

TOWN OF LUNENBURG

COUNCIL MEETING AGENDA

Tuesday, September 12, 2023 | 6 pm

Lunenburg Town Hall – Council Chamber



Notice: Council meetings are held in person at Town Hall. Members of the public can attend meetings in person or view meetings through the Zoom livestream. Recordings of all meetings are available on the Town’s website. To livestream this meeting starting at 6 pm, use this Zoom link:

<https://us06web.zoom.us/j/88956545878>

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

Acknowledgement of Mi’kma’ki, the ancestral and unceded territory of the Mi’kmaq People.

3. APPROVAL OF AGENDA

3.1 September 12, 2023 Council Meeting Agenda

Draft motion: That Council approve the agenda for the September 12, 2023 meeting as presented.

4. APPROVAL OF MINUTES

4.1 August 8, 2023 Regular Meeting of Council Minutes

Draft motion: That Council approve the August 8, 2023 meeting minutes as presented.

5. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair

6. PRESENTATIONS

7. CORRESPONDENCE

7.1 Proposed Development of Blockhouse Hill – M.C. Webb

7.2 2023/24 REMO Budget Allocation

Draft motion: That Council approve contributing any unspent REMO funds at the end of each fiscal year into a reserve for emergency spending.

7.3 South Shore Sustainability Summit Invitation – AIM Network

7.4 Natural Gardens/Lawns

- Sarah Romkey
- Gregg Clause
- Michael Higgins and Alison Phillips

- Teresa Quilty and Duncan Kroll

8. PUBLIC HEARINGS AND APPEALS

8.1 Appeal: Unsightly Property Order – 104 Maple Avenue

8.1.1 Call the Appeal Hearing to Order

8.1.2 Presentation by Administration

8.1.3 Written and/or oral presentation by aggrieved person

8.1.4 Discussion and questions by Council

8.1.5 Close Appeal Hearing

Draft motion: That Council _____ (grant or refuse) the appeal of the Dangerous and Unsightly Property Order issued on August 1, 2023, for 104 Maple Avenue.

8.2 Appeal: Encroachment Licence Agreement – 7 McKenzie Street

8.2.1 Call the Appeal Hearing to Order

8.2.2 Presentation by Administration

8.2.3 Written and/or oral presentation by aggrieved person

8.2.4 Discussion and questions by Council

8.2.5 Close Appeal Hearing

Draft motion: That Council _____ (grant or refuse) the appeal of the Encroachment License Agreement for 7 McKenzie Street.

9. BUSINESS ARISING AND UNFINISHED BUSINESS

10. NEW BUSINESS

10.1 Occupational Health & Safety Policy Amendments– Notice

Draft motions: That Council give notice to repeal sub-policy 46 (A) Joint Occupational Health and Safety Policy and replace this policy with Terms of Reference to be approved by the Chief Administrative Officer.

That Council give notice to repeal the following Joint Occupational Health and Safety sub-policies:

- 46 (B) Tag and Lockout Procedural Policy
- 46 (C) Chain Fall Hoist Inspection Procedural Policy
- 46 (D) Material Safety Data Sheets Policy
- 46 (E) Table Saw Work Procedure for Use Without a Guard
- 46 (F) Confined Space Procedure
- 46 (G) Public Works Department General Safe Work Procedures

That Council give notice to amend the Joint Occupational Health and Safety Policy as presented.

10.2 Noise Bylaw Exemption: September Classic – September 16

Draft motion: That Council approve an exemption to the Noise Bylaw for the September Classic fireworks display scheduled for September 16, 2023 at 9 p.m. on the Lunenburg Waterfront.

10.3 Community Centre Overnight Parking Request: South Shore Oktoberfest – Oct. 7, 2023

Draft motion: That Council approve free overnight parking at the Lunenburg Community Centre/Arena parking lot for the South Shore Oktoberfest event attendees on October 7, 2023.

10.4 Noise Bylaw Exemption: South Shore Oktoberfest – Oct. 6, 2023

Draft motion: That Council approve an exemption to the Noise Bylaw for the Lunenburg Board of Trade's South Shore Oktoberfest scheduled for October 6, 2023 from 11 p.m. until 12 a.m. on the Lunenburg Waterfront.

10.5 Community Grants: Individual Athletic Request

Draft motion: That Council approve a Community Grant of \$200 to Abbie Chisholm to attend U17AAA Soccer Nationals in New Brunswick in October 2023.

10.6 Proposed Divestiture of Upper Hall Street

Draft motions: That Council declare the lands of Upper Hall Street, known as PID 60726403, as surplus lands no longer required for Town purposes.

That Council direct staff to schedule a Public Information Meeting (PIM) on the possible divestiture of Upper Hall Street, known as PID 6072640, for the possible relocation of Harbour View Haven.

10.7 Proposed Alteration to Municipal Heritage Property: 17 Tannery Road

Draft motion: That Council approve the proposed revised alterations to 17 Tannery Road (Old New Town School) and approve the issuance of a Heritage Permit.

10.8 Potable Water Quality Test Results: April to June 2023 – information report

10.9 Wastewater Quality Test Results: April to June 2023 – information report

11. NOTICES OF MOTION/INFORMATION REQUESTS

11.1 Lunenburg Academy Costs – Councillor Halverson: *notice of motion provided at the Aug. 8, 2023 Council meeting*

Draft motion: That Council direct staff to provide a full cost analysis, including an area rate, for the Lunenburg Academy, and that this analysis be presented at a regular meeting of Council in October 2023.

12. IN CAMERA

12.1 Acquisition, sale, lease and security of municipal property

Draft motion: Moved and seconded that Council move in camera at _____ to discuss agenda item 11.1 Acquisition, sale, lease and security of municipal property as per the

Municipal Government Act.

13. ADJOURNMENT

TOWN OF LUNENBURG
COUNCIL MEETING MINUTES

August 8, 2023 | 6 pm

Lunenburg Town Hall – Council Chamber and Virtually through Zoom



Present	Acting Mayor Peter Mosher, Councillors Jenni Birtles, Stephen Ernst, Ed Halverson, Melissa Duggan (via Zoom) and Susan Sanford
Also present	<p>Lisa Dagley, Director of Finance Michael Best, Communications Manager Tyson Joyce, Director of Public Works Arthur MacDonald, Director of Community Development Hilary Grant, Senior Planner/Heritage Officer Jamie Doyle, CAO Kayla Byrne, Municipal Clerk David Murdoch, Lunenburg County Seniors' Safety Program Lisa Bennett, Lunenburg County Seniors' Safety Program</p>
Call to Order	The Acting Mayor called the meeting to order at 6 p.m.
Land acknowledgment	The Acting Mayor recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.
Approval of Agenda	<p>Moved and seconded that Council approve the agenda for the August 8, 2023, meeting.</p> <p style="text-align: right;">Motion carried unanimously</p>
Approval of Minutes	<p>Moved and seconded that Council approve the July 11, 2023 meeting minutes as presented.</p> <p style="text-align: right;">Motion carried unanimously</p>
Public input for Council meetings	<p>Jamie Myra suggested that the proposed dates for the public participation schedule for the Blockhouse Hill design project design be deferred until after the special election, which is being held to fill the Mayor's vacancy.</p> <p>Robert Young inquired if Sylvia, whom Sylvia Park is named after, could be nominated to the Order of Nova Scotia and the Order of Canada.</p>

Seniors' Safety Program Annual Update
Representatives from the Lunenburg County Seniors' Safety Program presented its annual update highlighting various programs and services.

Attendance update
Councillor Duggan joined the meeting at 6:34 p.m.

Dares Lake Spillway
The Director of Public Works summarized a report on the tender results for the Dares Lake Spillway Capital Project. Staff noted that the eel passage is a new requirement by the Department of Fisheries and Oceans.

Moved and seconded that Council defer the Dares Lake Spillway Project for Capital Year 2023/24 with the intention of staff incorporating an eel passage into the design and revising this item within the Water Utility's 2024/25 Capital Budget.

Motion carried unanimously

This item will return for deliberation during the 2024 budget process.

Blockhouse Hill Design Project Public Engagement
The Director of Community Development summarized a report on the Blockhouse Hill Design Project public engagement schedule.

Staff confirmed that "What We Heard" reports will be developed throughout the engagement process.

Moved and seconded that Council approve the public participation schedule for the Blockhouse Hill Design Project.

Motion carried unanimously

Awarding Civic Square Compatibility and Accessibility Project RFP
The Director of Community Development summarized a report on the awarding of a request for proposal for designs for the Civic Square Compatibility and Accessibility Project.

Councillors asked clarifying questions on provincial accessibility requirements, the Town's specific accessibility needs, and alternate funding sources. Staff also confirmed they will be working closely with the Lunenburg County Accessibility Coordinator throughout this project.

Moved and seconded that Council award Vigilant Atlantic \$76,070 plus HST to fulfill their proposal submitted under the Civic Square

Compatibility and Accessibility Project Request for Proposals.

Motion carried unanimously

Proposed Alteration
to Municipal
Heritage Property

The Senior Planner/Heritage Officer summarized a report on an application to alter 17 Tannery Road, a municipal heritage property.

Moved and seconded that Council approve the proposed alterations to Old New Town School and direct staff to issue a Heritage Permit.

Motion carried unanimously

Housing Accelerator
Fund Application

The Senior Planner/Heritage Officer summarized a report on the federal Housing Accelerator Fund Application.

Moved and seconded that Council direct staff to apply to the Housing Accelerator Fund.

Motion carried unanimously

Notice of motions
and councillor
requests

Councillor Halverson gave notice of a request for a full analysis of costs, including an area rate, associated with the Lunenburg Academy. Staff indicated this report could be brought forward at a Council meeting in October.

Councillor Halverson's request will be presented as a motion at the next regular Council meeting.

In camera

Moved and seconded that Council move in camera at 7:09 p.m. to discuss agenda item 11.1 Acquisition, sale, lease and security of municipal property, as per Section 22 (2) (c) of the Municipal Government Act.

Motion carried unanimously

Recess

Before discussing any in-camera items, the Acting Mayor called a 10-minute recess.

Attendance update

Councillor Duggan left the meeting during the in-camera session at 8:03 p.m.

Revert to open
session

Council reverted to open session at 8:13 p.m.

Following a discussion in camera, Council made the following motion:

Moved and seconded that Council direct staff to return to the September 12, 2023 regular Council meeting with a report on the

possible divestiture of Upper Hall Street, known as PID 6072640, to accommodate the possible relocation of Harbour View Haven.

Motion carried unanimously

Adjournment

There being no further business, the August 8, 2023 Council meeting adjourned at 8:13 p.m.

The minutes were read and approved.

From: [M. Cecilia Webb](#)
To: [Kayla Byrne](#)
Subject: Town of Lunenburg
Date: August 5, 2023 12:45:14 AM

CAUTION: THIS IS AN EXTERNAL MAIL

Dear Ms. Byrne,

I have previously written to the Councilors regarding the decision to spend tax dollars for a company to make plans to, in my opinion, destroy the Blockhouse Hill area of the town to erect housing. I believe this is not going to help the town in any way and that there are other town held areas that could be used.

However, I think the Councilors see this as a way to gain money at the expense of the Town, the heritage of the Town and without regard for the citizens of the Town. As a UNESCO World Heritage site, I believe it is incumbent to preserve this site at Blockhouse Hill and other significant sites in and around the UNESCO Heritage part of the Town for the education and understanding of the peoples - those who visit, those who live here and those who move here.

It is disingenuous of the Councilors to plan (behind closed doors) to take steps to impact parts of the heritage of our Town, namely the Blockhouse Hill and other areas without consideration of the consequences of their actions. And using taxpayers dollars to go ahead with their idea at a cost that I and many others would not agree to this expense.

I hope that Parks and Recreation Canada, and UNESCO take a hard look at this and stop the destruction in its tracks so that we maintain our heritage for generations to come.

Thank you, M.C. Webb

Lunenburg, NS



Municipality of the District of Lunenburg

10 Allée Champlain Drive Cookville Nova Scotia Canada B4V 9E4

Administration

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

August 10, 2023

Acting Mayor Peter Mosher & Council
Town of Lunenburg
119 Cumberland St PO Box 129
Lunenburg NS B0J 2C0

Dear Acting Mayor Mosher:

RE: 2023/24 REMO Budget Allocation:

At the July 17, 2023, Regional Emergency Management Organization (REMO) Advisory Committee meeting, the Committee passed the following motion:

“that the REMO Advisory Committee recommend to the partner Councils that at the end of each fiscal year, any unspent REMO funds remain with REMO, to be placed in a reserve for emergency spending.”

Please forward this motion to your Council for consideration and approval. Once approved, please forward a copy of Council’s motion to Angela Henhoeffler, Lunenburg County Emergency Management Coordinator (angela.henhoeffler@modl.ca) for insertion on a future REMO agenda.

Sincerely,

Tom MacEwan
Chief Administrative Officer

/jgp

cc: Angela Henhoeffler, REMC

AIM Network
1668 Brow of Mountain Road
Glenmont, NS B0P 1J0

September 4, 2023

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

Dear Council and Staff,

Atlantic Infrastructure Management (AIM) Network has been working with the Municipality of the District of Lunenburg, the Town of Mahone Bay and the Town of Bridgewater over several months on a regional approach to climate issues. We are a non-profit organization that helps local governments in Atlantic Canada build capacity for sustainability of municipal services through asset management. We provide training, education and other assistance meet the challenges of aging infrastructure and climate change.

Part of this project is hosting a workshop with councillors and staff from the three municipalities on Friday, September 22nd at the Bridgewater NSCC campus and I am writing to invite you to participate as observers. We welcome elected officials and staff to this session. In the morning, we will present an overview of how to incorporate natural assets into planning. It is a standardized approach that we have been developing with staff input from the three participants. The approach includes setting levels of service for natural assets and defining how natural assets contribute to services provided by built assets. We will also show how to prioritize natural asset projects without losing sight of critical risks from aging infrastructure. The afternoon session will examine new areas for regional cooperation on infrastructure management and avoid duplication of services. Our goal is to develop a road map and statements of intent at this workshop.

On Saturday, September 23, there is a one-day event of speakers, community engagement and exhibitors, also to be held at NSCC in Bridgewater. A draft schedule of events accompanies this letter. You can find out more information about the South Shore Sustainability Summit at the event page: <https://www.facebook.com/profile.php?id=61550321522625>. All events are free of charge, thanks to funding from the Federation of Canadian Municipalities, and lunch will be provided for anyone who registers at <https://www.aimnetwork.ca/climate-summit-registration>.

If anyone from your municipality would like to attend the Friday council and staff session as observers, please respond directly to me at mdelorme@aimnetwork.ca so we can plan lunch and refreshments. To attend the Saturday event, just register (at no charge) at the link provided above. I welcome any questions you might have about the events and can be reached at 902-691-4883.

Sincerely,

Matt Delorme
AIM Network Executive Director

South Shore Sustainability Summit



September 23, 2023
9:30 am - 4:00 pm
NSSC Lunenburg Campus

www.aimnetwork.ca/ss-sustainability-summit

Join us for an all ages community discussion on creating climate change solutions, together.
Entry is free! Drop in the day of or register for the full day at the link in the QR code.

Lunch will be provided for anyone who registers in advance

Main Room

- 9:30** Welcome and Opening Ceremony
- 10:00** Opening Remarks
Craig Collins, NSSC Principal
- 10:15** Keynote Speaker
To Be Announced Soon!
- 10:45** Break
- Community Climate Panel Q and A
- 11:00** Energize Bridgewater
Lunenburg Climate Change Action Plan
Mahone Bay Solar Garden
- 11:45** Coastal Adaptation Toolkit (Free)
Emma Poirier, CLIMAtlantic

12:00 Lunch, Discussion, Talk to Municipal Officials, Exhibitor Tables

- 12:45** Indigenous Perspectives on a Changing Climate
- 1:15** South Shore Wetland Restoration
Kingsburg Coastal Conservancy
- 2:00** Break
- 2:15** Equity and Climate Change
- 2:45** 3D Flood Mapping the South Shore
- 3:15** Youth Panel
Call to Action
- 3:45** Closing Remarks

Discussion Rooms

Breakout Space:

World Cafe Community Discussion on Climate Solutions

Breakout Space:

Nova Scotia Energy Efficiency Programs Q and A Session

Community Discussion and Idea Sharing

All We Can Save Book Discussion

Entry is Free.
Lunch is provided if
you register

Register or sponsor the event at:
www.aimnetwork.ca/climate-summit-registration
Contact us at: SouthShoreSummit@gmail.com

From: [Sarah Romkey](#)
To: [Kayla Byrne](#)
Subject: To Mayor and Council for Sept 12 agenda package
Date: August 31, 2023 1:42:50 PM

CAUTION: THIS IS AN EXTERNAL MAIL

Dear Mayor and Council,

I am writing to add my support to residents of Lunenburg who wish to grow "naturalized" gardens, especially as replacement for lawns. I am a self-taught gardener who has been working (albeit slowly!) on converting most of our lawn space on Victoria Rd. into gardens- some "wild" or "natural", some more formal, and some for food for my family, friends and community.

A gardening mentor of mine once said "we all garden for our own reasons," and one of my own reasons is respect for the land that I tend to and lending ecological benefit to the surrounding area. For me, this means removing invasive species and letting native species flourish (along with planting some carefully selected non-native, but non-invasive species). The benefits of native species to pollinators and wildlife have been well documented and it has been an amazing learning experience for myself and my family to observe the activity of pollinators and wildlife as our yard is transformed.

It has been said that gardening "is the slowest of the performing arts," and I believe it is a journey that we all undertake a little differently. As myself and other ecologically-minded gardeners undertake our own in the Town of Lunenburg, I would be supportive of any bylaw that allows the learning and exploration necessary for gardeners to convert lawn space into ecologically beneficial natural areas. In a world with a changing climate, it is time to change our aesthetic norms for landscaping and embrace the natural beauty and benefits of natural gardens.

Warm regards,

Sarah Romkey
Victoria Rd., Lunenburg

To Mayor and Council for Sept 12 agenda package.

Gregg Clause <[REDACTED]>

Fri 2023-09-01 4:27 PM

To:Kayla Byrne <kbyrne@townoflunenburg.ca>

CAUTION: THIS IS AN EXTERNAL MAIL

For 50 years I have been gardening organically and continue now in a downsized garden which is part vegetable, herbs, bushes, fruit trees and wild flowers. It all just works to benefit each other. My apartment complex Sandy Hollow Apartments at [REDACTED] Dufferin St. In Lunenburg has left two of its hillsides grow naturally to help the bees and environment. So many beautiful wildflowers and bushes to enjoy. We need to allow nature to rebuild the soil in the town of Lunenburg. Natural environments are the way to help this process.

Yours truly,

Gregg Clause

[REDACTED] Dufferin St. , Lunenburg, NS

To Mayor and Council for Sept 12 agenda package

Michael Higgins [REDACTED]

Sat 2023-09-02 10:59 AM

To: Kayla Byrne <kbyrne@townoflunenburg.ca>

CAUTION: THIS IS AN EXTERNAL MAIL

Good morning Kayla, Mayor and Council.

We wish to take just a moment of your time to lend our support to Daniel Ostromich.

As you know, Daniel and his family, who live at 104 Maple Ave have begun a process of naturalizing their yard. This change has unfortunately brought them in conflict with the Municipal government Act and it is this fact that we hope we can successfully resolve.

What Daniel is doing, and many others in town we may add, should not only be considered acceptable it should be encouraged. More than being esthetically interesting and welcoming to pollinators and birds, naturalized yards are environmentally much more beneficial and sustainable for our community than a mown lawn of grass. Biodiversity in all aspects of our community should be encouraged, it is unfortunate that one family's efforts to support a diverse environment should be met with such opposition.

On behalf of myself and my wife, we whole heartedly support Daniel and his family's desire to explore and develop a biodiverse and natural yard.

Michael Higgins and Alison Phillips

To: Mayor and Councillors, Town of Lunenburg
Re: In support of natural gardens in Lunenburg
From: Teresa Quilty and Duncan Kroll, [REDACTED] St., Lunenburg

Date: September 4, 2023

Dear Mayor and Councillors,

We wish to respectfully voice our support for Daniel Ostromich, 104 Maple Ave., in his appeal against the “mow order” on his lawn. We request that the ToL Council direct staff to review and create the Town’s own bylaw or policy which affirms and clarifies the right to maintain a natural garden on private property in Lunenburg. During this review and development period, we ask the Town Council to exempt Mr. Ostromich from the order to mow his yard.

We are also in the process of naturalizing our yard. Our yard is situated on a hill; it was previously a mowed “lawn” with several trees as well as many shrubs and perennials.

We are trying to take a permaculture approach in which “observation” of natural systems is an important first step before intervening. We have not mowed our yard throughout 2023, with the exception of paths to walk on. Some people may find it unattractive but that isn’t as important to us as our commitment to making positive changes to benefit the Earth. We believe strongly that we cannot continue to pollute and harm the environment for the sake of convention.

We are finding beauty in the many plant species that are emerging now that we are allowing them to grow. What was previously mowed is now revealed to contain such species as: yarrow, common fleabane, yellow hawkweed, creeping thyme, self-heal, narrow-leaf and common plantain, wild strawberry, goldenrod, St. John’s Wort, white clover, scarlet pimpernel, wild carrot, white heath aster, and more. A few of these plants have medicinal or food value for humans, but all of them have value for wildlife and we have observed more pollinators and birds in our yard this year.

Given that we are already fortunate to have 4 large overstory trees, our goal is to re-establish a woodland garden: we plan to add a wide diversity of native understory trees, shrubs and perennials that will support pollinators, birds and small wildlife while not attracting deer. We want a low-maintenance yard and plan to never mow again.

We are both involved in Ne’ata’q, the Food Forest at Bluenose Academy, where the lawn is also being transformed into a small, biodiverse, productive forest. Our goal is to help nature reestablish a healthy ecosystem that will become naturalized, low-maintenance, self-renewing, and can help foster environmental learning and stewardship.

We are aware that there are at least 40 “wild” yards or parts of yards in Lunenburg. There are several Town-owned green spaces that are “wild”. This is a positive step. We believe the “Dangerous and Unsightly Properties” provision of the MGA is outdated. We appreciate that the Town has many priorities but we are experiencing a climate emergency. Allowing (better

still, encouraging) residents to naturalize their yards is a “free” strategy that could reap many benefits, including:

- Save the homeowner/Town time and money
- Mitigate stormwater runoff
- Decrease municipal maintenance and operation costs
- Decrease municipal water demands
- Reduce municipal greenhouse gas emissions
- Reduce the emissions and noise pollution associated with mowing and trimming
- Bring beauty to the town
- Conserve and regenerate local native plants
- Provide pollinator and other wildlife habitat
- Improve air quality
- Reduce urban heat island effects
- Improve mental and physical health by providing opportunities for outdoor recreation in proximity to nature.

We hope that Council will direct staff to review our current approach to mowed spaces and support recommendations to update this approach. We would be happy to participate in the review.

Respectfully yours,

Teresa Quilty and Duncan Kroll

Subject: Order Appeal: Unsightly Property - 104 Maple Avenue
From: Bruce Parks, Dangerous or Unsightly Premises Administrator
Reviewed by: Arthur MacDonald, Director of Community Development
Date: September 12, 2023



Recommendation

That Council _____ (grant or refuse) the appeal of the Dangerous and Unsightly Property Order issued on August 1, 2023, for 104 Maple Avenue.

Alternatives

- Defer decision to a future date

Background

On July 2 and July 3, 2023, the Municipal Dangerous or Unsightly Premises Administrator received two written complaints about an unsightly property at 104 Maple Avenue. One complaint noted that the lawn had not been mowed in a long time and that fallen tree branches and other debris had been left on the lawn. The other complaint also noted the grass was relatively high, and the complainant noted they were concerned it would attract rodents and insects.

On July 4, 2023, the Municipal Dangerous or Unsightly Premises Administrator visited the property and found it unsightly as per the definition in the Municipal Government Act. On the same day, the Municipal Dangerous or Unsightly Premises Administrator advised the property owner to remedy the unsightly condition by July 18, 2023. A two week extension was requested and granted on July 17, 2023.

The unsightly property was not remedied by August 1, 2023. Therefore, the Municipal Dangerous or Unsightly Premises Administrator issued an Order on August 1, 2023, ordering that the unsightly condition must be remedied within 14 days. On August 3, 2023 the property owner requested a formal appeal to this order. Once a request to appeal an order has been received within the allotted 7 days for an appeal, no actions further actions from the Town can be taken until after Council has made a decision on the appeal.

Discussion

If Council denies the appeal and the property is still not remedied, TOL may remedy the site at the property owner's expense. If unpaid, a lien is placed on the property.

Relevant Legislation

Municipal Government Act PART XV

Sections 3(r) and 3(v) of the Municipal Government Act defines "dangerous or unsightly" premises.

Financial

There are no financial impacts related to granting or refusing the requested appeal. As noted above, if Council refuses the appeal TOL may remedy the site at the property owner's expense.

Communications

The Dangerous or Unsightly Premises Administrator will communicate Council's decision to the appellant.

Attachments

- A. Initial letter and order
- B. Pictures of property
- C. MGA Provisions – Dangerous or Unsightly
- D. Appeal from property owner



4 July 2023

Daniel Ostromich
PO Box 591
Lunenburg, NS
BOJ 2C0

emailed: [REDACTED]

119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia
Canada B0J 2C0

www.explorelunenburg.ca

TOWN OFFICE
902-634-4410

ELECTRIC UTILITY
902-634-4410

FIRE DEPARTMENT
902-634-8343

PUBLIC WORKS
902-634-8992

RECREATION
902-634-4006

FACSIMILIE
902-634-4416

RE: **Unsightly Premises – 104 MAPLE AVENUE, LUNENBURG, NS**

[REDACTED]

Please be advised that I visited your property on **4 July 2023** and have found it to be unsightly. I have enclosed photographs showing the extent of the unsightly condition of your property. This letter is to advise you that your property must be put into a sightly condition no later than **18 JULY 2023**. You are required to remedy the unsightly condition by doing the following:

1. The front, sides, and rear lawns must be mowed.

On **18 July 2023** myself, or another Administrator will do an inspection on your property. If the property is still in an unsightly condition I will then order you to remedy the unsightly condition. A copy of the Order will be posted on your property and a copy will be sent to you by registered mail. As per the Municipal Government Act, an order may be appealed to the council or to the committee to which the council has delegated its authority within seven (7) days after the order is made. In the event that you fail to comply with the Order to put your property in a sightly condition you may be charged pursuant to Section 348(4) of the *Municipal Government Act* (copy enclosed), and if convicted may be liable to a penalty of not less than \$100.00 and not more than \$5,000.00.

If you have any questions of what exactly must be done to put your property in a sightly condition or require clarification of any statements in this letter, please telephone me at your convenience.

Your co-operation in this matter is appreciated.

Yours truly,

Bruce Parks, CFI-II
Municipal Fire Inspector/Building Official
Municipality of the District of Lunenburg
10 Allée Champlain Drive
Cookville, NS B4V 9E4
902-530-3778
bruce.parks@modl.ca

UNESCO *World Heritage Site*



119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia
Canada B0J 2C0

www.explorelunenburg.ca

TOWN OFFICE
902-634-4410

ELECTRIC UTILITY
902-634-4410

FIRE DEPARTMENT
902-634-8343

PUBLIC WORKS
902-634-8992

RECREATION
902-634-4006

FACSIMILIE
902-634-4416

IN THE MATTER of the property of Daniel Ostromich

Located at
104 Maple Avenue, Lunenburg, NS

██████████
████████████████████
-and-

IN THE MATTER of the Dangerous or Unsightly Premises Provisions of the *Municipal Government Act*, S.N.S., 1998, c.18.

ORDER

WHEREAS it has been determined that your property is unsightly, and you have been so advised;

AND WHEREAS the unsightly condition has not been remedied in accordance with the notice given to you;

IT IS HEREBY ORDERED that you are to, within fourteen (14) days of the service of this Order, remedy the unsightly condition of the property; namely:

ACTION: The front, sides, and rear lawns of this property shall be mowed

TAKE NOTICE that you may appeal this Order to the Dangerous and Unsightly Property Committee of the Town of Lunenburg, 119 Cumberland Street, PO Box 129, Lunenburg, NS, B0J 2C0, within seven (7) days after this Order is made.

IF YOU FAIL TO COMPLY with the requirements of this Order the administrator may enter upon the property without warrant or other legal process and carry out the work specified in this Order as per Section 348(3) of the *Municipal Government Act* and/or lay charges as per Section 348(4) of the *Municipal Government Act*.

DATED at Cookville, Nova Scotia, this 1st day of August, 2023.

