



# AGENDA

## Heritage Advisory Committee Meeting

Monday, September 21, 2020 at 5:15 p.m.

Via Zoom / You Tube live broadcast

1. Call to order and Moment of Silence in Honour of Former Mayor Laurence Mawhinney – *Councillor Mosher.*
2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People – *Councillor Mosher.*
3. Agenda - *motion to approve.*
4. July 20<sup>th</sup>, 2020 Heritage Advisory Committee meeting minutes - *motion to approve.*
5. Public Hearings and Presentations
6. Unfinished Business
  - a. Consideration of Revised HCD Background Study and Review of Boundaries - *staff report;*
  - b. Revised HCD Plan and By-law – Review of the Triggers for Public Hearings - *staff report;* and
  - c. Consideration of Revised Substantial Alternation Guidelines - *staff report.*
7. New Business
8. Adjournment – *motion to adjourn.*

–Agenda items awaiting staff reports, etc. for further consideration

<u>Agenda Item</u>	<u>Department</u>	<u>Meeting Assigned</u>	<u>Status</u>
(Nil.)			

**HERITAGE ADVISORY COMMITTEE MEETING RECOMMENDATIONS**  
**MONDAY, JULY 20, 2020**

1. It is recommended that Council approve the issuance of a Heritage Permit for the installation of a ramp at 10 Falkland Street (Schedule "A") with the following conditions:
  - 1) Provided the ramp is located on the West Elevation as submitted; and
  - 2) Provided the ramp is constructed as submitted.
  
2. It is recommended that Council approve the issuance of a Heritage Permit for the installation of a metal roof at 111 Townsend Street (Schedule "B") with the following conditions:
  - 1) Provided the metal roof has narrow spacing between ribs - spacing between ribs shall not exceed 18 inches;
  - 2) Provided the metal roof has a medium tone matte colour as submitted in the application and attached;
  - 3) Provided a snow-ice guard is installed along the bottom of the roof's slope in proximity to the fascia board to control large slabs of ice and snow from falling off the roof; and
  - 4) Provided the installation shall be complete and consistent throughout with the exception of the bell tower which is excluded from the application.

**HERITAGE ADVISORY COMMITTEE MEETING MINUTES**

**MONDAY, JULY 20, 2020 AT 5:15 P.M.**

**Via Audio/Video Conference**

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**PRESENT:** Councillor Peter Mosher, Chair  
Stephen Ernst  
Nathalie Irving  
Oliver Osmond

**ALSO PRESENT:** Arthur MacDonald, Heritage Manager  
Heather McCallum, Assistant Municipal Clerk

**ABSENT:** Councillor Ronnie Bachman  
David John Lobb

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The Chair called the meeting to order at 2:04 p.m.

1. Agenda

**Motion:** moved and seconded to approve the agenda, including new items 5.e. and 5.f. under New Business. **Motion carried.**

2. April 20, 2020 Heritage Advisory Committee meeting minutes

**Motion:** moved and seconded to approve the April 20, 2020 Heritage Advisory Committee meeting minutes. **Motion carried.**

3. Public Hearings and Presentations

Nil.

4. Unfinished Business

Nil.

5. New Business

The Committee agree to begin with the new items due to time sensitivity.

f. Request to install a ramp at the rear of 10 Falkland Street (Bluenose Lodge)

The Heritage Manager reviewed his report (**Schedule "A"**).

**Motion:** Moved and seconded to recommend that Council approve the issuance of a Heritage Permit for the installation of a ramp at 10 Falkland Street (Schedule “A”) with the following conditions:

- 1) Provided the ramp is located on the West Elevation as submitted; and
- 2) Provided the ramp is constructed as submitted.

**Motion carried.**

- e. Request to install a metal roof on 111 Townsend Street (St. Andrew’s Presbyterian Church)

The HM reviewed his report (Schedule “B”). In response to a question, the HM confirmed that a recommended amendment to the Substantial Alteration Guidelines (Agenda item 5.c.) would mean that this kind of request would no longer require Council approval.

