

TOWN OF LUNENBURG
COUNCIL MEETING AGENDA
Tuesday, June 10, 2025 | 6 pm
Lunenburg Town Hall – Council Chamber
120 Townsend Street



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

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

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

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

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

3. ADDITIONS/ DELETIONS TO AGENDA

4. APPROVAL OF AGENDA

4.1 June 10, 2025 Council Meeting Agenda

Recommendation: That Council approve the agenda for the June 10, 2025 meeting as presented.

5. APPROVAL OF MINUTES

5.1 May 27, 2025 Meeting Minutes

Recommendation: That Council approve the May 27, 2025 meeting minutes as presented.

6. PRESENTATIONS

6.1 Presentation: Transformation of Dangerous Spaces, a Public Art Installation – Christopher Quigley

7. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair
- Comments and questions are open to any municipal matter

8. CORRESPONDENCE

Correspondence items included on the agenda have been submitted for Council's information and do not imply endorsement by the Town. The content of correspondence reflects the views of the author and has not been independently verified. Should Council wish to take action on an item, a motion must be made.

8.1 Letter of Support Request: Remembrance Day Flyby – Royal Canadian Legion

Recommendation: That Council authorize the Mayor to provide a letter of support to the Royal Canadian Legion Bridgewater Branch #24 and A3 Special Events, 1 Canadian Air Division, for a low-level Remembrance Day flyby over the Town of Lunenburg on November 11, 2025, and that the required contact information be submitted as requested.

8.2 Condition of Maple Avenue – Susan Bullis

9. BUSINESS ARISING AND UNFINISHED BUSINESS

9.1 Request for Direction: Draft Noise By-law Options

10. NEW BUSINESS

10.1 LUB Amendment: Rezoning of 280 Montague Street

Recommendation: That Council give First Reading to an amendment to the Land Use By-law to rezone 280 Montague Street (PID 60696663) from Marine Industrial to Medium Density Residential.

10.2 Tender Award: Bandstand Restoration

Recommendation: That Council award the Bandstand Restoration Tender to DORA Construction LTD for the amount of \$328,642.55+ HST.

11. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS

12. ITEMS FOR CONSIDERATION AT COMMITTEE OF THE WHOLE

13. MOTION ACTION LIST

14. CLOSED SESSION

15. ADJOURNMENT

**COUNCIL MEETING MINUTES
TOWN OF LUNENBURG**

May 27, 2025 | 6 pm

Lunenburg Town Hall - Council Chamber



- Present** Mayor Jamie Myra, Deputy Rachel Bailey, Councillor Alex Greek, Councillor Debbie Dauphinee, Councillor Renea Babineau, Councillor Gale Fullerton, and Councillor Alison Strachan
- Also present** Marvin Macdonald, Interim CAO
Kayla Byrne, Legislative and Policy Advisor
Tyson Joyce, Director of Public Works
Kathleen Rafuse, Deputy Director of Finance
Jacob McGuigan, Accountant
Shania MacLeod, Bylaw Enforcement Officer
Jamie Deans, Communications and Events Coordinator
- Call to Order** The Chair called the meeting to order at 6:02 p.m.
- Land Acknowledgment** The Chair recognized Lunenburg’s location on the unceded territory of the Mi’kmaq people.
- Additions/Deletions to Agenda** Council agreed to the following additions and order changes for the agenda:
Change in order: Move agenda item 11.1 to agenda item 10.1 (a).
Addition: 6.1: Councillor Recognition: Local Artist Lyla Béliveau Woods
Addition: 11.1 Proposed Town Boundary Expansion – Letter to MODL Council
- Moved and seconded that Council approve the agenda for the May 27, 2025 meeting with discussed additions and changes.
Motion carried unanimously
- Approval of Minutes** Moved and seconded that Council approve the May 13, 2025 meeting minutes as presented.
Motion carried unanimously
- Presentations** Councillor Dauphinee recognized local youth artist Lyla Béliveau-Woods for her creative talent and contribution to the community. Lyla was commissioned to create a custom painting inspired by Councillor Dauphinee’s personal memories of growing up in Lunenburg.
- Council expressed appreciation for Lyla’s work and highlighted the importance of supporting young artists and celebrating local creativity.

Regular Public Input

None.

Noise By-Law Updates – Public Hearing & 2nd reading

Staff reviewed a report on the proposed second reading of a new Noise By-law. Following the review, Council held a public hearing.

One member of the public, Irma Da Sie, spoke during the public hearing. Irma shared concerns based on a past experience with prolonged mechanical noise from nearby businesses, and highlighted enforcement challenges under the previous by-law. She emphasized the importance of having clear, enforceable standards, particularly for continuous mechanical noise, and encouraged Council to consider setting measurable limits to support consistent application and effective resolution of similar complaints in the future.

Moved and seconded that Council close the public hearing portion of this meeting at 6:54 p.m.

Motion carried unanimously

Council raised several concerns, including the need for clearer and more enforceable standards for persistent mechanical noise, the practicality of using decibel thresholds, the application of noise standards to outdoor residential spaces, the clarity of certain subjective terms, and whether the 100-foot audibility standard during Quiet Hours was sufficient.

Moved and seconded that Council defer making a decision on the proposed Noise By-law, and direct staff to provide further guidance related to continuous mechanical noise, including defining a standard or limit specific to that type of disruption.

FOR	AGAINST
6 Councillors	1 Councillor (Mayor Myra)

Motion carried

It was noted that as the approval of the by-law was deferred until a future meeting, there could be more public input opportunities once edits have been made to the draft bylaw.

Public Input Session on Proposed Budgets

None.

Declaring Surplus Lands/Property: 18 Dufferin Street (Old Train Station)

Staff presented a report recommending that the property at 18 Dufferin Street, excluding the rail-to-trail and a portion of the rear lot, be declared surplus to allow for potential divestiture. The recommendation followed an expression of interest from the Second

Story Women's Centre, the building's current tenant. Council was advised that subdivision work is underway to separate the trail from the main parcel, and that a public hearing would be required before any sale proceeds.

Council raised questions regarding:

- Ongoing public access and parking for trail users;
- Whether the Town should retain ownership of the access route to the rear parking lot rather than rely on an easement;
- The sufficiency of lot boundaries to allow for subdivision while preserving necessary offsets;

Moved and seconded that the Town of Lunenburg declare the property at 18 Dufferin Street (Old Train Station) (PID 60386232) as surplus and no longer required for Town purposes.

Motion carried unanimously

Draft 2025/26
Capital and
Operating Budgets
for Town, Water
and Electric Utility

Moved and seconded that Council approve the 2025/26 Town General Capital Budget as presented, totalling \$4,690,000.

Motion carried unanimously

A question was raised about the proposed Economic Development Officer position included under Community Development. While staffing decisions rest with the CAO, Council members noted concerns around the timing and the clarity of the role. The CAO acknowledged the feedback and confirmed that the job description has not yet been finalized.

Motion carried unanimously

Moved and seconded that Council approve the 2025/26 Town General Operating Budget as presented, totalling \$11,318,200, with the following tax rates:

- Residential Tax Rate of \$1.376/\$100 of Assessment
- Commercial Tax Rate of \$3.358/\$100 of Assessment
- Seasonal Tourist Tax Rate of \$2.519/\$100 of Assessment
- Residential Sewer Rate of \$735.38 per dwelling unit
- Non-Residential Sewer Rate of \$0.7027/\$100 of Assessment
- Church Sewer of \$431.91 per quarter

Motion carried unanimously

Moved and seconded that Council approve the 2025/26 Water Utility Capital Budget as presented, totalling \$2,195,000.

Motion carried unanimously

Moved and seconded that Council approve the 2025/26 Water Utility Operating Budget as presented, totalling \$1,783,800.

Motion carried unanimously

Moved and seconded that Council approve the 2025/26 Electric Utility Capital Budget as presented, totalling \$3,243,000.

Motion carried unanimously

Moved and seconded that Council approve the 2025/26 Electric Utility Operating Budget as presented, totalling \$8,505,900.

Motion carried unanimously

Public Statements Policy Amendments Moved and seconded that Council approve the amended Public Statements Policy as presented.

Motion carried unanimously

Proposed Town Boundary Expansion – Letter to MODL Council Staff presented a request for Council to consider supporting a proposed boundary adjustment between the Town of Lunenburg and the Municipality of the District of Lunenburg (MODL) in the Salt Meadows area. The change would incorporate a small triangular section of land near Wolf Avenue and Wood Street fully into the Town’s boundary to align with existing development and improve planning consistency.

Moved and seconded that Council direct staff to send a letter to MODL Council proposing the boundary expansion shown in the presented map (Wolff Avenue and Wood Street).

Motion carried unanimously

Notices of Motion, Information Requests and Councillor Reports Councillor Strachan reported that several Council members participated in the Alzheimer's Walk at the LCLC alongside the MLA and shared birthday wishes.

Deputy Mayor Bailey reported attending the Tourism Industry Association of Nova Scotia's AGM and information session in Fox Harbour, noting it was informative and highlighted Lunenburg’s strong presence and importance in the tourism sector.

The Mayor shared that they will be travelling to Ottawa to represent the Town at the Federation of Canadian Municipalities (FCM) conference.

Items for Consideration at Committee of the Whole Due to a lack of agenda items for a Committee of the Whole discussion, Council made the following motion:
Moved and seconded that Council cancel the scheduled June 3, 2025 Committee of the Whole meeting.

Motion carried unanimously

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

Closed Session	Moved and seconded that Council move in closed session at 7:36 p.m. to discuss agenda items 15.1, 15.2 and 15.3 per the Municipal Government Act. Council held a brief recess before starting any closed session discussions.
Revert to Open Session	Council reverted to open session at 8:53 p.m.
Volunteer Recognition	Following the closed session, Council made the following motion: Moved and seconded that Council nominate Ellen Wathen as the 2025 Town of Lunenburg representative volunteer of the year. Motion carried unanimously
Adjournment	There being no further business, the May 27, 2025 Council meeting adjourned at 8:55 p.m.

Minutes were read and approved.



