operational costs;
- (b) the effects on servicing capacity and serviceability of lands within the Town boundary; and
- (c) input from the Municipality of the District of Lunenburg.

3.3.5 On-site Services

Lunenburg is generally well-serviced by central sewer and water. Lots are required to connect to those services where they are available in order to make best use of those community investments. However, there are areas—particularly south of Lunenburg Harbour and also near the terminus of Green street—where central services are not yet available. In these cases, limited, rural-style development may be permitted on unserviced lots. Certain industrial users may also have operational processes or effluent streams that are better addressed by dedicated industrial treatment facilities.

Policy 3-7: Council shall, through the Land Use By-law, permit low-density residential uses; agricultural uses; recreational uses; and rural businesses, such as kennels, on unserviced lots in areas where central sewer and/or water are not available.

Policy 3-8: Council may, through the Land Use By-law, permit industrial uses to utilize private waste treatment facilities where the nature of the industrial use results in effluent streams that are inappropriate for the Town's central sewer system.

Policy 3-9: Provincial requirements for unserviced development shall take precedence over the minimum lot sizes established in the Land Use By-law.



3.3.6 Private Roads

Private roads, as the name suggests, are roads not owned by the Province or the Town. They are common in many areas of Nova Scotia as a means to access rural lands where municipalities do not want to be responsible for the cost of extensive roads, particularly cottage communities and forestry lands. However, private roads come with a number of challenges related to maintenance and emergency access. Council believes that in a small area such as Lunenburg the cost-savings benefit of allowing private roads is outweighed by the challenges they bring. As a result, Council has elected to prohibit the development of any new private roads.

Policy 3-10: Council shall, through the Subdivision By-law, prohibit the development of new private roads.

3.3.7 Public Streets and Sidewalks

Lunenburg's public streets strongly define the various areas of the community. The commercial areas of Old Town typically feature narrow streets with curbs and sidewalks, while the residential areas are still narrow but lack curbs or sidewalks. In New Town the streets are wider and typically do not have curbs or sidewalks. Both of these areas feature a strong grid pattern and well-connected streets. In contrast, Victoria Road is wide and winding, while the newer residential areas of town are more irregular and disconnected in their development pattern, with the occasional cul-de-sac.

The Town of Lunenburg owns all but three streets within the confines of the town boundaries; Highway 332 (bypassing the community to the north) is owned by the Province and two private roads currently exist. As the developed areas of town expand, new public streets will be required in order to provide access to these areas. This is an opportunity to create streets that reinforce the well-connected development pattern found in many areas of Lunenburg, while also supporting modern expectations for enabling barrier-free (accessible) travel throughout the community.

Policy 3-11: Council shall, through the Subdivision By-law, establish standards for new public streets that generally prioritize community character, connectivity, and access to land over the high-speed movement of traffic.

Policy 3-12: Council shall, through the Subdivision By-law, establish standards for the maximum distance between intersections and standards to discourage cul-de-sacs in order to promote connectivity throughout the community.

Policy 3-13: Council shall, through the Subdivision By-law, require planned subdivisions to preserve potential access points to abutting lands.

Policy 3-14: Council shall, through the Subdivision By-law, require sidewalks on all new streets.



3.4 Parks and Open Space

3.4.1 Introduction

Residents and visitors to Lunenburg have access to a good network of parks and open spaces. This includes the Lunenburg Academy grounds, the Victoria Road playground and tennis courts, the Townsend Block, a dog park, and more. The shoreline along Tannery Road is also a cherished open space for its clear and iconic view of Old Town. As the town grows there will be a need to acquire and develop additional parks and open space lands, while continuing to manage existing assets.

3.4.2 Public Open Space Dedication

The two main ways the Town can develop new public open space is to purchase lands, or to acquire lands through the subdivision process. The *Municipal Government Act* allows municipalities as part of the subdivision process to require a dedication of up to 10% land, cash, or combination of both for the purposes of parks and open space. Within Lunenburg there is a need for land for new parks in expanding areas of the community, and funds to reinvest in existing parks within the established areas of town. There is also a strong desire among the community to secure public access to the coast wherever possible. In light of these various needs, Council has elected to require a 10% dedication rather than default 5% dedication provided by the Act.

Policy 3-15: Council shall, through the Subdivision By-law, require subdividers of land with ocean frontage to transfer to the Town a public open space dedication of usable land which provides public access to the water and has an area of at least 10% of the area of new lots to be created.

Policy 3-16: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas with existing parks or parkland dedications to transfer to the Town a cash public open space dedication in the amount at least 10% of the assessed value of the lots to be created.

Policy 3-17: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas without existing parks or parkland dedications to transfer to the Town a public open space dedication of usable land with an area of at least 10% of the area of new lots to be created.

Policy 3-18: Council shall, through the Subdivision By-law, exempt from public open space dedication requirements subdivisions that create fewer than three vacant lots from an area of land, public road parcels, remainder lots, and certain classes of subdivision in which the primary intention of the subdivision is not for the purpose of land development.



Chapter 4 - Land Use

4.1 Introduction

The way we use land, and the buildings located on that land, is a core aspect of a community's identity. It also affects the opportunities for shelter, services, employment, and recreation available in the community.

Different uses have different needs and different impacts. For example, residential uses can be sensitive to noise and odours, while commercial uses often have a need to be located in areas with higher traffic, which provides access to a greater number of potential customers. Land use planning has, over the past century, typically focused on creating defined areas for the different types of uses to minimize any potential conflict among them.

However, there are also often synergies to be gained by locating different uses near to one another. Being within walking distance of a nearby grocery store can be a significant benefit to a residential use, while industrial uses can benefit from having a large source of employees in close proximity. Lunenburg has traditionally featured such mixing of uses, with homes in Old Town located a stone's throw from sail makers, fishing wharves, food establishments, and more.

This Chapter establishes the policies for how and where various uses will be permitted in Lunenburg.

4.2 Use Zones and Future Land Use Map

4.2.1 Introduction

An eclectic mix of uses is one of Lunenburg's defining qualities. However, there is still variation in the use of different areas of town. The lower portions of Old Town feature shops, restaurants, galleries, hotels, distilleries, public services, parks, churches, and more, all mixed with residences of various scales. New Town and the northern areas of Old Town are dominated by residential uses. The stretch of waterfront below Bluenose Drive has a heavy tourism component, while areas to the east and west are very much focused on industry and the fishery, and the waterfront on the south side of Lunenburg Harbour is primarily recreational. Victoria Road, running west out of town, includes an institutional and recreational hub around the arena and Bluenose Academy, and a mix of commercial uses. Industrial uses are also located south of Victoria Road at the top of Hall Street. Finally, much of the western areas of town feature agricultural uses and undeveloped land, though residential development is increasing in this area.



4.2.2 Use Zones

Different areas of Lunenburg are appropriate for different types of uses, depending on the other existing uses in the area, availability of services, proximity to transportation options, and natural features. The Land Use By-law contains “use zones” that establish the types of use that are permitted in various areas of Lunenburg.

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

- (a) The Lower Density Residential Use (RL) Zone is intended to prioritize low-density residential uses, such as dwellings with up to two units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; and neighbourhood amenities, such as parks and trails.
- (b) The Medium Density Residential Use (RM) Zone is intended to enable medium-density residential uses, such as dwellings with up to four units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; rooming houses; residential care facilities; and neighbourhood amenities, such as parks and trails.
- (c) The Higher Density Residential Use (RH) Zone is intended to encourage higher-density residential uses, such as multi-unit dwellings and nursing homes; daycare centres; and uses permitted in other residential zones.
- (d) The Commercial Mixed Use (CM) Zone is intended to enable a wide range of commercial and institutional uses, as well as larger residential uses located on the upper floors of buildings or to the rear of the lot. Auto-oriented commercial uses, with the exception of body shops, shall be permitted.
- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.
- (f) The Waterfront Use (W) Zone is intended to accommodate marine-related industrial uses; waterfront recreational uses, including marinas, boat rentals, and water access facilities; and tourism-related commercial and cultural uses.
- (g) The Industrial Use (M) Zone is intended to accommodate a wide range of industrial uses, including scrap yards and recycling depots; auto-oriented commercial uses; as well as restaurant uses and other amenities, such as parks and trails, that might serve employees of businesses in the Industrial Use Zone.



- (h) The Marine Industrial Use (MM) Zone is intended to protect and support the “working waterfront” by permitting a range of industrial uses, government and emergency services uses, craft food and beverage production, and waterfront recreational uses, while limiting other uses.
- (i) The Rural Use (RUR) Zone is intended to enable rural-type uses, such as agriculture and low-density residential uses (one to two units and accessory dwellings), until such time that services are available to support a more urban form of development.
- (j) The Institutional Use (INS) Zone is intended to set aside land specifically for institutional uses, such as hospitals, emergency services, religious institutions, and government uses.
- (k) The Parks and Recreation Use (PR) Zone is intended to set aside land specifically for parks and recreational uses, such as trails, playgrounds, recreation facilities, and urban agriculture. Take-out restaurants may also be permitted to serve users of these recreational spaces.

4.2.3 Future Land Use Map

The Use Zones of the Land Use By-law establish a very specific list of uses that are permitted within various areas of Lunenburg. However, it may be reasonable to consider a shift in the permitted uses over time as the community evolves. This may be done in a reactionary manner when land owners come to Council with proposals for new uses of their land, or may be done in a visionary manner by establishing areas where the community expects—or wants—acceptable uses to change over time.

The Future Land Use Map establishes “Land Use Designations”. These Designations establish areas where similar Use Zones would be considered through changes to the Use Zoning Map of the Land Use By-law. For example, established areas of residential neighbourhoods in Lunenburg are often placed in the Lower Density Residential Use Zone. The Residential Designation recognizes that these lands might reasonably—after careful thought through the Land Use By-law amendment process—be appropriate places for other residential zones. However, an industrial zone is likely to be inappropriate in these areas and would require the much more onerous process of amending this Plan before an amendment to the Use Zoning Map of the Land Use By-law could be considered.

The Designations also establish areas where a transition in use may be appropriate over time. For example, residential areas abutting commercial areas might transition over time as commercial demand increases, but pre-emptively applying a commercial zone would fail to recognize the existing character of that area. Applying the Main Street Land Use Designation, for example, on these areas allows for easier consideration of new zoning as they evolve.



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

- (a) The Residential Land Use Designation permits:
 - i. Lower Density Residential Use (RL) Zone
 - ii. Medium Density Residential Use (RM) Zone
 - iii. Higher Density Residential Use (RH) Zone
 - iv. Rural Use (RUR) Zone
 - v. Institutional Use (INS) Zone
 - vi. Parks and Recreation Use (PR) Zone
- (b) The Main Street Land Use Designation permits:
 - i. Commercial Mixed Use (CM) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (c) Downtown Commercial Land Use Designation permits:
 - i. General Commercial Use (CG) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (d) Waterfront Designation permits:
 - i. Waterfront Use (W) Zone
 - ii. Marine Industrial Use (MM) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (e) Industrial Designation permits:
 - i. Industrial Use (M) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (f) Parks and Institutional Designation permits:
 - i. Institutional Use (INS) Zone
 - ii. Parks and Recreation Use (PR) Zone



Policy 4-3: Notwithstanding Policy 4-2, Council may initially establish Use Zone placements on the Use Zoning Map of the Land Use By-law in conflict with the Future Land Use Map in order to recognize existing uses of land; the Future Land Use Map will guide the preferred evolution of these lands in the future.

4.2.4 Amendments to the Use Zoning Map

From time-to-time it may be appropriate to amend the Use Zoning Map of the Land Use By-law to modify the uses permitted on a property. This is typically done at the request of a property owner who has a specific plan in mind for their land. Such an amendment is a public process and includes a Public Hearing.

Policy 4-4: Council shall consider proposals to amend the Use Zoning Map of the Land Use By-law. Council shall not approve such an amendment unless:

- (a) the proposed Use Zone is consistent with Policy 4-2 and Schedule 'A', the Future Land Use Map of this Plan; and
- (b) Council is satisfied the proposal meets the general criteria for Land Use By-law map amendments, outlined in Policy 6-19.

4.3 Use Policies

4.3.1 Residential Uses

Suitable housing is a fundamental need for all residents of Lunenburg. "Suitable" means housing that is of a size and function (e.g. barrier-free) that meets the needs of the resident(s), is well-maintained, and is affordable in relation to the residents' economic means. Residential uses also are, and will continue to be, one of the dominant uses of land within the town. The various residential neighbourhoods within Lunenburg vary in their scale and form, but they all contribute to meeting the needs of residents.

Lunenburg has a variety of types of existing housing, from single-detached units, to apartment housing above commercial uses in Old Town, to purpose-built condominium buildings. This existing housing diversity is a strength. However, as Lunenburg's population continues to change, housing needs will change too. Council, therefore, intends to provide for an even wider range of housing types to meet the needs of people at different life stages, households of various sizes and compositions, households with varying economic means, and the needs of the seasonal workers who are crucial to the town's tourism industry. Approaches to increasing housing diversity will include:

- Enabling "accessory dwellings", which are subordinate dwelling units located within other dwellings or within accessory buildings.
- "Pre-zoning" new lands for higher-density residential uses.



- Avoiding regulation of housing in any manner that is based on the nature of the relationship of occupants of a dwelling unit to one another; for example, treating the dwelling of a married couple the same as a dwelling providing staff housing to the staff of a restaurant.
- Enabling “grouped dwellings” within the town. These are multiple dwellings on one lot, and can be useful for bare-land condominiums, housing co-ops, or independent living options for seniors.
- Allowing supportive housing facilities, such as small-options homes and residential care facilities, as-of-right. These housing options provide important services for adults who benefit from living with the support of other adults and who may need specialized supports on either a part-time or full-time basis.

Policy 4-5: Council shall, through the placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of residential uses to locate in Lunenburg.

Policy 4-6: Council shall, through the Land Use By-law, enable grouped dwellings by permitting multiple main buildings, with controls on parking and site design, in the Old Town/New Town 2, New Town 1, and Main Street Form Zones.

Policy 4-7: Council shall, through the Land Use By-law, enable small options homes in all Use Zones that permit lower-density residential uses and residential care facilities in all Use Zones that permit more than two residential dwelling units.

Policy 4-8: Council shall, through the Land Use By-law, permit rooming houses, in which individual rooms are rented to unrelated parties on a long-term (30 days or greater) basis, in any Use Zone that permits more than two residential dwelling units.

Policy 4-9: Council shall, through the Land Use By-law, permit accessory dwellings in detached accessory buildings and within the main building, subject to controls on size and location to ensure they remain accessory to other residential uses on the property. An accessory dwelling shall not count towards the number of dwelling units permitted on a lot.

Policy 4-10: Council may consider proposals for Bed & Breakfast uses larger than six sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone by development agreement. Council shall not enter in to a development agreement for such proposals unless Council is satisfied the proposal meets the general criteria for evaluating development agreements, as set out in Policy 6-19.



4.3.2 Institutional Uses

Institutional land uses in Lunenburg exist in a variety of locations and land use contexts. The institutional focus of the town has long been the four-block central area reserved for public purposes at the time of settlement, bounded by Townsend, Cumberland, Cornwallis, and Hopson Streets. However, as the community and the needs of its institutions have grown, the areas accommodating institutional uses have changed.

A number of churches are situated in residential areas in Lunenburg but are not considered to be incompatible in any way; their location is regarded as a positive component of the town's historic character.

Most of the institutional uses in the Old Town are well established and the nearby residential neighbourhoods have adjusted well to their presence. Substantial expansion of these uses is limited in some cases by lack of available land and nearby residential uses. Other institutional uses, including the schools, cemeteries, and the Fisherman's Memorial Hospital are situated on larger parcels of land on the fringes of residential areas in Old Town and New Town and have considerable room for expansion should the need arise.

The distribution of institutional land uses throughout Lunenburg reinforces the fact that institutions serve an important function in community life and their continued maintenance and expansion will be encouraged.

Policy 4-11: Council shall, through the initial placement of the Institutional Use Zone, recognize existing institutional uses and enable the establishment of new institutional uses in areas where their potential impacts on surrounding uses are expected to be minimal. Existing institutional uses may initially be placed in a use zone other than the Institutional Use Zone in order to recognize and enable other uses that may already be present on the site or would be appropriate for the site.

4.3.3 Adaptive Reuse of Institutional Buildings and Sites

Institutional uses often create unique, landmark buildings that endure long after the institutional use itself has ceased. These buildings can sometimes be difficult to repurpose for other uses due to their very specific design, but when done well such repurposing can provide a long-term future for the building, and can also lead to some particularly special public or private spaces within the building. Council wishes to encourage investment in these buildings and will consider by development agreement proposals for their use not otherwise permitted in the applicable Use Zone.



Policy 4-12: Council may consider by development agreement proposals for adaptive reuse of former institutional buildings and sites, such as churches and schools, for uses not otherwise permitted in the applicable Use Zone. For greater clarity, the use may extend beyond the confines of the existing building provided any associated buildings or structures conform to the Form Zone and heritage requirements applicable to the site. Council shall not enter into such a development agreement unless Council is satisfied:

- (a) the proposal will lead to the preservation, enhancement, promotion, and (where needed) restoration of the building and in particular any character-defining elements;
- (b) the proposed use is appropriate for the site and compatible with surrounding uses, either by the fundamental nature of the use or by controls placed upon the use through the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.4 Commercial Uses

Much of the commercial activity in Lunenburg is clustered in the lower half of Old Town, but there is also a commercial node at the intersection of Dufferin and Falkland, and a growing commercial area along the extent of Victoria Road. These areas account for a diversity of commercial uses that vary greatly in scale, from small galleries to large grocery stores. There are also small nodes of commercial activity in other areas of town, such as the motel on Masons Beach Road.

Lunenburg features a strong tradition of home-based businesses, and indeed the efforts of home-based business operators in Lunenburg resulted in changes to the provincial Building Code to recognize these operations and lower barriers to their development. Council is supportive of home-based businesses, and intends to allow them widely, with a few minor controls to ensure they remain compatible with surrounding residential uses.

An important commercial topic in recent years has been tourist accommodations. Lunenburg features many B&Bs, small inns, hotels, and motels. With the rise of online rental platforms, Lunenburg has also seen an increase in the use of residential dwellings for accommodation purposes. These “short-term rentals” provide popular accommodation options and can help homeowners with the affordability of their property, but they also raise concerns about loss of housing stock and conflicts from a high level of occupant turnover in otherwise stable neighbourhoods. From a land use planning perspective, there are limited tools available to effectively regulate various aspects of short-term rentals (e.g. duration in a year, ownership). As a result, Council intends to permit them on a limited scale using the land use planning tools available, and explore options for other regulatory tools to control the other aspects of this use.



Policy 4-13: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of commercial uses to locate in Lunenburg, with consideration for the potential impacts of commercial operations on surrounding uses.

Policy 4-14: Council shall, through the Land Use By-law, permit home-based businesses in any Use Zone that permits dwellings, and shall include limits on the size, number of non-resident employees, and types of commercial uses that will be permitted for home-based businesses.

Policy 4-15: Council shall, through the Land Use By-law, permit short-term rentals in all Use Zones that permit dwellings, but shall limit them to one per lot and shall not permit them within accessory dwellings or accessory buildings.

4.3.5 Industrial Uses

Industrial activity in Lunenburg occurs primarily on the Front Harbour waterfront with most of this activity related to the shipping and fishing industries. Attempts at attracting new industry into the town are frustrated by the lack of land suited for industrial uses. The waterfront offers very limited additional industrial development potential; however, continued industrial use of the waterfront will be accommodated and encouraged.

A large site located between Starr Street and the railway tracks has been in the past designated as an industrial site; however, high site preparation costs resulting from poor subsoil conditions has discouraged development of this area. Much of the land here is now owned by the Town, with a portion utilized for the Town's sewage treatment plant. As identified in the Comprehensive Community Plan, the remaining lands may be appropriate for a "sustainable energy district", such as large-scale solar generation, the installation of which is relatively flexible and able to be done on difficult soil conditions.

Other sites suited to industrial uses are limited due to the existing land use pattern and topography. A site southwest of Bluenose Academy is currently utilized for aerospace manufacturing, with additional lands available for expansion or additional industrial use. However, a limiting factor for large scale expansion in this area is inadequate water pressure for fire protection above 20 metres (65 ft.) in elevation. The initial placement of the Industrial Use Zone in this area recognizes these limitations; however, the larger area is identified for industrial use on the Future Land Use Map of this Plan to allow for easy conversion to industrial lands as water services improve.

Policy 4-16: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, support existing industrial operations in Lunenburg and establish lands for new operations where they can be adequately serviced and where impacts on neighbouring uses are expected to be acceptable.



4.3.6 Heavy Industry

Heavy industrial uses include those that deal with extremely hazardous materials or have the potential to be obnoxious due to factors such as fumes or noise. Given the small land area within Lunenburg it would be quite challenging to locate them within the town without unacceptably impacting surrounding uses. However, there may be rare cases in which such a use is both desirable to locate within the town boundaries and in which the risk of impacts could be adequately minimized through careful design and operational procedures. Council is open to considering such cases, but will only accept them if a strong need and benefit can be identified, and the risks of impacts minimized.

Policy 4-17: Council shall consider by development agreement proposals to establish heavy industrial uses in the Industrial Use Zone and the Marine Industrial Use Zone. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed use and a clear benefit to the Town and residents of Lunenburg in having the use locate within town boundaries;
- (b) potential impacts related to the use including, but not limited to, noise, smell, truck traffic, light, and risk of fire or other accident can be adequately addressed in the provisions of the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.7 Other Uses

Lunenburg's residences, businesses, and institutions are supported by a number of other land uses. Particularly important are parks, conservation lands, trails, and other recreation options, and Council wishes to encourage these uses to locate and expand throughout all of town.

Although Lunenburg is very much an urban community with a distinct urban settlement pattern and urban uses, there are areas that are rural in character within the Town boundary. Although some of this rural land is unused, there are also active agricultural uses, such as pasture land and hay fields and some scattered residential development. Many of these activities are located on agricultural soils classified as "Class III", which are generally considered good soils and are identified as valuable soils within the Provincial Statement of Interest on Agricultural Lands. Council recognizes the existence of these Class III soils and the existing rural uses upon them, and intends to continue to accommodate these agricultural activities as long as they desire to continue operating. However, when balanced against the Statements of Provincial Interest on Infrastructure and Housing, Council believes that it is appropriate—and indeed desired—to enable the development of these Class III lands in the future. Such development would enable additional housing options and make efficient use of existing services, while reducing pressure on other agricultural lands that are not within the limited area of town boundaries.



In addition to the existing traditional agriculture, there is a growing interest (or perhaps re-discovery) in Lunenburg around so-called “urban agriculture”, the practice of implementing agricultural activities on a smaller scale in urban settings. This might include community vegetable gardens, or even the keeping of bees or chickens on a very limited scale. Council intends to enable these activities, but with reasonable limitations to minimize conflicts with other urban uses.

Finally, there is growing interest in renewable energy on a local scale, such as solar panels and wind turbines on homes or even as small commercial operations. Council is generally supportive of these efforts to improve the sustainability of the community and will enable the development of such structures; however, with the limited land area in Lunenburg and the resulting inability to provide large separation distances from other uses, Council does not believe large wind turbines to be an appropriate use of land in the town and will not permit them.

Policy 4-18: Council shall, through the Use Zones of the Land Use By-law, widely permit parks, trails, conservation uses, and public recreation opportunities.

Policy 4-19: Council shall, through the Land Use By-law, continue to enable agricultural practices and similar rural activities through the application of the Rural Use Zone in the more rural areas of Lunenburg until such time as services become available to enable the efficient development of these lands.

Policy 4-20: Council shall, through the Land Use By-law, enable urban agricultural uses, including the small-scale keeping of chickens and bees, with limits to control their impact on neighbouring uses.

Policy 4-21: Council shall, through the Land Use By-law, permit solar energy systems as an accessory use in all Use Zones, and as a main use in the Industrial Use Zone and Rural Use Zone.

Policy 4-22: Council shall, through the Land Use By-law, permit domestic-scale wind turbines as an accessory use.

4.4 Non-conforming Uses

4.4.1 Introduction

The current structure of municipal land use planning is a relatively new tool in relation to the age of Lunenburg as a community. Municipal land use planning also changes over time, with planning rules updated, deleted, or added as the needs of the community evolve. This means that there are uses within Lunenburg that were established long before municipal land use planning, or were established under older rules but would not be permitted under today’s planning rules. These uses are known as “non-conforming”, and the *Municipal Government Act* provides some protections for these uses in recognition of the investment that owners have made.



4.4.2 Recommencement of Non-conforming Uses

The *Municipal Government Act* allows non-conforming uses to continue, and also allows them to recommence if they are discontinued for a period of less than six months. This supports existing investments in land uses, but enables a transition to compliance with contemporary planning rules when a non-conforming use is no longer operated. Council is generally supportive of this approach, but feels that six months is not necessarily enough of a grace period. As a result, Council intends to extend the allowance period for the recommencement of non-conforming uses.

Policy 4-23: Council shall, through the Land Use By-law, allow for the recommencement of non-conforming uses up to 12 months after they are discontinued.

4.4.3 Extension or Change of Non-conforming Use

Generally, the intention of making a use non-conforming is to see it transition over time to meet contemporary expectations for the site. However, Council recognizes there may be occasional situations in which it is actually desirable to allow a non-conforming use to expand or to convert to another use that would similarly be non-conforming but result in an overall improvement to the area. Council does not take such expansions or changes lightly and, as a result, will only consider them by development agreement.

Policy 4-24: Council shall consider proposals to expand a non-conforming use or to change a non-conforming use to another non-conforming use by development agreement, subject to Policy 4-25 and the development agreement policies of Section 6.4.

Policy 4-25: Council shall not enter into development agreement to expand a non-conforming use or to change a non-conforming use to another non-conforming use unless Council is satisfied:

- (a) the proposal is not prohibited under any other policies of this Plan;
- (b) the proposal improves, or at least does not worsen, the effects of the non-conforming use on the surrounding area, including, but not limited to, effects related to traffic, noise, odours, dust, and light trespass; and
- (c) the proposal meets the general evaluation criteria for development agreements in Policy 6-19.



4.5 Parking

4.5.1 Introduction

The development of new land uses necessitates travel between those uses. While Lunenburg's well-connected blocks and dense development patterns make walking easier than many other Nova Scotian communities, a large proportion of trips are still taken by automobile or bicycle, which ultimately creates a need for parking.

4.5.2 Automobile Parking Requirements

Most land use planning documents in Nova Scotia implement "minimum parking space requirements" for development. The intention is to avoid having uses—particularly commercial uses—offload the cost and burden of providing parking onto the surrounding neighbourhood.

However, much of Lunenburg was designed and built prior to the invention of the automobile. The result is that the older areas of town were not built with the automobile in mind, and many properties do not have on-site parking. Rather, automobiles typically park on the street or in central parking lots. While parking demand can be high in the summer tourism months, accommodating on-site parking in the older areas of Lunenburg would necessitate the demolition of buildings, which is clearly contrary to good community development. Instead, the Comprehensive Community Plan recognizes that the public provision of parking is a desirable alternative to destroying the building fabric of these areas, and contains recommendations related to improving street parking and off-site parking lots.

Outside of Old Town and New Town, parking demand is typically related to residential, institutional, and industrial uses. These are uses that benefit from being able to establish their own parking requirements; institutional and industrial parking requirements vary widely based on the specific nature of the use and are difficult to accurately capture in regulation, while residential developers have a strong incentive to provide adequate parking to meet the needs of their target market.

The one primary area outside of Old Town and New Town where parking demand is driven by commercial establishments is Victoria Road. However, lots in this area are quite large and Council has no concerns about business owners having to make a trade-off between increasing the commercial floor area and implementing adequate parking to meet their needs; in other words, there is little need to force commercial owners in this area to provide adequate parking to avoid spillover effects in the immediate neighbourhood.

For this variety of reasons, Council has elected to not establish minimum automobile parking requirements in the Land Use By-law.



4.5.3 Bicycle Parking Requirements

Contrasted to automobile parking, bicycle parking requires little space, but is often seen by property owners as an afterthought or unnecessary luxury. However, bicycle use is growing in Nova Scotia and specifically in Lunenburg for both leisure and utilitarian purposes. Bicycle tourism is also an emerging opportunity, with provincial initiatives such as the Blue Route bicycle network building an essential foundation of infrastructure and awareness. While bicycles can often be parked in a wide range of environments, *ad hoc* solutions to parking suggest to cyclists that they are not valued, and can also lead to bicycles locked to street trees (damaging them) or in areas that block safe pedestrian movement. Additionally, with a rise in electric bicycles and expensive touring bicycles (some of which can cost more than a used car) there is a need for safe, secure bicycle parking options. Council, therefore, has elected to implement basic requirements for bicycle parking.

Policy 4-26: Council shall, through the Land Use By-law, implement minimum requirements for bicycle parking space numbers and quality.



Chapter 5 - Community Form & Heritage

5.1 Form Zones

5.1.1 Form Zones

Lunenburg is strongly defined by the various form of its buildings, with its evolution over time evident in the scale and positioning of buildings in different areas of town. The Land Use By-law contains “form zones” that recognize existing community form and help to guide new development in a manner that matches the surrounding context, as well as establish standards for form in the expansion areas of town.

Policy 5-1: Council shall, through the Land Use Bylaw, establish Form Zones, shown on the Form Zoning Map, to establish standards for building form, building placement, site design, and signage. The Form Zones shall generally conform to the following scheme:

- (a) The Old Town 1 Form Zone is intended to protect the integrity of the core commercial district within the lower blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (b) The Old Town 2 Form Zone is intended to safeguard the tightknit residential development pattern within the upper blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (c) The Old Town/New Town 1 Form Zone is intended to maintain the residential development pattern of the parts of Lunenburg that were subdivided from the Common in 1862 & 1878 and enable new subdivisions to emulate said development pattern.
- (d) Old Town/New Town 2 Form Zone is intended to maintain the development character of neighbourhoods developed between 1950 and 1980 and enable new subdivisions to emulate said development pattern.
- (e) The New Town 1 Form Zone is intended to enable medium density residential development in multi-story building forms.
- (f) The Main Street Form Zone is intended to create a main street character with a multi-storey street wall and with an active ground floor close to the sidewalk.
- (g) The Marine Form Zone is intended to maintain the distinct character of a working waterfront with its fishing, shipbuilding, and interpretive tourism operations.
- (h) The Community Form Zone is intended to provide spatial conditions that acknowledge the heightened importance of institutions in the community.



- (i) The Industry Form Zone is intended to enable building forms for industry to flourish while minimizing undue impact on surrounding neighbourhoods.
- (j) The Rural Form Zone is intended to enable building forms conducive to agricultural enterprise.
- (k) The Shoreline Form Zone is intended to enable small scale structures associated with fishing and boating, primarily in the Back Harbour.

5.2 Coastal Development

5.2.1 Introduction

Lunenburg's history and future are intimately tied to the coast. The town was settled and built up from the water's edge, and has long been dependent on shipbuilding and the fishery. In recent decades tourism—often tied to the coast—has also become prominent. It is now known that climate change, combined with coastal subsidence, is causing sea levels in Nova Scotia to rise. Current modeling suggests that sea levels in Lunenburg could be 0.83 metres higher than they are now by the year 2100. When combined with storm surge, these rising water levels present a very real risk to coastal development. We must, therefore be mindful of these risks when planning for the future.

5.2.2 Flood Risk Areas

High-resolution elevation mapping, when combined with the sea level rise projection above and a storm surge equivalent to Hurricane Juan, shows the areas of Lunenburg vulnerable to coastal flooding. This includes much of the Back Harbour waterfront north of the trail, the northern shore of Lunenburg Harbour below Bluenose Drive, and the western shore of Lunenburg Harbour up to Tannery Road. If nothing changes in terms of infrastructure between now and 2100, a particularly bad storm could even cause flooding up into the low-lying areas between Victoria Road and Green Street.

In some communities, avoiding these coastal flood risks would simply be a matter of prohibiting all new development within areas of potential flooding. However, Lunenburg very much depends on access to the water for industry, tourism, and as part of the community's heritage. A more nuanced approach is therefore warranted.

Policy 5-2: Council shall, through the Land Use By-law, establish a Flood Risk Area Map identifying areas of Lunenburg at an elevation lower than 3.2 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), which are areas modelling shows are at risk from coastal flooding due to sea level rise and storm surge to the year 2100.



Policy 5-3: Developers of new development within areas identified on the Flood Risk Area Map shall be required to acknowledge the risks of coastal flooding to development and to reduce the potential impacts of coastal flooding on the development by:

- (a) locating habitable areas above the 3.2 metre (GCVD2013) elevation;
- (b) providing safe containment for potential water pollutants (oils, etc.) in the case of a flood; and
- (c) locating vulnerable infrastructure (such as electrical and mechanical systems) above the 3.2 metre (CGVD2013) elevation.

5.3 Heritage and Architectural Control

5.3.1 Introduction

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European 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.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first 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.

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.

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. 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.

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



5.3.2 Heritage Conservation District and Architectural Control Areas

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 By-law.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use By-law. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference is 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.

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

5.4 Non-conforming Structures

5.4.1 Introduction

Like non-conforming uses (see Section 4.4) there are many buildings and other structures that were built in Lunenburg prior to contemporary planning requirements, or were built under previous planning rules that are no longer in effect. This results in “non-conforming structures” when they do not meet current planning regulations, such as minimum setbacks, and the *Municipal Government Act* provides some protection and flexibility for these structures.



5.4.2 Expansion and Reconstruction of Non-conforming Structures

The *Municipal Government Act* provisions allow for expansion of residential structures provided they do not further increase the non-conformity. For example, the owner of an existing house that violates the current regulations regarding minimum front setbacks may still add an addition to the rear of the house since this would not change how the building interfaces with the minimum front setback. However, no such flexibility is provided in the Act for non-residential structures.

The Act also permits non-conforming residential structures to be reconstructed if they are destroyed by fire or otherwise. For non-residential structures this permission to rebuild is only provided if less than 75 percent of the market value of the structure is destroyed.

In light of the number of commercial and industrial buildings in Lunenburg that predate contemporary planning, Council wishes to extend similar flexibilities to non-residential structures as enjoyed by residential structures.

Policy 5-5: Council shall, through the Land Use By-law, permit the expansion of non-conforming structures provided the expansion does not further increase the non-conformity.

Policy 5-6: Council shall, through the Land Use Bylaw, permit a non-conforming structure to be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage.

5.5 Signage

Signage plays an important role in Lunenburg. It helps people find the places they want to go, and helps businesses attract customers. However, signage that is too large or too abundant can overwhelm the visual quality of the community, or even present a hazard. It is, therefore, important to have reasonable regulations on the size, number, and placement of signs in Lunenburg.

Policy 5-7: Council shall, through the Land Use By-law, establish regulations for the size, number, and placement of signs in keeping with the intended character of each Form Zone.

Policy 5-8: Council shall, through the Land Use By-law, establish classes of signs that are permitted, classes of signs that are prohibited, and classes of signs that are exempt from the signage regulations.



Chapter 6 - Implementation & Review

6.1 Administration

6.1.1 Context

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Lunenburg. This Plan and its associated By-laws are enabled by, and are consistent with, Parts 8 and 9 of the *Municipal Government Act*.

6.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Town will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the beginning of the document.
- Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.



6.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, "POLICY #-#". All contents of this Plan not contained within a Policy are considered preamble, and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 6-1: Official Council Policies are denoted in this Plan by the text, "POLICY #-#", with the number signs replaced by the appropriate policy number.

6.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 6-2: In this Plan, the word "shall" takes the imperative, and indicates a duty to act. The word "may" takes the permissive, and indicates permission to act.

6.1.5 Effective Date

Policy 6-3: This Municipal Planning Strategy and implementing Land Use By-law shall come into effect on the date that a notice is published in a newspaper, circulating in the Municipality, informing the public that the planning documents are in effect.

6.2 Regional Cooperation

6.2.1 Consultation with Adjacent Municipality

This Municipal Planning Strategy and its associated By-laws apply only to lands within the Town of Lunenburg. However, activities that occur within the Town have the potential to affect lands within the Municipality of the District of Lunenburg. This may be direct, such as the generation of traffic or trespass of noise or odours across borders. It may also be indirect, such as through effects on the market for various types of development in neighbouring areas.

Council believes that it is important to consider the input of the Municipality of the District of Lunenburg when considering amendments to this Municipal Planning Strategy.

Policy 6-4: Council shall consult with the Municipality of the District of Lunenburg when:

- (a) adopting a new Municipal Planning Strategy to replace this one; and
- (b) when considering amendments to this Municipal Planning Strategy that would affect lands within 500 metres of the Town boundary.



6.3 Land Use By-law and Subdivision By-law

6.3.1 Adoption

The land use and development policies in this Municipal Planning Strategy are implemented through a Land Use By-law. This by-law uses a series of zones to establish lot standards, the permitted uses of land, and the form of buildings. In doing this, the Land Use By-law reflects the policies of this Municipal Planning Strategy. Council approves the Land Use By-law at the same time this Plan is approved.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

The Land Use By-law and Subdivision By-law are administered by a Development Officer appointed by the Town of Lunenburg. The Development Officer is responsible for issuing development permits in accordance with the Land Use By-law and for issuing subdivision approval in accordance with the Subdivision By-law.

Policy 6-5: Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

Policy 6-6: Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these by-laws.

Policy 6-7: The Subdivision By-law shall:

- (a) apply to the whole of the Municipality;
- (b) ensure that any subdivision, with the exception of lots created using a variance or the provisions of Section 279 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- (c) establish locations and standards for the development of public streets; water, sewer, and stormwater services; and other publicly owned infrastructure;
- (d) contain provisions for dedicating land or an equivalent value for parkland, playgrounds, and similar public purposes;
- (e) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
- (f) contain any other provisions needed to fulfill the intent of this Plan.



6.3.2 Variances

Section 235 of the *Municipal Government Act* gives the Development Officer the power to grant “variances” from the requirements of the Land Use By-law. The Act sets out the circumstances when such variances may be granted, the Land Use By-law provisions for which variances may be granted, and the process for granting such variances. The Act provides by default the ability to vary lot coverage, setbacks, lot frontage, and lot area. Additional variance categories may be enabled in a Municipal Planning Strategy. Council recognizes that occasionally challenging and unique development scenarios will arise as a result of Lunenburg’s long history, and intends to provide for a wider range of variances as a tool to enable solutions to these challenges.

Policy 6-8: Council shall, in accordance with Section 235 of the *Municipal Government Act*, permit the Development Officer to vary:

- (a) location and number of parking spaces required;
- (b) ground area of a structure;
- (c) height of a structure;
- (d) floor area occupied by a home-based business; and/or
- (e) height and area of a sign.

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

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

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

Policy 6-9: Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.



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

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

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

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



6.3.4 Amending the Lot Zoning Map of the Land Use By-law

In general, the initial placement of Lot Zones is intended to be a very deliberate choice as a means to shape the future character of Lunenburg. As such, amendments to the Lot Zoning Map are generally not to be considered without an amendment to this Plan. However, minor rounding out of Lot Zone boundaries may occasionally be appropriate and the establishment or closure of unique (e.g. industrial, institutional, open space) uses may require an amendment to implement or remove Lot Zone 4 from the Lot Zoning Map.

Policy 6-12: Council shall not amend the Lot Zoning Map of the Land Use By-law without an amendment to this Plan, except in the following situations:

- (a) Minor adjustments between abutting Lot Zones to better reflect the transition from one lot development pattern to the other.
- (b) Amendments to change the Lot Zone on a property to Lot Zone 4 when a proposed non-residential, non-commercial use requires this lot zone for efficient operations.
- (c) Amendments to change the Lot Zone on a property away from Lot Zone 4 to an abutting Lot Zone when the use that required Lot Zone 4 has ceased and the property is proposed to be redeveloped for other purposes.

6.3.5 Amending the Form Zone Map of the Land Use By-law

The initial placement of the Form Zones on the Form Zoning Map was conducted with much thought and as a reflection of the desired community structure identified in the Comprehensive Community Plan. Any wholesale changes to this structure should only be considered through a review of the Comprehensive Community Plan and, by extension, this Municipal Planning Strategy. However, it may be reasonable at times to consider minor adjustments to the Form Zoning Map as the community evolves or if a significant change in use dictates the need for a different—but compatible—form for buildings and the site.

Policy 6-13: Council may consider amendments to the Form Zoning Map of the Land Use By-law. Council shall not adopt such amendments unless Council is satisfied:

- (a) the proposal is consistent with the description of the Form Zones in Policy 5-1;
- (b) there is a clear need for the amendment to accommodate a proposed use for the land that is both acceptable for the location and that could not be accommodated within the confines of the existing Form Zone;
- (c) the proposed Form Zone enables a form for the site that is compatible with (though not necessarily identical to) the surrounding form; and
- (d) the proposal meets the general evaluation criteria for amending the Land Use By-law, set out in Policy 6-19.



6.4 Development Agreements

6.4.1 Context

A development agreement is a written legal agreement between the Town and a property owner. It “runs with the land”; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies.

The development agreement is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be permitted by the standards established in the applicable zone. This can allow a proposal to better fit the specific constraints or opportunities provided by a site.

A development agreement allows or limits the development to the use or types of uses actually proposed and outlined in the agreement. This allows Council to have a finer-grained level of control over the proposed development, and to implement specific measures to mitigate potential impacts. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement, which would be evaluated against the policies in this Plan.

In accordance with the *Municipal Government Act*, the types of development that may be considered by a development agreement must be clearly identified in the Plan.

6.4.2 Adopting and Amending Development Agreements

Policy 6-14: Council shall consider entering into a development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement:

- (a) shall specify the development, expansion, alteration, or change permitted;
- (b) shall specify the conditions under which the development may occur; and
- (c) may set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-15: Council shall not enter into or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-19.



Policy 6-16: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-19. Such conditions may include, but are not limited to, controls regarding:

- (a) servicing;
- (b) the type, location, and orientation of structures;
- (c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (d) the provision of open space and amenities;
- (e) the type, size, and location of signage;
- (f) the type and orientation of exterior lighting;
- (g) management of solid waste, compost, and recycling;
- (h) pedestrian, bicycle, and vehicular circulation;
- (i) connections within the boundaries of the lot to existing or planned pedestrian, bicycle, and vehicular networks abutting the lot;
- (j) the location and number of bicycle and vehicular parking and loading spaces;
- (k) access for emergency vehicles;
- (l) the location and type of landscaping, including fences and other forms of screening;
- (m) stormwater management;
- (n) grading and erosion control;
- (o) the emission of noise, odour, light, liquids, gases, and dust;
- (p) the type of materials stored and/or sold on site;
- (q) hours of operation;
- (r) the phasing of development;
- (s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (t) mitigation measures for construction impacts;
- (u) time limits for the initiation and/or completion of development; and
- (v) all other matters enabled in Section 227 of the *Municipal Government Act*.



6.4.3 Legacy Development Agreements

There are a number of development agreements in the Town of Lunenburg that were adopted prior to this Plan. These agreements are legal contracts that continue to remain in force subject to the terms outlined in the agreement. However, the policies under which these agreements were considered are often no longer in force, so evaluating any proposed amendments to these agreements can be challenging.

Council may conduct a comprehensive review of existing development agreements to determine if they can be discharged or possibly brought into alignment with this Plan. Pending this review, amendments to existing development agreements will be governed by the following policies:

Policy 6-17: Council shall consider non-substantive amendments to development agreements adopted prior to [adoption date], 2021 subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 6-19 of this Plan.

Policy 6-18: Council shall only consider substantive amendments to development agreements adopted prior to [adoption date], 2021 if the proposal is specifically enabled by, and is consistent with, a policy of this Plan.



6.5 General Evaluation Criteria

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

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

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

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
 - ii. impacts on existing drinking water supplies, both private and public;
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - v. the adequacy of fire protection services and equipment;
 - vi. the adequacy and proximity of schools and other community facilities;
 - vii. impacts on UNESCO World Heritage Site statements of outstanding value;
 - viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
 - ix. site-specific climate change risks;
 - x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
 - xi. impacts on known habitat for species at risk;
 - xii. impacts on the navigability and environment of Lunenburg Harbour;
 - xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
 - xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.



6.6 Monitoring and Updating this Plan

6.6.1 Plan Reviews

Good plans are not set in stone. While every effort has been made to be thorough in the preparation of this Municipal Planning Strategy, things can change. The assumptions under which this plan was made, the technologies and land use issues of the day, and the values of community members will all change over time. This Plan must be monitored and periodically reviewed and updated to remain effective.

Policy 6-20: Council shall initiate a brief housekeeping review of this Municipal Planning Strategy within two years of its adoption. The intent of this review is solely to identify errors and omissions.

Policy 6-21: Council shall initiate a review of this Municipal Planning Strategy following the five-year review of the Comprehensive Community Plan. The intent of this review is to align the Municipal Planning Strategy with any new priorities and actions arising from the Comprehensive Community Plan review.

6.6.2 Municipal Planning Strategy Amendments

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

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

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



Schedules

Schedule 'A' – Future Land Use Map



MAP

Future Land Use

SCHEDULE

A

LAST UPDATED

6/1/2021

NORTH

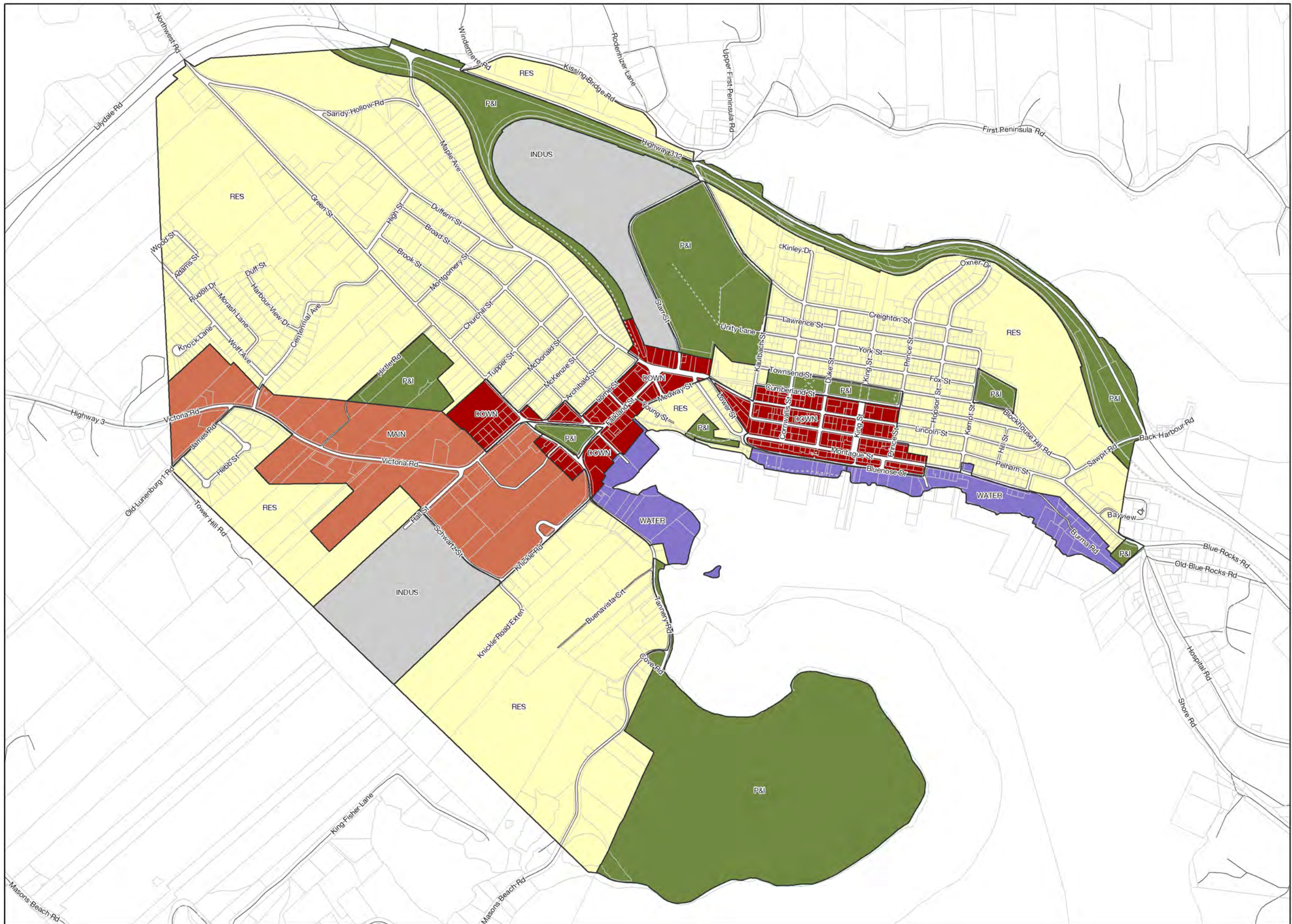


SCALE

1:10,000

LEGEND

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



LAND USE BY-LAW DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG LAND USE BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change



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1 Title, Purpose, & Authority

1.1. Title

- 1.1.1. This By-law is the Town of Lunenburg Land Use By-law, and may be cited as the “Land Use By-law” or “LUB”.
- 1.1.2. This Land Use By-law may also be cited as “By-law” when used in a self-referential manner within the text.