Bruce Parks
Dangerous or Unsightly Administrator

ATTACHMENT B





ATTACHMENT C

Dangerous or Unsightly (as per the Municipal Government Act of Nova Scotia)

“dangerous or unsightly” means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing

- (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,
- (ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,
- (iia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or
- (iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person, and includes property or a building or structure with or without structural deficiencies
- (iv) that is in a ruinous or dilapidated condition,
- (v) the condition of which seriously depreciates the value of land or buildings in the vicinity,
- (vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,
- (vii) that is an allurement to children who may play there to their danger,
- (viii) constituting a hazard to the health or safety of the public,
- (ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,
- (x) that is a fire hazard to itself or to surrounding lands or buildings,
- (xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or
- (xii) that is in a poor state of hygiene or cleanliness

Appeal to Lunenburg Town Council: The Right to Maintain Natural Gardens in Lunenburg

Submitted by: Daniel Ostromich, 104 Maple Ave., Lunenburg, NS

Date: September 4, 2023

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1. REQUEST TO TOWN OF LUNENBURG COUNCIL

I respectfully request that the ToL Council direct staff to review and create the Town's own bylaw or policy which affirms and clarifies the right to maintain a natural garden on private property in Lunenburg.

I encourage this bylaw or policy to be reviewed and developed in consultation with:

- Interested, informed members of the community
- Shared inspection service partners (Bridgewater, MODL, Mahone Bay)

During this review and development period, I ask the Town Council to exempt me from the order to mow my yard.

2. APPEAL SUMMARY

I have deeply held values around ecological responsibility and am in the intentional process of naturalizing my yard at 104 Maple Ave., from a mowed lawn to a natural meadow and wildflower garden. My family and I love our yard and are learning through the process. I have been ordered by the MODL inspector to mow my yard due to a complaint filed under the MGA Dangerous and Unsightly Properties provision.

I am appealing the order and I respectfully request that the ToL Council direct staff to review and create the Town's own bylaw or policy which affirms and clarifies the right to maintain a natural garden on private property in Lunenburg.

To help all parties "speak the same language" and frame a factual dialogue around natural gardens, I have included Terms (Section 3), with references.

There are several reasons why the Town of Lunenburg needs an updated provision regarding landscaping:

- **Alignment with Lunenburg's Comprehensive Community Plan (CCP):** By applying the MGA's Dangerous and Unsightly Properties provision to impose the status quo of mowed grass lawns on private property, the Town's practice runs counter to its own Environment and Sustainability and Urban Forest goals and objectives.
- **Efficiency of shared services:** This Autumn, ToL will renew a shared services agreement with MODL and will have the opportunity to increase efficiency and quality of work/resident experience through updating/better alignment of bylaws that would be relevant with inspections. Bridgewater has indicated that they are considering review of the Dangerous & Unsightly bylaw.
- **ToL should not regulate landscape aesthetics:** Municipal powers should not extend to the regulation of aesthetics of private landscaping, including the application of controls on the species or visual appearance of vegetation on properties (with the

exception of officially listed invasive species). Many Canadian municipalities are similarly finding existing laws to be outdated, onerous to enforce and unhelpful in implementing their strategic environmental goals.

- **Canadians have a right to maintain a natural garden:** The Ontario Court of Justice recognized that the freedom of expression constitutionally protected under section 2(b) of the Canadian Charter of Rights and Freedoms extends to protect expressions of environmental values and beliefs reflected in natural gardens.
- **Lawn maintenance has negative costs and impacts:** Lawn equipment, specifically gas powered leaf blowers and lawn mowers, and synthetic fertilizers come with a heavy carbon cost. Significant costs to homeowners, communities and municipal infrastructure include: use of municipally treated water, air and noise pollution disturbances, costs of machinery or mowing services (hundreds of dollars per year), time required to mow, safety and health hazards associated with lawn mowing equipment, etc.
- **Attitudes about lawn culture are changing:** Most of the “green space” in urban settings today is manicured grass - high on costs to maintain and low on social and environmental benefits. As the heavy environmental, health, economic and social impacts of the manicured lawn become more transparent, attitudes, practices and laws are changing. An increasing number of Canadian municipalities are renaturalizing public spaces and are allowing, encouraging, supporting and even actively incentivising a shift to natural gardens on private lands. At least forty private Lunenburg properties are in a full or partial natural state, as of August 29, 2023.
- **Natural gardens provide environmental, municipal, educational, recreational and economic benefits:** They are inherently low-maintenance, self-renewing, and can help foster environmental stewardship. Connected naturalized areas can also help restore landscape functions within and between the surrounding ecosystem.

There are some common misunderstandings which can lead to resistance to natural alternatives to mowed lawns. In Section 6 I have included some “myths” that I have heard and provided cited research to help with the educational process.

I have done my best to provide factual, objective information in this appeal and, where possible, cited my research from trustworthy sources. There is an abundance of information and helpful experts on this topic, as naturalizing urban spaces is increasingly understood to be one important strategy with the potential to help mitigate climate change, biodiversity loss, local food insecurity, extreme storm effects, infrastructure demands, etc. Please see Section 7 for more information and resources.

3. TERMS: NATURAL GARDENS & ALTERNATIVES TO LAWNS

Biodiversity — short for biological diversity — is the variety of all living things and their interactions. Biodiversity changes over time as extinction occurs and new species evolve. Scientists often speak of three levels of diversity: species, genetic, and ecosystem diversity. Biodiversity may be measured as the number of diverse species in a given area or system. ([Smithsonian Institute](#))

Introduced species, alien species, exotic species, adventive species, immigrant species, foreign species, non-indigenous species, or non-native species is a species living outside its native distributional range, but which has arrived there by human activity, directly or indirectly, and either deliberately or accidentally. Non-native species can have various effects on the local ecosystem. Introduced species that become established and spread beyond the place of introduction are considered naturalized. The process of human-caused introduction is distinguished from biological colonization, in which species spread to new areas through "natural" (non-human) means such as storms and rafting. ([Wikipedia](#))

Invasive species are plants, animals and micro-organisms that have been introduced into areas beyond their native range and negatively impact the environment, the economy, or society. Examples of invasive plants are: Japanese Knotweed, Goutweed and Giant Hogweed. ([NS Invasive Species Council](#))

Lawn - an area of soil-covered land planted primarily with grasses and other durable plants such as clover which are maintained at a short height with a lawn mower and used for aesthetic and recreational purposes.

Native species are species that evolved in a particular area or region over thousands of years and have become an important part of the local ecosystem. In North America, native plants are often considered to be the ones that were present in a region prior to European colonization. Our native plant species have co-evolved with our native wildlife and thus maintain specialized relationships. For example, many native pollinating insects need native plants in order to complete their life cycle. The relationship between the monarch butterfly and native milkweed species is well known, but there are many others, and likely many that we are not even aware of yet. By planting native plants, you not only reduce the risk of introducing new invasive ones, but you also help maintain and restore food webs, invite wildlife back into your garden, and help preserve biodiversity. ([Plantwise Guide, NSISC](#))

Naturalization, a.k.a. rewilding, is a process for transforming an open space into one that reflects the naturally-occurring landscape of the region. Naturalization includes the purposeful reintroduction of native plant species to an area in order to enhance the natural environment, increase biodiversity and ecological resilience. ([City of Calgary backyard naturalization guide](#))

Permaculture integrates land, resources, people and the environment through mutually beneficial synergies – imitating the no waste, closed loop systems seen in diverse natural systems. Permaculture studies and applies holistic solutions that are applicable in rural and urban contexts at any scale. ([Permaculture News](#))

Urban agriculture refers to various practices of cultivating, processing, and distributing food in urban areas. The term also applies to the activities of animal husbandry, aquaculture, beekeeping, and horticulture in an urban context. ([Wikipedia](#))

Wabanaki forest spans the traditional unceded territories of the Mi'kmaq, Wolastoqiyik, Pestomuhkati, Penawapskewi, and Abenaki, which are the five principal nations that form The Wabanaki Confederacy (Waponaki-translated as as “People of the First Light” or “Dawnland”). This region covers the three Maritime provinces, Gaspé Peninsula of Québec, and down into the northern parts of New England. While it is referred to as the Wabanaki forest, it encompasses all of the ecosystems in the region. Around 1200 vascular plant species are native to its ecosystems. ([Plantwise Guide, NSISC](#))

Weeds are plants considered undesirable in a particular situation, growing where it conflicts with human preferences, needs, or goals. Taxonomically, the term "weed" has no botanical significance, because a plant that is a weed in one context, is not a weed when growing in a situation where it is wanted. While the term "weed" generally has a negative connotation, many plants known as weeds can have beneficial properties. As pioneer species, weeds begin the process of ecological succession after a disturbance event. The rapid, aggressive growth of weeds rapidly prevents erosion in newly exposed bare soil, and has substantially slowed topsoil loss due to anthropogenic disturbances. ([Wikipedia](#))

SOME EXAMPLES OF NATURAL GARDEN ALTERNATIVES

Natural garden is a general term referring to the intentional use of native or non-invasive-adapted plant species in the urban landscape. A natural garden is an alternative to the dominant style in North American of manicured lawn. It may take on many different approaches/styles, depending on the goals and local conditions. ([HRM Naturalization Strategy](#))

Below are several different styles, approaches or ecosystems that could be considered types of natural gardens. Some of these approaches may be combined to achieve more than one goal.

Food forest a.k.a. **Forest garden** - a way of growing food in which plants, fungi, and soil work together. In a food forest, most of the plants are native to the region and are perennials. They are planted in diverse layers and guilds, rather than rows. Each plant performs many functions and helps to create a mini-ecosystem. ([Ne'ata'q Food Forest at Bluenose Academy](#))

Hügelkultur is a German word for a “hill mound” created with yard debris like logs, branches, grass clippings, leaves, compost and cardboard or straw. As wood decays, it will

slowly release nutrients (up to 20 years), and the whole mound will act like a sponge to hold water, sequester carbon and more. (DavidSuzuki.org)

Groundcover alternatives - Many low-growing plants can replace grass but do not require mowing, add biodiversity, and suppress unwanted weeds. Species that are easy-to-grow and have berries (for birds and humans) and flowers for pollinators have significant benefit over grass. Some options that work in different settings in Nova Scotia: wild strawberry, creeping jenny, creeping herbs, clover, etc.

Meadows consist mainly of grass species and some wildflowers. Woody plants are almost non-existent. They're low-maintenance once established. While some meadow communities thrive in wet soil, most prefer dry soil. (DavidSuzuki.org)

Native Hedgerows are a living, linear barrier of plants — trees, shrubs or even wildflowers. They can border a property (a fence substitute), create a visual barrier to a road and block the wind. They also provide benefits to wildlife in the form of shelter, pollen, nectar and travel corridors. Try native species like Saskatoon serviceberry, chokeberry, or beaked hazelnut. The Canadian Wildlife Federation has [hedgerow guidance and plant suggestions](#).

Rain garden - A planted area of a garden (often a depression) that collects rainwater and promotes its infiltration into the ground. Species that are naturally found in wetlands and along streams and rivers are good candidates for this type of garden. Creating a rain garden reduces storm water pressure on municipal infrastructure and helps replenish the water table.

Sensory gardens include features, surfaces, objects and plants that stimulate our senses through touch, sight, scent, taste and hearing. They are places that can be designed with many different purposes in mind. They can be calming with scented plants and restful seating, a community area for growing tasty food or wildlife friendly plants, a therapeutic space for people to recuperate, a learning zone full of exciting things to touch and smell or an accessible garden for people with sight loss or wheelchairs to be fully independent. (Royal Horticultural Society)

Tiny forest (a.k.a. mini forests pocket forest, “wee” forest, Miyawaki forest) A very small (eg. 1000 sf) densely planted ecosystem of native trees, shrubs, herbaceous plants, groundcovers, etc. in which plants grow much more quickly than when planted alone. The method was pioneered by Japanese botanist and award-winning plant ecologist Akira Miyawaki. (Canadian Geographic)

Wildflower gardens (a.k.a. Pollinator gardens) contain a variety of flowering plant species that self-propagate. Species may include native and/or non-native plants. Many wildflowers are known in other contexts simply as weeds but are important food and habitat for pollinators such as for bees (especially wild ones), butterflies, moths, beetles, hummingbirds and other pollinators. Attracting more insects helps to attract more birds. (DavidSuzuki.org)

Woodland gardens contain a variety of trees as well as native and/or naturalized shrubs and herbaceous plant species that tolerate some shade of the trees.

Xeriscape - Drought tolerant gardens that minimize or even eliminate the need for irrigation. Plants that are adapted to dry soils perform best here. Creating a xeriscape reduces the pressure on freshwater resources.

4. BACKGROUND

Personal Statement of the Appellant

I moved to Lunenburg in 2022 with my wife and three small children. We have felt incredibly welcome from the get-go both by how we have been treated by individuals as well as community organisations. This includes the wonderful events from the recreation department, cookie concerts, and library programming. While our oldest child has been diagnosed with Autism Spectrum Disorder, we are incredibly grateful at the level of support and attention he receives at Bluenose Academy.

Our home is on Maple St. We have a large yard with conventional lawn, trees, shrubs, and perennial gardens. Our yard backs onto the forested area leading to the back harbour trail. The yard has many points of interest and has been useful as a sensory garden for our oldest son, especially when feeling overwhelmed. In addition, we have four vegetable beds with plans for expansion. Watching the plants grow and sampling fresh peas has been something the whole family can enjoy.

Environmental responsibility is a deeply held value for me and my family. And we have made a clear decision to naturalize our yard. My goals for our yard are:

- 1) Provide environmental benefit
- 2) Be a positive and functional recreation space for my family and community

In pursuit of those goals I:

- a) Upkeep the manicured areas by removing non-decorative plants, mulching, shaping shrubs, and trimming dead material
- b) Cleared invasive *multiflora rose* from the forested area on the property
- c) Planted 4 vegetable beds
- d) Maintain a mown sports field with equipment
- e) Cut over 350 ft of walking paths

I will continue to develop the outdoor space in this manner.

The complaint and order

In July 2023, I received notice that two neighbours had filed formal complaints with the Town of Lunenburg against me under the Dangerous & Unsightly provision of the MGA. They do not like what I am doing with my yard and want me to mow my grass. I explained my yard and plan to Bruce Parks, inspection officer. He asked me to mow the grass. I did make some accommodations (trimmed, etc.) but I refuse to mow my lawn as this would be to abandon my values and my right to naturalize my garden.

Impact this is having on me and my family

I am honoured and very lucky to have this opportunity to affirm my beliefs in making this request of the town council. However, I did not actively choose to do so. I take care of my

three kids and bed-ridden wife and am satisfied in expressing my environmental values through the lawn without taking on other research and education endeavours.

Why I am making this request

The Town of Lunenburg does not have its own bylaw with respect to unsightly properties, rather, follows the [Municipal Government Act](#). This section of the MGA is outdated as it applies to landscaping. The definition dates back to 1998 prior to broad awareness of environmental impacts of conventional mowed grass lawns.

I believe I have the right to naturalize my garden. I know many others in Lunenburg have natural gardens or are in the process of naturalizing. They are able, for now, only because their neighbours have not filed complaints against them.

The current law and its application makes us all vulnerable. If the Town Council doesn't overturn this mowing order, the Town can choose to come onto my yard and mow down my lawn without my permission and charge me for it. If I don't pay the mowing bill, a lien will be placed on my property.

This is why I am asking Town Council not just to exempt my property from a mowing order, but to update its policy to explicitly prevent prohibitions on natural gardens.

5. WHY THE TOWN OF LUNENBURG NEEDS AN UPDATED PROVISION REGARDING LANDSCAPING

A. Alignment with Lunenburg's Comprehensive Community Plan (CCP)

The CCP expresses intent for the Town to take steps to move in a more ecologically responsible direction. The following are excerpts from the CCP (*italics added for emphasis*):

9.0 Environment and Sustainability Goal: A town that is *ecologically diverse* and climate resilient that has adapted to a changing climate while also *reducing its overall footprint on the natural environment*.

Objectives

E1 Increase the town's resilience to the impacts of climate change including sea level rise, *drought*, and *increased storm frequency*.

E2 Implement *strategies* to mitigate climate change, through direct and indirect actions.

E3 To *promote the restoration of the natural environment*.

Also **CCP section 8.2 Urban Forest**, selected objectives:

- *Enables the development of inter-connected habitat corridors* that benefit terrestrial and avian species.
- *A creative landscaping approach is encouraged, one that makes use of varying topography, natural areas, and gathering spaces* in the built environment.
- *Use native plants that are both indigenous and historically ecologically matched* to the site.

The Town of Lunenburg has installed, maintained or allowed natural meadows, gardens, wetlands or woodlands in public spaces including:

- The natural garden at the base of Brook St.
- A natural area around the dog park
- Natural woodlands and shrubby area along the front and back harbour trails, on hillsides around the Academy, etc.
- Natural areas along roadsides, such as Sawpit Rd., Starr St., Victoria Rd., and others
- Natural wetlands between Victoria Rd. and Green St.

Natural gardens are a simple and cost-effective/cost-saving solution that could help the Town achieve many of its objectives, including:

- Increasing ecological diversity
- Reducing the Town's overall footprint on the natural environment
- Increasing the Town's resilience to drought
- Relief from heat island effect
- Improving the Town's ability to manage stormwater/flooding associated with increasing storm frequency
- Reducing costs/taxes associated with maintenance of town land
- Restoration of the natural environment
- Improving air quality
- Reducing noise pollution associated with lawn mowers, riding mowers, leaf blowers, mulchers, power trimmers, etc.
- Enabling the development of inter-connected habitat corridors that benefit terrestrial and avian species
- Using creative landscaping approaches that make use of varying topography, natural areas
- Using native plants that are both indigenous and historically ecologically matched to the site

And yet, by applying the MGA's Dangerous and Unsightly Properties provision to impose the status quo of mowed grass lawns on private property, the Town's practice runs counter to its own goals. As such, **the Town needs to update its policy or create a new bylaw to enable and support property owners who wish to align with their own values and the Town's Environment and Sustainability and Urban Forest goals and objectives.**

B. Efficiency of shared services and resources

The timing is good for the Town of Lunenburg to review and update how it addresses Dangerous & Unsightly properties in 2023.

In Autumn 2023, ToL will be in the position to renew a shared services agreement with MODL to provide inspection services to MODL, Lunenburg, Mahone Bay, and Bridgewater. As such, the **shared service partners will have the opportunity to increase efficiency and quality of work/resident experience through updating/better alignment of bylaws that would be relevant with inspections, including the Dangerous & Unsightly bylaw as it applies to private lawns.**

Staff from the Town of Bridgewater have indicated that they are considering review of the Dangerous & Unsightly bylaw. Inspection officers are currently responding to a growing number of homeowners seeking alternatives to conventional mowed lawns so this demand is expected to continue. A reactive approach is inefficient and costly and has potential for harmful social impacts.

Lunenburg is also experiencing increasing numbers of homeowners choosing a range of garden alternatives (at least forty counted as of August 2023). As residential water metering is installed in 2024, homeowners will become more conscious of their water consumption and may conclude that watering lawns in dry seasons is a wasteful and unnecessary practice. As we experience more climate extremes, more people are likely to value resilient, bio-diverse gardens.

By working with service partners, the ToL could improve efficiency, customer experience, and alignment with our CCP.

C. ToL should not regulate landscape aesthetics

Municipalities have valid reasons to need powers to regulate dangerous or environmentally harmful properties, but these powers should not extend to the regulation of aesthetics of private landscaping, including the application of controls on the species or visual appearance of vegetation on properties (with the exception of officially listed invasive species). Many Canadian municipalities are similarly finding existing laws to be outdated, onerous to enforce and unhelpful in implementing their strategic environmental goals.

Nova Scotia's MGA definition of "unsightly" as it pertains to landscaping is: "(ix) that is *unsightly in relation to neighbouring properties* because the exterior finish of the building or structure or the landscaping is *not maintained*."

"Unsightly in relation to neighbouring properties"

Unsightliness is a subjective judgement. As of August 2023, there exist in Lunenburg at least forty private gardens in some degree or form of natural state; whether or not they are aesthetically pleasing is a matter of personal taste. As of today, my property is the only one that is facing a complaint and order. There is no consistency or fairness in the current approach. As enforcement is complaint-based, the judgement about aesthetics depends on the subjective tastes of neighbouring residents. Without objective standards, what we can do with our yards depends on whether or not our neighbours will allow it.

The only standard offered in the MGA is “in relation to neighbouring properties.” This provision, in effect, imposes on all property owners the conventional landscaping practices considered by a majority to be desirable. The effect is to prevent innovation and different expressions of natural spaces that reflect "less conventional values" concerning property standards.

If the Town of Lunenburg wishes to continue to regulate unsightliness of landscapes, it must at least develop objective aesthetic standards which can be adhered to and enforced consistently. This would be fair but extremely onerous.

“Not maintained”

An intentionally naturalised landscape is not “not maintained.”

Naturalization, sometimes also known as rewilding, is a process for transforming an open space into one that reflects the naturally-occurring landscape of the region. Naturalization includes the purposeful reintroduction of native or non-invasive-adapted plant species into an urban landscape area in order to enhance the natural environment, increase biodiversity and ecological resilience. Natural gardens are an alternative to the dominant North American style of the manicured grass lawn. It may take on many different styles and approaches, depending on the goals and local conditions. (see section **3. Terms** for examples)

Renaturalizing a previously unnatural lawn – which was manicured to contain primarily non-native grasses – requires goal setting, planning, resources, work and time. Conventional lawn grasses are aggressive and take time to replace, but there are many proven methods (i.e. [City of Calgary naturalization guide for property owners](#)). Methods can range from high human intervention to low human intervention, as illustrated in the table below. Ultimately, a renaturalized lawn can be beautiful, healthy, low-maintenance, drought tolerant, require no fossil-fuel inputs, and provide many ecological services to the Town and community.

Range of approaches to naturalization	
← High human intervention	High ecosystem intervention →
<ul style="list-style-type: none"> ● Faster transformation ● More expensive ● May cause heavier environmental trauma ● Human design may have unintended impacts or require more maintenance ● More human control over outcomes ● Biodiversity may depend on human intervention 	<ul style="list-style-type: none"> ● Slower transformation ● Less expensive ● May cause minimal environmental trauma ● Nature-led (human supported) design results in a self-balancing, low maintenance ecosystem ● Less human control over outcomes ● Biodiversity likely to increase on its own over time

D. Canadians' right to natural gardens

In 1996, in *Bell v Toronto (City)* the Ontario Court of Justice recognized that the freedom of expression constitutionally protected under section 2(b) of the **Canadian Charter of Rights and Freedoms** extend to protect expressions of environmental values and beliefs reflected in natural gardens¹.

My choice to naturalize my yard is very clear, intentional, and in alignment with my and my partner's values. I believe that a major component of dealing with the current climate emergency is how we relate to and manage nature. By allowing flora and fauna to flourish on my property I am putting into practice my beliefs. I like the look of a natural landscape and view it as beautiful. Maintaining a mostly or completely mown lawn runs counter to my aesthetic values.

E. Lawn maintenance has negative costs and impacts

While lawns can function as "carbon sinks," soaking up carbon dioxide from the atmosphere, this benefit is often outweighed by the heavy carbon cost associated with the maintenance of these lawns. Rather than alleviating climate change, mowed lawns may be contributing to it. The main culprits are lawn equipment, specifically gas powered leaf blowers and lawn mowers, and synthetic fertilizers.²

- Lawn-mowers:
 - Running an older gasoline-powered lawn mower for one hour can produce as much air pollution as driving a new car 550 kilometers.³
- Leaf blowers⁴:
 - A half-hour of yard work with a two-stroke, gas-powered leaf blower emits the same air pollution as a Ford F-150 Raptor truck from Texas to Alaska.
 - Generate a 100-decibel noise level - the same as a passenger jet taking off.
 - Lay waste to topsoil, insects, and the environment while blasting air at 280 miles an hour.
 - The health impacts of leaf blowers also pose equity issues. Low-wage workers suffer the most.
- Chemical fertilizers⁵:
 - Households use chemical pesticides and fertilizers to improve the look of their lawns and gardens. These chemicals can pollute lakes and rivers that may be sources of drinking water for some communities. Chemical pesticides are also toxic to many forms of life and can threaten beneficial species, such as bees that are important pollinators.
 - The percentage of Canadian households using pesticides was 20% in 2019

¹ [The Courts, the Constitution, and Naturalized Lawns](#) - Lerner

² [Lawn Maintenance and Climate Change](#) - Princeton University

³ Source: Ministry of the Environment-Canada.

⁴ [Kleinmann Centre for Energy Policy](#)

⁵ [Government of Canada](#)

- Despite the decrease in the percentage of households using chemical fertilizers from 1994 to 2011, their use has increased since 2011 to reach 28% in 2019.

A mowed grass lawn demands significant costs homeowners, communities and municipal infrastructure, including use of municipally treated water, air and noise pollution disturbances, costs of machinery or mowing services (hundreds of dollars per year), time required to mow, safety and health hazards associated with lawn mowing equipment, etc. A goal for many who choose a natural garden is to reduce or eliminate these costs and impacts.

F. Attitudes about lawn culture are changing

The Lawn as a symbol

In Canada, there are about 6.2 million lawns.⁶ Mowed turf lawn is currently the dominant style of urban landscaping. Therefore, most of the “green space” in urban settings today is manicured grass - high on costs to maintain and low on social and environmental benefits.

Most Canadians have come to see the mowed lawn as “normal” or “proper” but it wasn't always this way. The manicured lawn is a social construct – rooted in class politics, colonization, and industrial profiteering.

In 17th century England, only rich landowners had lawns (a monoculture of short, manicured grass). Work once done by sheep increasingly shifted to human labour, especially closer to the house. Before lawnmowers, only a few could afford to hire people to scythe and weed their grass. Having a lawn in your garden was a status symbol, it showed that your property had land that didn't need to be used for food production and that you could afford to keep the lawn maintained. The manicured lawn came to be seen as a symbol of status and many homeowners today still aspire to this cultural norm.

According to John Douglas Belshaw, a Canadian history professor at Thompson Rivers University in Kamloops, B.C.:

“Changing a landscape to make it suitable for a different incoming culture is a key part of colonization, and that is exactly how lawns in Canada and the United States came to be. Lawns were not a popular thing in North America until the late 19th century and they'd become popular in part because immigrants were bringing European traditions of the manicured lawn. Manicured lawns were very much associated with wealth.”

In the 1920s, gas-powered mowers became available; after the Second World War there was a boom in suburbia, a glut of chemical fertilizers and a sense of unbridled potential for growth. Together these factors presented an opportunity to create a profitable industry. A

⁶ [Lawns are an outdated cultural norm. Let's lose them — before we lose the pollinators](#) - The Toronto Star, 2022

North American culture of responsibility to “keep up with the Joneses” was crafted and the lawn became a visible symbol of respectability, status and conformity. Today Canadians spend over \$18 billion per year on lawn care.

Many people and communities value mowed lawns for sports fields and recreational use; some truly enjoy the lawn aesthetic. It is important to clarify and understand the benefits versus the costs of different landscapes to inform decisions about what should be allowed or encouraged in our urban setting.

Changing attitudes

As the heavy environmental, health, economic and social costs of the manicured lawn become more transparent, attitudes, practices and laws are changing. The **Resources and References** section of this paper offers several news articles documenting this shift.

An increasing number of Canadian municipalities are renaturalizing public spaces and are allowing, encouraging, supporting and even actively incentivising a shift to natural gardens on private lands. The following are some examples of municipalities who are moving in this direction: Halifax Regional Municipality, Guelph, Toronto, Calgary, Windsor, and Waterloo. There are likely very many more but we didn't believe it necessary to find them all.

As an example, the City of Peterborough, in partnership with Peterborough GreenUP, has implemented a Rain Garden Subsidy program for qualifying residents in Peterborough to offset the cost of installing green infrastructure on private property. The subsidy will provide qualifying residents up to \$1,000 reimbursement towards a rain garden based on the volume of rain water storage that the garden provides.

Attitudes and practises are also changing in Lunenburg

- ToL installed a natural garden at the base of Brook St., an area affected by repeated flooding.
- Food Forest at Bluenose Academy - an active permaculture and Indigenous informed approach to removing turf grass and replacing it with ecologically diverse trees, shrubs, perennials as a way to produce food, provide learning and connection with nature, culture and community. The food forest will include a natural garden study in 2023 - 24. The project enjoys abundant community support.
- Many Town residents have expressed appreciation and value for the ecological services of undeveloped lands/natural green spaces in our community.
- At least forty private Lunenburg properties are in a full or partial natural state, as of August 29.

G. Natural gardens provide environmental and municipal benefits

Natural landscapes are inherently low-maintenance, self-renewing, and can help foster environmental stewardship. Connected naturalized areas can also help restore landscape

functions within and between the surrounding ecosystem. Naturalization has many ecological and environmental, educational, recreational and economic benefits, including that it can:

- Save the homeowner/Town time and money
- Reduce the emissions and noise pollution associated with mowing and trimming
- Bring beauty to the town
- Conserve and regenerate local native plants
- Provide pollinator and other wildlife habitat
- Improve air quality
- Reduce urban heat island effects
- Mitigate stormwater runoff
- Decrease municipal maintenance and operation costs
- Decrease municipal water demands
- Reduce municipal greenhouse gas emissions
- Improve mental and physical health by providing opportunities for outdoor recreation in proximity to nature.