ALCHEMIA ART WORKSHOP

www.alchemiaartworkshop.org

cq@alchemiaartworkshop.org

www.transformationofdangerousspaces.com

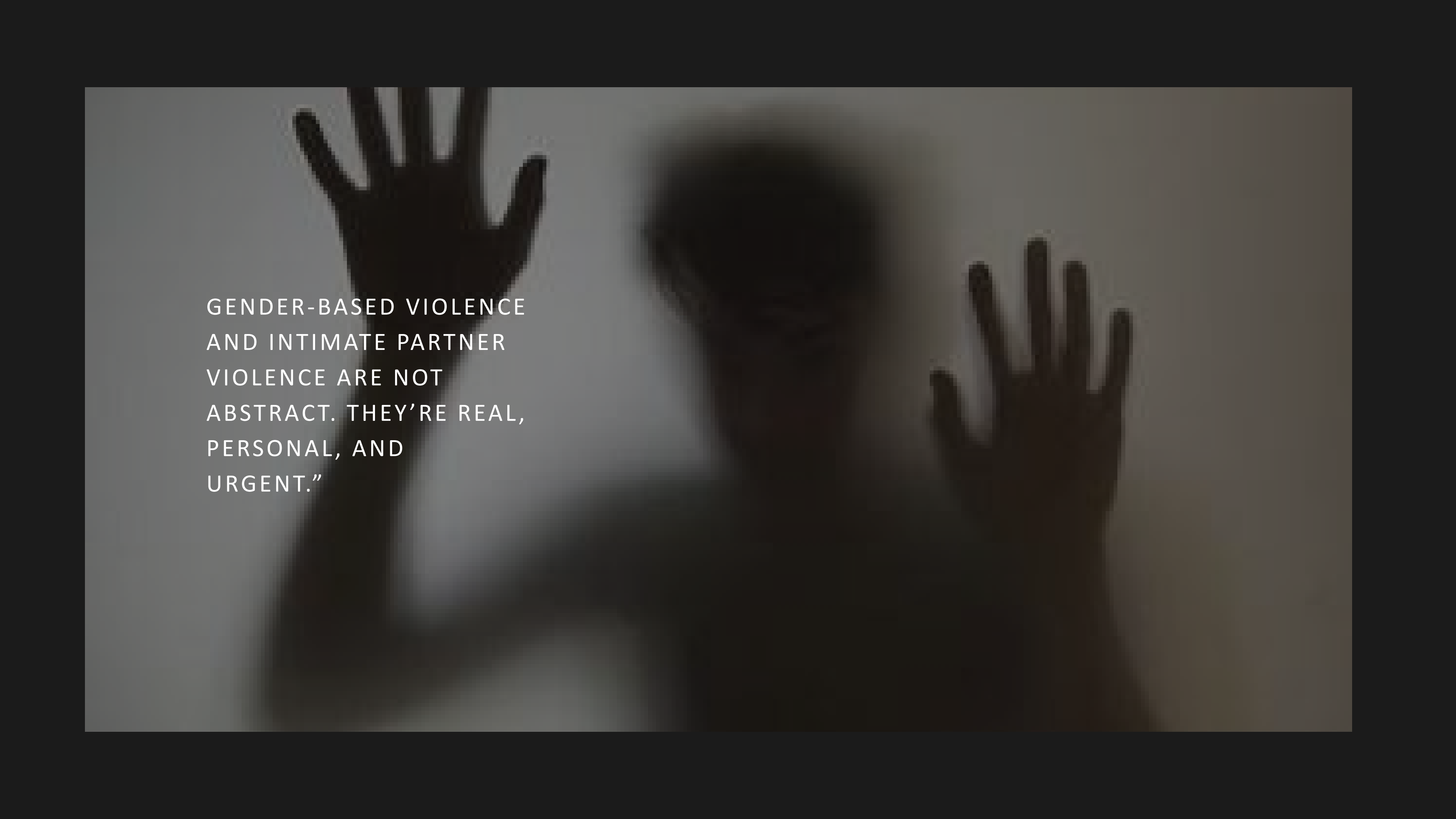
A PUBLIC ART INSTALLATION
ADDRESSING GENDER-BASED VIOLENCE
& MALE ACCOUNTABILITY

Transformation of Dangerous Spaces

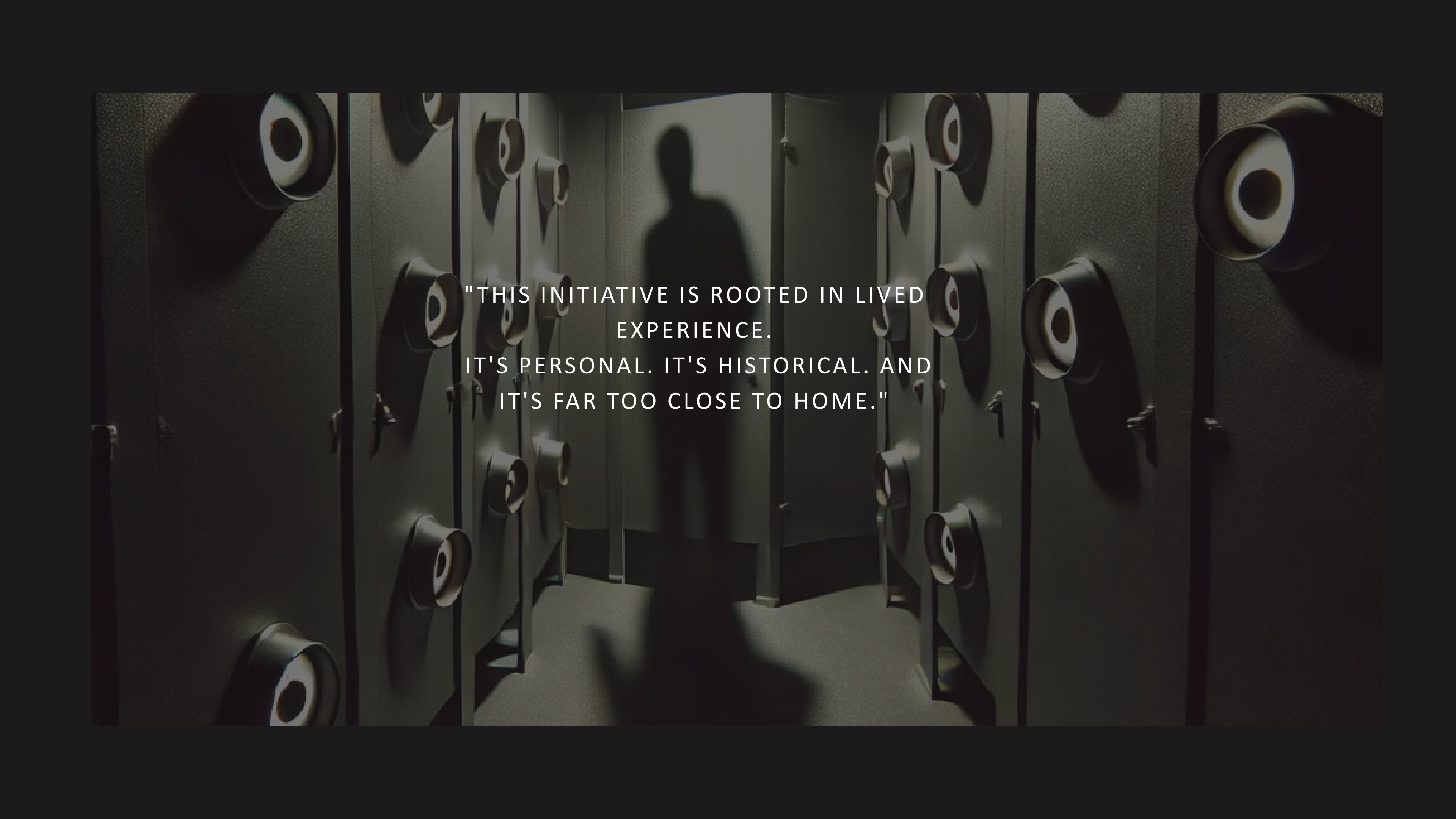
AN IMMERSIVE, TRAVELING PUBLIC ART INSTALLATION
CONFRONTING MEN WITH THE REALITIES OF GENDER-BASED
VIOLENCE, CONSENT, AND ACCOUNTABILITY.

TRANSFORMATION
OF
DANGEROUS
SPACES

22

A blurred, grayscale image of a person's hands raised in a gesture of protest or distress. The hands are positioned on the left and right sides of the frame, with the fingers spread. The background is a soft, out-of-focus gradient of light and dark tones, suggesting a person's face and torso in the center, though they are not clearly defined.

GENDER-BASED VIOLENCE
AND INTIMATE PARTNER
VIOLENCE ARE NOT
ABSTRACT. THEY'RE REAL,
PERSONAL, AND
URGENT."

A dark, moody photograph of a locker room. The scene is dimly lit, with the primary light source coming from the lockers themselves, which have their circular vents glowing. In the center background, a person's silhouette is visible, standing in a doorway or between lockers. The overall atmosphere is somber and reflective.

"THIS INITIATIVE IS ROOTED IN LIVED
EXPERIENCE.
IT'S PERSONAL. IT'S HISTORICAL. AND
IT'S FAR TOO CLOSE TO HOME."

**GENDER-BASED
VIOLENCE**

ACCOUNTABILITY

TRAUMA

COMPLICITY


WHAT IS THE PROJECT?

AN IMMERSIVE AND INTERACTIVE EIGHT-STALL EXPERIENCE

REIMAGINED SPACES LIKE PUBLIC BATHROOM STALLS

EACH STALL CONFRONTS A DIFFERENT FACET OF GBV AND IPV

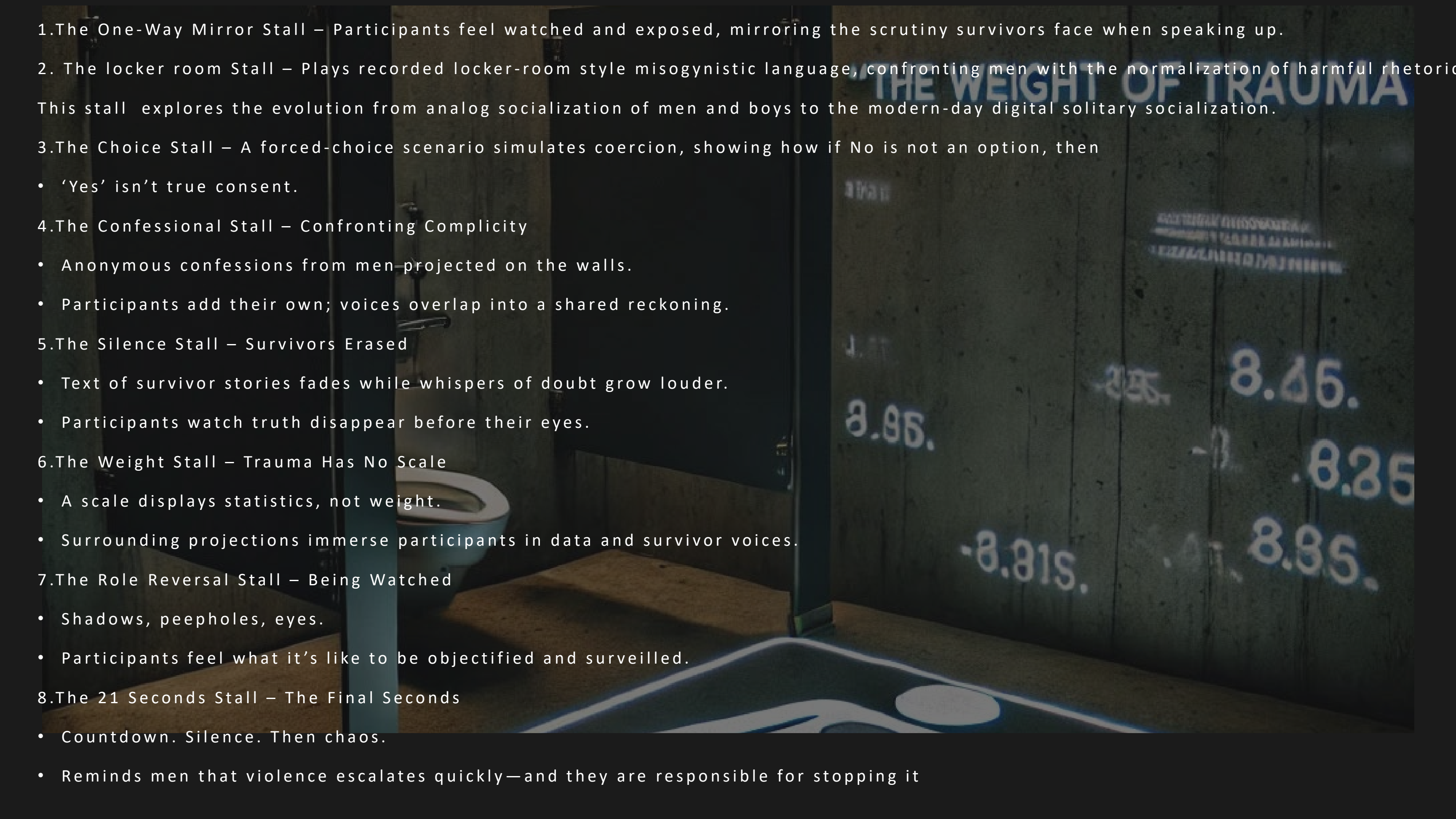
BUILT TO TRAVEL TO GALLERIES, UNIVERSITIES, AND PUBLIC SPACES

A dark, industrial-style room with a toilet and a doorway. The room is dimly lit, with a single light source creating a strong shadow of the toilet on the wall. The walls are made of dark, textured panels. A doorway is visible on the right side of the frame.