1.2. Purpose

- 1.2.1. The purpose of this By-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land, buildings, and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.

1.3. Authority

- 1.3.1. This By-law is passed under the authority of the *Municipal Government Act*.



2 Interpretation

2.1. Certain Words

2.1.1. In this By-law:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

2.1.2. Words not otherwise defined in this By-law shall have the meaning assigned to them in the *Municipal Government Act*.

2.2. Conflict

2.2.1. In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall take priority.

2.2.2. Colour coding throughout this By-law and the Zoning Maps is for ease of reference only and the text of the By-law shall take priority.

2.2.3. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

2.2.4. In the case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

2.3. Definitions

2.3.1. For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Part 8 - Definitions. Where a word is not defined in Part 8 the word shall have the meaning or meanings assigned by accepted English dictionaries.



2.4. Units of Measurement

- 2.4.1. This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

2.5. Interpretation of Zone Boundaries

- 2.5.1. Boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;
 - (b) where a zone boundary is indicated as following a street, private road, or controlled access highway the centerline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
 - (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centerline of the right-of-way shall be the boundary unless otherwise indicated;
 - (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high water mark shall be the boundary and the zone boundary shall follow any changes in mean high water mark; and
 - (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

2.6. Severability

- 2.6.1. If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.



3 Administration

3.1. Administration of By-law

- 3.1.1. Council shall appoint one or more Development Officer(s) for the Town.
- 3.1.2. The Development Officer shall be responsible for the administration of this By-law.

3.2. Inspection

- 3.2.1. The Development Officer or designate is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this By-law.

3.3. Enforcement & Penalty

- 3.3.1. In the event of any violation of the provisions of this By-law, the Town may act in accordance with the *Municipal Government Act*.

3.4. Compliance with Other Legislation

- 3.4.1. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.4.2. Where the provisions in this By-law conflict with those of any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

3.5. Restoration to a Safe Condition

- 3.5.1. Nothing in this By-law shall prevent the restoration of any building or structure to a safe condition, as determined by the Town's Building Official.

3.6. Effective Date

- 3.6.1. Upon adoption by the Council of the Town of Lunenburg and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Town, informing the public that the Land Use By-law is in effect.



3.7. Existing Structures and Uses

- 3.7.1. A structure or use of land shall be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the required permits.

3.8. Repeal of By-law

- 3.8.1. The Town of Lunenburg Land-Use By-Law adopted by Council for the Town of Lunenburg on August 29, 2012, as amended, is hereby repealed.



4 Permitting & Application Process

4.1. Development Permit Required

- 4.1.1. Unless otherwise stated in this By-law, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.

4.2. Developments Not Requiring a Permit

- 4.2.1. Subject to Section 4.3, the following developments shall not require a Development Permit:
- (a) Interior renovations or alterations to a structure that do not result in a change in the number of dwelling units or a change in use of the structure.
 - (b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure, except within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.
 - (c) Signs smaller than 0.2 square metres (2.2 square feet) in sign area, where signs are permitted.
 - (d) Temporary uses meeting the requirements of Section 6.8.
 - (e) Public and private utilities located within the street right-of-way.
 - (f) Temporary cloches, crop hoops, or other such temporary crop structures.
 - (g) Farm, fish, and forest sales meeting the requirements of Section 6.9.
 - (h) The making of a domestic garden.
 - (i) Personal offices or studios meeting the requirements of Subsection 6.10.1.
 - (j) The teaching of one student at a time, meeting the requirements of Subsection 6.10.3.
 - (k) Signs permitted in all Form Zones, as listed in Subsection 7.8.5.
 - (l) Minor structures such as retaining walls, children's play structures, hot tubs, cold frames, garden trellises, clothesline poles, dog houses, propane cylinders, and heat pumps.
 - (m) Vending activities as outlined in Schedule 'G', Vending.



- 4.2.2. For greater clarity, a building permit and/or Certificate of Appropriateness may still be required for developments that are exempt from requiring a development permit. Applicants are responsible for inquiring with the Town prior to undertaking any development.

4.3. No Exemption from Requirements

- 4.3.1. Every development shall be subject to the requirements of this By-law whether or not a Development Permit is required.

4.4. Development Permit in Conformance with By-law or Development Agreement

- 4.4.1. The Development Officer shall only issue a development permit in conformance with this By-law or a registered development agreement, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.

4.5. Certificate of Appropriateness

- 4.5.1. The Development Officer shall not issue a development permit if the applicant has not yet obtained a Certificate of Appropriateness if required by the *Heritage Conservation District Bylaw*.

4.6. Development Permit Duration, Revocation, and Renewal

- 4.6.1. A development permit shall expire within the following time periods from the date issued if the development has not commenced:
 - (a) Two years for industrial uses.
 - (b) One year for all other uses.
- 4.6.2. The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.



4.7. Application Requirements

- 4.7.1. Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the applicant;
 - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
 - (c) a statement of the proposed use of the land;
 - (d) a site plan, as detailed in Subsection 4.7.2; and
 - (e) any other information required by this Land Use By-law.

Plan Requirements

- 4.7.2. Every application for a development permit shall be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
 - (b) the proposed location, height and dimensions of the building, structure, or work for which the permit is applied;
 - (c) the location of rights-of-way and easements within the subject property;
 - (d) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
 - (e) the location of all watercourses on the property; and
 - (f) other such information as requested by the Development Officer to determine whether or not the development conforms to the requirements of this By-law.

Additional Plan Information

- 4.7.3. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations in force, they may require that the plan submitted under Subsection 4.7.2 shows:
- (a) the location of every building or structure already erected on or partly erected on such lot;
 - (b) the location of every building erected upon any abutting lot;
 - (c) existing and proposed services; and/or
 - (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.



Additional Studies and Plans

- 4.7.4. Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) location certificate;
 - (c) topography and soil conditions of the subject site;
 - (d) watercourse delineation study;
 - (e) stormwater management plan;
 - (f) floor plans and elevation drawings of any proposed structures;
 - (g) geotechnical study;
 - (h) site grading plan;
 - (i) traffic impact assessment or study;
 - (j) groundwater supply study; and/or
 - (k) any other information deemed necessary by the Development Officer.

4.8. Variances

- 4.8.1. Notwithstanding anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the *Municipal Government Act*. Specifically, the Development Officer may vary:
- (a) percentage of land that may be built upon;
 - (b) size or other requirements relating to yards;
 - (c) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the By-law, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
 - (d) location and number of parking spaces and loading spaces required;
 - (e) ground area of a structure;
 - (f) height of a structure;
 - (g) floor area occupied by a home-based business; and/or
 - (h) height and area of a sign.



- 4.8.2. In accordance with Section 235 of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
- (a) variance violates the intent of the Land Use By-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.
- 4.8.3. Where the Development Officer has granted a variance in the requirements of this By-law, notification of the variance shall be served upon assessed property owners of all properties that lie within 30 metres (100 feet) of the property subject to the variance.
- 4.8.4. Notification of a variance shall:
- (a) describe the variance granted;
 - (b) identify the property(s) subject to the variance; and
 - (c) set out the right to appeal the decision of the Development Officer to Council.
- 4.8.5. A sign in a form established by the Town and containing the above information shall also be posted by the applicant on the property subject to the variance.
- 4.8.6. Variance requests shall be accompanied by fee paid to the Development Officer, at the time of application, in an amount established by Council sufficient to pay the costs associated with giving notice of variances as required by the Act.



5 Lot & Subdivision Standards

5.1. Lot Zones

- 5.1.1. The subdivision of land and the creation of new streets within the Town of Lunenburg is governed by lot zones, the boundaries of which are shown on Schedule 'B', the Lot Zoning Map. Such zones may be referenced by the appropriate symbols:

Lot Zone Name	Lot Zone Symbol
Lot Zone 1	LZ1
Lot Zone 2	LZ2
Lot Zone 3	LZ3
Lot Zone 4	LZ4

5.2. Lot Standards

- 5.2.1. The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 1: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ² (1,185 ft ²)	370 m ² (3,983 ft ²)	330 m ² (3,553 ft ²)	37 m ² (399 ft ²)
Maximum Lot Area	465 m ² (5,005 ft ²)	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	40 m (131 ft)	-	-	-

- 5.2.1. Notwithstanding Subsection 5.2.1, the Nova Scotia Department of Environment and Climate Change may require larger minimum lot sizes for unserviced lots.

Existing Undersized Lots

- 5.2.2. Notwithstanding the minimum lot area and minimum lot frontage requirements of Table 1, any undersized lot legally in existence may be increased in area and/or frontage as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the maximum lot area or maximum lot frontage requirements of Table 1.



Existing Oversized Lots

- 5.2.3. Notwithstanding the maximum lot area and lot frontage requirements of Table 1, a legally existing oversized lot may be reduced in lot area and/or lot frontage requirements as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the minimum lot area or minimum lot frontage requirements of Table 1.

Subdivision By-law Exceptions

- 5.2.4. Notwithstanding the requirements of Section 5.2, lots may be subdivided using the provisions of Sections 5.3, 5.4, 5.5, and 5.6 of the Subdivision By-law and a development permit may be issued for development on these lots in compliance with all other requirements of this Land Use By-law.

Subdivision for Dwelling Party Walls

- 5.2.5. Notwithstanding the minimum lot frontage and area requirements of Subsection 5.2.1 a lot may be subdivided to place attached, side-by-side dwelling units on their own lot, with a lot line running along the party wall, provided:
- (a) the lot frontage is at least 6 metres (20 feet) for each dwelling unit and the total combined area of the lots complies with the minimum and maximum lot frontage requirements of Subsection 5.2.1;
 - (b) the total combined number of dwelling units in the dwelling does not exceed the maximum number of dwelling units on a lot outlined in Section 6.2, or six (6) dwelling units, whichever is less; and
 - (c) the total combined area of the lots complies with the minimum and maximum lot area requirements of Subsection 5.2.1.

5.3. Flag Lots

- 5.3.1. Flag lots shall not be permitted.



6 Land Uses & Required Bicycle Parking

6.1. Use Zones

- 6.1.1. The uses permitted on land within the Town of Lunenburg are governed by land use zones, the boundaries of which are shown on Schedule 'C', the Use Zoning Map. Such zones may be referenced by the appropriate symbols:

Use Zone Name	Use Zone Symbol
Lower Density Residential Use Zone	RL
Medium Density Residential Use Zone	RM
Higher Density Residential Use Zone	RH
Commercial Mixed Use Zone	CM
General Commercial Use Zone	CG
Waterfront Use Zone	W
Industrial Use Zone	M
Marine Industrial Use Zone	MM
Rural Use Zone	RUR
Institutional Use Zone	INS
Parks and Recreation Use Zone	PR

6.2. Tables of Permitted Uses

- 6.2.1. The following tables outline the permitted uses in each use zone, subject to the following scheme:
- (a) Uses denoted with a "P" are permitted subject to all requirements of this By-law, and to any sections noted in the "Special Req's" column.
 - (b) Dwelling uses denoted with a numeral are permitted up to the number of dwelling units identified by the numeral and subject to all requirements of this By-law. Dwelling uses with a 'P' are not limited in the number of permitted dwelling units. Accessory dwellings shall not be counted for the purposes of determining the number of dwelling units.
 - (c) Uses denoted with a "DA" are permitted by development agreement, subject to the Municipal Planning Strategy Policies noted in the "Special Req's" column.
 - (d) Uses denoted with a "-" or not listed in the table are not permitted.



Residential Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.1 to 6.4.4
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.5 to 6.4.7
Dwelling	2	4	P	P	P	-	-	-	P	-	-	subs. 6.4.8
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-	
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-	
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-	
Small Options Home	P	P	P	-	P	-	-	-	P	-	-	

Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P	
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-	
Emergency Services	-	-	-	P	-	-	P	P	-	P	-	
Government Uses	-	-	-	P	P	P	P	P	-	P	P	
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P	
Hospitals	-	-	-	-	-	-	-	-	-	P	-	
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-	
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-	
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-	
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-	



Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accommodations	-	-	-	P	P	-	-	-	-	-	-	
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-	
Animal Care	-	-	-	P	P	-	-	-	P	-	-	
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-	
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-	
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-	
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-	
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-	
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-	
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P	
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-	
Craft Food and Beverage Production	-	-	-	P	P	P	P	P	P	-	-	
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-	
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-	
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-	
Home-based Business	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.9
Kennel	-	-	-	-	-	-	P	-	P	-	-	
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-	
Marinas	-	-	-	-	-	P	-	P	-	-	-	
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P	
Offices	-	-	-	P	P	P	P	P	-	P	-	
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-	
Private Clubs	-	-	-	P	P	-	-	-	-	P	-	
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-	
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P	
Retail Stores	-	-	-	P	P	P	P	P	-	-	-	subs. 6.4.10
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-	
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-	
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.11 and 6.4.12
Wholesale	-	-	-	-	-	-	P	P	-	-	-	
Workshops	-	-	-	P	P	P	P	P	-	P	-	



Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-	
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-	MPS Policy 4-17
Light Industrial	-	-	-	P	P	P	P	P	-	-	-	
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-	
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-	
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-	
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-	
Warehousing	-	-	-	-	-	-	P	P	-	-	-	

Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-	
Cemeteries	-	-	-	-	-	-	-	-	P	P	P	
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-	
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-	
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-	
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	
Public Recreation	-	-	-	P	-	P	-	-	P	P	P	
Public Transportation	-	-	-	P	P	-	P	-	-	P	-	
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-	
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P	subs. 6.4.13 to 6.4.15
Water Access	P	P	P	P	P	P	P	P	P	P	P	



6.3. Existing Uses

- 6.3.1. The existing uses listed in Schedule 'A', Existing Uses are considered permitted.

6.4. Special Use Requirements

Accessory Dwellings

- 6.4.1. Accessory dwellings may be permitted within the main building or within a detached accessory building, but the total number of accessory dwellings shall be limited to one per lot.
- 6.4.2. The building footprint of a detached accessory dwelling shall not exceed 60 square metres or 40% of the building footprint of the main dwelling, whichever is larger.
- 6.4.3. Detached accessory dwellings shall not be located in the front yard.
- 6.4.4. Detached accessory dwellings shall meet form zone requirements for accessory buildings.

Bed and Breakfasts

- 6.4.5. Bed and breakfast uses shall not serve food to non-guests unless a restaurant is a permitted use in the applicable use zone.
- 6.4.6. Bed and breakfast uses shall be limited in size to six (6) sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone.
- 6.4.7. Notwithstanding Subsection 6.4.6, larger bed and breakfast uses may be permitted by development agreement subject to Municipal Planning Strategy Policy 4-10.

Dwellings

- 6.4.8. Within the Commercial Mixed Use Zone, dwelling units shall be prohibited on the ground floor within 15 metres (50 feet) of the front lot line. For greater clarity, uses accessory to dwellings, such as residential lobbies and amenity space, may be permitted on the ground floor.



Home-based Businesses

- 6.4.9. Home-based business shall meet the following requirements:
- (a) The dwelling must be the place of primary residence of the owner of the business.
 - (b) The business shall not employ on-site at one time more than two (2) persons whose primary residence is not the dwelling on the lot.
 - (c) The business must be located in the dwelling or in an accessory building.
 - (d) The following uses shall be permitted as a home-based business:
 - i. Business offices or professional offices
 - ii. Craft workshops and craft shops
 - iii. Personal service shops
 - iv. Tailoring and/or commercial sewing
 - v. Studios for the practice or instruction of fine arts, commercial arts or crafts
 - vi. Repair shops, excluding vehicle or small engine repair shops
 - vii. Day care centres
 - viii. Taxicab operations
 - ix. On-site preparation of food for off-site (catering)
 - (e) More than one of the uses permitted in clause (d) may be located on the site at one time, but multiple uses shall be considered as one home-based business for the purposes of compliance with this subsection.
 - (f) Retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business.
 - (g) The business shall not occupy an area equivalent to no more than 25% the gross floor area of the dwelling or 47 square metres (505 square feet), whichever is less.
 - (h) No more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located.



Retail Stores

6.4.10. Within the Industrial Use Zone and Marine Industrial Use Zone, retail stores shall:

- (a) be related to another use on the lot; and
- (b) not exceed 25 percent of the gross floor area on the lot.

Short-term Rentals

6.4.11. Only one short-term rental shall be permitted on a lot.

6.4.12. Short-term rentals shall not be permitted in accessory dwellings or accessory buildings.

Urban Agriculture

6.4.13. The keeping of chickens as an urban agriculture use shall be subject to the following requirements:

- (a) Roosters shall be prohibited.
- (b) The number of hens permitted shall be:
 - i. five (5) or fewer on lots 1,000 square metres (10,764 square feet) in area or smaller; and
 - ii. ten (10) or fewer on lots larger than 1,000 square metres (10,764 square feet).
- (c) The chickens shall be kept within an enclosure and not permitted to run at large.
- (d) Coops shall meet form zone requirements for accessory buildings.

6.4.14. The keeping of bees as an urban agriculture use shall be subject to the following requirements:

- (a) All hives shall be located at least 3.0 metres (10 feet) from any lot line, unless they are located on a rooftop at a height of 3.0 metres (10 feet) or higher.
- (b) All hives and colonies shall be registered with the Nova Scotia Department of Agriculture.

6.4.15. Community gardens shall include a clearly-defined area for solid waste and compost.



6.5. Adaptive Re-use

- 6.5.1. Adaptive re-use of former institutional buildings and properties for a use not otherwise permitted in the applicable use zone may be permitted by development agreement, subject to Municipal Planning Strategy Policy 4-12.

6.6. Non-conforming Uses

- 6.6.1. A non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.
- 6.6.2. A non-conforming use may be expanded or converted to another non-conforming use by development agreement as provided for by Municipal Planning Strategy Policy 4-24.

6.7. Accessory Uses

- 6.7.1. Uses accessory to a main use shall be permitted in all use zones.

Electric Vehicle Charging – Accessory

- 6.7.2. Nothing in this By-law shall prevent the installation of an electric vehicle charging station where the station is for the exclusive domestic use of a dwelling.
- 6.7.3. Charging stations for electric vehicles that are not for the exclusive use of a dwelling shall be permitted as an accessory use in all use zones except the Lower Density Residential Use Zone.
- 6.7.4. Electric vehicle charging stations operated on a commercial basis shall be permitted, or not, as indicated in each use zone's permitted uses table.

Solar Collector Systems – Accessory

- 6.7.5. On-building solar collector systems shall be permitted as an accessory use in all use zones.
- 6.7.6. On-building solar collector systems shall be exempt from building height requirements.
- 6.7.7. Off-building solar collector systems may be permitted as an accessory use to a maximum panel area of 4 square metres (43 square feet) and subject to the form requirements for accessory buildings.



Wind Turbines – Accessory

- 6.7.8. Wind turbines shall be permitted as an accessory use in all use zones.
- 6.7.9. Notwithstanding form zone requirements, wind turbines shall not exceed a height of 9 metres (29 feet) or a nameplate generation capacity of 10 kW.

Residential Storage Buildings

- 6.7.10. Storage buildings associated with a residential use, including but not limited to garages and boathouses, may be permitted as the main use on a lot subject to the following requirements:
 - (a) In the General Commercial Use Zone the storage building must be within 30 metres (98 feet) of a lot with a dwelling on it held in the same ownership.
 - (b) In all other use zones the storage building must be on a lot abutting a lot with a dwelling on it held in the same ownership.
 - (c) The applicable form zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.
 - (d) Notwithstanding form zone requirements, the storage building shall:
 - i. not exceed 37 square metres (398 square feet) in building footprint; and
 - ii. not exceed 8 metres (26 feet) in height.

6.8. Temporary Uses

Temporary Uses Incidental to Constructions

- 6.8.1. This By-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.
- 6.8.2. A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued or is not required by this By-law for the development being constructed.
- 6.8.3. Any land uses or temporary buildings or structures incidental to construction must be terminated or removed:
 - (a) after the completion of the development being constructed; or
 - (b) if construction has not completed within two (2) years of commencement, Council may, by resolution, order the termination or removal of the temporary land use or buildings or structures.



Temporary Uses for Special Occasions and Holidays

- 6.8.4. This By-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.5. A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.6. Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within two (2) days after the end of the special occasion or holiday.

6.9. Farm, Fish, and Forest Sales from a Stand or Parked Motor Vehicle

- 6.9.1. Outdoor sales from a stand or parked motor vehicle of fresh flowers, fruit, and vegetables; products from the sea; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products is allowed in the Mixed Use Zone, General Commercial Use Zone, Waterfront Use Zone, and Rural Use Zone without the requirement for a development permit, subject to the *Vending By-law*.
- 6.9.2. Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 6.9.3. Outdoor sales from a stand or parked motor vehicle shall not be located within the street right-of-way.

6.10. Home Occupations

Personal Office or Studio

- 6.10.1. Nothing in this By-law shall prevent the use of a portion of any dwelling or building accessory to a dwelling as personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.
- 6.10.2. No development permit is required for a personal office or studio.

Instruction of One Student at a Time

- 6.10.3. Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.
- 6.10.4. No development permit is required for the instruction of one student at a time.



6.11. Obnoxious Uses

- 6.11.1. Obnoxious uses shall not be permitted except heavy industrial uses where the Use Zone permits the heavy industrial use by development agreement and subject to any terms in the development agreement to manage or control the obnoxious effects of the use.

6.12. Vending

- 6.12.1. Vending shall comply with the *Vending By-law* and with Schedule 'G', Vending, of this Land Use By-law.
- 6.12.2. Where the *Vending By-law* references a section of this Land Use By-law that reference shall be considered as a reference to the section with the same name within Schedule 'G', Vending, of this Land Use By-law.

6.13. Minimum Bicycle Parking Requirements by Use

- 6.13.1. No development permit shall be issued for any development unless bicycle parking is provided and maintained in conformity with Table 3 and the standards of this Section.

Table 3: Minimum Bicycle Parking Requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² (2,153 ft ²) GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

- 6.13.2. If a lot contains more than one main use the minimum bicycle parking requirements of Table 3 for each use shall be summed to determine the total number of required spaces.
- 6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings within the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, of this By-law.



Bicycle Parking Space Dimensions

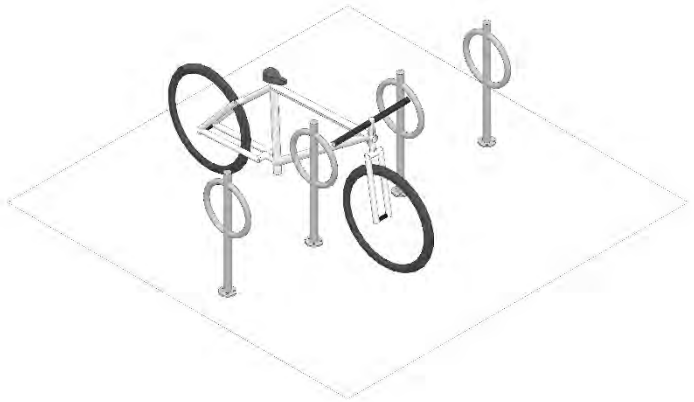
- 6.13.4. Bicycle parking spaces provided for the purposes of fulfilling the requirements of Subsection 6.13.1 shall:
- (a) have a minimum width of 0.6 metres (2 feet) and a minimum length of 2 metres (6.6 feet);
 - (b) be free of obstructions to a height of 2 metres (6.6 feet);
 - (c) not obstruct vehicular or pedestrian circulation;
 - (d) be accessed by an access lane with a minimum unobstructed width of 1.2 metres (4 feet); and
 - (e) include an “inverted U” or “post-and-ring” bicycle rack that:
 - i. is located on one side of the parking space and oriented parallel to the length of the parking space;
 - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space; and
 - iii. is made of metal.
- 6.13.5. For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.

Bicycle Parking Location

- 6.13.6. Bicycle parking spaces provided for the purposes of Subsection 6.13.1 shall:
- (a) be accessible to the public; and
 - (b) be located between the main building and the front lot line unless, in the opinion of the Development Officer, this location is impossible due to an existing main building being located on or near to the front lot line.
- 6.13.7. The requirements of Subsection 6.13.6 shall not apply to bicycle parking spaces for dwellings.



Inverted "U" and Post-and-Ring bicycle Racks





7 Form

7.1. Form Zones

- 7.1.1. The forms of buildings within the Town of Lunenburg are governed by form zones, the boundaries of which are shown on Schedule 'D', the Form Zoning Map. The zones may be referenced by their corresponding symbol:

Form Zone Name	Form Zone Symbol
Old Town 1 Form Zone	OT1
Old Town 2 Form Zone	OT2
Old Town/New Town 1 Form Zone	ONT1
Old Town/New Town 2 Form Zone	ONT2
New Town 1 Form Zone	NT1
Main Street Form Zone	MST
Marine Form Zone	MA
Community Form Zone	CTY
Industry Form Zone	IN
Rural Form Zone	RF
Shoreline Form Zone	S

7.2. General Form Requirements

Servicing

- 7.2.1. Plumbed development in all form zones except the Rural Form Zone shall be serviced by the Town sewer and water systems where these services are available. If availability is disputed or unclear the Town Engineer shall be solely responsible for making a determination.
- 7.2.2. Notwithstanding Subsection 7.2.1, the Town Engineer may permit industrial uses to utilize private treatment and disposal systems if the effluent waste stream would not be appropriate for the Town sewer system.

Corner Vision Triangle

- 7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map. This provision shall not apply above a height of 2.4 metres (7.9 feet).



Fences

- 7.2.4. Notwithstanding minimum setbacks, fences and walls 1.8 metres (5.9 feet) or less in height in any form zone, and fences of any height in the Industry Form Zone, may be erected along property lines.
- 7.2.5. Fences or walls greater than 1.8 metres (5.9 feet) in height shall not be permitted within the Old Town 1 Form Zone, Old Town 2 Form Zone, or Old Town/New Town 1 Form Zone.
- 7.2.6. The use of barbed wire or other sharp-edged materials is prohibited except at the top of fences or walls over 2 metres (6.6 feet) high (where permitted) or fences or walls associated with agricultural uses in the Rural Form Zone and Industry Form Zone.

Exterior Lighting

- 7.2.7. Exterior lighting on any lot shall be directed away from abutting properties and streets.

Canopies and Covered Ways

- 7.2.8. No canopy or covered way shall be erected so that any portion of the structure protrudes below a height of 2.5 metres (8.2 feet) above grade, or the height required by Town snow removal equipment, whichever is greater, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

Balconies, Extended Dormers, Exterior Staircases and Fire Escapes

- 7.2.9. In any form zone where setback or yard requirements are 0 metres, balconies, extended dormers, exterior staircases and fire escapes added to buildings existing on [adoption date] shall be permitted to project over abutting property lines provided an easement permitting the encroachment is registered on the abutting property prior to the application for a development permit.



Flood Risk Area Development Standards

- 7.2.10. New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
- (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.

Take-Out Windows

- 7.2.11. "Take-out" windows enabling walk-up service from private property or the public sidewalk shall be permitted in all form zones.

Drive Through Facilities

- 7.2.12. Drive through facilities shall be prohibited in all form zones except the Main Street Form Zone.

Waste Receptacles

- 7.2.13. Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.

Shipping Containers

- 7.2.14. Shipping containers shall not be permitted as accessory buildings except in the Marine Form Zone, Community Form Zone, Industry Form Zone, and Rural Form Zone.
- 7.2.15. In the Rural Form Zone the total length of shipping containers used as accessory buildings on the lot shall not exceed 12.2 metres (40 feet).



7.3. Architectural Control Area

New Buildings

- 7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area 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;
 - (b) building length to width ratio;
 - (c) height;
 - (d) roof shape;
 - (e) appearance of exterior cladding and roof materials;
 - (f) architectural details and trim;
 - (g) shape and size of porches, doors and windows;
 - (h) window area to wall area ratio; and
 - (i) location, type, bulk and appearance of chimneys.
- 7.3.2. New buildings located on corner lots may use either street as the street on which they front.

Additions and Alterations to Existing Buildings

- 7.3.3. 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 Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.



7.4. Number of Main Buildings on a Lot

- 7.4.1. In all form zones except those specified in Subsections 7.4.2 and 7.4.3, below, only one main building shall be permitted on a lot.
- 7.4.2. Within the Marine Form Zone, Industry Form Zone, and Shoreline Form Zone, there shall be no limit on the number of main buildings on a lot.
- 7.4.3. Within the Old Town/New Town 2, New Town 1, and Main Street Form Zones, multiple main buildings shall be permitted on a lot, subject to the following requirements:
 - (a) The maximum front and flankage setbacks of Subsection 7.5.1 shall only apply to the main building that is closest to the front lot line.
 - (b) The streetwall and stepback requirements of Subsections 7.7.2 and 7.7.3 shall only apply to the main building that is closest to the front lot line.
 - (c) Notwithstanding the requirements of Clause 7.9.4(f), all surface parking shall be located to the rear of the main building that is closest to the front lot line.
 - (d) The minimum separation distance between main buildings shall be 2.5 metres (8.2 feet).
 - (e) All main buildings shall be connected to each-other and to the front lot line by means of a network of pedestrian walkways meeting the standards of Subsection 7.9.1.
 - (f) At least one tree with a minimum caliper of 50 mm shall be planted, or one existing tree with a minimum caliper of 150mm shall be preserved, for every 20 square metres (215 square feet) of lot area not covered by buildings. For greater clarity, the trees may be grouped together.



7.5. Setbacks

Main Building Setbacks

- 7.5.1. Main buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 5: Main Building Setbacks

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	4 m (13 ft)	0 m (0 ft)	1.5 m (5 ft)
Old Town 2	0 m (0 ft)	4 m (13 ft)	1.2 m (4 ft)	3.5 m (11.5 ft)
Old Town/New Town 1	0 m (0 ft)	6 m (19.5 ft)	2.4 m (8 ft)	6 m (20 ft)
Old Town/New Town 2	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	6 m (20 ft)
New Town 1	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	4 m (13.5 ft)
Main Street	1.5 m (5 ft)	4 m (13 ft)	2.4 m (8 ft)	6 m (20 ft)
Marine	0 m (0 ft)	-	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	-	4.5 m (15 ft)	7.5 m (25 ft)
Industry	12 m (40 ft)	-	6 m (20 ft)	12 m (40 ft)
Rural	6 m (20 ft)	-	2.4 m (8 ft)	6 m (20 ft)
Shoreline	0 m (0 ft)	-	1.2 m (4 ft)	0 m (0 ft)

- 7.5.2. The maximum front and flankage setbacks shall not apply for enlargements of existing buildings.
- 7.5.3. The minimum rear and side setback requirements are waived for any setback that directly abuts a harbour shoreline in the Industry and Marine Form Zones.
- 7.5.4. Notwithstanding minimum side setback requirements the party wall of attached, side-by-side dwelling units may be centred on mutual side lot lines.

Accessory Building Setbacks

- 7.5.5. Accessory buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 6: Accessory Building Setbacks

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town 2	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 2	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
New Town 1	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Main Street	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Marine	0 m (0 ft)	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Industry	12 m (40 ft)	6 m (20 ft)	6 m (20 ft)
Rural	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Shoreline	0 m (0 ft)	1.2 m (4 ft)	0 m (0 ft)

- 7.5.6. Accessory buildings shall be located on the same lot as the main use.
- 7.5.7. Accessory buildings shall not be located in the front or flankage yard.
- 7.5.8. Notwithstanding Subsection 7.5.5, an accessory building less than 16 square metres (172 square feet) in gross floor area may have a minimum rear and/or side yard of not less than 1.0 metre (3.3 feet).
- 7.5.9. Notwithstanding minimum side setbacks, the party wall of a semi-detached garage may be centred on a mutual side lot line.
- 7.5.10. Notwithstanding minimum side and rear setbacks, boat houses, docks, wharves, or piers may be built across the lot line corresponding to the water's edge.



- 7.5.11. Notwithstanding Subsection 7.5.5, accessory buildings legally existing on [adoption date] with less than the required setback may be replaced or rebuilt in the same location provided the undersized setback is not further reduced.

Encroachment into Setbacks

- 7.5.12. Notwithstanding Subsections 7.5.1 and 7.5.5 the follow encroachments into minimum required setbacks shall be permitted:

Table 7: Permitted Encroachments

Feature	Required Setback in which Encroachment is Permitted	Permitted Encroachment Distance
Balconies, decks (> 0.3 m high), patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered)	Front, rear and flankage	2.5 m (8.2 ft)
Barrier free access structures	Any	To lot line
Carports	Side	0.6 m (1.9 ft) from lot line
Decks less than 0.3 metres (0.98 ft) high	Any	To lot line
Exterior insulation retrofitted to an existing building	Any	0.3 m (0.98 ft)
Fire escapes and exterior staircases	Rear and side	1.5 m (4.9 ft)
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m (1.9 ft)
Window bays up to 3 metres (9.8 ft) wide	Front, rear and flankage	1 m (3.2 ft)
Lunenburg Bump	Front	To lot line



7.6. Site Design

- 7.6.1. Development within the Town shall comply with the following site design requirements:

Table 8: Site Design Requirements

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Abutting Zone Requirements

- 7.6.2. Where a yard or lot located within the Industry Form Zone abuts any other zone, the following restrictions apply to the abutting yard within the Industry Form Zone:
- the minimum setback required for the abutting yard shall be 6 metres (20 feet);
 - the required abutting setback shall be planted with a mix of coniferous and deciduous trees;
 - no open storage or permanent outdoor display is permitted in the abutting yard in the Industry Form Zone; and
 - no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

Outdoor Storage

- 7.6.3. The following requirements apply to outdoor storage, where permitted:
- Outdoor storage is not permitted within the required minimum front or flankage setback of a lot.
 - All outdoor storage in the front, flankage, and side yards shall be screened or be within a solid enclosure.
 - The area devoted to outdoor storage shall not exceed 50% of the lot area.



7.7. Building Form

Main Building Form

- 7.7.1. Main buildings constructed in the Main Street Form Zone shall be oriented with their primary façade and main entrance approximately parallel to the front lot line. Where there is more than one main building on a lot, this requirement shall only apply to the one closest to the front lot line.
- 7.7.2. Main buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 9: Main Building Form Requirements

Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max. Building Footprint
Old Town 1	10.5 m (34 ft)	6 m (20 ft)	-	-	-	-	-
Old Town 2	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 1	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 2	10.5 m (34 ft)	-	-	-	-	-	-
New Town 1	19.5 m (63 ft)	-	-	-	-	-	1,500 m ² (16,145 ft ²)
Main Street	20.5 m (67 ft)	10 m (33 ft)	4 m (13.2 ft)	10 m (33 ft)	16 m (52 ft)	3 m (10 ft)	3,000 m ² (32,291 ft ²)
Marine	19.5 m (63 ft)	-	-	-	-	-	-
Community	10.5 m (34 ft)	-	-	-	-	-	-
Industry	13.5 m (44 ft)	-	-	-	-	-	-
Rural	10.5 m (34 ft)	-	-	-	-	-	-
Shoreline	8 m (26 ft)	-	-	-	-	-	47 m ² (505 ft ²)

Streetwall Width

- 7.7.3. Main buildings constructed in the Main Street Form Zone shall have a streetwall width a minimum of 40 metres (132 feet) or 60% of the lot frontage, whichever is less.

Accessory Building Form

- 7.7.4. Accessory buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 10: Accessory Building Form Requirements

Form Zone	Maximum Height
Old Town 1	8 m (26 ft)
Old Town 2	8 m (26 ft)
Old Town/New Town 1	8 m (26 ft)
Old Town/New Town 2	8 m (26 ft)
New Town 1	8 m (26 ft)
Main Street	8 m (26 ft)
Marine	8 m (26 ft)
Community	8 m (26 ft)
Industry	8 m (26 ft)
Rural	8 m (26 ft)
Shoreline	8 m (26 ft)

Height Exemptions

- 7.7.5. Notwithstanding Subsections 7.7.2 and 7.7.4 minimum and maximum height requirements shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, and telecommunication towers.

7.8. Signage

Permits Required for Signs

- 7.8.1. Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
- 7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is a registered municipal heritage property or if it is in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.



Counting Signs

- 7.8.3. A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.

Prohibited Signs

- 7.8.4. The following signs shall be prohibited:
- (a) Signs that incorporate any flashing or moving illumination, except for menu board signs.
 - (b) Signs that incorporate illumination that varies in intensity or colour, including flashing lights, except for menu board signs.
 - (c) Roof signs.
 - (d) Signs that are a hazard to public health or safety.
 - (e) Signs that obstruct drivers' vision or any traffic sign or traffic control device.
 - (f) Signs that obstruct the use of a fire escape door, windows, or other required exit.
 - (g) Signs that make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic.
 - (h) Signs that advertise a product, service, or business that is not available at that location.
 - (i) Signs on public property or public right-of-way, unless:
 - i. erected by a public authority;
 - ii. erected with the permission of the owner of the property; or
 - iii. the sign is a portable sign in compliance with this By-law.
 - (j) Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

Signs Permitted in all Form Zones

- 7.8.5. The following signs are permitted in all form zones and a development permit is not required:
- (a) Signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2.15 square feet) in sign area.



- (b) "No trespassing" signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2.15 square feet) in sign area.
- (c) Real estate signs, not exceeding 1.5 square metres (16 square feet) in sign area in the Rural, Marine, and Industrial Form Zones and 0.5 square metres (5.3 square feet) in sign area other zones, which advertise the sale, rental or lease of the premises.
- (d) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5.3 square feet) in area.
- (e) Signs erected by a government body, or under the direction or authority of such a body, such as, but not limited to, traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, public interpretive signs, and commercial direction signs forming part of a direction sign program for the Town.
- (f) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure.
- (g) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
- (h) A sign having an area of not more than 4.5 square metres (48.4 square feet) incidental to construction and located on the same site as the building under construction.
- (i) Signs associated with a Federal, Provincial or Municipal election.
- (j) One sign for each street frontage of a lot to be subdivided, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet) advertising a subdivision, and located within the area of the plan of subdivision.
- (k) One sign for each street frontage of a lot to be developed, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet), advertising a dwelling development of more than six dwelling units, and located on the parcel to be developed.
- (l) Signs (including banners) indicating "open", "closed", "sale" or similar terms for any business.
- (m) Temporary signs in windows advertising sales and bargains that are displayed for two weeks or less.
- (n) Temporary community special event signs that are displayed for the duration of the event and removed within one week of the event's conclusion.



- (o) Notices attached to a community bulletin board if a development permit has been issued for the community bulletin board.
- (p) Advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.

Changeable Copy Signs

7.8.6. Changeable copy signs are not permitted in the Old Town 1 Form Zone.

Ground Signs

7.8.7. In the Main Street and Industry Form Zones ground signs shall:

- (a) not exceed 10 square metres (107 square feet) in sign area; and
- (b) not exceed 6 metres (19.6 feet) in height.

7.8.8. In all other form zones, ground signs shall:

- (a) not exceed 2.4 square metres (25.8 square feet) in sign area; and
- (b) not exceed 3 metres (9.8 feet) in height.

7.8.9. Ground signs shall not extend into:

- (a) an adjacent property;
- (b) a driveway;
- (c) a parking space;
- (d) a corner vision triangle; or
- (e) a street or other public right-of-way.

7.8.10. There shall only be one ground sign on a property, except in the Main Street Form Zone where two shall be permitted.

7.8.11. Ground signs in the Main Street Form Zone and Community Form Zone may be digital, in whole or in part, subject to the following requirements:

- (a) The content of the digital sign shall not change more frequently than once every 30 seconds.
- (b) The digital sign shall not cause glare on adjacent roadways or on other lots.

7.8.12. Ground signs may have an additional signage area of not more than 1.0 square metres (10.7 square feet) to denote the price of fuel.



Menu Signs

- 7.8.13. Within the Main Street Form Zone two menu signs shall be permitted in conjunction with a drive-through facility and such signs shall not count towards the number of ground signs permitted on the lot.

Projecting Signs

- 7.8.14. No projecting sign shall:
- (a) exceed 2 square metres (21.5 square feet) in sign area;
 - (b) project over a public street beyond the curb line;
 - (c) project above the eaves, parapet or roof line of a building;
 - (d) be erected at less than a height of 2.4 metres (7.9 feet) above grade, measured from the lowest point on the sign; or
 - (e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

Wall Signs

- 7.8.15. Wall signs shall not extend above the wall or beyond the extremities of the wall on which it is placed.
- 7.8.16. In all form zones except the Main Street Form Zone:
- (a) no wall sign may cover more than 5% of the area of the wall on which it is placed;
 - (b) the total area of a wall covered by wall signs may not exceed 9 square metres (96.8 square feet).
- 7.8.17. In the Main Street Form Zone:
- (a) no wall sign may cover more than 10% of the area of the wall on which it is placed; and
 - (b) the total area of a wall covered by wall signs may not exceed 37 square metres (398 square feet).
- 7.8.18. In this Section, the length of a wall is measured from the extremities of the building.
- 7.8.19. In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.



Portable Signs

- 7.8.20. Portable signs are only permitted in the Old Town 1 and Main Street Form Zones.
- 7.8.21. A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.
- 7.8.22. A portable sign shall not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.
- 7.8.23. A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers' vision.
- 7.8.24. A portable sign on a sidewalk shall be positioned so as to leave at least 1.0 metres (3.3 feet) between the sign and the curb.
- 7.8.25. There shall not be more than one portable sign per business.
- 7.8.26. In the Old Town 1 Form Zone a portable sign may not exceed 1.0 square metres (3.3 feet) in sign area, be more than 0.8 metres (2.6 feet) wide, or be more than 1.4 metres (4.5 feet) high.
- 7.8.27. In the Main Street Form Zone, a portable sign may not exceed 1.2 square metres (12.9 square feet) in sign area, be more than 1.0 metres (3.2 feet) wide, or be more than 1.4 metres (4.5 feet) high.

Window Signs

- 7.8.28. No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

Community Bulletin Board

- 7.8.29. That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (21.5 square feet).



7.9. Parking and Access Design

Pedestrian Access

- 7.9.1. New main buildings in all form zones except the Rural Form Zone shall have a pedestrian access connecting the primary entrance to the front lot line and meeting the following requirements:
- (a) The pedestrian access shall be at least 1.0 metres (3.3 feet) wide.
 - (b) The pedestrian access shall be surfaced with asphalt, concrete, bricks, flagstone, or pavers.
 - (c) The pedestrian access shall be separated from vehicular traffic by means of:
 - i. a difference in grade of no less than 0.15 metres (0.5 feet);
 - ii. a vegetated area not less than 0.5 metres (1.7 feet) wide; or
 - iii. through the use of protective barriers such as, but not limited to, curbs, planters, or Jersey barriers.

Vehicular Access

- 7.9.2. Within the Main Street Form Zone, no more than one driveway access and curb cut shall be permitted per lot on each road frontage unless spaced more than 18 metres (60 feet) apart. This distance may be reduced to 15 metres (50 feet) on large lots with 30 metres (99 feet) or more lot frontage subject to approval of the Town Engineer.
- 7.9.3. Except in the Industry Form Zone and Marine Form Zone, driveways shall not exceed a width of 10 metres (32.8 metres) at the property line.

Surface Parking Areas

- 7.9.4. Surface parking areas for four (4) or more automobiles shall meet the following requirements:
- (a) All parking spaces shall have an unobstructed access on a public street or unobstructed access to a driveway or aisle that leads to a public street.
 - (b) The parking area shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grass grid.



- (c) Any lights used for illumination of the parking area shall be arranged as to divert the light away from streets, and abutting lots.
- (d) For any parking area containing more than six (6) parking spaces, any ingress or egress driveways shall not be closer than 10 metres (32.8 feet) to the centreline of any street intersection.
- (e) The maximum continuous length of a parking row shall be 18 parking spaces. Parking rows longer than 18 parking spaces shall be divided into segments not longer than 18 parking spaces by landscaped islands that:
 - i. are the full depth of the parking row (5.8 metres min.) and a minimum of 1.8 metres wide; and
 - ii. contain a minimum of one deciduous tree (50mm caliper) and eight shrubs (min 60cm high) or to meet the requirements of a stormwater island.
- (f) Except in the Community Form Zone, only the first three (3) parking spaces shall be permitted to locate in the front yard or flankage yard (combined) and all other spaces shall be located in the side and/or rear yards. Where, in the opinion of the Development Officer, it would be impossible to locate automobile parking in the rear or side yards due to the placement of existing buildings spaces may be located in the front and/or flankage yard to the extent necessary and a landscaped strip shall be provided along the front and/or flankage property line (excepting access points) and the strip shall:
 - i. be a minimum depth of 1.5 metres (5 feet);
 - ii. contain a minimum of one tree (50mm minimum caliper) for every 3 metres of strip length; and
 - iii. incorporate additional vegetation as may be required by the Development Officer to screen the parked cars without obstructing views.



Structured Parking in Main Street and Old Town 1 Form Zones

- 7.9.5. All new structured parking developed in the Main Street and Old Town 1 Form Zones shall meet the following requirements:
- (a) At least the front 5 metres (16.5 feet) of the ground floor of the structure shall be dedicated to uses other than parking, such as, but not limited to, commercial storefronts or residential lobbies.
 - (b) Notwithstanding Clause (a), a parking garage entry up to 6 metres (19.6 feet) wide is permitted on the ground floor frontage. However, where possible, parking garage entries should exit from the rear or side of a building.
 - (c) Parking garage entries that cross a sidewalk must be designed for safe passage of pedestrians.
 - (d) Parking stalls shall supply electric vehicle charging in the following ratios (with fractions rounded down):
 - i. 50% of the stalls shall include Level 1 (120v) charging plugs.
 - ii. 10% of the stalls shall include Level 2 (240v) charging plugs.

Parking in the Community Form Zone

- 7.9.6. Automobile parking areas in the Community Form Zone must be visually screened from abutting properties not located in the same zone by means of a fence or hedge or combination of at least 1.5 metres (5 feet) in height.

7.10. Non-conforming Structures

- 7.10.1. Non-conforming structures shall be permitted to expand provided the expansion does not further increase the non-conformity.
- 7.10.2. A non-conforming structure may be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage



8 Definitions

A

Accessory Building means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Dwelling means the use of a building or part of a building for a dwelling unit subservient to another dwelling unit on the lot.

Accessory Structure means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Use means a use subordinate and naturally, customarily, and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot.

Accommodations means the use of a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, and cottage or cabin rentals.

Act means, unless otherwise specified, the *Municipal Government Act* of the Province of Nova Scotia.

Agricultural Uses means the use of land, buildings, or structures to raise crops or livestock and includes the sale of agricultural products produced on the land.

Animal Care means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

Assembly Uses means the use of a building or part thereof for public assembly such as, but not limited to, community halls, gymnasiums, and auditoria.

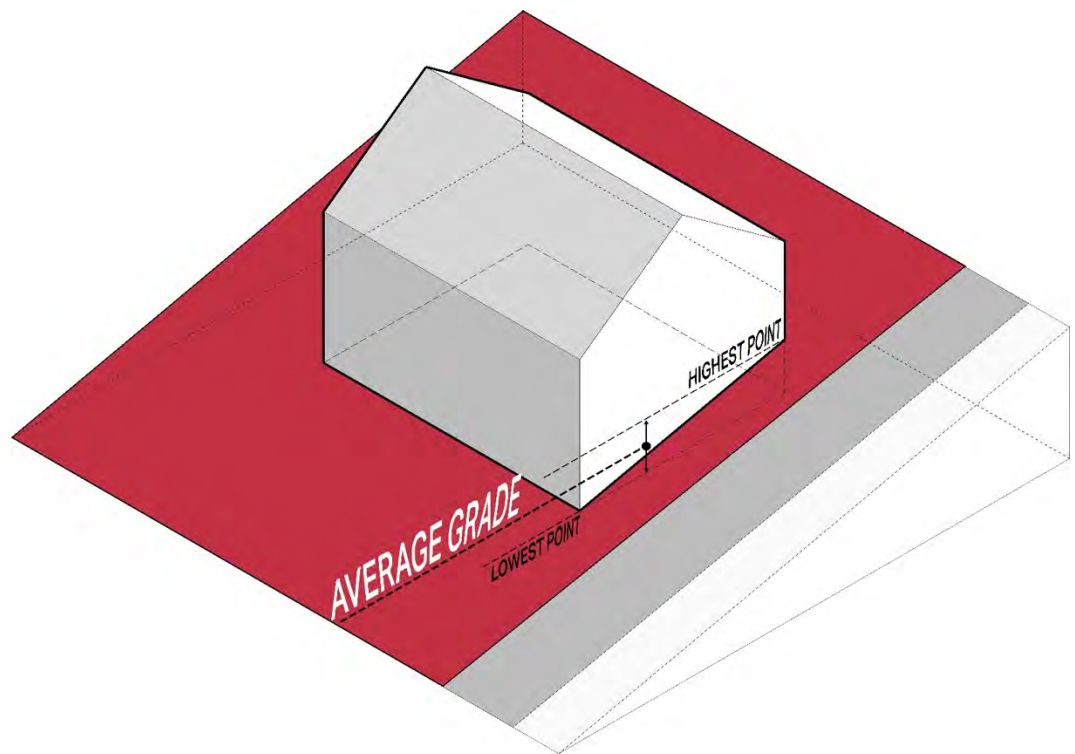
Automobile Body Shop means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.