**Motion:** Moved and seconded to recommend that Council approve the issuance of a Heritage Permit for the installation of a metal roof at 111 Townsend Street (Schedule “B”) with the following conditions:

- 1) Provided the metal roof has narrow spacing between ribs - spacing between ribs shall not exceed 18 inches;
- 2) Provided the metal roof has a medium tone matte colour as submitted in the application and attached;
- 3) Provided a snow-ice guard is installed along the bottom of the roof’s slope in proximity to the fascia board to control large slabs of ice and snow from falling off the roof; and
- 4) Provided the installation shall be complete and consistent throughout with the exception of the bell tower which is excluded from the application.

**Motion carried.**

- a. Request to remove 82 Kempt Street from HCD (referred by Council to HCD Plan and By-law review) – refer to item 5b staff report

The HM consolidated this request with discussion of Agenda item 5.b. below.

- b. Consideration of revised HCD Background Study and review of the triggers for Public Hearings

The HM reviewed his report (Schedule “C”). The Committee completed the questionnaire on District Boundaries (page 6 of the report) as follows:

<b>Questions:</b>	<b>Yes</b>	<b>No</b>	<b>Control Level</b>
Should the UNESCO World Heritage Site (WHS) be included in the HCD?	<u>Yes</u>	No	<u>1</u>
Should the Architectural Control Area of the Town’s MPS Future Land Use Map be included in the HCD? [See “i” below.]	<u>Yes</u>	No	<u>1</u> or <u>2</u>
Should Linden Avenue and Lower Street be included in the HCD?	<u>Yes</u>	No	<u>1</u> or <u>2</u>
Should the waterfront lands of Lunenburg Foundry be included in the HCD?	<u>Yes</u>	<u>No</u>	<u>2</u>

Should the waterfront lands of ABCO be included in the HCD?	<u>Yes</u>	No	<u>2</u>
Should lands west of WHS be included in HCD?	<u>Yes</u>	No	<u>1</u> of 2
Should lands north of WHS be included in HCD?	<u>Yes</u>	No	<u>1</u> of 2
Should lands east of WHS be included in HCD? [See "ii" below.]	<u>Yes</u>	No	<u>1</u> of 2
Should portions of the Lunenburg Golf Course be included in the HCD? [See "iii" below.]	Yes	<u>No</u>	3

A summary of points of discussion include:

- i. The Committee requested further information as to why the Architectural Control Areas under the Municipal Planning Strategy were not included in the Heritage Conservation District when it was established in 2000.
- ii. It was the consensus of the Committee that they prefer to keep the Blockhouse Hill area, including 82 Kempt Street, within the boundaries of the HCD, with particular reference to the earthworks. The 82 Kempt Street request is to be revisited at the next HAC meeting.
- iii. It was the consensus of the Committee that while the golf course lands should remain an open space if the golf course ceases to exist in the future, this is best included in the Comprehensive Community Plan and Municipal Planning Strategy.

The Committee suggested some revisions to the proposed revised Triggers for a Public Hearing (page 8 of the report, **Schedule "C"**) regarding additions to buildings. The HM will revise the recommendations for review at the next HAC meeting.

c. Consideration of Revised Substantial Alteration Guidelines

This item was deferred to an upcoming HAC meeting.

d. Heritage Trust NS Awards BMO Building and B2 Lofts

This item was provided for information.

6. Adjournment

The next meeting is scheduled for Monday, September 21 at 5:15 p.m. (in person or online TBD).

**Motion: moved and seconded to adjourn the meeting. Motion carried.**

The meeting was adjourned at 4:04 p.m.

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Heather McCallum, Assistant Municipal Clerk

**MEMORANDUM**

**TO: HERITAGE ADVISORY COMMITTEE - TOWN COUNCIL**

**FROM: HERITAGE MANAGER**

**DATE: SEPTEMBER 10, 2020**

**RE: CONSIDERATION OF REVISED HCD BACKGROUND STUDY AND REVIEW OF BOUNDARIES**

**1. FACTS**

The Heritage Advisory Committee (HAC) met on July 20, 2020 and discussed a report regarding the consideration of a revised Heritage Conservation District (HCD) Background Study and the proposed boundaries for the revised district. The Committee reviewed a chart outlining questions as to the areas to be included or excluded from the revised district. The following table summarizes those discussions:

<b>Questions:</b>	
Should the UNESCO World Heritage Site (WHS) be included in the HCD?	Yes
Should the Architectural Control Area of the Town's MPS Future Land Use Map be included in the HCD?	Yes
Should Linden Avenue and Lower Street be included in the HCD?	Yes – particularly as a connector to Dufferin Street and lands of the Foundry with Level 1 controls
Should the waterfront lands of Lunenburg Foundry be included in the HCD?	Yes – however with Level 2 controls
Should the waterfront lands of ABCO be included in the HCD?	Yes – however with Level 2 controls
Should lands west of WHS be included in HCD?	Yes
Should lands north of WHS be included in HCD?	Yes
Should lands east of WHS be included in HCD?	Yes – particularly with regards to Block House

	Ruins – requires further discussion
Should portions of the Lunenburg Golf Course be included in the HCD?	No – policy with CCP and the MPS should be sufficient to recognize the open space landscape significance of Kaulbach Head

During the discussions of July 20, 2020 the HAC had questions concerning why the Architectural Areas of the Municipal Planning Strategy (MPS) were not included as part of the Heritage Conservation District (HCD) back in 2000. The 1994 Background Study for the 2000 HCD does not shed much light on the subject other than that it was decided that as the Architectural Controls were developed and approved by Council as part of the MPS, they would not be part of the HCD. On page 1 of the 1994 Background Report it notes, “By agreement with the Town, the report is limited to discussion of the Old Town area only. Other districts may be considered in future reports.” Further information from the 1994 Background Study is provided in **Attachment A** and additional information from the MPS is provided in **Attachment B**.

Staff has also reached out to Peter Haughn and Bill Plaskett who advised that the main focus was to protect Old Town as a National Historic Site. The process which was initiated in the early 90's was put on hold for the UNESCO designation to see if the Town needed to do more as a designated World Heritage Site. When the progress resumed the Town wanted to concentrate on Old Town to have that part completed.

## **2. ISSUES AND OPTIONS ANALYSIS**

**Attachment C** shows a proposed boundary concept plan for the revised HCD. The proposal to include the Foundry No. 1 lands in Area 2 enables Council to create provisions where industrial developments are afforded the opportunity to develop with minimal architectural controls. It is recommended that the area east of Old Town, known as the Foundry No. 2 lands, also be included in the proposed Area 2. Triggers for Public Hearings in Area 2 would not apply. In addition, a Certificate of Appropriateness will not be required for demolitions in Area 2 to eliminate the need for a Public Hearing process according to the provisions of the Heritage Property Act. The goal for Area 2 is to enable developments that are compatible with Lunenburg's traditional waterfront vernacular that are sympathetic and sensitive to the built environments of Area 1.

The proposed boundary concept plan (**Attachment C**) does not include Lot A-1 (Dufferin Street) nor 82 Kempt Street. Lot A-1 has been recently removed from the Architectural Control Area of the MPS and as such has not been included. Council has received a request for the removal of 82 Kempt Street from the HCD and the boundaries have been altered to indicate its removal while maintaining the ruins of Blockhouse Hill.

**Options:**

- 1) To keep the existing approved 2018 Heritage Conservation District Background Study District Boundaries and proceed with the development of the HCD Plan and By-law; or
- 2) To proceed with the development of a new Background Study in keeping with the above with the proposed Boundary Concept Plan (Attachment C); or
- 3) To proceed with the development of a new Background Study with an alternative proposed Boundaries Concept Plan.

Council and members of the public are encouraged to review the previous report to the HAC, July 20, 2020 - Item 5b, for background information on the development of a revised HCD boundary plan entitled “Consideration of Revised HCD Background Study and Review of the Triggers for Public Hearings” available at [https://www.explorelunenburg.ca/index.php?option=com\\_docman&view=list&slug=heritage-advisory-committee-agendas-and-agenda-packages-2020-1&Itemid=966&layout=table](https://www.explorelunenburg.ca/index.php?option=com_docman&view=list&slug=heritage-advisory-committee-agendas-and-agenda-packages-2020-1&Itemid=966&layout=table)

**3. FINANCIAL IMPACT**

There are no direct financial impacts to the Municipality associated with the HCD boundaries extension, other than possible increase in costs associated with the required notifications, map reproduction and administration costs for a larger HCD area.

**4. STRATEGIC PLAN RELEVANCE**

This project is in keeping with:

Strategic Plan Goal #1 – To enhance appreciation of Lunenburg’s heritage;  
Strategic Plan Goal #2 – To promote our UNESCO designation;

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that Council approves a motion establishing the proposed HCD boundaries as shown in Attachment C and directs staff to proceed with the development of a revised Background Study.