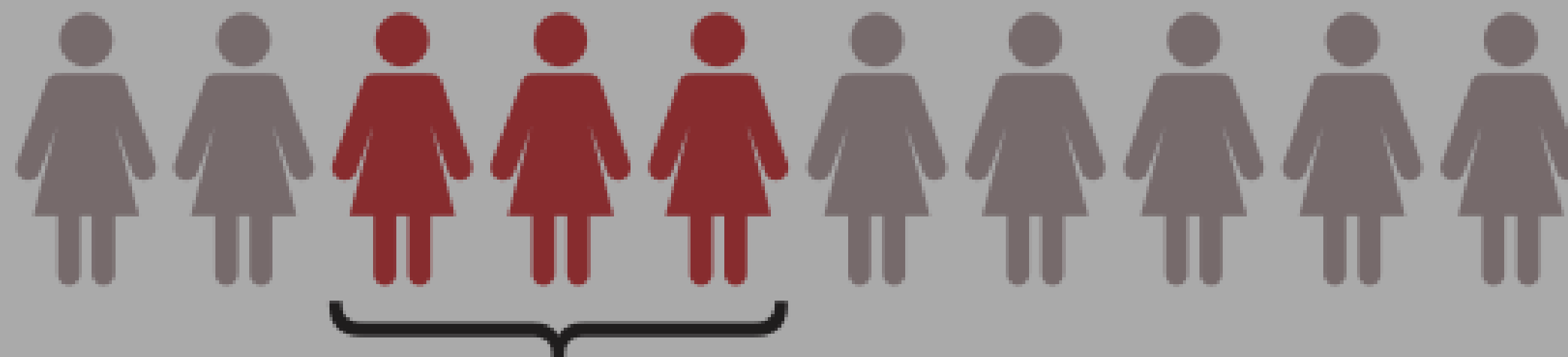
**THIS
IS NOT
GALLERY ART.**

**THIS IS
ACTION.**



- 
1. The One-Way Mirror Stall – Participants feel watched and exposed, mirroring the scrutiny survivors face when speaking up.
 2. The locker room Stall – Plays recorded locker-room style misogynistic language, confronting men with the normalization of harmful rhetoric. This stall explores the evolution from analog socialization of men and boys to the modern-day digital solitary socialization.
 3. The Choice Stall – A forced-choice scenario simulates coercion, showing how if No is not an option, then
 - ‘Yes’ isn’t true consent.
 4. The Confessional Stall – Confronting Complicity
 - Anonymous confessions from men projected on the walls.
 - Participants add their own; voices overlap into a shared reckoning.
 5. The Silence Stall – Survivors Erased
 - Text of survivor stories fades while whispers of doubt grow louder.
 - Participants watch truth disappear before their eyes.
 6. The Weight Stall – Trauma Has No Scale
 - A scale displays statistics, not weight.
 - Surrounding projections immerse participants in data and survivor voices.
 7. The Role Reversal Stall – Being Watched
 - Shadows, peepholes, eyes.
 - Participants feel what it’s like to be objectified and surveilled.
 8. The 21 Seconds Stall – The Final Seconds
 - Countdown. Silence. Then chaos.
 - Reminds men that violence escalates quickly—and they are responsible for stopping it

INTIMATE PARTNER VIOLENCE



IN CANADA, 30% **OF WOMEN** experience intimate partner violence in their lifetime.



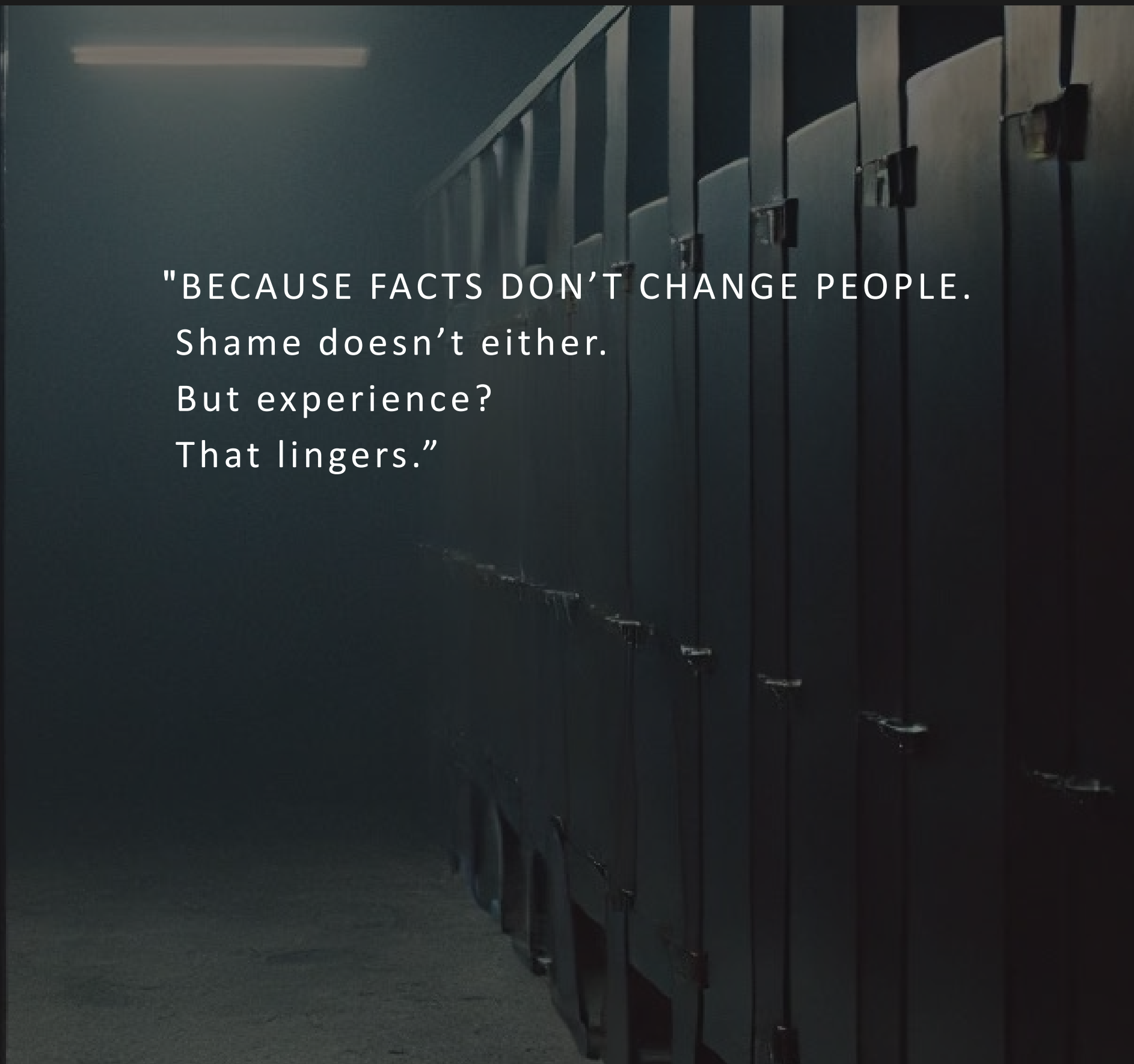
Public Health
Agency of Canada

Agence de la santé
publique du Canada

Canada




"BECAUSE FACTS DON'T CHANGE PEOPLE.
Shame doesn't either.
But experience?
That lingers."



THIS ALIGNS WITH:

- GBV prevention frameworks
- Municipal safety and wellness mandates
- Public health and education initiatives
- Evaluation tools + trauma-informed facilitation



Actively engaged with over 70 organizations and
advocacy groups

To drive systemic change

To deliver a visceral educational artistic
experience

THE URGENCY OF NOW
123,319 POLICE-REPORTED IPV CASES IN 2023
ONE EVERY 4 MINUTES
78% OF VICTIMS ARE WOMEN AND GIRLS
44% OF IPV IS NEVER REPORTED



FUNDING

PROJECTS

GRANTS

WE'RE SEEKING:
HOSTS AND MUNICIPAL PARTNERS
IN-KIND SPACE AND STAFFING
PROMOTION AND FUNDING REFERRALS
PUBLIC ENDORSEMENT TO UNLOCK GRANT ACCESS

A dark, atmospheric photograph of a hallway. In the center, a person's silhouette is visible in the distance, standing in a doorway or at the end of a brightly lit passage. The rest of the hallway is in deep shadow. The overall mood is mysterious and somber.

"EVERY COMMUNITY HAS DANGEROUS SPACES.
EVERY COMMUNITY HAS THE POWER TO TRANSFORM .



THANK YOU FOR YOUR TIME.
LET'S TRANSFORM THE SILENCE INTO
ACTION.
CONTACT: CHRISTOPHER W. QUIGLEY
EXECUTIVE DIRECTOR, ALCHEMIA ART
WORKSHOP

www.alchemiaartworkshop.org

cq@alchemiaartworkshop.org





**Royal Canadian Legion,
Branch # 24
78 Churchill Street
Bridgewater, Nova Scotia
B4V 1R7**

May 9th, 2025

Your Worship Jamie Myra,

Re: Remembrance Day Flyby

In previous years, we have attempted to coordinate Fly Overs during the November 11th ceremonies in our areas. We would like to do the same again this year with your support.

We are again planning to conduct flybys over the following communities: Bridgewater, Chester, Chester Basin, Lunenburg, Mahone Bay, New Germany, New Ross, Chelsea and Western Shore. (These communities were selected based on the most direct aircraft approaches.)

If you would like your community to again participate and experience this flyby and because time is of the essence, I will need the following information from you as soon as possible.

- Letter of support from the Mayor allowing a low-level flyby as low as 500' over your community;
- Name, e-mail address and telephone number of a contact person.
- Please send the letter directly to me via email in Word or PDF format
- Address the letter to:
 - A3 Special Events
 - 1 Canadian Air Division
 - Po Box 17000 Stn Forces
 - Winnipeg, Manitoba, R3J 3Y5

Military flybys are usually confirmed one week prior to the event and are subject to availability of aircraft, weather and other military commitments. The flight plans and the final list of towns that will participate are at the discretion of the Special Events Coordinator.