Automobile Fueling and Washing means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

Automobile Repair means the use of a building or part thereof for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

Average Grade means the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building, or, in the case of a structure other than a building, the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment.



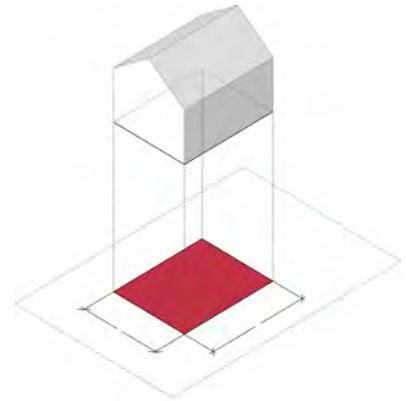


B

Bed and Breakfast means a single-unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.

Building means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

Building Footprint means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.



Building Official means the person or persons appointed by Council from time to time to administer the *Building By-law*.

Building Supply and Equipment Depot means the use of buildings or land for the storage of materials and equipment in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, landscapers, and plumbers.

C

Cemetery means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

Chicken means a member of the animal species *Gallus gallus domesticus*.

Craft Food and Beverage Production means the use of a building or part thereof for the production of:

- (a) specialized food products intended for retail sale;
- (b) not more than 150,000 hectolitres of beer, wine, mead, pre-mixed cocktails, kombucha, or non-alcoholic beverages in a year; or
- (c) not more than 75,000 litres of distilled spirits in a year;

and may include public tasting and retail sales of the product but does not include a restaurant or licensed liquor establishment unless those uses are permitted as a main use in the applicable use zone.

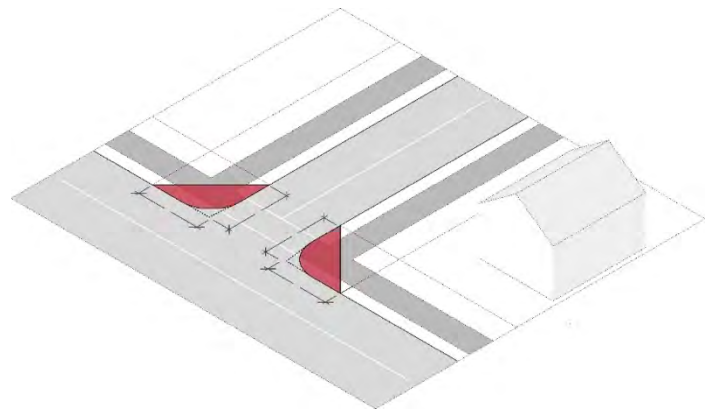
Commercial Club means the use of a building in a manner that is restricted to members and their guests, operated for gain.

Commercial Recreation, Indoor means the use of a building or part thereof for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

Commercial Recreation, Outdoor means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, campgrounds, and RV parks; but does not include outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

Corner Vision Triangle

means that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 3 metres from the intersection.



Council means the elected Council of the Town of Lunenburg.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.



D

Daycare Centre means the use of a building or part thereof for the care of people without overnight accommodation, but does not include a school.

Development Officer means the person or persons appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

Dwelling means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units.

Dwelling Unit ("DU") means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

E

Electric Vehicle Charging, Commercial means infrastructure that supplies energy for the charging of electric vehicles, such as plug-in electric and hybrid vehicles, for remuneration. For greater clarity, electric vehicle charging provided for free as a service to customers of a main use of land, such as accommodations or a retail shop, is not considered "commercial".

Emergency Services means the use of a building or land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

F

Farmers' Market means the use of land, buildings, structures, or part thereof by five or more vendors where the greater part of the goods for sale are products of the farm, the forest, or the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products produced by the vendors or their immediate families.

Forestry Uses means the use of land or buildings for commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.



Funeral Home means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

G

Gross Floor Area ("GFA") means the maximum area contained within the outside walls of the building, excluding garages, porches, verandahs, sunrooms, unfinished attics or basements, any detached building, and any room not habitable at all seasons of the year. For commercial and industrial uses the area dedicated to washrooms and furnace rooms shall be excluded from the gross floor area measurement.

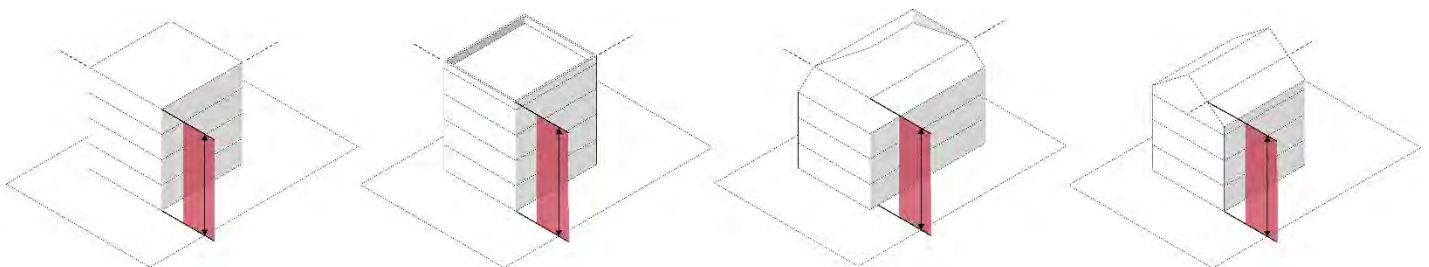
H

Habitable Area means an enclosed area of a building designed and/or used for the purposes of human habitation or care but shall not include parking areas or building access areas, such as lobbies.

Heavy Industrial means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

Height means the vertical distance from average grade to the referenced point.

Building Height means the height measured to the highest point of the roof surface on a flat roof without a parapet; the highest point on the parapet around a flat roof, if there is one; the deckline of a mansard roof; the midpoint between the eaves and ridges of other roof types, measured to the highest gable.





Ground Floor Height means the height measured to the bottom of the slab or floor joists of the second floor of a multi-story building or to the bottom of the ceiling joists in a one-story building. In the case of one-story buildings with cathedral ceilings, ground floor height shall be measured to the mid-point between the lowest and highest points on the interior of the finished ceiling.

Structure Height means the height measured to the highest point on any non-building structure.

Home-based Business means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

I

Interpretive Centre means the use of a building or structure or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

J

K

Kennel means the use of land, a building, or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold, and/or boarded.

L

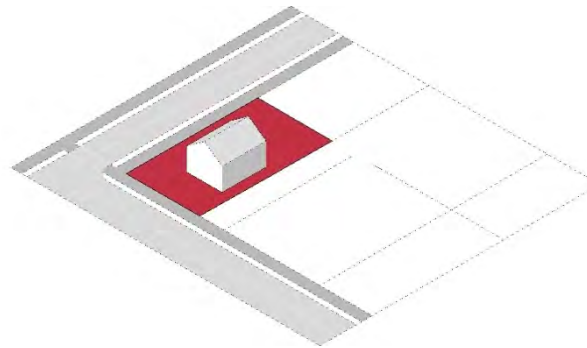
Licensed Liquor Establishment means the use of land, a building, or part thereof for a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Light Industrial means the use of a building for machining, manufacturing, assembly, and/or processing and such use shall be wholly contained within the building and shall not include explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

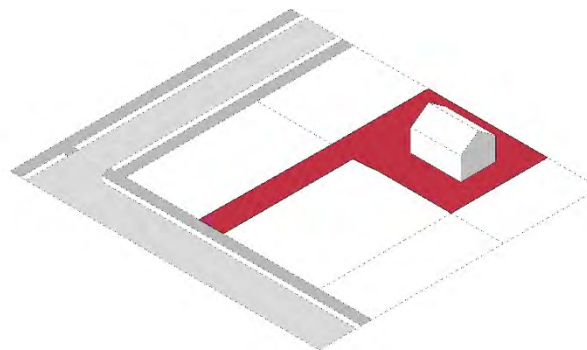
Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.



Corner Lot means a lot situated at the intersection of land abutting on two or more streets or private roads.



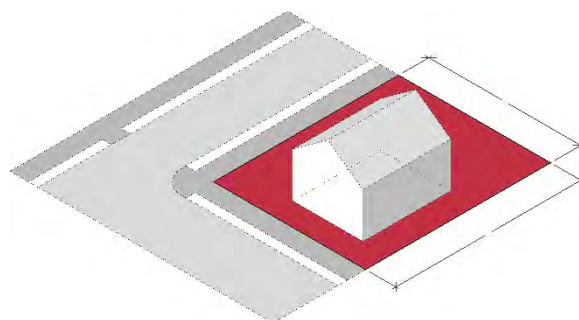
Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a prolongation or "pole" with a width less than the minimum lot frontage permitted in the applicable lot zone and that extends from the main body of the lot to a public or private road.



Serviced Lot means a lot that is serviced by a municipal sewer system, or is in the process of tentative subdivision approval and has been identified for connection to a municipal sewer system, and may or may not include municipal water services.

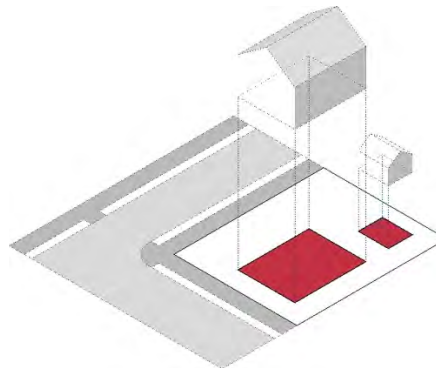
Unserviced Lot means a lot that is not serviced by a municipal sewer system.

Lot Area means the total horizontal area within the lot lines of a lot.

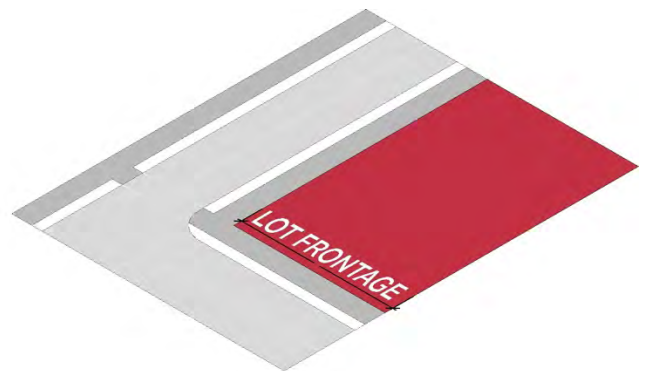




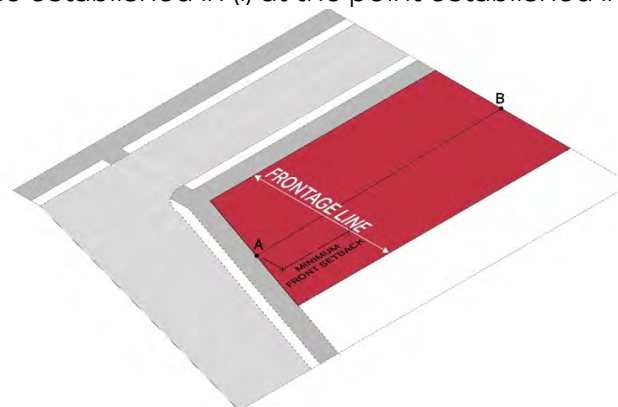
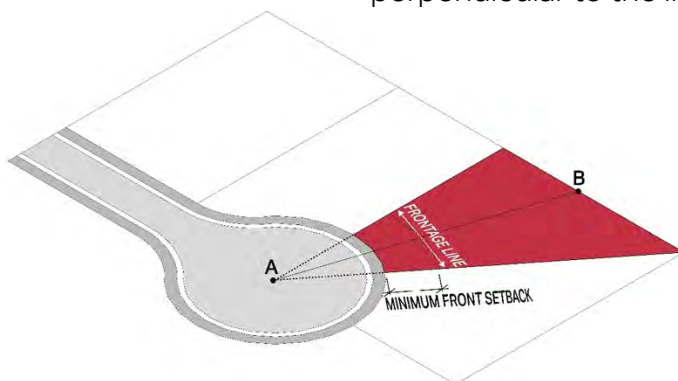
Lot Coverage means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition cantilevers shall be counted.



Lot Frontage means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road. Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,



- i. establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
- ii. establish the point on the line established in (i) that is the distance of the minimum front setback required in the applicable zone from the street; and
- iii. measure the distance between the side lot lines along the line perpendicular to the line established in (i) at the point established in (iii).





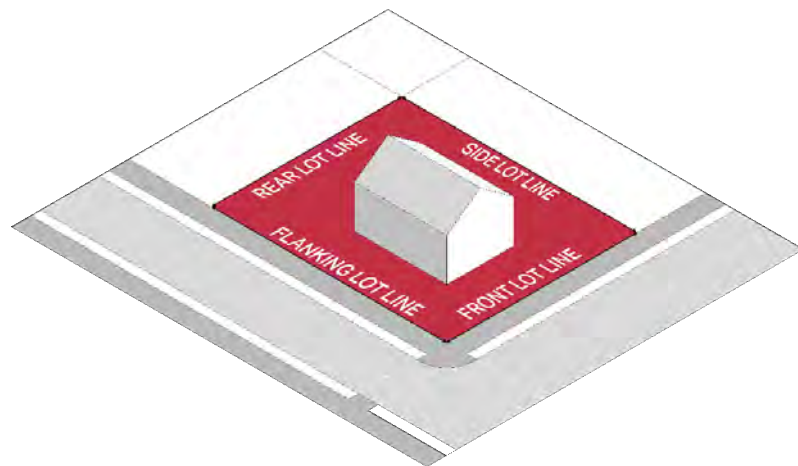
Lot Line means a boundary line of a lot.

Flankage Lot Line means any lot line that abuts a street or private road but is not a front lot line.

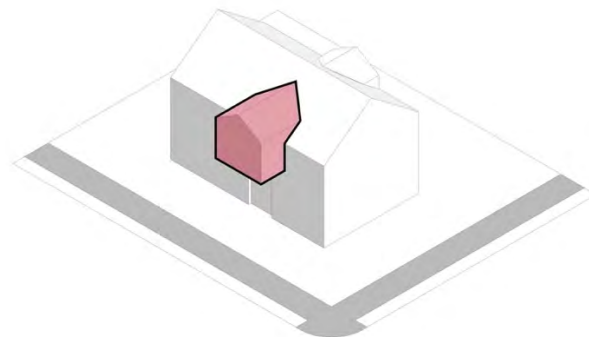
Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot. In the case of an island lot with no street or private road on the island the front lot line shall be the lot line dividing the lot from the water and where multiple lot lines abut the water the developer may choose which is designated as the front lot line. In the case of a lot with no frontage on a street or private road it may be any lot line.

Rear Lot Line means the lot line that is not a flankage lot line and is farthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front, flankage, or rear lot line.



Lunenburg Bump means a dormer that cantilevers over the front door of a building.





M

Main Building means the building designed or used for the principle use on the lot.

Marina means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public.

Marine Industrial means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, fish processing, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear.

Marine Recreation Provider means the use of land, buildings, or structures for a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, and jet ski rentals, but does not include uses related to the commercial fishing industry.

Medical Clinic means the use of a building or part thereof where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital.

Municipal Planning Strategy ("MPS") means the Municipal Planning Strategy of the Town of Lunenburg.

N

Nursing Home means the use of a building or part thereof for an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

O

Obnoxious means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration; or by the emission of gas, fumes, dust or objectionable odour; or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.



Outdoor Storage means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Personal Service Shop means the use of a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

Private Club means the use of a building or part thereof for a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

Private Road means any road that is not owned by the Town of Lunenburg or the Crown.

Public Road or Street means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town, but does not include a controlled-access highway.

Public Recreation means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

Public Transportation means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

**Q****R**

Recycling Depot means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

Religious Institutions means the use of land, a building, or part thereof for religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Residential Care Facility means the use of a building or part thereof as a family home, group care facility, or similar facility for the non-medical care of more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Restaurant means the use of land, a building, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Restaurant, Eat-in means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Restaurant, Take-out means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal, outdoor eating facilities such as picnic tables.

Retail Store means the use of a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, or heavy equipment sales and rentals.

Rooming House means a dwelling in which the proprietor lives on-premises and supplies room for monetary gain to no more than six roomers for rental periods of 30 days or more.



S

School, Academic means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

School, Commercial means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Scrap Yard means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

Self-storage Facility means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

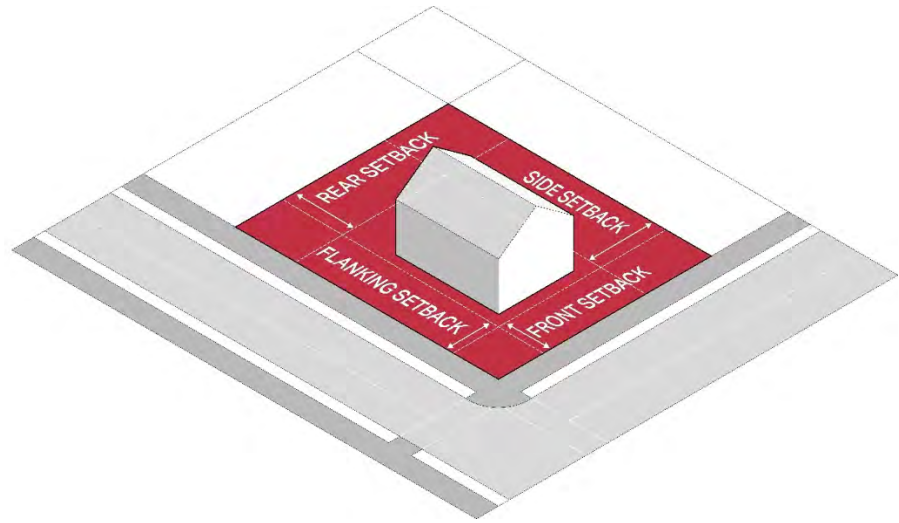
Setback, Flankage means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

Setback, Front means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot. On a flag lot the front setback shall be measured to the lot line of the main body of the lot that is closest to parallel with the street or public road.

Setback, Rear means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.



Setback, Side means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.



Shipping Container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodations for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties.

Sign means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this By-law and are not subject to the signage requirements of this By-law.

Changeable Copy Sign means a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words.

Ground Sign means a sign permanently affixed in or to the ground.

Portable Sign means a ground sign that is not permanently affixed, and includes signs such as sandwich board signs.

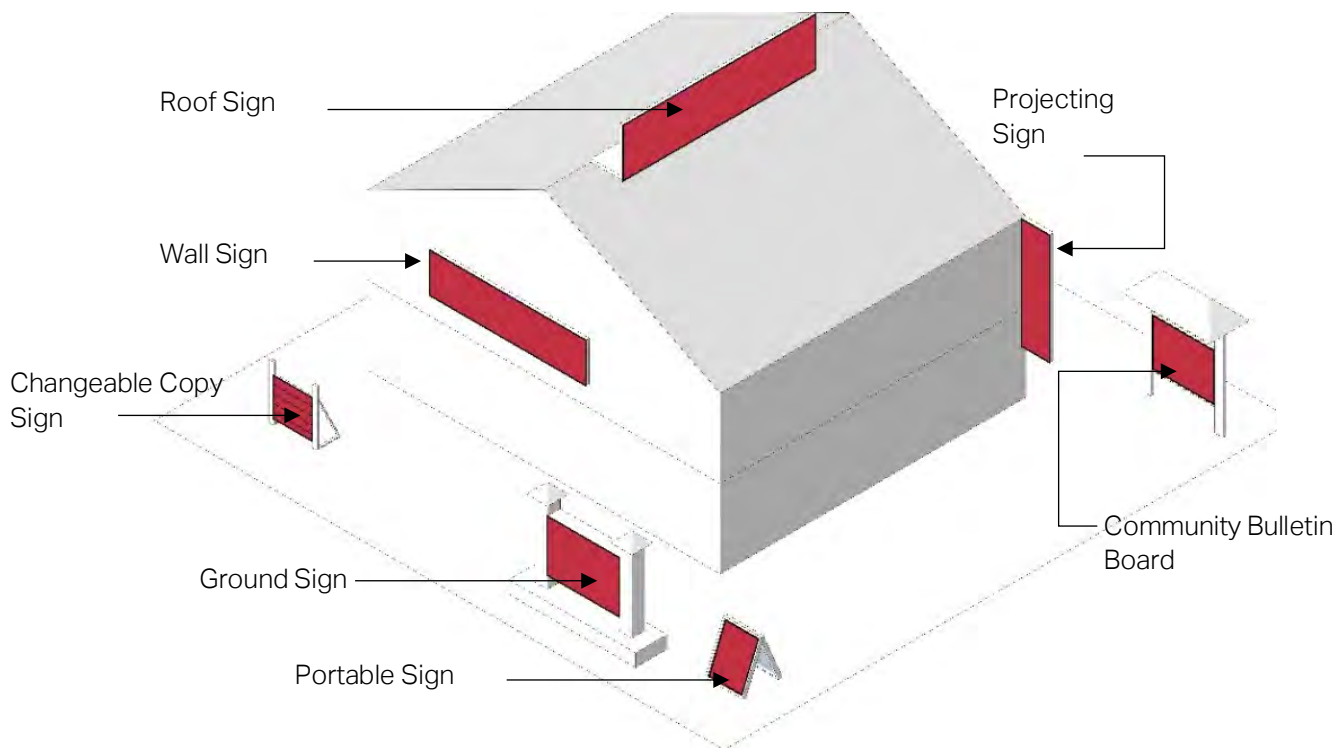


Projecting Sign means a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall. A sign mounted on or that forms part of a canopy or awning is a projecting sign.

Roof Sign means a sign affixed to or supported by the roof of any structure.

Wall Sign means a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.

Community Bulletin Board means a sign where all or part of the sign is intended for the posting of notices by the general public.





Sign Area means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.



Small Options Home means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

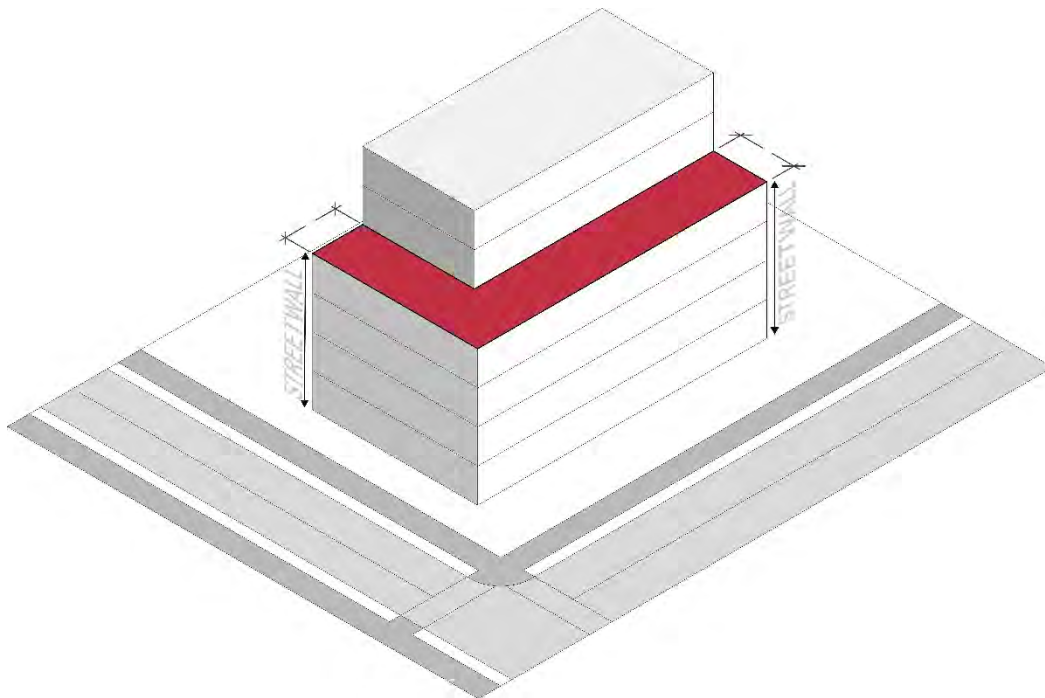
Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Solar Collector System, Accessory means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs,

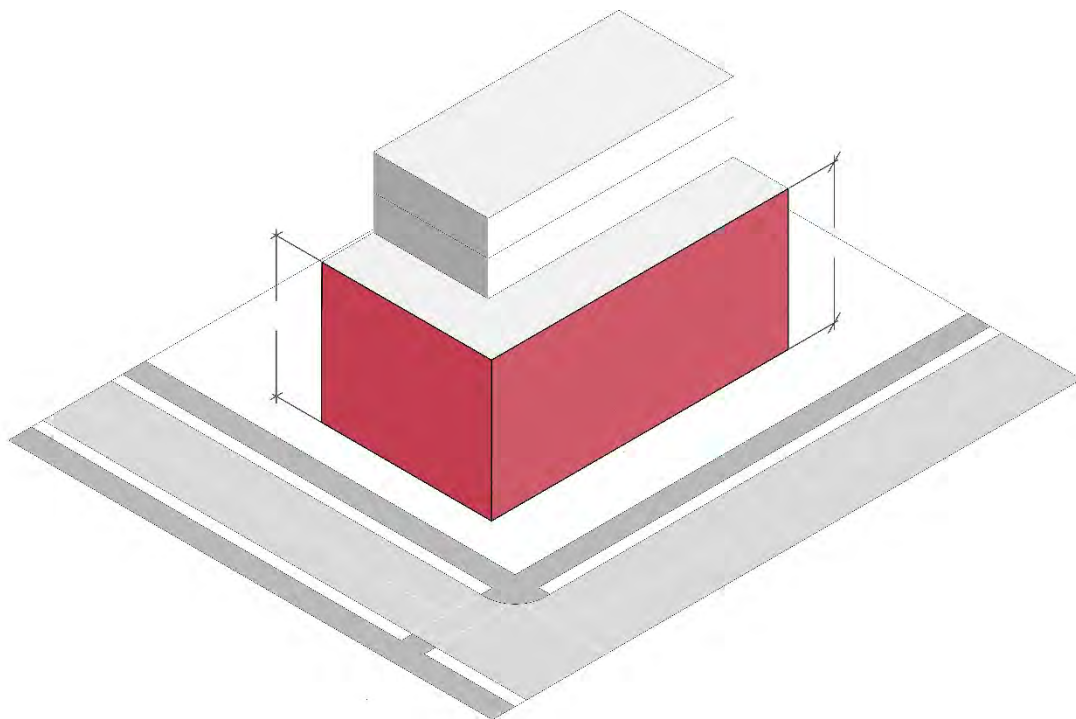
Solar Collector System, Large-scale means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.



Stepback means the horizontal distance measured between the top of the streetwall and the main face of building floors above the streetwall.



Streetwall means the wall of a building facing a streetline that is below the height of a specified stepback, which does not include minor recesses for elements such as doorways or protrusions for elements such as bay windows.





Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building, but shall exclude fences less than 1.8 metres in height.

Structured Parking means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 2.4 metres below grade.

T

Town means, where the context dictates, either the Body Corporate of the Town of Lunenburg, or the geographical area incorporated as the Town of Lunenburg.

Transportation and Logistics means the use of a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

U

Urban Agriculture means the use of land and accessory buildings for agricultural activities on a hobbyist or very small commercial scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or rabbits, but shall not include the keeping of any other livestock, the keeping of which is covered by the definition of agricultural uses.

V

Variance means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in Section 235-237 of the *Municipal Government Act*.

W

Warehousing means the use of a building or part thereof for the storage of commercial or industrial wares or goods, excluding retail stores and self-storage facilities.



Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Watercourse means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Workshop means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include “maker spaces”.

X



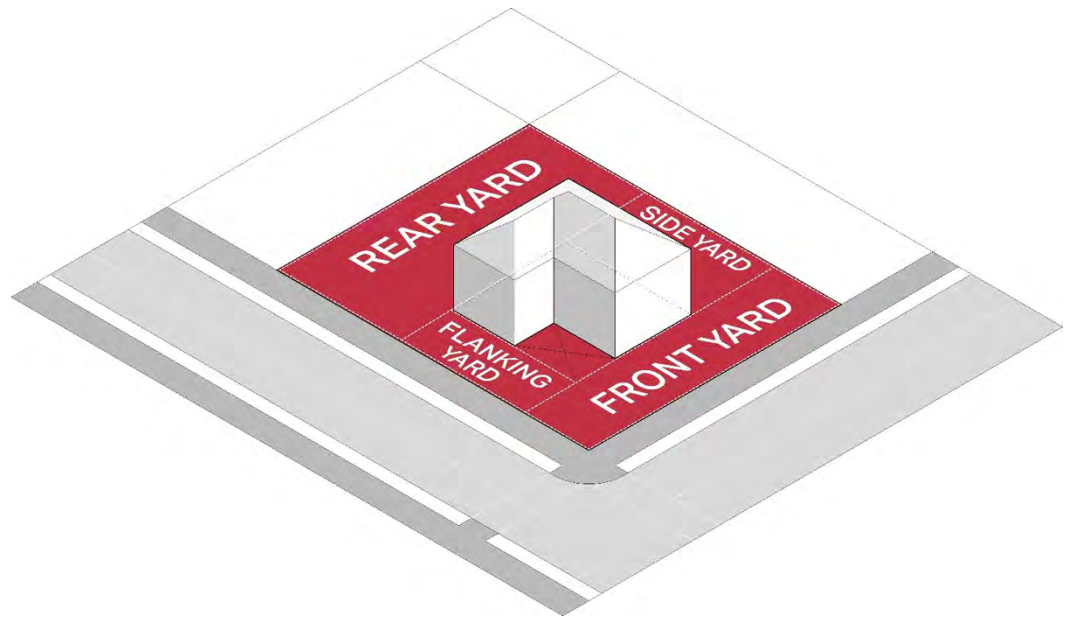
Y

Yard, Flankage means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

Yard, Front means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

Yard, Rear means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

Yard, Side means the area of land extending from the front yard to the nearest main wall of any main building on the lot.



Z



Schedules

Schedule 'A' – Existing Uses

Schedule 'B' – Lot Zoning Map

Schedule 'C' – Use Zoning Map

Schedule 'D' – Form Zoning Map

Schedule 'E' – Flood Risk Area Map

Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Schedule 'G' – Vending



Schedule 'A' – Existing Uses

Civic Address	Existing Use
11 York Street	Commercial storage
162 Townsend Street	Residential storage
166 Townsend Street	Residential storage
18 Lower Street	Use of 450 square feet of the property for outdoor sales and display Use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys Use of two signs, each a maximum of 5 square feet in area
186 Fox Street	Dwelling (4 units)
195 Green Street	Retail florist
200 Montage Street	Dwelling (1 unit)
205 Pelham Street	Law office, retail store
220 Montague Street	Accommodations (3 sleeping units)
23 James Road	Dwelling (14 units)
268 Montage Street	Dwelling (1 unit)
272 Montage Street	Dwelling (3 units)
30-36 Broad Street	Dwelling (8 units)
34 Linden Avenue	Use of 100 square feet of the property for outdoor sales and display 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 Use of three signs: 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
41 James Road	Dwelling (14 units)
49 Tannery Road	Dwelling (1 unit)
57 Tannery Road	Dwelling (1 unit)
60 Dufferin Street	Part-time upholstery business in accessory building
61 Tannery Road	Dwelling (1 unit)
62 Duke Street	Dwelling (4 units)
74 York Street	Dwelling (6 units)
78 Lawrence Street	Retail shoe store



Schedule 'B' – Lot Zoning Map



MAP
Lot Zoning Map

SCHEDULE	LAST UPDATED
B	6/1/2021

NORTH	SCALE
	1:10,000

LEGEND	
	LZ1 Lot Zone 1
	LZ2 Lot Zone 2
	LZ3 Lot Zone 3
	LZ4 Lot Zone 4





Schedule 'C' – Use Zoning Map



MAP

Use Zoning Map

SCHEDULE

C

LAST UPDATED

6/1/2021

NORTH

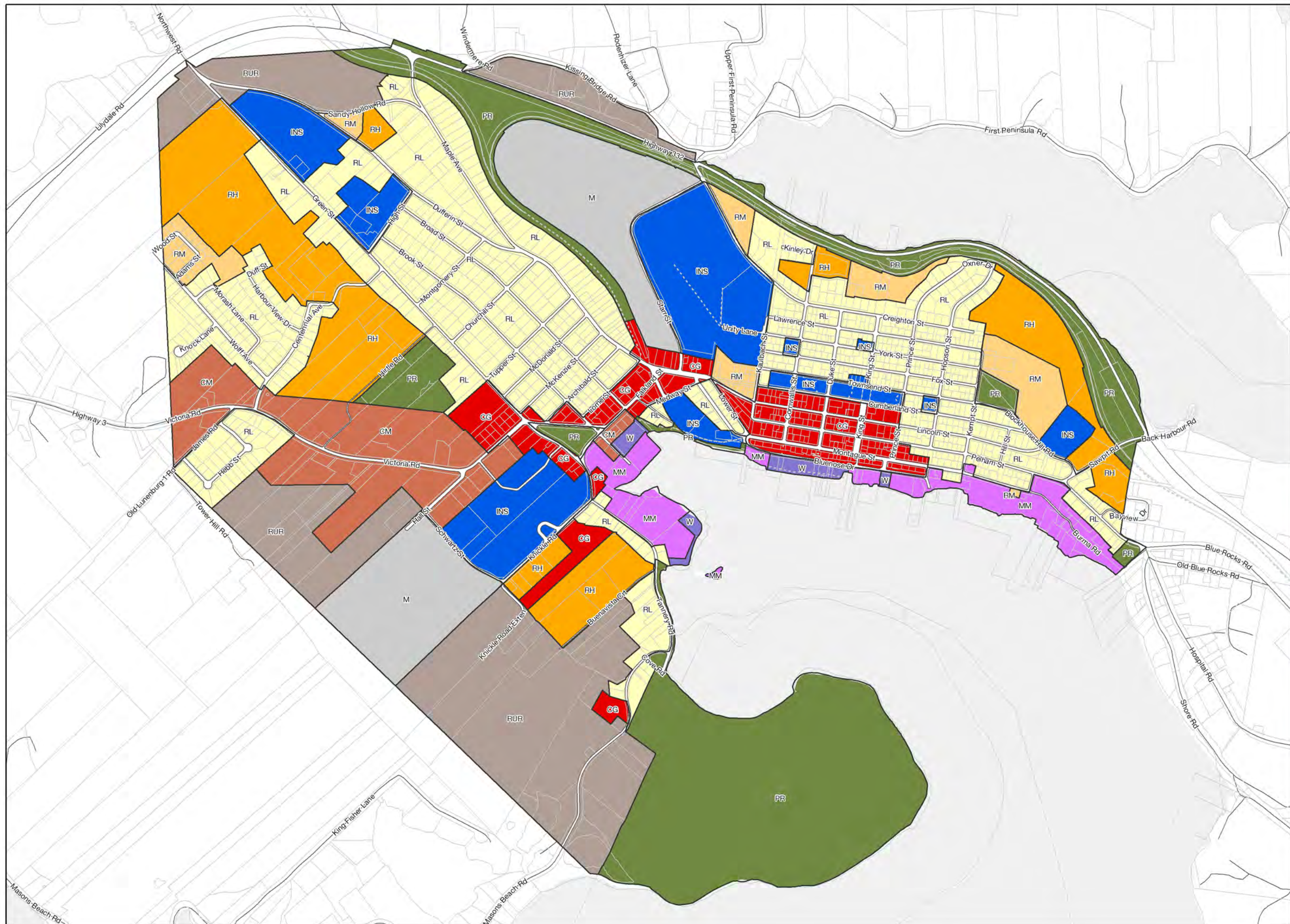


SCALE

1:10,000

LEGEND

	RL	Lower Density Residential
	RM	Medium Density Residential
	RH	Higher Density Residential
	CM	Mixed Use
	CG	General Commercial
	W	Waterfront
	M	Industrial
	MM	Marine Industrial
	RUR	Rural
	INS	Institutional
	PR	Parks and Recreation





Schedule 'D' – Form Zoning Map



MAP
Form Zoning Map

SCHEDULE	LAST UPDATED
D	6/1/2021

NORTH
↑

SCALE
1:10,000

LEGEND		
	OT1	Old Town 1
	OT2	Old Town 2
	ONT1	Old Town/ New Town 1
	ONT2	Old Town/ New Town 2
	NT1	New Town 1
	MST	Main Street
	MA	Marine
	CTY	Community
	IN	Industry
	RF	Rural
	S	Shoreline





Schedule 'E' – Flood Risk Area Map



MAP
Flood Risk Area Map

SCHEDULE	LAST UPDATED
E	6/1/2021

NORTH

SCALE

1:10,000

LEGEND

Flood Risk Area

Town of Lunenburg





Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Heritage Conservation
District and Architectural
Control Area Map

LAST UPDATED

6/1/2021

SCALE



 HCD Heritage Conservation District

 ACA Architectural Control Area

 Town of Lunenburg



Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
 - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
 - ii. only two yard sales may take place on any property during each calendar year; and
 - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.

Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;



- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and
- (e) outdoor food sales at Craft Markets and Farmers' Markets.

Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*:

- (a) Commercial Mixed Use Zone

SUBDIVISION BY-LAW DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SUBDIVISION BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Authority and Title

- 1.1.1 This By-law is enacted by the Council of the Town of Lunenburg under the provisions of sections 271-274 of the *Municipal Government Act* (S.N.S. 1998, ch. 18)
- 1.1.2 This By-law may be cited as the "Subdivision By-law" of the Town of Lunenburg.
- 1.1.3 This Subdivision By-law may also be cited as "By-law" when used in a self-referential manner within the text.
- 1.1.4 All former Subdivision By-laws of the Town of Lunenburg are hereby repealed.



2 Administration

- 2.1.1 This By-law shall be administered by the Development Officer of the Town appointed under the authority of the *Municipal Government Act*.
- 2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.



3 Interpretation

3.1 Measurement

- 3.1.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

3.2 Specifications and Standards

- 3.2.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Town Engineer in exceptional circumstances and in accordance with accepted engineering practices.



4 Definitions

- 4.1.1 For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

Act means the *Municipal Government Act*.

Area of Land means any existing lot or parcel as described by its boundaries, except in Section 5.6 (Main Building).

Back Flow Prevention means a device or method which prevents backflow.

Council means the Council of the Town of Lunenburg.

Central Sewer System means a system of pipes and associated facilities owned by the Town for the collection and disposal of sewage from two (2) or more lots.

Central Water System means a system of reservoirs and pipes owned by the Town which supplies potable water to two (2) or more lots.

Lot means any parcel created by the filing of a plan or instrument of subdivision.

Proposed Lot means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot.

Province means the Province of Nova Scotia.

Public Street means any street or road owned and maintained by the Town, a municipality, or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

Land Registration Office means the office of the registration district in which the area of land being subdivided is situate.

Service Specifications means the specifications for design and construction of public streets, central sewer systems, and central water systems adopted by Council.

Subdivider means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.



Subdivision means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

Town means the Town of Lunenburg.

Town Engineer means the Engineer appointed by the Town and includes a person acting under the supervision and direction of the Town Engineer.

Usable Land means:

- (a) land that:
 - i. contains an average slope of land not greater than the average slope of the land being subdivided;
 - ii. is not comprised of lands subject to flooding or classified as wetlands;
 - iii. has a minimum area of 550 square metres; and
 - iv. has frontage on a public street or access to a public street by means of abutting publicly-owned lands; or
- (b) land that:
 - i. has frontage on the ocean; and
 - ii. has frontage on a public street or access to a public street by means of abutting publicly-owned lands.



5 Lot Requirements

5.1 Abut Public Street

5.1.1 All lots shall abut a public street.

5.2 Land Use By-law

5.2.1 All lots shall meet the applicable requirements contained in the Land Use By-law.

5.2.2 Sections 5.3 (10% Variance), 5.5 (Encroachments), and 5.6 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

5.3 10% Variance

5.3.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law) the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met.

5.3.2 Subsection 5.3.1 does not apply if the area requirements established by the Department of Environment and Climate Change for the construction or installation of an on-site sewage disposal system are not met.

5.4 Boundary Alteration

5.4.1 Notwithstanding Section 5.1 (Abut Public Street), and the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:

- (a) no additional lots are created;
- (b) each resulting lot:
 - i. meets the minimum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, reduced;



- (c) each resulting lot:
 - i. meets the maximum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, increased;
 - (d) each resulting lot:
 - i. meets the minimum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area reduced; and
 - (e) each resulting lot:
 - i. meets the maximum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area increased.
- 5.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Subsection 5.4.1 shall:
- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and
 - (b) notwithstanding Clause 15.1.2(b), other than the new boundaries which have been surveyed pursuant to Clause 5.4.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and



- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

5.5 Encroachments

- 5.5.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land prior to October 25, 2007, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 5.5.2 Where a lot created pursuant to Subsection 5.5.1 is not surveyed, the provisions of Subsection 5.4.2, (Boundary Alteration), shall apply.

5.6 Main Building

- 5.6.1 For purposes of Subsection 5.6.2, "main building" means a building that is not an accessory building to another building on the area of land.
- 5.6.2 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land and used as a main building prior to November 4, 1966, (the date of the first Subdivision Regulations in the Town of Lunenburg) the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment for on-site sewage disposal systems.



5.7 Lot Shape

- 5.7.1 Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).



6 Streets

6.1 Private Roads

- 6.1.1 The development of new private roads shall not be permitted.

6.2 Continuation of Existing Streets and Connections to Abutting Properties

- 6.2.1 All proposed public streets and subdivision designs shall connect to existing streets and provide connections to abutting properties in conformance with the requirements of Part 6 of the Specifications for Subdivision.

6.3 Approval of Public Streets

- 6.3.1 All proposed municipal public streets shall be approved by the Town Engineer in accordance with the Specifications for Subdivision adopted by Council.
- 6.3.2 Where a proposed municipal public street intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Active Transit.

6.4 Lot Access

- 6.4.1 A proposed lot that abuts a public street shall have any new access to the public street approved by the authority having jurisdiction for that public street.

6.5 Identification of Public Street

- 6.5.1 Where a plan shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street or road is a public street.



7 Water Supply

- 7.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central water supply system shall be connected to the Town central water supply system.
- 7.1.2 Where lots are not to be served by the Town central water supply system, the subdivider shall design, lay out and construct a water supply system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



8 Sanitary Sewers

- 8.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central sanitary sewer system shall be connected to the Town central sanitary sewer system.
- 8.1.2 Where lots are not to be served by the Town central sanitary system, the subdivider shall design, lay out and construct a sewage disposal system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



9 Public Open Space

9.1 Dedication Required

- 9.1.1 Where the area of land proposed to be subdivided has frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall transfer to the Town, free of encumbrances, for park, playground and similar public purposes, an area of usable land with frontage on the ocean and is equal to at least 10% of the area of all new lots created by the plan.
- 9.1.2 Where the area of land proposed to be subdivided does not have frontage on the ocean and is within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes cash-in-lieu in the amount of at least 10% of the assessed value of the lots created by the plan.
- 9.1.3 Where the area of land proposed to be subdivided does not have frontage on the ocean and is not within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes usable land equal to at least 10% of the area of all new lots created by the plan, free of encumbrances.
- 9.1.4 For the purposes of public dedication calculations, remainder land and lots for street right-of-ways shall be excluded.

9.2 Waiver

- 9.2.1 Council hereby waives the requirements of section 9.1 (Dedication Required), where:
 - (a) fewer than three vacant lots are created from an area of land, including the remainder lot;
 - (b) the subdivision is the consolidation of two or more lots;
 - (c) lot boundaries are changed but no new vacant lots are created;
 - (d) the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
 - (e) the subdivision is undertaken by a government body.



10 Construction of Services

10.1 Inspection

- 10.1.1 The subdivider shall permit the Town Engineer to inspect the construction of streets and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or streets.

10.2 Deviations

- 10.2.1 No deviation from the plans, drawings, and specifications required by Subsections 6.3 (Approval of Public Streets), 7.1.2 (Water Supply) and 8.1.2 (Sanitary Sewers) shall take place during construction unless such deviation is approved by the Town Engineer.

10.3 Duty on Completion

- 10.3.1 Within thirty (30) days of being notified that the Town Engineer has determined that the new public streets, central water systems, and central sewer systems have been constructed as required by this By-law, the subdivider shall:
- (a) Provide the Town Engineer with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Service Specifications; and
 - (b) Provide the Town Engineer with all necessary operating and procedural manuals for each water or sanitary sewer system; and
 - (c) Provide the Town Engineer with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Service Specifications; and
 - (d) Post for one (1) year a maintenance bond or other security acceptable to the Town Engineer or Development Officer in an amount equal to ten percent (10%) of the actual cost of construction; and



- (e) Transfer to the Town title in fee simple to all public streets and to all plants and assets necessary to the operation of the public streets, central water systems and central sewer systems together with easements sufficient for the maintenance of all services and public street drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

10.4 Construction Agreement and Bond

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of public streets or services, the subdivider shall, with the consent of Town Council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by Subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer, at the subdivider's cost.
- 10.4.3 The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Town, free of encumbrances and at no cost to the Town, title in fee simple to:
 - (a) all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services; and
 - (b) all plants and assets necessary to the operation of central water systems that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services; and
 - (c) all proposed public streets that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated drainage systems.



11 General Requirements for Applications

11.1 Application Form

- 11.1.1 Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.
- 11.1.2 The development officer shall comply with all notification and approval provisions of the Act.

11.2 Agencies to Forward Recommendations

- 11.2.1 Any agency that has been forwarded a copy of a concept, tentative or final plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure) shall forward a written report of its assessments or recommendations to the Development Officer. A copy of any repeal shall be sent to the relevant agency.

11.3 Additional Information

- 11.3.1 Where the concept, preliminary, tentative, or final plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the following additional information, if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan:
 - (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway, and water wells;
 - (b) the location of any watercourse, wetland, marine water body, and other features that may influence the design of the on-site sewage disposal system, including any ditch, street and driveway, or easement;
 - (c) the surface slopes and directions;
 - (d) the location of any test pit;
 - (e) the proposed on-site sewage disposal system, selected or designed;
 - (f) an explanation of the extent, volume and type of usage to which the system will be subjected;



- (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- (h) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

11.4 Plan Contrary to Provincial Law or Regulation

- 11.4.1 Approval of a concept, preliminary, tentative, or final plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Climate Change, the Department of Transportation and Active Transit or of any other agency of the Province or the Town unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

11.5 Notification of Land Registration Office

- 11.5.1 For final plans of subdivision, the Development Officer shall forward to the Land Registration Office:
 - (a) within seven (7) days of approving the plan, one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule 'B' of this By-law; and
 - (b) if applicable, the items required by Section 15.7 (Approval of Consolidation or Additions) of this By-law.
- 11.5.2 For repeals of subdivision, the Development Officer shall forward to the Land Registration Office a notice of repeal in the form specified in Schedule D of this By-law.



11.6 Notification of Subdivider

- 11.6.1 The Development Officer shall forward an approved copy of the concept, preliminary, tentative, or final plan or notice of repeal to the subdivider.
- 11.6.2 Where the Development Officer refuses to approve a concept, preliminary, tentative, or final plan, or a repeal of subdivision, the development officer shall:
- (a) give notice of the refusal to all agencies which were forwarded a plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure); and
 - (b) inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the Act.

11.7 Fees

- 11.7.1 At the time of application for approval of a tentative plan of subdivision, the subdivider shall submit to the Development Officer:
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan at the Land Registration Office; and
 - (b) the processing fee set by Council.
- 11.7.2 Where the development officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the Development Officer shall return the fees referred to in Clause 11.7.1(a) to the subdivider.