6. MYTHS AND FACTS ABOUT NATURAL GARDENS

Following are some of the common misunderstandings about natural gardens (or nature in general).

Natural gardens are a haven for pests like rodents or snakes:

Snakes in Nova Scotia prey on insects, worms, rodents, amphibians, and other snakes. As such, they are part of a healthy ecosystem and may actually help manage small rodents and other forms of wildlife that can be damaging to a garden or carry Lyme disease. So [snake-friendly gardening actually helps control slugs and mice](#) - and using natural gardening approaches can help.

Nova Scotia has only five native snake species, all small and non-venomous⁷:

- Northern Ribbon Snake, found in the south-central NS
- Northern Ringneck Snake, found in uplands of deciduous or mixed wood forests and on parts of Cape Breton Island.
- Northern Redbelly, Eastern Smooth Green, and Maritime Garter Snake are found throughout the province.

Natural gardens are full of ticks:

Throughout Nova Scotia, Lyme Disease is endemic. Systemic solutions are required. On the individual level, it is important to reduce the risk of tick contact.

Natural gardens take on many styles and forms (see TERMS section) - all can be managed to reduce risk of tick contact. Ticks prefer moist, shady habitat; they don't like dry, sunny areas. Maintaining wide, well-mowed edges between meadows, wooded/leafy areas) and where people walk and play can minimize the potential for contact. So too can edging meadows with wood chips, which ticks don't like to cross.

Weeds will take over if not mowed:

Taxonomically, the term "weed" has no botanical significance, because a plant species that is a weed in one context, is not a weed when growing in a situation where it is wanted. Many mowed yards may already host a range of non-grass plant species that may be hard to identify until they are given a chance to grow to maturity.

An early phase in the permaculture approach to lawn naturalization includes an observation period (usually one year) to identify species and observe how they interact in the ecosystem. Many species considered "weeds" are simply native or adapted non-commercial plants which have been forgotten or underappreciated in urban settings. Examples may include: common fleabane, yarrow, self-heal, plantain, wild strawberry, goldenrod, St. John's wort,

⁷ [Nova Scotia Natural Resources and Renewables](#)

clovers, wild carrot, heath aster, and others. Most of these plants perform important ecological services including a seasonal balance of food for pollinators.

Many “weeds” are pioneer species, providing the natural service of rapidly preventing erosion in newly exposed bare soil. Therefore, caring for soil health, planting desired plants densely, and leaving healthy areas undisturbed are good ways to discourage unwanted pioneer plants.

However, invasive plant species are a concern because they aggressively damage biodiversity. These are species that have been introduced into areas beyond their native range and negatively impact the environment, the economy, or society. Examples of invasive plants in Nova Scotia are: Japanese knotweed, goutweed, multiflora rose, and giant hogweed ([NS Invasive Species Council](#)).

Natural gardens are unsightly:

According to the HRM naturalization Strategy, “Although areas can appear sparse and unkept during the first several years, they will blend-in and look natural over time.” Natural gardens can take many forms or styles and demonstrate nature’s beauty. Beauty is a subjective term.

Natural gardens will decrease neighbouring property values:

There is no evidence to support this. Natural gardens are beautiful in the eyes of many people as at least forty Lunenburg homeowners can attest. Prospective buyers may also see natural gardens as a positive signal that the neighbourhood has progressive, like-minded residents.

A natural yard is an unmanaged yard:

Re-naturalizing a yard from a mowed lawn state takes intention, planning, work and time. There are many resources and supports to guide people in the process. The City of Guelph has an [extensive suite of resources](#) and even provides free Healthy Landscapes consultations to residents.

One month of No-Mow May is sufficient to support pollinators:

The idea behind No-Mow May is to let your grass grow for the whole month to allow pollinators to have something to feast upon when they come out of hibernation. But many lawns do not contain much nutrition as they are near mono-cultures of grass. Instead of focusing on not mowing a lawn, experts suggest gradually converting that grass into an area with a wide range of species of native plants.

7. RESOURCES AND REFERENCES

Urban Policy

[NS Weed Control regulations](#) - 1989, amended 2003, contains list of Class 1 and Class 2 controlled species (we note that Japanese knotweed is not included but should be).

[Urban Naturalization in Canada - Policy and Program Guidebook](#) - 2001

[Canadian Lawns and Gardens](#) - 2007, Statistics Canada archive

[Making Sense of Municipal Regulation of Naturalized Lawns](#) - Lerner, 2022

[The Courts, the Constitution, and Naturalized Lawns](#) - Lerner, 2022

Urban Strategies & Programs Supporting Natural Gardens

[HRM Naturalization Strategy](#) - 2019

[HRM - Why Naturalize? Information sheet](#)

[Halifax program that plants wild species expands to entire municipality](#) - CBC article, 2022

[City of Guelph Healthy Landscape](#) - a wealth of how-to resources

[City of Toronto Natural Garden Guidelines](#) -

Lawn and Garden Science

[Lawn Maintenance and Climate Change](#) - Princeton University, 2020

Changing Culture & Practices

[Rewilding in the City, Halifax Examiner](#) - article, 2021

[This ecologist was told she could keep her natural garden. Here's why she's fighting city hall anyway](#) - CBC article, 2020

[Only in Toronto was a wild garden this big of a concern](#) - CBC article, 2019

[The growing role of citizen engagement in urban naturalization](#)

[Is it Time to Decolonize your Lawn?](#) - Globe & Mail, 2020

[Lawns are an outdated cultural norm. Let's lose them — before we lose the pollinators](#) - The Toronto Star, 2022

[The Great American Lawn: How the Dream was Manufactured](#) - New York Times

[Tiny forests with big benefits](#) - New York Times, 2023

Natural Garden Education & How To

[Ditch the Grass! Convert Your Lawn with these Nine Alternatives](#) - David Suzuki.org

[Nova Scotia Wild Flora Society](#) - many resources to help people find more information on how to naturalize their gardens

[Plantwise "Grow Me Instead Guide 2023](#) - NS Invasive Species Council

[Meadowscaping: converting your lawn into a meadow even bylaw officers will love](#) - 1000IslandMasterGardeners.ca

[Six Steps to Rewilding at Home](#) - ReWildingMag.com

[Homegrown National Park](#) - homegrown national park® is a grassroots call-to-action to regenerate biodiversity and ecosystem function by planting native plants and creating new ecological networks.

[No-Mow May Limitations](#) - CBC article 2022

[Lawns in Cities: From a Globalised Urban Green Space Phenomenon to Sustainable Nature-Based Solutions](#)

[Many Benefits of Hugelkultur](#) - Permaculture UK

Acknowledgements

Thank you to all those that have written to ToL in support of our right to cultivate naturalized gardens as well as those that assisted in the creation of this appeal document.

Subject: Encroachment License Agreement Appeal – 7 McKenzie Street

From: Lauren Isabelle, Planner & Development Officer

Reviewed by: Hilary Grant, Senior Planner & Heritage Officer
Tyson Joyce, Town Engineer
Arthur MacDonald, Director of Community Development

Date: September 12, 2023



Recommendation

That Council _____ (grant or refuse) the appeal of the Encroachment License Agreement for 7 McKenzie Street.

Staff recommend that Council refuse the appeal due to the facts presented in the report.

Alternatives

- Direct Staff to review all by-laws and policies governing Town streets, including street rights-of-way, to allow the approval of encroachments beyond those deemed necessary by the Building Code.
- Defer a decision.

Background

On June 7, 2023, Town staff received a development inquiry from a resident who had recently purchased 7 McKenzie Street, seeking guidance on renovation plans that included an addition to the front of their home (Attachment A). The existing stairs encroach on Town land, and there is no encroachment license in place legitimizing these stairs (Attachment C). The applicant submitted various proposals but withdrew them on August 9, 2023, and asked that only the plan shown in Attachment B be reviewed. The most recent proposal from August 9 includes the existing front entrance stairs, a new interlocking brick walkway, four new steps along the walkway and a new retaining wall (Attachment B).

After extensive consultation with the Town's solicitor and Town Staff, including the Inspections Services Manager and the Town Engineer, planning Staff concluded they do not have the authority to approve paths, non-existing stairs, retaining walls or an extension on the front of this property because the Town's *Street Encroachment By-law* (Attachment D) only allows development officers to approve encroachments necessary under the Building Code. The Development Officer issued notice by email to the applicant that a refusal letter would be mailed to their address, and it was sent on August 21, 2023, via Canada Post. The applicant requested to appeal the decision to Council on August 23, 2023.

Discussion

Applications for Encroachment Licenses are administered under the Town's *Street Encroachment By-law*. On June 14, 2022, Council carried a motion to rescind *Bylaw #65 – A Bylaw Respecting Street Encroachment for Building Access* and substitute it with the current *Street Encroachment By-law*. Only six Encroachment Licenses have been issued since June 14, 2022, so the by-law is largely untested. Encroachment Licenses issued under the current *Street Encroachment By-law* legitimized existing steps (three licenses), allowed sidewalk seating (two licenses) and provided for accessible access as required under the Building Code (one license). The current 7 McKenzie Street application differs significantly from these because it proposes new structures not needed by the Building Code. Staff could not review the application under Part 3 (Sidewalk Café, Sidewalk Sales Area, Street Furniture and Landscaping Features), so Staff sought a legal opinion.

Part 2.1 of the *Street Encroachment By-law* outlines the types of encroachments for which an applicant may apply to receive a Street Encroachment License as follows (emphasis added):

- a) Abutters may apply for an Encroachment License in order to build within the Street right-of-way to provide access into their buildings including, but not limited to, barrier free accessible accesses, to the extent necessary to comply with the Building Code provided all requirements of this By-law are adhered to;
- b) Abutters may apply for an Encroachment License in order to legitimize any existing encroachment within the Street right-of-way provided all requirements of this By-law are adhered to; and
- c) Abutters with existing encroachments associated with their access into their building or abutters with existing Encroachment Agreement Licenses who may wish to make improvements to their building access to the extent necessary to comply with the Building Code may apply for an Encroachment License provided all other requirements of this By-law are adhered to.

The Town's solicitor advised Staff that, according to Part 2.1, they may only issue encroachment licenses for developments necessary to meet the Building Code and nothing beyond what is required to meet the Building Code. The Town solicitor also recommended that applicants include an expert attestation that the development proposed is necessary to meet Building Code requirements before issuing a license. The Inspections Services Manager confirmed for Staff on August 11, 2023, that no Building Code stipulation requires a path to the entrance stairs, a retaining wall, or a set of stairs down to the driveway, as shown in the current 7 McKenzie Street encroachment license application. Thus, Staff concluded that, in the case of 7 McKenzie Street, it would be possible to approve the existing stairs under Section 2.1(b) above. Still, Staff do not have the authority to approve the proposed features that do not already exist and are not required by the Building Code.

Moreover, there is no known avenue under the *Land Use By-law*, *Public Places By-law*, or *Streets By-law* to authorize the request; therefore, it was refused. The Town Engineer and Heritage Officer must

also approve licenses. Both were consulted before Staff rendered a refusal under Part 7.1 of the *Street Encroachment By-law*.

Part 9.1 of the *Street Encroachment By-law* outlines the Appeal process and states that:

“[A] person aggrieved by a decision of the Development Officer pursuant to this By-law may appeal that decision to Council within 14 days from the date of mailing of the decision to the owner’s address of record, by written notice of the appeal to the Manager/Clerk. Council *may make any decision that the Development Officer could have made pursuant to this By-law*” (emphasis added).

Part 9.2 grants Council the power on appeal to allow for a wider encroachment than otherwise could be granted under the *Street Encroachment By-law*. However, it must be for an authorizable encroachment under the *Street Encroachment By-law*. The third and final portion, Part 9.3, outlines that Council is empowered to confirm, rescind, or vary the decision made by the Development Officer (please note that limitations on varying are subject to 9.2).

In rendering its decision, Council “may make any decision that the Development Officer could have made pursuant to this By-law” (Part 9.1). It is, therefore, essential to note that Part 5.3 of the *Street Encroachment By-law* requires the Development Officer to “obtain written approval of the application from the Town Engineer.” The Heritage Officer would be willing to approve the encroachment given that 7 McKenzie is not in Old Town Lunenburg Heritage Conservation District or otherwise protected as a heritage property. However, Planning Staff and the Town Engineer feel it is a dangerous precedent against public interest to allow residents to build in the public right-of-way when it is against the Town’s by-law to allow them to do so. The Town Engineer does not recommend granting the Encroachment License within the Town’s current Policy structure.

By-laws and Policies Regulating Town Streets and Town Right-of-Ways

It is Staff’s opinion that if Council wishes to see this and any possible applications like it approved in the future Council should direct Staff to review all by-laws and policies governing Town streets, including street rights-of-way, to allow the approval of such encroachments. Encroachments represent a complex balance between the desires of property owners and the Town and public’s best interests in maintaining control of assets it owns, such as the street right-of-way.

The Mobility section of the *Comprehensive Community Plan (CCP)* gives direction to “ensure the town’s streets, sidewalks, and public places can be used and accessed by everyone, regardless of age or ability.” Allowing more extensive encroachments may negatively impact use and access by the public of Town streets in favour of private property owners. Furthermore, the *Municipal Planning Strategy (MPS)* identifies the lack of sidewalks in Lunenburg as a contributing factor to high automobile use; an infrastructure asset that supports quality of life; impactful of “our experiences of space as we move

about the town”; and required on all new streets as per the Subdivision By-law. The core issue is whether the Council wishes to grant further rights to property owners to encroach on Town-owned lands. A cursory review of existing by-laws, policies and regulations suggests it may be beneficial to harmonize regulations over the Street and Street Right-of-Way with the Town’s *Land Use By-law* and heritage protections (Attachment F)

Staff believe that as the *Street Encroachment By-law* is currently written, there is no authorization to issue an Encroachment License to approve the extent of what the applicant requested. This is also why Staff recommend that Council refuse this application.

Strategic Plan Relevance

Servicing and Facilities

- Protect Town interest in ownership of Street Right of Way for potential future use.

Urban Design

- Direction to enhance residents’ and visitors’ experience of the built environment.

Governance

- Direction to enhance internal and external relations through policies, procedures and resources.

Relevant Legislation

Nova Scotia Municipal Government Act

Town of Lunenburg Street Encroachment By-law

Town of Lunenburg Streets By-law

Town of Lunenburg Public Places By-law

Town of Lunenburg Land Use By-Law

Town of Lunenburg Municipal Planning Strategy

Town of Lunenburg Comprehensive Community Plan

Old Town Lunenburg Heritage Conservation District Plan and By-law

Nova Scotia Building Code Act and Regulations

Financial

There is no impact to the approved 2023-2024 Operating Budget, and no direct financial implications for the Town. However, legal costs may be associated with re-writing of By-laws.

Communications

Decisions will be communicated to the applicant after Council votes on the proposal. Council could direct Staff to undertake public consultation relating to the possible rewriting of the *Street Encroachment By-law*.

Attachments

Attachment A – Proposed Design from June 7, 2023 (1st Floor)

Attachment B – Proposed Design from August 9, 2023 (1st Floor)

Attachment C – Photograph of Existing Stairs

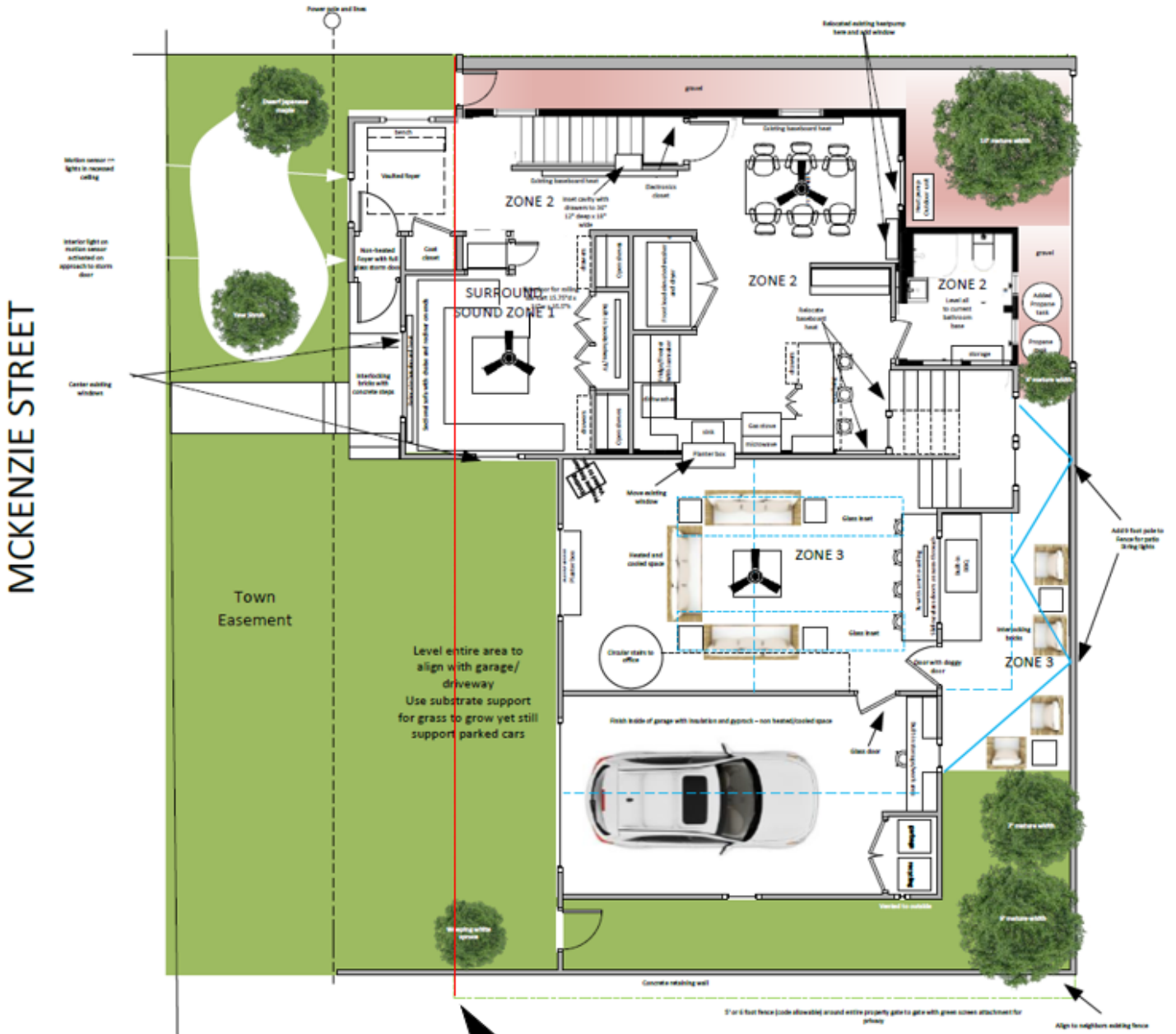
Attachment D – [Street Encroachment By-law](#) (hyperlink)

Attachment E – Location Certificate (2017)

Attachment F – Preliminary By-law and Regulations Review

Attachment G – Written appeal from property owner

Attachment A – Proposed Design from June 7, 2023 (1st Floor)

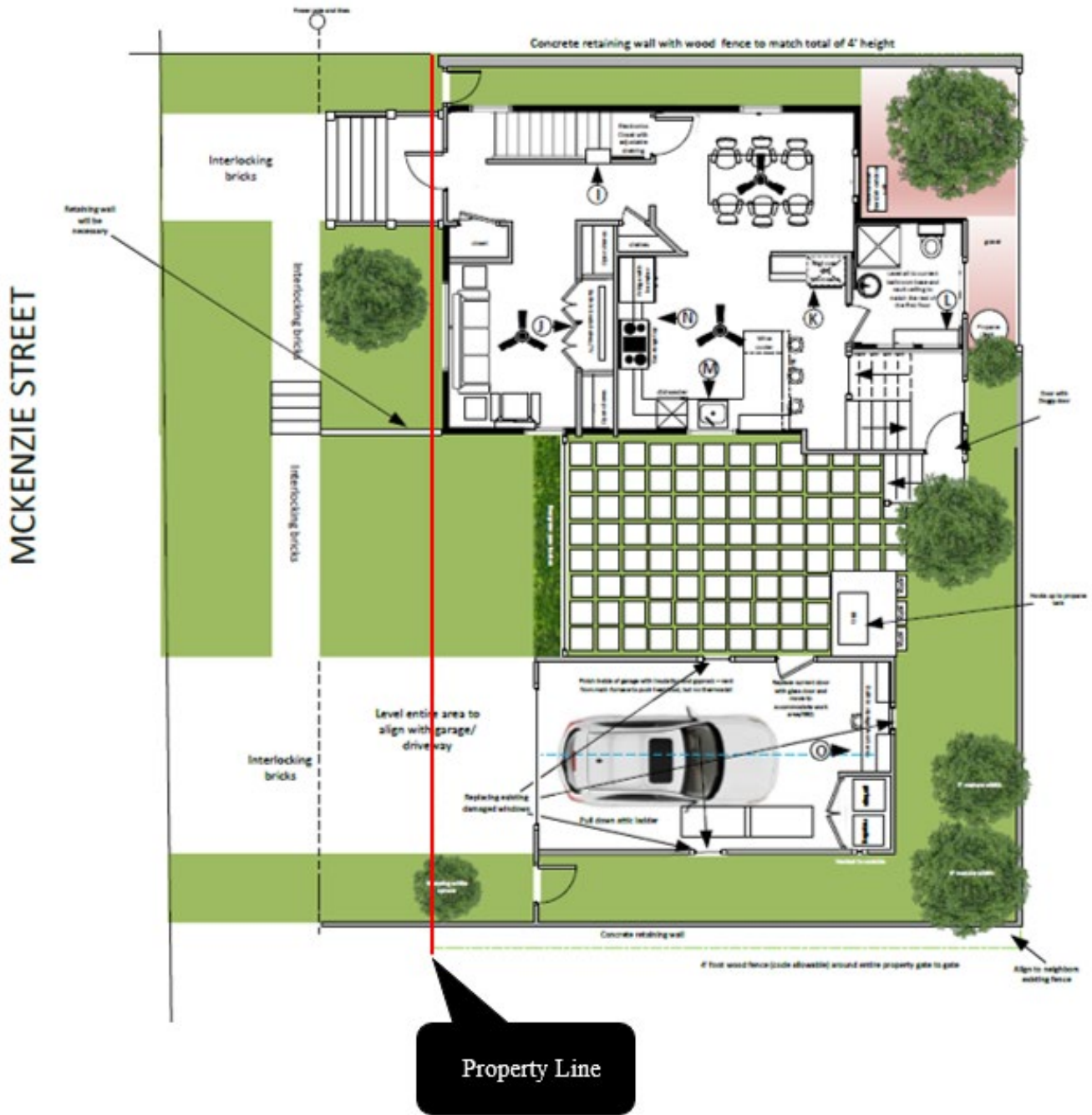


Property Line

Attachment B – Proposed Design from August 9, 2023 (1st Floor)

1st Floor

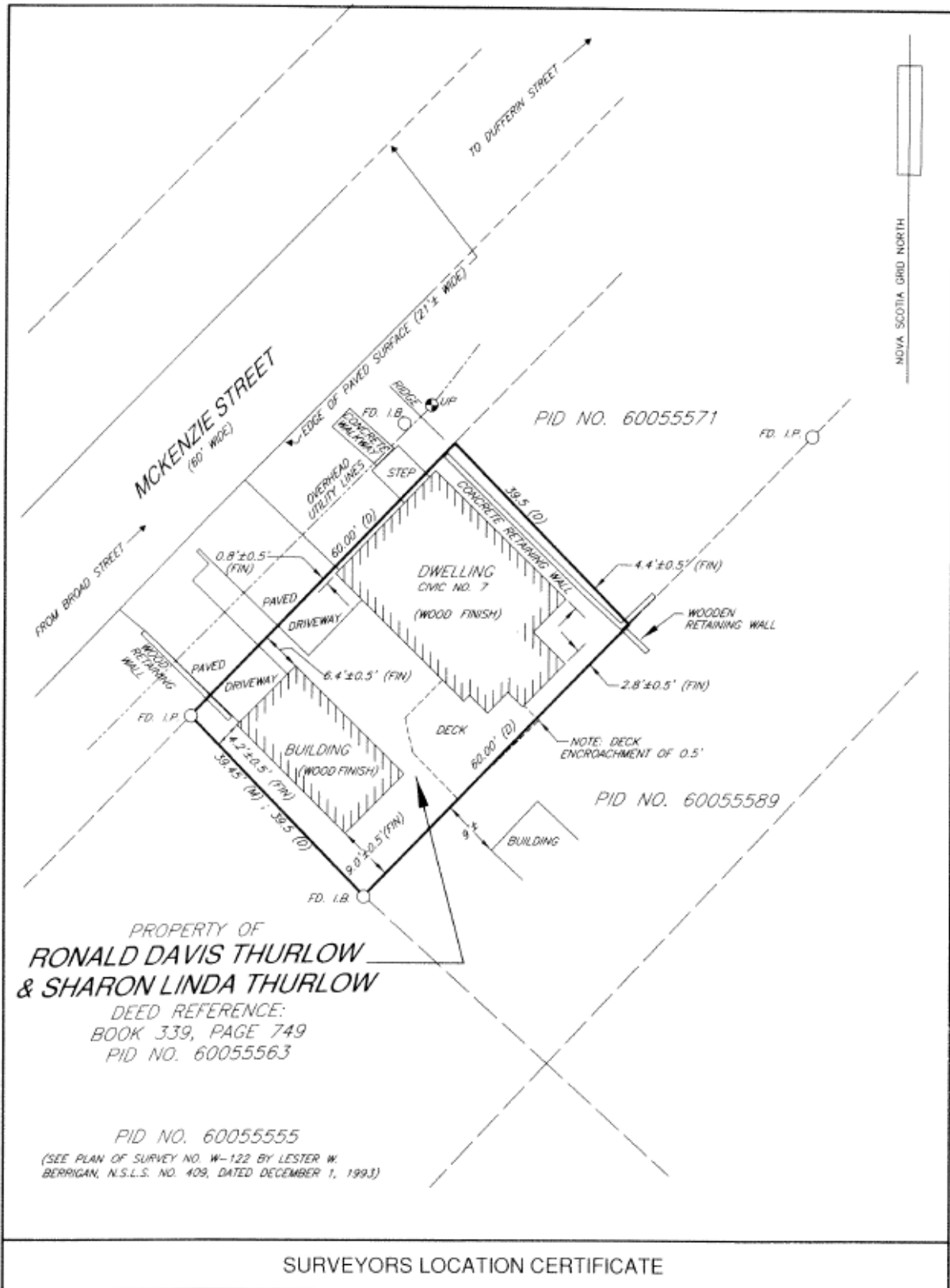
Remove all heat pumps and baseboard heating units. To be replaced with 3-zone electric central heat/air/Aerus air purifier with propane fireplace backup
Sonos sound system zoned



Attachment C – Photo of 7 McKenzie Street (Front)



Attachment E – Location Certificate (2017)



Attachment F – Preliminary By-law and Regulations Review

Staff's cursory review of existing by-laws and policies revealed a possible deficiency in the treatment of paths. Part 7.9.1 of the *Land Use By-law (LUB)* requires that "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." In cases where the front lot line of the property does not extend to the sidewalk, there may be a gap between the pedestrian access and the sidewalk. For accessibility purposes this is particularly undesirable. Staff currently do not believe they have a means to approve an encroachment which would allow the pedestrian paths to cover the gap on Town property and extend to the sidewalk, if necessary. This would contravene the intention of such a requirement in the *Land Use By-law*. To rectify this conflict the definition of "structure" under Part 1.4 (x) of the *Street Encroachment By-law* could be explicitly reworded so as not to include pathways. Currently it reads (emphasis added):

(x) "structure" includes 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. Without restricting the foregoing, a structure shall include buildings, walls, fences, porches, landings, ramps, stairs, satellite dishes, antennae, and any similar device attached to a structure. For the purposes of this By-law, the term "structure" shall not include signs or canopies/awnings attached to a structure that are permissible under the Land Use By-law.

Staff feel that any rewording of the Town's regulations concerning encroachments should carefully heed that one of the objectives of the *Old Town Lunenburg Heritage Conservation District Plan and By-law* is the conservation of Old Town's historic urban form, including its rectangular grid layout, geometrically regular streets and blocks with buildings close to the road (Section 2.2). It is Staff's opinion that controlling street encroachments in Old Town Lunenburg Heritage Conservation District is important for maintaining our UNESCO and National Historic District designation. Excessive encroachments could undermine the legibility of Old Town's street grid, an essential component to Old Town Lunenburg being the best-preserved colonial settlement in North America. Building setbacks and orientation in Old Town are regulated under Sections 2.6, 2.7, 3.4, and 3.6 of the By-law's Design and Conservation Guidelines.