If you have any questions or require additional information, please do not hesitate to contact me at 902-523-3148 or e-mail danjfbeaudreau@eastlink.ca

Yours in Comradeship

Dan Beaudreau
November 11th Committee

Past-President
Bridgewater Branch #24
Royal Canadian Legion

From: [Susan Bullis](#)
To: [Kayla Byrne](#); [Jamie Myra](#); [Rachel Bailey](#); [Renea Babineau](#); [Alex Greek](#); [Alison Strachan](#); [Gale Fullerton](#); [Debbie Dauphinee](#)
Subject: Lumpy and Bumpy Maple Ave. in Lunenburg
Date: May 23, 2025 4:04:31 PM

CAUTION: THIS IS AN EXTERNAL MAIL

Dear Mayor and Councillors of the Town of Lunenburg,

I'd like to ask Council to strongly consider repaving Maple Ave. in the very near future.

I have to drive no faster than 30 kms/hour on Maple Ave. as it is so bumpy as I'm afraid it will do damage to my car. Our last car had many repairs to its shocks and struts.

I've heard from so many people (including members of our fire department) that they will go out of their way not to drive down Maple Ave.

It is the first road that a lot of visitors to our town drive down and doesn't give them a very good first impression of our town.

This problem has been going on for a long time and each year it gets worse.

Susan Bullis

REQUEST FOR DIRECTION

Subject: Draft Noise By-law Options

Prepared by: Kayla Byrne, Legislative & Policy Advisor
Shania MacLeod, Bylaw/Special Constable Officer

Date: April 1, 2025 – COTW
April 22, 2025 – *proposed first reading*
May 27, 2025 – *public hearing*
June 10, 2025 – *Request for Direction*



Recommendation

That Council provide direction on the draft Noise By-law.

Alternatives

- Suggest edits to the proposed draft by-law
- Take no action on this item and continue to use the current by-law

Background

At the May 27, 2025 Council meeting, Council held a public hearing ahead of the tentative second reading of the proposed by-law. Following the public hearing, Council deferred making a decision on the by-law and directed staff to come up with wording to address the concerns raised by Council and the public, particularly around continuous mechanical noise.

Discussion

Based on the conversation at the May 27 Council meeting, staff identified the following five concerns or points of further discussion. The intent of this report is for Council to review the below concerns and proposed solutions and provide further direction:

1: THE NEED FOR OBJECTIVE STANDARDS FOR LONG-TERM, PERSISTENT MECHANICAL NOISE LIKE HVAC SYSTEMS OR FANS

Proposed new section:

Mechanical Systems in Residential Zones (No Decibels)

This section applies to fixed mechanical systems (including but not limited to HVAC units, exhaust fans, refrigeration compressors, and ventilation systems) operating in proximity to residential dwellings.

Noise from a mechanical system is considered excessive or disruptive if it:

a. Can be clearly and persistently heard inside a neighbouring dwelling or within regularly used outdoor areas (such as patios, balconies, or decks) during Quiet Hours (11:00 p.m. to 7:00 a.m.);

b. Causes physical vibrations, low-frequency hums, or resonances that can be felt or heard inside a neighbouring dwelling or outdoor living area;

c. Interferes with sleep, rest, or normal indoor or outdoor conversation, where the noise is plainly audible above ambient background levels for a sustained period, based on the reasonable person standard;

d. Persists for more than three cumulative hours within any six-hour period during Permitted Hours without reasonable breaks, and is not required for emergency or essential services.

Maintenance and Mitigation Requirements

Property owners or operators must:

- *Maintain all mechanical equipment in good working order, including mufflers, vibration isolation, acoustic barriers, or screens where appropriate;*
- *Take reasonable steps to mitigate noise impacts, which may include shielding, relocation, acoustic insulation, or scheduling adjustments when persistent complaints are substantiated by a By-law Enforcement Officer.*

Reasonable Effort Clause

In determining whether enforcement action is warranted, the By-law Enforcement Officer may consider:

- *The age, make, and condition of the equipment;*
- *Whether relocation or noise reduction is technically or economically feasible;*
- *Whether the operator or property owner has demonstrated good-faith efforts to mitigate noise impacts;*
- *Any prior history of complaints regarding the same equipment.*

Staff rationale: This clause provides clear, measurable criteria to assess ongoing mechanical noise without relying on decibel readings.

2: EXPLORE DECIBEL LIMITS FOR CERTAIN NOISES

Proposed new section: A catch all clause for stationary noises

Use of Provincial Guidelines (Uses decibels)

When a noise complaint involves a stationary source, and the criteria set out elsewhere in this Bylaw do not adequately capture the nature or severity of the disturbance, the Town may assess, at its discretion, the noise using the Nova Scotia Guidelines for Environmental Noise Measurement and Assessment, as amended from time to time.

The Town may consider the noise to be excessive if it exceeds the recommended thresholds in the current version of the provincial guidelines, based on measurements that:

- Use an A-weighted equivalent sound level (Leq) over a suitable time period;
- Are taken with a calibrated sound level meter, Type 2 or better;
- Are taken at the nearest point of reception, such as a neighbouring property line or exterior window.

This approach is intended to be used in cases where other measurable criteria in the bylaw (such as time of day, duration, type of activity) do not provide a clear or sufficient standard for enforcement.

Information about the Provincial Guidelines: [The Nova Scotia Guidelines for Environmental Noise Measurement and Assessment](#) provide a standardized method for evaluating noise from stationary sources, such as industrial equipment, HVAC units, or other fixed installations. They set out clear sound level limits based on land use and time of day, and explain how noise should be measured, modelled, and assessed. While developed for provincially regulated activities, municipalities can use these guidelines to support enforcement of local noise bylaws, especially in cases where existing criteria are unclear or insufficient. The guidelines do not apply to transportation noise, construction, or other mobile sources.

Staff rationale for catch-all clause for stationary noise: Staff believe the proposed clause referencing the provincial noise guidelines is a helpful backup tool. It gives us another option to assess certain types of noise (like long-term mechanical systems) in situations where the by-law's usual criteria don't provide a clear answer. This allows us to consider decibel levels when needed, without making them the main rule for enforcement. It gives us flexibility without locking us into a system that's hard to apply in practice.

Decibel readings and other municipalities: Some municipalities, like Mahone Bay and Wolfville, include decibel levels in their noise bylaws. We spoke with by-law staff in both towns, and they told us that even though decibel limits are written into their bylaws, they have never used them, but rather rely on other wording in the bylaw for enforcement. They said it's hard to get accurate readings, the equipment is expensive and needs regular upkeep, and things like wind or background noise can throw off the results. In practice, they rely more on what they can observe and whether the noise would bother a reasonable person, rather than using decibel meters to enforce the rules.

REQUEST FOR DIRECTION: Would Council like to explore more decibel thresholds?

3: INTERFERING WITH INDOOR CONVERSATION VERSUS OUTDOOR CONVERSATION

Current draft wording: “Interference with Conversation: The noise is loud enough to interfere with normal indoor conversation in a neighbouring dwelling, based on what a reasonable person would consider disruptive.”

Items for consideration: Add something like “Consideration may also be given to outdoor spaces such as porches, patios, or backyards where noise is clearly disruptive to normal conversation or personal enjoyment, based on the reasonable person standard. This applies only when the noise is sustained, avoidable, and exceeds what would typically be tolerated in a residential setting.”

4: SUBJECTIVE LANGUAGE “PROVOCATIVE OR DISTURBING CONTENT”

Current proposed wording: “Provocative or Disturbing Content: The noise includes excessive shouting, profanity, or disruptive content intended to provoke or disturb others.”

Consider changing to: “No person will engage in yelling, shouting, amplified speech, or other loud vocalizations that are plainly audible from another dwelling and that unreasonably interfere with the quiet enjoyment of nearby dwellings or businesses, particularly during Quiet Hours or when sustained for more than a brief period.”

5: EXPLORE A DISTANCE INCREASE FOR AUDIBILITY DURING QUIET HOURS

Current proposed wording (100 foot rule): During Quiet Hours (11:00 p.m. to 7:00 a.m.), noise that is clearly audible at a distance of 100 feet from the property line, or that can be heard within a neighbouring residence with ordinary use and occupancy, is presumed to be excessively loud or disruptive.

Rationale: This 100-foot threshold was selected to reflect the close-knit layout of many residential areas.

REQUEST FOR DIRECTION: Would Council like to explore a different distance? 150 feet? Different measurements for lower-density areas (Staff believe this isn’t very realistic given the close-knit layout of most of town)?

Noise Complaints

Since the Town hired a full-time by-law enforcement officer (about one and a half years ago), the primary noise complaints have had to do with music. In this timeframe, the Town has not received any complaints about HVAC and fan systems in residential areas.

Noise By-law Summary Chart

This chart is just here to give a quick snapshot of the different types of noise covered in the by-law. It's not part of the by-law itself – it's just to help show how the rules work in different situations.

Category	Key Rules / Prohibitions	Time Sensitivity	Exemptions / Notes
General Public	No excessively loud/disruptive noise (vibrations, shouting, sustained noise, etc.)	Applies at all times – evaluated by disruption level and context	Stricter during Quiet Hours (11:00 p.m. – 7:00 a.m.); 3-hour threshold during day
Residential Properties	Use of outdoor power tools, musical instruments, shouting, etc.	Prohibited during Quiet Hours	Daytime allowed if not disruptive; snow removal exempt
Mechanical Systems (New proposed section)	Fixed equipment (HVAC, fans, compressors) must not: <ul style="list-style-type: none"> • Be audible indoors at night • Cause vibrations • Disrupt sleep or conversation • Run >3 hrs in 6 without breaks 	Applies at all times, with stricter rules during Quiet Hours	Maintenance & mitigation required; Reasonable effort considered by enforcement officer
Construction Activities	Equipment must have mufflers and be reasonably operated; no excessive/avoidable noise	Prohibited during Quiet Hours, unless exempt	Emergency/municipal work exempt; Residential zone standards are stricter
Registered Businesses	Business activities (equipment, music, live events) allowed if not disruptive	Allowed 7:00 a.m. – 11:00 p.m.	Not subject to 3-hour limit if industrial/marine in proper zones
Events (Approved)	Festivals, parades, amplified entertainment typically approved under a special events permit)	Allowed 7:00 a.m. – 11:00 p.m.	Exemption needed for operation past 11:00 p.m.

Category	Key Rules / Prohibitions	Time Sensitivity	Exemptions / Notes
Combustion / Pneumatic Devices	Must use effective mufflers; disruptive operation due to maintenance is prohibited	Prohibited at all times if not muffled or poorly maintained	Applies to all engine-powered devices
Motor Vehicles	Horns, banging, squealing from vehicles due to poor maintenance or misuse	Prohibited at all times, unless safety-related	Horn use permitted for immediate danger only
Firearms / Fireworks	Discharge of firearms or private fireworks	Prohibited at all times	Exemption only for sanctioned events
Cultural/Religious Events	Church bells, religious music, holiday celebrations	Generally allowed 7:00 a.m. – 11:00 p.m.	Exemption required outside hours unless tied to recognized holidays
Garbage Collection	Waste pickup operations	Allowed 6:00 a.m. – 10:00 p.m.	Presumed compliant within hours
Waterfront Operations	Fishing truck loading/unloading, refrigerated truck noise	Allowed 7:00 a.m. – 11:00 p.m.	Operators encouraged to reduce impact; excessive disruption may require exemption
Emergency Services	Vehicles, personnel, air ambulances	Fully exempt at all times	Includes actions taken at the request of emergency services
Audible Pedestrian Signals	Beeping crosswalks, accessibility sounds	Fully exempt at all times	Accessibility and safety rationale

Relevant Legislation

- Municipal Government Act

Financial

There is no financial impact associated with approving the proposed new Noise By-law.