12 Concept Plans

12.1 Concept Plan Optional

12.1.1 Concept Plans shall be optional, at the subdivider's discretion.

12.2 Concept Plan Requirements

- 12.2.1 A subdivider proposing to subdivide an area of land in phases which will contain new streets may submit to the development officer eight (8) printed copies and one (1) digital copy of a concept plan of the entire area of land. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
- (a) the words "Concept Plan" located in the title block;
 - (b) the name of the owner of the area of land being subdivided;
 - (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (d) the names of all owners of all properties abutting the area of land being subdivided;
 - (e) the proposed internal street system with connections to existing public streets;
 - (f) the proposed location of public open space;
 - (g) the location of existing development, if any;
 - (h) the location of any municipal service boundary;
 - (i) the north point;
 - (j) contours at 5-metre intervals; and
 - (k) any other information necessary to determine if the subdivision meets the Service Specifications and accepted engineering practice as determined by the Town Engineer.



12.3 Concept Plan Procedure

- 12.3.1 The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to request evaluation of the concept plan in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
 - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (d) public open space; and
 - (e) any proposed community and commercial uses.

12.4 Stamps to Appear on Concept Plan

- 12.4.1 The following information shall be stamped or written and completed by the Development Officer on any concept plan that is approved:
- (a) "This concept plan is approved.";
 - (b) the date of the approval of the concept plan; and
 - (c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the Land Registration Office.".



13 Preliminary Plans of Subdivision

13.1 Preliminary Plan Optional

13.1.1 Preliminary Plans shall be optional, at the subdivider's discretion.

13.2 Preliminary Plan Requirements

- 13.2.1 A subdivider proposing to subdivide an area of land may submit to the development officer four (4) printed copies and one (1) digital copy of a preliminary plan of subdivision drawn to scale and showing:
- (a) the name of the owner of the area of land being subdivided;
 - (b) the names of all owners of all properties abutting the area of land being subdivided;
 - (c) the civic number of main buildings on the area of land being subdivided and the unique Parcel Identifier (PID) of all the areas of land being subdivided;
 - (d) the approximate location of railways and railway rights-of-way;
 - (e) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
 - (f) the shape, dimensions, and area of the lots being created;
 - (g) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter. There shall be no duplication of lot identifiers;
 - (h) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - (i) the location of existing buildings within 10 metres (32.8 feet) of a property line;
 - (j) the general location of watercourses and wetlands;



- (k) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (l) the north point;
- (m) the scale to which the plan of subdivision is drawn; and
- (n) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

13.2.2 Where the preliminary plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan.

13.3 Preliminary Plan Procedure

13.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.

13.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Town Engineer;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.



- 13.3.3 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.



14 Tentative Plans of Subdivision

14.1 Tentative Plan Optional

14.1.1 Tentative Plans shall be optional, at the subdivider's discretion.

14.2 Tentative Plan Requirements

14.2.1 A subdivider proposing to subdivide an area of land may submit to the Development Officer eight (8) printed copies and one (1) digital copy of the tentative plan of the proposed subdivision meeting the requirements of this section.

14.2.2 Tentative plans of subdivision submitted to the development officer shall be:

- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed;
- (c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

14.2.3 Tentative plans of subdivision shall show the following:

- (a) the words "Plan of Subdivision" located in the title block;
- (b) the words "Tentative Plan" located above the title block;
- (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- (d) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
- (f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (g) the civic number and location of main buildings on the area of land being subdivided;



- (h) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;
- (i) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (j) the width and location of railroads and railway rights-of-way;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- (p) the general location of watercourses, wetlands, or prominent rock formations;
- (q) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (s) the location of any existing access from a proposed lot to a public street;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.

- 14.2.4 Where the tentative plan of subdivision is to be forwarded to the Department of Environment and Climate Change additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the tentative plan.
- 14.2.5 Where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
 - (b) be accompanied by four copies of a plan showing:
 - i. contours at 2-metre intervals;
 - ii. drainage patterns;
 - iii. the width and location of proposed public streets and their intersection with existing public streets;
 - iv. the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.
- 14.2.6 Where new Town public streets, central water systems, or central sewer systems are required the Development Officer shall not approve a tentative plan of subdivision until the subdivider has submitted plans, drawings and specifications that satisfy the requirements of Subsection 14.2.5 and the Service Specifications.



14.3 Tentative Plan Procedure

- 14.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.
- 14.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Town Engineer;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.

14.4 Stamps to Appear on Tentative Plan

- 14.4.1 The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:
- (a) "This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan";
 - (b) the date of the approval of the tentative plan;



- (c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."

14.4.2 The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.



15 Final Plans of Subdivision

15.1 Final Plan Requirements

- 15.1.1 A subdivider proposing to subdivide an area of land shall submit twelve (12) printed copies and one (1) digital copy of the final plan of subdivision meeting the requirements of this section to the Development Officer for approval.
- 15.1.2 Final plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed public street have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to Subsection 5.4.2 (Boundary Alteration), of this By-law; and
 - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 15.1.3 Final plans of subdivision shall show the following:
- (a) the words "Plan of Subdivision" located in the title block;
 - (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (c) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
 - (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
 - (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (f) the civic number and the location of main buildings on all the areas of land being subdivided;
 - (g) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;



- (h) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (i) the width and location of railroads and railway rights-of-way;
- (j) the location of any existing access from a proposed lot to a public street;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (r) the general location of watercourses, wetlands, and prominent rock formations;
- (s) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
 - (w) the scale to which the plan of subdivision is drawn; and
 - (x) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.
- 15.1.4 Where the final plan of subdivision is to be forwarded to the Department of Environment and Climate Change the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the final plan.
- 15.1.5 Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.
- 15.1.6 Where a new Town public street, central water system or a central sewer system is required, the Development Officer shall not approve a final plan of subdivision until the requirements of Section 10.3 (Duty on Completion), or of Section 10.4 (Construction Agreement and Bond) have been met.

15.2 Public Open Space

- 15.2.1 Where a transfer to the Town of money for public open space is required by Section 9.1 (Dedication Required) the transfer shall take place prior to endorsement of the final plan.

15.3 Final Plan Procedure

- 15.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;



- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:

- (a) the Town Engineer;
- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.4 Public Open Space Contribution Required

15.4.1 No approval of a final plan of subdivision may be given unless the subdivider has conveyed to the Town land, or a combination of land or money or value in kind, that satisfies the requirements of Part 9 (Public Open Space).

15.5 Sewer and Water Approvals Required

15.5.1 No approval of a final plan of subdivision may be given until the subdivider has obtained the required approvals from the Town Engineer of any central water system required by Part 7 (Water Supply) or a central sewer system required by Part 8 (Sanitary Sewers).

15.6 Public Street Construction or Agreement Required

15.6.1 No approval of a final plan of subdivision may be given unless the subdivider either has laid out and constructed public streets and any other services required in accordance with the provisions of Section 10.3 (Duty on Completion) or has entered into an agreement with the Town in accordance with Section 10.4 (Construction Agreement and Bond).



15.7 Approval of Consolidation or Addition

- 15.7.1 No approval of a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships shall be given before the development officer has received:
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
 - (b) the fees for registering the deeds;
 - (c) the affidavit of value, including particulars of any exemption, pursuant to Part V of the Act;
 - (d) the deed transfer tax applicable to the transaction, if any; and
 - (e) forms sufficient to meet the requirement of the *Land Registry Act*.

15.8 Approval after Conveyance

- 15.8.1 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

15.9 Stamps to Appear on Final Plan

- 15.9.1 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:
- (a) "This final plan of subdivision is approved for Lots _____";
 - (b) where applicable,
 - i. "[lot(s) approved and/or remainder] (is, are) suitable for the construction or installation of an on-site sewage disposal system for [proposed use] and any conditions which apply are contained in a report dated [date] and available from the Department of Environment and Climate Change.";



- ii. " IMPORTANT NOTICE [lot(s) approved and/or remainder] (has, have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of Environment and Climate Change are met.";
 - iii. "[lot(s) approved and/or remainder] (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment and Climate Change is required"; or
 - iv. "lot(s) are serviced with central sanitary sewer; and
- (c) where applicable,
- i. a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets; or
 - ii. where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted.



16 Repeal of Subdivision

16.1 Approval May be Repealed

- 16.1.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

16.2 Application to Repeal

- 16.2.1 Any person requesting a repeal shall submit an application in the form specified in Schedule C to the Development Officer.
- 16.2.2 At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer:
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of subdivision; and
 - (b) the processing fee set by the Council.

16.3 Provisions Applicable

- 16.3.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.
- 16.3.2 Parts 5 to 15 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

16.4 Agency Assessments

- 16.4.1 When the Development Officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency that provided an assessment or recommendations on the original plan of subdivision.



16.5 No Violation of By-laws

- 16.5.1 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of the Town Building By-law, the Land Use By-law, or sewage disposal regulations unless the violation will be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

16.6 Approval Notification

- 16.6.1 The Development Officer shall forward the repeal in the form specified in Schedule 'D' to:
- (a) the Land Registration Office;
 - (b) the subdivider, and
 - (c) any agency that provided an assessment or recommendations on the original plan of subdivision.

SPECIFICATIONS FOR SUBDIVISION DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SPECIFICATIONS FOR SUBDIVISIONS, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Definitions

1.1.1 Whenever the following terms are used in any part of these specifications the intent and meaning shall be interpreted as follows:

ACT means the *Municipal Government Act*.

APPROVAL means the approval of the Town Engineer. The Town Engineer's decision shall be final and binding in matters of design and construction.

BOARD means the Nova Scotia Utility and Review Board

DEVELOPMENT OFFICER means the officer of the Town of Lunenburg charged from time to time by Council with the administration of the Subdivision By-law.

FORCEMAIN means a section of sanitary sewer through which sewage is either pumped or flows by gravity under a low pressure head.

PUBLIC STREET means any street or road owned and maintained by the Town, a municipality or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

INSPECTION means a field inspection by the Town Engineer at various stages of construction.

LATERAL means a service pipe for either sanitary sewage, storm water or potable water that extends from the main to the property line.

MAIN LINE means the primary pipeline in a water or sewer system. In the case of a sewer line a main line includes both collection and trunk lines, and in the case of a water main includes both distribution and transmission lines.

MAINTENANCE PERIOD means one year from the date of final approval of a subdivision.

NATURAL WATERCOURSE means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.

PROFESSIONAL ENGINEER means a Professional Engineer who is a member of the Association of Professional Engineers of Nova Scotia.



RUNOFF means overland flow that occurs when the rainfall rate exceeds the soil's capacity to absorb water.

SANITARY SEWAGE means wastewater from residential, industrial, institutional, and commercial buildings, excluding storm water runoff and ground water.

SETBACK means the minimum setback requirements as defined by the Land Use By-law or the Subdivision By-law of the Town.

SERVICES means all of the sanitary sewer, storm sewer, and water systems.

STORM SEWER means a buried drain for conveyance of storm water that includes the storm sewer main, manholes, laterals, catch basins, and catch basin leads.

SUB-BASE COURSE means the crushed rock or aggregate which is placed immediately upon the subgrade.

SUBDIVISION means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels.

SUBGRADE means that portion of the roadbed upon which the sub-base course is to be placed.

TOWN means the Town of Lunenburg.

TOWN ENGINEER means the engineer of the Town of Lunenburg and includes a person acting under the supervision and direction of the engineer.

TRAFFIC STUDY means a study carried out by a professional engineer specializing in traffic, paid for by the Town, and shall include, at the discretion of the Town Engineer, information regarding:

- (a) existing traffic patterns; and
- (b) estimate of future traffic patterns and volumes; and
- (c) ability of existing adjacent streets to support the anticipated traffic volumes; and
- (d) sight distances; and
- (e) recommendations regarding traffic safety improvements; and



- (f) recommendations regarding upgrades to existing streets affected by the proposed subdivision; and
- (g) recommendations regarding upgrades to pedestrian and active transportation infrastructure affected by the proposed subdivision.

TRIBUTARY AREA means the area that contributes runoff flow to an inlet or given point immediately downstream of the contributing area.



2 Submission Requirements

2.1 General

- 2.1.1 This Part is intended to assist the applicant for subdivision approval in preparing a submission for the approval of municipal services. This Part must be read in conjunction with the Subdivision By-Law.

2.2 Tentative Approval

- 2.2.1 Three (3) copies of the information in this Section shall be submitted with an application for tentative approval of subdivision.

Permit to Construct

- 2.2.2 A copy of the Certificate of Approval from Nova Scotia Department of Environment and Climate Change shall be required prior to approval of the Tentative Plan.

General Service Plan

- 2.2.3 A copy of the plan indicating proposed street layout, tributary areas for servicing, existing and proposed services; including pipe sizes, valves, hydrants, manholes, lift stations, directions of flow, and points of connection to existing systems shall be required prior to approval of the Tentative Plan.

Drainage Plan

- 2.2.4 A copy of the plan indicating contributing area, the tributary area for each inlet, natural watercourse, and existing and proposed storm drainage systems; including run-off rates at each inlet and outlet, pipe/culvert size, and other relevant features shall be required prior to approval of the Tentative Plan. Lot grading plans and minimum basement elevations may be required for areas prone to flooding.

Survey Plan

- 2.2.5 A tentative plan of subdivision in accordance with the Subdivision By-law, showing proposed lot layout and all proposed public streets, street reserves, and easements to be transferred to the Town shall be required prior to approval of the Tentative Plan.
- 2.2.6 Proposed streets shall be identified with preferred street names.



Detailed Design Drawings

- 2.2.7 The following material is required prior to approval of the Tentative Plan:
- (a) Plan and profile drawings (1 :40 horizontal, 1 :4 vertical), drawing size D (24" x 36" overall dimensions) indicating lot layout, manhole locations, main and lateral locations, valves, hydrants, pipe size, material, and slope, horizontal and vertical street alignment data, existing and proposed street center line profiles, and cross sections; and
 - (b) All streets, water, storm and sewer systems shall be designed in accordance with the specifications included in this document. These specifications shall be read in conjunction with the latest edition of "Standard Specifications for Municipal Services" which may be obtained from the Joint Committee on Contract Documents c/o Spectech Ltd. , Halifax, NS. The design shall also be in compliance with the latest edition of the "Nova Scotia Standards and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage" prepared by the Nova Scotia Department of Environment and Labour; and
 - (c) The Town's specifications shall govern over other specifications referred to in this document; and
 - (d) In the case where the developer proposes to substitute an equivalent product or procedure departing from these specifications a description of the proposed substitute with sufficient supporting documentation shall be submitted to the Town Engineer for approval; and
 - (e) All engineering work must be undertaken and stamped by a Professional Engineer registered in the Province of Nova Scotia; and
 - (f) The developer shall notify the Town of work or tests a minimum of two (2) working days in advance of such work or test taking place. Work or tests completed without prior notice may not be accepted by the Town; and
 - (g) Details for lift stations indicating pump data, invert elevations for gravity inlet, overflow, and forcemain, float elevations, base elevation, top elevation, wet well size, bypass piping arrangement, and other relevant details; and
 - (h) Details for environmental control measures, and other relevant details as required or as requested by the Town Engineer.



Design Submission

- 2.2.8 Depending on the size of the proposed subdivision development, the following information may be required by the Town Engineer:
- (a) Design summary for the sewer system in tabular form giving population density peak flow, design flow, pipe size, slope, minimum and maximum velocity, and depth of flow; and
 - (b) Design summary for the water system in tabular form giving population density, domestic demand, fire flow requirements, maximum and minimum static pressures under normal operating conditions, and residual pressures under fire flow conditions; and
 - (c) Design information for the storm drainage system in tabular form giving runoff rates at each inlet and outlet, design flow, pipe, culvert, or channel size, and depth of flow; and
 - (d) Design information in tabular form for lift stations and forcemains giving minimum, maximum, and peak flow rates, pipe size, velocity in forcemain, and pump cycle time, system and pump curves for lift stations and forcemains; and
 - (e) Erosion and sedimentation control plan.

Traffic Study

- 2.2.9 The Town may commission a traffic study by a qualified consultant to determine the impact of the proposed subdivision on adjacent streets, pedestrian networks, and active transportation facilities. The cost of the traffic study shall be paid by the Town, and the cost of improvements required by the study shall be paid for by the developer.

2.3 Final Approval

- 2.3.1 The information in this Section shall be required for final approval of municipal streets and services.

Record Drawings

- 2.3.2 Reproducible record drawings stamped by a Professional Engineer. Plan and profile, detail drawings and a drainage plan similar to those submitted for tentative approval are required.



- 2.3.3 Record drawings prepared on a CAD system must be submitted in both hard and electronic format. Hard copies must be on a high-quality bond paper (1 set) and mylar (1 set). Electronic copies are to be submitted on compact disc or USB drive and be saved in AutoCAD "dwg" or "dxf" format. Record drawings prepared manually must be submitted on both high-quality bond paper (1 set) and mylar (1 set).

Deeds and Easement Documentation

- 2.3.4 The following shall be submitted by the developer:
- (a) Warranty Deed for all street rights-of-way and street reserves; and
 - (b) Easement agreements for water, sanitary sewer, and storm drainage systems located outside of the proposed street right-of-way; and
 - (c) Title certificate by developer's solicitor for land and easements being transferred. A copy shall be provided to the Town Solicitor for approval; and
 - (d) Information and documentation sufficient to record the deeds in either the Traditional Registry or Land Registry, as applicable. Title to streets shall be migrated if required under the Act; and
 - (e) Plan of subdivision submitted for final approval.

Maintenance Deposit

- 2.3.5 The following shall be submitted by the developer:
- (a) Statement of construction costs which must be reviewed and approved by the Town Engineer; and
 - (b) Statutory declaration from the developer indicating that all accounts for labor and material used in the construction of the subdivision and all statutory liens have been paid in full; and
 - (c) Maintenance deposit in accordance with Subdivision By-law.

Street Completion Agreement and Bond for Street Completion

- 2.3.6 The street completion agreement and bond shall be provided in accordance with the Subdivision By-law.



Operation and Maintenance Manuals

- 2.3.7 Operation and Maintenance Manuals shall be provided for pumps and other similar equipment.

Certificate of Compliance

- 2.3.8 A Certificate of Compliance shall be provided by the developer from a Professional Engineer stating that the streets and services have been constructed in accordance with the approved plans and specifications.

Inspection and Testing Reports

- 2.3.9 The following inspection and testing results as applicable, shall be provided:
- (a) video inspection file and report for sanitary and storm sewer; and
 - (b) test results for allowable leakage testing of the sanitary and storm sewer, stamped by a Professional Engineer; and
 - (c) test results for hydrostatic and leakage tests for water lines, stamped by a Professional Engineer; and
 - (d) bacteriological test results for water lines; and
 - (e) sieve analysis for base and sub-base gravel; and
 - (f) compaction test results on trench compaction, subgrade, sub-base and base courses; and
 - (g) test results for asphaltic concrete paving shall be required after completion and prior to release of standby letter of credit.

2.4 Listing Procedure for Subdivision Streets

- 2.4.1 Before the constructed streets and services are accepted, the Town must receive confirmation from the Nova Scotia Environment and Climate Change that all its requirements have been met.
- 2.4.2 When the preceding information has been submitted and approved, the developer may then officially request the Town take over the street system in the subdivision. The request shall be accompanied by four (4) copies of a final plan showing the entire subdivision, its boundaries and street layout. The Town Engineer may then recommend that the Town officially accept the deeds for the streets in the subdivision.



3 Sanitary Sewer System Specifications

3.1 General

- 3.1.1 This Part specifies the requirements for a central sanitary sewer collection system. A sanitary sewer consists of main lines, laterals, forcemains and appurtenances (including manholes and lift stations).

3.2 References

- 3.2.1 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association; and
 - (b) Sanitary sewage systems shall conform to the Nova Scotia Department of the Environment and Climate Change Standard and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage. No systems shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.
- 3.2.2 In addition, please note that any discharge into a sanitary sewer must comply with the Town of Lunenburg's *Sewer Discharge By-law*.

3.3 Design Criteria

General

- 3.3.1 The sanitary sewage system shall be designed for flows generated from all lands within the serviceable area which are naturally tributary to the drainage area as determined from topographic plans. In addition, lands within the serviceable area which are tributary by pumping or regrading which are at present or anticipated to flow through the design area are to be included.
- 3.3.2 Design shall be based on an appropriate population density according to land use and zoning.



Design Flows

- 3.3.3 Sewer collection mains shall be sized for the domestic peak hourly water demand. Unless data is supplied by flow metering, the design sewage flow shall be calculated as follows:
- (a) Average Dry Weather Flow (Q_A) shall be calculated on the basis of an allowance of 75 Imperial Gallons per person per day (340 liters per person per day).
 - (b) Design Peak Flow (Q_P) shall be based on the peak wet weather flow according to the following:

$$Q_P = M \cdot Q_A + I \cdot A$$

where:

M = Peaking Factor, determined using the Harmon formula:

$M = (1 + 14)/(4 + P^{0.5})$, where P = design population in thousands;

I = a minimum of 1080 Imperial Gallons per acre per day (12,096 liters per hectare per day); and

A = tributary area in Acres (Hectares) as defined in Section 1, Definitions.

- 3.3.4 The Town Engineer shall have the right to request flow and other engineering calculations including impact on the downstream systems prior to approval to install a sewer system.

3.4 Gravity Systems

Pipe Material

- 3.4.1 Polyvinyl Chloride (PVC), SOR 35 shall be used for sanitary sewer main installations within the Town, unless otherwise approved by the Town Engineer.

Hydraulic Design

- 3.4.2 Sanitary sewer mains shall be designed to convey the calculated Design Peak Flows. The Designer shall ensure that surcharging of the system does not occur during such peak flow conditions by taking into consideration such factors as energy loss at manholes. The capacity of the sanitary sewer mains shall be calculated using the "Manning Formula" or an appropriate nomograph. A Manning roughness coefficient (n) equal to 0.011 shall be used for PVC pipe.



- 3.4.3 Sewers shall be designed to maintain a minimum velocity of 2 feet per second (0.6 meters per second) and a maximum velocity of 15 feet per second (4.6 meters per second) when operating under Design Peak Flow conditions from the tributary area when fully developed.

Minimum Pipe Size

- 3.4.4 No sanitary sewer main shall be less than 8 inches (200 mm) in diameter.

Minimum Slope

- 3.4.5 Sanitary sewer mains shall have a minimum slope of 1 percent. Slopes less than 1 percent may be considered where the depth of flow will be at least 30 percent of the diameter of the pipe for Design Peak Flow. In no case shall the slope be reduced to less than 0.75 percent.
- 3.4.6 Calculations shall be presented in a tabular form to indicate depths and velocities at minimum, average and maximum daily wastewater flow for the different sizes of sewer proposed.

High Velocity Protection

- 3.4.7 Where velocities greater than 15 feet per second (4.5 meters per second) are attained, special provision shall be made to protect against displacement of pipe and structures by erosion and shock.

Depth

- 3.4.8 The sanitary sewer shall be installed at a sufficient depth to provide service by gravity flow from all proposed lots within the proposed subdivision and to provide service to adjoining lands.
- 3.4.9 The minimum depth of sanitary sewer mains shall not be less than 5 feet (1.5 meters).
- 3.4.10 The depth of sanitary sewer mains shall not normally exceed a maximum of 14 feet (4.3 meters). However, under special conditions, if full and justifiable reasons are given (such as elimination of a pumping station), the maximum depth of sanitary sewer mains may be increased to 18 feet (5.5 meters).



Location

- 3.4.11 Where possible, all sanitary sewer pipe and appurtenances shall be located within a street owned by the Town. If approved by the Town Engineer, sanitary sewer mains may be installed within an easement granted in favor of the Town. The actual width of the easement shall depend upon the depth of any pipe lines contained within the easement. The minimum width of any such easement shall be 20 feet (6.1 meters).
- 3.4.12 Depending upon the length and location of the easement, the Town Engineer may require a suitable surface to provide vehicle access within the easement for maintenance purposes.
- 3.4.13 Where a need is identified by the Town Engineer to accommodate future upstream lands which are naturally tributary areas to the drainage area, an easement shall be provided from the edge of the street right-of-way to the upstream limit of the subdivision.

Joints

- 3.4.14 All joints on gravity lines shall be bell and spigot as recommended by the manufacturer.

Alignment

- 3.4.15 All sanitary sewer mains shall be laid with a straight alignment between manholes.

3.5 Gravity System Manholes

General

- 3.5.1 A manhole shall be provided on a sanitary sewer at the end of each line, at any change in pipe size, vertical or horizontal alignment and at all pipe intersections. All manholes shall be watertight.



Hydraulic Losses

- 3.5.2 The following criteria shall be used for pipe elevation and alignment in sanitary sewer manholes to account for hydraulic losses through the manhole:
- (a) minimum drop across manholes of similar diameters shall be:
 - i. straight run - 0.10 feet (30 mm); and
 - ii. deflections up to 45 Degrees - 0.10 feet (30 mm); and
 - iii. deflections 45 to 90 Degrees - 0.20 feet (60 mm); and
 - (b) the crown of a downstream pipe shall not be higher than the crown of an upstream pipe.

Minimum Diameter

- 3.5.3 The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Maximum Spacing

- 3.5.4 The distance between manholes shall not exceed 400 feet (120 m) for sewer main diameter of 24 inches (600 mm) or less. For sewer mains greater than 24 inches (600 mm) in diameter, the maximum spacing shall be 500 feet (150 m).

Location

- 3.5.5 All sanitary sewer manholes shall be positioned so as to minimize the inflow of surface water or ground water. Manholes shall not be located at or near drainage ditches or roadway low points.
- 3.5.6 In some situations where manholes cannot be easily located to minimize inflow, the use of berms and/or water-tight frames and covers may be permitted by the Town Engineer.

Drop Manholes

- 3.5.7 Where the difference between invert elevations of any two pipes entering and leaving a manhole is greater than 3 feet, either an internal or external drop chamber shall be provided. Drop manholes will only be approved when there are no other means of installing the pipe near the base of the manhole.



Frames & Covers

- 3.5.8 The following manhole frames and covers are approved for use:
- (a) IMP Type R60 for manholes within a public street allowance; and
 - (b) IMP R12 bolt down frame and cover for manholes in easements, parks or wet wells.

Lateral Connections at Manholes

- 3.5.9 If services must be designed to enter a manhole then the maximum number entering any manhole shall be limited to three (3). All entrances shall be cast into the manhole by the manufacturer and be complete with watertight gasketed joints.

3.6 Gravity System Laterals

General

- 3.6.1 In any subdivision for which tentative or final approval is being sought, a single sanitary sewer lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 3.6.2 A single sanitary sewer lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services, except that duplex or semi-detached unit lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 3.6.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material

- 3.6.4 Polyvinyl Chloride (PVC), SOR 28 shall be used for sanitary sewer service laterals. Pipe markers and end caps for sanitary sewer laterals shall be red in color.

Minimum Pipe Size

- 3.6.5 Minimum pipe size for laterals shall be 4 inches (100 mm) in diameter.



Clean-out

- 3.6.6 Service laterals with a total length greater than 85 feet (25 metres) shall be installed complete with a wye type clean-out or approved manhole in locations approved by the Town Engineer. A 1 foot (300 mm) by 1 foot (300 mm) x 1/4 inch (6mm) steel plate shall be placed above cleanouts and located 6 inches (150 mm) below the ground surface to allow detection by a metal detector.

Minimum Slope

- 3.6.7 Sewer laterals shall have a minimum slope of 2 percent.

Depth

- 3.6.8 The minimum depth of sanitary sewer laterals shall not be less than 5 feet (1.5 metres) below a traveled way (such as a driveway or street) or less than 3 feet (1 meter) below the bottom of a ditch.
- 3.6.9 To minimize future maintenance costs, all service laterals shall be eliminated from the deep section of the sewer main either by installation of a rider sewer for lateral connections or by the installation of all laterals at manholes.

Connection to Mains

- 3.6.10 Service connections to an existing main in service shall be made using the approved saddles listed below:
- (a) PVC Main - PVC gasketed strap on, in line or wye tee
 - (b) Concrete or AC main - Daigle 050
- 3.6.11 All saddles shall be fitted with a gasket and a double stainless steel strap and shall not protrude into the main.
- 3.6.12 Service connections to any newly constructed main shall be made using a service tee or wye fittings of the same material as the pipe with gaskets.
- 3.6.13 For laterals greater than 6 inches (150 mm) in diameter the connection to the sewer main shall be made by installing a manhole on the sanitary sewer main.



- 3.6.14 Any service connection requiring a major change in horizontal or vertical alignment shall be constructed using a maximum of one horizontal and one vertical bend per service lateral unless an approved manhole structure or "wye" type clean-out is provided. All bends shall be long-radius type with a maximum deflection of forty-five degrees.
- 3.6.15 The center line of any service connection at the main shall be located at an angle of 45 degrees above the horizontal at the main.

Joins

- 3.6.16 Sewer joints shall be designed to prevent infiltration and to prevent the entrance of roots, and shall be made in accordance with the manufacturer's recommendations.

Repairs

- 3.6.17 Repairs to pipe damaged after installation will be accepted only if carried out in accordance with the manufacturer's recommendations and after the damaged section has been retested.

Groundwater Movement

- 3.6.18 The design engineer shall assess the possible change in groundwater movement caused by the use of pervious bedding material and shall be responsible for the design of corrective measures to prevent flooding as a result of this groundwater movement. Clay plugs in service lateral trenches may be required for low lying lots and impervious soils.

3.7 Pumped Systems

General

- 3.7.1 Pumping stations shall be provided when, in the opinion of the Town Engineer, a gravity system is not possible or is not economically feasible.
- 3.7.2 Sewage pumping station structures and electrical and mechanical equipment shall be protected from physical damage from the 1 in 100 year flood. Sewage pumping stations shall be designed so that they remain fully operational and accessible during the 1 in 50 year flood.
- 3.7.3 During preliminary location planning, consideration shall be given to the potential of emergency overflow provisions and the avoidance of health hazards, nuisances and adverse environmental effects.



- 3.7.4 Unless otherwise approved by the Town Engineer, all pumping stations, pumps, and forcemains shall be designed for the ultimate sanitary sewer peak flows from the tributary area for drainage. In the selection of pumps, both present and future conditions shall be considered, and pump overloading situations shall be avoided.
- 3.7.5 Design parameters such as the roughness coefficient of pipe and flow volumes can vary over time, and such variances shall be considered in the selection of the pumps.

3.8 Pumped System Pumping Stations

General

- 3.8.1 All pumping stations shall include above ground self-priming pumps unless approved otherwise by the Town Engineer.

Pump Capacity

- 3.8.2 All pumping stations shall have a minimum of two pumping assemblies. If only two pumps are provided, each shall be capable of handling the expected Design Peak Flow. Where three or more units are provided, they shall be designed to fit actual flow conditions and must be of such capacity that, with the largest unit out of service, the remaining units will have capacity to handle maximum sewage flows, taking into account head losses with parallel operation. The pump control circuitry shall be designed to automatically alternate pumps for each pump cycle. Run time meters shall be provided to record run time for pumps operation.

Wet Well Size

- 3.8.3 The wet well shall be designed to allow for a minimum cycle time for each pump of fifteen minutes. For a duplex station, the volume in cubic feet, between pump start and pump stop shall be 0.5 times the pumping rate of one pump, expressed in US gallons per minute. The wet well size and control settings shall be appropriate to avoid heat build-up in the pump motor due to frequent starting and to avoid septic conditions due to excessive detention time.
- 3.8.4 The wet well shall be designed for a maximum retention time of 30 minutes to avoid septic conditions.



Phased Development

- 3.8.5 In situations of phased development, the effects of minimum flow conditions shall be investigated to ensure that the retention time in the wet well will not create an odor or septic conditions.

Structural Design

- 3.8.6 The wet well structure shall be designed for all external loads, including bearing capacity with the wet well full, lateral earth pressure and hydraulic uplift with the wet well empty.

Pump Manufacturers

- 3.8.7 The following pumps and pump manufacturers may be approved for use in sewage pumping stations in the Town:
- (a) submersible pumps manufactured by "ITT Flygt" or "Gorman Rupp"
 - (b) self priming pumps manufactured by "Gorman Rupp"
- 3.8.8 All pumps shall be solids-handling type complete with electric motors.

Pump Supplier

- 3.8.9 The pump supplier shall have as a minimum:
- (a) 15 years of continuous sales and repair service in Canada; and
 - (b) a replacement mechanical seal, a replacement wear plate, and a replacement impellor for the electrical pump in inventory in Nova Scotia; and
 - (c) factory trained personnel available at all times in Nova Scotia; and
 - (d) all pumps and motors must carry a minimum 24-month warranty.

Emergency Overflows

- 3.8.10 Each pumping station shall be provided with an emergency overflow arrangement acceptable to both the Town Engineer and the Nova Scotia Environment and Climate Change. The invert of the overflow pipe at the pumping station shall be lower than the invert of any sanitary sewer laterals at the property line. As well, the invert of the overflow pipe shall be at an elevation high enough to prevent backflow from surface runoff or during extreme high tides.



Safety Precautions

- 3.8.11 The pumping station and appurtenances shall be designed in such a manner to ensure the safety of Town employees, in accordance with all applicable Municipal, Provincial and Federal regulations including the *Occupational Health and Safety Act*. All moving equipment shall be covered with suitable guards to prevent accidental contact.
- 3.8.12 Equipment that starts automatically shall be suitably and visibly posted with warning signs to ensure that the Town employees are aware of this condition. Lock-outs on all equipment shall be supplied to ensure that the equipment is completely out of service when maintenance or servicing is being carried out.

Pump Selection

- 3.8.13 Pumping equipment shall be selected to perform at maximum efficiencies under normal operating conditions. Pumping stations, wet wells and dry wells shall be designed such that all pumps will operate under a continuous positive prime condition during the entire pump cycle. (This criteria will not apply to pumping stations designed to use self-priming pumps). System head calculations and curves shall be provided for the following operating conditions:
- (a) $C=100$ and low water level in the wet well; and
 - (b) $C=120$ and medium water level over the normal operating range in the wet well; and
 - (c) $C=130$ and overflow water level in the wet well.

Where C is Hazen-Williams flow co-efficient.

Curve (b) shall be used to select the pump and motor since this most closely represents normal operating conditions. The extreme operating ranges will be given by the intersections of curves (a) and (c) with the selected pump curve. The pump and motor shall be capable of operating satisfactorily over the full range of operating conditions.

Surcharge

- 3.8.14 Pumping stations shall be designed such that the incoming sewers will not surcharge under the peak flow conditions.



Flow Velocity

- 3.8.15 Suction and header piping shall be sized to carry the anticipated flows. Flow velocities shall be:
- (a) minimum cleansing velocity of 2.6 feet per second (0.8 meters per second), and
 - (b) maximum velocity of 6.6 feet per second (2.0 meters per second).
- 3.8.16 Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter shall not be acceptable, unless otherwise approved by the Town Engineer.

Piping

- 3.8.17 Pumping station internal piping shall be either ductile iron Class 54 with coal tar epoxy lining or stainless steel, Type 316 or 316L, 11 Gauge. Regular steel pipe spool pieces will not be permitted.
- 3.8.18 Threaded flanges or victaulic couplings shall be used for all ductile iron pipe joints, fittings and connections within the station. Pressed or rolled vanstone neck flanges shall be used for all stainless steel pipe joints, fittings and connections. All piping within the pumping station shall be properly supported and shall be designed with appropriate fittings to allow for expansion and contraction, thrust restraint, etc.

Wet Well Inlet

- 3.8.19 Only one inlet will be permitted into the wet well. If more than one sewer main flows to a pumping station site then a manhole shall be provided near the pumping station to collect the flow from the contributing mains.

Hydraulic Analysis

- 3.8.20 A hydraulic transient analysis shall be undertaken to ensure that transients (water hammer) resulting from pumps starting, stopping, full load rejection during power failure, etc. do not adversely affect the pipe or valves in the system.

Valves

- 3.8.21 Hand operated gate or plug valves shall be provided on discharge piping to allow for proper maintenance. A check valves shall be provided on the discharge lines between the isolation gate valve and the pump. Check valves shall be accessible for maintenance.



Ventilation

- 3.8.22 Forced ventilation shall be provided for pumping station wet wells and dry wells. A ventilation system capable of delivering a complete air change in ten minutes and with automatic operation of the fan at least four times in a 24-hour period is required.

Access & Removal

- 3.8.23 Access hatchways and doorways shall be provided to allow adequate maintenance and servicing. All pumping stations shall be provided with an acceptable device for the removal of pumps and motors for repair and maintenance. Lift hatches shall have gas assisted cylinders and be able to be "locked in" in the upright position.
- 3.8.24 Submersible pumps shall be readily removable and replaceable without dewatering the wet well or disconnecting any piping in the wet well. A non-corroding working platform shall be constructed in the wet well of any submersible station. The platform shall be set on a concrete lintel cast integrally with the station walls. Alternatively, a separate valve chamber shall be provided.
- 3.8.25 All locks shall be keyed to the Town's standard key system.

Electrical / Supervisory Control and Data Acquisition (SCADA) System

- 3.8.26 Electric motors less than 10 horsepower shall be 208 volt and 3 phase. Electric motors 10 horsepower and larger shall be 600 volt and 3 phase. Single phase pumps will only be permitted if in the opinion of the Town Engineer that three phase power is not feasible. All pumping station control equipment shall be mounted in a CSA Type 3 enclosure that is weather tight, heated and rated NEMA 4. Alternatively, control equipment may be mounted in an aboveground, prepackaged enclosure as manufactured by Gorman Rupp. Control package and wiring shall be CSA approved and the complete package shall meet CSA requirements for the type of equipment.
- 3.8.27 Run-time meters shall be provided for each pump. The run-time shall be recorded both on SCADA and also locally on meters at the station, mounted in the panel, facing outwards.



- 3.8.28 Pumping stations shall have ultrasonic echo controls to control pump starts and stops. Mercury float switches may be required in stations where ultrasonic echo control is unsuitable or used as a back-up to the ultrasonic echo controls. The station liquid levels shall be displayed both locally and remotely. Pump controls are to be provided with two over-rides (over-riding the normal function of the station), both of which are to be operated by mercury float switches. One float is to be set to lock-out the pumps if the liquid level drops 3 inches (75 mm) below the normal pump shut-off level. This condition is to provide an alarm but is to be self-resetting. The other float is to be set at the high-level alarm level, both to provide that alarm but also to start both pumps, if they are not already running.
- 3.8.29 Each panel is to be equipped with a pump controller complete with communications hardware, including but not limited to, radio, radio power supply, antenna and interface cable. Adequate lighting arresters shall be provided. The SCADA system must be compatible with the system presently used by the Town.
- 3.8.30 The SCADA unit shall have two extra digital points and two extra analog points and shall be capable of transmitting the following signals and alarms to the central monitoring location:
- (a) hand off automatic selector switch status; and
 - (b) output control through SCADA system; and
 - (c) power generating system (overload, battery status, fuel tank level, running, etc.); and
 - (d) low level alarm; and
 - (e) high level alarm; and
 - (f) panic alarm; and
 - (g) building fire alarm; and
 - (h) power failure alarm; and
 - (i) illegal entry alarm; and
 - (j) pump information (overload, motor current, pump status, line voltage, pump running hours, pump starts, and phase monitoring); and
 - (k) dry well alarm - where applicable; and



(l) any other requests of the Town Engineer

- 3.8.31 The electrical service meter socket is to be mounted on a utility pole and come complete with CEMA 3 weatherproof enclosure and disconnect switch suitable for the service provided.
- 3.8.32 The service connection shall meet requirements of the Town's electric light utility.
- 3.8.33 Electrical service from the supply to the control panel and between the control panel and the pumping station shall be through buried conduit. Each pump cable shall be installed in a separate conduit and a spare conduit shall be provided for future use. All conduits entering or leaving shall be adequately sealed to protect against corrosion, water intrusion or harmful gases.

Site Considerations

- 3.8.34 Whenever possible, all pumping stations and control panels shall be within the street right-of-way in an appropriate area specifically designated for that purpose. Property required for the pumping station shall be deeded to the Town. All pumping station land shall be graded such that ponding of water does not occur. The elevation of the top of the wet well shall be no less than 4 inches (100 mm) and no more than 6 inches (150 mm) above the finished grade of the pumping station lot. Adequate areas for vehicular access and parking areas shall be paved. All other exposed areas shall be sodded. The pumping station shall not be located in areas which may flood. Low maintenance shrubs and foliage are to be planted by the developer to screen the site.

Testing

- 3.8.35 The wet-well shall be tested for water-tightness by filling to the top cover level with water and after a 24-hour period, being topped up and tested for 4 hours to ensure that there is no more leakage from the station than 5 liters/hour/0.8 m² surface area/1000 mm of vertical height. Any visible leaks, seepage or weeping shall be repaired regardless of test results.
- 3.8.36 The capacity of the pumps shall be tested both individually and together by means of a station draw-down test or approved equivalent method. Results shall be submitted to the Town Engineer in order to compare the results obtained with the pump curve and design. Pumps failing to meet the design will be not be accepted.



- 3.8.37 The pumps shall be tested both individually and together for voltage and current draw. Copies of the manufacturer's start-up report, including capacity test, and certification from the pump manufacturer that the pumps meet the electrical and installation specifications are required.

Operations and Maintenance Manual

- 3.8.38 Three copies of the pumping station operation and maintenance manual shall be prepared in a form acceptable to the Town Engineer and provided to the Town Engineer prior to acceptance of the pumping station. This manual shall contain the following as a minimum:
- (a) system description; and
 - (b) design parameters, system hydraulics and design calculations (including curves); and
 - (c) as-constructed civil, mechanical and electrical drawings; and
 - (d) pump literature, pump curves and operating instructions; and
 - (e) manufacturer's operation and maintenance instructions of all equipment; and
 - (f) name, address, and telephone number of all equipment suppliers and installers; and
 - (g) information on guarantees/warranties for all equipment.
- 3.8.39 All special tools and standard spare parts for all pumping station equipment shall be provided by the contractor prior to acceptance of the system by the Town Engineer.

3.9 Pumped System Forcemain

Pipe

- 3.9.1 PVC DR 18 pipe is approved for use for all sanitary sewer forcemains in the Town. Warning tape (150 mm wide polyethylene) shall be placed 6 inches above the top of the pipe's first backfill layer and labeled "Caution, Sewer Line Buried". The minimum pipe diameter shall be 4 inches (100 mm). The hydraulic losses in the forcemain shall be calculated using the Hazen-Williams formula. Variations in the roughness coefficient (C) through the life of the pipe shall be taken into account.



Limiting Velocities

- 3.9.2 The forcemain shall be designed such that a minimum cleansing velocity of 2 feet per second (0.6 meters per second) is maintained. The maximum velocity in any forcemain shall not exceed 8 feet per second (2.4 meter per second). Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter is not acceptable, unless otherwise approved by the Town Engineer.

Minimum/Maximum Depth

- 3.9.3 Forcemains shall have a minimum cover of 5 feet (1.5 m) and a maximum cover of 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Slope

- 3.9.4 Forcemains shall be installed at uniform slopes and under no circumstance shall they be installed at zero slope.

Location

- 3.9.5 Forcemains shall not be located in a common trench with a water main and the soil between them shall be undisturbed. Forcemains crossing water mains shall be laid to provide a minimum vertical distance of 1.5 feet (450 mm) between the outside of the forcemain and the outside of the water main. The water main shall be above the forcemain. At crossings, one full length of water pipe shall be located so that both joints are as far from the forcemain as possible. Special structural support for the water main and forcemain may be required.

Termination

- 3.9.6 Forcemains shall terminate at a manhole on the gravity sewer system, and at a point not more than 2 feet (0.6 meters) above the flow line of the receiving manhole. A bend may be required to direct the flow down into the barrel of the receiving gravity sewer.

Valves

- 3.9.7 Where high points in the forcemain profile cannot be avoided, automatic air relief and vacuum valves shall be installed in a manhole to prevent air locks in the pipe or in other locations as determined by the Town Engineer. Drain valves housed in manholes shall be provided at low points in the forcemain system as directed by the Town Engineer.



Air Relief & Vacuum Valves

- 3.9.8 Heavy duty type cast iron body valves with bronze trim and combination of small orifice and large orifices shall be used. Small orifice size shall be 3.2 mm. Valves shall be suitable for operation at 150 psi (1 MPa) working pressure and shall have flanged ends.
- 3.9.9 Operation shall be through independent floating stainless steel buoy balls located in both orifices.
- 3.9.10 Orifices shall be capable of expelling air at a high rate during filling and at a low rate during operation and shall admit air while draining the pipeline. Seats shall be replaceable.
- 3.9.11 Valves shall have no moving parts except for stainless steel balls which shall remain in the throat area discharging air without blowing shut or collapsing the balls.
- 3.9.12 Valves shall not leak in the closed position when pipe is being filled.

Changes in Direction

- 3.9.13 Any change in direction which is in excess of the pipe joint deflection tolerance will require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change of direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa). In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the forcemain through the use of stainless steel tie rods securely embedded in concrete. The use of restrained joints is not permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Pipe Installation

- 3.9.14 Repairs to pipe after installation will only be accepted if carried out in accordance with the manufacturer's recommendations and shall be re-tested.



3.10 Inspections and Testing

General

- 3.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.

Manholes

- 3.10.2 Manholes and valve chambers shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 3.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 3.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer.

Deflection

- 3.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 3.10.6 Leakage test shall be done in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 3.10.7 Video inspections shall be carried out at the following times:
- (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 3.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



4 Water System Specifications

4.1 General

- 4.1.1 This Part specifies the requirements for a water distribution system. A water distribution system consists of water mains, laterals and appurtenances, including pumping stations, pressure control facilities and reservoirs, which is designed to convey and distribute an adequate supply of potable water for domestic consumption and fire protection.

References

- 4.1.2 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.
- 4.1.3 The following reference standards and organizations are supplementary to these specifications:
- (a) "Water Supply For Public Fire Protection" prepared by the Fire Underwriters Survey-Insurer's Advisory Organization (IAO)
 - (b) National Fire Protection Association (NFPA)
 - (c) American Water Works Association (AWWA)
 - (d) Canadian Standards Association (CSA)
 - (e) National Building Code (NBC)
 - (f) Canadian Plumbing Code (CPC)
 - (g) Underwriters Laboratories of Canada (ULC)

Nova Scotia Environment and Climate Change Requirements

- 4.1.4 Water distribution systems shall conform to any requirements established by the Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.



Quality Assurance

- 4.1.5 Water quality is monitored and maintained by the Town's Water Utility. The system shall be designed such that water quality is maintained and supplied to water utility customers at an adequate pressure and volume.

4.2 Design Criteria

System Capacity

- 4.2.1 Water distribution systems shall be designed to supply fire flow demand plus maximum daily demand, or the maximum hourly demand, whichever is greater, unless otherwise approved by the Town Engineer.
- 4.2.2 Fire flow demand shall be established in accordance with the latest edition of Fire Underwriter's Survey publication, "Water Supply for Public Fire Protection: A Guide to Recommended Practice".
- 4.2.3 The following domestic demand rates shall be used for water distribution systems design:
 - (a) average daily demand: 90 Imperial Gallons per capita per day (410 liters per capita per day).
 - (b) maximum daily demand: 200 Imperial Gallons per capita per day (909 liters per capita per day).
 - (c) maximum hourly demand: 300 Imperial Gallons per capita per day (1364 liters per capita per day).

Design Population

- 4.2.4 Water distribution systems shall be designed based upon appropriate population projections. The design population and assumed domestic demand shall be clearly stated in the calculations submitted for review and approval.



Hydraulic Analysis

- 4.2.5 Hydraulic analysis of the distribution system shall be carried out by the design engineer. Water distribution designs shall be supported by a hydraulic analysis of the system which determines flows, pressures and velocities under maximum day plus fire, maximum hour and minimum hour conditions. The analysis shall be of sufficient scope to identify and describe any impact on the existing system. The analysis shall include a location of known hydraulic grade line determined by the Engineer and include demands on the existing system downstream of the known hydraulic grade line, as well as demands generated by the proposed development. Maximum day plus fire analysis shall include sufficient scenarios to test all extreme conditions, such as high fire flow requirements, fires at locations of high elevations and fire at a location remote from the source or feeder main.
- 4.2.6 Subject to the Engineer's review, new water system extensions of thirty (30) dwelling units, as defined in the Land Use By-law, or less may not require a hydraulic analysis if it can be demonstrated that minimal or no impact will be created on the existing system.
- 4.2.7 The Town Engineer shall have the right to request flow and other engineering calculations prior to granting approval to install a water system.

4.3 Water Main

Looping

- 4.3.1 Water distribution systems shall be designed to exclude any dead-end pipes unless otherwise approved by the Town Engineer.

Limiting Velocities

- 4.3.2 The water main shall be sized such that the maximum velocity in the pipe shall not exceed 5 feet per second (1.5 meters per second) during maximum hourly domestic flow conditions or 8 feet per second (2.4 meters per second) during fire flow conditions.