Appeal for: *Town of Lunenburg Encroachment License #TL-EL2023-005*
PID#60055563, AAN#04615158

The following information/details are provided to Town Council to review prior to my in-person appeal on September 12, 2023, in order for them to ask questions/seek more detail during the meeting if necessary:

I purchased my home located at 7 McKenzie Street on May 30, 2023. It was meant to be my retirement home, and I knew when I purchased it, the curb appeal/exterior needed a **lot** of work. That said, I shared my ideas with my agent who said the Town was very easy to work with and she didn't see (from experience) any issues with what I was planning. In hindsight, listening to the agent instead of first checking with the Town was not the most prudent, but I didn't learn of the many restrictions until I had already purchased the property.

I am unsure who set the (what seems like) arbitrary lines within Lunenburg for homes allowed to build with 100% roof coverage and where it changes to 50% and then 40%, but my property lies within the 40% roof coverage zone, but it cut back on key items I wanted in my 'forever' retirement home. That said, the updated 2021 by-laws included exceptions to the by-laws in Appendix A, and I am unsure why there was no consideration given to severely undersized lots- given that my property's roof allocation (post-2021 by-laws) already exceeded the allowed coverage by almost 13%. To put the size of my property (subdivided from 51 Dufferin in 1899) into perspective, it is 0.05449954 of an acre. That's 5% of an acre, or 1/5th of a **quarter** acre.

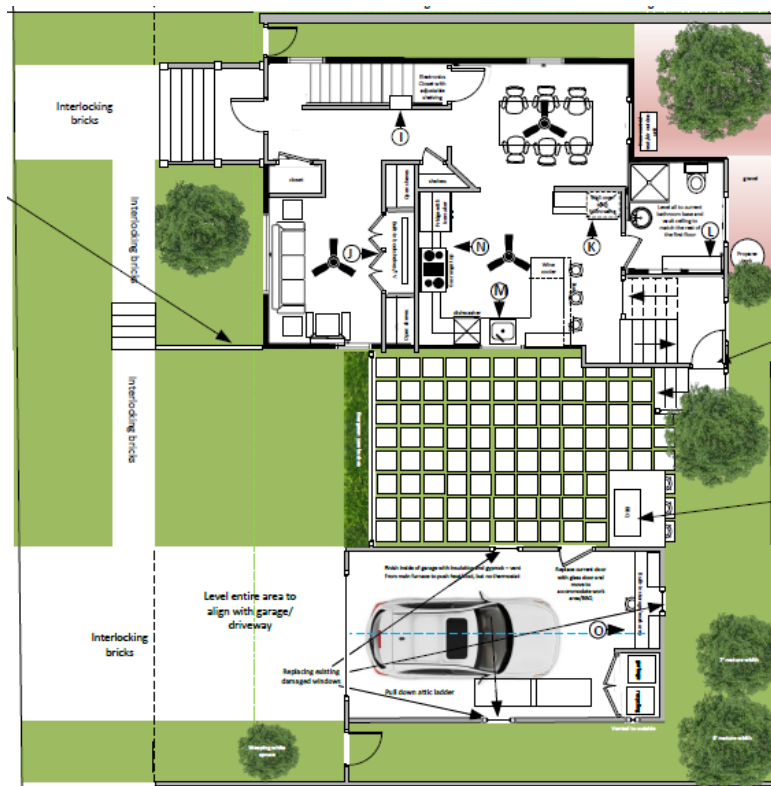
Whatever the reasoning behind roof coverage/Appendix A exceptions, after much back-and-forth, the Planning Department allowed a variance to extend the minimal portion of the back right of my home so that I could address currently dangerous stairs to my basement.

Bear that exception reasoning in mind as we proceed to the appeal, because safety plays a large role in my request for an appeal. To that end, the reason for this appeal deals with "my" front yard, which is largely owned by the Town.

One of the most frightening things I've discovered (after having lived, owned and renovated homes in the United States) is that in Canada the municipality owns **all** access to my and other residents' land-locked properties. In my case, the Town Planning Department has read the Bylaws to limit what I can do in this restricted Town-owned area. The result being that I could rebuild the existing stairs, but only **exactly** as they are. As for the rest of the front yard, an encroachment license would only grant me permission to keep what I already have in place: Rotting/damaged/failing wood retaining walls; 2 paved driveways (1 sinking); and concrete stepping pads with gravel (not level) to the front steps. See photo below:



Below is the plan explicitly rejected as part of this appeal. Given I was told I couldn't change the design of the existing steps, it required a lot more exposure to design built elements (pathways) to safely direct visitors/deliveries – which put them squarely within the area most likely needed by the Town to access for maintenance, etc. The front yard is ~18'6" from the street to the front of my house. The below plan puts most elements I would need for my car/visitors car and visitors/deliveries within 15' of the street.



I suggested to the Town Planning Department that whatever elements I put on Town-owned land would be done in such a way as to minimize the impact if the Town needs to do something (i.e., a way to remove the steps and move them back and forth, move solid block stone steps, use of reusable interlocking bricks and retaining wall. My risk would be the labor for removal and reinstallation (depending on what is done) and minimal supplies (i.e., sand) should the Town need to do something; however that was rejected.

In keeping with the above, I proposed a plan (see below) to reduce my cost risk associated with potential Town work, by re-working the front stairs to more closely hug the house to reduce the footprint into the yard and redirected the pathway towards the driveway. I reduced the number of retaining walls from 3 to 2 and increased the green area by removing one of the two driveways. The 4-foot fence from the current concrete wall to the left of the house around to the garage (enclosing the back) would be a simple wood design that aligns with other historical guides.

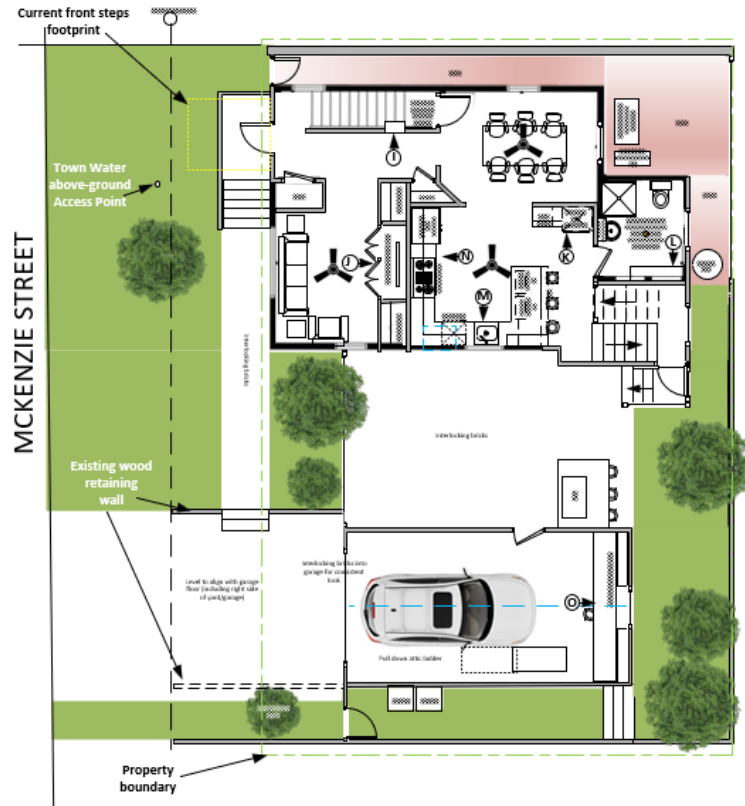
Unfortunately, the direction from Planning (or at least how I internalized it) was that other than the stairs that are required by code, letting the existing elements elsewhere in the front yard decompose until they would eventually need to be removed completely is fine, but they cannot be replaced. I am unsure how a driveway can't be considered required, but the current driveway is sagging, and the retaining wall is leaning to the right (see photo below). The landscape company tells me it is only a matter of time before it fails. In addition, the retaining wall needs to be further moved to the right (to my lot line), to allow more room on either side for the weight of the car to be distributed out.

How pathways can't also be considered required by the Town also leaves me dumbfounded, with the need to safely bring visitors/deliveries to my front door.



With all the above said, and the fact that I must appeal, I am requesting that the Town Council override the encroachment decision in its totality (including the allowance to replace the steps as-is) in favor of the below plan and elevation. The elevation calls for wrapping the re-worked steps in the same wood siding as the house – which is consistent with many other homes in Lunenburg.

Proposed Main Level/Landscaping



Proposed Front Elevation



It is common knowledge that curb appeal – or the lack of it – can impact the value of a property by 3-5%- not to mention increasing or limiting sales traffic to the house if it were for sale. This bears true in my case as the seller accepted 4.1% less than the asking price and had the property listed for many months. It should also be noted that my agent advised, and I initially bid 10% less because of the curb appeal/outside condition. Had I known that changes I was proposing to fix it up would largely be rejected, and that access to my property would be (and is) **completely** controlled by highly restrictive municipal bylaws, I would not have even bid on the property.

The crux of the issue here is that most Lunenburg residents fall into the position I am in: With resident-paid elements like retaining walls, pathways, steps, driveways, etc. built on Town-owned land. A decision by Council against my request here would preclude any other Lunenburg resident with such elements from replacing them when they wear out. Regardless of whether the land is Town-owned, it's adjacency to Lunenburg residents' homes **directly** impacts overall value and marketability.

Planning has admitted there seem to be more than a few residents that have proceeded to make changes to their property (and potentially Town-owned property adjacent to it) without permits, that they don't have the resources to police non-permitted work. That said, it appears my desire to do things by the book has put me at a disadvantage compared to neighbors that have not.

In closing, I'm sure the Town isn't looking to intentionally negatively impact the value of my and other Lunenburg residents' properties; nor (I assume) are they wanting to encourage residents to build outside the permitting process; nor that the safety concerns for visitors/deliveries to residents' homes and their cars is not a concern of the Town; however not approving my requested plan will deliver these messages, nonetheless.

I was never really given a reason why the Town won't allow what already exists on most if not all town owned land adjacent to homes in Lunenburg. The risk of displacement/rebuilding/rework is at the expense of the resident. Whatever the reason, the end result can't be to suddenly disallow the practice across the board without severely impacting most Lunenburg residents.

Thank you for your consideration.

James Cummings

Subject: Occupational Health & Safety Policy Amendments
From: Kayla Byrne, Municipal Clerk
Reviewed by: Joint Occupational Health & Safety Committee
Date: September 12, 2023 – notice
September 26, 2023 – decision



Recommendations:

- That Council give notice to repeal sub-policy 46 (A) Joint Occupational Health and Safety Policy and replace this policy with Terms of Reference to be approved by the Chief Administrative Officer.

- That Council give notice to repeal the following Joint Occupational Health and Safety sub-policies:
 - 46 (B) Tag and Lockout Procedural Policy
 - 46 (C) Chain Fall Hoist Inspection Procedural Policy
 - 46 (D) Material Safety Data Sheets Policy
 - 46 (E) Table Saw Work Procedure for Use Without a Guard
 - 46 (F) Confined Space Procedure
 - 46 (G) Public Works Department General Safe Work Procedures

- That Council give notice to amend the Joint Occupational Health and Safety Policy as presented.

Background

Earlier this year, staff received notice that for TOL to obtain its recertification for the Certification of Recognition from Construction Safety Nova Scotia, TOL must amend its current Occupational Health & Safety Policy to include a section stating that the Town will maintain records and statistics relating to health and safety.

While considering this required amendment, staff reviewed and updated the policy to reflect current practices and new TOL policy formatting.

The Joint Occupational Health and Safety Committee (JOHSC) reviewed and approved these recommendations at its last meeting in July. The JOHSC has staff representatives from all Town departments and workplaces. The CAO also attends JOHSC meetings.

Discussion

Repealing sub-policy 46 (A) Joint Occupational Health and Safety Committee

This policy outlines the purpose and structures of the Town's internal JOHSC. As this is an internal staff committee, it is recommended this policy be converted into Terms of Reference approved by the CAO. This will allow the Committee to amend its structure and scope without a Council decision.

Repealing sub-policies 46 B through 46 G

Policies 46 (B) through (G) aren't policies for the whole organization but internal protocols for specific departments/workplaces. Repealing these policies does not mean they cannot or should not be used as internal protocols or practices that can be amended and reviewed as required by managers and the CAO.

Amending the Occupational Health & Safety Policy

The amended policy includes a section for statistics and records and clearly defines the roles and responsibilities of Council, the Town (as an employer), the CAO, managers, all staff and the JOHSC. Much of the intent of the current policy has been included in this updated policy.

As per the [Policy Development and Review Policy](#), Council approves policies while the CAO approves administrative procedures.

Strategic Plan Relevance

Internal Operations: Undertake a policy, procedure and bylaw review to enable implementation of CCP.

Relevant Legislation

- Occupational Health and Safety Act
- Municipal Government Act (MGA): As per the MGA, there must be seven days' notice before a policy is approved or amended.

Financial

There are no financial impacts related to amending this policy.

Communications

If approved, the updated policy will be polished on the Town's website, and staff and JOHSC will be notified.

Attachments

- [Current Policy](#) (hyperlink)
- Proposed Policy



OCCUPATIONAL HEALTH AND SAFETY POLICY

DATE ADOPTED BY COUNCIL: TBD

1. POLICY STATEMENT

The Town of Lunenburg is committed to providing a healthy and safe workplace for its employees and believes that the safety of employees is essential for accomplishing organizational success and sustainability.

Occupational Health and Safety (OHS) is the direct responsibility of all employees to the extent of each person's authority and ability to act. Therefore, the Town is committed to working collaboratively with employees, their representatives, and the Joint Occupational Health and Safety Committee (JOHSC) to realize an effective Occupational Health and Safety Program (OHS Program).

2. PURPOSE

This policy is a commitment by the Town of Lunenburg to cooperate with its employees to provide a workplace where each employee's health and safety are of primary concern and importance. The objective of this commitment is to minimize the number of workplace injuries and illnesses through effective health and safety programs, policies and procedures.

3. APPLICABILITY

This policy applies to all Town of Lunenburg employees. This policy also applies to outside contractors and volunteers conducting work with or on behalf of the Town.

4. SCOPE

The Occupational Health and Safety Act, accompanying regulations of the Province of Nova Scotia, and acceptable occupational practices will describe the minimum standard expected for health and safety for Town employees. Where it is in the interest of occupational health and safety or program delivery, the Town may exceed the requirements prescribed by legislation.

5. RESPONSIBILITIES

Council will:

- Approve required health and safety policies.
- Approve funding to support the Town's health and safety needs.
- Will cooperate with the JOHSC and Town staff to help create a healthy and safe work environment.

The Town as an Employer will:

- Provide appropriate training, equipment and facilities to all employees to ensure they can work safely and identify all potential hazards in the workplace.
- Ensure that all employees at all levels of the organization understand the importance of internalizing safe work practices to protect themselves, their co-workers and the public at all times.
- Have conflict resolution practices in place.

Chief Administrative Officer (CAO) will:

- Designate roles to staff to help administer this policy and procedures.
- Establish and maintain the Town of Lunenburg's JOHSC.
- Approve the Terms of Reference for the JOHSC.
- Ensure systems are in place to monitor compliance with the terms of this policy and other OHS guidelines and procedures.
- Provide leadership to ensure all employees meet their health and safety obligations and responsibilities under the Occupational Health & Safety Act, other applicable regulations and this policy.
- Support health and safety education and initiatives.

6. STATISTICS AND RECORDS

The Town will maintain records and statistics relating to health and safety. At each JOHSC meeting, the Committee will review and record monthly safety statistics.

7. REVIEW

This policy will be reviewed annually.

8. SCHEDULES

The Terms of Reference of the JOHSC are attached as a schedule for reference. The CAO must approve the Terms of Reference and any future amendments.



ADMINISTRATIVE PROCEDURES

OCCUPATIONAL HEALTH AND SAFETY POLICY

Date approved by the CAO: **TBD**

1. STAFF ROLES

Directors, Managers and Supervisors will:

- Understand and implement this policy, any associated administrative procedures, guidelines, protocols and safe work practices.
- Ensure employees understand their health and safety obligations and responsibilities under the Occupational Health & Safety Act, other applicable regulations and this policy.
- Provide support in health and safety training to workers in their daily tasks.
- Ensure all new employees receive a safety orientation and safety manual.
- Cooperate with the JOHSC when required.

All Employees will:

- Follow this policy and all applicable acts and regulations.
- Report any hazardous conditions, injury, accident, or illness related to the workplace to their manager or director.
- Use safety equipment, clothing, devices and materials for personal protection when required.
- Play an active role in identifying hazards and offer suggestions or ideas to improve the health and safety practices of the Town.

Joint Occupational Health and Safety Committee (JOHSC) will:


- Conduct regular workplace inspections.
- Investigate accidents and incidents.
- Communicate any work process or environment changes that may impact worksite health and safety to management.
- Attend to worker concerns about worksite health and safety.
- Identify potential safety hazards.
- Inform management of corrections to potential hazards.
- Consult and liaise with workers and management on all workplace health and safety matters.
- Maintain records and minutes of Committee meetings.
- Create Terms of Reference for the Committee.

FW: 20th Annual September Classic - Noise By-law Exemption Request for Fireworks

Ann Covey <acovey@townoflunenburg.ca>

Fri 9/1/2023 11:16 AM

To: Kayla Byrne <kbyrne@townoflunenburg.ca>

 1 attachments (47 KB)

2023 September Classic Invite Aug 25 2023.pdf;

For Council Agenda?

From: Edward <edward@telltale.tv>**Sent:** Friday, September 1, 2023 11:09 AM**To:** Ann Covey <acovey@townoflunenburg.ca>**Cc:** Jamie Doyle <cao@townoflunenburg.ca>; Heather McCallum <hmccallum@townoflunenburg.ca>**Subject:** 20th Annual September Classic - Noise By-law Exemption Request for Fireworks

CAUTION: THIS IS AN EXTERNAL MAIL

Good Morning All,

I'm writing with regards to the upcoming 20th Annual September Classic wooden boat regatta being held in Lunenburg on Saturday September 16. As per last year, I'd like to request an exemption to the Noise By-Laws to have a fireworks display in conjunction with the event.

The September Classic is a celebration of wooden boats and over the past 20 years has grown to become the largest gathering of wooden boats in Eastern Canada attracting 18-20 vessels and up to 200 participants. Once again this year, the shore operations will be based at the Bluenose Shed (aka The Big Boatshed) on Burma Drive.

Copy of the invitation attached and here's the Facebook event page:

https://www.facebook.com/events/601075772177909/?acontext=%7B%22source%22%3A%2229%22%2C%22ref_notif_type%22%3A%22plan_user_joined%22%2C%22action_history%22%3A%22null%22%7D¬if_id=1693169400434520¬if_t=plan_user_joined&ref=notif

We anticipate the fireworks display will start at 9 PM and be less than 10 minutes in duration. The fireworks will be launched from a floating platform in the harbour and won't pose any risk to property on shore or to any vessels in the harbour.

I want to thank Council in advance for considering this request at your upcoming Sept. 12 council meeting and if you require any additional information, please let me know.

Regards,

Edward Peill

188 Cumberland St.
Lunenburg, N.S.

Email: edward@telltale.tv

Mobile: (902) 497-0888

www.telltale.tv



Subject: Oktoberfest Event- Parking Request at Community Centre
From: Kelly Cunningham, Recreation Manager
Reviewed by: Arthur MacDonald, Director of Community Development
Date: August 21, 2023



Recommendation

That Council approve free overnight parking at the Lunenburg Community Centre/Arena parking lot for the South Shore Oktoberfest event attendees on October 7, 2023.

Alternatives

Not approve the recommendation.

Background

The second annual South Shore Oktoberfest celebration will be held on Saturday, October 7, 2023 on the Lunenburg Waterfront at the Fisheries Museum of the Atlantic parking lot (68 Bluenose Drive). This is a celebration of South Shore's German heritage.

The Lunenburg Board of Trade has requested for the Lunenburg Community Centre/Arena parking lot be used during the event for attendees, free of charge. The event is supplying a shuttle bus, Seaweed Tours, to bring people back and forth from the Community Centre parking lot to the waterfront and offer local pick up and drop off in town limits to participating accommodations. Overnight parking at the Community Centre will be used to promote "Don't Drink and Drive".

Strategic Plan Relevance

Strategic Direction

- 5.4 Parking and Visitor Arrival Strategies: Dedicate the parking lot at Memorial Arena as a new primary visitor parking area and optimize the layout as the recreation hub gets revitalized.

Financial

The 2023/24 "Lunenburg War Memorial Community Centre & Arena Fee Schedule" has vehicle parking fees. The relevant fee for this request is \$25.00/day per vehicle.

Communications

Staff will contact representatives from the Lunenburg Board of Trade regarding the request and assist with event promotion.

August 4, 2023
11 Blockhouse Hill Rd
Lunenburg NS
B0J2C0

Subject: Oktoberfest

Dear Council,

I am writing on behalf of the Lunenburg Board of Trade to request an extension to the noise by law on October 6th, 2023.

We are planning to a celebration of Oktoberfest on Lunenburg waterfront from 2pm until midnight. The event will host a craft beer tasting in the afternoon with German food and then turn into a concert with a band from Newfoundland in the evening.

Please contact me if you have any questions or concerns.

Thank you,

Lisa Tanner





Subject: Community Grants: Individual Athletic Request
From: Kelly Cunningham, Recreation Manager
Reviewed by: Arthur MacDonald, Director of Community Development
Date: September 12, 2023

Recommendation

That Council approve a Community Grant of \$200 to Abbie Chisholm to attend U17AAA Soccer Nationals in New Brunswick in October 2023.

Alternatives

Not approve the recommendation.

Background

The Town of Lunenburg accepts applications for the Community Grants Program annually with the deadline of March 31. There was a budgeted amount of \$32,000 approved for the Community Grants program for fiscal 2023-24 with \$20,000 allocated to applications. There is currently \$420 remaining in the Community Grants application budget.

In the Town's [Procedural Policy #74 "Community Grants Program"](#), section 5 (a) for criteria states: *"Only non-profit organizations, or **individual Town residents under exceptional circumstances for non-profit activities, e.g., participation in a Provincial, national, etc. athletic competition**, are eligible to apply for a grant. Preference will be given to such organizations in the Town of Lunenburg."*

On August 31, 2023, the Town received an application for Abbie Chisholm, a Lunenburg resident. Abbie's U17AAA Halifax County soccer team won Provincials and will attend Nationals in New Brunswick in October 2023.

Strategic Plan Relevance

Guiding Principles:

- We facilitate strong social connections and citizen engagement, locally and beyond.
- We work to ensure a sense of belonging, acceptance and value for all in our community.

Financial

There is \$420 remaining in the 2023-24 Community Grants application budget.

Communications

Staff will notify the applicant of the decision of their grant request.

Attachments

2023-24 Grant Request

**TOWN OF LUNENBURG
COMMUNITY GRANTS PROGRAM APPLICATION FORM**

Please review the attached Town of Lunenburg Procedural Policy: Community Grants Program before completing this Application. Attach all the additional information requested before submitting your application. Applications must be received by **March 31st**.

Name of Non-Profit Organization: Halifax County U17 AAA soccer

Primary Contact Person: Abbie Christolm (Jadere-Lee Christolm)

Daytime phone number (Work Cell Home): [REDACTED]

Mailing Address: [REDACTED] Lunenburg, NS

Fax Number: _____ E-mail Address: [REDACTED]

Organization Website: www.houseoccer.ca

1. Amount of funding requested: \$ 200.00

In-kind Town of Lunenburg services requested: _____

2. The organization is a:

- NS registered society name part of soccer N.S.
- Registered National Charity name## _____
- Other (please describe) _____

3. The geographic area serviced by the organization is: Nova Scotia - Halifax & West

4. Please describe, in detail, the specific use of the funds requested. Attach additional sheet if needed.

Abbie and her U17 AAA have won soccer Provincials and will attend Nationals in N.B. on Thanksgiving weekend. Funding will help offset food, etc.

5. How will the community benefit from the funds received?

Team pays for hotel.

Town of Lunenburg will have a representative at a National event.

Please include the following information with your completed application:

- Financial Statements from your last fiscal year.
- Budget for the current fiscal year.
- Project budget and funding sources summary.
- Previous post grant report confirming use of earlier approved grant monies (if applicable).

I/we, the undersigned, hereby state that, to the best of our knowledge, all information contained in this application form and any attachments are a true representation of our proposed project and I/we will comply with the terms and conditions of an approved Town grant.

Printed Name of Authorized Representative	Signature of Authorized Representative	Position Held in Organization	Date MM / DD / YY

Please return this form and all requested information by mail, fax, email or in person to:

Community Grant Program
 Town of Lunenburg
 PO Box 129
 119 Cumberland Street
 Lunenburg, NS B0J 2C0
 (Fax): 902-634-4416
grants@townoflunenburg.ca

Please let me know if any further information is required. This was a huge upset and the team has not fund raised or prepared for this.

Jackie - Lee

Subject: Proposed Divestiture of Upper Hall Street

From: Arthur MacDonald, Director of Community Development

Reviewed by: Jamie Doyle CAO

Date: September 12, 2023



Recommendation

That Council declare the lands of Upper Hall Street, known as PID 60726403, as surplus lands no longer required for Town purposes.

That Council direct staff to schedule a Public Information Meeting (PIM) on the possible divestiture of Upper Hall Street, known as PID 6072640, for the possible relocation of Harbour View Haven.

Alternatives

- Not proceed with Public Information Meeting (PIM) regarding the possible divestiture of Upper Hall Street (PID 60726403) and abandoned the possible divestiture.
- Not proceed with Public Information Meeting (PIM) regarding the possible divestiture of Upper Hall Street (PID 60726403) but proceed with the possible divestiture.

Background

Harbour View Haven is looking for a new home. Having a long-term care facility in Lunenburg is considered a community asset and provides an opportunity for our aging population to continue living in familiar surroundings close to family members and their support networks. If they decide to move out of town it would be considered a loss of an important and long-standing facility in our community (Established April 25, 1971).

Harbour View Haven is interested in obtaining Upper Hall Street (PID 60726403) to undertake a new 144-room long-term care facility. They have applied to rezone the subject lands from Industrial (M) to Institutional (INS). The rezoning application will follow the standard process through the Planning Advisory Committee. However, if the Town is unwilling to consider divesting the lands to Harbour View Haven, their application would be moot. They have an internal policy to purchase (as close as possible) lands for fair market value. In keeping with this policy, the Town has granted permission for them to undertake an appraisal based on the Institutional (INS) land use.

In their submission they note: "Our proposed long-term care facility aims to continue providing exceptional care, comfort, and support to seniors in Lunenburg and surrounding areas in a state-of-the-art facility. The facility will consist of 144 beds and will be designed to meet the unique needs of the ageing population. We envision an updated facility that emphasizes personalized care, promotes

independence, epitomizes infection control and safety and fosters a warm and welcoming environment for residents.”

Discussion

Pursuant to the Town’s Land Divestiture Policy (**Attachment A**), Section 8.2.3 requires the review of the land profile evaluation criteria. The Land Profile Evaluation Tool is attached in **Attachment B** for your review. The survey plan is attached in **Attachment C**. The land consists of 18.94 acres. The lands are currently zoned Industrial (M) according to the Use Zoning Map, Schedule “C”, of the land Use By-law. Harbour View Haven has made application to rezone the lands Institutional (INS) in order to develop a new 144 room long-term care facility.

The intent of the Public Information Meeting (PIM) is to advise the public and to seek public comments prior to Council making a final decision on the possible divestiture of these lands.

Strategic Plan Relevance

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.

Relevant Legislation

The Municipal Government Act (MGA): Section 50

The Town’s Land Divestiture Policy

Financial

Harbour View Haven is currently assessed as “residential” for taxation purposes. The current residential tax rate is \$1.376 per \$100.00 of assessment. The proposal would affect the Town’s ability to gain industrial assessments from the lands. The current tax rate for “commercial” is \$3.358 per \$100.00 of assessment. Potentially, there may be a loss in revenues. However, we do not know when, or if, an industrial development will occur and whether it would have an assessed value similar to that which this new facility may provide.

Communications

According to the Town’s Land Divestiture Policy, the Public Information Meeting will be advertised on the Town’s website and social media tools a minimum of five (5) days prior to the meeting (Section 8.3.5). The proposed rezoning from Industrial (M) to Institutional (INS) will have a separate Public Participation Meeting (PPM) with the Planning Advisory Committee and a Public Hearing with Council.