Communications

If the by-law is approved, a notice will be placed in a local newspaper as required by legislation. Staff will also share the new by-law through the Town's online channels and explore ways to

effectively remind residents about the by-law, including seasonal reminders or educational materials.

Attachments

Draft Noise By-law (no changes from May 27)

Town of Lunenburg

NOISE BY-LAW

A By-law to Regulate Noise within the Town of Lunenburg

WHEREAS Section 172(1)(d) of the Municipal Government Act, R.S.N.S. 1998, c. 18 provides that the Council of the Town of Lunenburg may make by-laws respecting nuisances, activities, and things that, in the opinion of the Council, may be or may cause nuisances;

AND WHEREAS it is the desire of the Council of the Town of Lunenburg to promote the peace, comfort, and enjoyment of its residents by regulating and prohibiting excessive and unreasonable noise within the Town;

NOW THEREFORE, the Council of the Town of Lunenburg enacts as follows:

1. TITLE

This By-Law is titled the "Noise By-Law".

2. PURPOSE

The purpose of this By-law is to protect the residents of the Town of Lunenburg from excessive and unreasonable noise that interferes with the peace, comfort, and enjoyment of their properties, while allowing reasonable noise-generating activities essential for business operations, public events, and community life.

3. DEFINITIONS

For the purposes of this By-law, the following definitions will apply:

"Approved Event" is an event that has received permission from the Town of Lunenburg or other relevant authority to operate within the Town, including festivals, parades and community events.

"By-law Enforcement Officer" is a person appointed by the Town of Lunenburg to enforce the provisions of this By-law.

"CAO (Chief Administrative Officer)" is the individual appointed by the Town Council as the Chief Administrative Officer or their designate.

"Combustion Engine" is an engine powered by burning fuel to produce mechanical energy.

"Construction" includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural

installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any related work, but does not include blasting.

“Construction Equipment” means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment.

“Dwelling” means a dwelling as defined in the Town’s Land Use By-law.

“Exemption” is permission granted by the CAO, their designate, or Council allowing activities otherwise prohibited under this By-law.

“Excessively loud or disruptive” and “unreasonably disturbs” mean noise that meets one or more of the following conditions:

- The noise causes physical vibrations or rumbles that can be felt on neighbouring properties.
- The noise is loud enough to interfere with normal conversation or indoor activities in a nearby residence, based on a reasonable person standard.
- The noise includes excessive shouting, profanity, or disruptive content intended to provoke or disturb others.
- The noise continues persistently and at high volume without reasonable breaks during permitted hours, and is not the result of essential construction, maintenance, or business operations occurring within permitted hours.

“Motor Vehicle” is a vehicle powered by an engine or motor, including cars, motorcycles, trucks, and off-road vehicles.

“Noise Exemption Application” is a formal application submitted to request permission for activities that may exceed permissible noise levels as outlined in this By-law.

“Permitted Hours” is the period between 7:00 a.m. and 11:00 p.m. during which activities generating noise are generally allowed.

“Pneumatic Device” is any tool, instrument, or equipment operated by compressed air or gas, including but not limited to pneumatic drills, hammers, impact wrenches, and air compressors.

“Quiet Hours” is the period between 11:00 p.m. and 7:00 a.m. during which stricter noise standards apply.

“Reasonable” is noise that does not meet the criteria for “excessively loud or disruptive” or “unreasonably disturbs”.

“Reasonable Person Standard” means the judgment of an average person with typical tolerance and expectations for noise in a similar setting. This standard is used to assess whether a noise or activity is disruptive, excessive, or disturbing to the general public, not based on individuals with unusually high or low sensitivity, including medical or personal sensitivities.

“Registered Business” is a business operating within the Town of Lunenburg that is duly registered and licensed under applicable federal, provincial, and municipal laws.

“Town” is the Town of Lunenburg.

4. GENERAL PROHIBITIONS & NOISE STANDARDS

No person will make or cause noise that is excessively loud or disruptive or unreasonably disturbs the peace, comfort, or enjoyment of another person's property.

Noise is considered “excessively loud or disruptive” or “unreasonably disturbs” if it meets one or more of the following conditions:

1. **Physical Vibrations:** The noise causes physical vibrations or rumbles that can be felt on neighbouring properties.
2. **Interference with Conversation:** The noise is loud enough to interfere with normal indoor conversation in a neighbouring dwelling, based on what a reasonable person would consider disruptive.
3. **Provocative or Disturbing Content:** The noise includes excessive shouting, profanity, or disruptive content intended to provoke or disturb others.
4. **Prolonged Excessive or Disruptive Noise:** Noise is considered “excessively loud or disruptive” or “unreasonably disturbing” if it meets any of the criteria outlined in Section 3 and occurs over an extended period. This provision is intended to address avoidable or non-essential noise, such as amplified music, loud recreational activity, shouting, or other discretionary sound, that disrupts the peace and enjoyment of nearby properties.

It does not apply to temporary noise generated by construction, maintenance, or normal business operations occurring within permitted hours, unless that noise also meets the criteria for being excessively loud or unreasonably disturbing.

This includes situations where disruptive noise occurs for more than three cumulative hours within any six-hour period during the permitted hours (7:00 a.m. to 11:00 p.m.), even if the noise starts and stops during that time.

Short or superficial pauses, such as briefly turning the noise off or lowering the volume, do not reset this threshold if the overall pattern results in sustained disruption.

This provision is not intended to restrict brief or occasional noise, including separate daytime and evening gatherings, unless the noise from those events is sustained and disruptive, as defined by this by-law, each time.

5. Unattended Sound-Producing Devices: Leaving radios, televisions, speakers, or similar sound-producing devices running in the absence of any person actively present or supervising the activity may be considered a violation if the noise meets the criteria for “excessively loud or disruptive” as defined in this By-law. This does not apply to devices operating as part of registered business, marine, or industrial activities where unattended operation is necessary and does not otherwise violate this By-law.
6. Audibility Beyond Property Line During Quiet Hours: During Quiet Hours (11:00 p.m. to 7:00 a.m.), noise that is clearly audible at a distance of 100 feet from the property line, or that can be heard within a neighbouring residence with ordinary use and occupancy, is presumed to be excessively loud or disruptive.

The above prohibition applies to all noise-generating activities, including those by registered businesses or approved events. However, the restriction on continuous noise lasting more than three hours without reasonable breaks does not apply to registered businesses or approved events operating under valid permissions as outlined in Sections 6 and 7 of this By-law.

A full list of prohibited activities is found in Schedule A. Activities listed in Schedule A include:

- Always-Prohibited Activities: These activities are prohibited at all times, regardless of the hour.
- ~~Time-Restricted Activities: These activities are only prohibited during quiet hours (11:00 p.m. to 7:00 a.m.)~~

5. FIXED EXEMPTIONS

This By-law does not apply to the following activities during permitted hours (7:00 a.m. to

11:00 p.m.). Activities occurring during Quiet Hours (11:00 p.m. to 7:00 a.m.) require an exemption under Section 7, unless otherwise noted.

1. Emergency Services (*Fully Exempt at All Times*)

- Noise created by emergency response personnel performing their duties.
- Noise made by individuals acting at the request of emergency response personnel during an actual or apparent emergency.
- Noise from emergency response vehicles and air ambulances.

2. Traditional, Festive, and Religious Activities

- Sound associated with recognized national, cultural, or religious events, including but not limited to:
 - Canada Day
 - New Year's Eve
 - Religious holidays
 - Remembrance Day ceremonies
- Sound from calls to worship, ringing of bells at places of worship, or religious services.

Activities outside permitted hours require an exemption unless tied to a recognized holiday listed above.

3. Government and Utility Operations

- Noise generated by government or utility agencies is permitted during permitted hours and is also exempt during Quiet Hours when required for public safety, essential service restoration or urgent infrastructure work.

4. Community Events

- Noise from parades, festivals, or other events approved by the Town under a special event permit or exemption. Events operating beyond 11:00 p.m. require an exemption.

5. Audible Pedestrian Signals (*Fully Exempt at All Times*)

- Noise from pedestrian crossing signals installed for accessibility and public safety.

6. Garbage Collection

- Noise from waste collection services between 6:00 a.m. and 10:00 p.m.

7. Waterfront Operations

- Noise from transport trucks, including refrigerated trucks, servicing fishing firms on or near the waterfront is permitted, provided it is not excessively loud or disruptive as defined in this by-law. Operators are encouraged to minimize impacts during Quiet Hours where feasible. Sustained or significantly disruptive activity may require an exemption.

6. REGISTERED BUSINESS OPERATIONS

Reasonable noise generated by Registered Businesses within the Town of Lunenburg between 7:00 a.m. and 11:00 p.m. is permitted, provided it does not meet the criteria for “excessively loud or disruptive” noise as defined in this By-law.

Activities considered “reasonable” include but are not limited to:

(a) General Business and Construction Operations: Activities such as customer service, maintenance, equipment use, and construction work carried out by registered businesses or contractors, provided they follow basic equipment standards and do not meet the criteria for excessively loud or disruptive noise.

(b) Playing Recorded Music: Background music outside of businesses (e.g., shops, cafes) at volumes that do not meet the criteria for excessively loud or disruptive noise.

(c) Live Musical Performances or Entertainment: Live music or entertainment between 7:00 a.m. and 11:00 p.m., which may be audible from neighbouring properties but must not meet the criteria for excessively loud or disruptive noise.

(d) Industrial, Marine, and Construction Operations: Noise from registered industrial or marine activities within appropriately zoned areas is permitted between 7:00 a.m. and 11:00 p.m. These activities are not subject to time-based noise limits as outlined in Section 4.4 but may still be assessed if the noise meets the criteria for excessive disruption per this by-law.

Operators are encouraged to reduce impacts where feasible through equipment maintenance, timing adjustments, or the use of quieter alternatives, especially when operating near residential properties.

Construction equipment used by registered businesses must comply with Schedule A, including the requirement for effective mufflers in residential zones.

7. REQUESTING AN EXEMPTION

Members of the public may request exemptions to this By-law if their activities exceed permissible noise levels or occur outside permitted hours. Exemptions are granted on a case-by-case basis, with approval authority divided as follows:

8.1 Approval Authority

(a) Approval by CAO or Designate (14 Days or Less):

- The CAO or their designate may approve exemptions for activities lasting 14 days or less.

(b) Approval by Council (More Than 14 Days):

- Council approval is required for activities lasting more than 14 days.
- A public hearing will be held at a regular Council meeting to allow for public input, as outlined in Section 8.4.

(c) Fallback Clause:

- Any application that, in the opinion of the CAO, presents unique or significant community-wide impacts may be referred to Council for approval, regardless of duration.

8.2 Exemption Application Process

Applicants must submit a completed “Noise Exemption Application” at least 10 days before the proposed activity. Where this notice period is not feasible due to unforeseen or time-sensitive circumstances, the Town may accept late applications at its discretion, provided sufficient information is submitted to support a timely review.

For Council-approved exemptions, the application will be included in the public agenda package.