Minimum Pipe Size

- 4.3.3 The pipe size for local distribution mains shall be no smaller than 8 inches (200 mm) in diameter. The pipe size for a main feeder shall be no smaller than 12 inches (300 mm)



Oversizing

- 4.3.4 Oversizing of water mains to accommodate the water supply requirements of future off-site development may be required by the Town Engineer.

Type of Pipe

- 4.3.5 Pipe shall be Polyvinyl Chloride (PVC) conforming to AWWA C900, DR18 unless otherwise approved by the Town Engineer.
- 4.3.6 Fittings shall conform to AWWA C110, with a minimum working pressure rating of 1035 kPa (150 psi).
- 4.3.7 Joints shall be mechanical or push-on conforming to AWWA C111. Mechanical joint restraints shall be as approved by the Town Engineer.

Cover Over Watermain

- 4.3.8 All water mains shall be designed with a minimum cover of 5 feet (1.5 m).
- 4.3.9 In no situation shall the depth of cover over the water main exceed 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Location

- 4.3.10 Water lines installed in the same trench as sewer lines shall be installed to one side on a shelf of undisturbed earth, and a minimum horizontal separation of 20 inches (500 mm) and vertical separation of at least 12 inches (300 mm) shall be maintained between the crown of the sewer line and the bottom of the water line. If the vertical separation cannot be maintained, the two lines shall be installed in separate trenches with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.11 Under no circumstances shall a water main be installed in the same trench as a sewer forcemain. Water mains and sewer forcemains shall be installed with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.12 Whenever a sewer crosses underneath a watermain a separation of at least 18 inches (450 mm) must be maintained between the top of the sewer and the bottom of the watermain.



- 4.3.13 All water mains and appurtenances shall be located within a street or within an easement, of minimum 20 feet (6.1 meters) width, granted in favor of the Town. Depending on the length and location of the easement, the Town Engineer may require a suitable surface to provide access within the easement for maintenance purposes. Water mains shall be installed as close as possible to the centerline of the easement.
- 4.3.14 All watermains shall be installed at a consistent grade to avoid localized high points. The location of watermains and laterals shall also meet the requirements of the Nova Scotia Department of Environment and Climate Change.
- 4.3.15 Where a need for water mains to accommodate future development on adjacent lands is identified, easements shall be provided from the edge of the street right-of-way to the property boundary of the subdivision.

Changes in Direction

- 4.3.16 Any change in direction which is in excess of the pipe joint deflection tolerance shall require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change in direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa).
- 4.3.17 In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the water main through the use of stainless steel tie rods securely embedded in the concrete. The use of restrained joints shall not be permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Groundwater Movement

- 4.3.18 The design of the water system shall give consideration to the possible change in ground water movement caused by the use of pervious bedding material. The design shall include corrective measures to prevent flooding as a result of this ground water movement.
- 4.3.19 Water mains installed in a single pipe trench may require a trench drainage relief system to lower the ground water in the trench. The design of the relief system shall be specific to the situation with consideration for topography, subsurface conditions, ground water conditions and local drainage patterns.



- 4.3.20 Service lateral trenches that have a trench bed sloping down from the main trench may require the installation of an appropriate clay plug, or similar solution, to prevent the flow of ground water from the trench towards the abutting properties.

Air Relief Valve and Vacuum Valves

- 4.3.21 Air relief and vacuum valves shall be installed in a manhole at all high points in the distribution system.

Connections to Existing Mains

- 4.3.22 Tapping sleeves and valves shall be provided for connections to existing water mains where required by the Town Engineer.

4.4 Service Laterals

General

- 4.4.1 In any subdivision for which tentative or final approval is being sought, a single water service lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 4.4.2 A single water service lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services except that duplex or semi-detached units lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 4.4.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material and Size

- 4.4.4 Water service laterals shall be copper tubing conforming to ASTM 888, Type K annealed, minimum working pressure of 150 psi (1035 kPa).
- 4.4.5 All water service laterals between the corporation stop and curb stop shall be a minimum of 3/4 inch (19 mm) in diameter.



- 4.4.6 A single lateral designed to service duplex or semi-detached units shall have a minimum inside diameter of 1 inch (25 mm). Individual service laterals from the curb stop to the street line shall have a minimum inside diameter of 3/4 inch (19 mm).
- 4.4.7 Where the length of service laterals from the curb stop to the serviced building is longer than the typical setback, a larger diameter service maybe required to avoid excessive pressure loss.

Service Fittings

- 4.4.8 Corporation and curb stops shall be brass conforming to ASTM B 62 with compression type joints. Threads on corporation stops shall conform to AWWA C800. All service connections on PVC mains shall include a service clamp (saddle) with bronze body, confined "o"-ring seal cemented in place, stainless steel straps suited for the main size, and outlet threads conforming to AWWA C800.
- 4.4.9 Service connection joints shall be compression type, with a minimum pressure rating of 150 psi (1035 kPa).
- 4.4.10 For services which are longer than 66 feet (20 m), the number of compression couplings used shall be kept to a minimum.
- 4.4.11 Service boxes shall be adjustable with cast iron bottom section, cast iron lid with recessed nut, and internal stem to suit the depth of bury.

Minimum Cover

- 4.4.12 All service laterals shall be installed with a minimum cover of 1.5 meters (5 feet).

4.5 Valves

General

- 4.5.1 All connections to an existing water system shall be valved so that the system can be isolated from the existing main to facilitate construction and testing. The connection to the existing water system shall be coordinated through the Town Engineer.



Type of Valves

- 4.5.2 Valves on water mains 12 inches (300 mm) and smaller shall be mechanical joint gate valves conforming to AWWA C509, minimum working pressure rating of 200 psi (1380 kPa), with cast iron body and resilient rubber seat. Cast iron adjustable height valve boxes shall be provided on all valves 12 inches (300 mm) and smaller.
- 4.5.3 Valves larger than 12 inches (300 mm) shall be gate valves conforming to AWWA C500, minimum working pressure rating of 150 psi (1035) kPa, with cast iron body and bronze mounted mechanism. Butterfly valves conforming to AWWA C504, Class 150B, minimum pressure rating of 150 psi (1035 kPa), with cast iron body and mechanical joint ends may be approved by the Town Engineer.
- 4.5.4 All meter chambers, air release chambers, and other special works shall be as approved by the Town Engineer.

Valve Locations

- 4.5.5 Valves shall be provided on water mains at the following locations:
 - (a) where required to adequately isolate sections of the water system as determined by the Town Engineer; and
 - (b) four valves for each cross in the watermain - one on each leg of the cross; and
 - (c) three valves for each tee in the watermain - one on each leg of the tee; and
 - (d) at intervals of 1,000 feet (300 m) on watermain sections where there are no junctions; and
 - (e) at the street line for all domestic and sprinkler services.

4.6 Backflow Prevention Devices

General

- 4.6.1 Backflow prevention devices shall be provided on new water services if in the Town Engineer's opinion there is a risk of contamination of the potable water supply. Premises which require backflow prevention devices include, but are not limited to, the following:
 - (a) industrial, commercial and institutional buildings; and



- (b) dwellings larger than four units; and
- (c) sprinkler service lines.

Location

- (d) Backflow prevention devices shall be installed downstream of water meters. A water distribution connection shall not be permitted between a water meter and a backflow prevention device.
- (e) Where a meter by-pass is required, a backflow prevention device shall be installed on the main service line and on the by-pass line.

Type of Device

- 4.6.2 Backflow prevention devices shall conform to CSA B64-M88.

4.7 Fire Hydrants

Spacing and Location

- 4.7.1 Fire hydrants shall be spaced in accordance with the latest revision of the publication "Water Supply for Public Protection". In no case shall the spacing exceed 500 feet (150 m).
- 4.7.2 The following are desirable hydrant locations:
- (a) at high points on the water main profile unless an automatic air release valve is required at that location;
 - (b) at low points on the water main profile;
 - (c) at street intersections;
 - (d) near the middle of long blocks;
 - (e) at the end of dead-end streets or cul-de-sacs greater than 300 feet (90 m) in length.
- 4.7.3 Fire hydrant laterals shall have a minimum diameter of 6 inches (150 mm) and shall be provided with a gate valve between the hydrant and the tee on the main. The depth of bury of hydrant laterals shall be 5 feet (1.5 m).
- 4.7.4 Hydrants shall be provided with adequate drains to prevent freezing.
- 4.7.5 If dead end mains are permitted by the Town Engineer then a hydrant or blow off is required to permit flushing of the distribution system.



- 4.7.6 Fire hydrants shall be dry barrel type, conforming to AWWA C502 and shall be two-piece with safety break-away flange and stem. The safety flange shall be installed above the ground but it shall be no higher than 6 inches (150 mm) above finished grade.
- 4.7.7 Hydrants shall have two (2) two and one-half (2.5) inch hose nozzles Nova Scotia thread and one standard pumper nozzle with a diameter of four inches. The Town Engineer shall consult with the fire department prior to approval. Clow "Brigadier" -67 is an acceptable product.

4.8 Insulation

- 4.8.1 Insulation shall be placed where, due to special circumstances, the depth of bury is less than 5 feet (1.5 m). Insulation shall conform to CAN/CGSB 51.20M, type 4, expanded polystyrene. Styrofoam HI40 is an acceptable product.
- 4.8.2 Insulation of a main shall consist of insulation over the top of the pipe, with clean dry sand filling the annular space between the pipe and insulation.

4.9 Pumping and Storage Facilities

- 4.9.1 Differences in ground elevations or distance from the source of supply may require that the water system pressure be boosted in certain areas to provide adequate pressure and flows to meet domestic and fire flow requirements.
- 4.9.2 To accomplish this, a pumping station may be required to service a specific and defined area of a water distribution system which is generally isolated from the remainder of the system. All pumps, pump houses and storage facilities shall be designed in consultation with and meet the requirements of the Town Engineer.



4.10 Inspections and Testing

Valve Operation

- 4.10.1 The operation of any valve not part of the new construction shall only be by the Town.

Operation Notice

- 4.10.2 The Town shall be notified forty-eight (48) hours in advance of all filling, flushing, or chlorination operations for new construction.

Requirements

- 4.10.3 Testing shall be carried out with the following additional requirements:
- (a) all services, hydrants, mains, and other appurtenances shall be included in the system test; and
 - (b) testing shall be performed in presence of the Town Engineer or his representative. Test results shall be verified and submitted to the Town Engineer by a Professional Engineer registered to practice in Nova Scotia; and
 - (c) all water used for pipe testing shall be the contractor's responsibility and shall be chlorinated potable water.

Hydrostatic Pressure Test

- 4.10.4 Water lines shall be flushed before testing. The duration of each hydrostatic pressure test shall be at least (2) hours, and the pressure shall be maintained at a minimum of 200 psi (1380 kPa) throughout the test period.
- 4.10.5 Pressure gauges shall be liquid filled type, minimum 4 inch (100 mm) face diameter, graduated in psi, accuracy 3% at maximum reading.
- 4.10.6 There shall be no leakage or drop in pressure for the duration of the test.
- 4.10.7 The test must be conducted with all service laterals installed to the property line.
- 4.10.8 Should any section of the pipe leak the contractor shall, at their own expense, locate and repair the defects, and re-test the section that failed the pressure test.



Disinfection

- 4.10.9 Chlorination of any water system may proceed only after the system has been successfully pressure tested, with the test witnessed by the Town Engineer or their representative.
- 4.10.10 All water mains shall be chlorinated in accordance with AWWA C651.
- 4.10.11 All water mains shall be flushed before and after chlorination. Dechlorination of the water mains shall be the responsibility of the contractor. Dechlorination procedures shall satisfy the requirements of the Nova Scotia Department of Environment and Climate Change and the Town.
- 4.10.12 After chlorination and dechlorination are complete, water samples shall be delivered to a facility approved by the Nova Scotia Department of Environment and Climate Change for bacteriological testing. Chlorination shall be repeated if necessary.
- 4.10.13 Bacteriological test results shall be forwarded to the Town Engineer.



5 Storm Drainage System Specifications

5.1 General

- 5.1.1 This Part specifies the requirements for a storm drainage system. A storm drainage system is a system which receives, carries and controls discharges from rain and snow which includes overland flow, sub-surface flow, groundwater flow and snow melt. A storm drainage system may consist of ditches, culverts, swales, subsurface interceptor drains, roadways, curb and gutters, catch basins, manholes, pipes or conduits, retention ponds, lateral lines, to the lots from pipes or conduits to street lines, watercourses, floodplains, canals, ravines, gullies, springs and creeks.
- 5.1.2 The design criteria contained in this Part are included to illustrate the more common aspects encountered in the design of storm drainage systems. Any storm drainage system within the Town shall be designed to achieve all of the following objectives:
- (a) prevent loss of life and to protect structures and property from damage due to a major storm event; and
 - (b) provide safe and convenient use of streets, lots and other land during and following storm events; and
 - (c) to adequately convey stormwater flow from upstream sources; and
 - (d) to mitigate the adverse effects of stormwater flow, such as flooding and erosion, on downstream properties; and
 - (e) to preserve natural water courses and other natural features; and
 - (f) to minimize the long term effect of development on receiving watercourses and on groundwater.

Nova Scotia Environment and Climate Change Requirements

- 5.1.3 Storm drainage systems shall conform to any requirements established by Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by Nova Scotia Environment and Climate Change.



5.2 Design Approach

Minor Drainage System

- 5.2.1 The minor drainage system is the system which is used for initial stormwater flows. The minor drainage system shall be designed to provide safe and convenient use of streets and properties, and reduce street maintenance costs. All pipes within the system shall be designed to carry runoff from a minor storm without surcharge.

Major Drainage System

- 5.2.2 The major drainage system is the path which stormwater will follow during a major storm, when the capacity of the minor drainage system is exceeded. The minor and major drainage systems together shall be capable of carrying the runoff from the major storm. The designed flow of stormwater in a major storm shall prevent basement flooding and damage to property, streets and structures. Easements may be required for the identification and protection of certain elements of the major drainage system.

Downstream Drainage Systems

- 5.2.3 All downstream drainage systems must have adequate capacity to receive and carry discharge from the proposed storm drainage system in addition to its natural rate of discharge. An investigation of the downstream system shall be carried out from the outfall location of the proposed storm drainage system to a point sufficiently downstream that will demonstrate no adverse impacts on downstream lands, such as erosion or flooding.
- 5.2.4 The effect on downstream development will be assessed by the Town Engineer based on design engineer's investigation. Mitigative measures may be required to alleviate any adverse downstream impacts.

Design Storm Frequencies

- 5.2.5 Piped systems and other minor drainage systems shall be designed based on a design storm frequency of 1 in 10 years.
- 5.2.6 Roadways, road cross culverts and other major drainage systems shall be designed for the combined capacity of the major drainage system and minor drainage system and shall be based on a design storm frequency of 1 in 100 years. The design capacity of a natural watercourse, including a floodplain, or any drainage system where a minor drainage system is not provided, shall be based on a design storm frequency of 1 in 100 years.



5.3 Meteorological Data

- 5.3.1 Acceptable rainfall data to calculate runoff flows is to be based on the following intensity-duration-frequency data:
- (a) most current information from the Atmospheric Environment Service for area closest to project; and
 - (b) Rainfall Frequency Atlas for Canada; and
 - (c) Meteorological Services of Canada (MSC).

5.4 Runoff Methodology

- 5.4.1 The design engineer shall determine the best runoff calculation method to be used. The design engineer shall also calibrate and verify for local conditions. The designer shall provide for future reference the reason why a certain method is selected. The Town Engineer may request that a second method be used as verification or for checking the results.
- 5.4.2 The Rational Method may be used for drainage areas less than 50 acres (20 hectares) and for the preliminary design of storm drainage systems servicing larger areas.
- 5.4.3 Generally, the Rational Method shall not be used for the design of storage facilities, except that the modified Rational Method may be used for the design of storage facilities for highly impervious areas, and shall use the graphical hydrograph method.

5.5 Storm Drainage Report

- 5.5.1 A storm drainage report shall be prepared and included as part of the submission for any land development to deal with storm water and drainage issues related to the development. The report shall include site engineering analysis to a level consistent with the size of the development, its location within the drainage basin, and the sensitivity of the area's drainage system. The report shall include details of the safety implications of the proposed system, and an examination of the potential for erosion in the downstream receiving streams due to increased peak and total flows and flow velocities as a result of the development.



- 5.5.2 The storm drainage report shall also include drainage plans and detailed runoff calculations. The calculations shall include input information showing sub-watersheds, rainfall abstraction, antecedent moisture conditions and schematization of the system for pre and post development and all stormwater management alternatives, and output information which shows the main step of the calculations and the peak discharge at key points in the system.
- 5.5.3 The drainage plans shall show the location of the proposed development within the topographic drainage area, the area tributary to the proposed and existing storm drainage system(s), boundaries of all drainage sub-areas, contours at intervals not exceeding 6.5 feet (2 m), site layout including proposed streets and lots, locations of proposed storm drainage system(s) and stormwater management facilities, location of outfalls or connections into existing systems, hydrologic and hydraulic data table and any other information required by the Town Engineer.

5.6 Recommended Coefficient of Runoff Values for Various Selected Land Uses

Description of Area	Runoff Coefficients
Business, Downtown	0.75 to 0.95
Business, Neighbourhood	0.50 to 0.70
Residential, Single Unit	0.30 to 0.50
Residential, Multi-unit Detached	0.40 to 0.60
Residential, Multi-unit Attached	0.60 to 0.75
Residential, Suburban	0.25 to 0.40
Residential, ½ Acre Lots or More	0.25 to 0.40
Apartment Dwelling Areas	0.50 to 0.70
Industrial, Light	0.50 to 0.80
Industrial, Heavy	0.60 to 0.90
Parks and Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.40
Rail Yards	0.20 to 0.40
Unimproved	0.10 to 0.30

- 5.6.1 It is often desirable to develop a composite runoff coefficient based on the percentage of different types of surfaces in the drainage area. This procedure is often applied to typical "sample" blocks as a guide to selection of reasonable values of the coefficient for an entire area. Coefficients with respect to surface type, currently in use are:

Character of Surface	Runoff Coefficients
Street, Asphalt	0.70 to 0.95
Street, Concrete	0.80 to 0.95
Drives and Walks	0.75 to 0.85
Roofs	0.75 to 0.95
Lawns, Sandy Soil – Flat, 2%	0.05 to 0.10
Lawns, Sandy Soil – Average, 2% to 7%	0.10 to 0.15
Lawns, Sandy Soil – Steep, 7%	0.15 to 0.20
Lawns, Heavy Soil – Flat, 2%	0.13 to 0.17
Lawns, Heavy Soil – Average, 2% to 7%	0.18 to 0.22
Lawns, Heavy Soil – Steep, 7%	0.25 to 0.35

- 5.6.2 The coefficients in these two tabulations are applicable to storms of 5 to 10 year frequencies. Less frequent, higher intensity storms will require the use of higher coefficients because infiltration and other losses have proportionally smaller effect on runoff.
- 5.6.3 Winter Runoff Coefficient is recommended to be 0.80 for all areas and surfaces with summer coefficients less than or equal to 0.80.
- 5.6.4 Source: Hydrology, Federal Highway Administration, HEC No. 19, 1984.

5.7 Easements Within Future Development

General

- 5.7.1 All storm drainage shall be carried by either an unconfined natural watercourse, an excavated ditch or a storm sewer.
- 5.7.2 All excavated ditches and storm sewers within a subdivision shall be located either within a street right-of-way or on an easement in favor of the Town. The minimum width of an easement shall be 20 feet (6.1 m).
- 5.7.3 Where subdivision storm drainage flows onto abutting land other than through a natural watercourse or a right-of-way then an easement in favor of the Town shall be provided.
- 5.7.4 Where a need is identified by the Town Engineer to accommodate future upstream development, and where no future street reserve is available, a drainage right-of-way or an easement in favor of the Town shall be provided.
- 5.7.5 Natural watercourses shall not be carried in roadside ditches or piped roadside storm drainage systems.



Discharge to Adjacent Properties

- 5.7.6 All storm drainage shall be self-contained within the subdivision boundaries, except natural run-off from undeveloped areas.
- 5.7.7 All run-off from the developed limits of a subdivision must be directed to either a natural watercourse or storm drainage system owned by the Town.
- 5.7.8 Discharge of run-off to adjacent properties other than in a natural watercourse shall be prohibited unless the developer obtains consent in writing from the adjacent property owner(s) and drainage easements over this property are provided in favor of the Town.

5.8 Piped Storm Drainage System Components

Pipe Materials

- 5.8.1 All storm pipe 15" (375 mm) in diameter or smaller shall be PVC DR35. All storm pipe 18" (450 mm) in diameter or larger shall be concrete to CSA A 257 .2 65 D.

Velocity in Storm Sewer

- 5.8.2 The minimum design velocity for storm sewers shall be 2 fps (0.6 m/s). Consideration shall be given to initial minimum cleansing velocity for phased development.
- 5.8.3 The maximum design velocity for storm sewers shall be 15 fps (4.5 m/s) for pipes up to and including 30" (750 mm) in diameter. The maximum design velocity for storm sewer pipes greater than 30" (750 mm) in diameter shall be 20 fps (6 m/s).
- 5.8.4 The Manning Formula shall be used for pipe design.

Pipe Size

- 5.8.5 The minimum diameter for a storm sewer main shall be 12" (300 mm).
- 5.8.6 The minimum diameter for a catch basin lead shall be 10" (250 mm).
- 5.8.7 Pipe sizes shall not decrease in the downstream direction unless approved by the Town Engineer.

Depth of Sewers and Laterals

- 5.8.8 The minimum depth for a storm sewer main and laterals located within the street right-of-way shall be 5 feet (1.5 m).



Manholes

- 5.8.9 Manholes shall be installed at all changes in grade or alignment, at all intersections and at intervals not exceeding 400 feet (120 meters).
The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Service Laterals

- 5.8.10 All laterals from the storm sewer main to the property line shall be provided by the developer or owner and shall have a minimum grade of 2.0 percent.
- 5.8.11 Storm sewer laterals of 6 inch (150 mm) diameter or less shall be PVC DR 35 (green) from main to property line.

Catch Basins

- 5.8.12 Catch basins shall be installed at the curb of the street and shall be adequately spaced to prevent ponding on the street and to prevent water from entering on or flowing in the travel lanes during storm events corresponding to the design of the Minor Drainage System. In no case shall the spacing of the catch basins exceed 330 feet (100 meters).
Catch basin leads shall be connected to a storm drainage main at a manhole.

Inlets

- 5.8.13 Vertical grates shall be installed at inlets.

Outfalls

- 5.8.14 The design of outfalls shall take into consideration such factors as public safety, erosion control, and appearance. Horizontal grates shall be installed at outfalls.

Ditches/Open Channel Drainage System

- 5.8.15 Ditches /open channels shall have adequate capacity for the 1 in 100 years storm.

Velocity in Channels

- 5.8.16 To prevent erosion, the maximum velocity during a 1 in 100 year storm event in ditches or open channels shall not exceed the following values:



Channel	Mean Channel Velocity FPS (m/s)
Fine Sand	1.5 (0.46)
Coarse Sand	2.5 (0.76)
Fine Gravel	6.0 (1.83)
Earth, Sandy Silt	2.0 (0.61)
Earth, Silt Clay	3.5 (1.07)
Earth, Clay	4.0 (1.22)
Grass-lined Earth, Bermuda Grass, Sandy Silt	6.0 (1.83)
Grass-lined Earth, Bermuda Grass, Silt Clay	8.0 (2.44)
Grass-lined Earth, Kentucky Blue Grass, Sandy Silt	5.0 (1.52)
Grass-lined Earth, Kentucky Blue Grass, Silt Clay	7.0 (2.13)
Poor Rock (Usually Sedimentary)	10.0 (3.05)
Soft Sandstone	8.0 (2.44)
Soft Shale	3.5 (1.07)
Good Rock (Usually Igneous or Metamorphic)	20.0 (6.10)

Culverts

- 5.8.17 The size of culverts shall be as shown on the engineering drawings with a minimum 20" (500 mm) depth of bury for any culvert. The minimum size for any culvert shall be 10" (250 mm).
- 5.8.18 Culverts other than driveway culverts shall be designed for the 1 in 100 year peak flow with a headwater depth not greater than the diameter of the pipe.
- 5.8.19 Storm sewer outfalls and culverts greater than 50 feet (15 m) in length require inlet and outlet grating.
- 5.8.20 All culverts shall be reinforced concrete pipe to ASTM C76-M or CAN/CSA A257.2.

Roof Drains

- 5.8.21 Roof drains shall discharge on the ground surface and shall not be connected to a storm drainage system.

Foundation Drains

- 5.8.22 Where a buried storm drainage system exists, foundation drains will normally be connected to the storm sewer by laterals. The invert of the lateral at the property line must be at least 2 feet (610 mm) above the top of the main at the point of connection.
- 5.8.23 Where a buried storm drainage system does not exist, Section 9.14 of the National Building Code of Canada, latest revision, shall apply.



- 5.8.24 Under no circumstance shall foundation drains direct stormwater to the street surface, sidewalk or adjacent property.

5.9 Erosion and Sediment Control

- 5.9.1 An Erosion and Sediment Control Plan shall be provided in compliance with Provincial regulations, and a copy of the plan must be submitted to the Town Engineer. The plan shall address measures during construction of streets, services, and houses, as well as long term measures after the completion of development.
- 5.9.2 The Erosion and Sediment Control Plan including control measures, shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared by the Nova Scotia Department of the Environment.
- 5.9.3 During construction, surface water flows across the construction site must be minimized. Exposed soils within ditches and on cut and fill slopes shall be permanently stabilized by hydroseeding or equivalent within two weeks after final grading is complete. Temporary stabilization measures shall be used to prevent erosion of exposed soils during construction and prior to reaching finished grades. These measures are required to prevent downstream sedimentation of watercourses and storm damage systems.
- 5.9.4 Long term environmental protection measures to be addressed in the subdivision design may include but are not limited to:
- (a) minimization of erosion and sediment transport; and
 - (b) protection of outfall areas; and
 - (c) utilization of wetland areas for filtration of stormwater run-off; and
 - (d) minimization of disruption to natural watercourses.

5.10 Inspections and Testing

General

- 5.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.



Manholes and Catch Basins

- 5.10.2 Manholes and catch basins shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 5.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 5.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer at the expense of the subdivider.

Deflection

- 5.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 5.10.6 Leakage test shall be in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 5.10.7 Closed circuit video inspections shall be carried out at the following times:
 - (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 5.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



6 Public Streets

General

- 6.1.1 This Part specifies the requirements for all public streets in the Town of Lunenburg.
- 6.1.2 A street shall consist of the wearing surface, road bed and all slopes, ditches, channels, waterways and structures necessary for proper drainage and protection.
- 6.1.3 The design and location of all streets, sewers, water mains, electrical, telephone and such utilities located within the right-of-way of the public street shall be in accordance with the appropriate specification(s) and must be approved by the Town Engineer prior to their construction.
- 6.1.4 With the exception of street cross sections, the Town Engineer may consider variances to these specifications.

6.2 Street Classification and Characteristics

- 6.2.1 Schedule A provides three classes of public streets applicable to development within the Town of Lunenburg.
- 6.2.2 The Subdivision By-law regulates the minimum lot sizes and development character. The lot size and the development character may dictate the appropriate street classification and characteristics. The following criteria shall be considered in determining which design and construction standard will apply to a particular development:
 - (a) where practicable, the Lower Volume class shall be preferred over the Local class, which shall be preferred over the Minor Collector class;
 - (b) a design brief prepared by the developer's consultant shall be submitted addressing the design intent including rationalization of the selected street type and length. The design brief shall address issues such as capacity, parking and maintenance; and
 - (c) the final decision on the street classification and characteristic and parking allowances shall be made by the Town Engineer.



6.3 Design Criteria

General

- 6.3.1 This section covers the more common aspects for design and construction of public streets within the Town of Lunenburg. In cases where this section needs to be expanded or additional specifications are required, the "Geometric Design Guide for Canadian Roads and Streets", the "Manual of Uniform Traffic Control Devices for Canada" in the latest edition as published by Transportation Association of Canada (TAC), and the Standard Specifications for municipal services as prepared by the- Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineer's Association shall be used. Specific design criteria are listed throughout these Specifications.

Design Speed

- 6.3.2 Design speed shall be in accordance with Schedule A.
- 6.3.3 A design speed of 30 to 50 km/hr will be used for all public streets unless the intended use of the street requires a higher design speed as determined by the Town Engineer.

Connections to Adjacent Lands

- 6.3.4 Streets must be laid out where reasonably possible in prolongations of other streets either in the same subdivision or in adjacent subdivisions.
- 6.3.5 In all subdivision designs, an acceptable right-of-way access to adjacent vacant properties and to watercourses must be provided and deeded to the Town. The access street right-of-ways should be located to maximize development potential of adjacent lands but in no case shall be more than 200 metres (657 feet) apart.
- 6.3.6 Where a subdivision is being designed adjacent to a subdivision with previously deeded access right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective road layout for the subdivision under design.
- 6.3.7 Where a roadway can be extended to service adjacent or future development, a right-of-way shall be provided and approved by the Town Engineer.



Maximum Block Length and Pedestrian Connections

- 6.3.8 Block lengths shall not exceed the “Maximum distance between intersections” in Schedule ‘A’.
- 6.3.9 Where any street exceeds a length of 150 metres (500 feet) between intersections, acceptable pedestrian right-of-ways to adjacent vacant properties, streets, and watercourses must be provided and deeded to the Town.
- 6.3.10 The pedestrian right-of-ways shall be a minimum of 3 metres (10 feet) in width and shall either be located approximately at the mid-point of the length of the road or at a location that would connect to pedestrian right-of-ways on adjacent lands, if any.
- 6.3.11 Where a subdivision is being designed adjacent to a subdivision with previously deeded pedestrian right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective layout for the subdivision under design.

Right-of-Way

- 6.3.12 The minimum street right-of-way width shall be in accordance with Schedule A or as determined by the Town Engineer.
- 6.3.13 Any property susceptible to damage as a result of construction must be within the right-of-way. All cut or fill slopes which will not be eliminated by changes in lot elevations must be included within the right-of-way.

Street Layout

- 6.3.14 Unless there are unique circumstances, the minimum length of a street considered for acceptance as a public street shall be 500 feet (152 m).
- 6.3.15 Cul-de-sacs shall not be used when the subdivision can be effectively serviced by other street layouts. All cul-de-sacs must end in a permanent or temporary turn around area as approved by the Town Engineer. The grade of the turning area shall not exceed 4%. Cul-de-sacs shall be graded to drain from the centre of the cul-de-sac to the curb.



- 6.3.16 The maximum permanent cul-de-sac length where a walkway is located at the end of the cul-de-sac and connects to another street shall be 500 feet (152 m). Otherwise the maximum length shall be 330 feet (100 m) measured from the intersection of the cul-de-sac's centreline between the street-line of the intersecting street to the centre of the cul-de-sac.
- 6.3.17 Boulevards will not be permitted in residential subdivisions.
- 6.3.18 Guardrails are required on fills 10 feet (3 m) or greater (unless a slope of 6: 1 can be provided) and in other hazardous areas. Details of guardrail construction and location are to be provided to the Town Engineer for approval.
- 6.3.19 Sign installation including stop signs, street signs and all other required signs shall be the responsibility of the developer and shall be installed in accordance with the approved street design prior to conveyance of the street to the Town.

Intersections

- 6.3.20 Intersection location and minimum curb radius for streets shall be in accordance with Schedule A.
- 6.3.21 Where public streets meet existing provincial highways, the intersection must be approved by the Provincial Department of Transportation and Active Transit.
- 6.3.22 All intersecting streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 100 feet (30 m) from the intersection measured from the respective center lines.
- 6.3.23 Offset intersections will not be permitted. A maximum of four streets will be permitted at an intersection.

Driveways

- 6.3.24 Driveway widths shall be in accordance with the following table:

	Minimum Driveway Width*	Maximum Driveway Width*	Curve Radius
Residential	10 ft (3 m)	16 ft (5 m)	0 ft (0 m)
Commercial	23 ft (7 m)	33 ft (10 m)	0 ft (0 m)
Industrial	33 ft (10 m)	40 ft (12 m)	20 ft (6 m)

*Residential and commercial driveway widths are measured at curb or edge of pavement. Industrial driveway widths are measured at street line.



Sidewalks

- 6.3.25 Sidewalks, constructed in accordance with the "Typical Sidewalk Section", are required as identified in Schedule 'A'.

Horizontal Alignment

- 6.3.26 Horizontal alignment shall be in accordance with Schedule A.
- 6.3.27 Tangent distances between horizontal reverse curves shall not be less than 20 m.
- 6.3.28 Tangent distances between horizontal curves turning the same way shall not be less than 40 m.

Vertical Alignment

- 6.3.29 Vertical alignment shall be in accordance with Schedule A.
- 6.3.30 The grade of a street at an intersection shall not exceed 4% for at least 66 feet (20 m) measured from the shoulder of the intersecting street.
- 6.3.31 Local streets shall not be superelevated unless there are safety or drainage concerns.
- 6.3.32 Curb elevations at intersections, critical grade locations and bulbs of cul-de-sac's shall be shown on the drawings at a minimum 10 ft (3 m) spacing.

Design Limits

- 6.3.33 Where streets are required to service future or adjacent property the design shall include sufficient detail to illustrate that the extension is compatible with adjacent topography and can be constructed in accordance with this specification.

Construction Limits

- 6.3.34 All street accesses to adjacent property must be constructed to the property lines.

Access

- 6.3.35 A maximum of 25 lots may receive final approval prior to a second access being provided.



Stopping Sight Distance

- 6.3.36 Stopping sight distance shall be in accordance with Schedule A Minimum stopping and turning sight distances shall be as defined by the TAC Geometric Design Guide.

Bridges

- 6.3.37 Bridges shall be designed and constructed to Canadian Standards Association (CSA) specification "S6 Design of Highway Bridges".

Extension of Existing Street

- 6.3.38 Where a proposed extension to an existing street increases traffic volumes to a degree that a traffic study requested by the Town Engineer and carried out at the Town's expense warrants improvements be made to an existing street then the developer shall pay for these improvements.

6.4 Inspection and Testing

Notification

- 6.4.1 A preconstruction meeting shall be required before construction work begins on any public streets. Inspections may be carried out at any time, however, inspection reports by the developer's engineer shall be provided at the following stages:
- (a) after clearing and grubbing prior to earthwork; and
 - (b) after installation of piped systems including services prior to subgrade work; and
 - (c) after compaction of the subgrade prior to placing gravels; and
 - (d) after compaction of each type of gravel prior to paving; and
 - (e) after compaction of each type of asphalt; and
 - (f) prior to the Town taking over the streets.

Reporting

- 6.4.2 All results of laboratory and field density tests shall be submitted to the Town Engineer.



Subgrade

- 6.4.3 Subgrade material shall be placed and compacted to the specified minimum density attained using the "Control Strip" method. Additional guidance on the Control Strip method may be found in the DOT Standard Specification for Highway Construction and Maintenance (April 1996), Division 2, Earthworks.
- 6.4.4 At least one field density test shall be taken for every 300 feet (90 m) of street subgrade. Testing frequency is subject to the direction and approval of the Town Engineer and may be altered based on street conditions.

Soft Spots

- 6.4.5 All "soft spots" in the subgrade shall be removed to full depth and replaced with approved backfill.

Trenches

- 6.4.6 Pipe bedding, cover and backfill in trenches shall be to the depth and width indicated in the details. Field density tests shall be taken within a section of trench to determine the level of effort required to achieve the specified compaction for each of the following:
- (a) pipe bedding; and
 - (b) pipe cover material; and
 - (c) trench backfill excluding final 12 inches (300 mm) to subgrade; and
 - (d) final 12 inches (300 mm).
- 6.4.7 Compaction within trenches may proceed using the compactive effort determined for each of the above provided there is no change in materials, equipment or site conditions. Such a change will require re-determination of the compactive effort. Quality control testing of compaction within trenches shall be as required for site soil conditions or as directed by the Town Engineer.

Gravels

- 6.4.8 At least one field density test shall be taken for every 100 feet (30 m) of roadway gravels for each gravel lift.



Moisture Content

- 6.4.9 Moisture content of gravels, subgrade and trench backfill materials must be controlled to obtain the specified compaction.
Asphalt Concrete
- 6.4.10 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregates(s) and asphalt cement has been sampled and tested, and that the asphalt concrete mix design meets the specification.
- 6.4.11 A minimum of one series of tests per day or for each 500 tonnes of asphalt concrete shall be performed. The series of tests shall include all of the following:
- (a) Marshall Stability, kN; and
 - (b) Marshall Flow, x 0.25 mm; and
 - (c) Voids in Mineral Aggregate (VMA), %; and
 - (d) Air Voids, %; and
 - (e) Asphalt Cement Content, %; and
 - (f) Gradation of Extracted Aggregate.
- 6.4.12 There shall be at least one field density test per day for each 550 tons (500 tonnes) of asphalt concrete placed. Each lift for every individual street shall have at least one field density test taken.
- 6.4.13 Tests shall conform to the NS Department of Transportation Active Transit specifications. All test results shall be forwarded to the Town Engineer prior to paving.

Curbing

- 6.4.14 At least one set of concrete test cylinders (3 cylinders - 6 inch x 12 inch) shall be taken for every 328 feet (100 m) of curbing and tested for compressive strength at 7 days and 28 days.



6.5 Street Construction

- 6.5.1 Contract specifications shall be developed in conjunction with "Standard Specifications for Municipal Services" as published by the Nova Scotia Road Builders Association & Consulting Engineers of Nova Scotia Joint Committee on Contract Documents. The following specification shall take precedence where there is a conflict with the Standard Specification for Municipal Services:
- 6.5.2 Streets shall be constructed including pavements in accordance with this section. Cost of paving is borne by the Town of Lunenburg.

Clearing and Grubbing

- 6.5.3 All brush, trees and cuttings shall be removed. In no case shall cleared materials be buried in the street right of way.
- 6.5.4 All grubbed materials under the street right of way shall be removed. In no case shall grubbed material be buried in the street right of way.

Right of Way

- 6.5.5 The right-of-way shall be left properly drained and should the work, as performed, create pockets of isolated water holes, this drainage condition shall be rectified by the subdivider at their expense.

Subgrade

- 6.5.6 Topsoil, peat and other unsuitable materials under the roadbed must be removed prior to placing embankment material. Rock cuts shall be excavated to at least 1 foot (300 mm) below the subgrade and backfilled with material satisfactory to the Town Engineer. Water pockets shall not be left in the bottom of rock cuts. All cuts or embankment must be backfilled with graded material approved by the Town Engineer. The top 12 inches (300 mm) of subgrade must be free of rocks larger than 6 inches (150 mm) in any dimension.
- 6.5.7 The subgrade must be well drained and compacted using the method described in Subsection 6.4.3. Any unsuitable material including soft or yielding clay material shall be removed, replaced with suitable material and compacted.



Sub-base and Base Gravels

- 6.5.8 The sub-base course shall conform to Gravel Type 2, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The sub-base course must be applied to compacted thickness of not less than 12 inches (300 mm).
- 6.5.9 The base course shall conform to Gravel Type 1, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The base course must be applied to a compacted thickness of not less than 6 inches (150 mm).
- 6.5.10 Compaction of sub-base and base gravels shall be via the control strip method and field density test described in Subsections 6.4.4 and 6.4.8 respectively.

Shoulder Gravels

- 6.5.11 Shoulder gravels shall conform to Gravel Type 1 S, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. Shoulder gravels must be applied to compacted thickness of 6 inches (150 mm).

Asphalt Paving

- 6.5.12 Cost of paving is borne by the Town of Lunenburg.
- 6.5.13 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregate(s) and asphalt concrete have been duly sampled and tested, and that the asphalt concrete to be manufactured from these ingredients has been duly designed to achieve the specified properties. The letter will list the test results for aggregate and asphalt. The Town Engineer may also require the letter to state that the hot mix asphalt concrete plant conforms to the Nova Scotia Department of Transportation and Active Transit Standard Specifications.
- 6.5.14 The asphalt concrete shall conform to Division 4, Section 4, of the Nova Scotia Department of Transportation and Active Transit Standard Specifications and be placed in two lifts. The lower course of Class "B" asphalt must be applied to a compacted thickness of not less than 2.0" (50 mm). The upper course of Class "C" asphalt must be applied to a compacted thickness of not less than 1.5" (40 mm).



7 Road Signage

7.1 Road Signage Standards

- 7.1.1 All road signage, signals and markings shall be in accordance with the Manual of Uniform Traffic Control Devices for Canada manual and the Nova Scotia Traffic Signs Regulations.
- 7.1.2 All road signage shall be placed in the right-of-way, subject to approval by the Town Engineer. Signage shall not be placed in the municipal right-of-way without the prior approval of the Town Engineer.

7.2 Stop Signs

- 7.2.1 Stop signs shall be placed within 5 metres of all intersections, at the minor leg approaches, at the developer's cost. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Town Engineer.

7.3 Traffic Signals

- 7.3.1 If traffic volumes indicate electrified traffic signals are necessary, a traffic signal warrant shall be submitted for approval by the Town Engineer.

7.4 Road Names

- 7.4.1 All road names shall be subject to approval by the Civic Address Coordinator prior to final approval being given by the Development Officer.

7.5 Road Name Signage

- 7.5.1 All roads are required to have road name signage placed on each road intersection, at the developer's cost.

7.6 Other Road Signage

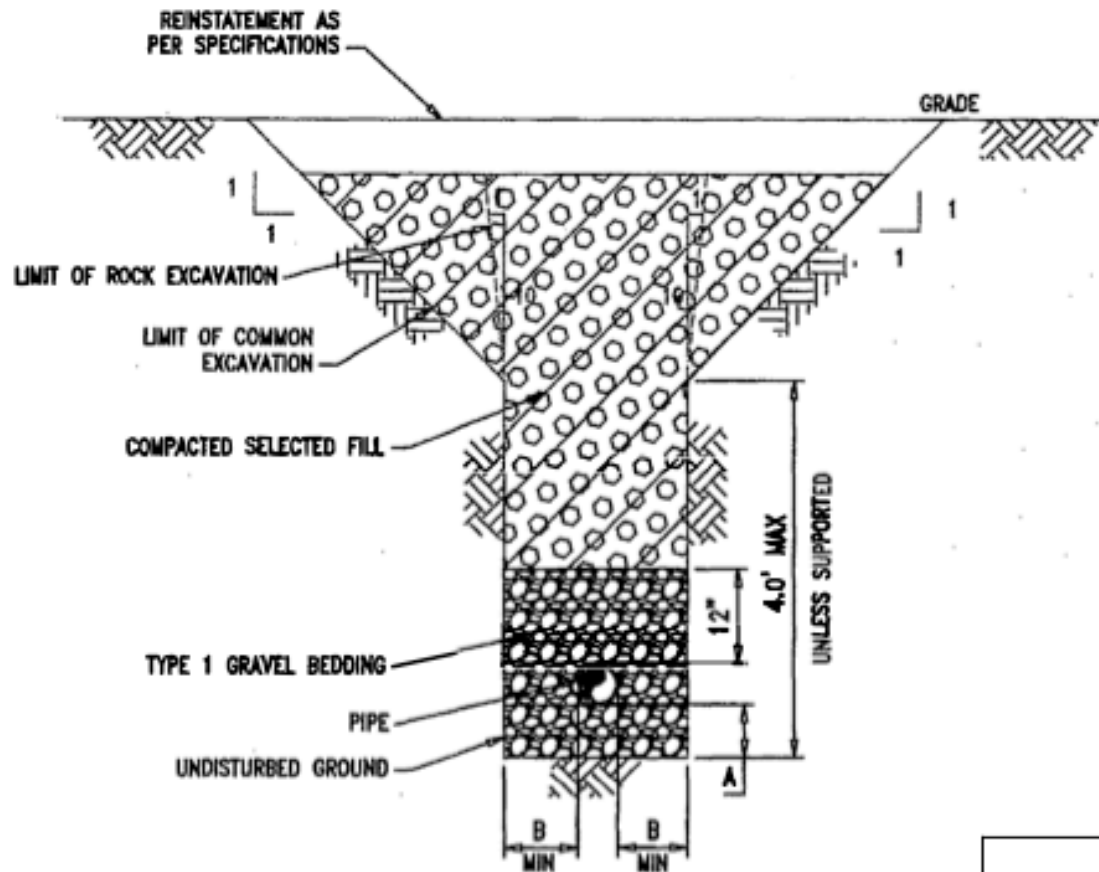
- 7.6.1 Other directional, speed rating and cautionary signage shall be placed in the right-of-way, as warranted, in the sole discretion of the Town Engineer and at the developer's cost.

Schedule 'A'

Characteristic	Minor Collector	Local – 50 km/h	Low Volume – 30 km/h
Traffic services & function	Traffic movement of equal importance with land access	Land access first consideration, traffic access second consideration	Aesthetics first, land access second, traffic third
Maximum number of lots or dwelling units	n/a	n/a	n/a
Maximum distance between intersections	365 m	200 m	120 m
Maximum street length	n/a	n/a	n/a
Parking	Permitted on both sides	Permitted on one side	Permitted on one side
Sidewalks	Required on both sides	Required on one side	Required on one side
Bicycle lane	Required	Not required	Not required
Average daily volume	Up to 3,000	Less than 1,000	Less than 300
Average running speed	30 – 50 km/h	30 – 50 km/h	15 – 30 km/h
Vehicle types	All types with truck limits	Passenger and service vehicles, with limits on large vehicles	Passenger and service vehicles
Design speed (km/h)	50	50	30
Right-of-way width	20 m to 25 m	16 m to 20 m	13 m to 16 m
Minimum travel lane width	4.5 m	3.0 m	3.0 m
Minimum grade	1%	1%	1%
Maximum grade	8%	10% *	10% *
Minimum centreline radius	See TAC	100 m	30 m
Minimum sight distance	85 m	65 m	45 m
Typical road cross section	Cross-section 1	Cross-section 2	Cross-section 3
Minimum centreline distance between intersections • Same side of street • Opposite side of street	150 m 60 m	75 m 45 m	60 m 45 m
Minimum K factors • Crest • Sag	See TAC See TAC	7 12	2 4
Minimum curb radius	10 m	7.5 m	7.5 m

* A 12% grade may be permitted by the Town Engineer under exceptional circumstances.