Attachments

A - [Land Divestiture Policy](#) (hyperlink)

B – Land Profile Evaluation Tool

C – Survey Plan

Attachment B
Land Profile Evaluation Tool

1. Specify the location and area of the land (i.e. civic address, PID #, survey).
The location is Upper Hall Street (PID 60726403). A survey of the lands has been undertaken and is attached in Attachment C. The lands consist of 18.94 acres
2. Specify the monetary value of the land (assessed/appraised value).
The land consists of 18.94 acres. According to PVSC the assessed value is \$103,500. Harbour View Haven is currently undertaking an "Institutional" appraisal of the lands.
3. What form of access is there to the property? (public road, private road, easement).
The land is accessible via a public road, Hall Street. Sewer and water services are available at or near the upper end of Hall Street.
4. Does the property have any known contamination/environmental concerns based on the previous environmental studies, if any, or does an environmental assessment need to be conducted?
There are no known contamination/environmental concerns, nor does there appear to be a need for an environmental assessment.
5. Does the property have any architectural, historical, or recreational value?
The lands do not have any known architectural, historical, or recreational value. The lands are vacant and are currently zoned for Industrial Uses.
6. Does the property have any ecological/conservation value?
It appears that the property does not have any ecological/conservation value.
7. Has fair Market Value for the land been determined?
Young and Associates provided an "Industrial Use" appraisal at \$10,125 per acre. The land consists of 18.94 acres with an appraised value of \$191,767.50. Harbour View Haven is currently undertaking an "Institutional" Appraisal of the lands.
8. Is the land adjacent or nearby water (river, lake, ocean)?
No, the lands are not adjacent or nearby water (river, lake, ocean).
9. Is the land already in use? Is there a lease agreement in place?
The land is currently vacant. There is no lease agreement in place regarding this property.
10. Are there any known public concerns relating to the divestiture of the property?
There are no known public concerns relating to the divestiture of the property.
11. Is there possible future liability/gain (i.e. useful site in future, or site features such as erosion that suggest any divestiture would result in a liability)?

There are no known future liability or gains associated with the divestitures.

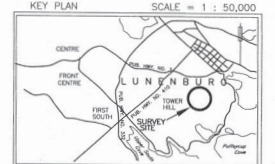
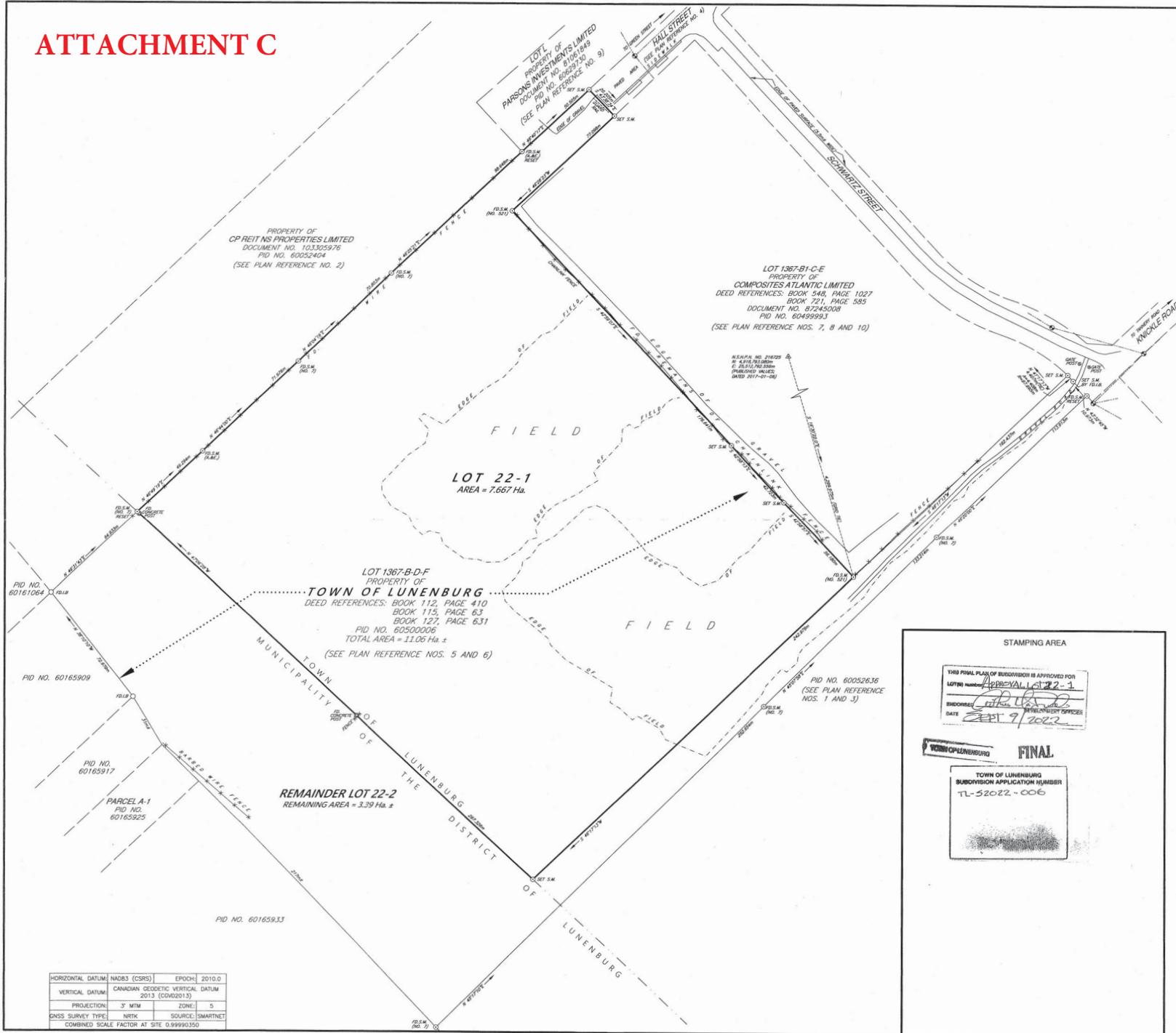
12. Has an electrical scoping evaluation taken place?

No. The Lunenburg Utility does have concerns. The circuit that feeds this area is already above capacity according to NSP standards and would most likely require an upgrade. A system impact study to determine the loads and facility upgrades will be required. There would be a customer contribution for the upgrades but at this point we cannot determine the costs until the system impact study is complete.

13. Do stakeholders such as nearby landowners, community associations, and/or members of the public need to be consulted?

The recommendation is to proceed with a Public Information Meeting to discuss the possibility of divesting this land. Stakeholders will have an opportunity to express any issues or concerns prior to Council making a final decision.

ATTACHMENT C



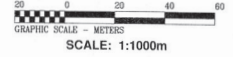
- LEGEND**
- Δ S.H.P.N. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - X—X— WIRE FENCE
 - ⊕ STONE WALL
 - FD FOUND
 - C.P. CALCULATED POINT
 - ⊖ UTILITY POLE
 - LANDS DEALT WITH
 - OTHER LANDS
 - OVERHEAD UTILITY LINES
 - (NO. 7) ERROL B. HEBB, N.S.L.S.
 - (NO. 121) ROBERT C. BECKER, N.S.L.S.
 - (A.&E.) A. AND E. TURNER & ASSOCIATES

BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 3°M.T.M., ZONE 5, C.M.84°30'W AND WERE DERIVED FROM GNSS OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 216725. THE HORIZONTAL REFERENCE FRAME USED HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 83), EPOCH 2010.0 (G.N.S.S. OBSERVATIONS)

- PLAN REFERENCES:**
- 1) PLAN OF SURVEY NO. A-42 BY ERROL B. HEBB & ASSOCIATES SHOWING PROPERTY OF D. S. ARMSTRONG, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED JUNE 22, 1972 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-262.
 - 2) PLAN OF SURVEY NO. 142-790 BY A. AND E. TURNER & ASSOCIATES SHOWING LANDS OF JESSE BERNICE LINDSAY UNDER CONVEYANCE TO ATLANTIC PROPERTIES LTD., LUNENBURG COUNTY, NOVA SCOTIA, DATED JANUARY 23, 1980, WITH REVISIONS THROUGH TO JANUARY 6, 1981 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-370.
 - 3) PLAN OF SURVEY NO. A-81 BY HEBB TURNER HEMMELMAN LAND SURVEYORS LIMITED SHOWING RIGHT OF WAY OVER PROPERTY OF COMPOSITES ATLANTIC LIMITED AND GRAHAM E. WINTERBOURNE, JOAN M. WINTERBOURNE, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 27, 1987, REVISED JANUARY 21, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 10,707B
 - 4) PLAN OF SURVEY NO. L-217A BY HEBB TURNER HEMMELMAN LAND SURVEYORS LIMITED SHOWING HALL STREET INCLUDING PARCEL 1-1, PROPERTY OF THE TOWN OF LUNENBURG AND FIRST SOUTH, LUNENBURG COUNTY, NOVA SCOTIA, DATED MARCH 28th, 1988, REVISED THROUGH TO MAY 25, 1988 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 7023.
 - 5) PLAN OF SUBDIVISION NO. L-218 BY HEBB TURNER HEMMELMAN LAND SURVEYORS LIMITED SHOWING PROPERTY OF TOWN OF LUNENBURG AND LUNENBURG DAIRY LTD., TOWN OF LUNENBURG AND FIRST SOUTH, LUNENBURG COUNTY, NOVA SCOTIA, DATED JUNE 15, 1988 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 7055.
 - 6) PLAN OF SUBDIVISION NO. L-218A BY HEBB TURNER HEMMELMAN LAND SURVEYORS LIMITED SHOWING PROPERTY OF TOWN OF LUNENBURG AND LUNENBURG DAIRY LTD., TOWN OF LUNENBURG AND FIRST SOUTH, LUNENBURG COUNTY, NOVA SCOTIA, DATED JUNE 15, 1988, REVISED JUNE 16, 1988 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 7056.
 - 7) PLAN OF SUBDIVISION NO. L-221 BY HEBB TURNER HEMMELMAN LAND SURVEYORS LIMITED SHOWING LOT 1367-B1, PROPERTY OF THE TOWN OF LUNENBURG, SCHWARTZ STREET, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED JUNE 16, 1988 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 7057.
 - 8) PLAN OF SUBDIVISION NO. 9806059 BY R.C. BECKER SURVEYING LTD. SHOWING PROPERTIES OF COMPOSITES ATLANTIC LIMITED AND OF THE TOWN OF LUNENBURG, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED JULY 6, 1998 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 11,193.
 - 9) PLAN OF SURVEY NO. W02345621 BY TERRAIN GROUP INC. SHOWING LOT L BEING A SUBDIVISION OF LORLANS INC., HALL STREET AND VICTORIA ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MARCH 8, 2004 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 75429267.
 - 10) PLAN OF SUBDIVISION NO. 060916P BY R.C. BECKER SURVEYING LTD. SHOWING LOT 1367-B1-C-E, LANDS OF TOWN OF LUNENBURG AND COMPOSITES ATLANTIC LIMITED, SCHWARTZ STREET AND HALL STREET, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED JANUARY 10, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 87244536.

- NOTES:**
- 1) VALUES SHOWN: NOT ADJUSTED. DISTANCES SHOWN: HORIZONTAL GROUND DISTANCES.
 - 2) LOT IDENTIFIERS 22-1 & REMAINDER 22-2 ORIGINATE WITH THIS PLAN AND ARE TO BE SERVED BY CENTRAL SEWER AND WATER.
 - 3) REMAINDER LOT 22-2 GRAPHIC REPRESENTATION ONLY. SUBJECT TO FIELD SURVEY.
 - 4) SUBDIVISION APPROVAL REQUESTED FOR LOT 22-1. LUNENBURG COUNTY LAND REGISTRATION OFFICE. I certify that this plan was registered or recorded as shown here. Registrar, Registrars

SHOWING LOT 22-1, BEING A SUBDIVISION OF LOT 1367-B-D-F, PROPERTY OF TOWN OF LUNENBURG, SCHWARTZ STREET, TOWN OF LUNENBURG, AND FIRST SOUTH, MUNICIPALITY OF THE DISTRICT OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.



STAMPING AREA

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR LOT 22-1 AND REMAINDER LOT 22-2

ENDORSED BY: [Signature]

DATE: SEP 9 2022

FINAL

191308473 LRD RODD

SEP 15 2022 10:46

FINAL PLAN OF SUBDIVISION

TOWN OF LUNENBURG SUBDIVISION APPLICATION NUMBER TL-52022-006

REGISTRY OF DEEDS

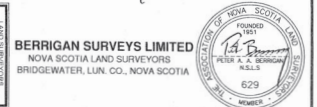
FIELD SURVEY DATED BY ME: PETER A. A. BERRIGAN, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the bearings and distances were made in accordance with the Surveyors Act, Regulations and Standards made thereunder.

DATE OF PLAN: AUGUST 11, 2022

Dated this 17th day of AUGUST, 2022

[Signature]

N.S.L.S. #629



HORIZONTAL DATUM	NAD83 (CSRS)	EPOCH:	2010.0
VERTICAL DATUM	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION	3° MTM	ZONE:	5
GNSS SURVEY TYPE	NRTK	SOURCE:	SMARTNET
COMBINED SCALE FACTOR AT SITE 0.99996350			

Subject: Proposed Alteration to Municipal Heritage Property: 17 Tannery Road

From: Hilary Grant, Senior Planner & Heritage Officer

Reviewed by: Arthur MacDonald, Director of Community Development

Date: September 12, 2023



Recommendation

That Council approve the proposed revised alterations to 17 Tannery Road (Old New Town School) and approve the issuance of a Heritage Permit.

Alternatives

- Refuse the proposed alterations to Old New Town School.
- Approve the proposed alterations to Old New Town School with conditions.
- Delay a decision.

Background

On August 24, 2023, Staff received a revised application to alter the Old New Town School, 17 Tannery Road (Attachment A). The Town of Lunenburg registered Old New Town School as a municipal heritage property in 2000 under the Nova Scotia *Heritage Property Act*. The Statement of Significance is attached as Attachment B. The designation covers both the building and the surrounding land.

The current proposal is substantial because it alters the green space, a character-defining element of the property. Under Section 17(1) of the *Heritage Property Act*, substantially changing a municipal heritage property requires Council approval and issuing a Heritage Permit.

Under Section 4.1(a) of the Town's *Heritage Property By-law*, the Heritage Advisory Committee may advise the Town on an application to substantially alter a municipal heritage property. On August 31, 2023, the Heritage Advisory Committee recommended Council approve the application.

Discussion

Old New Town School was registered as a municipal heritage property because it is a reminder of the era of one-room schoolhouses in Nova Scotia.

This application is a revision of the application to convert Old New Town School into four dwelling units Council approved on August 8, 2023. The current application for 17 Tannery Road includes installing two egress windows and retaining walls on the property.

Substantial Alteration – Retaining Walls

Under 3(k[1]) of the Nova Scotia *Heritage Property Act*, " 'substantial alteration' means any action that affects or alters the character-defining elements of a property." The green space surrounding the building on all sides is a character-defining element of Old New Town School. The addition of retaining walls will reduce the green space surrounding the building. The retaining wall will be approximately four feet in height at its tallest point underneath the stairs on the West side of the building. The applicant has indicated they plan to cover the retaining wall in stone to achieve a more traditional appearance.

Old Town Lunenburg Heritage Conservation District By-law's Design Guidelines and the 'Alteration Guidelines for Municipally Registered Heritage Properties' (Attachment C) are silent regarding retaining walls and eliminating green space surrounding historic buildings.

Non-Substantial Alterations

Under the Town's 'Alteration Guidelines for Municipally Registered Heritage Properties' (Attachment C), the following are non-substantial alterations and should be approved.

- Addition or removal of windows or window openings unless said development is in conformance with the Design Guidelines of the Heritage Conservation District

The new windows adhere to the *Old Town Lunenburg Heritage Conservation District By-law's* Design Guidelines.

Strategic Plan Relevance

Heritage

- Preserve the valuable heritage resources of Lunenburg while embracing an ongoing landscape evolution.

Relevant Legislation

Nova Scotia *Heritage Property Act*

Town of Lunenburg *Heritage Property By-law*

Town of Lunenburg *Old Town Lunenburg Heritage Conservation District Plan and By-law*

Financial

There are no direct financial implications for the Town. However, legal costs may be associated with compliance and/or the appeal process if a permit is not issued.

Communications

Decisions will be communicated to the applicant.

Attachments

Attachment A – Proposed Design

Attachment B – Old New Town School Statement of Significance

Attachment C – Alteration Guidelines for Municipally Registered Heritage Properties

Attachment A – Proposed Design

GENERAL NOTES

1. ALL WORK MUST BE IN COMPLIANCE WITH THE NATIONAL BUILDING CODE OF CANADA 2014, 2016 WHICH AND NOT INCLUDING A GRADE INCLUDING S.I.S.
2. WALLS BETWEEN THE GARAGE AND GARAGE ARE CONSIDERED EXTERIOR WALLS.
3. CONTRACTOR TO VERIFY ALL DIMENSIONS BEFORE STARTING ANY WORK.
4. CONTRACTORS ARE RESPONSIBLE FOR CLEANUP OF THE JOB SITE.
5. VERIFY THE PLANS ARE APPROVED BY MUNICIPAL, THAT ARE CONSIDERED TO BE THE FINAL SHALL BE CHANGED TO BE DONE AFTER THIS DRAWING DUE TO CHANGE CONDITIONS.
6. FINISHED GRADE OR ELEVATIONS ARE FOR PERMIT PURPOSES ONLY.
7. GRADES TO BE DETERMINED ON SITE BY PROJECT MANAGER & IN COMPLIANCE WITH SITE GRADING PLANS.
8. FINISH FLOOR FINISH (2" MIN. BACKUP) CONCRETE, G.C.C.S.
9. FOUNDATIONS SHALL BE CONFORM TO PART 6 ARTICLE 6.3.1.2 (1) OR (2) OF THE NATIONAL BUILDING CODE TABLE 6.3.1.2 TO EXIST OR SHALL BE SHOWN AND NOT OVER 1200mm DEPTH OF 8.00m SIDE & 1.50m SIDE SHALL BE NOT MORE THAN 100mm ABOVE THE FINISH FLOOR WITHIN THE SAME FINISH GRADE.
10. FINISHING A PIPE NOT LESS THAN 4" (100mm) DIA., INSTALLED VERTICALLY THROUGH THE SLAB-ON-GRADE, AT AN AREA THE CENTER, SUCH THAT THE BOTTOM END OF THE PIPE SPREAD INTO AN AREA AT LEAST 12" (300mm) DIA. (MINIMUM) WITHIN 12" (300mm) OF THE TOP END OF THE PIPE IS SEALS WITH A MEMBRANE CAP AND LABELED "NO REMOVAL OF SOIL MAT".
11. ALL SPECIFIC AND VALUED MUST APPLY BASED ON THE CURRENT EDITION OF THE NATIONAL BUILDING CODE.
12. ANY OF ALL FINISHING DETAILS LOCATED IN AN EXTERIOR WALL SHALL NOT CHANGE THE EXPECTED CHARACTERISTICS OF THE WALL. THE WALL INSULATION VALUE SHALL NOT BE REDUCED BELOW RSI 1.0.
13. WALLS BETWEEN THE GARAGE AND GARAGE ARE CONSIDERED AN EXTERIOR WALL AND MUST BE TREATED AS PER ITEMS 11 AND 12.
14. LEAD SLOPE CONTACT WALLS MUST BE INSTALLED IN ACCORDANCE WITH ARTICLE 6.3.1.2 (1) OR (2) AND 2 LINES AT ANY POINT AND BE SECURED WITH THE AS PER REQUIREMENTS.
15. CHANGING GRADE WITH FINISHED FOR WALLS WITH COLLAR OVER 12" (300mm) AT PER NATIONAL BUILDING CODE 2014 WALL DIMENSIONS.
16. FINISH GRADE MUST NOT BE LESS THAN 4" (100mm) BELOW TOP OF FOUNDATION WALL.
17. VERIFY PROTECTION IS REMOVED BEFORE FINISHING PROJECT WITHIN 1.50M OF THE PROPERTY LINE.
18. WHERE FOUNDATION WALL EXCEEDS 200mm IN LENGTH, CORNER CORNER JOINTS WILL BE REMOVED OVER THE END AS PER ARTICLE 6.3.1.2 (1) OF THE NATIONAL BUILDING CODE.
19. THE MAXIMUM PERMITTED REVEAL AS AN AS FOUNDATION WALL IS 7" (175mm) (200mm)
20. EXPOSED ALL STEEL, BOTH INTERIOR AND EXTERIOR, HAVE A MINIMUM GRADE OF 16 GA. GALVANIZED STEEL TO PROTECT FROM RUST TO MAKE SURE ALL STEEL, BOTH INTERIOR AND EXTERIOR, HAVE A MINIMUM GRADE OF 7 (200) GALVANIZED STEEL TO PROTECT.

ADAPTABLE HOUSING (3.0.4 COMPLIANCE)

1. DISTANCE BUILT FROM FINISH GRADE TO BE 30" (762mm) FROM 2" (50mm) OVER THE WALL BUT GREATER THAN 1/2" (12.5mm) A.I.C. THE DISTANCE MUST BE CAPABLE OF BEING MADE BARRIED FROM THE FINISH GRADE.
2. ALL WALLS AND DOORS TO BATHROOM AND SERVICE SPACES TO BE 30" (762mm) THICK.
3. WALLS TO BE INSTALLED AT THE FINISHING TIME FOR INSTALLATION OF HARD WARE IN THE FINISH.
4. THE CENTER LINE OF THE TRAP AND FOR THE KITCHEN SINK TO BE NO MORE THAN 4" (100mm) A.I.C.
5. ELECTRICAL MOUNT IN FOR RECEPTACLES AND SWITCHES TO BE NOTED 16" (406mm) AND 40" (1016mm) A.I.C.
6. ELECTRICAL MOUNT IN FOR A RECEPTACLE THAT COULD BE INSTALLED AT A CORNER SPACE THAT IS 30" (762mm) TO 36" (914mm) A.I.C.

LIABILITY

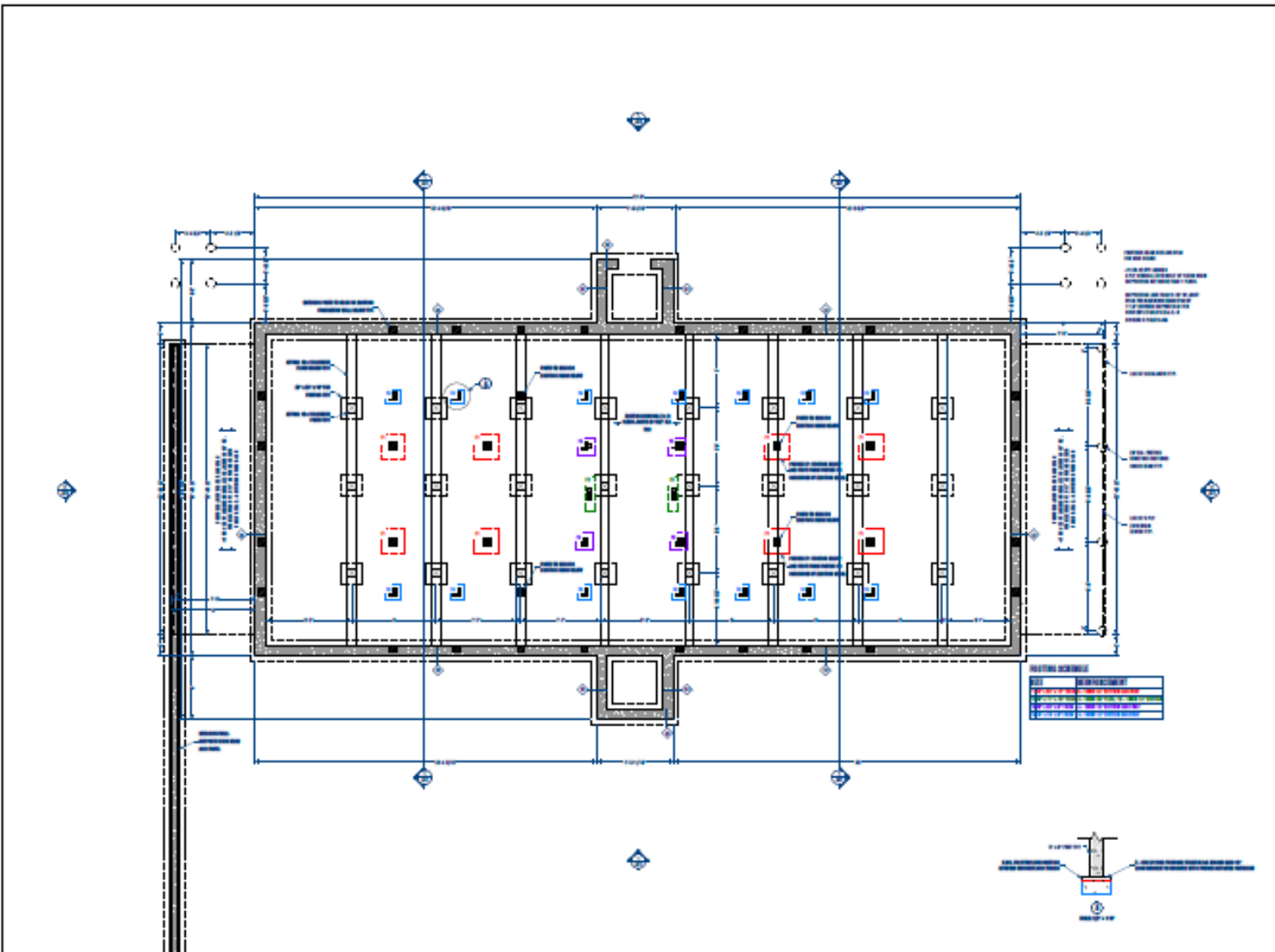
IN NO EVENT SHALL TIDAL DRAFTING & DESIGN LTD. OR ANY OF ITS REPRESENTATIVES BE LIABLE TO THE CUSTOMER OR ANY THIRD PARTY FOR ANY CONSEQUENTIAL, INDIRECT, INCIDENTAL, EXEMPLARY, SPECIAL, OR PUNITIVE DAMAGES WHATSOEVER OR ANY LOSS THE CUSTOMER MAY SUFFER OR INCUR AS A RESULT OF, ARISING OUT OF OR IN CONNECTION WITH THE CONTRACTING OR ANY PERFORMANCE OF THE SERVICES, AND IN ANY EVENT, THE CUSTOMER HEREBY ACKNOWLEDGES AND AGREES THAT THE TOTAL LIABILITY, IF ANY, OF TIDAL DRAFTING & DESIGN LTD. TO THE CUSTOMER OR ANY THIRD PARTY SHALL NOT EXCEED THE CONTRACTOR FEE OF THE CUSTOMER UNDER THE CONTRACT, AS MAY BE AMENDED.

Assessment
 This document is a preliminary design and is not intended to be used for construction. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permits are obtained. The client acknowledges that the design is based on the information provided and that any changes to the design or the information provided may affect the design. The client agrees to indemnify and hold the designer harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or in connection with the design, whether or not such claims, damages, and expenses are caused in whole or in part by the negligence of the designer. The client agrees to pay the cost of any and all professional fees, including reasonable attorneys' fees, incurred by the designer in connection with the design. The client agrees to pay the cost of any and all professional fees, including reasonable attorneys' fees, incurred by the designer in connection with the design. The client agrees to pay the cost of any and all professional fees, including reasonable attorneys' fees, incurred by the designer in connection with the design.