8.3 Criteria for Approval

When reviewing an application, the approving authority (CAO, designate, or Council) will consider:

- The social or commercial benefit of the activity to the Town.
- The volume, nature, duration, and consistency of the noise.
- The hours of operation and overall duration of the activity.
- The proximity and nature of nearby properties.
- Measures proposed by the applicant to minimize noise disturbance.
- Any previous complaints related to the applicant or activity (Council consideration only).

8.4 Public Notice and Input Requirements

(a) Short-term Activities (CAO Approval):

- Notice of approved short-term activities will be posted on the Town’s social media channels, official website, and other appropriate public communication channels as determined by the Town.

(b) Long-term Activities (Council Approval):

- A public hearing will be held at a regular Council meeting to allow for public input.
- Notice of the application and public hearing must be:
 - Posted on the Town’s social media channels, official website, and other appropriate public communication channels as determined by the Town;
 - Sent by regular mail to property owners within 330 feet (roughly 100 meters) of the proposed activity;
 - Published at least seven days before the public hearing.
- Approved long-term exemptions will be posted on the Town’s social media channels, official website, and any additional communication channels identified by the Town for public notices.

8.5 Exemption Request Appeals

If an exemption is denied or if a party disagrees with the conditions, an appeal may be made to Council within seven business days of the decision. Council will hear the appeal at the next regular meeting or a special meeting called for that purpose.

8. ENFORCEMENT OF BY-LAW

This By-law is primarily enforced on a complaint basis. However, By-law Enforcement Officers may also take action if they observe a violation during routine patrols or while performing other official duties. In any prosecution under this By-law, it is sufficient for a By-law Enforcement Officer to provide evidence that the noise met one or more of the conditions defined as “excessively loud or disruptive” or “unreasonably disturbing,” whether observed during patrol or as part of an investigation.

~~In a prosecution for a violation of this By-law, evidence that one person, including a By-law Enforcement Officer, is unreasonably disturbed by prohibited noise is sufficient to establish a violation of this By-law.~~

Where a By-law Enforcement Officer determines that a violation has occurred, they may issue:

- A verbal or written warning.

- A written compliance order requiring the noise to cease or be reduced to acceptable levels.

9. PENALTIES

Failure to comply with a warning or compliance order issued by a By-law Enforcement Officer may result in the issuance of a Summary Offence Ticket. Fines for violations of this By-law are as follows:

- First Offence: \$237.20
- Subsequent Offences: \$500.00 for each subsequent violation.

10. APPEAL OF COMPLIANCE ORDERS AND TICKETS

Any person who receives a compliance order or ticket may submit an appeal to the Chief Administrative Officer (CAO) or their designate within seven days of the decision.

Appeals must be submitted in writing and should include:

- Identification of the decision being appealed.
- A brief explanation of the grounds for the appeal.
- Any supporting information the appellant wishes to provide.

The CAO or their designate will review the appeal and may uphold, modify, or overturn the decision. The decision of the CAO or their designate will be final.

11. REPEAL

By-law #58, known as the “Noise By-law”, and any changes made to it, are repealed when this By-law comes into effect.

12. RELATIONSHIP TO OTHER MUNICIPAL DOCUMENTS

This By-law is intended to complement other municipal documents, including the Land Use By-law and Municipal Planning Strategy. Where applicable, provisions of those documents may also address noise-related impacts, particularly those associated with land use compatibility, nuisance, or environmental disturbance.

Nothing in this By-law limits the Town’s ability to consider or apply other municipal policies, regulations, or standards when reviewing or responding to noise concerns.

SCHEDULE A

PROHIBITED ACTIVITIES

The following activities are strictly prohibited at all times within the Town of Lunenburg:

- The operation of any combustion engine or pneumatic device without a muffler or noise-reduction system in good working order.
- The operation of vehicles that create banging, clanking, squealing, or other disruptive sounds due to inadequate maintenance or unsecured loads.
- The use of motor vehicle horns or other warning devices except when required by law or for immediate safety.
- The discharge of firearms, except as a signaling device using blank ammunition during sanctioned sporting events.
- The operation of construction equipment in residential zones that produces excessive or avoidable noise due to missing, damaged, or ineffective muffling systems, lack of routine maintenance, or negligent operation.
- The use or release of private fireworks or similar aerial pyrotechnics.
- Shouting, amplified announcements, or outcry for commercial purposes (e.g., selling or advertising goods) in a manner that is amplified or intended to attract attention in a disruptive way.

~~TIME RESTRICTED ACTIVITIES~~

~~The following activities are prohibited before 7:00 a.m. or after 11:00 p.m. on any day of the week, unless an exemption has been granted under Section 7:~~

- ~~• The use of power tools for outdoor domestic purposes (e.g., lawn mowers), excluding snow removal equipment.~~
- ~~• Yelling, shouting, hooting, singing, or playing musical instruments that can be heard from another dwelling.~~
- ~~• The operation of sound systems, televisions, radios, or similar devices that are audible beyond the property from which the noise originates.~~
- ~~• Construction or use of construction equipment, except when used on a public highway in the course of municipal, provincial, or emergency operations.~~

Subject: LUB Amendment: Rezoning of 280 Montague Street
From: Community Development
Date: June 10, 2025 – 1st reading



Recommendation

That Council give First Reading to an amendment to the Land Use By-law to rezone 280 Montague Street (PID 60696663) from Marine Industrial to Medium Density Residential.

Alternatives:

- Defer a decision to a future meeting
- Refuse the application

Applicant Request Synopsis and Key Evaluation Considerations

- 280 Montague Street is currently zoned as a Marine Industrial property. It has been used for commercial purposes (The Boat Locker), and the applicant wishes to now use the building as a dwelling.
 - The applicants have an unpermitted residential use (an apartment on the second floor) in the building that they had occupied for some time.
 - The applicants wish to retain and expand this use and bring it into conformance with the Land Use By-law.
 - No residential use is permitted in the Marine Industrial use zone.
- Neighbouring properties on Montague Street are zoned Medium Density Residential use, Marine form. Directly abutting across Montague Street is the Lower Density Residential use zone, Old Town 1 form.
- The applicants wish to have the same zoning as their directly adjacent neighbours.
- On May 5, 2025, PAC moved to hold a Public Participation Meeting at the next PAC Meeting on the applicant's request to rezone 280 Montague Street-PID 60696663 to allow the rezoning to Medium Density Residential Use.
- On June 2, 2025, PAC moved a recommendation to Council regarding the applicant's request to rezone 280 Montague Street-PID 60696663 to allow the rezoning to Medium Density Residential Use. The Public Participation Meeting was also held, and no comments were received. The applicant chose not to give formal comment.

Definitions

Designation: A specific category or classification of land use on the Future Land Use Map, indicating the type of development or activity that is permitted or encouraged in that area in the future. This map forms part of the MPS.

Future Land Use Map: A map that visually represents the intended future use of land within a municipality, based on the policies outlined in the MPS.

Rezoning: also known as a zoning amendment or mapping change, is the process by which a municipality changes the zoning of a specific property or area, allowing for a different type of land use than previously permitted.

Zoning: zoning refers to the legal classification of land use, determined by municipalities through land use by-laws. These bylaws define which activities are permitted within specific zones, such as residential, commercial, or industrial areas. Zoning regulations aim to guide development, protect properties, and manage the environment.

Process

Figure 1 shows the rezoning process and at what step the application is currently at:



Figure 1 – Process and Progress Chart

Background

The Current Planning Context



Figure 2 – Aerial Photo showing 280 Montague Street (red outline)

The *Comprehensive Community Plan* identifies this area as “Working Waterfront”. The MPS designates the subject property, and the two neighbouring properties as Waterfront. (See FLU Map excerpt on the right) Under Policy 4-2 of the MPS (See Appendix B), the Waterfront designation does not permit rezoning to a residential use zone. Currently, 268, 272, and 280 Montague Street all have this designation. This means that the only rezonings that are permitted “as-of-right” for these three properties would be to one of the use zones listed in Policy 4-2 (d) which does not include residential uses. To clarify, 268 and 272 Montague Street currently have residential zoning, but could not be rezoned to another residential zone under Policy 4-2.

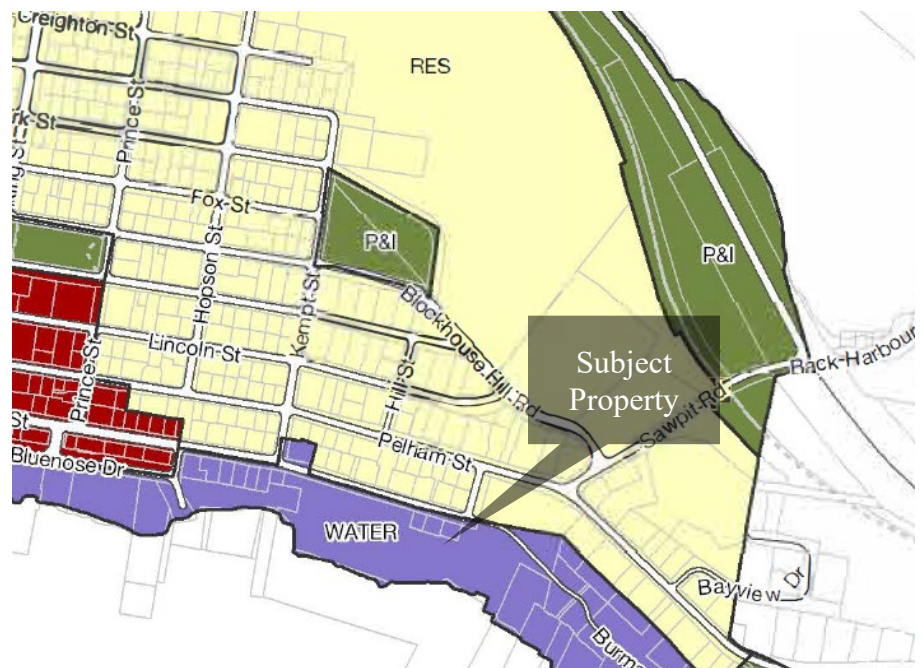


Figure 3 – Site Location and Future Land Use Designations Map

The MPS contains a policy which anticipates this type of situation. Policy 6-10 outlines the criteria for assessment where a property owner may wish to rezone their property to a zone that directly abuts the property.

The Request

The applicants wish to rezone their property to allow for the existing un-permitted residential use at 280 Montague Street to come into conformance. They understand that rezoning will prohibit the existing commercial use of 280 Montague Street as a business. The applicants have built a dwelling unit within the building, which they have used as a residence. Since 2021, a residential unit has been present at 280 Montague Street, which is a prohibited use in the Marine Zone.

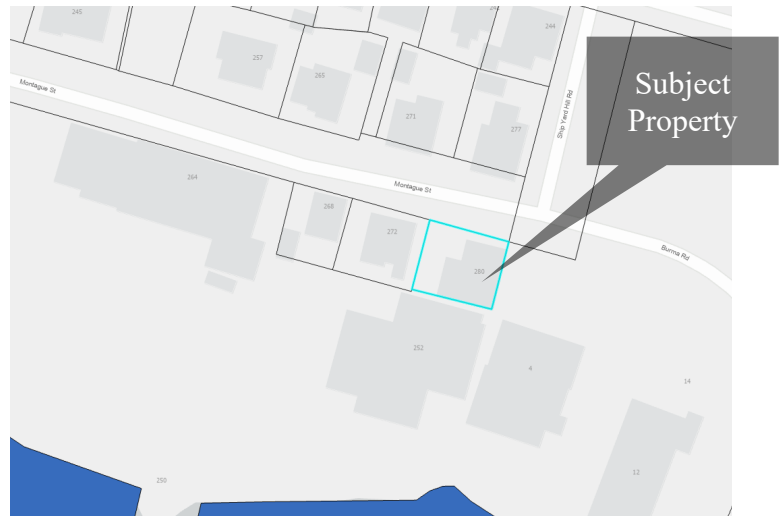


Figure 4 – Subject Property

Proposed Mapping Change(Rezoning)

The proposed mapping change to the Use Zone Map of the LUB can be found in **Attachment C**.