TAC = Transportation Association of Canada Geometric Design Guidelines



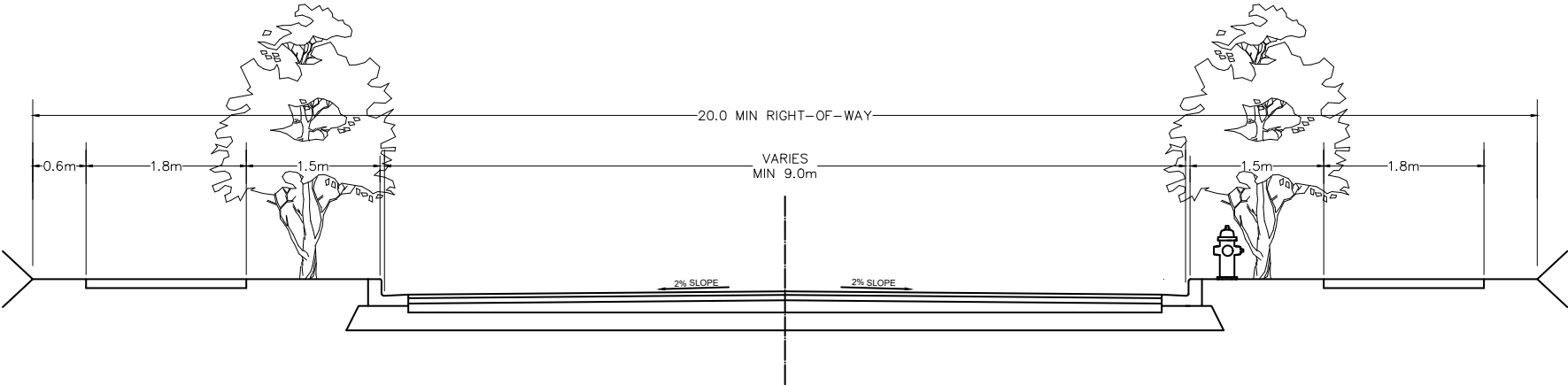
NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS
2. LETTERED DIMENSIONS BASED ON STANDARD SPECIFICATIONS FOR MUNICIPAL SERVICES

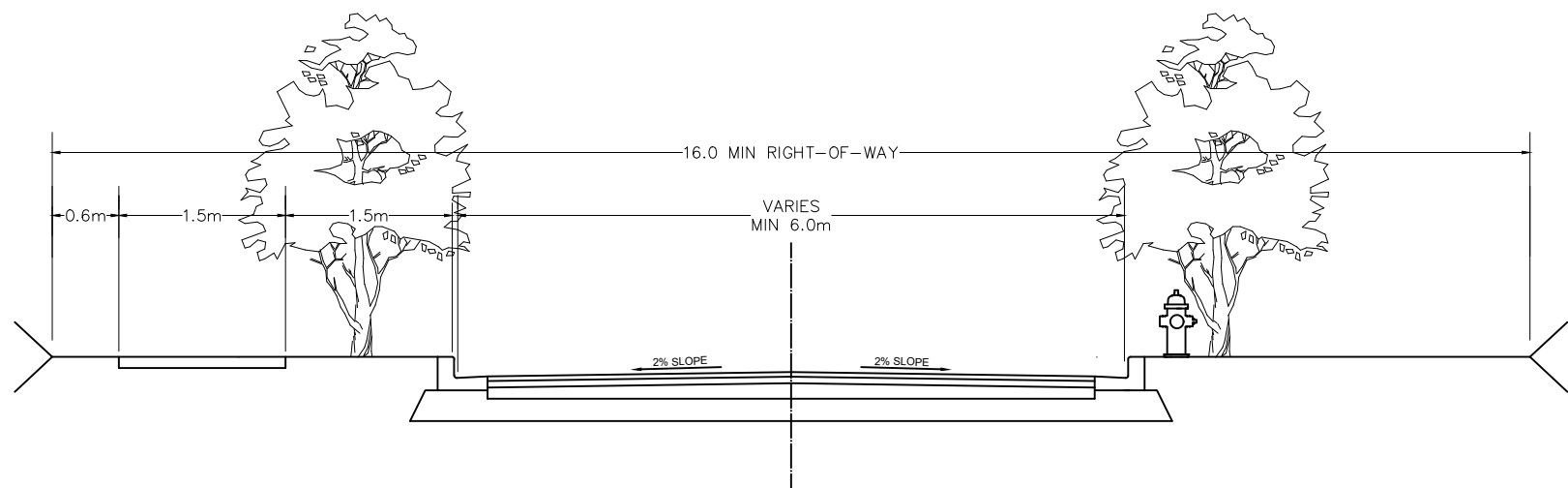
TOWN OF LUNENBURG

TYPICAL
TRENCH DETAIL

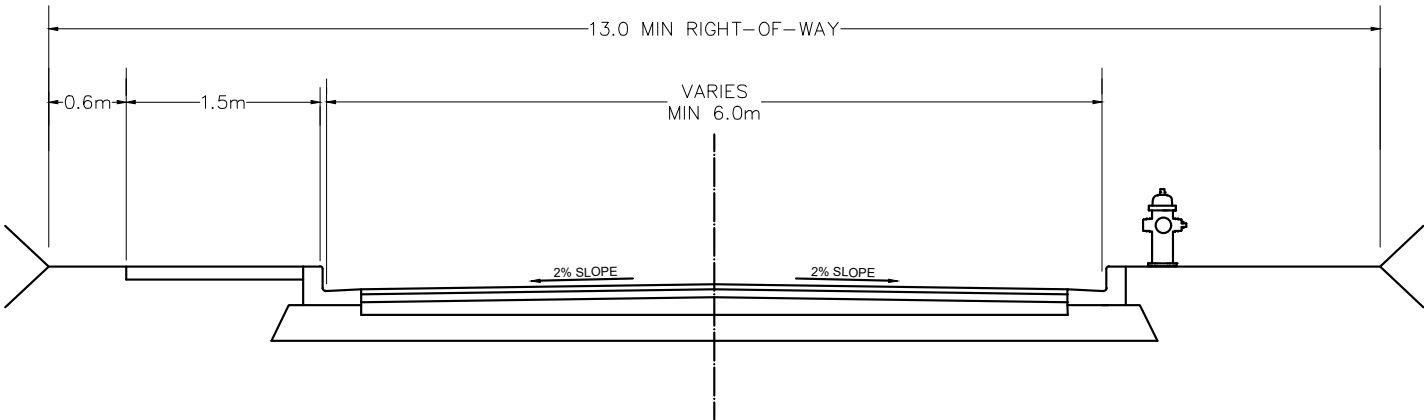
January 2007



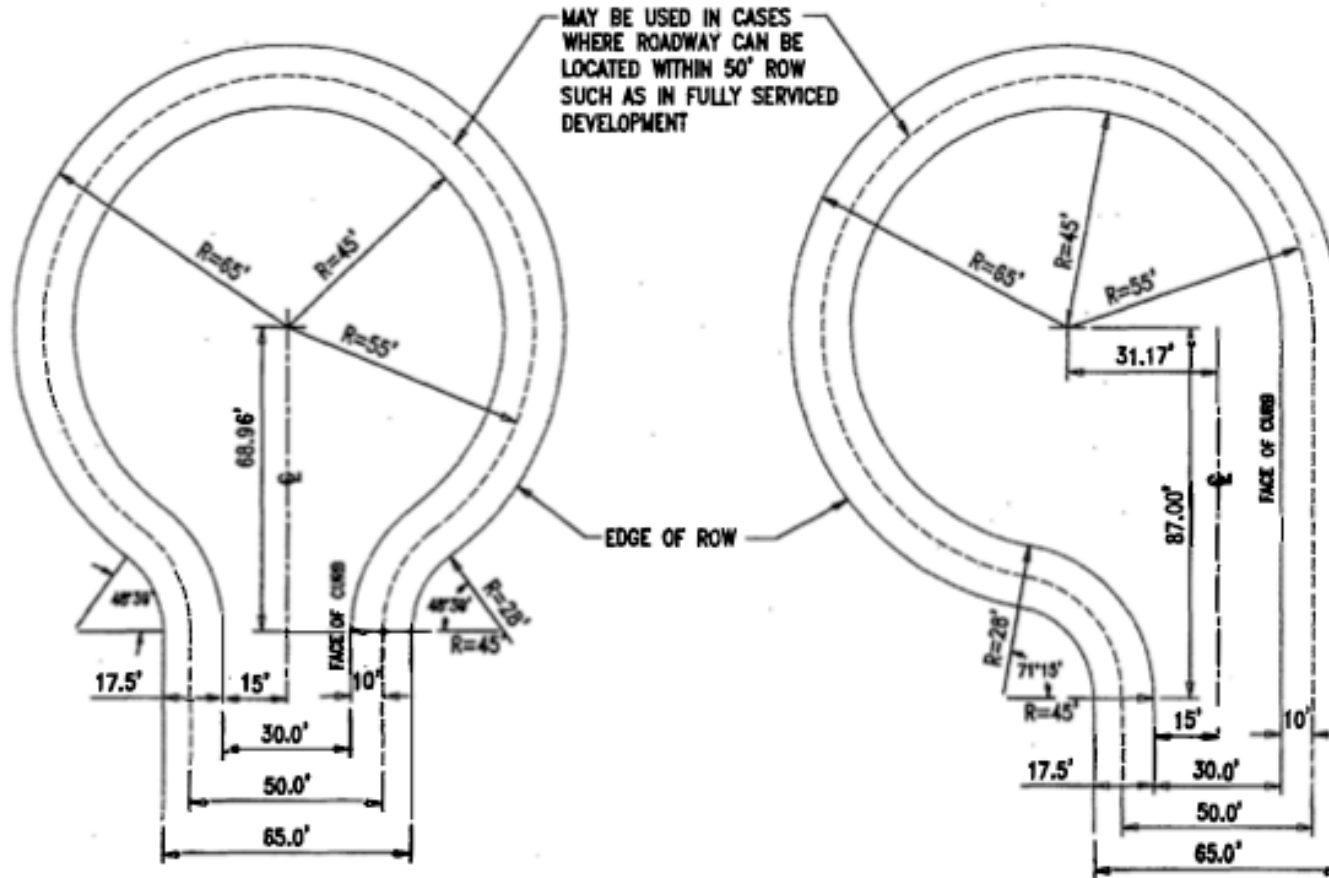
1 TYPICAL MINOR COLLECTOR CROSS SECTION
20m ROW, 9m PAVED TRAVEL LANE
Scale: NTS upto 3000 vehicles daily



2 TYPICAL LOCAL 50 km/hr CROSS SECTION
16m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 1000 vehicles daily



3 TYPICAL LOCAL LOW VOLUME CROSS SECTION
13m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 300 vehicles daily



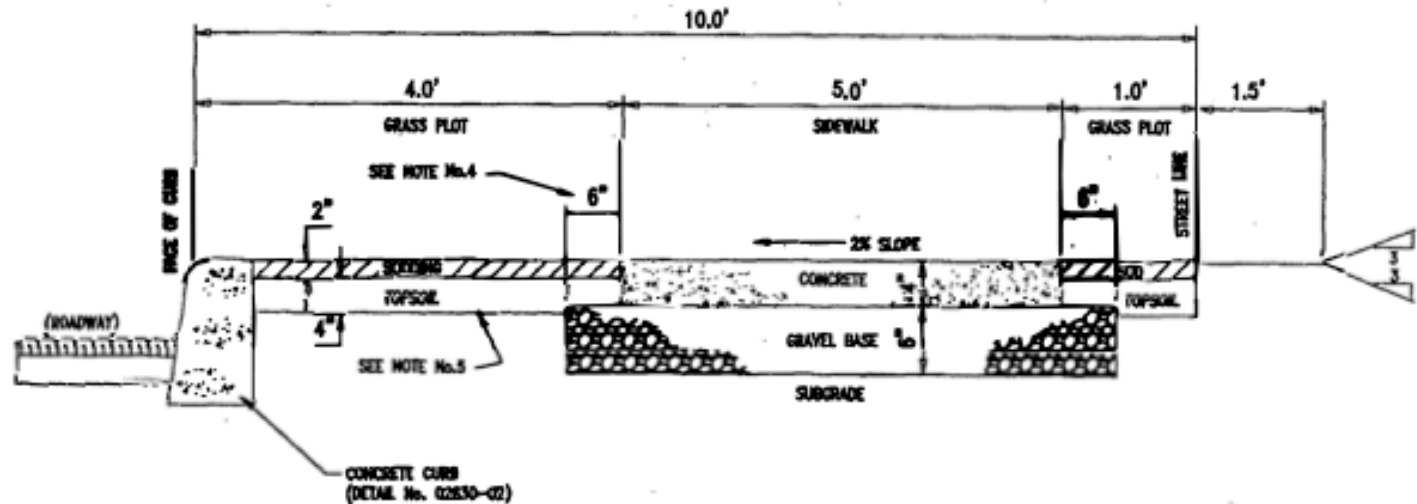
NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS

TOWN OF LUNENBURG

STANDARD CUL-DE-SAC

January 2003



NOTES

1. NORMAL THICKNESS OF CONCRETE SIDEWALK TO BE 4.0"
2. THICKNESS OF CONCRETE SIDEWALK THROUGH DRIVEWAY AREA TO BE 6.0"
3. 152X152 MW 18.7 X MW 18.7 (WELDED WIRE FABRIC) TO BE USED IN ALL COMMERCIAL DRIVEWAYS
4. THE BASE COURSE SHALL EXTEND 6.0" MINIMUM ON EACH SIDE OF THE SIDEWALK STRUCTURE
5. TOPSOIL TO BE TREATED WITH FERTILIZER AND LIME
6. SIDEWALK ABUTTING COMMERCIAL AREAS SHALL HAVE FULL WIDTH AND BE 6.0" IN DEPTH
7. ALL DIMENSIONS ARE IN IMPERIAL UNITS
8. CONCRETE: 5000 PSI, 0.4 WATER TO CEMENT RATIO, 5% TO 8% ENTRAINED AIR

TOWN OF LUNENBURG

TYPICAL SIDEWALK SECTION

January 2017



Project Lunenburg

Draft Planning Documents

Public Hearing

2021.07.27

Navigating the Future, Together.

Comprehensive Community Plan

Project Lunenburg was a process for creating a comprehensive community plan for the Town of Lunenburg. Over the course of 18 months, people in the community came together to define the community's goals and aspirations. This Plan provides guidance for most aspects of the community – and on housing, transportation, the environment and many other elements that affect the daily lives of residents and visitors in the town.

This Plan was created by the community and its implementation will continue to be a shared effort among citizens, the town and many partners. While some outcomes will be more complex to achieve than others, the following nine guiding principles will continually serve as foundation of the Plan, providing a guiding direction as Lunenburg charts its course into the future.

Key Implementation Facts

- Looking out over the next 40 years
- Includes a five-year implementation plan for 35 priority actions
- Evaluation metrics measure the actions against the goals
- Annual review to update and prioritize partnerships, projects and budgets
- Five-year review will set fresh priorities and identify new actions

Spatially Cohesive

The form of our land use creates strong physical links and a sense of uniformity.

Environmental Protection

We protect our local environment and minimize our broader environmental impacts.

Collaborative Relationships

We facilitate strong social connections and citizen engagement, locally and beyond.

Adaptable and Incremental Change

In the face of uncertainty, we preserve what is of greatest value and pursue desirable change.

Harbourfront Guardianship

Our iconic harbourfront will retain its heritage value and be safeguarded for future activities.

Living Heritage

We interpret heritage with a holistic view, ensuring it is relevant and living within the community.

Placemaking

We will nurture a public realm that is attractive, enjoyable, accessible, efficient and safe.

Inclusion

We work to ensure a sense of belonging, acceptance and value for all in our community.

Contemporary Excellence

With a history of innovation, we strive to keep achieving the best each one is able to create.



www.projectlunenburg.ca

MUNICIPAL PLANNING STRATEGY DRAFT

MAY 8, 2021



Navigating the Future, Together.

LAND USE BY-LAW DRAFT

MAY 8, 2021



Navigating the Future, Together.

SUBDIVISION BYLAW DRAFT

MARCH 24, 2021



Navigating the Future, Together.

Key Issues

- ▶ Housing
- ▶ A Working Waterfront
- ▶ Sustainable Infrastructure
- ▶ A Changing Climate
- ▶ Living Heritage

Planning Structure

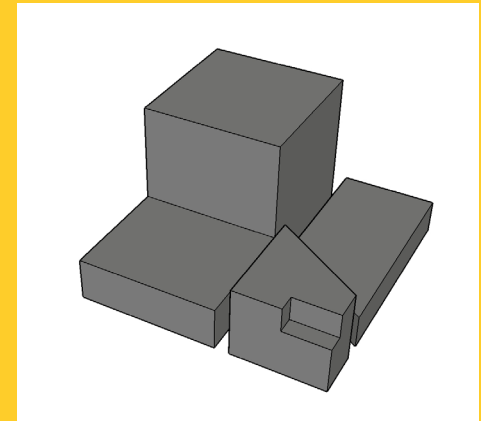
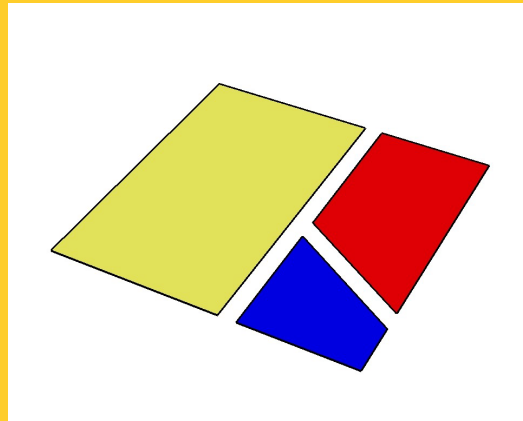
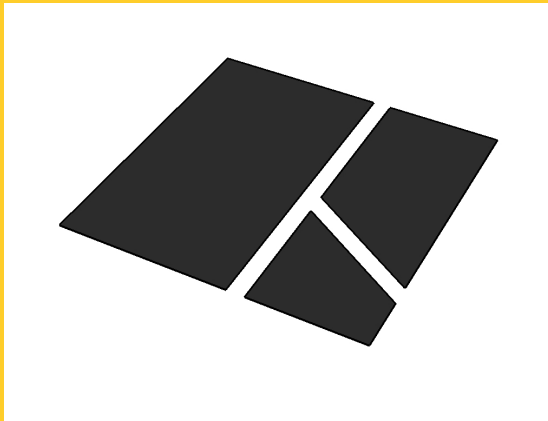
Traditional

- ▶ One type of zone
- ▶ Land use, building form, and lots all tied together
- ▶ Lots of “exceptions” and special conditions required

Planning Structure

Project Lunenburg

- ▶ Lot Zone, Use Zone, and Form Zone
- ▶ Clear document structure
- ▶ Fewer exceptions



Lots

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ²	370 m ²	330 m ²	37 m ²
Maximum Lot Area	465 m ²	-	-	-
Minimum Lot Frontage	6 m	12 m	12 m	6 m
Maximum Lot Frontage	40 m	-	-	-



MAP

Lot Zoning Map

SCHEDULE

B

LAST UPDATED

6/1/2021

NORTH



SCALE

1:10,000

LEGEND

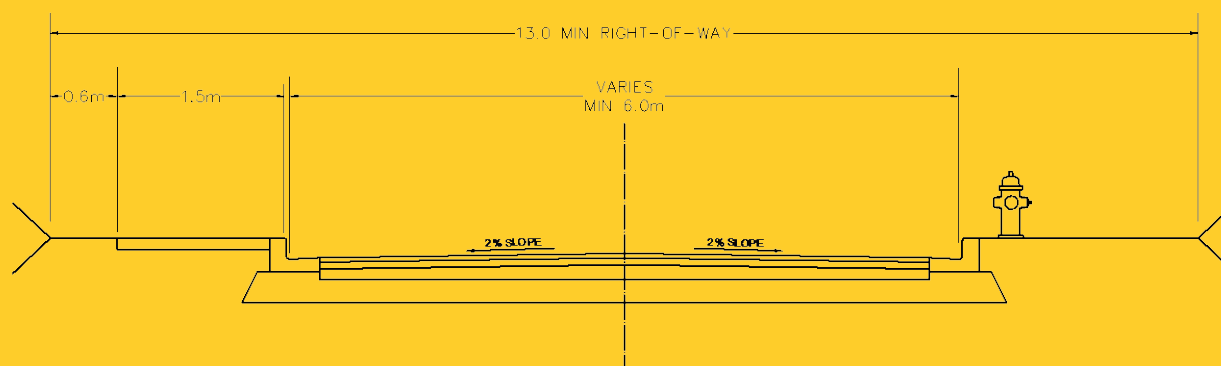
-  LZ1 Lot Zone 1
-  LZ2 Lot Zone 2
-  LZ3 Lot Zone 3
-  LZ4 Lot Zone 4



Infrastructure

- ▶ Require development to connect to sewer (where available)
- ▶ Require development to connect to water (where available)
- ▶ Prohibit new private roads
- ▶ New road standards

Infrastructure



2

TYPICAL LOCAL 30 km/hr CROSS SECTION
13m ROW, 6m PAVED TRAVEL LANE

Scale: NTS

upto 300 vehicles daily

Infrastructure



Parks and Open Space Dedication

- ▶ Require 10%
- ▶ Land providing access to the coast
- ▶ Cash when within 400-metre distance of an existing public park
- ▶ Usable land otherwise

Land Use

Use Zone Name	Use Zone Symbol
Lower Density Residential Use Zone	RL
Medium Density Residential Use Zone	RM
Higher Density Residential Use Zone	RH
Commercial Mixed Use Zone	CM
General Commercial Use Zone	CG
Waterfront Use Zone	W
Industrial Use Zone	M
Marine Industrial Use Zone	MM
Rural Use Zone	RUR
Institutional Use Zone	INS
Parks and Recreation Use Zone	PR

SEAS

Use Zoning Map

SACCHARINATE

C

LAST UPDATED:

6/1/2021

AgCMT04

SCALE

1:10,000

LEGEND

- | | | |
|---|-----|----------------------------|
|  | RL | Lower Density Residential |
|  | RM | Medium Density Residential |
|  | RH | Higher Density Residential |
|  | CM | Mixed Use |
|  | CG | General Commercial |
|  | W | Waterfront |
|  | M | Industrial |
|  | MM | Marine Industrial |
|  | RUR | Rural |
|  | INS | Institutional |
|  | PR | Parks and Recreation |

Land Use – Residential Uses



	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-
Dwelling	2	4	P	P	P	-	-	-	P	-	-
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-
Small Options Home	P	P	P	-	P	-	-	-	P	-	-

Land Use – Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RU R	INS	PR
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-
Emergency Services	-	-	-	P	-	-	P	P	-	P	-
Government Uses	-	-	-	P	P	P	P	P	-	P	P
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P
Hospitals	-	-	-	-	-	-	-	-	-	P	-
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-

Land Use – Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accommodations	-	-	-	P	P	-	-	-	-	-	-
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-
Animal Care	-	-	-	P	P	-	-	-	P	-	-
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-
Craft Food and Beverage Productions	-	-	-	P	P	P	P	P	P	-	-
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-
Home-based Business	P	P	P	P	P	-	-	-	P	-	-
Kennel	-	-	-	-	-	-	P	-	P	-	-
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-
Marinas	-	-	-	-	-	P	-	P	-	-	-
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P
Offices	-	-	-	P	P	P	P	P	-	P	-
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-
Private Clubs	-	-	-	P	P	-	-	-	-	P	-
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P
Retail Stores	-	-	-	P	P	P	P	P	-	-	-
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-
Wholesale	-	-	-	-	-	-	P	P	-	-	-
Workshops	-	-	-	P	P	P	P	P	-	P	-

Land Use – Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RU R	INS	PR
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-
Light Industrial	-	-	-	P	P	P	P	P	-	-	-
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-
Warehousing	-	-	-	-	-	-	P	P	-	-	-

Land Use – Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-
Cemeteries	-	-	-	-	-	-	-	-	P	P	P
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P
Public Recreation	-	-	-	P	-	P	-	-	P	P	P
Public Transportation	-	-	-	P	P	-	P	-	-	P	-
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P
Water Access	P	P	P	P	P	P	P	P	P	P	P

Land Use – Accessory Uses

- ▶ EV charging
- ▶ Accessory solar
- ▶ Accessory wind turbines
- ▶ Residential storage buildings

Land Use – Parking Requirements

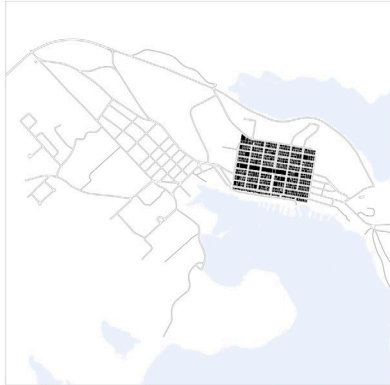
► No minimum automobile parking requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

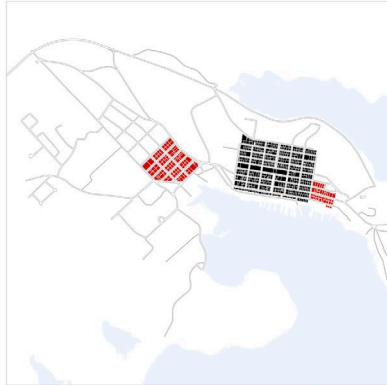
Land Use – Nonconforming Uses

- ▶ Time period expanded to 12 months
- ▶ Expansion or conversion to another nonconforming use by development agreement

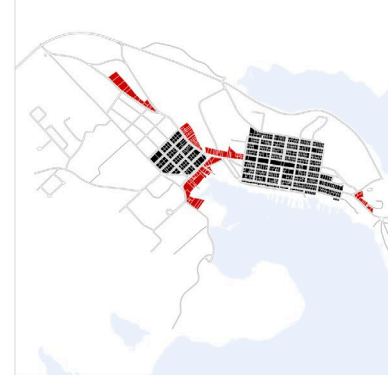
Form



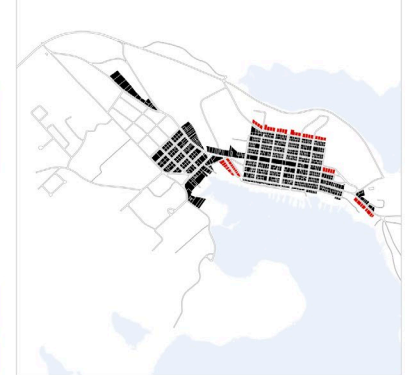
Old Town - established 1753



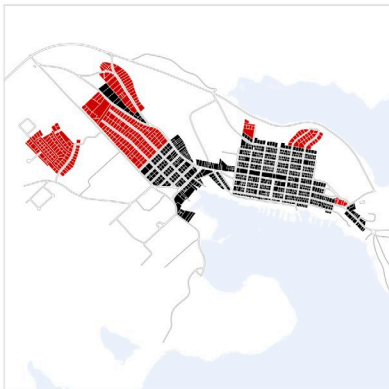
New Town: subdivided from Common in 1862 & 1878



Other Areas: subdivided from Common in the late 19th century



Areas developed 1920s-1940s



Areas developed 1950s-1980s



Lunenburg today

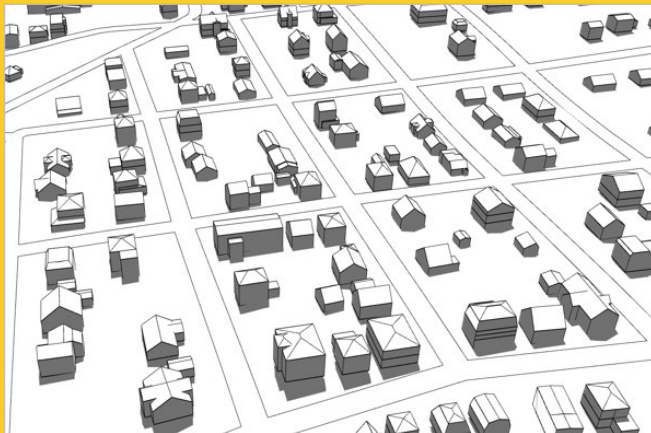
Form



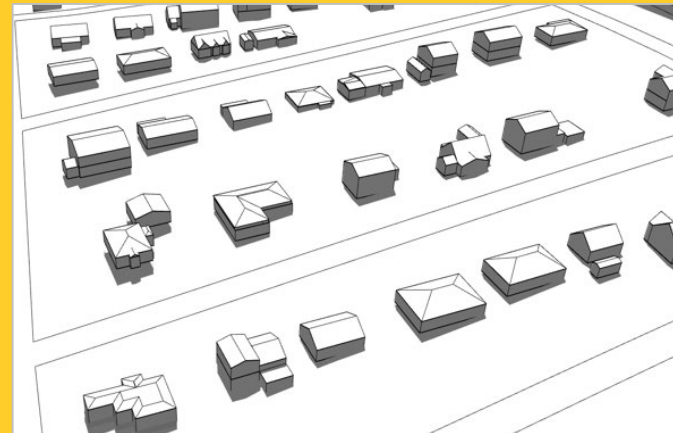
Old Town 1



Old Town 2



Old Town/New Town 1



Old Town/New Town 2

Form

Form Zone Name	Form Zone Symbol
Old Town 1 Form Zone	OT1
Old Town 2 Form Zone	OT2
Old Town/New Town 1 Form Zone	ONT1
Old Town/New Town 2 Form Zone	ONT2
New Town 1 From Zone	NT1
Main Street Form Zone	MST
Marine Form Zone	MA
Community Form Zone	CTY
Industry Form Zone	IN
Rural Form Zone	RF
Shoreline Form Zone	S



MAP

Form Zoning Map

SCHEDULE

D

LAST UPDATED

6/1/2021

NORTH



SCALE

1:10,000

LEGEND

- OT1 Old Town 1
- OT2 Old Town 2
- ONT1 Old Town/ New Town 1
- ONT2 Old Town/ New Town 2
- NT1 New Town 1
- MST Main Street
- MA Marine
- CTY Community
- IN Industry
- RF Rural
- S Shoreline



Form – Main Building Placement

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	4 m	0 m	1.5 m
Old Town 2	0 m	4 m	1.2 m	3.5 m
Old Town/New Town 1	0 m	6 m	2.4 m	6 m
Old Town/New Town 2	6 m	10 m	2.4 m	6 m
New Town 1	6 m	10 m	2.4 m	4 m
Main Street	1.5 m	4 m	2.4 m	6 m
Marine	0 m	-	0 m	0 m
Community	6 m	-	4.5 m	7.5 m
Industry	12 m	-	6 m	12 m
Rural	6 m	-	2.4 m	6 m
Shoreline	0 m	-	1.2 m	0 m

Form – Accessory Building Placement

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	1.2 m	1.2 m
Old Town 2	0 m	1.2 m	1.2 m
Old Town/New Town 1	0 m	1.2 m	1.2 m
Old Town/New Town 2	6 m	1.2 m	1.2 m
New Town 1	6 m	1.2 m	1.2 m
Main Street	0 m	1.2 m	1.2 m
Marine	0 m	0 m	0 m
Community	6 m	1.2 m	1.2 m
Industry	12 m	6 m	6 m
Rural	6 m	1.2 m	1.2 m
Shoreline	0 m	1.2 m	0 m

Form – Site Design

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Form – Main Building Massing

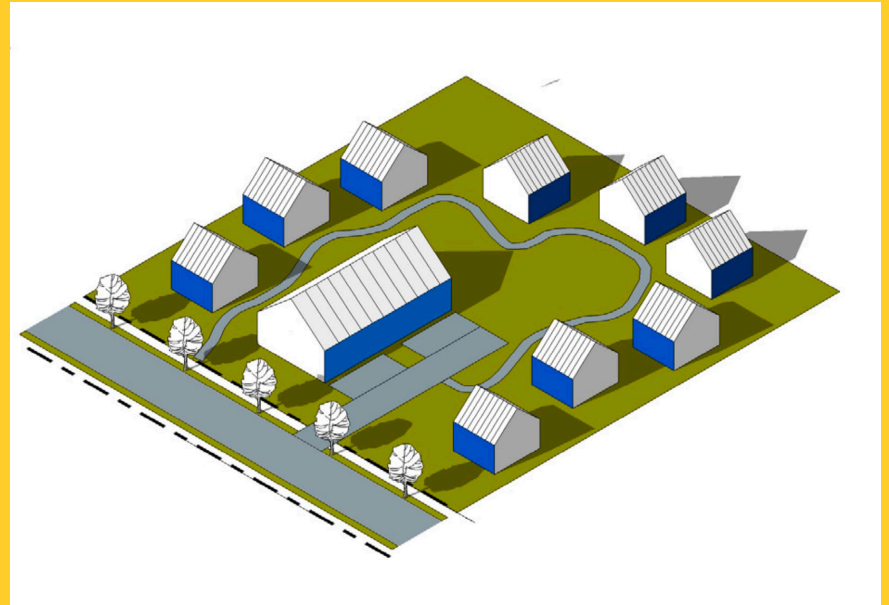
Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max Building Footprint
Old Town 1	10.5 m	6 m	-	-	-	-	-
Old Town 2	10.5 m	-	-	-	-	-	-
Old Town/New Town 1	10.5 m	-	-	-	-	-	-
Old Town/New Town 2	10.5 m	-	-	-	-	-	-
New Town 1	19.5 m	-	-	-	-	-	1,500 m2
Main Street	20.5 m	10 m	4 m	10 m	16 m	3 m	3,000 m2
Marine	19.5 m	-	-	-	-	-	
Community	10.5 m	-	-	-	-	-	
Industry	13.5 m	-	-	-	-	-	
Rural	10.5 m	-	-	-	-	-	
Shoreline	8 m	-	-	-	-	-	

Form – Accessory Building Massing

Form Zone	Maximum Height
Old Town 1	8 m
Old Town 2	8 m
Old Town/New Town 1	8 m
Old Town/New Town 2	8 m
New Town 1	8 m
Main Street	8 m
Marine	8 m
Community	8 m
Industry	8 m
Rural	8 m
Shoreline	8 m

Form – Grouped Dwellings

- ▶ Grouped dwellings may be permitted on a lot in Old Town/New Town 2, New Town 1, and Main Street Form Zones.
- ▶ Site requirements



Flood Risk

- ▶ New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
 - (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.



MAP
Flood Risk Area Map

SCHEDULE
E

LAST UPDATED
6/1/2021

NORTH
↑

SCALE
1:10,000

LEGEND

Flood Risk Area

Town of Lunenburg



Form - Signage

- ▶ Reduced minimum height of projecting signs
- ▶ Simplified language
- ▶ Menu board signs and digital signs

Form - Parking

- ▶ Parking lots larger than 18 spaces broken down into “bays”
- ▶ Only three parking spaces in the front or flankage yard
- ▶ EV charging for structured parking

Form – Non-conforming Structures

- ▶ Allow expansions that do not increase the non-conformity

Form – Heritage & Architectural Control

- ▶ No change -> Heritage By-law project

Definitions

- ▶ Updated as necessary
- ▶ Supporting illustrations



ARTS & ENTERTAINMENT

The show will go on

Hank Snow Mini Tribute Festival announced for August

By KEVIN MCBAIN
Local Journalism Initiative Reporter

The 2021 Hank Snow Mini Tribute Festival is a go.

Vina Moses, acting administrator at the Hank Snow Home Town Museum in Liverpool, made the announcement last week, saying the event will take place in August.

The mini-tribute replaces the much larger event which has been running for 29 years, but was cancelled for the last two due to COVID-19 regulations.

The festival will be held August 13 and 14 at the Gavin Whynot Memorial Gazebo Park on the site of the Hank Snow Home Town Museum property in Liverpool.

It's expected to feature musicians from around the Maritimes.

Moses and the museum staff are working hard to make the event a success.

"We want it to be a fun festival. It will be like a breakaway from this terrible lockdown we've been having," she said. "This is why we are not charging a lot to attend. We just want to make some money to keep the doors open on the museum."

Cost to attend for the weekend is \$12.

The Hank Snow Tribute began in 1991 and attracts more than 2,000 fans and upwards of 35 musical acts from across North America. The 30th annual event, scheduled for 2022, will feature Canada's First Lady of Country Music, Carroll Baker.

The mini tribute festival will kick off with an evening of entertainment from 6 p.m. to 11 p.m. on August 13. There will be a community breakfast Saturday morning and the music will start with an open mic session at 11 a.m. followed by a full roster of singers and musicians until about 11 p.m.

There will also be 50/50 draws, raffles and an auction. Food can be purchased on-site.

There will be sites available for campers on that weekend, with limited spots available for power. Museum staff have begun to call those that reserved a spot for last year's tribute which did not occur.

Moses came up with the idea for the mini tribute after seeing the recent success of the Hank Snow Chuckwagon BBQ & Wednesday Entertainment this summer so far, with more than 50 people coming out to the July 7 event which featured the David Burbine Band.

Most years, the barbecue and entertainment Wednesdays, which run from noon to 2 p.m., are only held about four times a year to go along with the regular Hank Snow Tribute weekend. This year, the event began June 30th and will continue through to mid-September.



FILE PHOTO

A Hank Snow Mini Tribute Festival will take place August 13 and 14. The annual Hank Snow Tribute has been cancelled for the last two years due to COVID-19 regulations. However, the 30th annual event is expected to go in 2022.

This week's entertainment (July 14) will feature Fraser Newcombe, and on July 21 Melinda Naugler will take the stage.

"It's a real community thing. We have some people that come out and sit in the same spot every week, rain or shine," said Moses.

Hank Snow, who was born in 1914 in Brooklyn, Queens County and died in 1999, is a member of the Country Music Hall of Fame in Nashville, one of only two Canadians to hold the honour.

The Yodeling Ranger, as he was oft-referred to, released more than 140 albums and sold more than 80 million records worldwide.

The Hank Snow Home Town Museum opened in 1997, dedicated to keeping his memory alive. It is also the home of the Nova Scotia Country Music Hall of Fame.

The annual Hank Snow Tribute is the largest fundraiser for the museum. It was open for a few weeks last year due to pandemic regulations, however, this year it is open every day throughout the summer.

New name chosen for Carroll Baker-owned property in Port Medway

By KEVIN MCBAIN
Local Journalism Initiative Reporter

Canada's First Lady of Country Music, Carroll Baker, has decided to re-christen the church she attended growing up and which she purchased last fall.

In a Facebook live post June 23rd, Carroll Baker announced a new name for the Port Medway Baptist Church, which was consecrated in 1872 and was put up for sale early in 2020.

Baker purchased the church, she said, to preserve it for the community and

allow weddings, funerals, services and music to continue.

She hosted a contest to come up with a name for the building.

The one she chose was "Carroll Baker Mem'ries Centre," which was suggested by several people from across the country, but first by a Saskatchewan fan. The spelling of Mem'ries comes from her album, *Mem'ries of Home*, released in 1971.

Baker explained on the Facebook live presentation that she had written down a number of names that interested her, but wanted to keep with the rules of her contest and prayed that someone would come up with her preferred name, and they did.

Added under the name will be the words "where music inspires love, hope and faith."

Other names submitted by people from around the world included Carroll Baker Jubilee Centre, Carroll Baker Heritage Centre, Carroll Baker Hall of Memories and Carroll Baker Gathering Place.

The contest winner will receive a collection of Carroll Baker CDs and a sweat-shirt with a new logo featuring the name on it.

During her announcement, Baker said choosing a winner "is the hardest thing in the world. I got so many amazing suggestions from people. It was really hard to choose."

John Brown, executive director of the local not-for-profit organization, Friends of Carroll Baker Society, indicated recently the centre would open July 6 in a limited capacity.

"The board decided that we should make a presence, no matter how small," he said in a phone interview. "We decided to open and people can come in and see a 'vision of the future.'"

There will be some memorabilia on display and some hints of what the future holds for the centre.

Initially, the centre will be open Tuesdays, Thursdays and Saturdays from 11 a.m. to 3 p.m.

Donations to the society have been coming in. For her recent birthday, the musical artist requested donations to the society in lieu of gifts. As a result, the society received about \$5,000 in donations — enough to pay the taxes and insurance on the property for a year.

"I can't begin to tell you what this means to me," Baker said in the Facebook post. "I don't need the money, but they do."

Brown said there is a lot of work to be done to the building and property which will be completed as funds become available. Baker, who lives in Guelph Ontario, hasn't been back to her hometown since purchasing the church, due to the COVID-19 pandemic regulations, but she hopes to return soon for a grand opening and a fundraising concert.



FILE PHOTO

The doors to the newly named Carroll Baker Mem'ries Centre were expected to be open to the public starting July 6.



TOWN OF LUNENBURG

PUBLIC HEARING

DRAFT PLANNING DOCUMENTS:
Municipal Planning Strategy,
Land Use By-law, and Subdivision By-law

The Planning and Development policies and rules are changing!

Date/Time: Tuesday, July 27, 2021 at 6:00 p.m.

Location: Zoom Webinar (allows for two-way interaction):
<https://zoom.us/j/95489144585>

Also broadcasted on the YouTube channel (viewing only):
<https://bit.ly/YouTubeTOL>

After 18 months of public engagement, Council approved the Town's Comprehensive Community Plan (CCP), and after months of writing, the Town of Lunenburg now has new planning documents; a new Municipal Planning Strategy, Land Use By-law and Subdivision By-law for Council's consideration. Council will be holding a Public Hearing on Tuesday, July 27, 2021 at 6:00 p.m. to obtain your viewpoints or concerns regarding the proposed planning documents.

There are changes regarding what you are able to do on your property, zoning, and how you create new lots and subdivisions. The proposed planning documents cover the entire Town of Lunenburg.

You are encouraged to participate via Zoom in the Public Hearing to learn about the draft planning documents, ask questions, or voice concerns. You may wish to pre-send questions in advance to hello@projectlunenburg.ca.

The draft planning documents, along with the Comprehensive Community Plan, discussion papers, and What We Heard reports can be found at www.projectlunenburg.ca

Following the Public Hearing Council may consider the repeal of the Town's existing Municipal Planning Strategy, Land Use By-law and Subdivision By-law with subdivision specifications and the approval of a new Municipal Planning Strategy, Land Use By-law and Subdivision By-law with subdivision specifications.

For further information, please contact Arthur MacDonald, Development Officer at 902-634-4410 ext 234, amacdonald@explorelunenburg.ca. Everyone is welcome to participate.

Ann Covey

Subject: 5 and 7 Coun Jul 27 21 Draft Planning Docs Nona White Submission

From: 25straight [<mailto:25straight@eastlink.ca>]

Sent: Tuesday, July 13, 2021 7:33 PM

To: Matt Risser <MRisser@explorelunenburg.ca>; Peter Mosher <PMosher@explorelunenburg.ca>; Arthur MacDonald <AMacDonald@explorelunenburg.ca>

Cc: Bea Renton <brenton@explorelunenburg.ca>; Jenni Birtles <jBirtles@explorelunenburg.ca>; Melissa Duggan. <MDuggan@explorelunenburg.ca>; Stephen Ernst <SErnst@explorelunenburg.ca>; ED Halverson <EHalverson@explorelunenburg.ca>; Susan Sanford <SSanford@explorelunenburg.ca>

Subject: Russell & Diane Crouse Lands located at 101 Hirtle Road - Assessment Acct #01015214 – "Project Lunenburg"/Municipal Planning Strategy Document

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

To Whom it May Concern:

My name is Nona White, and I am contacting you today on behalf of my parents, Russell & Diane Crouse, who own a significant portion of land, located at 101 Hirtle Road (Assessment Account #01015214). They have just been informed yesterday by a neighbour, that a major portion of their private property is being "earmarked" for a proposed zoning change under your "Project Lunenburg" Municipal Planning Strategy Document. The property in question is currently being used as a hay field for a nearby Dairy Farm, as well as a portion of swamp.

My parents were never advised in person or by mail of these significant changes and are quite upset and completely opposed to the proposed plan for their property. In reference to your Comprehensive Community Plan document – under Section 2.8 "Parks & Public Spaces" – Letter (e) clearly states the Town's intention as to : "Create a centrally located **new public park** on portions of land bound by Victoria Road, Green Street, and Hirtle Road that stitches together new and intensified surrounding uses".

How can you put in a document that a **public park** is being created, but the Town has never directly contacted or informed the property owners involved? Even if this is intended to be "down the road" or "in the future", it is only common sense that the property owners should be made aware of such an intention and have them become involved in order to voice their opinions, concerns and objections - especially when it directly involves them to this extent.

How can the Town simply change a zone from "Residential" Private Property – to "Parks & Recreation" which according to your plan is "Public", without even involving the property owners? Their entire property has been in the same family since 1875 and has been used as farmland up until my grandfather's passing in 1976. After that my father has used the property as Residential, and the majority of the cultivated land has been used as hayfield every year since. What gives the Town the right to just change a Privately owned property to "Public Use"? Who will want to buy a portion of property zoned as a Park? By doing this the Town is devaluing their Homestead that has been in the family for 146 years. My father has kept this property whole and has

constantly refused the many businesses and people over the years, who have come requesting to buy pieces of it. This is just morally wrong to do to them.

My parents are totally against this proposal. All they received was a Generic letter sent to every tax payer advising them of a virtual meeting about a Planning Strategy. My father is almost 80 years old, and has never owned or used a computer, and also does not have the ability or education to fully understand the extent of the implications that this zoning change may have. Considering that this plan was undertaken during COVID restrictions/lockdown and limited access to direct information, you must understand that a simple mail out and articles in a local newspaper (which they do not subscribe to) were not sufficient communication to property owners such as my parents, who do not have computer access and were not socializing with others (where they may have caught wind of the changes sooner). How would the ordinary person have any idea that they should become “involved” in this process unless they were directly made aware that significant changes were planned for their private property – no “Red Flags” were raised by the Generic letter sent out in the mail to everyone. The average landowner in the Town would never take the interest to “become involved” in something like this, unless they knew first hand that it was going to drastically affect them personally. If there had been a Red Flag, then they would have definitely made contact with the Town earlier in the process. Again, this limited method of communication used by the Town over the past months does not excuse the common sense and decency that if they had just been approached personally to let them know that a Zoning change of this magnitude was going to affect them to this extent, that all of this could have been averted months ago.

Other questions we want answered are:

- What does this proposed Zoning change mean to their property as it stands right now – how will it immediately affect my parents?
- What can you do/not do with a piece of property that is zoned as “Park”?
- Will they still be able to use the property as they currently do now and in the future as long as it is not sold?
- What does it mean to my parent’s heirs once it is passed on to them?
- What will this do to the value of their current property? It seems that this will devalue the land as any potential buyer would never pay top dollar for a large section of “Park” designated property that they cannot do anything with. This restricts their ability to sell.
- What exactly are the Town’s plans for this piece of land – is the Town planning to expropriate the land from my parents once the zoning change comes into effect?
- When I looked at the proposed maps online, they seem very vague, confusing and unclear – both as to how many acres are affected and the fact that it appears that it is primarily only my parent’s property affected by the proposed “Parks” zone change, other than a very small strip of the neighbour's land. We would like more clarification on this.

Please contact me as soon as possible with answers to these questions or to speak with me about this, prior to your next virtual meeting on July 27th. If I don’t hear from someone shortly, I will make contact with someone on your committee. My number is (902) 530-2420 and my email is 25straight@eastlink.ca.

We also ask that you include this letter at your virtual meeting on July 27th, as a formal concern and objection by my parents, who earnestly request that you reconsider this Zone change and leave their property intact as "Residential". (I will be in attendance at this meeting). Thank you for your time.

Nona White

July 12, 21

Mayor Risser and Members of Council
Town of Lunenburg

Re: Questions regarding the Proposed new planning documents

A new Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law re long awaited and much anticipated.

Having participated in the public engagement opportunities that formed the basis for these planning tools and now having reviewed the draft that received first reading in June, it is great to see so many important issues addressed in the proposed MPS and LUB.

I did have a number of questions, however and was grateful to have had an opportunity to talk with Arthur MacDonald about them last week.
A few questions remain for Council's consideration.

1) Are view planes adequately preserved through the contents of these documents?

The importance of preserving view planes was identified early on in the planning process but it is difficult to see if this has been fully addressed. The specifications around Form in the LUB seem to offer a certain degree of protection. Frankly, however, it is difficult for a layperson to understand if this has been duly considered in all circumstances. It would be reassuring to have the Planning Consultants provide some assurance on this point.

2) Why does the new Land Use Bylaw (LUB) permit Short-term Rentals in residential neighbourhoods?

The Province of Nova Scotia has taken a very strong stance in favour of **Short-term rentals (STRs)**. I understand that tourism growth, particularly in rural areas, will depend on the availability of alternative forms of accommodation, like STRs,

Unfortunately, however, STRs are problematic in more urban centres like Halifax and Lunenburg, where housing inventory is negatively impacted and residential neighbourhoods are compromised.

New Provincial regulations disregard the concerns expressed by small Inn and boutique hotel operators who are disadvantaged by STRs that are exempt from commercial taxes and also take away shoulder season traffic from traditional operators who rely on that income.

Municipal and local community leaders who had raised concerns during consultations with the Province about the negative impact of STRs on small business, small towns and local neighbourhoods were told that Municipalities have the capability to regulate STRs themselves and should undertake to do so.

These Planning Documents (MPS & LUB) represent a huge opportunity for Lunenburg to protect housing stock, and community cohesion in residential neighbourhoods. (A separate bylaw may be needed to more fully address the concerns of our small business operators.)

STRs should be allowed in Lunenburg where they are least likely to displace long term resident spaces and disrupt neighbourhoods. They could not be permitted in those zones specifically intended for long term residents (RL;RM; RH ZONES). That opportunity is missed in this proposed new MPS and LUB.

3) Could the crest of Blockhouse Hill be preserved for public benefit when so many other options exist elsewhere in Lunenburg for residential development?

Development of Blockhouse Hill has been contemplated over 2 decades now.

It is well known and anticipated that this large swath of public land holds opportunity for residential expansion for the Town.

However, residential use on the crest of Blockhouse Hill, particularly, the parcel of land contained within an extension of York Street and an extension of Lincoln Street had not been formally debated any time during my 12 years in office. Similarly, the development contemplated by previous Councils had also left that property, untouched and outside of the proposed residential development area.

The idea of selling this valuable piece of public land, as is facilitated in the proposed Zoning maps, is a new and significant decision that deserves dedicated public discussion and deliberation. There are many strong arguments for retaining that special piece of property for public use but focus on this very important detail is difficult amidst the many components of these comprehensive planning documents.

Altering the Use Zoning map to extend the Parks and Recreation Use (PR) zone currently shown on that map to include the entire hillcrest of Blockhouse Hill should not require changes to the MPS or LUB. This small change on paper now could resonate positively with the community long into the future.

Thank you for consideration of these questions during deliberations on these important documents.