REV #	REVISIONS/ISSUES	DATE
1	ISSUE REVIEW	2024-08-14
2	ISSUE REVIEW	2024-08-14
3	ISSUE REVIEW	2024-08-14
4		
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Project Name	
17 Tuscany Road	
Drawing Title	
General Notes	
Date	Date
August 14, 2024	2024
Drawn By	Open Waller
Checked By	Walter Smith
Drawing #	A01



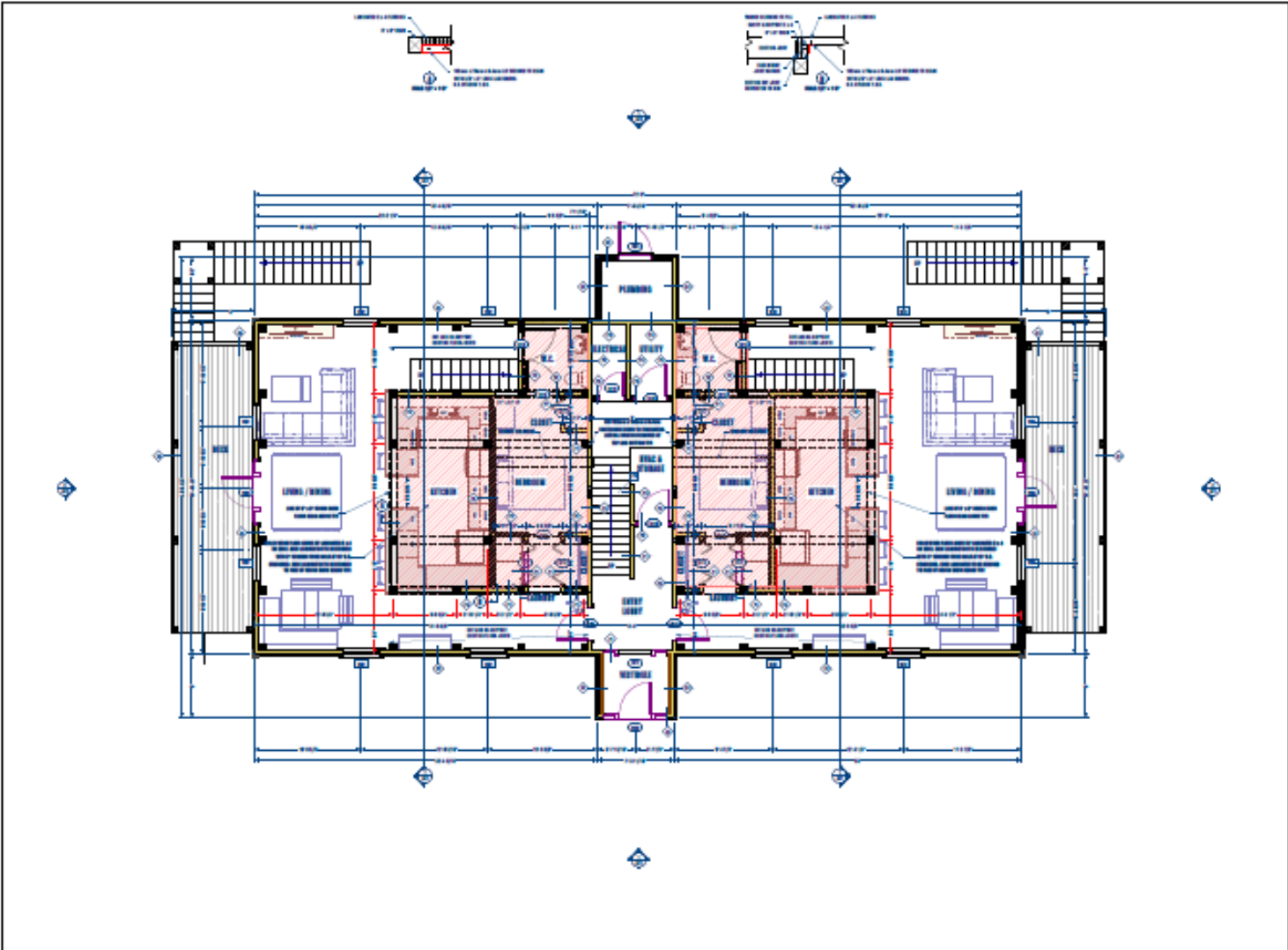
NOTES:

1. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL FOUNDATION CODE (IFC).
2. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308R-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
3. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 309-10 CONCRETE FINISHES AND CURING.
4. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 305-10 CONCRETE MIXTURES.
5. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.1-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
6. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.2-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
7. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.3-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
8. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.4-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
9. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.5-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
10. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.6-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
11. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.7-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
12. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.8-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
13. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.9-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
14. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.10-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
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16. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.12-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
17. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.13-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
18. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.14-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
19. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.15-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
20. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.16-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
21. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.17-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
22. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.18-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
23. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.19-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.
24. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.20-10 CONCRETE REINFORCEMENT BAR SPACING AND DISTRIBUTION.

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	08/24/20
2	ISSUE FOR PERMIT	08/24/20
3	ISSUE FOR PERMIT	08/24/20
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Project Name	
17 Tannery Road	
Drawing Title	
Foundation Plan	
Date	Scale
August 24, 2020	1/8" = 1'-0"
Drawn By	Spec/Builder
Checked By	Mike Smith
Drawing #	A11



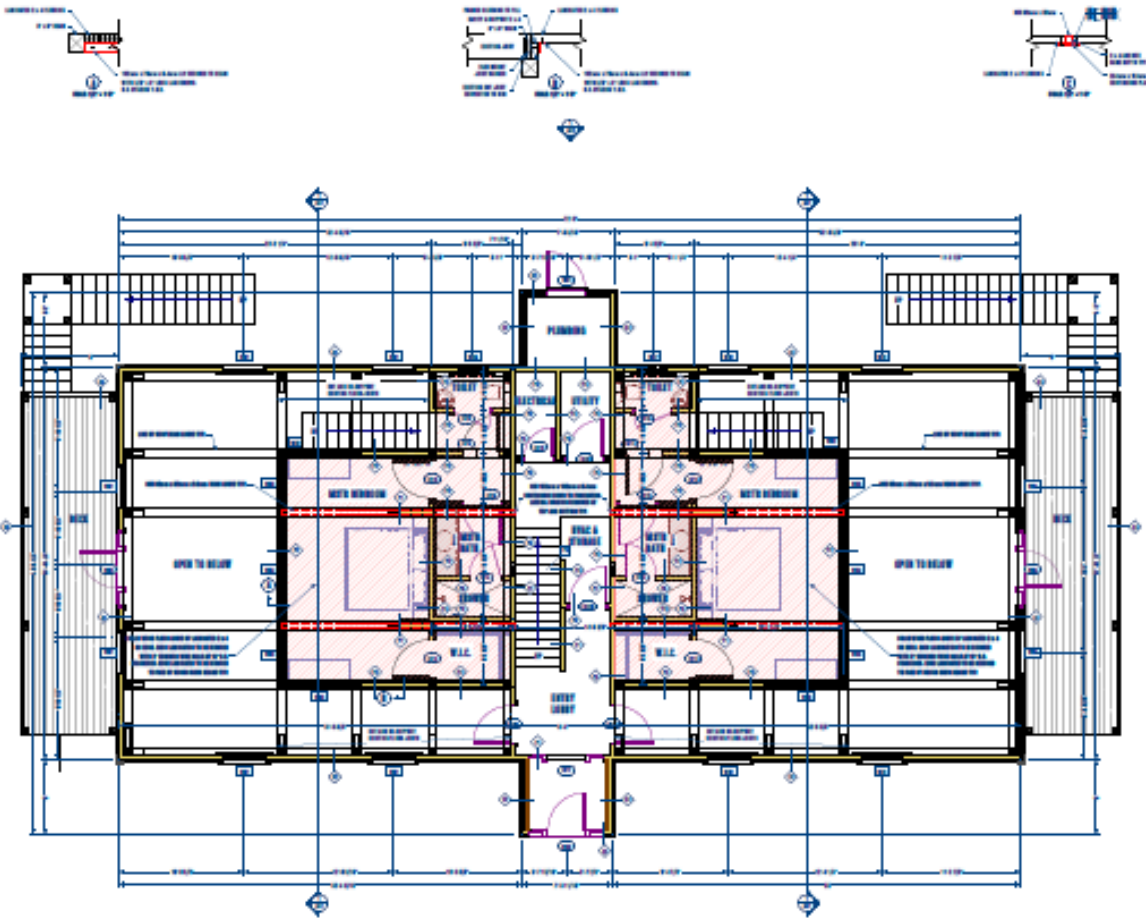
Notes:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2018 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE (IEC).
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
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16. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
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21. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
22. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
23. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
24. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
25. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).
26. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE (IEC).
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28. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
29. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
30. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
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45. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
46. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
47. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
48. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
49. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).
50. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE (IEC).

NO.	DESCRIPTION	REV.
1	REVISIONS	
2	REVISIONS	
3	REVISIONS	
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Project Name: 17 Tannery Road
 Drawing Title: Main Level Floor Plan
 Date: August 26, 2024
 Scale: 1/8" = 1'-0"
 Drawn By: [Name]
 Checked By: [Name]
 Drawing #: **A12**



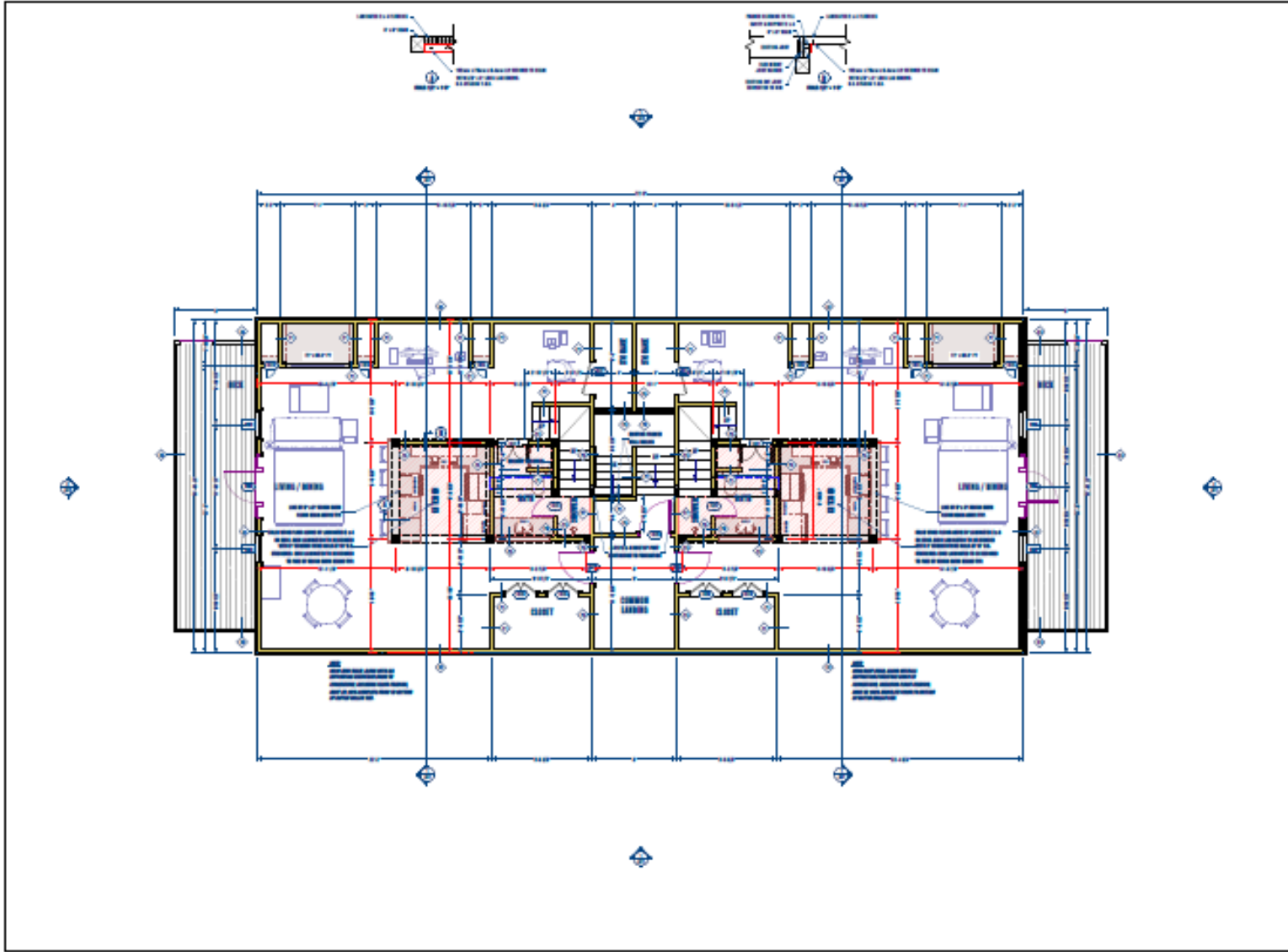
Notes:

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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NO.	REVISION	DATE
1	ISSUE FOR PERMIT	08/24/20
2	ISSUE FOR CONSTRUCTION	08/24/20
3	ISSUE FOR CONSTRUCTION	08/24/20
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Project Name:	17th Century Base	
Drawing Title:	Male Level Floor Plan (Left)	
Date:	August 24, 2020	Scale: 1/8" = 1'-0"
Drawn By:	Sara Miller	
Checked By:	Mike Smith	
Drawing #:	A13	



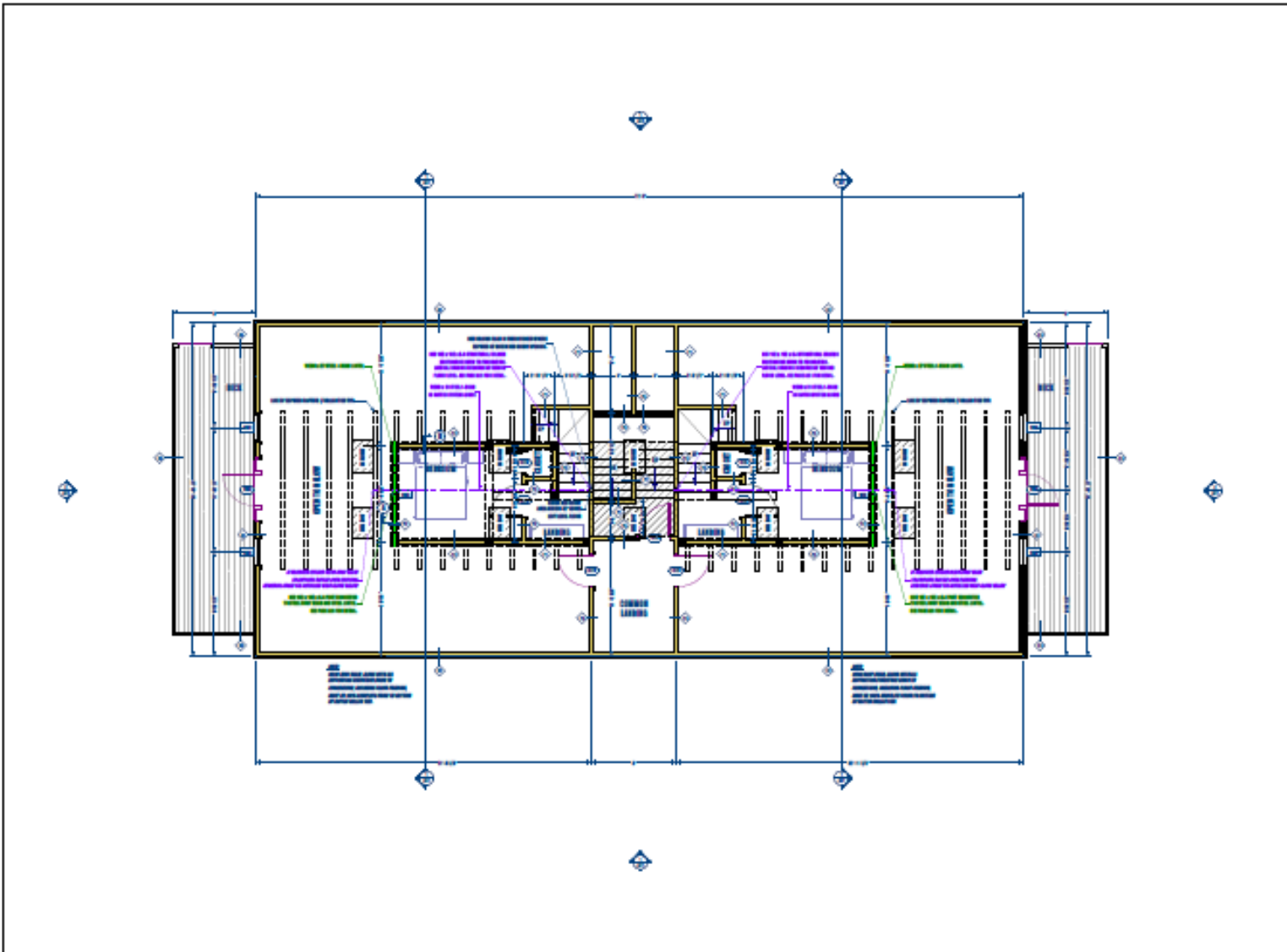
NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING (IMC) AND PLUMBING AND MECHANICAL (PM) CODES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF BOILER AND PRESSURIZED VESSEL (IBR) AND THE INTERNATIONAL CODES OF REFRIGERATION AND AIR CONDITIONING (IRC).
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF ENERGY CONSERVATION (IECC) AND THE INTERNATIONAL CODES OF ELECTRICAL (IEC).
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF SAFETY (IFC) AND THE INTERNATIONAL CODES OF FIRE AND ALARM (IFIA).
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF PLUMBING AND MECHANICAL (IPC) AND THE INTERNATIONAL CODES OF MECHANICAL AND ELECTRICAL PLUMBING (MEEP).
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF REFRIGERATION AND AIR CONDITIONING (IRAC) AND THE INTERNATIONAL CODES OF REFRIGERATION AND AIR CONDITIONING (IRAC).
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF ENERGY CONSERVATION (IECC) AND THE INTERNATIONAL CODES OF ELECTRICAL (IEC).
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF SAFETY (IFC) AND THE INTERNATIONAL CODES OF FIRE AND ALARM (IFIA).
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF PLUMBING AND MECHANICAL (IPC) AND THE INTERNATIONAL CODES OF MECHANICAL AND ELECTRICAL PLUMBING (MEEP).
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF REFRIGERATION AND AIR CONDITIONING (IRAC) AND THE INTERNATIONAL CODES OF REFRIGERATION AND AIR CONDITIONING (IRAC).
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CODES OF ENERGY CONSERVATION (IECC) AND THE INTERNATIONAL CODES OF ELECTRICAL (IEC).

REV	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	08/14/20
2	ISSUE FOR CONSTRUCTION	08/14/20
3	ISSUE FOR CONSTRUCTION	08/14/20
4		
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Project Name: 17 Victory Road
 Drawing Title: Upper Level Floor Plan
 Date: August 14, 2020
 Scale: 1/8" = 1'-0"
 Drawn By: Alex Malin
 Checked By: Alex Malin
 Drawing #: **A14**



Notes:
 1. All dimensions are in feet and inches unless otherwise noted.
 2. All work shall be in accordance with the latest editions of the Building Code of the City of New York and the Building Code of the State of New York.
 3. All work shall be in accordance with the latest editions of the International Building Code and the International Residential Code.
 4. All work shall be in accordance with the latest editions of the National Fire Protection Association (NFPA) codes and standards.
 5. All work shall be in accordance with the latest editions of the American Institute of Steel Construction (AISC) specifications and standards.
 6. All work shall be in accordance with the latest editions of the American Concrete Institute (ACI) specifications and standards.
 7. All work shall be in accordance with the latest editions of the American Society of Civil Engineers (ASCE) specifications and standards.
 8. All work shall be in accordance with the latest editions of the American Institute of Architects (AIA) specifications and standards.
 9. All work shall be in accordance with the latest editions of the American Institute of Mechanical Engineers (AIME) specifications and standards.
 10. All work shall be in accordance with the latest editions of the American Institute of Chemical Engineers (AIChE) specifications and standards.
 11. All work shall be in accordance with the latest editions of the American Institute of Mining and Metallurgical Engineers (AIME) specifications and standards.
 12. All work shall be in accordance with the latest editions of the American Institute of Electrical and Electronic Engineers (IEEE) specifications and standards.
 13. All work shall be in accordance with the latest editions of the American Institute of Physics (AIP) specifications and standards.
 14. All work shall be in accordance with the latest editions of the American Institute of Mathematics (AIM) specifications and standards.
 15. All work shall be in accordance with the latest editions of the American Institute of Statistics (AIS) specifications and standards.
 16. All work shall be in accordance with the latest editions of the American Institute of Operations Research (AIOR) specifications and standards.
 17. All work shall be in accordance with the latest editions of the American Institute of Management Science (AIMS) specifications and standards.
 18. All work shall be in accordance with the latest editions of the American Institute of Systems Management (AIS) specifications and standards.
 19. All work shall be in accordance with the latest editions of the American Institute of Project Management (AIPM) specifications and standards.
 20. All work shall be in accordance with the latest editions of the American Institute of Quality Management (AIQM) specifications and standards.

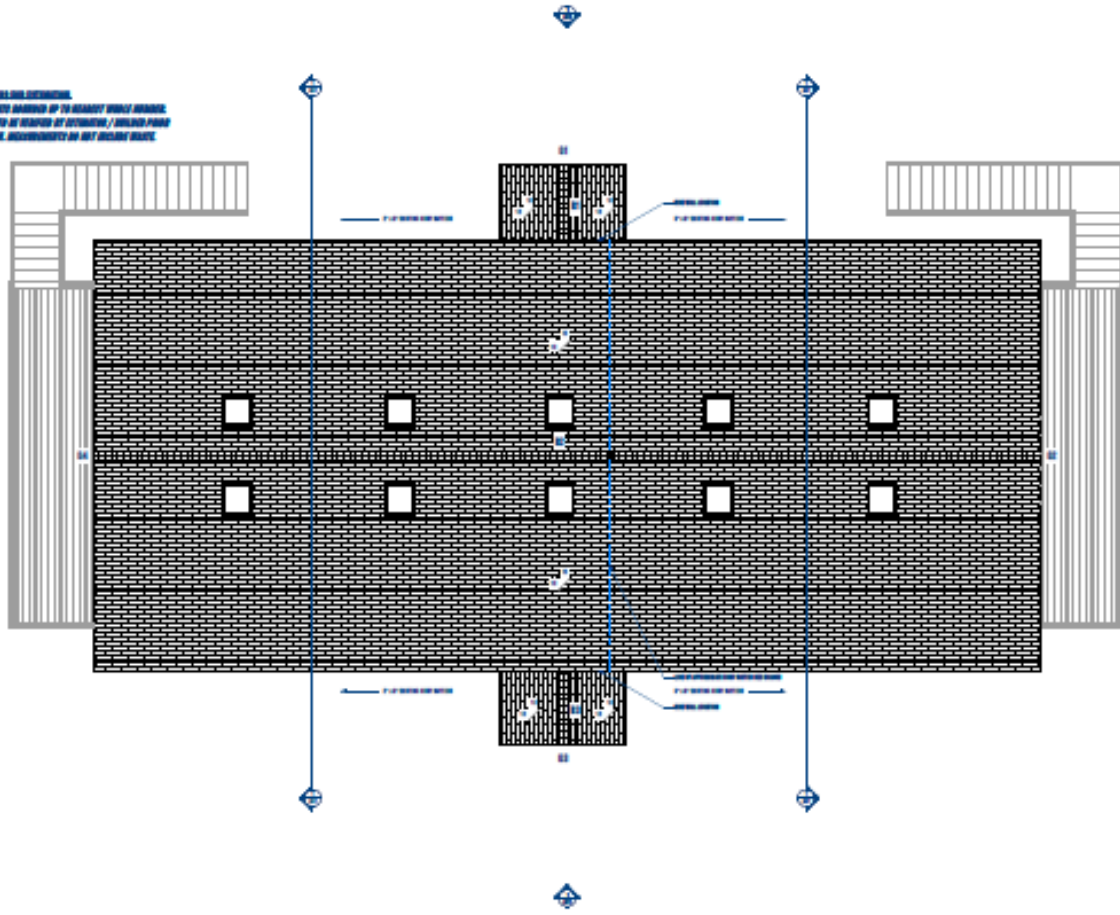
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Project Name	
17 January Blvd	
Drawing Title	
Upper Level Floor Plan (Left)	
Date	Scale
August 14, 2020	1/8" = 1'-0"
Drawn by	Specification
Checked by	Mike Smith
Drawing #	A15

DOUBLE CHECK ALL DIMENSIONS.
ALL DIMENSIONS SHOWN UP TO HEADY SHALL APPLY.
CONCRETE TO BE SHOWN BY STIPPLED / HATCHED PATTERN
TO CONTRACTOR. DIMENSIONS ON ANY OTHER SHEET.

- 1. 1/2" WALL
- 2. 1/2" WALL
- 3. 1/2" WALL
- 4. 1/2" WALL
- 5. 1/2" WALL
- 6. 1/2" WALL
- 7. 1/2" WALL
- 8. 1/2" WALL
- 9. 1/2" WALL
- 10. 1/2" WALL
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- 14. 1/2" WALL
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- 16. 1/2" WALL
- 17. 1/2" WALL
- 18. 1/2" WALL
- 19. 1/2" WALL
- 20. 1/2" WALL

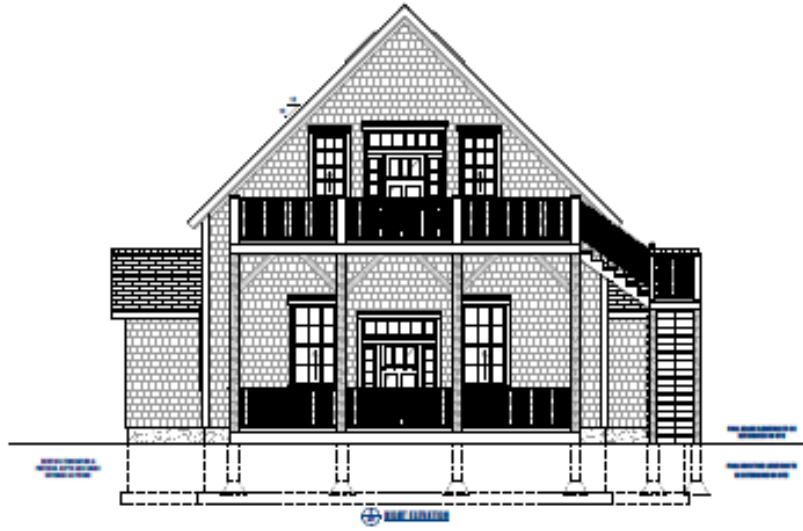
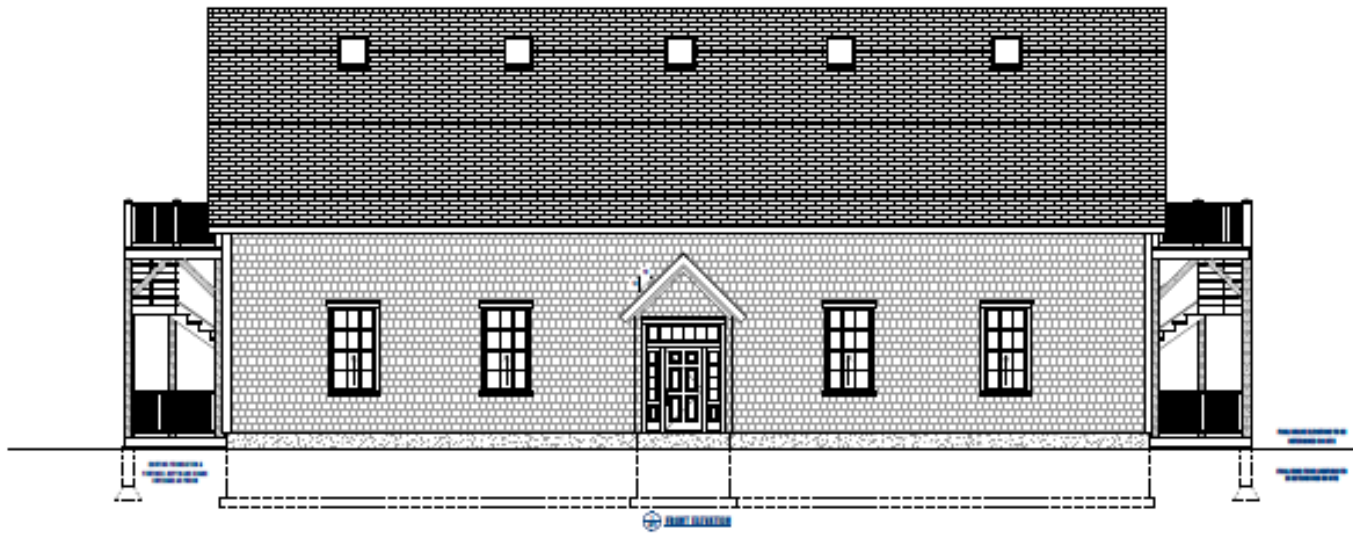


NOTES:
 1. ALL DIMENSIONS SHOWN UP TO HEADY SHALL APPLY.
 2. CONCRETE TO BE SHOWN BY STIPPLED / HATCHED PATTERN TO CONTRACTOR. DIMENSIONS ON ANY OTHER SHEET.
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Project Name: 17 Tenney Road	
Drawing Title: Basement Plan	
Date: August 11, 2020	Scale: 1/8" = 1'-0"
Drawn by: Spencer Miller	Checked by: Mike Smith
Drawing #: A15	