The proposal is a rezoning only, requiring no text changes to the LUB. The only change is a small mapping change to the Use Zone Map in the LUB affecting only PID 60696663.

Policy 6-10 (**Attachment C**) anticipates requests like this one. This policy identifies three avenues to rezone properties notwithstanding Policy 4-2 (**Attachment B**). Council, has recognized that no planning document is perfect and nor can it anticipate every possibility or special case through Policy 6-10. This application satisfies Policy 6-10 (c), thus enabling the rezoning being requested.

Policy 6-11 of the MPS allows Council to consider an amendment to the Use Zoning Map, Schedule C, of the Land Use By-law (LUB) if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. Policy 6-10, 6-11 and 6-19 are reviewed in **Attachment C**. **Attachment E** evaluates the rezoning against the Provincial Statements of Interest and the TOL Accessibility Plan. No issues have been identified through this review.

Finally, the mapping change is illustrated in **Attachment D**.

Next Steps



Figure 5 - Next Steps

Figure 5 illustrates the process and the next step in the process will be a Public Hearing and Second Reading at Council. Should council give this request First Reading, the Public Hearing could be held at the June 24th, 2025 meeting of Council.

Relevant Legislation

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

Financial

There are no direct financial impacts to the Town as a result of the proposed amendment since advertising costs are borne by the applicant.

Communications

A Public Participation Meeting has been advertised in the local newspaper and on the Town's website and social media. The Public Hearing will also be advertised on the Town's website.

Attachments

- A. Policy 4-2
- B. Evaluation of Policy 6-10, 6-11 and 6-19
- C. Amendments to the LUB – Use Zone Map
- D. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

Attachment A
Policy 4-2

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

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

Attachment B
Evaluation of Policy 6-10, 6-11 and 6-19

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

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

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

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

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

Evaluation: The proposed Use Zone Change will be enabled by this Plan in keeping with Policy 6-10(c).

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

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

Evaluation: The proposed rezoning meets the general criteria for amending the Land Use By-law, set out in Policy 6-19 as reviewed below:

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

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

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

- (a) is consistent with the intent of this Municipal Planning Strategy;
The proposed rezoning will be considered to be consistent with the intent of the MPS pursuant to Policy 6-10 (c).
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
The proposal is not considered premature or inappropriate due to the ability of the Town to absorb public costs related to the proposal. No public costs are anticipated with the proposed amendments.
 - ii. impacts on existing drinking water supplies, both private and public;
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public. No new development proposals are anticipated at this time.
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services. There is a 8" water line and a 250mm sewer line available along this section of Montague Street. No new development proposals are anticipated at this time.
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
The proposal is not premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal. The proposed rezoning is considered a less intensive use of land and will have less of an impact than development proposals permitted as-of-right under the current Marine Industrial (MM) Use Zone.
 - v. the adequacy of fire protection services and equipment;
There is a 8" water line available along this section of Montague Street. The proposal is not premature or inappropriate due to the adequacy of fire protection services and equipment.

- vi. the adequacy and proximity of schools and other community facilities;
The proposal is not premature or inappropriate due to the adequacy and proximity of schools and other community facilities.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;
The subject property is within the WHS, and rezoning from Marine Industrial to Medium Density Residential is identical to the two neighboring properties. In this regard the rezoning will not have, or impose, any impact on the WHS or its Statements of Outstanding Universal Values (OUV's).
- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
The proposed rezoning will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;
The proposed rezoning will not cause or increase any known site-specific climate change risks. The building is existing, and no development is being contemplated at this time.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The rezoning will not cause any known flooding or drainage issues. The site is located outside of the Flood Risk Area shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. The dwelling is existing, and no development is being contemplated at this time.
- xi. impacts on known habitat for species at risk;
The proposed rezoning will not have any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;
The proposed rezoning will not have any impact on navigation or have any impact on Lunenburg's Harbour. The dwelling is existing, and no development is being contemplated at this time.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
The proposal is not premature or inappropriate due to the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way. The dwelling is existing, and no development is being contemplated at this time.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.
The proposal is not premature or inappropriate due to land use conflicts that could place limits on existing operational procedures at existing businesses. The proposed rezoning are considered a type of "downzoning" from "Marine Industrial" to "Medium Density Residential". As a result, the proposal should have less land use conflicts. As for potential conflicts with the adjacent Marine Industrial zone, as the building is existing and neighbouring dwellings are

present, and no development is being contemplated at this time, there is no anticipated impact or land use conflict.

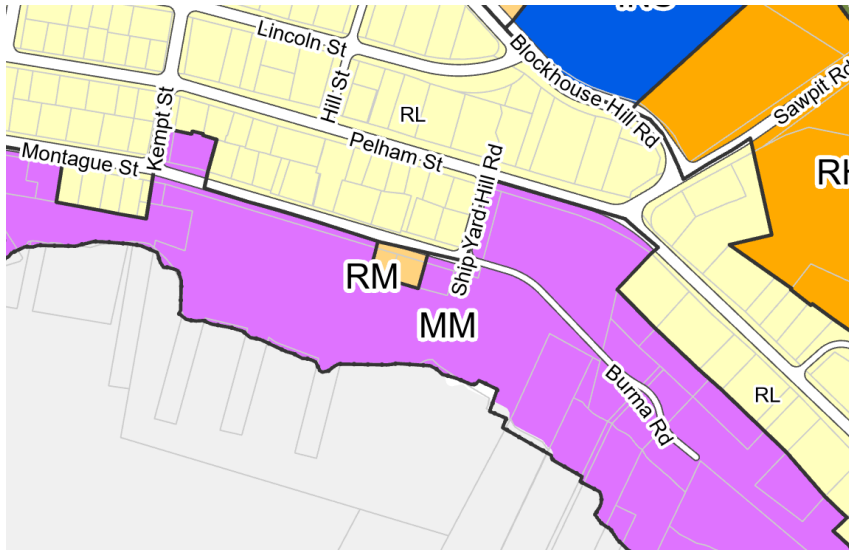
Attachment C

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

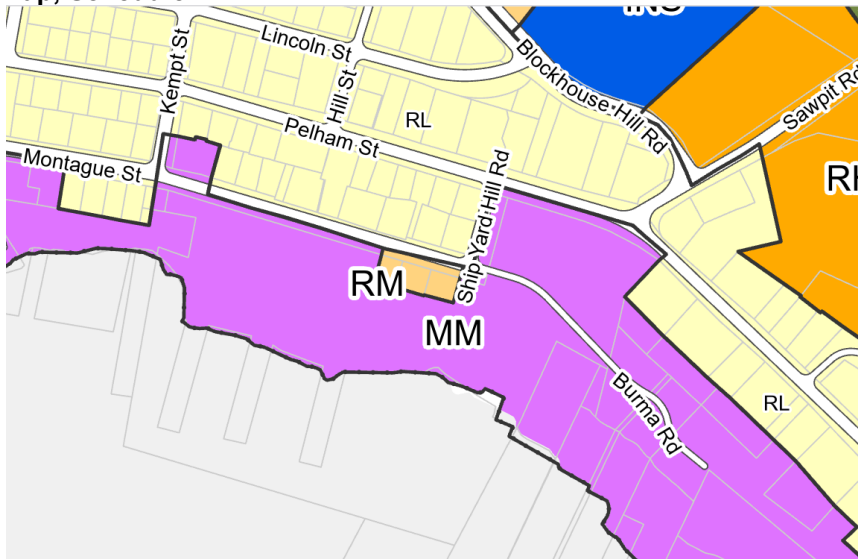
- 1) An amendment to the Land Use By-law, in particular the Use Zoning Map, Schedule “C”, thereby rezoning the lands as per table and maps shown below:

Property:	Application:
PID 60696663 – 280 Montague Street	Rezone from Marine Industrial (MM) Use Zone to Medium Density Residential (RM) Use Zone.

Existing Use Zoning Map, Schedule “C”:



Proposed Use Zoning Map, Schedule “C”:



Attachment D

Review of Provincial Interest Statements and Lunenburg County Accessibility Plan

Provincial Interest Statements	
<p>Statement 1: Drinking Water</p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>The proposed rezoning of the subject lands will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed rezoning.</p>
<p>Statement 2: Flood Risk Areas</p> <p>GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.</p>	<p>The proposed rezoning will not have a direct impact on the Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and will not affect Provincial Interest Statement 2. The lands are located outside of the Flood Risk Area as identified on the Flood Risk Area Map.</p>
<p>Statement 3: Agricultural Land</p> <p>GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.</p>	<p>The proposed rezoning of the subject lands will not affect Provincial Interest Statement 3.</p>
<p>Statement 4: Infrastructure</p> <p>GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>The proposed rezoning will not affect Provincial Interest Statement 4. The rezoning to “residential” is considered a less intensified use of land and should have less of an impact on Town infrastructure, with regards to water supply and wastewater disposal.</p>
<p>Statement 5: Housing</p> <p>GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>The purpose of the rezoning request is to permit an existing dwelling unit that was built in contravention of the Marine Industrial Use Zone. Each lot in the Medium Density Residential (RM) Use Zone may permit up to three (3) dwellings per lot and one (1) accessory dwelling unit. The intensification of dwelling units in this area may still occur. In light of the above, the proposed redesignation and rezoning is considered to be consistent with Provincial Statement 5.</p>

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

Subject: Bandstand Restoration – *Tender Award*
From: Lisa Kendall, Municipal Engineer
Date: June 2, 2025



Recommendation

That Council award the Bandstand Restoration Tender to DORA Construction LTD for the amount of \$328,642.55+ HST.

Alternatives

- That Council not award the Bandstand Restoration Tender and defer this Project to a later time.

Background

The Town's Bandstand is contained within Lunenburg's historic Civic Square. During an engineering inspection conducted in May 2024, serious structural issues were identified, and it was recommended to close the Bandstand to public access immediately. This state of closure continues to remain in place to the present day.

The scope of construction includes the following:

- Replacement of the steel deck.
- New wood decking, trim boards, and hardware.
- Abrasive blasting and re-coating of the steel columns.
- New wood accessibility ramp.

Council pre-approved the Bandstand Restoration Project for the Town's 2025/26 Capital Budget on March 11, 2025 for the amount of \$345,000 (including net HST) with funding from Capital Reserves.

Discussion

The Tender for the construction associated with the Bandstand Restoration Project closed on May 29, 2025, and has validity for 60 days.

Tender Results (all tender awards over \$100,000 must be approved by Council)

Company	Tender Price (excluding HST)	Est. Schedule Duration
J. Mason Contracting Limited	\$479,843.00	17 weeks
DORA Construction LTD	\$321,906.05	12 weeks

In the Tender Prices above, Bidders were required to carry fixed allowance amounts for Materials Testing (\$10,000), and Contingency Allowance (\$30,000).