Respectfully,

Rachel Bailey

From: donwparks2@gmail.com [<mailto:donwparks2@gmail.com>]
Sent: Wednesday, July 14, 2021 8:59 AM
To: Arthur MacDonald <AMacDonald@explorelunenburg.ca>
Cc: Bea Renton <brenton@explorelunenburg.ca>
Subject: re

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Hi Arthur

I just want to give my thoughts about one item for future of Lunenburg.
There is a large requirement for apartment housing in Lunenburg.
One developer told me they tried to strike a deal with TOL but could not succeed.
I do not know the details but let us try harder to let developer's succeed.
Most people looking for apartment are those living in Lunenburg for years trying to
down size.
Citizens of Lunenburg had to move to other Communities to find Apartments.
My Mom and even myself will be looking to sell our houses and down size soon.
Hope something can be done in this area soon.

Thanks for your time.

Donnie Parks

Kelly Jardine

From: donwparks2@gmail.com

Date: July 15, 2021 at 9:01:01 AM ADT

To: Bea Renton <brenton@explorelunenburg.ca>

Subject: re

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Hi Bea

The location I speak about was on David Emeneau property off Centennial Ave in behind Harbor View Drive.

I am not sure of the problems there.

You may add my information to Council if you wish.

I heard of several people looking for apartments in the last couple months and nothing to be found.

I was looking for my Mom. Cornwallis and Blockhouse Hill apartments have a 2 year waiting list.

My Mom is content to stay in here own home for a while yet.

Yet I head on radio the Government is assisting Bridgewater to build 25 units?

Thanks

Donnie

July 27, 2021

RE: Non-substantive Changes to Municipal Planning Strategy and Land Use By-law

Dear Mayor Risser and Town of Lunenburg Council,

On June 22nd you gave First Reading to the draft Municipal Planning Strategy and Land Use By-law (as well as the Subdivision By-law and Specifications). Since that time we have received suggested changes from staff and the public, as well as reviewed the documents ourselves with fresh eyes. Some of these changes would, in our opinion, be considered substantive in nature and would again require First Reading and another Public Hearing. Public submissions of this nature are included in the Public Hearing package for your consideration. However, we are of the opinion that the following changes are non-substantive (*i.e.* offer clarity or correction rather than changing intent) and can be made as part of your motion for Second Reading:

Municipal Planning Strategy

- + On page 1, last paragraph: Change "docklands" to "many wharves"
- + On page 2, fourth paragraph: Change "that Lunenburg was built on" to "on which Lunenburg was built"
- + On page 2, fourth paragraph: Add "a few" before "national chain retailers"
- + Section 2.2.3, last sentence: Correct "in can bring" to "it can bring"
- + Section 3.3.2, second sentence: Replace "through Old Town" with "along Starr Street"
- + Section 3.3.7, second paragraph: Replace "The Town of Lunenburg owns all but three streets within the confines of the town boundaries; Highway 332 (bypassing the community to the north) is owned by the Province and two private roads currently exist." with, "The Town of Lunenburg owns most streets within the confines of the town boundaries; Highway 332 (bypassing the community to the north) is owned by the Province and a handful private roads currently exist."
- + Section 5.1.1, first sentence: Correct "form" to "forms"

Land Use Bylaw

Recommend additions are in **BOLD**, deletions in ~~strike-out~~

- + Section 5.2.2: "Notwithstanding the minimum lot area and minimum lot frontage requirements of Table 1, any undersized lot legally in existence may be increased in area and/or frontage as a result of an approved plan of subdivision **and a municipal development permit may be issued in accordance with this By-law**. For greater clarity, this provision does not exempt lots from the maximum lot area or maximum lot frontage requirements of Table 1."
- + Section 5.2.3: "Notwithstanding the maximum lot area and lot frontage requirements of Table 1, a legally existing oversized lot may be reduced in lot area and/or lot frontage requirements as a result of an approved plan of subdivision **and a municipal development permit may be issued in accordance with this By-law**. For greater clarity, this provision does not exempt lots from the minimum lot area or minimum lot frontage requirements of Table 1."
- + Section 5.3.1: "**The creation of** flag lots shall not be permitted."
- + Clause 6.4.9(g): "The business shall ~~not~~ occupy an area equivalent to no more than 25% the gross floor area of the dwelling or 47 square metres (505 square feet), whichever is less."
- + Schedule 'A' – Add EHS station at 58 Hall Street to list of existing uses
- + Schedule 'C' (Use Zoning Map) – Correct legend label to "Commercial Mixed Use"
- + Schedule 'C' (Use Zoning Map) – Correct the use zone on the municipal parkland on Wolff Avenue (PID 60488384) to Parks and Recreation Use Zone

Form Submitted



Request was submitted with number 1001815 . Please record this number for your records.

Municipal Innovation Program

Fields marked with an * are mandatory.

APPLICANT INFORMATION

Town of Lunenburg

Name of Lead Applicant(Municipality or Organization) *

119 Cumberland St.
Street Address *
Number *

Apartment/Suite

129 Lunenburg
PO Box Municipality *

Nova Scotia
Province *

B0J 2C0
Postal Code *

CONTACT INFORMATION

Beatrice
First Name, Initials *

Renton
Last Name *

CAO
Title

(902) 634-4410
Telephone (Primary) * Ext.

(902) 521-4200
Telephone (Alt) Ext.

(902) 634-4416
Fax

brenton@explorelunenburg.ca
Email *

PROJECT INFORMATION

Shared Municipal Agreement - IT Services for Town of Lunenburg and Municipality of Chester (MOC)

Project Name *

TOL and MOC
Project Location *

Aug 1, 2021
Proposed Start Date (MM/DD/YYYY) *

Jul 31, 2022
Proposed End Date (MM/DD/YYYY) *

\$33,500
Amount Requested *

\$67,000
Total Project Cost *

General Project Description

Briefly outline your project and answer the following questions:

- What is the project going to achieve?
- What are all the proposed activities and the timeline for their completions?
- Who will be completing the project (i.e. which municipalities and/or other organizations)
- What is the Project boundary?
- Is additional or phased work planned for project completion?

(Max chars allowed:1000. If the space provided is not sufficient, please attach additional information as required)

Project intent is to create a shared inter-municipal Information Service that addresses the need for the IT institutional knowledge and Municipal Context required by the Town of Lunenburg and the Municipality of Chester.

The application is for 50% funding for the first year of this inter-municipal agreement however it is the intent of both units that once established it will be a long-standing agreement between the units.

See attached for additional General Project Description

Provide general budget details, including:

- Estimated costs of each activity
- Project funding sources, including cash and in-kind, and how they are allocated to project costs.
- Identify confirmed and pending sources

(Max chars allowed:1000. If the space provided is not sufficient, please attach additional information as required)

Project budget

\$2,000 in solicitor fees to cover the costs of drafting the Inter-municipal agreement.

Term Position

\$65,000 cost of a systems analyst (salary and benefits)

Total project

\$67,000

Requested funding

\$33,500

Municipal Contribution

\$33,500 to be split 60/40 between MOC and TOL

Both units have provided for this shared service in their Approved Operating Budgets for 2021-22.

DECLARATION



By checking this box I agree that the information provided on this application form and accompanying documentation is accurate to the best of my knowledge. I hereby give Municipal Affairs authority to verify any and all information pertaining to this application. I understand that projects which are funded may be subject to audit by the Province of Nova Scotia, who reserves the right to review and inspect projects and related documentation during and following completion of the project.

Lisa Dagley

Name *

Jun 24, 2021

Date (MM/DD/YYYY) *

Finance Director

Title *

General Project Description *(continued)*

Project Partners

Municipality of Chester
Town of Lunenburg

Innovation

This effort will help improve IT Municipal Services by hiring a term position to implement standardized practices across the following IT disciplines:

1. Infrastructure Services
2. Virtualization
3. Unified Communications
4. Cyber Security
5. Data Management
6. Network Administration

Impact

This project will help the participating parties address the following issues:

- The creation of an IT service that has the required municipal context.
- Increase the capacity and support for a remote workforce (space is now at a premium)
- Improve service resiliency.
- Self-Service will help address user needs across FAQs and Knowledge Base Articles

Collaboration

Each Municipality will participate in the approval and adoption of an Inter-municipal agreement for IT Services.

Scalability

IT best practices

Joint Production: two or more councils organize a single service.

The introduction of shared technology systems and platforms to transform public services.

Ensuring that the digital systems in place are secure.

Implementing a standard set of consistent services which are repeatable across multiple jurisdictions.

Asset Mgt System consistency

Business Continuity

GIS

Shared Regional Building Services

Outcomes

- secure network infrastructure
- improved system documentation and service delivery
- IT Best Practice standardization
- Implement standardized record keeping.

PROTECTIVE SERVICES COMMITTEE MEETING MINUTES

THURSDAY, JULY 8, 2021 AT 4:00 P.M.

LUNENBURG AND DISTRICT FIRE HALL

PRESENT: Deputy Mayor Peter Mosher, Chair
Councillor Ed Halverson
Councillor Susan Sanford
David Afford, Fire Districts 1 and 2 Commission Board Member
David Baugil, Fire Districts 1 and 2 Commission Board Member

ALSO PRESENT: Cory Hodder, Assistant Deputy Fire Chief
Bea Renton, CAO
Dave Robb, Deputy Fire Chief
Darren Romkey, Fire Chief

ABSENT: Brian Keizer, Fire Districts 1 and 2 Commission Board Chair
Councillor Melissa Duggan

1. Call to Order

The Deputy Mayor called the meeting to order at 4:01 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Deputy Mayor recognized Lunenburg's location on the unceded territory of the Mi'kmaq People.

3. Agenda

Motion: moved and seconded to approve the agenda. Motion carried.

4. Protective Services Committee April 8, 2021 meeting minutes

Motion: moved and seconded to approve the April 8, 2021 meeting minutes. Motion carried.

5. Business Arising from the Minutes/Unfinished Business

a. Replacement Schedule for Fire Trucks

The Chair noted that Council will be addressing the proposed award of contract for a replacement Fire Rescue truck at the July 13, 2021 Town Council meeting (**Schedule A**). Commission members advised that they have not yet made a decision regarding funding of same, but will soon. The Chair commented on the mutual benefits of a joint

Capital acquisition partnership for fire protection services to the area and ongoing discussions for same.

6. New Business

a. Fire Chief's Monthly Information Reports for April, May and June 2021

The Fire Chief provided an overview of these monthly reports for the Committee (Schedule "B").

The Committee discussed the Commission annual meeting which was not held this year due to the pandemic. It was noted that there are eight members on the Commission and Brian Keizer is the Chair.

7. Next Meeting Dates

Thursday, October 14 at 4:00 p.m. at the Fire Hall.

8. Adjournment

Motion: moved and seconded to adjourn the meeting. Motion carried.

The meeting was adjourned at 4:13 p.m.

Bea Renton, CAO

Document No: 7.
Meeting: July 13, 2021 Council
Circulate: Council, LD, KR, KMCP,
LDFD
File: Budget 2020/21

MEMORANDUM

TO: TOWN COUNCIL

**FROM: LDFD FIRE CHIEF DARREN ROMKEY AND KATIE MACMILLAN,
BUSINESS/PURCHASING COORDINATOR**

DATE: JULY 5, 2021

RE: LUNENBURG DISTRICT FIRE DEPARTMENT NEW RESCUE VEHICLE

1. FACTS

At the March 23, 2021 Council meeting the following motion was approved: *moved and seconded Council pre-approval to order a replacement Fire Rescue (02) truck for delivery in 2022/23 fiscal year (Schedule "H")*. This allowed for a Request for Proposals ("RFP") to be issued on April 22, 2021. The RFP closing date was May 28, 2021. Four proposals were received in response to this RFP. Due to the value of the proposed vehicle value being over \$100,000, Council must award the RFP in accordance with the Town's Purchasing Policy.

2. ISSUES AND OPTIONS ANALYSIS

Four bids were received and the pricing (before HST) is as follows:

Bidder	Price
Metalfab. Ltd.	\$ 578,685.00
Micmac Fire & Safety Source Ltd.	\$ 618,315.00
Rocky Mountain Phoenix Inc.	\$ 611,560.00
Techno Feu Inc.	\$ 662,954.75

A rough breakdown of the number of detailed specifications that were required in the RFP that the proponents either cannot meet or have proposed deviations for is as follows:

Bidder	Specifications Not Exactly Met
Metalfab. Ltd.	31
Micmac Fire & Safety Source Ltd.	13
Rocky Mountain Phoenix Inc.	19
Techno Feu Inc.	26

Although weighting and evaluation criteria were provided in the RFP document, the LDFD Evaluation Committee chose not to use it.

The LDFD Evaluation Committee would like to award the RFP to Micmac Fire & Safety Source Ltd. as they had the fewest number of specifications that cannot be exactly met. Also, Micmac Fire & Safety Source Ltd. was the supplier of Engine #2 delivered in summer 2020. LDFD has had unfavourable experiences working with other providers in the past, but they are very happy with Engine #2 and have had excellent service provided by Micmac Fire & Safety Source Ltd. Because of the confidentiality clause in the RFP document, the proposals cannot be provided to the public or discussed in open session.

Estimated delivery time is currently 435 days after receipt of this customer order.

3. FINANCIAL IMPACT

The pre-approved budget for the purchase of the new Fire Rescue Vehicle is \$694,600. The vehicle from Micmac Fire & Safety Source Ltd. is priced at \$618,315 plus net HST for a total cost of \$644,816., plus the registration cost for the vehicle.

It is recommended that a \$10,000 contingency, plus net HST be approved for any unforeseen expenses that may arise during the building of the truck.

The surplus Rescue vehicle will be sold through a surplus tender sale once the replacement Rescue vehicle is delivered in 2022. Any proceeds from the sale of the surplus vehicle will be put towards the borrowing incurred for the purchase of the new vehicle and the balance will be financed from reserve transfer and long-term borrowing.

4. STRATEGIC PLAN RELEVANCE

This project is part of “4.9 Emergency Services: A) continue to work with the Lunenburg and District Fire Department to ensure it is able to efficiently and effectively respond to fires and other emergencies.”

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

Motion: moved and seconded that Council approves the acceptance of the Fire Rescue vehicle proposal from Micmac Fire & Safety Source Ltd. at a cost of \$618,315, plus net HST and a \$10,000 contingency, plus net HST for any unforeseen expenses that may arise during the building of the truck.

Acknowledged only by:

Bea Renton
CAO



Lunenburg & District Fire Department

25 Medway Street, P.O. Box 1478

Lunenburg, Nova Scotia

634-8343 Fax –634-4145

Chief Darren Romkey

Cell- 212-0476 dromkey@eastlink.ca

Chief Report for April 2021

Calls

There were 15 calls this month including .

10 calls in the district (2 illegal burns, 1 controlled burn, 3 grass, 2 alarms, 2 chimney)

2 calls in town (1 alarm, 1 MVC)

3 Mutual Aid (Greenfield, Chester and Riverport)

Total of 462 personnel responded to 28 hours total calls.

Averaged 30.8 members per response.

855 total personnel hours were spent responding to calls

Training

There were 22 various training sessions totaling 128.5 hours this month including driver training, MFR, Wildland fire, Ice Rescue pump operations and general fire training attended by 143 members.

A total 559 personnel hour were spent on training this month.

Misc

There were 6 various misc operational functions totaling 10 hours.

134 total personal hours were spent on various misc operations such as meetings and truck/equipment checks this month

Total of 1548 personnel hours this month.

April 9th-Issues with Bell had their customers without phone and internet service. A crew was put on for a few hours at the station in case someone with an emergency drove to the hall to report it.

April 11th- Monthly Junior Fire Fighter practice

April 14-Monthly Truck checks and General meeting

April 17-Several members attended a day long Wilderness Fire Fighting course at our station

April 17-Annual Chowder Cup hockey game against the RCMP. Fire Department won this years game 7-5.

Due to Covid restrictions we were unable to have a chowder social at the fire hall after the game.

This is an annual tradition that has been going on since 1973. Only missing a few years.

April 18-Monthly Pump Operator training

April 21-Medical First Responder training

April 24-2 members attended a course in inspecting SCBA bottles. This was hosted by the Greenfield Fire Department.

April 25-6 members attended a session to be fitted for Personal Protective equipment and an overview in responding to Cardiac Arrests.

We currently have been stopped by EHS in responding to medical emergencies but departments throughout the province has been equipped and trained to respond to Cardiac Arrests only. We have been placed back in service to respond to Cardiac arrest only .

April 27th-another provincial wide lock down due to Covid has been announced.

All training, meeting and non essential fire operations (pool filling, dive bottle filling etc) has been suspended until further notice.



Lunenburg & District Fire Department

25 Medway Street, P.O. Box 1478

Lunenburg, Nova Scotia

634-8343 Fax –634-4145

Chief Darren Romkey

Cell- 212-0476 dromkey@eastlink.ca

Chief Report for May 2021

Calls

There were 7 calls this month including .

5 calls in the district (1 illegal burn, 1 grass, 1 alarm, 1 Propane Leak and 1 chimney)

1 call in town (1 alarm)

1 Mutual Aid (Chester)

Total of 186 personnel responded to 9 hours total calls.

Averaged 25.7 members per response.

267 total personnel hours were spent responding to calls

From the time we received the initial page, to the first truck responding was an average of 3 minutes.

Training

Due to Covid restrictions that were implemented, all training was cancelled until further notice.

As of June 1st, restrictions are still set and will be re-evaluated as each phase is announced.

If things continue to improve, I am hoping the restrictions will allow us to train out doors as we need to keep up on our training, and running equipment.

Misc

Again, Covid restrictions did not allow us to have our usual meeting and other operational functions, however it was necessary to get our truck checks done and ensure all equipment is accounted for and in working order.

We were able to do truck checks, but unlike the norm where we all attend on the same night, our 8 crews were split up it groups of 2, ½ the crews came one night, the other half another. We were able to stay within the crews, wearing masks and social distancing was able to be met.

There were 3 various misc operational functions totaling 6 hours. Truck checks and a Truck Committee meeting to start reviewing the returned RFPs for our new Rescue 4.

61.5 total personal hours were spent on the truck/equipment checks, and Truck Comm meeting this month

Total of 299.5 personnel hours this month.

Regular bi annual inspection of our Air Compressor system amd SCBA packs were carried out with 1 SCBA pack placed out of service for calls, but can be used for training. We had 1 spare so this does not require replacement at this time.

Production of the Netflix TV series the Sinner has rented our Auditorium for the summer. They are expected to be here until the middle of September. They are using our facility, along with a large tent set up in the parking lot, for dining areas for the crew.

This does create a minor inconvenience but does not affect our responses or daily operations.

May 25th and 26th-Monthly truck checks.

May 30th-Truck Committee Meeting

May 31st-Our station flags were placed half mast for the 215 unmarked graves of the children found in the school property in Kamloops BC, as well as for the Blockhouse and District Active Deputy Chief John Walters who passed away unexpectantly at the age of 43. John was a member of our Junior Fire Department back in the late 1990's.



Lunenburg & District Fire Department

25 Medway Street, P.O. Box 1478

Lunenburg, Nova Scotia

634-8343 Fax –634-4145

Chief Darren Romkey

Cell- 212-0476 dromkey@eastlink.ca

Chief Report for June 2021

Calls

There were 9 calls this month including.

2 calls in the district (1 alarm, and 1 camper trailer)

3 call in town (2 alarms, 1 structure)

4 Mutual Aid (2 Martins River, 1 Riverport and 1 Chester)

There was also 1 medical call in the District.

We are presently only responding to Cardiac Arrests until EHS MFR services gives fire departments the OK to resume our usual response.

There are different levels of responses between fire departments in the province.

We are Level 2 which means we will respond automatically to Cardiac arrests, and Motor Vehicle collisions.

All other medical responses are at the call of the responding paramedic crew. Meaning if they have an extended response time, they will request us to respond. I can answer any questions at the next Protective Services meeting, or any time.

Total of 242 personnel responded to 23 hours total calls.

Averaged 26.7 members per response.

639.5 total personnel hours were spent responding to calls

Training

Although most Covid restrictions were in place, we were able to participate in some limited training.

Monthly general practice consisted of Boat operations, water evolutions, vehicle extrication and new air bag training.

Other training throughout included Officers training, drone and pump operator.

Misc Operational

Filling residents swimming pools took up a majority of our misc time, we filled 15 pools.

Also included in misc were various meetings, public assist and cleaning of the Ladder truck after the Chester playhouse fire.

After each major fire where the ladder is used, it is required to have a complete cleaning of the ladder.

This includes removing all the grease off the water way, regreasing it and scrubbing down the ladder.

The grease has to be changed because dirt from the heavy smoke attaches to it and can act as sand paper as the water pipe retracts inside itself. This process takes 6 members 3 hours to complete. This cleaning is over and above the general cleaning of all trucks and equipment after the call.

51 members attended 26 hours of activities for a total of 98 personal hours were spent on these misc operational duties this month.

Total of 789.5 personnel hours this month.

After discontinuing pool filling, and dive bottle filling due to Covid restrictions, we have started these activities up again.

This month we received our new air bags and TMR radios.

These have been purchased with fire department funds and saved capital expenses of between \$20 000 and \$25 000 for the town and district.

Our Club Room and station in general has been shut down to all non fire operational related activity but with the mid-month restrictions lifted, things have been opened up to limited capacity.

We are currently in the annual process of having all of our SCBA bottles visually inspected.

This requires half of them be taken to Connors in Halifax.

The first half has been checked, while the other half are currently in Halifax and will be picked up this month.

We do have a guideline to call Bridgewater for mutual aid for additional bottles in the event of an emergency. We have enough that will allow us to perform our duties without interruption until they arrive.



MEETING NOTES

PROJECT LUNENBURG STEERING TEAM

Wednesday, June 9, 2021 at 3:00 p.m.

Via Zoom Meeting

PRESENT:

Voting members of the Steering Team:

Councillor Susan Sanford, Chair
Councillor Stephen Ernst
Councillor Peter Mosher
Peter Goforth
Gerry Rolfsen
Bill Rice

Non-voting, ex-officio members:

Terry Drisdelle, Senior Planner, Develop Nova Scotia
Mayor Matt Risser
Dawn Sutherland, Planning & Development Manager

ALSO PRESENT:

Steffen Käubler, UPLAND Planning & Design Studio
(arrived 3:09 p.m.)
Heather McCallum, Assistant Municipal Clerk
Bea Renton, CAO
Norma Schiefer, Development Officer, Municipality of the District of Lunenburg

ABSENT:

Cheryl Lamerson
Arthur MacDonald, Heritage Manager

1. Agenda

The Chair, Councillor Sanford, called the meeting to order at 3:01 p.m.

Motion: moved and seconded that the agenda be approved as presented. Motion carried.

2. Review of notes from previous meetings

Mr. Goforth noted that he was in attendance on 12 May 2021 but is not shown in the list of attendees; his name will be added.

Motion: moved and seconded that the notes of the 12 May 2021 meeting of the Steering Team be approved, with the noted change. Motion carried.

3. Unfinished Business

4. New Business

a. Draft planning documents approval status update

The PDM reported that the Planning Advisory Committee met on June 2, 2021 and voted unanimous approval for moving the documents forward to Council for First Reading on June 22, as well as First Reading to repeal the existing documents that these will replace.

She then re-summarized the process schedule for next steps (Schedule "A"). She noted that she has sent the draft documents to her Provincial contact for a pre-review so that they are aware of the materials before they come for official review once approved by Council.

b. Review of May 2021 Progress Report

The PDM reported that the Planning documents project is on schedule (Schedule "B").

c. New Heritage Conservation District Plan and By-law – overview of approach, Upland

The PDM recapped that Council had wished to proceed with the Heritage documents work as soon as possible, but due to the focus on the Planning documents piece and staffing availability, this work will begin in September and is a 10-11 month process.

Mr. Käubler reviewed the stages of the Heritage document work, which has five phases (Schedule "C").

Regarding Phase 1, Mr. Käubler noted that there is already a Background Study from the Town, which will need revisions and Provincial re-approval. There is no upfront public consultation required as the work will rely on the extensive public consultation for the Comprehensive Community Plan (CCP), similar to the Planning document work.

Mayor Risser noted that the Town's Annual Work Plan for 2021/22 was passed by Council on June 8, 2021, including action items from the CCP's Five Year Plan. The plan is available for review here: <https://explorelunenburg.ca/strategic-plan.html>

5. Correspondence – None.
6. In camera portion – Not applicable.
7. Resumption of Council meeting in public session – Not applicable.
8. Next Meeting Dates
 - a. Steering Team meeting: ~~Wednesday, 14 July 2021, 3 pm, Zoom meeting.~~ UPDATE: Steering Team meetings have been put on hold until work begins on the Heritage documents in the Fall. Committee members will be notified of the next date.
9. Adjournment

Moved and seconded, that, there being no further business, the meeting be adjourned.
Motion carried.

The meeting was adjourned at 3:17 p.m.

Heather McCallum
Assistant Municipal Clerk

Schedule A

TASK	Timeline	Information
PAC Workshop	April 29, Thursday	9:15 am to 4:00 pm, Council chambers, led by UPLAND
Online Draft Release	May 7, Friday	UPLAND does this on the ProjectLunenburg.ca site.
Open Public Forum (Presentation, Q&A)	May 13, Thursday	Fire Hall, 6 – 8 pm (social distancing) Livestream on Facebook, upload to YouTube later.
PAC review of public feedback	May 19, Wednesday	PAC mtg, 6 pm, Council Chambers ZOOM
PIM	May 26, Wednesday	PAC mtg 6 pm , Council Chambers ZOOM
PAC Recommendation	June 2, Wednesday	PAC mtg 6 pm , Council Chambers ZOOM
Council agenda deadline	June 4, Friday	
First Reading at Council	June 22, Tuesday	Council mtg 6 pm, Council Chambers ZOOM
Public Hearing	July 27, Tuesday	Council mtg 6 pm, Council Chambers ZOOM
Second Reading at Council	July 27, Tuesday	Public Hearing & 2 nd Reading the same day (Second Reading can be deferred to next mtg if desired) ZOOM
	PAC MEETING	
	COUNCIL MEETING	
	ONLINE COMPONENT AS WELL	

PROJECT: Town of Lunenburg Comprehensive Plan
REPORTING PERIOD: May1 - May 31, 2021

1. Targets Achieved in Period

- 2nd Draft LUB/MPS/Subdivision Bylaw submission
- Public Information Meeting
- 2nd PAC workshop
- Public Information Meeting

2. Outputs of Project

- 2nd Draft LUB/MPS/Subdivision Bylaw

3. Project Related Issues

- The project is on schedule as per the attached adoption chart.
- Work on the Heritage District Plan can commence in September 2021.

4. Risk Analysis

- N/A

5. What to Achieve in Next Period

- First Reading

Phase 1: Discovery

1.1	Reporting and Project Management
1.2	Monthly Steering Team Meetings (with participation of HAC as needed)
1.3	Review March 5, 2018 Background Study
1.4	Review Current HCD Draft Plan and By-Law
1.5	Review Heritage Property By-Law
1.6	Review CCP Recommendations
1.7	Issues and Opportunities List
1.8	Submit Issues and Opportunities List
1.9	Review with Staff
	TOTAL

Phase 2: Draft Documents

2.1	Draft Revised Background Study
2.2	Present Revised Background Study to Council (and HAC)
2.3	Submit Revised Background Study to Province
2.4	Draft HCD Plan
2.5	Draft HCD By-Law and Design Guidelines
2.6	Draft Heritage Property By-Law
2.7	Integration w/ MPS & LUB
2.8	Illustrations
2.9	GIS Mapping
2.10	Document Layout
	TOTAL

Phase 3: Staff Review & Edits

3.1	Draft Submission
3.2	Draft Review with Staff
3.3	Draft Revisions (One Revision per Document)
	TOTAL

Phase 4: HAC + Public Review & Edits

4.1	Draft Documents Online Release
4.2	HAC Meetings (up to 3)
4.3	Advertisement for Public Participation Meeting
4.4	Present HCD Plan and By-Law at HAC Public Participation Meeting
4.5	Additional Optional Public Consultation (as per HCD Public Participation Program)
4.6	Public Feedback Summary to HAC
4.7	Final Draft Preparation and Submission
	TOTAL

Phase 5: Adoption

5.1	Present at First Reading
5.2	Mail-Out Notifications for Public Hearing (21 days prior to hearing)
5.3	Present at Public Hearing
5.4	Revisions
5.5	Present at Second Reading
5.6	Package Documents for Submission to Province
	TOTAL

JOINT OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MEETING MINUTES

THURSDAY, JULY 15, 2021 AT 11:00 A.M.

VIA ZOOM VIDEO CONFERENCE

PRESENT: Paul Bracken, Facilities Superintendent/Safety Officer, Public Works (Co-Chair)
Bobby Cleveland, Recreation Department (Co-Chair)
Katie MacMillan, Corporate Services Department
Gary Mossman, Fire Department
Taylor Rombaut, Public Works Department

ALSO PRESENT: Heather McCallum, Assistant Municipal Clerk
Bea Renton, CAO

ABSENT: Joe DeCoste, Public Works Department

1. Call to Order

The Co-Chair and Safety Officer (SO), Paul Bracken, called the meeting to order at 11:01 a.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The SO noted that the Town is located on uncaded territory of the Mi'kmaq People.

3. Agenda

The SO requested two additions to the agenda: a review of the Occupational Health & Safety Policy (item 6.d), and an item to add at Safety and Wellness Training regarding lifting device inspections (item 6.d). The meeting agenda, with additions, was approved by consensus.

4. May 6, 2021 Joint Occupational Health and Safety Committee meeting minutes

The May 6, 2021 meeting minutes were approved by consensus.

5. Unfinished Business

a. COR Safety Certification update

The SO reported that he recently provided Construction Safety Nova Scotia with our status on deficiencies and corrective actions completed.

Six copies of the new Safety Program binder are being made: a copy each for Town Hall, Public Works main building, Fire Department, Recreation, Water Treatment Plant

and Wastewater Treatment Plan. The SO will schedule and present a walkthrough of the binder for all employees, most likely in two sessions. An electronic version of the binder is located on the S: drive > SAFETY > Safety Program Binder (there are 16 sections).

6. New Business

a. COVID-19 Update – Departments' overview by JOHSC reps

Nova Scotia entered Phase 4 of the Reopening Plan on July 14, 2021:

<https://novascotia.ca/reopening-plan/phase-four/>

- Public Works: Not much change to their operations.
- Water/Wastewater: The Dalhousie students conducting research are back in town after being on hold during more stringent phases.
- Fire Department: No real change for the fire station. The Superintendent asked about the gathering rules in terms of room rentals. Ms. McCallum will connect with him to go review the rules for events/gatherings.
- Recreation: No real change in the building, some spectator restrictions relaxed.
- Town Hall: The accessible side-door entrance will be open during Finance counter operating hours (9:00 a.m. – 4:00 p.m.) and the chain dividing the hallway will be removed. There will still be one person at a time allowed at the counter.

b. Department bi-monthly safety inspections – review from each Department

i. Review with Dept. Heads

The SO reminded department reps to have their managers sign off on safety inspection sheets.

ii. Reminder to check Departments' AED's

Pads have been replaced as needed.

iii. Incident Reports / Near Misses

None.

c. Safety and Wellness Training schedule

Fall Arrest Training is no longer on hold due to COVID-19 restrictions. The SO is scheduling instructors to come down hopefully in August.

Public Works Crew Boom Lift and Fall Arrest July 8th 2021 – three Public Works staff took the course in Dartmouth and had positive feedback on it.

Fire extinguisher training has been requested for Town Hall.

Fire drills have been requested for Town Hall, now that weather permits.

The SO reported that on July 27th our supplier Source Atlantic will be here conducting annual safety inspections of all Departments' lifting devices and ladders. Inspection of fall protection equipment has already been completed. Fire Hall Superintendent has the Fire Department's annual aerial ladder inspection booked for October.

d. Occupational Health and Safety Policy Review

The SO noted that a copy of the Town's Occupational Health & Safety Policy is located at the front of the new Safety Binder. It will continue to be annually reviewed. The SO walked through the document for the committee (Schedule "A"); it was agreed by consensus that no revisions are needed at this time.

7. Next Committee meeting dates – Thursdays, September 2, and November 4, 2021 at 11:00 a.m.

The Committee decided by consensus to continue to meet via Zoom.

8. Adjournment

The meeting was adjourned at 11:19 a.m.

Heather McCallum, Asst. Municipal Clerk



TOWN OF LUNENBURG: OCCUPATIONAL HEALTH AND SAFETY POLICY

1. The Town of Lunenburg Council ("Town" or "Council") is committed to providing a healthy and safe work environment for its employees and integrating that commitment into its everyday activities. To realize that commitment, Council hereby implements the following Occupational Health and Safety Policy ("Policy"). In addition, the Town will establish and maintain a related Safety Program, including safe work practices, training, etc. to ensure safety in the workplace.
2. This Policy applies to all Town employees at all work sites for which the Town is responsible.
3. The Town is responsible for the health and safety of its employees while they are at work and will make every effort to provide a healthy and safe work environment.
4. (1) Town **managers/supervisors** will be trained as required and responsible for ensuring:
 - (a) Town employees under their supervision follow this Policy.
 - (b) Town employees and contractors not directly under their supervision, but whom they believe have violated this Policy, are promptly reported to their appropriate supervisor for follow up action or stopped if circumstances warrant until such time as the relevant supervisor is notified.
 - (c) Town employees use safe work practices and receive adequate training to protect their health and safety.
 - (d) the safety of Town equipment and facilities are reasonably maintained.
- (2) All levels of Town management including Town Council, will cooperate with the Joint Occupational Health and Safety Committee ("Committee"), Town Department Health and Safety representatives and employees to create a healthy and safe work environment. Co-operation will also be extended to others such as contractors, owners, inspectors, etc.
5. (1) Town **employees** will be required to support this Policy and to co-operate with the Committee, Town Health and Safety representatives and with others exercising authority under applicable laws.

- (2) It is the duty of each employee to report to their manager/supervisor as soon as possible any hazardous conditions, injury, incident or illness related to the workplace. Employees must protect their own health and safety by complying with applicable laws and by following Town policies, procedures, rules By-laws, and instructions and relevant Federal and Provincial laws.
- (3) Working safely is required of all employees in all situations. When possible, hazards will be eliminated. Where hazards do exist as a function of the nature of the work, employees are required to use appropriate personal protective equipment, clothing, devices, materials, training and follow safe work practices.

6. The **Town** recognizes:

- (1) its employees' duty to identify and report workplace safety hazards;
- (2) its duty to support and encourage employees to play an active role in identifying hazards and to offer suggestions to improve workplace health and safety;

7. To ensure this Policy continues to meet the Town's, manager/supervisors' and non-management employee needs it will be reviewed by the Committee, Town Department Health and Safety representatives, and employees as required, but at least annually, to make necessary amendments.

<u>Town Clerk's Annotation</u>	
Date of Passage of Current Policy: _____ March 2, 2010 _____	
_____ Town Clerk	<u>February 5, 2021</u> Date
JOHSC annual review and approval: <u>January 9, 2021</u>	

MEMORANDUM

TO: COUNCIL

FROM: BEA RENTON, CAO

DATE: JULY 20, 2021

**RE: PROPOSED LUNENBURG COUNTY REGIONAL EMERGENCY
MANAGEMENT ORGANIZATION (REMO) BYLAW AND RELATED
MATTERS**

1. FACTS

The Town of Lunenburg is a member of the Lunenburg County Regional Emergency Management Organization (REMO). To further formalize this arrangement and organizational operations the REMO Coordinator (REMC) is recommending that all member municipalities adopt a revised version of the REMO Bylaw. The Town of Lunenburg had not previously adopted a REMO Bylaw in the original format other municipalities had developed because it did not reflect the current structure. It is now recommended for the reasons outlined in this report that the Town adopt the revised REMO Bylaw attached and repeal the Town's existing Emergency Measures Organization Bylaw. Copies of both Bylaws are attached for reference.

For REMO operational efficiency the REMC would also like the Town to authorize: the CAO or designate to be able to approve up to \$10,000 plus HST in emergency expenses if a state of emergency is declared and the Regional Emergency Operations Centre (REOC) has to be opened; and execution of a Comfort Centre Memorandum of Understanding for Use of Facilities as a Comfort Centre during an Emergency (MOU).

2. ISSUES AND OPTIONS ANALYSIS

The REMC prepared the attached background report and recommendation for Lunenburg County municipalities to repeal and replace, or adopt in the case of the Town of Lunenburg, an updated REMO Bylaw. The REMC's report and related documents explain that: the earlier version of the REMO Bylaw did not reference the 2017 REMO inter-municipal services agreement; the draft revised Bylaw addresses the inclusion of the Town of Lunenburg in the Lunenburg County REMO; includes reference to the appropriate Minister and Deputy Minister; provides clarity regarding the procedure for declaring a state of emergency; and addresses housekeeping amendments.

Regarding the \$10,000 plus HST REOC expenditure, approval is requested for the CAO or designate if required to serve the role of EOC Manager should a local emergency be declared, to expend these monies for emergency response. Provision is made for same in the annual REMO budget, but there is no express authorization for the CAO to expend same if they are in charge of the EOC. An authorizing motion for same would be in order as provided in Section 5 below

Finally, the REMC is requesting that the Town sign the MOU for use of the Lunenburg and District Fire Hall and Community Centre Auditorium in the event of an emergency requiring there to be a Comfort Centre(s).

3. FINANCIAL IMPACT

There are no financial implications for the adoption of the attached draft Bylaw aside from costs of advertising for public input and effective date if approved in the local newspaper.

The \$10,000 REOC expenditure authorization request is annually budgeted for in the Lunenburg County REMO budget which Town Council approved during the Town's budget adoption process.

Comfort Centres are operated at the expense of the host municipality and facility owner, in this case the Town. The Town could determine the level of services it provides in each situation when a Comfort Centre may need to be operated. Costs are generally minimal unless the Comfort Centre is opened for a prolonged period of time, food and beverages are provided and other potential costs.

4. STRATEGIC PLAN RELEVANCE

The adoption of a Lunenburg County REMO Bylaw, REOC expenditure authorization and provision of Comfort Centres address two main Strategic Direction Goals in the Town's Strategic/Comprehensive Community Plan:

- *Economic Development – Enhance relationships with surrounding communities and municipalities; and*
- *Governance – Deepen work with local and regional partners in the provision of shared services.*

5. RECOMMENDATION AND DRAFT MOTIONS

It is recommended that Council repeal the existing Town Emergency Measures Organization Bylaw and adopt the replacement Lunenburg County REMO Bylaw. And further, that a motion authorizing the CAO or designate to expend up to \$10,000 plus HST should the REOC be opened and they are in charge of it as per the REMO approved budget. And further, the Town enter into the MOU for the potential provision of Comfort Centre facilities.

Draft motions:

Motion: moved and seconded that the Town of Lunenburg Emergency Measures Organization Bylaw be repealed and replaced by the Lunenburg County Regional Emergency Management Bylaw with first reading being given at the August 10, 2021 Town Council meeting. Following which this shall be advertised for public input and consideration at a Council meeting a minimum of two weeks later for possible second and final reading.

Motion: moved and seconded that the CAO or designate is authorized to expend up to and including \$10,000 plus HST for Lunenburg County Regional Emergency Centre operations expenses in the event a local emergency is declared.

Motion: moved and seconded that the Mayor and CAO are authorized to sign the MOU for Use of Facilities as a Comfort Centre during an Emergency for potential use of the Lunenburg and District Fire Hall and Community Centre Auditoriums.

Encls.

**Municipal Unit
Bylaw #**

REGIONAL EMERGENCY MANAGEMENT BY-LAW

SECTION 1: GENERAL

- 1.1 This By-law may be cited as the “Regional Emergency Management By-law” to render mutual aid and joint provisions of services and facilities to provide for a prompt, effective and coordinated response to an emergency within the territories of the participating municipalities of the Municipality of the District of Lunenburg; the Municipality of the District of Chester; the Town of Bridgewater; the Town of Mahone Bay, and the Town of Lunenburg.

SECTION 2: DEFINITIONS

- 2.1 In this By-law:
- a) “Act” means the *Emergency Management Act*, S.N.S., 1990, as amended from time to time;
 - b) “State of Emergency Regulations” means regulations approved by the Governor in Council by Order in Council 92-61, Regulation 17/92, as amended from time to time;
 - c) “Agreement” means the Inter-Municipal Emergency Services Agreement, dated January 18, 2017, among the participating Municipalities and as amended from time to time;
 - d) “Minister” means the Minister responsible for Emergency Management of the Province of Nova Scotia;
 - e) “Deputy Minister” means the Deputy Minister responsible for Emergency Management of the Province Nova Scotia;
 - f) “Councils” means the Councils of the participating Municipalities (Municipality of the District of Lunenburg, the Municipality of the District of Chester, the Town of Bridgewater, the Town of Mahone Bay, and the Town of Lunenburg);
 - g) “Region” means all territories within the participating Municipalities;
 - h) “State of Local Emergency” means a state of a local emergency declared, renewed, or terminated by the Council, Mayor, or Warden of a participating Municipality;

- i) “Regional Emergency Operations Centre (REOC)” means the Regional Emergency Management Organization (REMO) operation centre as established, equipped, and serviced per the Agreement.

SECTION 3: RESPONSIBILITIES FOR EMERGENCY MANAGEMENT

3.1 The Councils, in accordance with the Agreement:

- a) shall appoint and maintain a Regional Emergency Management Organization (REMO) responsible for the planning and the coordination of emergency services delivery and consist of:
 - i. a Regional Emergency Management Advisory Committee (REMAC);
 - ii. a Regional Emergency Management Planning Committee (REMPC);
 - iii. a Regional Emergency Management Coordinator (REMC); and
 - iv. for each participating Municipality, an Assistant Emergency Coordinator (AEC);
- b) declare, renew, or terminate a State of Local Emergency, as outlined in the State of Emergency Regulations as may be required and if unavailable in a timely manner, permit the Mayor or Warden of the affected participating Municipality(s) to make such declarations;
- c) shall cause the Emergency Management Plan or any part thereof to be implemented and may do everything necessary for the protection of property and the health and safety of persons pursuant to Section 14 of the *Act*;
- d) may appropriate and expend monies to pay reasonable expenses of members of REMO and to fulfill the terms and conditions of any agreement approved by the Councils;

3.2 REMAC, in accordance with the Agreement:

- a) is responsible during a State of Local Emergency for the executive direction and management of emergency plans and activities within the Region and for advice to Councils pursuant to the *Act*;
- b) recommends to Councils, Mayor or Warden, the declaration, renewal, or termination of a State of Local Emergency as outlined in the State of Emergency Regulations;
- c) shall deliver a copy of the signed Declaration, Renewal, or Termination of a State of Local Emergency to the Nova Scotia Emergency Management Office (NS EMO) and the Minister and ensure that such Declarations are communicated effectively to the people of the area(s) affected;

- d) with the approval of Councils, may enter into agreements with the Government of Canada, the Province of Nova Scotia, a municipality, city or town, or any other agency or any person;
- 3.3 REMC, as appointed by the REMAC, in accordance with the Agreement:
- a) shall chair the REMPC and coordinate, prepare, and maintain emergency plans;
 - b) shall, pursuant to Section 10A of the Act, inform the Nova Scotia Emergency Management Office of any real or anticipated event or emergency and upon activation of an REOC or the Declaration of State or Local Emergency, prescribe, as necessary, duties to be fulfilled by employees, servants, and agents of the municipality and coordinate the REOC activities with NS EMO;
- 3.4 REMPC in accordance with the Agreement:
- a) shall include, but not be limited to, persons responsible during an emergency to provide health, law enforcement, fire, utilities, communications, transportation, public works, financial, legal, or other essential community services;
 - b) shall provide recommendations to REMC for the purpose of the development of regional emergency management plans, policy and procedures for the Region, and provide briefings as requested by Council.

SECTION 4: RESPONSIBILITIES OF OTHERS IN A STATE OF LOCAL EMERGENCY

Following the Declaration of a State of Local Emergency and for the duration of such, every Councillor, employee, and agent of the participating Municipality who has a key role in the execution of the emergency management plans, shall fulfill such duties as may be required according to the emergency plans.

SECTION 5:

Previously adopted versions of **Chapter XX/Bylaw XX** are hereby “repealed and replaced” or “amended” upon the effective date of the adoption of this “Regional Emergency Management” By-law.

Emergency Management Bylaw

June 14, 2021



Purpose

The Emergency Management Bylaw does not reflect the 2017 Inter-Municipal Services Agreement (IMSA) and there is no consistency between the bylaws of the five municipal units.



Background

- The Nova Scotia *Emergency Management Act* states the **responsibility for the health and welfare of the public rests with the elected officials of a municipal government**. Every municipality must be prepared within its own capabilities to meet any threat that may arise from emergencies or disasters.
- The municipal units joined to share emergency management services through an Inter-Municipal Services Agreement (IMSA):
 - Municipality of the District of Lunenburg (MODL) and Town of Bridgewater (BW) January 10, 1994
 - Town of Mahone Bay (TOMB) and Municipality of the District of Chester (MOC) joined August 5, 2005
 - Town of Lunenburg (TOL) joined January 18, 2017



Background

- Following the IMSA being updated the municipal units need to update their internal Bylaw to reflect the changes. The current Emergency Management Bylaws were last updated:

TOMB	Bylaw 10	January 13, 2015	Suggest amendments to existing Bylaw/Charter
BW	Chapter 13	August 11, 2014	
MOC	Bylaw 146	April 13, 2014	
MODL	Bylaw 22	March 8, 2005	Suggest repeal and replace with new Bylaw
TOL	Bylaw 30	June 24, 1993	



Inter-Municipal Services Agreement

- REMO provides for the planning and coordinated response to an emergency occurring within Lunenburg County.
- MODL is the Host Municipality for the Emergency Coordination Centre (ECC). Chester is the secondary ECC.
- Each municipality must have an Assistant Emergency Management Coordinator (AEC).
- The budget for REMO is divided based on uniform assessment, budget is presented by February 1 each year and is approved by two municipal units representing at least 51%.



REMO Advisory Committee (REMAC)

- Responsible for the direction and management of emergency preparedness activities and advises the appointing Councils.
- Mayor/Warden plus one elected official (or alternate) represents each municipal unit, each person having one vote. Quorum for meetings shall be 50% plus one.
- “The Minister may designate a combination of municipalities or parts thereof as a municipality for the purpose of this *Act*”.
 - This allows REMO Advisory to vote on behalf of its Councils without having items having to go to individual Councils.



Powers and Duties of Municipalities

10 (1) Each municipality shall:

- a) subject to the approval of the Minister, **establish and maintain a municipal emergency by-law;**
- b) establish and maintain a **municipal emergency management organization;**
- c) **appoint a co-ordinator** of the municipal emergency management organization and prescribe the duties of the co-ordinator which shall include the preparation and co-ordination of emergency management plans for the municipality;
- d) **appoint a committee** consisting of members **of the municipal council** to advise it on the development of emergency management plans; and
- e) **prepare and approve emergency management plans.**



Powers of Emergency Management Office

The Emergency Management Office may, subject to the approval of the Minister

- a) **review and approve**, or require modification to Provincial and **municipal emergency management plans**;
- b) make surveys and studies to identify and **record actual and potential hazards** that may cause an emergency;
- c) make surveys and studies of resources and facilities to provide information for the **effective preparation of emergency management plans**;
- d) conduct public information programs related to the prevention and mitigation of damage during an emergency;
- e) **conduct training and training exercises** for the effective implementation of emergency management plans;
- f) **procure food, clothing, medicines, equipment and goods** of any nature or kind for the purposes of emergencies;
- g) authorize or require the **implementation of any emergency management plan**;



State of Emergencies & Special Powers

State of Emergency (SOE)

Declared by Minister responsible for NS EM
Effective for fourteen

State of Local Emergency (SOLE)

Declared by Mayor/Warden or Council
Effective for fourteen

A State of Local Emergency (SOLE)
was declared for the Hebbville
area flooding on May 25, 2005



Key Considerations

- TOMB, BW, and MOC updated their bylaws in 2014/15. Suggest small amendments for accuracy and consistency to include the latest addition of TOL.
- MODL and TOL have the most outdated bylaws and do not reflect the latest IMSA therefore the recommendation is to repeal and replace the existing bylaws.



**BRIEFING NOTE TO COUNCIL
FOR INFORMATION AND APPROVAL****TOPIC / PURPOSE**

The Emergency Management Bylaw does not reflect the 2017 Inter-Municipal Services Agreement (IMSA) and there is no consistency between the bylaws of the five municipal units.