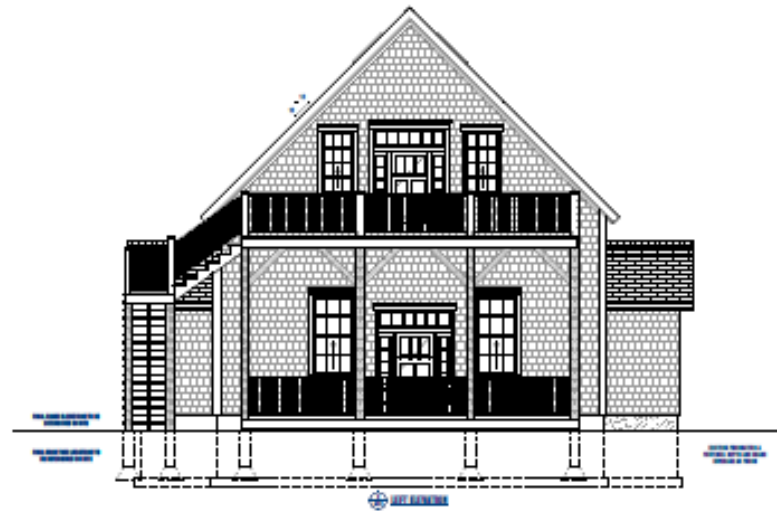
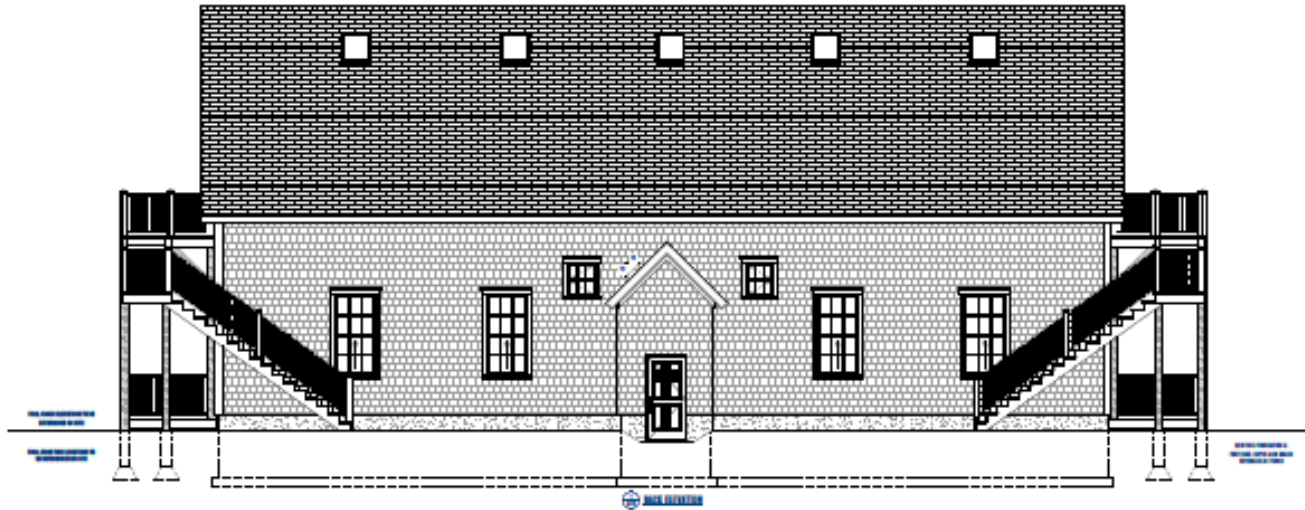
Notes:

1. See General Notes for details.
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Project Name	
17 Tennyson Road	
Drawing Title	
Front & Right Elevations	
Date	Scale
August 15, 2023	1/8" = 1'-0"
Drawn By	Spot Walker
Checked By	Mike Smith
Drawing #	A21



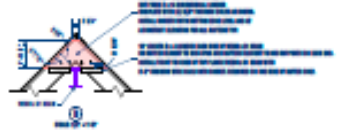
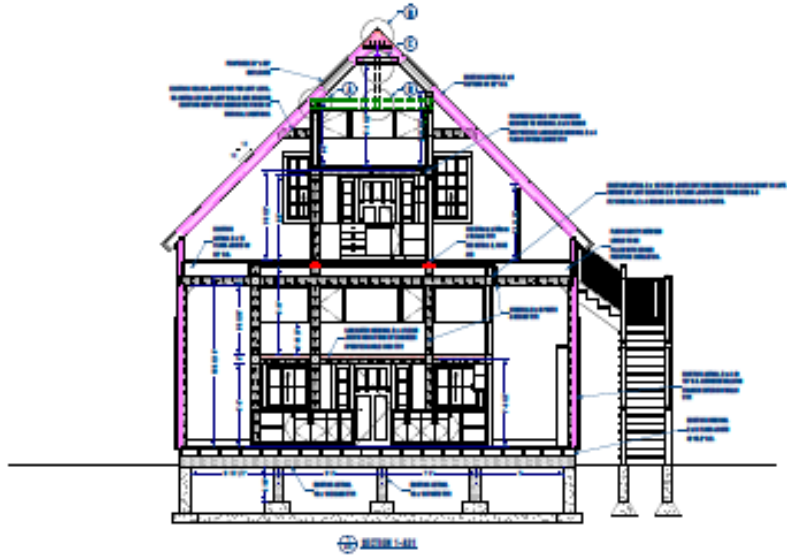
Notes:

1. See General Notes on sheet A20.
2. See General Notes on sheet A21.
3. See General Notes on sheet A22.
4. See General Notes on sheet A23.
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76. See General Notes on sheet A95.
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79. See General Notes on sheet A98.
80. See General Notes on sheet A99.
81. See General Notes on sheet A100.

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Project Name	
17 January Road	
Drawing Title	
Back & Left Elevations	
Date	Scale
August 12, 2022	1/8" = 1'-0"
Drawn By	Project Manager
Checked By	Mike Smith
Drawing #	A22



Notes:
 1. All work shall be in accordance with the applicable building codes and standards.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. The contractor shall be responsible for the quality of all workmanship.
 4. The contractor shall be responsible for the safety of all workers.
 5. The contractor shall be responsible for the protection of all existing utilities.
 6. The contractor shall be responsible for the cleanup of all construction debris.
 7. The contractor shall be responsible for the disposal of all hazardous materials.
 8. The contractor shall be responsible for the maintenance of all access roads.
 9. The contractor shall be responsible for the protection of all adjacent properties.
 10. The contractor shall be responsible for the completion of all work within the specified time frame.
 11. The contractor shall be responsible for the payment of all subcontractors.
 12. The contractor shall be responsible for the payment of all taxes and fees.
 13. The contractor shall be responsible for the insurance of all workers and equipment.
 14. The contractor shall be responsible for the bonding of all work.
 15. The contractor shall be responsible for the maintenance of all records.
 16. The contractor shall be responsible for the communication of all changes.
 17. The contractor shall be responsible for the coordination of all trades.
 18. The contractor shall be responsible for the protection of all workers and the public.
 19. The contractor shall be responsible for the completion of all work in a safe and sound manner.
 20. The contractor shall be responsible for the satisfaction of the owner.

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Project Name: 17 Sanctuary Road

Drawing Title: Sections

Date: August 11, 2020	Scale: 1/8" = 1'-0"
Drawn By: [Name]	Checked By: [Name]
Sheet No: A31	

GENERAL

THIS DRAWING SHALL BE CONSIDERED VALID ONLY IF PRINTED ON STANDARD ARCHITECTURAL PAPER, UNLESS OTHERWISE SPECIFIED IN THE NOTES OR OTHERWISE INDICATED BY THE ARCHITECT.

DATE	DESCRIPTION
08/21/2020	ISSUED FOR PERMIT
08/21/2020	ISSUED FOR CONSTRUCTION
08/21/2020	ISSUED FOR RECORD

PERMITS

THIS DRAWING IS FOR THE PURPOSES OF OBTAINING A PERMIT FROM THE CITY OF SAN FRANCISCO. THE CITY OF SAN FRANCISCO IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.

PERMITS AND APPROVALS

THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS.

NOTES TO PERMIT

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS.

DATE	DESCRIPTION
08/21/2020	ISSUED FOR PERMIT
08/21/2020	ISSUED FOR CONSTRUCTION
08/21/2020	ISSUED FOR RECORD

PERMITS AND APPROVALS

THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS.

PERMITS AND APPROVALS

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DATE	DESCRIPTION
08/21/2020	ISSUED FOR PERMIT
08/21/2020	ISSUED FOR CONSTRUCTION
08/21/2020	ISSUED FOR RECORD

PERMITS AND APPROVALS

THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS.

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1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS. THE ARCHITECT HAS REVIEWED THE DRAWING FOR CONFORMANCE WITH THE CITY OF SAN FRANCISCO PERMITTING REQUIREMENTS.
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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	08/21/20
2	ISSUED FOR CONSTRUCTION	08/21/20
3	ISSUED FOR RECORD	08/21/20
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Project Name	
17 Tannery Road	
Drawing Title	
General Engineering Notes	
Date	Scale
August 21, 2020	1/2" = 1'-0"
Drawn By	Check/Title
Shawn Smith	Shawn Smith
Checked By	Shawn Smith
Shawn Smith	
Drawing #	A51

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	UNIT	QTY	PRICE	TOTAL
1	CONCRETE	CU YD	1.00	100.00	100.00				
2	REINFORCING BARS	TON	1.00	100.00	100.00				
3	FORMWORK	SQ YD	1.00	100.00	100.00				
4	STEEL BRACING	TON	1.00	100.00	100.00				
5	CONCRETE	CU YD	1.00	100.00	100.00				
6	REINFORCING BARS	TON	1.00	100.00	100.00				
7	FORMWORK	SQ YD	1.00	100.00	100.00				
8	STEEL BRACING	TON	1.00	100.00	100.00				

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	UNIT	QTY	PRICE	TOTAL
9	CONCRETE	CU YD	1.00	100.00	100.00				
10	REINFORCING BARS	TON	1.00	100.00	100.00				
11	FORMWORK	SQ YD	1.00	100.00	100.00				
12	STEEL BRACING	TON	1.00	100.00	100.00				
13	CONCRETE	CU YD	1.00	100.00	100.00				
14	REINFORCING BARS	TON	1.00	100.00	100.00				
15	FORMWORK	SQ YD	1.00	100.00	100.00				
16	STEEL BRACING	TON	1.00	100.00	100.00				

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	UNIT	QTY	PRICE	TOTAL
17	CONCRETE	CU YD	1.00	100.00	100.00				
18	REINFORCING BARS	TON	1.00	100.00	100.00				
19	FORMWORK	SQ YD	1.00	100.00	100.00				
20	STEEL BRACING	TON	1.00	100.00	100.00				
21	CONCRETE	CU YD	1.00	100.00	100.00				
22	REINFORCING BARS	TON	1.00	100.00	100.00				
23	FORMWORK	SQ YD	1.00	100.00	100.00				
24	STEEL BRACING	TON	1.00	100.00	100.00				
25	CONCRETE	CU YD	1.00	100.00	100.00				
26	REINFORCING BARS	TON	1.00	100.00	100.00				
27	FORMWORK	SQ YD	1.00	100.00	100.00				
28	STEEL BRACING	TON	1.00	100.00	100.00				

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	UNIT	QTY	PRICE	TOTAL
29	CONCRETE	CU YD	1.00	100.00	100.00				
30	REINFORCING BARS	TON	1.00	100.00	100.00				
31	FORMWORK	SQ YD	1.00	100.00	100.00				
32	STEEL BRACING	TON	1.00	100.00	100.00				
33	CONCRETE	CU YD	1.00	100.00	100.00				
34	REINFORCING BARS	TON	1.00	100.00	100.00				
35	FORMWORK	SQ YD	1.00	100.00	100.00				
36	STEEL BRACING	TON	1.00	100.00	100.00				
37	CONCRETE	CU YD	1.00	100.00	100.00				
38	REINFORCING BARS	TON	1.00	100.00	100.00				
39	FORMWORK	SQ YD	1.00	100.00	100.00				
40	STEEL BRACING	TON	1.00	100.00	100.00				

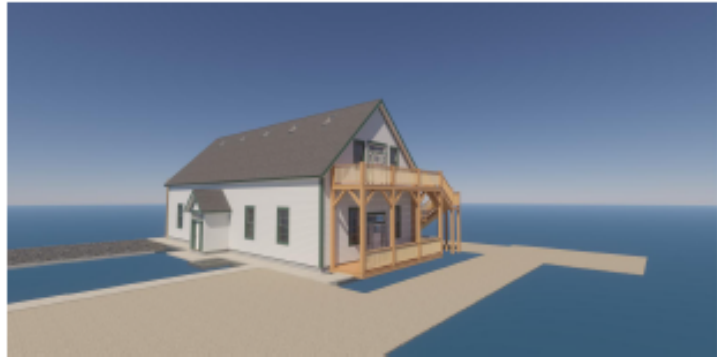
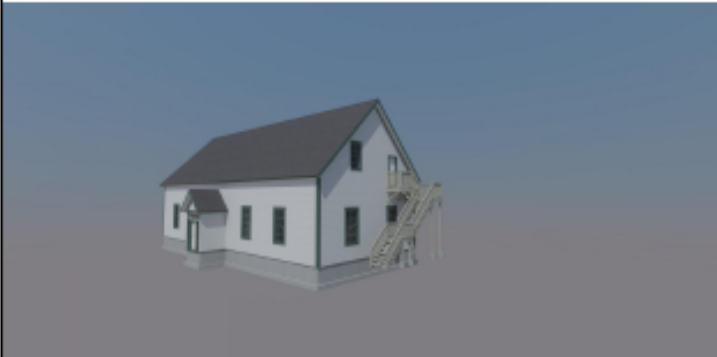
NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	UNIT	QTY	PRICE	TOTAL
41	CONCRETE	CU YD	1.00	100.00	100.00				
42	REINFORCING BARS	TON	1.00	100.00	100.00				
43	FORMWORK	SQ YD	1.00	100.00	100.00				
44	STEEL BRACING	TON	1.00	100.00	100.00				
45	CONCRETE	CU YD	1.00	100.00	100.00				
46	REINFORCING BARS	TON	1.00	100.00	100.00				
47	FORMWORK	SQ YD	1.00	100.00	100.00				
48	STEEL BRACING	TON	1.00	100.00	100.00				
49	CONCRETE	CU YD	1.00	100.00	100.00				
50	REINFORCING BARS	TON	1.00	100.00	100.00				
51	FORMWORK	SQ YD	1.00	100.00	100.00				
52	STEEL BRACING	TON	1.00	100.00	100.00				

Notes:
 1. All work shall be in accordance with the latest edition of the International Building Code (IBC) and the International Residential Code (IRC) unless otherwise specified.
 2. All materials shall be of the highest quality and shall be approved by the local building department.
 3. All work shall be completed within the specified time frame.
 4. The contractor shall be responsible for obtaining all necessary permits and licenses.
 5. The contractor shall be responsible for maintaining access to adjacent properties at all times.
 6. The contractor shall be responsible for protecting existing structures and utilities.
 7. The contractor shall be responsible for cleaning up all debris and materials.
 8. The contractor shall be responsible for providing a safe work environment for all workers.
 9. The contractor shall be responsible for providing a detailed schedule of work.
 10. The contractor shall be responsible for providing a detailed list of materials and quantities.

NO.	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	CONCRETE	CU YD	1.00	100.00	100.00
2	REINFORCING BARS	TON	1.00	100.00	100.00
3	FORMWORK	SQ YD	1.00	100.00	100.00
4	STEEL BRACING	TON	1.00	100.00	100.00
5	CONCRETE	CU YD	1.00	100.00	100.00
6	REINFORCING BARS	TON	1.00	100.00	100.00
7	FORMWORK	SQ YD	1.00	100.00	100.00
8	STEEL BRACING	TON	1.00	100.00	100.00
9	CONCRETE	CU YD	1.00	100.00	100.00
10	REINFORCING BARS	TON	1.00	100.00	100.00
11	FORMWORK	SQ YD	1.00	100.00	100.00
12	STEEL BRACING	TON	1.00	100.00	100.00



Project Name:	17 January Road
Drawing Title:	Schedule
Date:	August 14, 2024
Scale:	1/2" = 1'-0"
Drawn By:	Open Office
Checked By:	Mike Smith
Drawing #:	A61



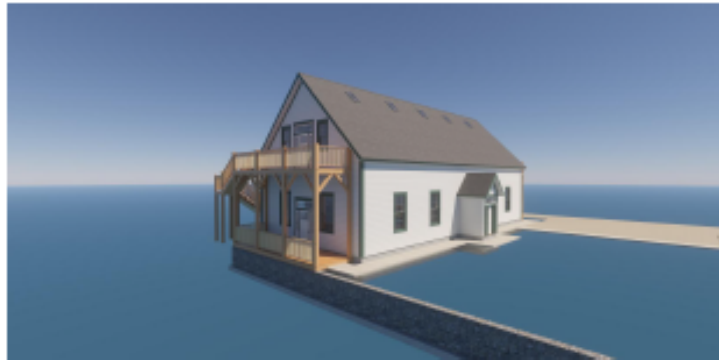
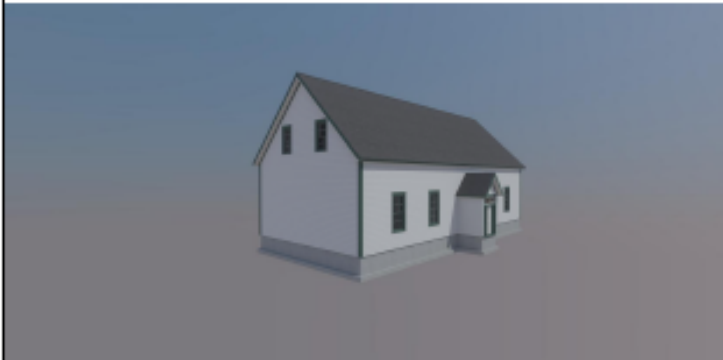
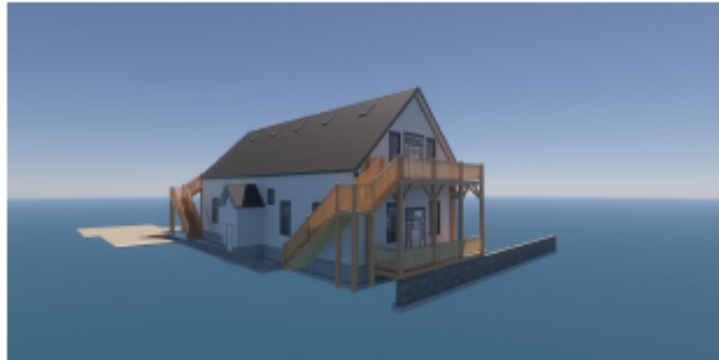
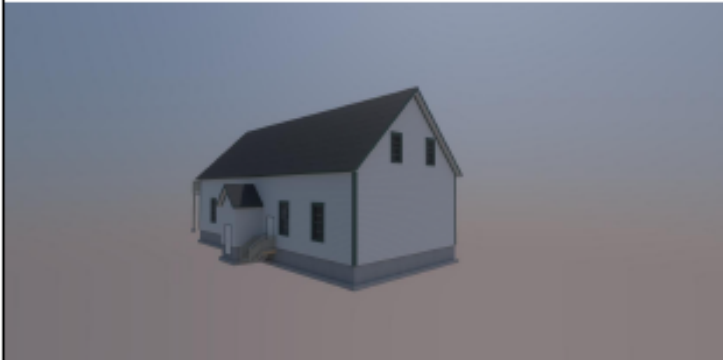
Notes:

- 1. All dimensions are in feet and inches.
- 2. All elevations are shown in perspective.
- 3. All elevations are shown in perspective.
- 4. All elevations are shown in perspective.
- 5. All elevations are shown in perspective.
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- 13. All elevations are shown in perspective.
- 14. All elevations are shown in perspective.
- 15. All elevations are shown in perspective.
- 16. All elevations are shown in perspective.

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	08-24-20
2	ISSUE FOR PERMIT	08-24-20
3	ISSUE FOR PERMIT	08-24-20
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Project Name	
17 Temporary Road	
Drawing Title	
20 Elevations	
Date	Scale
August 24, 2020	1/8" = 1'-0"
Drawn By	Spec/Builder
Checked By	Mike Smith
Drawing #	A91



Specifications
 The building is a single-story structure with a dark roof and white exterior walls. It features a small front porch and a set of stairs leading to a deck on the right side. The building is situated on a flat, light-colored ground surface. The rendering shows the building from a three-quarter perspective, highlighting its simple, functional design.

NO.	GENERAL NOTES	REV.
1	GENERAL NOTES	000-00-00
2	GENERAL NOTES	000-00-00
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Project Name	
17 January Road	
Drawing Title	
3D Elevations	
Date	Scale
August 16, 2024	1/8" = 1'-0"
Drawn By	Open Motion
Checked By	Mike Smith
Drawing #	A82



Notes:

1. All dimensions are given in feet and inches.
2. All dimensions are given in feet and inches.
3. All dimensions are given in feet and inches.
4. All dimensions are given in feet and inches.
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20. All dimensions are given in feet and inches.

REV #	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	08/21/20
2	ISSUE FOR PERMIT	08/21/20
3	ISSUE FOR PERMIT	08/21/20
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Project Name: 17 January Road
 Drawing Title: 3D Elevations (Shelter)
 Date: August 21, 2020
 Scale: 1/4" = 1'-0"
 Drawn By: Ryan Wallace
 Checked By: Mike Smith
 Drawing #: **A92.1**



General Notes:

1. The owner has provided a site plan showing the location of the building on the property. The building is to be located on the north side of the property, adjacent to the existing driveway.
2. The building is to be constructed of white horizontal siding and a dark grey roof. The porch is to be constructed of light-colored wood.
3. The building is to be 28 feet wide and 40 feet deep. The porch is to be 10 feet wide and 10 feet deep.
4. The building is to be set back 10 feet from the property line on the north side.
5. The building is to be set back 10 feet from the property line on the east side.
6. The building is to be set back 10 feet from the property line on the south side.
7. The building is to be set back 10 feet from the property line on the west side.
8. The building is to be set back 10 feet from the property line on all sides.
9. The building is to be set back 10 feet from the property line on all sides.
10. The building is to be set back 10 feet from the property line on all sides.
11. The building is to be set back 10 feet from the property line on all sides.
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13. The building is to be set back 10 feet from the property line on all sides.
14. The building is to be set back 10 feet from the property line on all sides.
15. The building is to be set back 10 feet from the property line on all sides.

NO.	GENERAL NOTES	DATE
1	GENERAL NOTES	08/11/20
2	GENERAL NOTES	08/11/20
3	GENERAL NOTES	08/11/20
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Project Name:		17 Tannery Road	
Drawing Title:		3D Elevations	
Date:	August 11, 2020	Scale:	AS IS
Drawn By:	Open Building	Checked By:	Mike Smith
Drawing #:	A93		



Assumptions:
 1. All construction is to be completed within the specified time frame.
 2. All materials and labor are to be provided by the contractor.
 3. The contractor is responsible for obtaining all necessary permits.
 4. The contractor is responsible for site preparation and cleanup.
 5. The contractor is responsible for protecting existing structures and utilities.
 6. The contractor is responsible for maintaining access to adjacent properties.
 7. The contractor is responsible for providing a safe working environment.
 8. The contractor is responsible for providing a detailed schedule of work.
 9. The contractor is responsible for providing a detailed cost estimate.
 10. The contractor is responsible for providing a detailed specification of materials and workmanship.

NO.	GENERAL DESCRIPTION	QTY
1	FOUNDATION	100 SQ. FT.
2	FLOORING	200 SQ. FT.
3	WALLS	300 SQ. FT.
4	ROOFING	400 SQ. FT.
5	PAINTING	500 SQ. FT.
6	MECHANICAL	600 SQ. FT.
7	ELECTRICAL	700 SQ. FT.
8	PLUMBING	800 SQ. FT.
9	LANDSCAPING	900 SQ. FT.
10	FINISHES	1000 SQ. FT.



Project Name: 17 Tannery Road
 Drawing Title: 3D Elevations
 Date: August 22, 2022
 Drawn By: Ryan Walker
 Checked By: Mike Smith
 Drawing #: A94



Assumptions
 1. All dimensions are based on the architectural drawings.
 2. All materials are as shown in the drawings.
 3. All work is to be done in accordance with the current building codes.
 4. All work is to be done in accordance with the current local, state, and federal regulations.
 5. All work is to be done in accordance with the current industry standards.
 6. All work is to be done in accordance with the current best practices.
 7. All work is to be done in accordance with the current safety protocols.
 8. All work is to be done in accordance with the current environmental regulations.
 9. All work is to be done in accordance with the current health and safety regulations.
 10. All work is to be done in accordance with the current fire and life safety regulations.
 11. All work is to be done in accordance with the current accessibility regulations.
 12. All work is to be done in accordance with the current energy efficiency regulations.
 13. All work is to be done in accordance with the current sustainability regulations.
 14. All work is to be done in accordance with the current green building regulations.
 15. All work is to be done in accordance with the current smart building regulations.
 16. All work is to be done in accordance with the current digital building regulations.
 17. All work is to be done in accordance with the current data center regulations.
 18. All work is to be done in accordance with the current cloud computing regulations.
 19. All work is to be done in accordance with the current artificial intelligence regulations.
 20. All work is to be done in accordance with the current blockchain regulations.

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	08/11/20
2	ISSUE FOR PERMIT	08/11/20
3	ISSUE FOR PERMIT	08/11/20
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Project Name	
17 Tannery Road	
Drawing Title	
300 Interior Views Main Level	
Date	Scale
August 11, 2020	N.T.S.
Drawn By	Open/Modified
Checked By	Mike Smith
Sheet #	A95



Disclaimer:
 The information contained in this drawing is for informational purposes only and does not constitute a contract. The information is provided as a guide only and is not intended to be used as a basis for any legal action. The information is provided as a guide only and is not intended to be used as a basis for any legal action. The information is provided as a guide only and is not intended to be used as a basis for any legal action.

NO	REVISIONS	DATE
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Project Name: **17 January Road**
 Drawing Title: **00 Interior Views Main Level**
 Date: August 14, 2020
 Scale: 1/16" = 1'-0"
 Drawn By: Mike Smith
 Drawing #: **A96**

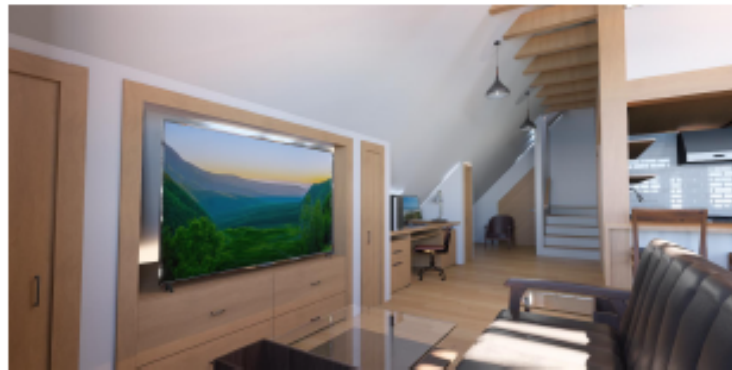
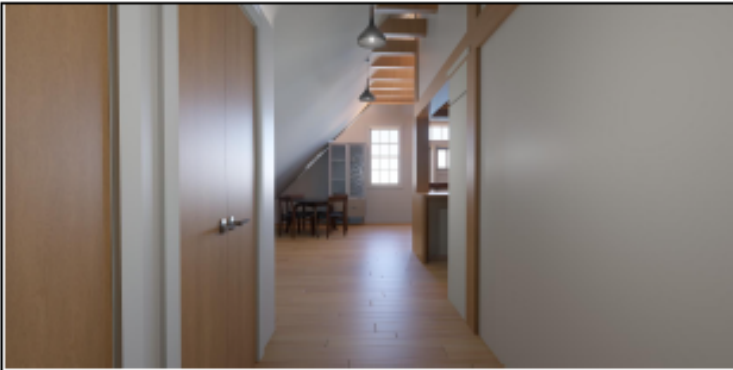


Assumptions:
 1. All materials are of standard quality unless otherwise noted.
 2. All work is to be done in accordance with the current building codes and standards.
 3. The contractor shall be responsible for obtaining all necessary permits.
 4. The contractor shall be responsible for protecting all existing work.
 5. The contractor shall be responsible for the safety of all workers.
 6. The contractor shall be responsible for the cleanup of all debris.
 7. The contractor shall be responsible for the disposal of all waste.
 8. The contractor shall be responsible for the protection of all utilities.
 9. The contractor shall be responsible for the protection of all landscaping.
 10. The contractor shall be responsible for the protection of all trees.