Two alternate prices were requested as part of the Tender, as follows:

Company	In lieu of repair to existing, Price and Time to supply and install new wood painted railings and benches, to match appearance of existing.	In lieu of re-attachment of existing roof ornament, Price and Time to construct a new roof ornament.
J. Mason Contracting Limited	\$5,000 +HST, 0 weeks	\$8,000 +HST, 0 weeks
DORA Construction LTD.	\$6,736.50 +HST, 2 weeks	\$4,500 +HST, 4 weeks

The recommended Tender award to DORA Construction LTD includes the supply and installation of new wood painted railings and benches, to match the appearance of the existing. The new railings and benches add \$6,736.50 to the Tender submission price. Staff are recommending that the existing roof ornament be repaired and re-attached, which is included in the price of the Tender.

Strategic Plan Relevance

Capital Construction Projects are part of the Servicing and Facilities Strategic Direction of the Town’s Comprehensive Community Plan; a town where the long-term infrastructure needs of the community are met through strategic management and incremental, well-phased upgrades that are financially sustainable.

Financial

The amount approved in the 2025/26Town Capital Budget for the Bandstand Restoration is \$345,000 including Net HST. The tender award as recommended is within this budgeted amount at \$341,318 including Net HST.

MOTION ACTION LIST

TITLE	REQUESTED DATE	COUNCIL MOTION OR DESCRIPTION	RESPONSIBLE	TARGET DATE	STATUS & UPDATES
Community Grants Policy Amendment	Sept. 26, 2023	Amend the Community Grants Program Policy to add criteria for Lunenburg students needing extra funds for provincial or national recreational or cultural activities, allocating \$2,000 from the Community Grants Fund exclusively for qualifying student applicants.	Staff	To be updated before 2026 intake period	
Marketing Levy By-law	2024	Bring forward a draft Marketing Levy By-law for first reading.	Municipal Clerk	Target Date: Bylaw in place by April 2026	At the May 6, 2025 COTW meeting, staff were directed to proceed with engagement with operators to help draft bylaw. Initial notice to operators should be provided in May and deeper engagement will happen in early fall 2025.
Joint Police Advisory Board	March 26, 2024	Explore the creation of a joint police advisory board with MODL, MODC & TOMB	CAO/ Municipal Clerk	Target Date: Spring 2025	Only MODL has expressed interest. Exploring a joint board with MODL is being actively being worked on.

					*This is a legislative requirement
Short Term Housing Report	<p>Initial direction: April 9, 2024</p> <p>Follow-up direction: April 1, 2025</p>	<p>Initial motion: Prepare a comprehensive report on the Town's responsibilities and options concerning short-term housing. This report should address potential taxing and zoning options and an evaluation of both positive and negative impacts of short-term housing within TOL (Completed on April 1, 2025)</p> <p>Follow-up: Bring back a report on what amendments might look like to the MPS and LUB, including options to:</p> <ul style="list-style-type: none"> • Restrict short-term rentals to primary residences; • Restrict short-term rentals to commercial-use zones; • Evaluate the merits of a short-term rental business licensing by-law. 	Community Development	Target date for updated report: June 2025	
Sustainable Infrastructure Fund	April 23, 2024	<p>Revise the Street Extension Policy and create a Sustainable Infrastructure Fund in 2024/25.</p> <p>That Council defer reviewing cost-sharing requests made under the Street Extension Policy until after the Sustainable Infrastructure Fund is created.</p>	Community Development	Housing Accelerator Fund (HAF) initiative Target Date: Required by August 31, 2025	
NSUARB application to amend Regulation 5.14	April 23, 2024	Amend Electric Utility Regulations to include energy storage alongside renewable low-impact generators, limited to devices with a capacity of 27kW or less.	Finance	Requires ABCO to follow-up with Town	This was a request from ABCO contingent on ABCO paying for the amendments, but no follow-up

					has been received yet.
Municipal Archive	May 28, 2024	Explore the creation of a Municipal Archive.	Community Development/ Municipal Clerk	Low Priority. No Target Date for complete archive	This could be built into plans for any future grant opportunities and related work/Renovation projects for Town Hall etc. Staff can identify whether stored records are at risk of being damaged in the basement and move them to a safer location if required.
Paid Parking Infrastructure	May 28, 2024	Prepare a report on paid parking infrastructure, which accepts various payment options for consideration in conjunction with the 2025/26 budget deliberations.	Multi-departmental	To be included in 2025/26 budget deliberations	
Property Standards/ Dangerous and Unsightly Policy	June 25, 2024 Updated Direction: Sept. 3 COTW	Create a comprehensive property/ dangerous and unsightly by-law that also includes lawn standards, following the presentation of vegetation standards by-law to allow for lawn naturalization. Sept. 3, 2024 COTW direction: Develop a Dangerous and Unsightly Premises Policy that includes clear grass height restrictions; flexibility for lawn naturalization with appropriate safeguards against hazards; a refined definition of "unsightly";	Municipal Clerk	Medium Priority Target Date: Summer 2025	Council provided further direction on what they would like included in this policy at the Sept. 3, 2024 COTW. Staff hope to

		reasonable compliance timelines, and provisions for the town to take remedial action if needed.			present next steps at a summer 2025 COTW meeting
MPS Amendments: DAs on Town Land	Original motion: July 16, 2024 Updated motion: Jan. 7, 2025 COTW	Original motion: Amend the Municipal Planning Strategy, allowing development agreements with potential purchasers of the lower slopes of Blockhouse Hill. Jan. 7, 2025 COTW motion: Refer the proposed amendments to the Municipal Planning Strategy (MPS), as outlined in Attachment A, to Council for consideration, enabling the use of development agreements on lands throughout the Town.	Community Development	Priority Target Date: Required by August 31, 2025	This is a milestone that needs to be achieved for HAF agreement.
LUB Amendments: Main Street Form Zone	Aug. 13, 2024	Prepare a report with recommendations for revising the Land-Use By-law's Main Street Form Zone requirements, with the aim of encouraging more varied development within this zone	Community Development	TBD	For consideration, to include in upcoming LUB/MPS 5-year review work (2026)(See MPS Policy 6-21)
Cornwallis Street Renaming	Dec. 10, 2024	Cease work on the renaming of Cornwallis Street subject to Council re-evaluation.	Municipal Clerk	TBD	Next COTW discussion expected at May or June 2025 COTW – looking at next steps. Staff to consult with Regional EDI Coordinator.

Housing Market Study	Jan. 14, 2025	Collaborate with MODL on commissioning a comprehensive housing market study to provide updated housing market information and address known data gaps that will support affordable housing within the region.	Community Development	TBD	MODL is responsible for issuing RFP and this financial contribution will be included in 2025/26 budget.
Parking & Traffic Study Recommendation	Jan. 28, 2025	Work towards collaborating with the Municipality of the District of Lunenburg and the local MLA to work towards the recommendation identified in the Parking and Traffic Study regarding safety improvements at the intersection of Route 332 and Trunk 3.	Staff		
LUB Amendment: on-site parking	Original motion: Feb. 27, 2024 Expanded motion: Jan. 28, 2024	Original: That Council direct staff to work on a proposed amendment to the Land Use By-law (LUB) to enable up to five on-site parking spaces in front yards. Expanded: That staff to expand their review beyond the motion passed on February 27, 2024, which directed staff to work on a proposed amendment to the Land Use By-law (LUB) to enable up to five on-site parking spaces in front yards, and further explore additional options to address parking challenges in the Salt Meadow subdivision and the apartment buildings in that neighbourhood.	Community Development	TBD	For consideration, this work could form part of overall, comprehensive LUB/MPS 5-year review (2026). See MPS Policy 6-21.
LUB Amendment: Zoning change Salt Meadows Subdivision	Feb. 11, 2025	That staff begin the planning process to consider amending the Land Use By-law to change the zoning of the Salt Meadow subdivision from Medium Density to Low Density, consistent with the intent and configuration of the original property development plan.	Community Development	Priority Target Date: TBD	Expected to go to PAC in June

Affordable Housing Policy	Feb. 25, 2025	That Council reconfirm its commitment to the development of an Affordable Housing Tax Forgiveness Policy, and that an updated draft policy be presented at a future meeting for Council's consideration.	Community Development	Housing Accelerator Fund (HAF) initiative Target Date: Required by Feb. 28, 2026	
ICOMOS Canada Letter	Initial direction: March 4, 2025 COTW Follow-up direction: April 1, 2025 COTW	Staff to respond to the letter from ICOMOS Canada. Complete Follow-up action: ICOMOS response to be included in a public agenda package.	Community Development	Target date: Depends on when ICOMOS responds	
Washrooms at Lunenburg Academy	Initial Direction: March 4, 2025 COTW	Staff to explore the feasibility and cost estimates for a washroom solution at Lunenburg Academy (resented at April 15 meeting) Follow-up motion: Investigate the opportunity to make greater use of the basement washrooms at the Lunenburg Academy, including exploring the possibility of making them available to tenants and potentially for public use, and report back on the feasibility of such use.	Public Works	TBD	
Reducing Speed Limits	March 4, 2025 COTW	Staff to research the requirements for lowering speed limits below 50 km/h in the Town of Lunenburg and provide a report with recommendations as to where speed limits could be lowered. (Presented at April 15 meeting) Follow-up motions: Prepare a report on reducing speed limits from 50 km/h to 40 km/h on Linden Avenue, Pelham Street, and Creighton Street, based on available traffic study data and exploring the possibility of including adjoining streets, in an application to the Province for a speed limit reduction; and	Public Works	TBD	

		<p>that a recommendation of a town-wide reduction may result if appropriate and cost-effective.</p> <p>Bring back a report exploring the installation of four-way stop signs at the intersections of Creighton Street with Prince Street and Creighton Street with Cornwallis Street.</p>			
Traffic and Parking Budget Considerations	March 4, 2025 COTW	<p>Staff to bring forward cost estimates for the following initiatives as part of the 2025/26 budget deliberations:</p> <ul style="list-style-type: none"> • Reconfiguration of the Community Centre parking lot • Accessible parking considerations • Paid parking options <i>*if this is too much perhaps this considered in a different year per Council discussion</i> • Consistent signage improvements 	Multiple Departments	To be included in 2025/26 budget deliberations	Some of these items will be included in the upcoming Capital Budget.
Parks Canada Historic Sites and Monuments Board of Canada application	March 11, 2025	Staff to explore an application to the Parks Canada Historic Sites and Monuments Board of Canada for review of the National Historic Site designation, and that a report on a possible application be presented at a future meeting.	Community Development	Target Date: May 2025	
Buffer Zone & Rescinding a Motion	April 15, 2025	Review and report back on the UNESCO World Heritage context for development in the Old Town buffer zone, including the 1994 nomination documents and recommendations from Zzap Architecture related to Upper King Street. Following receipt of the report, Council will reconsider its November 28, 2023 motion declaring the Upper King Street lands as surplus.	Community Development	TBD	

Laurie Fisher Art Project	April 22, 2025	Explore how the town could work with Eric Croft to explore options for maintaining and restoring the Laurie Fisher Fish Rehabilitation Project.	TBD	TBD	
Election signs on public lands	May 13, 2025	Prepare a local rule governing the placement of election signs on public lands, specifically parklands, within the Town of Lunenburg.	Municipal Clerk	Low Priority: before next election cycle (2028)	