BACKGROUND

- The Nova Scotia *Emergency Management Act* states the **responsibility for the health and welfare of the public rests with the elected officials of a municipal government**. Every municipality must be prepared within its own capabilities to meet any threat that may arise from emergencies or disasters.
- Given the proximity and the ability to increase efficiency of resources among municipal units, a regional approach was taken.
- REMO is the Regional Emergency Management Organization and at different times the municipal units joined for shared services as it relates to emergency management through an Inter-Municipal Services Agreement (IMSA):
 - Municipality of the District of Lunenburg (MODL) and Town of Bridgewater (BW) January 10, 1994
 - Town of Mahone Bay (TOMB) and Municipality of the District of Chester (MOC) joined August 5, 2005
 - Town of Lunenburg (TOL) joined January 18, 2017
- Following the IMSA being updated the municipal units need to update their internal Bylaw to reflect the changes. The current Emergency Management Bylaws were last updated:

○ TOMB	Bylaw 10	January 13, 2015	Suggest small adjustments to Bylaw/Chapter
○ BW	Chapter 13	August 11, 2014	
○ MOC	Bylaw 146	April 13, 2014	
○ MODL	Bylaw 22	March 8, 2005	Suggest repeal and replace with new Bylaw
○ TOL	Bylaw 30	June 24, 1993	
- Although the latest IMSA was signed by the five units in 2017, the letter was not sent to Municipal Affairs and therefore the province continued to recognize the REMO being made up of four municipal units.
 - On April 12, 2021, the Province approved the amended IMSA dated January 18, 2017 for the regional structure to reflect all five units.

INTER-MUNICIPAL SERVICES AGREEMENT

- The IMSA outlines the purpose of REMO to provide for the planning and coordinated response to an emergency occurring within Lunenburg County.
- MODL is the Host Municipality for the Emergency Coordination Centre (ECC) and is responsible of the financial, minute taking/reporting, insurance, and the home of the Emergency Management Coordinator (EMC) (Chester is the secondary ECC).
- Each municipality must have an Assistant Emergency Management Coordinator (AEC).

- The budget for REMO is divided based on uniform assessment, budget is presented by February 1 each year and is approved by two municipal units representing at least 51%.

REMO ADVISORY COMMITTEE (REMAC)

- The REMO Advisory Committee is responsible for the direction and management of emergency preparedness activities and advises the appointing Councils.
- Mayor/Warden plus one elected official (or alternate) represents each municipal unit, each person having one vote. Quorum for meetings shall be 50% plus one.
- Per Section 9(b) of the Act, “The Minister may designate a combination of municipalities or parts thereof as a municipality for the purpose of this Act”, allowing REMO Advisory to vote on behalf of its Councils without having items having to go to individual Councils.
- There has been one State of Local Emergency (SOLE) declared for the Hebbville area flooding on May 25, 2005.

KEY CONSIDERATIONS

- TOMB, BW, and MOC updated their bylaws in 2014/15 therefore only small suggestions were requested for accuracy and consistency to include the latest addition of TOL.
- MODL and TOL have the most outdated bylaws and do not reflect the latest IMSA therefore the suggestion is to repeal and replace the existing bylaws.

RECOMMENDATION

- It is recommended that Council amend, or repeal and replace their existing Bylaw.

ATTACHMENT(S): Inter Municipal Services Agreement dated January 18, 2017
Approval Letter from the Province dated April 12, 2021
Regional Emergency Management Bylaw DRAFT

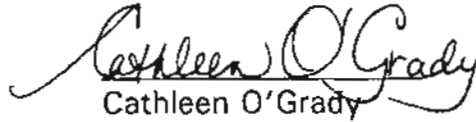
CONTACT: Angela Henhoeffter, Regional Emergency Management Coordinator
(902) 930-1085 or Angela.Henhoeffter@modl.ca

Town of Lunenburg

Emergency Measures Organization Bylaw

Passed at a Meeting of Town Council held on June 24, 1993

Recommended for approval with amendments.


Cathleen O'Grady
Solicitor

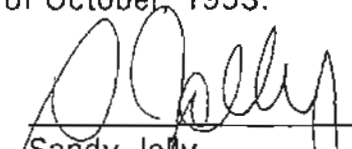
The Emergency Measures Organization Bylaw which was adopted at a meeting of Town Council held on June 24, 1993, is approved, pursuant to Section 29 of the Municipal Affairs Act, with the following amendments:

1. The number "2" in the thirteenth line on page 3 is changed to "3".
2. The following sub-section is added to Section 6:

(4) The Emergency Measures Planning Committee shall include, but not be limited to, persons responsible during an emergency to provide

- (a) income assistance;
- (b) law enforcement;
- (c) fire-control services;
- (d) engineering services;
- (e) health services;
- (f) community services;
- (g) transportation;
- (h) communications;
- (i) public information;
- (j) utilities;
- (k) financial services; and
- (l) legal services.

Dated at Halifax, Nova Scotia, this  day of October, 1993.


Sandy Jolly
Minister of Municipal Affairs

TOWN OF LUNENBURG

BY-LAW NO. 30

A BY-LAW TO PROVIDE FOR A PROMPT AND COORDINATED

RESPONSE TO A STATE OF LOCAL EMERGENCY

The Council of the Town of Lunenburg under the authority vested in it by the Towns Act, R.S.N.S. 1989, c. 472 and the Emergency Measures Act, S.N.S. 1990, c.8, s.10, enacts as follows:

- | | |
|---------------------|---|
| Short
title | 1. This by-law may be cited as the "Emergency Measures By-law". |
| Interpre-
tation | 2. In this By-law,

(a) "Act" means the Emergency Measures Act, R.S.N.S. 1990, c.8;

(b) "Council" means the Council of the Town of Lunenburg;

(c) "Councillor" means a member of the Town of Lunenburg Council;

(d) "Emergency Measures Advisory Committee" means the Advisory Committee established pursuant to this By-law;

(e) "Emergency Measures Co-ordinator" means the person appointed by Council pursuant to this By-law and shall hereinafter be referred to as "EMC";

(f) "Emergency Measures Organization" means the organization established pursuant to this By-law and may be referred to as "EMO";

(g) "Emergency Measures Planning Committee" means the Committee established pursuant to this By-law;

(h) "Emergency Preparedness Plans" means plans, programs or procedures prepared by the Town that are intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence and may herein after be referred to as the "EPP"; |

(i) "local emergency" means a present or imminent event in respect of which the Town believes prompt coordination or action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in Nova Scotia;

(j) "Mayor" means the Mayor of the Town of Lunenburg or a Councillor acting in the Mayor's stead;

(k) "Minister" means the member of the Executive Council to whom is assigned the administration of the Act and regulations;

(l) "State of Emergency Regulations" means regulations approved by the Governor in Council by Order in Council 92-61, Regulation 17/92, as amended from time to time;

(m) "State of Local Emergency" means a state of local emergency declared by the Town pursuant to the Act or renewed by the Town pursuant to the Act and regulations made pursuant thereto and this By-law; and

(n) "Town" means the Town of Lunenburg.

Emergency
Measures

3. (1) The Council hereby establishes an Emergency Measures Organization.

(2) The purpose and object of the EMO in co-operation with the Provincial Emergency Measures organization are:

(a) to plan for the continuity of the physical operation of government of the Town and to establish plans for the co-operation and mutual assistance between municipal governments in the event of a civil disaster or war emergency;

(b) to co-ordinate the emergency plans of the Town for departments and services having immediate responsibilities in the event of a civil disaster or war emergency, and to prepare plans for public survival;

(c) to work closely with other authorities of the Town, neighbouring municipal units and provincial authorities who have been assigned to comparable duties;

(d) to conduct emergency measures familiarization course for the training of personnel who have an emergency role;

(e) to conduct a public self-help education program related to nuclear and other type of warfare and natural emergencies; and

(f) to carry out similar work within the geographical area of the Town.

(2) The EMO shall consist of the following persons and committees:

(a) an Emergency Measures Advisory Committee;

(b) an Emergency Measures Co-ordinator; and

(c) an Emergency Measures Planning Committee.

Emergency
Measures
Advisory
Committee

4. (1) The Emergency Measures Advisory Committee shall be annually appointed by Council for its members.

(2) The Emergency Measures Advisory Committee shall at all times consist of no fewer than three councillors.

(3) The Emergency Measures Advisory Committee shall be chaired by the Mayor and in his/her absence in any regularly called meeting a quorum of the Committee present may appoint a Chairman pro tempore.

(4) The Emergency Measures Advisory Committee shall:

(a) advise Council on the development of Emergency Preparedness Plans;

(b) present Emergency Preparedness Plans to Council;

(c) brief Council on developments during a local state of emergency;

(d) submit to Council an annual budget for the maintenance and operation of the EMO; and

(e) perform such other duties as may be required by the Council.

Emergency
Measures
Co-ordinator

5. (1) The EMC shall be annually appointed Council;

(2) The EMC may be paid reasonable expenses for work incurred under this By-law as determined by resolution of Council from time to time.

(3) The EMC shall:

(a) chair the Emergency Measures Planning Committee;

(b) co-ordinate, prepare and present emergency preparedness plans;

(c) following a declaration of state of local emergency, prescribe, as necessary, duties to be fulfilled by employees, servants and agents of the Town;

(d) submit regular reports to the Emergency Measures Advisory Committee and Council regarding the activities of the Emergency Measures Planning Committee and all matters relating to the EPP;

(e) to reasonably ensure that a continuous program of training for local Emergency Measures Organization personnel, Emergency Measures Planning Committee and Emergency Measures Advisory Committee members is carried out, either by local training classes or attendance at Provincial or Federal training schools;

(f) co-operate with the Mutual Aid Area and the Nova Scotia Emergency Measures Organization on all matters pertaining to planning and operation;

(g) submit an annual budget for emergency measures operation costs within the Town to the Emergency Measures Planning Committee and Emergency Measures Advisory Committee;

(h) act as advisor to the EMO and Council during an emergency; and

(i) perform such other duties as may be required by the Council.

Emergency
Measures
Planning
Committee

6. (1) Emergency Measures Planning Committee shall be appointed by Council for such term as the Council may be prescribe.

(2) The Emergency Measures Planning Committee shall consist of the Town Manager/Clerk, head of every Town department or agency which is assigned emergency related functions under the EPP and, where no department or agency exists, a qualified person to represent that group.

(3) The Emergency Measures Planning Committee shall:

(a) assist the EMC in the preparation and co-ordination of an emergency preparedness plan;

(b) advise the Emergency Measures Advisory Committee on the development of an emergency preparedness plan;

(c) upon request, assist the Emergency Measures Advisory Committee in the presentation of municipal emergency measures plans to Council; and

(d) perform such other duties as may be required by the Emergency Measures Advisory Committee or the Council.

Agreement

7. (1) Subject to preliminary approval of Council, the Emergency Measures Planning Committee may, as part of an emergency preparedness plan, negotiate an agreement to be approved by Council

with the Government of Canada, the Province of Nova Scotia, a municipality, city or town, or any other agency or any person;

- (2) Any agreement negotiated subsection (1) is not binding until it is approval by Council.

Duties of
Council

8. (1) The Council shall review and evaluate the EPP presented to it by the Emergency Measures Advisory Committee.

(2) The Council may specify additional duties to be fulfilled by the Emergency Measures Advisory Committee, the Emergency Measures Co-ordinator and the Emergency Measures Planning Committee.

(3) The Council may appropriate and expend monies:

(a) to pay reasonable expenses of members of the Emergency Measures Advisory Committee, the Emergency Measures Co-ordinator and the Emergency Measures Planning Committee; and

(b) to fulfil the terms and conditions of an agreement approved by the Council pursuant to Section 7 of this By-law.

Declaration
of State
of Local
Emergency

9. (1) The Council shall declare a state of local emergency by completing Form 4 attached to the State of Emergency Regulations.

(2) The Mayor acting under Section 12(3) of the Emergency Measures Act shall complete Form 5 attached to the State of Emergency Regulations.

(3) With the approval of the Minister, the Council may renew a state of local emergency by completing Form 6 attached to the State of Emergency Regulations.

(4) The Council may terminate a state of local emergency by completing Form 7 attached to the State of Emergency Regulations.

(5) A copy of a declaration signed under this Section shall immediately be delivered or faxed to the Minister and the Director pursuant to the Emergency Measures Act.

Notice
Provision

10. Following the signature of a declaration under Section 9 of this by-law, the Council shall immediately cause the details of the declaration or termination to be communicated or published by such means as the Council considers the most likely to make the contents of the declaration or termination known to the people of the area affected.

Duties
During a
State of
Local
Emergency

11. Following the issuance of a declaration under Section 9 and for the duration of the state of local emergency;

(a) every Councillor shall keep the Council posted respecting their whereabouts; and

(b) every employee, servant and agent of the Town who has a key role to play in such emergencies as identified in the EPP shall:

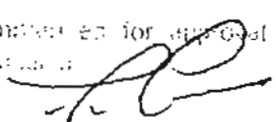
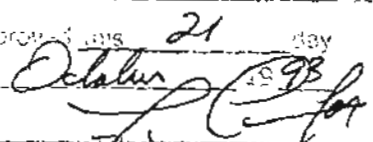
(i) advise the EMC of their whereabouts; and

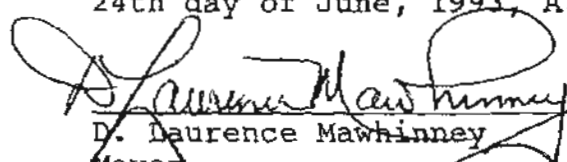
(ii) fulfil such other duties as may be prescribed by the EMC or as prescribed in the EPP.

Repeal

12. All former Emergency Measure By-laws of the Town are hereby repealed and this By-law substituted therefor.

Done and Passed in Council, this
24th day of June, 1993, A.D.

EMERGENCY MEASURES ORGANIZATION	
Recommended for approval of the Council	
Approved this 21 day October 1993	
TOWN OF LUNENBURG	


D. Laurence Mawhinney
Mayor


Beatrice M. Renton
Town Manager/Clerk

I, Beatrice M. Renton, Town Manager/
Clerk for the Town of Lunenburg do
certify that the foregoing is a true
copy of By-law #30 of the Town of
Lunenburg, duly passed by the Town
Council on June 24, 1993.



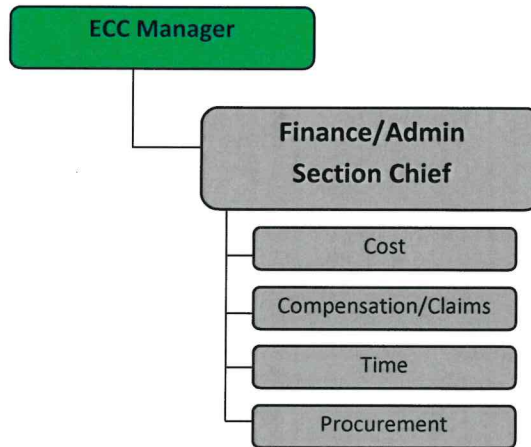
Finance/Administration Section Authority

Regional Emergency Management Organization (REMO)

Position Finance-Administration Section

Reports to ECC Manager, when activated

Reporting Structure



Core Expectations

The Finance/Administration Section is responsible for managing all financial aspects of an event. Not all events require a Finance/Administration Section, therefore the Section may not need to be activated. If the Section is not Activated, the Incident Commander will fulfill the roles.

There are four units which may be established within the Finance/Administration Section: Time Unit; Procurement Unit; Compensation/Claims Unit; and Cost Unit.

Overall duties are outlined below, and a more detailed list can be found in the ECC Operational Guidelines and Position Descriptions Manual.

- Completes the Finance-Admin Section Incident Overview Form.
- Establishes the appropriate level of staffing within the Finance and Administration Section.
- Ensures that financial records are maintained throughout the event.
- In consultation with ECC Manager, establishes spending limits.
- Monitors section activities continuously and modifies emergency financial procedures as needed.
- Collects and maintains documentation of disaster information for possible reimbursement through Disaster Recovery Program, prepares and coordinates disaster financial assistance documents and claims.
- Tracks, records, and reports on-duty time for personnel, including hired and contracted, working during the event or disaster.
- Shares all documentation with MODL Finance Department via the EMC (some documents must also go to the Documentation Unit in the Planning Section).

**Incident
Spending**

In an emergency, some decisions need to be made quickly and costs may be associated with the decisions.

At the inception of an event requiring an outlay of funds, the Finance/Admin Section Chief should obtain the allowable level of event spending for the event from the ECC Manager.

The ECC Manager has the authority to allocate up to \$10,000 before agreement from two or more CAOs is required, since this cost will affect all municipal units within REMO, as per the Inter-Municipal Agreement.

- The Finance/Admin Section tracks the spending of an event and when the costs reach 50% of the overall event spending level, the ECC Manager needs to be informed.
- When costs reach 75% of the overall event spending limit, then the ECC Manager needs to be informed.
- The ECC Manager needs to reassess the event and may consider adjusting the overall event spending level based on expectations of the event.

Spending Limits

Individual spending limits include:

AEC: When acting in their municipal capacity, the spending reflects their internal municipal spending limits.

EMC: Single transaction spending limit within REMO is \$2,500. If the EMC is in a specified position in the ECC organizational structure, the spending limit is that of the ECC position they are filling.

ECC Positions: Any individual (CAO, AEC, Staff, Comms) filling the Finance-Administration Section Chief or Logistics Section Chief or ECC Manager, the single transaction spending limit is \$2,500. The ECC Manager may create new levels of spending for a specific event and information must be submitted to Finance-Administration Section Chief & MODL Finance Director. Other positions in the ECC do not have spending authority; they can order supplies/resources through the above positions. All resources request forms must be submitted immediately upon placing an order with the vendor to the Finance-Administration Section Chief for tracking.

ECC Manager: Any single transaction over \$2,500 requires approval from the ECC Manager unless the ECC Manager has created spending levels specific to that event.

The ECC Manager has a single transaction spending limit of \$10,000, on behalf of the Regional Emergency Management Organization. Any overall event spending of

**Authorization
to Spend**



Tammy Crowder
authorization via email

Invoicing

Cost Recovery

**Contracts and
Credit Card**

Approval Date

\$10,000 or more requires approval from at least two CAOs from different municipal units.

Where an event affects one or more units, but not all five units within REMO, where there is a high likelihood for cost recovery to another unit, the ECC manger should make a demonstrated effort to gain input from the appropriate unit CAOs.

Before an event, the CAOs must confirm their agreement that their AEC can spend on behalf of REMO if they are representing their Municipal unit.

Once confirmation is received, the EMC will share the MODL ECC Authorization Form for completion. Once completed and returned to the EMC, it will be submitted to MODL Finance Department for input and final approval. See Appendix A for the Municipality of the District of Lunenburg ECC Authorization Form.

Only those individuals who have returned the form to the EMC will be allowed to spend on behalf of REMO for the limits authorized as above.

All invoices will be made payable to:

Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville, NS B4V 9E4
Attention: REMO

Any invoices received for REMO through MODL will be cost recovered based on the following: allocated

- If the cost is associated with all units, the Inter-Municipal Agreement cost will be share based on uniform assessment.
- If the cost is associated with one or some units, but not all units, the cost will be shared by the affected units.

MODL has a number of contracts with multiple vendors. If any unit has suggestions to vendors that would be good in an emergency, share the information with the Emergency Management Coordinator who will work with the MODL Finance Department to create a new vendor.

The Emergency Management Coordinator, on behalf of REMO will be issued a credit card following the MODL Credit Card Policy, that can be used during an emergency for purchases up to \$2,500.

January 7, 2021

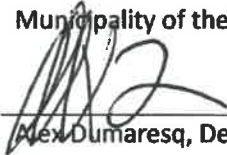
Approved by



Tara Maguire, Deputy CAO
Municipality of the District of Chester

March 10, 2021

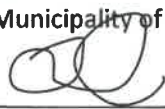
Date:



Alex Dumaresq, Deputy CAO
Municipality of the District of Lunenburg

Date:

Jan 20, 2020



Tammy Crowder, CAO
Town of Bridgewater

Date:

Feb 5, 2021

Bea Renton, CAO
Town of Lunenburg

Date:



Dylan Heide, CAO
Town of Mahone Bay

Date:

Feb 24th, 2021

Finance-Admin Section – Event Overview Form

Event Name:			
Operational Period:			
ECC Manager:			
Finance Section Chief:			
Municipal Units Affected by the Event for Cost Recovery: ☐ MODL ☐ Chester ☐ Bridgewater ☐ Mahone Bay ☐ Town of Lunenburg			
Event Cost: The pre-approved incident cost is \$10,000. Any level above this needs to be discussed with two or more CAOs, preferably by the municipal units affected by the event.	The estimated cost of the event as discussed by the ECC Manager and Finance-Admin Section Chief is \$_____.		
	Discussed with at least two other CAOs for approval:		
	MODL		
	Chester		
	Bridgewater		
	Mahone Bay		
	Town of Lunenburg		
Pre-Approved Authorizations:	Any position, except ECC Manager, single transaction spending limit:		\$2,500
	The ECC Manager, single transaction spending limit:		\$10,000
Increased Authorizations: If the ECC Manager authorizes any person or position to a higher level, noted it here or on a separate sheet.			
	Indicate if another sheet is attached.		Yes / No
Approved by ECC Manager:			
	Name	Signature	Date
Finance Section Chief:			
	Name	Signature	Date
Sent to Processing to MODL Finance Department:	This form to be sent, and original given, to the EMC and MODL Finance Department.		

Appendix A

Municipality of the District of Lunenburg Emergency Coordination Centre Authorization Procedure Form

The Municipality of the District of Lunenburg (MODL) Emergency Coordinate Centre (ECC) Authorization represents MODLs trust in you. As a representative of the Regional Emergency Management Organization (REMO), and a member of your municipal unit, you are empowered as a responsible agent to safeguard MODLs and REMOs assets. Your signature below is verification that you have read the MODL Emergency Coordination Centre Authorization and agree to comply with the following responsibilities.

1. I understand the authorization is for REMO event-approved purchases only, and I agree not to charge personal purchases or purchases that are non-event related. Improper use of spending is considered misappropriation of Municipal funds. This may result in disciplinary action from your municipal unit and REMO, up to and including termination of employment.
2. I agree my authorization will be surrendered immediately upon termination of employment, whether for retirement, voluntary or involuntary reasons.
3. I am considered responsible for any and all charges made in the position I fill within the ECC. For any position outside of being the ECC Manager, I recognize I can spend up to \$2,500 and if I am filling the position of ECC Manager, I can spend up to \$10,000 at one time. The over limit I can spend per event will be determined by the ECC Manager and Finance-Admin Section Chief.
4. I understand that in the event of willful or negligent default of these obligations, MODL or the municipal unit I represent, shall take recovery action deemed appropriate as permitted by law.
5. All charges will be billed directly to and paid by the Municipality of the District of Lunenburg. Reimbursement of funding will occur from the other municipal units to MODL.
6. I understand this authorization has been issued to me as an employee of a municipal unit representing REMO for the purposes of an emergency event. Under no circumstances will I be personally liable for any obligations arising from use of the expense except in the event of misappropriate use of funds.
7. I recognize it is my responsibility to obtain an invoice for the services I am authorizing, and the receipt will be given to Finance-Admin Section for documentation. The Finance-Admin Section chief will submit all invoices and receipts to the MODL Finance Department following the event.
8. It is my responsibility to provide the Finance-Admin Section with the proper account and reason for the purpose and the purchase will be outlined on the REMO Resource Request Form (Form 213-L).

9. I understand this authorization is not necessarily provided to all employees who represent REMO. Assignment is based on my need to purchase materials for REMO via the ECC. I understand that the authorization is not an entitlement nor reflective of title or position.

I acknowledge I must follow the Finance/Administration Section Authority Procedures as outlined in the related to the authorization to spend on behalf of REMO during an emergency event.

Representative Name:	
Representing Municipal Unit:	
Home Phone Number:	
Work Phone Number:	
Date of Birth:	
Single Transaction Limit:	☐ Any position in the ECC, except ECC Manager: \$2,500. ☐ The ECC Manager: \$10,000.

_____	_____	_____
Municipal Representative Name	Municipal Representative Signature	Date
_____	_____	_____
Municipal CAO Name	Municipal CAO Signature	Date
_____	_____	_____
MODL Finance Director Name	MODL Finance Director Signature	Date

Lunenburg County Regional Emergency Management Organization Comfort Centres

Effective Date: 2021-01-18	Supersedes: All Previous Procedures
Presented to REMO Advisory Council: 2020-01-20	Approved by REMO Advisory Council: January 18, 2021

1.0 Definitions

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross (CRC), under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services including mental health supports. They are typically opened for evacuations or emergencies involving substantial damage that make it unsafe for people to remain in their homes. Shelters follow all provincial public health guidelines, and the CRC trains volunteers that support emergency shelters. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

2.0 Scope

The Risk Analysis (2015) for Lunenburg County reveals the highest risks (probability and impact) are weather-related incidents. A secondary risk associated with such incidents is power outages.

Historical evidence and predictive science suggest weather related events are likely to occur with increasing frequency. Risk tolerance within Lunenburg County to weather-related events is decreased significantly when the impacts include power outages. Efforts to increase individual and community preparedness by having a 72-hour personal preparedness kit for families and pets may increase risk tolerance.

Municipalities within the REMO receive their power supply, delivery or restoration from a variety of sources. Supply is managed by Nova Scotia Power (NSP), a private corporation. Nova Scotia Power, the Town of Lunenburg, the Town of Mahone Bay, and Riverport Electric operate electrical utilities to deliver power to residents and businesses. Restoration is facilitated by Nova Scotia Power and the Town of Mahone Bay, and Riverport Electric.

3.0 Becoming and Opening a Comfort Centre

A Comfort Centre will be at a community gather point such as community centre, fire hall, school, or church.

During differing types and phases of an emergency incident, Lunenburg County may need both Comfort Centres and Emergency Shelters.

Depending on the severity of the emergency and its impact on the telephone and cellular systems, it may be necessary to assign Amateur Radio operators to provide communications with the Lunenburg County Emergency Coordination Centre. Deployment of Amateur Radio operators can be requested through Lunenburg County REMO. Space requirements are to ensure that the Amateur Radio operators have a private room or area for their equipment, with electrical power and easy access to the outside for antenna cables (e.g.: a window that can be opened).

To become a recognized Comfort Centre in Lunenburg County:

- ☐ A facility or group can express their interest to the Lunenburg County REMO.
- ☐ A designate will visit the facility to complete a Facility Profile of the facility as well as obtain three contacts for the facility.
- ☐ Staffing, resources, and liabilities will be the responsibility of the Comfort Centre.
- ☐ A Memorandum of Understanding will be completed for the group or facility operating a Comfort Centre.
- ☐ The Comfort Centre will be entered into a database and shared on the REMO website for residents to learn where their nearest facility is. Residents can then add the locations into their personal preparedness kit.

3.1 Procedure for Opening a Comfort Centre

Comfort Centres may provide different services depending on resources available. However, comfort centres are intended to provide:

- A place to get warm;
 - Electronic device charging capabilities;
 - Washroom facilities;
 - Light refreshments;
 - Check on each other, and share information; and
 - Updates on weather and power resumption.
- i. Comfort Centres are not overnight shelters.
 - ii. Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
 - iii. The decision to open a Comfort Centre can be made by the community group responsible for the centre.
 - iv. In the event of a localized emergency, Lunenburg County REMO may ask a Comfort Centre to open for a period of time, to assist the local residents.
 - v. Comfort Centres are to be staffed by volunteers from within the community as prearranged by the community group responsible for the Comfort Centre.
 - vi. Once the decision has been made to open a Comfort Centre, the Comfort Centre contacts REMO by calling (902) 930-1085 or emailing emo@modl.ca with its opening and closing times, and information will be shared with residents, NS EMO, media, etc.
 - vii. Comfort Centres are not intended for overnight shelter. If, during the daytime operations, the Comfort Centre volunteers identify a requirement for overnight shelter, requests shall be made to REMO, at which time arrangements will be made to provide overnight shelter. REMO can be contacted by calling (902) 930-1085 or emailing emo@modl.ca.
 - viii. The decision to deactivate a Comfort Centre can be made by the community group responsible for the Comfort Centre, in consultation with REMO. Once the decision is made to deactivate a comfort centre, the Comfort Centre contacts REMO by calling (902) 930-1085 or emailing emo@modl.ca and the information will be shared with residents, NS EMO, media, etc.

4.0 COVID-19 Guidelines

The guidelines below are intended to inform the general operation of comfort centres if COVID-19 or other public health issue is occurring. Additional steps are required to ensure comfort centre operations comply with Public Health Orders.

For the most up-to-date information, please visit www.novascotia.ca/coronavirus paying attention to direction including:

- No entry for anyone with COVID-19 symptoms or who must self-isolate
- The requirement for wearing masks in all public spaces
- Social distancing of at least 2 meters (6 feet)
- Hand washing / hand sanitizing
- Cleaning of surfaces

5.0 Communications

Lunenburg County REMO may track community Comfort Centre facilities as part of situational awareness during emergency events in order to notify residents and Councillors of the situation. REMO will maintain lists of approved facilities for reporting purposes to NS EMO, media, 211, Nova Scotia Power or other Emergency Support Partners. Comfort Centres are required to report their opening and closing times and services to REMO by calling (902) 930-1085 or emailing emo@modl.ca.

Dan McDougall, CAO
Municipality of the District of Chester

Date: _____

Alex Dumaresq, Deputy CAO
Municipality of the District of Lunenburg

Date: _____

Tammy Crowder, CAO
Town of Bridgewater

Date: _____

Bea Renton, CAO
Town of Lunenburg

Date: _____

Dylan Heide, CAO
Town of Mahone Bay

Date: _____

**Memorandum of Understanding
Use of Facilities as a Comfort Centre during an Emergency**

Between

**[Name of Facility]
Herein referred to as the "Facility Owner"**

And

**Lunenburg County Regional Emergency Management Organization
Herein referred to as "Lunenburg County REMO"**

The Facility Owner desires to enter into an agreement with Lunenburg County REMO to provide its facility as a Comfort Centre during a loss of infrastructure caused by severe weather, an emergency event, or a declared State of Local Emergency.

This Memorandum of Understanding (MOU) does not limit the _____
{Fire Hall or Community Centre or Church Group} from activating their facility as a Comfort Centre on their own initiative. If such an activation takes place, the Facility Owner agrees to inform Lunenburg County REMO of the Comfort Centre activation.

DEFINITIONS:

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross, under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

AGREEMENT:

1. The parties agree when this facility is opened as a Comfort Centre, the facility's volunteers are responsible for the care and upkeep of the facility. The attached Guidelines provide guidance as to the offerings of a Comfort Centre.
2. Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
3. The parties further agree this facility will not be used as an overnight Emergency Shelter. If an overnight Emergency Shelter is required, the request will be made to the Lunenburg County REMO for consultation with NS EMO, Department of Community Services, and the Canadian Red Cross.
4. Lunenburg County REMO shall advertise the location of Comfort Centres for use by any resident or persons in need without regard to their place of residence. Advertising can only be completed once opening time and closing time are provided to Lunenburg REMO.
5. Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
6. Any facility offering food shall be made in a commercial kitchen using safe food handling practices, or only offer pre-packaged food.
7. Any facility dependent on a septic system shall ensure the system is fully operational, able to meet the capacity needs of the facility for extended periods.

WITNESS WHEREOF: This Memorandum of Understanding executed by Lunenburg County REMO and Facility Owner, made this:

_____ day of _____, 20____.

Witness

Lunenburg County REMO
Representative:

Witness

Facility Owner:
Representative:

COMFORT CENTRE FACILITY GUIDELINES

The priority is to ensure the safety and comfort of people using the Comfort Centre. Steps to become an approved Comfort Centre and be posted on the REMO website for residents:

- ❑ A facility expresses interest to the Lunenburg County REMO.
- ❑ A Facility Profile, including three contacts, is completed (reviewed annually).
- ❑ A Memorandum of Understanding is signed by the Facility Owner and REMO.
- ❑ The Comfort Centre determines its opening and closing times and relays the information to REMO by calling (902) 930-1085 or emailing emo@modl.ca for advertising to residents and sharing with media.

The following criteria for comfort centres locations should be considered.

- ❑ Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
- ❑ There is a generator on site for alternate power.
- ❑ Physical location is safe and is in a central location, with adequate parking, away from potential hazards.
- ❑ The Centre is not opened when RCMP or Transportation Authority is requesting residents stay off the roads.
- ❑ Building and grounds are barrier-free and wheelchair accessible.
- ❑ Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
- ❑ Food, if any is provided, is made in a commercial kitchen using safe food handling practices or offer only pre-packaged food.
- ❑ The building has heating and where possible, air conditioning.
- ❑ There are adequate power outlets to allow visitors to charge devices.
- ❑ A first aid kit and an Automated External Defibrillator (AED) are on site.
- ❑ There is enough available seating for the number of expected visitors, as well as facility personnel.
- ❑ There is adequate space outside the property in the event of telecommunication outages for a portable communications hub (provided by the Province, if available). Requests to be made to REMO if required.
- ❑ Adequate staff/volunteers are available for at least the first 24 hours.
- ❑ The Comfort Centre determines its opening and closing times and relays the information to REMO by calling (902) 930-1085 or emailing emo@modl.ca for advertising to residents and sharing with media.

Comfort Centre Facility Profile

General Information		
Name of Facility		Civic Address of Facility
Municipality		Mailing Address of Facility
Contact Person 1	Daytime Phone	Email
Contact Person 2	Phone	Email
Contact Person 3	Phone	Email
After Hours Procedure to Open Facility		
Type of Facility:		Capacity of Facility
Comfort Centre (<i>no overnight accommodations</i>)		Comfort Centre
Emergency Shelter		Emergency Shelter
Services that could be offered at a Comfort Centre:		
☐ A place to get warm/cool ☐ Charge electronic devices ☐ Washroom facilities ☐ Share information/updates ☐ Other: ☐ Light refreshments ☐ Tea/coffee ☐ Potable or Bottled Water ☐ Pre-packaged food ☐ Prepared food		
Location of Emergency First Aid Kit?		Location of Automated External Defibrillator (AED)?

Physical Information			
Wheelchair Accessible		Washrooms Accessible	Elevators, chair lift, etc.?
Yes	No	Yes	No
Number of Washrooms?		Number of Showers?	
Male _____ Female _____ Unisex _____		Male _____ Female _____ Unisex _____	
Physical Dimensions, Approx. Square Footage		Is there a room for comfort of animals (pets)?	
		Yes No	
Water Source	If Well	Date Well Last Tested	
Municipal Well (GPM) _____	Potable Non-Potable		
Wastewater	Is the facility alarmed?	Is there an Emergency Evacuation Plan?	
Municipal Sewer Septic		Yes No	

Kitchen Facilities

Number of Fridges?		Number of Freezers?		Number of Stoves?		Number of BBQs?	
Gas	Electric	Gas	Electric	Gas	Electric	Gas	Electric
# of Tables		# of Chairs		Number of Sinks?			
Overall Kitchen Rating						Date of Health Inspection?	
Less than Residential		Residential		More than Residential			
Other Information Regarding the Kitchen							

Electrical

Type/size of electrical panel (amp)			Number of 110V outlets		Circuit Breakers or Fuses?	
200	400	600			Yes	No
Generator	Type			Generator Testing		
Yes	Fixed	Manual Transfer Switch		Frequency:		
No	Portable	Automatic Transfer Switch		Last Tested:		
Capacity				Make, Model, Size:		
Full Building		Limited				
List the areas served including elevators, and lifts, rooms, etc.						

Miscellaneous

Primary Heating Source	Electric	Propane	Natural Gas	Oil	Other
Times the Comfort Centre may be open if required during a long term power outage			Any Hazardous Materials stored onsite (propane, glycol, etc.). If yes, explain.		
Are there any volunteers available and ready to assist should the Comfort Centre be required on short notice?			How do the volunteers get mobilized for the Comfort Centre?		
Yes		No			
Date Completed			Completed by (please print)		
Notes and special features or anything else related to the facility.					

Comfort Centre Response Plan Activation Checklist

Before opening:

- ☐ Advise REMO the Centre's opening and closing times by calling (902) 930-1085 or emailing emo@modl.ca so info can be shared with media and residents.
- ☐ Volunteers to report to the location at least one hour before it is scheduled to open.
- ☐ Turn on the heat/air conditioning and other necessary equipment.
- ☐ Set up chairs and post signage, if required.
- ☐ Prepare any refreshments (tea, coffee, etc.) that will be offered.
- ☐ Check the washrooms to ensure they are clean and have an adequate supply of soap, toilet paper, and paper towels.

After opening:

- ☐ Advise the Regional Emergency Management Organization that the centre is open by calling (902) 930-1085 or emailing emo@modl.ca.
- ☐ Re-stock supplies as required.
- ☐ Post closing times in a visible location for residents.
- ☐ Support the Comfort Centre Manager in providing reports to REMO.
- ☐ Advise Manager if you need to leave so your position can be filled.
- ☐ Advise the Manager of any security concerns.

Daily closing:

- ☐ Advise visitors that the centre will be closing at least 15 minutes in advance.
- ☐ Once the doors are closed and locked, check the facilities, clean them and replenish supplies as required.
- ☐ Ensure all equipment has been turned off or unplugged and that the heat/air conditioning is set to the appropriate level for overnight.
- ☐ If possible, leave together and be mindful of personal safety when returning to your vehicle or home.

Deactivation:

- ☐ The Manager will lead the deactivation process, supported by volunteers.
- ☐ Check the facilities, clean and replenish supplies as required.
- ☐ Clean up as required and place garbage, compost, and recycling in the appropriate places.
- ☐ Ensure all equipment has been turned off or unplugged and that the heat/air conditioning is re-set to the appropriate level.
- ☐ The Manager will host a debrief and all volunteers should participate in an after-action report.
- ☐ Tell your Manager if you need Critical Incident Stress Management.

ACTIVATION TRIGGERS

Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.

Bea Renton
Administrative Officer/Town Clerk
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS B0J 2C0

June 19, 2021

Dear Bea,

Re: Application for Event Lunenburg Arts Festival

On behalf of the Lunenburg Arts Festival (LAF) I am submitting the request for permission and a permit to have our event called the Lunenburg Arts Festival (formally Paint Sea on Site). Here are the following details. Please note the following new changes from previous years:

- New Dates August 7th and 8th (Saturday and Sunday)
- New headquarters (Zwickers and Fisheries Museum Wharf) no longer at Community Centre (we have permission from Development Nova Scotia and Fisheries Museum);
- Reduced number of participants to make it safer with Covid-19 Guidelines; and
- Trying a new format to add non Plein Air artists on the wharf.

Overview of Event

The Lunenburg Arts Festival is an exciting new reimagining of a successful Plein Air event (Paint Sea On Site) that was held annually in the community Centre. It coordinates a group of participating artists painting in and around the town of Lunenburg and area. This successful event has been held for the past 19 years.

It will be a live outdoor art event that engages the public audience to watch the artists at work at a safe distance from them and each other. It also gives them an opportunity to view/purchase artworks on display walls in a large outdoor tent on the wharf.

Markers will be in place around artists and show attendants will be masked in the tent and in common areas where distance is a consideration. Viewing of the paintings will be on a directional system to ensure a good flow for visitors. Attendants will be able to assist and monitor the public and help them with any questions. Our first priority will be the safety of our guests and our artists.

In addition to the Plein Air artists painting on location, it will now involve non Plein Air artists working in a variety of mediums in 2 and 3 dimensional work. A select number of artists will be able to show their work in the fixed tent areas on the wharf.

Dates Aug 6th – 9th

Actual event will be Aug 7th – 8th from 10 am – 5 pm

The tent will be set up by The Fisheries Museum staff on the day prior to the event, Aug 6th

The event will take place from 10 am - 5pm on Saturday Aug 7th + Sunday Aug 8th.

The tent will open at 8:30 am each day to accommodate artists and arrange artwork. The public hours are 10am-5pm both days. The tent will close at 6pm on Sunday after the artists have picked up any remaining work.

The tent will be removed by Fishery Museum staff approximately Monday Aug 9th.

Length of Day: 8am to 6pm Saturday and Sunday

Fisheries Museum staff will do setup/take down based on their schedule on Friday and Monday. Lunenburg Art Gallery volunteers will set up stands on Friday after that.

Number of Participants : We have max of 50 artists this year and 10 - 15 volunteers working around the town. Up to 10 artists will be on the wharf area all socially distanced and the other 40 will be painting at locations around the town

We will submit a copy of our insurance for the event and our Nova Scotia health guidelines for Covid-19 in the near future.

Please let me know if you have any concerns and **the permit cost associated** with having the event within the Town of Lunenburg.

We are excited to have an event this year and look forward to the partnership.

Regards,

Allison Tremain

LAF Committee Member on behalf of
Lunenburg Art Gallery Society
194b Lincoln Street
Lunenburg, NS
B0J 2C0

**TOWN OF LUNENBURG
SPECIAL EVENT/FESTIVAL/PARADE APPLICATION FORM**

Please complete all sections of this Application and return to:

Town of Lunenburg
119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia B0J 2C0

1. Name of Special Event/Race/Festival/Parade/etc. ("Event"):
Lunenburg Arts Festival (LAF) formerly Paint Sea on Site

2. Name of organization hosting/planning event:
Lunenburg Art Gallery Society

3. Type of organization: (please give tax number if applicable)

Athletic	<u>Community Non-Profit Arts Sector</u>
Special Interest Group	<u></u>
Community Non-profit	<u></u>
Commercial (private sector)	<u></u>
Religious	<u></u>
Political	<u></u>
Charitable	<u></u>
Incorporated Society	<u></u>
Other ☐ Please Specify	<u></u>

4. Key contact for event:

Name:	<u>Allison Tremain LAF Committee Volunteer</u>
Address:	<u>2-94 Hopson Street Lunenburg, NS</u>
Postal Code	<u>B0J 2C0</u>
Phone No.	<u>250-726-3934</u> (H) <u></u> (O) <u></u> (F)

Secondary contact for event:

Name:	<u>Wendy Muise President LAGS</u>
Address:	<u>220 Hirtles Beach Road Kingsburg, NS</u>
Postal Code	<u>B0J 2X0</u>
Phone No.	<u>902-529-0893</u> (H) <u></u> (O) <u></u> (F)

5. Name and main theme of event:

Lunenburg Arts Festival

6. (A) Main activities of event:

Outdoor Free Event for the Public to interact with the artists and purchase visual art thro

(B) For parade approval please review, complete and return the attached Parade Safety Requirements document:

- ☐ Yes this is for parade approval and we have attached the completed Parade Safety Requirements document; or
☒ No parade.

7. Objectives of event in order of priority:

Annual fundraiser for the LAGS

Engage the public with the local visual arts sector in a live outdoor event

Celebrate the diversity of our artists and the heritage of the Town of Lunenburg

8. Date(s) and times to held:

10am to 5pm daily on Saturday and Sunday of August 7th and 8th, 2021

9. Please identify the frequency of this event:

Annual	☒	One time only	☐
Biennial	☐	Other (Please specify)	

10. Locations/Route of event (please include site maps or route plan):

Maint tent for sales and information will be on the grounds of the Fisheries Museum.

Pleir Air Artists will be around old town painting live.

11. Insurance requirements: The Town of Lunenburg requires that event organizers, whether all or part of the event takes place on or passes over the Town of Lunenburg public property, during setup, the event, and/or break-down, carry third party liability insurance at a level of not less than \$2,000,000.00 per incident. The Town of Lunenburg shall be named as "Additional Insured", and where liquor shall be served as part of the event, additional liquor liability insurance shall be obtained. A certificate of all insurance concerning this coverage shall be forwarded to the Town Manager/Clerk of the Town of Lunenburg, at least 7 working days before the event start date. Please describe your insurance coverage and attach relevant documents.

Additional Insured Please find attached document

12. Will you require Town Services? If so, please describe:

No

13. Are you requesting that these Town services be donated free of charge? If so, please detail:

No

14. Please note any additional information below you feel would be helpful. Please find the attached letter outlining more details and planning for this event.

(Please Note: Your request for approval of this event and/or a donation will be considered by the Lunenburg Town Council at their next meeting.)

FOR OFFICE USE ONLY

Application received by: _____

Date application received: _____

Date Council considered application: _____

Decision of Council:

☐

Special Event Permit Approved

☐

Special Event Permit Denied

Conditions of Special Event Permit:

Term of Special Event Permit:

Fees or Service Charges for Town Work:

Bea Renton
Administrative Officer/Town Clerk
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS B0J 2C0

June 19, 2021

Dear Bea,

Re: Application for Signage

On behalf of the Lunenburg Arts Festival (LAF) I am submitting the request for permission and a permit to display temporary signage for our event. Here are the details as follows:

- Signs are either 12x18 inches (40) or 36x24 inches (5) and made of chloroplast;
- Information on the sign is attached as a jpeg;
- The 40 signs will be secured to telephone poles with screws, the other 5 signs will be set up on the outskirts of the town entrances; and
- The signs will be erected on the evening of Sunday August 1st, 2021 prior to the weekend event and removed the evening of Sunday August 8th, 2021 at the end of the show.

Please let me know if you have any concerns and if there is a cost associated with erecting the signs. We are excited to have an event this year and look forward to the partnership.

Regards,

Allison Tremain

LAF Committee Member on behalf of
Lunenburg Art Gallery Society
194b Lincoln Street
Lunenburg, NS
B0J 2C0

*** FREE ADMISSION ***

LUNENBURG Arts Fest

**SATURDAY
& SUNDAY**
10am - 6pm



*In the Big Tent
outside the
Fisheries Museum
of The Atlantic*

ON THE LUNENBURG WATERFRONT

Featuring:

Artist Demos

Plein Air Painting

Fresh Art Sale

Live Music



Hosted by The Lunenburg Art Gallery Society
www.lunenburgartsfest.com



Certificate of Insurance



This certificate is issued as a matter of information only and confers no rights upon the certificate holder and imposes no liability on the insurer. This certificate does not amend, extend or alter the coverage afforded by the policies below.

1. CERTIFICATE HOLDER – NAME AND MAILING ADDRESS Town of Lunenburg 19 Pelham St Lunenburg NS POSTAL CODE: B0J 2C0		2. INSURED'S FULL NAME AND MAILING ADDRESS Lunenburg Art Gallery Society Attn: Wendy Muise PO BOX 1418, 194 B Lincoln St Lunenburg, NS POSTAL CODE: B0J 2C0			
3. DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS TO WHICH THIS CERTIFICATE APPLIES (but only with respect to the operations of the Named Insured) Outdoor art show at various locations in Lunenburg, NS					
4. COVERAGES This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated notwithstanding any requirements, terms or conditions of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies.					
LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS					
TYPE OF INSURANCE	POLICY NO.	EFFECTIVE DATE (YYYY/MM/DD)	EXPIRY DATE (YYYY/MM/DD)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)	
				COVERAGE	AMOUNT OF INSURANCE
COMMERCIAL GENERAL LIABILITY MAX: Form No.: LR20 Including: ☒ PRODUCTS AND/OR COMPLETED OPERATIONS ☐ CROSS LIABILITY (Form No: G011) ☒ TENANTS LEGAL LIABILITY	501259181	2021/3/17	2022/3/17	BODILY INJURY AND PROPERTY DAMAGE LIABILITY EACH OCCURRENCE	2,000,000
				☒ GENERAL AGGREGATE (Form No. L321)	2,000,000
				PRODUCTS - COMPLETED OPERATIONS AGGREGATE	2,000,000
				ABUSE AGGREGATE	2,000,000
				☒ PERSONAL INJURY AND ADVERTISING INJURY LIABILITY - Any one person or organization, and in the Aggregate	2,000,000
				MEDICAL PAYMENTS – Any one person	50,000
				TENANTS' LEGAL LIABILITY – Any one premises	500,000
				NON-OWNED AUTOMOBILES	NON- OWNED AUTOMOBILE - Any One Accident Limit:
☐ Pollution Liability Exclusion Standard ☐ Limited – 120 hours ☐ Other					
OTHER COVERAGES (SPECIFY)					
5. CANCELLATION Should any of the above described policies be cancelled before the expiration date thereof, the insurer will endeavor to mail 30 days written notice to the certificate holder named above, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.					
BROKERAGE/AGENCY FULL NAME AND MAILING ADDRESS Huestis Insurance Group - BVV 60 Logan Rd., Bridgewater, NS POSTAL CODE: B4V3J8			7. ADDITIONAL INSURED NAME AND MAILING ADDRESS (Commercial General Liability – but only with respect to the operations of the Named Insured) Town of Lunenburg 19 Pelham St Lunenburg NS POSTAL CODE: B0J 2C0		
BROKER CLIENT ID:					
If Section 7 is completed, the Additional Insured status shall only apply to the extent indicated in the policy.					
8. CERTIFICATE AUTHORIZATION					
ISSUER: Scott Horton CAIB		CONTACT NUMBER(S)			
AUTHORIZED REPRESENTATIVE: Scott Horton CAIB		TYPE NO.		TYPE NO.	
		TYPE NO.		TYPE NO.	
SIGNATURE OF AUTHORIZED REPRESENTATIVE:		EMAIL ADDRESS: scott.horton@huestis.ca		DATE (YYYY/MM/DD) 2021-07-07	

E-SIGNED by Scott Horton
on 2021-07-07 23:49:55 ADT