NO.	GENERAL NOTES	REV.
1	GENERAL NOTES	001-01
2	GENERAL NOTES	001-02
3	GENERAL NOTES	001-03
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Project Name	
17 Tannery Road	
Drawing Title	
3D Interior Views Upper Level	
Date	Date
August 24, 2022	07/21
Drawn by	Open-Media
Checked by	Mike Smith
Drawing #	A97

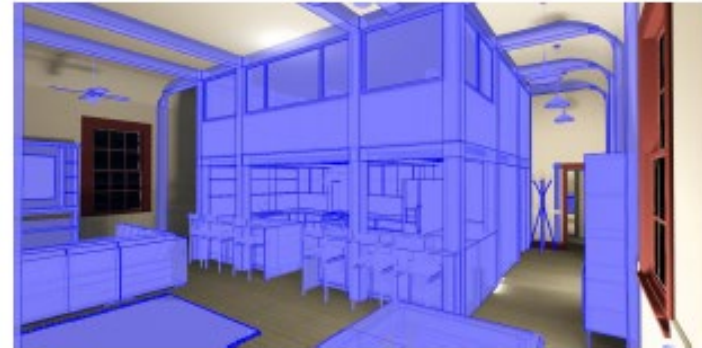
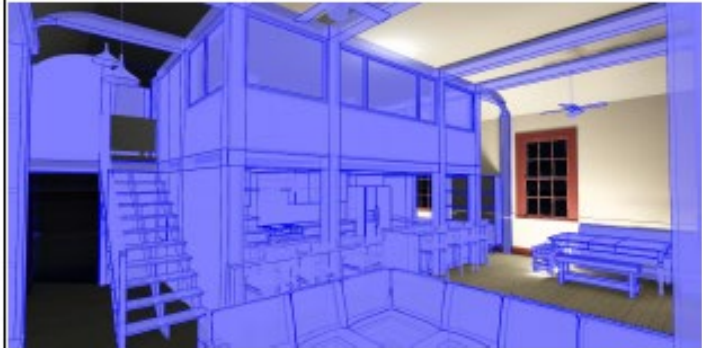


General Notes:
 1. All work shall be in accordance with the latest editions of the Building Code of the City of Seattle.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals.
 3. All materials and workmanship shall be subject to inspection and approval by the City.
 4. The contractor shall maintain access to all existing utilities and structures.
 5. All work shall be completed within the specified time frame.
 6. The contractor shall be responsible for the safety of all workers and the public.
 7. All work shall be completed in accordance with the specifications and drawings.
 8. The contractor shall be responsible for the disposal of all debris and materials.
 9. All work shall be completed in accordance with the local, state, and federal regulations.
 10. The contractor shall be responsible for the protection of all existing structures and utilities.
 11. All work shall be completed in accordance with the latest editions of the Building Code of the City of Seattle.
 12. The contractor shall be responsible for obtaining all necessary permits and approvals.
 13. All materials and workmanship shall be subject to inspection and approval by the City.
 14. The contractor shall maintain access to all existing utilities and structures.
 15. All work shall be completed within the specified time frame.
 16. The contractor shall be responsible for the safety of all workers and the public.
 17. All work shall be completed in accordance with the specifications and drawings.
 18. The contractor shall be responsible for the disposal of all debris and materials.
 19. All work shall be completed in accordance with the local, state, and federal regulations.
 20. The contractor shall be responsible for the protection of all existing structures and utilities.

NO.	REVISIONS	DATE
1	ISSUE FOR PERMIT	08/24/20
2	ISSUE FOR PERMIT	08/24/20
3	ISSUE FOR PERMIT	08/24/20
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Project Name	
17 Tannery Road	
Drawing Title	
200 Interior Views Upper Level	
Date	Scale
August 24, 2020	1/2" = 1'-0"
Drawn By	Issue/Revision
Michael	
Checked By	Who/Date
Sheet #	A98



Project Name:
 17 Kennedy Road
 30 Interior Home Comparisons
 August 11, 2020

REV	REVISIONS	DATE
1	ISSUE FOR PERMIT REVIEW	2020-08-11
2	ISSUE FOR PERMIT REVIEW	2020-08-11
3	ISSUE FOR PERMIT REVIEW	2020-08-11
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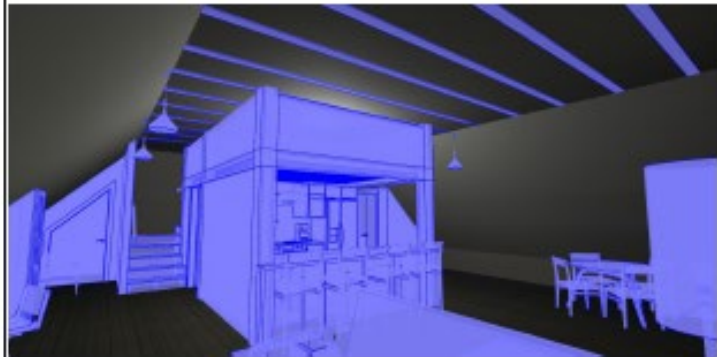


Project Name: 17 Kennedy Road	
Drawing Title: 30 Interior Home Comparisons	
Date: August 11, 2020	Scale: N.T.S.
Drawn By: Open Builder	
Checked By: Mike Smith	
Drawing #: A99	

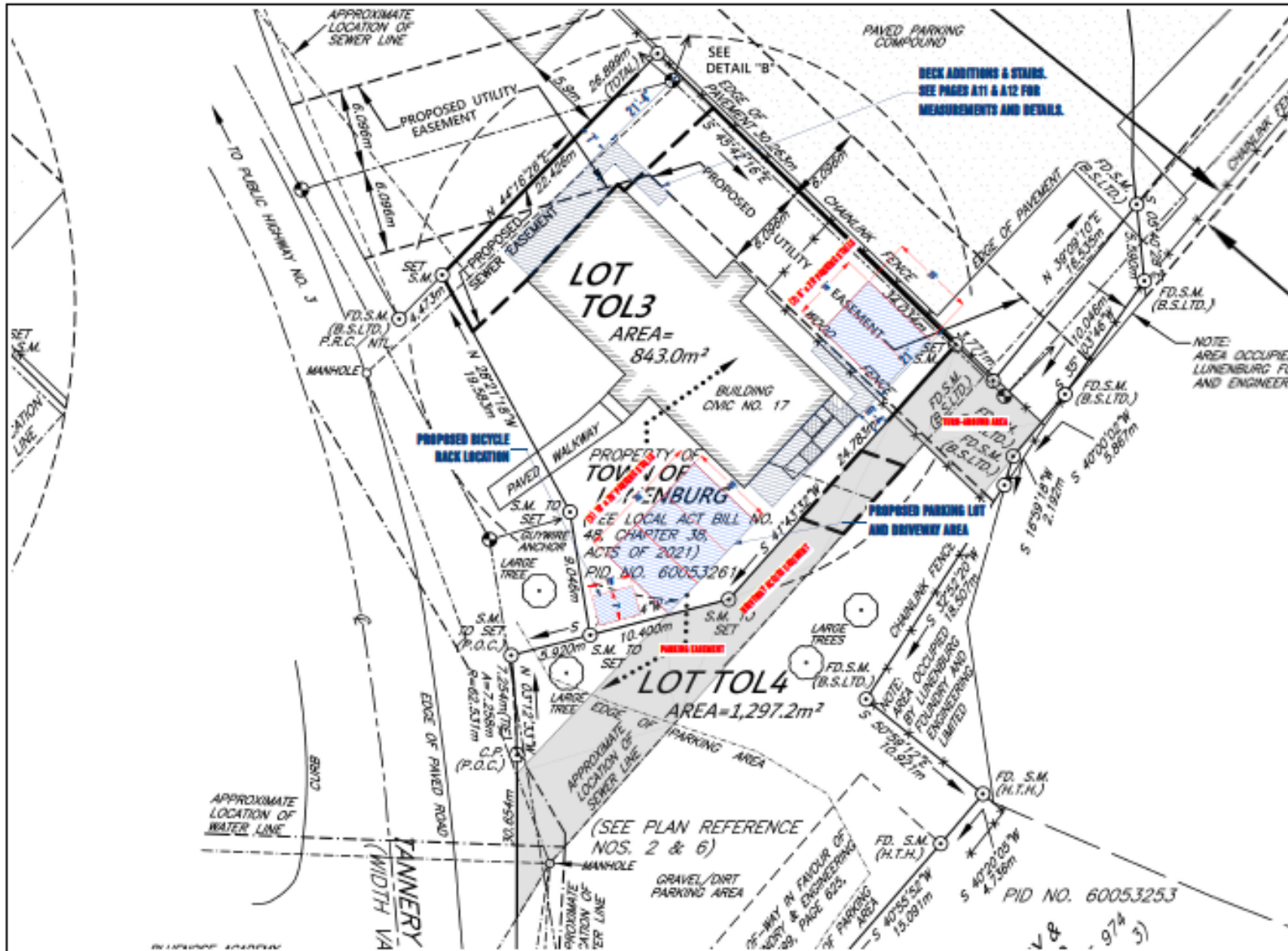


Notes:
 1. All dimensions are approximate and subject to change without notice.
 2. All measurements are taken from the finished floor to the finished ceiling.
 3. All measurements are taken from the finished wall to the finished wall.
 4. All measurements are taken from the finished floor to the finished floor.
 5. All measurements are taken from the finished wall to the finished wall.
 6. All measurements are taken from the finished floor to the finished floor.
 7. All measurements are taken from the finished wall to the finished wall.
 8. All measurements are taken from the finished floor to the finished floor.
 9. All measurements are taken from the finished wall to the finished wall.
 10. All measurements are taken from the finished floor to the finished floor.
 11. All measurements are taken from the finished wall to the finished wall.
 12. All measurements are taken from the finished floor to the finished floor.
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 18. All measurements are taken from the finished floor to the finished floor.
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 21. All measurements are taken from the finished wall to the finished wall.
 22. All measurements are taken from the finished floor to the finished floor.
 23. All measurements are taken from the finished wall to the finished wall.
 24. All measurements are taken from the finished floor to the finished floor.
 25. All measurements are taken from the finished wall to the finished wall.

NO.	DESCRIPTION	QTY
1	WOOD CEILING STUDS	200.00
2	WOOD FLOOR & WOOD WALLS	200.00
3	CONCRETE FOUNDATION	200.00
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Project Name	
17 Victory Road	
Drawing Title	
3D Interior Views Comparison	
Date	Date
August 11, 2023	8/11
Drawn by	Spec/Builder
Checked by	Mike Smith
Drawing #	A810



NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO CENTRE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE OUTSIDE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE INSIDE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE MIDDLE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE EDGE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CORNER UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE SURFACE UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO THE GRADE UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO THE FINISH UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO THE PROPOSED UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO THE EXISTING UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO THE ADJACENT UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO THE OPPOSITE UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO THE NEAREST UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO THE FURTHEST UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO THE CLOSEST UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO THE FURTHEST UNLESS OTHERWISE NOTED.

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	2024.08.01
2	ISSUE FOR PERMIT	2024.08.01
3	ISSUE FOR PERMIT	2024.08.01
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TIDAL
DRAFTING + DESIGN

Big League Builders

Project Name		17 Tannery Road
Drawing Title		Location Plan
Date	Issue	2024
Drawn By	Issue By	
Checked By	Issue Date	
Working No.	A71	

Attachment B – Old New Town School Statement of Significance

Old New Town School

17 Tannery Road, Lunenburg, Nova Scotia, B0J, Canada

Formally Recognized: 2000/07/13



OTHER NAME(S)

Old New Town School

School Annex

Arts and Crafts Building

LINKS AND DOCUMENTS

[Overview of Lunenburg, including architectural tour and town history provided by the Town of Lunenburg.](#)

CONSTRUCTION DATE(S)

1883/01/01 to 1883/12/31

LISTED ON THE CANADIAN REGISTER: 2004/03/22

STATEMENT OF SIGNIFICANCE

DESCRIPTION OF HISTORIC PLACE

The Old New Town School is a one-and-a-half storey wooden structure, simple in design and rectangular in form with a protruding enclosed porch. The building is located in the New Town area of Lunenburg, NS, with substantial green space surrounding the building. Designation covers both the building and the surrounding land.

HERITAGE VALUE

The Old New Town School is valued as a reminder of the era of one-room school houses in Nova Scotia. These schools were eventually supplanted by the Academy system, a new academic system implemented province-wide, and consequently the Lunenburg Academy replaced this building. The building was built in 1883 and remains in excellent condition. It retains many original features, including the windows and entrance. The school remains in use by the modern Lunenburg High School located across the road as extra classroom space, making it a rare example of continuous use of a one-room school building from the nineteenth century to the present day.

Source: Heritage Designation File 66400-40-53, Town of Lunenburg.

CHARACTER-DEFINING ELEMENTS

Character-defining elements of the Old New Town School relate to its architecture and use as an educational facility, and include:

- original enclosed porch, with transom and sidelight windows, and original six-over-six windows;
- simple, symmetrical design, augmented by a steeply pitched gable roof, cornerboards, and simply detailed fascia and eaves;

- location at a central junction in New Town with green space surrounding the building on all sides;
- interior layout of the building into two classrooms reflecting its continued use as an education facility.

Attachment C – Alteration Guidelines for Municipally Registered Heritage Properties

Alteration Guidelines for Municipally Registered Heritage Properties Town of Lunenburg

Approved by Council on October 13, 2020

1.0 Scope

These guidelines apply to all municipally registered heritage properties in the Town of Lunenburg, whether located outside of or inside the Heritage Conservation District.

2.0 Background

The Heritage Property Act allows municipalities to identify and protect structures of heritage significance. The Lunenburg Heritage Advisory Committee, established in March of 1981, has registered sixty-one (61) properties following a request from the owner and investigation by the Heritage Advisory Committee. These properties are located throughout Town, including within the Heritage Conservation District. The adoption of the Heritage Conservation Plan and By-law in 2000 effectively registered all of the buildings within the Heritage Conservation District, so further individual registrations within the Heritage Conservation District are not possible.

For those individually registered properties within the District, both a Heritage Permit and a Certificate of Appropriateness issued under the Heritage Conservation By-law are required for any external alterations.

3.0 Process

All applications to alter a registered heritage property shall be made to the Heritage Officer, who will review each application and determine whether the proposed change is a substantial or non-substantial alteration. If the Heritage Officer is unable to determine whether a proposed change is substantial or non-substantial, the application shall follow the process for a substantial change.

If the proposed changes are determined by the Heritage Officer to be non-substantial, the Heritage Officer will send a letter to the applicant advising that a Heritage Permit is not required.

If the proposed changes are determined to be substantial, a report will be prepared by the Heritage Officer for consideration by the Heritage Advisory Committee and recommendation to Council.

4.0 Substantial and Non-Substantial Alterations

For clarity, both substantial and non-substantial alterations are listed. Any non-substantial alteration must meet the Design Guidelines of the Heritage Conservation District.

The following shall be considered substantial alterations:

- additions, including porches, verandas, entries, stairways and dormers unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- addition or removal of windows or window openings unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;

* addition or removal of doors or door openings unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;

- changes to the openings for doors or windows unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- change in roof pitch or style (including pitch or style of a dormer) unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- removal of porches, verandas, entries, stairways, dormers, windows, trim materials of any type, or chimneys unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- change in style or design of railing or guards on porches or stairs unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- addition to an existing accessory building or the erection or placement of a new accessory building unless said development is in conformance with the Design Guidelines of the Heritage Conservation District (in cases where the land as well as the main building have been registered as a Municipal Heritage Property);
- addition of utilities structures such as, but not limited to, air conditioning units, kitchen vents and heat pumps unless said development is in conformance with the Design Guidelines of the Heritage Conservation District;
- accessory structures such as, but not limited to, fences, stairways, decks, garden trellises, pergolas, awnings, pavilions, and similar items which are connected or otherwise not connected to the main building unless said development is in conformance with the Design Guidelines of the Heritage Conservation District; and
- re-shingling of roofs where not required for maintenance, including changes in the type of shingle unless said development is in conformance with the Design Guidelines of the Heritage Conservation District.

Notwithstanding anything herein contained above, the following shall be considered substantial alterations:

- any development that does not conform to the Design Guidelines of the Heritage Conservation District By-law;
- any demolition or removal of
 - a) more than 10 % of the total usable floor area of all floors including the usable floor areas of any basement and attic; or
 - b) any part of a building for which the cumulative sum of all areas of its horizontal dimensions exceeds 25% of the area of the building's existing footprint.

Usable Floor Area means the floor area that has a minimum height clearance of 1.2 m (4 ft.) or higher.

and

- any addition to a building which is greater than 25% of the area of the existing building's footprint either as an addition to the sides of the building or on top such as an additional storey.

For the sake of clarity the following shall be considered non-substantial alterations:

- changes in storm windows from painted wood to aluminum;
- replacements or repairs where no changes are intended;
- use of vinyl window inserts if no other changes taking place;
- replacement of shingles with clapboard with the same exposure, and replacement of clapboard with shingles with the same exposure;
- the erection or placement of signage;
- items which the Heritage Officer considers to be maintenance (ie. re-shingle roof if needed);
- replacement of doors or storm doors with doors which meet the Design Guidelines of the Heritage Conservation District;
- replacement of non-traditional elements with traditional (ie clad concrete steps with wood; shingle a wall now covered in plywood) which meet the Design Guidelines of the Heritage Conservation District;
- addition of glass doors inside wooden storm doors;
- rain barrels and other minor accessory structures; and
- the installation of gutters and downspouts which meet the Design Guidelines of the Heritage Conservation District.

Subject: Potable Water Quality Test Results: April to June 2023

From: Tyson Joyce, Town Engineer

Reviewed by: Jamie Doyle, CAO

Date: 1 August 2023



Recommendation

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

Background

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

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

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

Discussion

1.0 Water Quality

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

- Weekly total coliform and fecal coliform tests for water entering the distribution system and various water distribution system sample points (maximum none/100 mL).
- Monthly tests for aluminum.
- Quarterly tests for parameters for corrosion control:
 - Lead (maximum 0.005 mg/L).
 - Manganese (maximum 0.12 mg/L).
- Quarterly tests for disinfection by-products:
 - Trihalomethanes (maximum 0.1 mg/L).
 - Haloacetic acids (maximum 0.08 mg/L).

- Turbidity at each filtration unit must be between 0.1-0.3 NTU measured continuously.
- Chlorine residual must be between 0.2-4.0 mg/L measured continuously.
- The Province can also request virus testing for *Giardia* and *Cryptosporidium* at any time. Treatment efficiencies are required to meet:
 - 3-log reduction (99.9%) of *Giardia* and *Cryptosporidium*.
 - 4-log reduction (99.9%) of viruses.
- Treatment must also limit corrosion of water distribution and/or plumbing systems and reduce odors.

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

Results

From April to June 2023, all weekly, monthly, and quarterly regulatory testing and in-house daily testing complied with the Approval requirements; however, haloacetic acids were not able to be tested this quarter due to issues at the laboratory. Haloacetic acid concentrations will be retested in July and Council will be notified if results exceed the approval limit.

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

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

Comment: Unable to test haloacetic acids this quarter due to issues at the lab. Haloacetic acids will be retested in July and Council will be notified if results exceed approval limit.

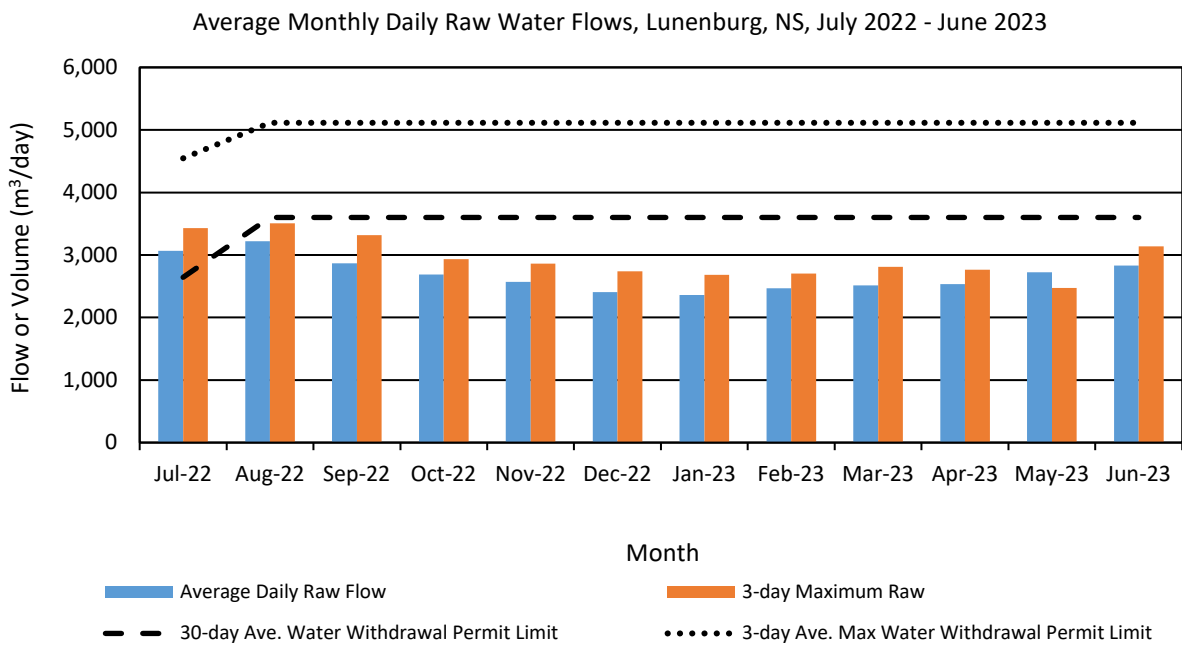
2.0 Raw and Treated Water Flows

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

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

Average Monthly and Daily Flow of Raw Water:

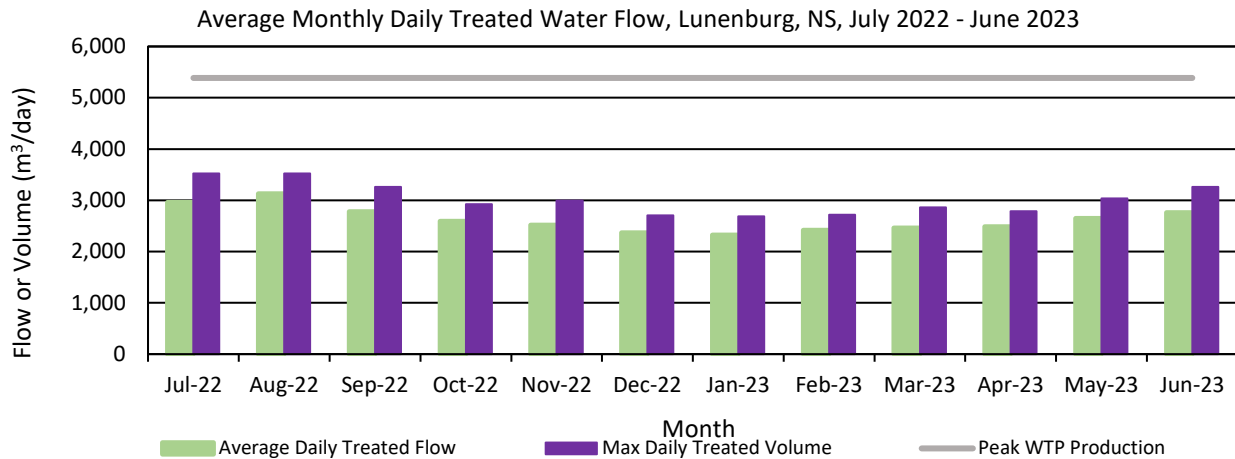
The following graph shows the historical monthly flows and the 3-day maximum flows for the raw water entering the WTP over the past year, inclusive of this quarter:



Average Monthly and Daily Flow of Treated Water:

The following graph shows the historical monthly flows and the maximum daily flow for the treated

water from the WTP over the past year, inclusive of this quarter:



Results

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

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

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

3.0 Water Main Breaks and Repairs:

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

Month	Date	Street	Address or Block	Problem or Cause
June	1	Pelham	315	Pinhole in service line. Section has been replaced.

4.0 Complaints

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

Month	Date	Street	Address or Block	Problem or Cause
May	12	Hall Street	71	Air in lines. Issue cleared up on its own. No other issues observed in the system.
May	30	Hall Street	71	Air in lines. Issue cleared up on its own. No other issues observed in the system.

Strategic Plan Relevance

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

Relevant Legislation/Approvals

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

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

Financial

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

Subject: Wastewater Quality Test Results: April to June 2023

From: Tyson Joyce, Town Engineer

Reviewed by: Jamie Doyle, CAO

Date: 15 August 2023



Recommendation

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

Background

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

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

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

Discussion

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

Provincial Approval 2012-082710-03 Testing Requirements

Treated wastewater must be tested a minimum of five times per month (once per week) for:

- Carbonaceous Biochemical Oxygen Demand (CBOD, maximum 20 mg/L)
 - Suspended Solids (SS, maximum 20 mg/L)
 - *E. coli* (maximum 1000 counts/100 mL)
 - pH (acceptable pH is in the range 6.0 - 9.0).
- The facility is considered to be in “compliance with the treated effluent discharge criteria if the average value calculated for the averaging period meets the specified limits. All average residuals shall be the arithmetic mean with the exception of *E. coli*, which shall be the geometric mean.” The averaging period is defined as quarterly.

Federal Wastewater Systems Effluent Regulations Testing Requirements

Treated wastewater must be tested every two weeks for:

- Carbonaceous Biochemical Oxygen Demand (CBOD maximum 25 mg/L)
 - Total Suspended Solids (TSS maximum 25 mg/L)
 - Un-ionized ammonia (maximum 1.25 mg/L) and
 - pH (between 5.5 - 9.5)
- Acute Lethality Tests are mandated to be conducted quarterly. In this test, rainbow trout are used to determine if they can survive in wastewater effluent over a 96-hour period. According to the regulations, if four consecutive Acute Lethality Tests pass when taken quarterly (over a year), then the testing for acute lethality can be reduced to once per year. The WWTP is currently on the reduced program of one lethality test per year.

Results

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

Quarterly Averages:

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

Quarter	Quarterly Average		
	CBOD (20 mg/L)	SS (20 mg/L)	<i>E. coli</i> (1000 counts/100 mL)
Qtr. 2 2023	5.1	7.9	38

All CBOD, TSS and *E. coli* test results met the Provincial and Federal requirements this quarter.

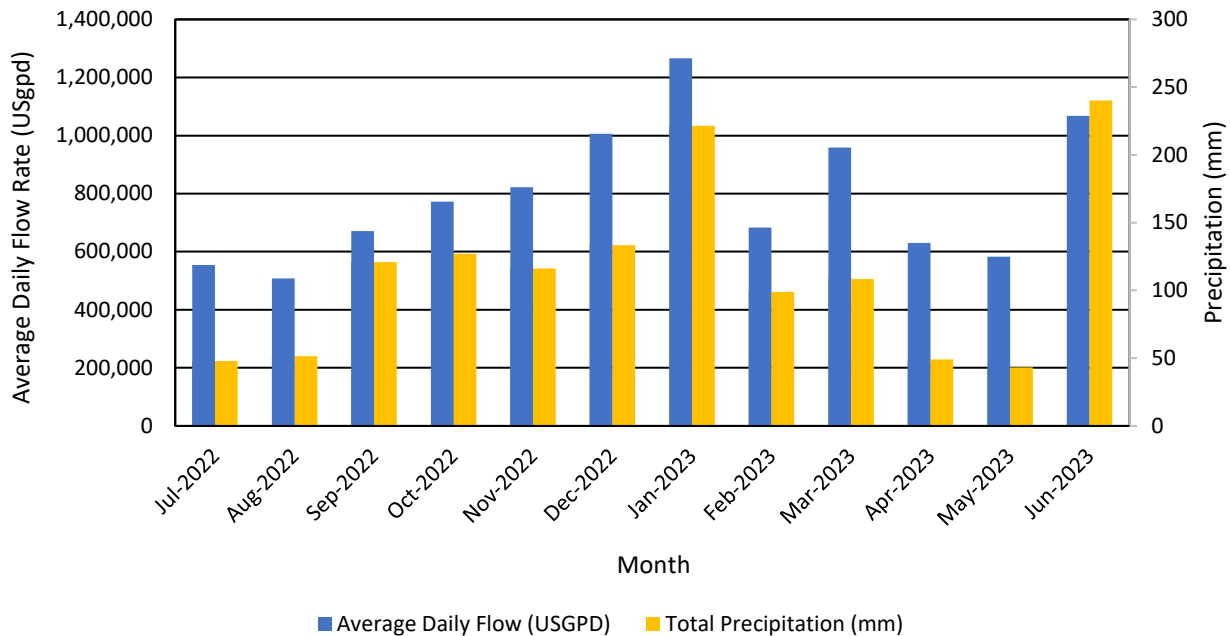
Lethality Testing:

According to the *Wastewater Systems Effluent Regulations* we are now only required to test for acute lethality yearly because the last five consecutive samples passed the test requirements. The next acute lethality test will be performed in November 2023.

Average Monthly Daily Flow of Wastewater with Total Monthly Precipitation:

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

Average Daily Flow of Treated Wastewater, Lunenburg, NS,
Jul 2022 – June 2023



Sewer Breaks and Repairs:

There were no sewer main breaks or repairs reported in this quarter.

Complaints:

There were no complaints recorded this quarter.

Strategic Plan Relevance

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

Financial

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