It is recommended that Council direct staff to forward a copy of this memo to the owners of the Foundry and the ABCO lands for their information.

Motion: Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ that Council approves a motion establishing the proposed HCD boundaries as shown in Attachment C and directs staff to proceed with the development of a revised Background Study.

Motion: Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ that Council directs staff to forward a copy of this memo to the owners of the Foundry and the ABCO lands for their information

### **Attachments**

- A.** Notes from Background Study 1994;
- B.** MPS Policies;
- C.** Proposed Boundary Concept Map.

Acknowledged only by:

Bea Renton  
Town Manager/Clerk

## **ATTACHMENT A NOTES FROM BACKGROUND STUDY 1994**

### **Page 1:**

By agreement with the Town, the report is limited to discussion of the Old Town area only. Other districts may be considered in future reports.

### **7.0 OLD TOWN HERITAGE CONSERVATION DISTRICT BOUNDARIES.**

There appear to be two reasonable options for heritage conservation district boundaries in the existing context, given that a proposed "architectural control area" has already been tentatively decided upon, and that the original 1753 town plan has been designated as a National Historic District and is currently proposed for World Heritage Listing. These options are illustrated on Map 2.

#### **Option 1: Conform with existing designations and proposals.**

This option would include the designated National Historic District (the original town plan) plus the shipyard area south of Montague and part of Pelham. This is the area currently proposed as the "architectural control area".

One disadvantage of this boundary is that it would exclude the portion of Pelham Street between Kempt Street and Shipyard Hill. Although not a part of the original town plan, this area contains twenty-one (21) turn-of-the-century houses, of which eleven (11) have the unique Lunenburg Bump style, in one variation or another. When travelling along Pelham Street, this area is experienced as part of the Old Town because of the continuity of historic architectural styles. In all respects it is as much worth conserving as the rest of the Old Town and should probably be included in the heritage conservation district. The same can perhaps be said of the eastward extensions of Lincoln and Cumberland with their distinctive 1920's California Bungalow architecture, and the areas immediately to the west of Kaulback Street, where there are a number of old, Lunenburg-style buildings (including the Academy).

#### **Option 2: Old Town plus buffer area.**

The UNESCO criteria for inclusion of historic towns in the World Heritage List (s.29.iii) suggest that protective measures should apply not only to the historic centre itself (in this case the Lunenburg Old Town) but also to its immediate surroundings. This corresponds with the notion of protection of "the setting" which is embodied in the Nova Scotia Heritage Property Act.

The 1991 report to the National Historic Sites and Monuments Board notes that part of the Old Town's significance results from the fact that the original town plan is still easily discernible on the ground. This is due, in part, to the intact open spaces which surround it and which provide clearly defined edges, i.e., Blockhouse Hill, Gallows Hill, the Academy grounds and Hillside cemetery. These open spaces are largely Town-owned and could easily be included within the heritage conservation district. Inclusion of Town-owned land in the district, with appropriate policies articulated in the heritage conservation district plan, would also serve to demonstrate the Town's commitment to heritage conservation in partnership with private property owners.

Map 2 shows a possible boundary for Option 2. The buffer area around the Old Town could include all adjacent historic areas, including houses on the north side of Creighton Street, some Town-owned land and the old French cemetery. Other boundary options or preferences may become apparent in the course of planning for the heritage district, should the Town decide to proceed with the exercise.

## **ATTACHMENT B MPS Policies**

### **10.0 ARCHITECTURAL HERITAGE**

#### **BACKGROUND**

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

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

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

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

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under

**the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.**

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

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

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

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

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

## **ARCHITECTURAL CONTROL**

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

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

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.**
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.**
- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.**

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

## **POLICIES**

**It shall be the policy of Council to:**

### **Registered Heritage Properties**

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

### **Architectural Control Area Designation**

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

### **Architectural Control Area Provisions**

**10.3 incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:**

- (a) new buildings; and**
- (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.**

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

### **Heritage Conservation District**

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

### **Heritage Conservation District Plan and Bylaw**

**10.5 regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation**

**district, in parallel with the applicable provisions of this municipal planning strategy.**

#### **Future Expansion of Heritage Conservation District**

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

#### **General Policies**

**10.7 encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main Street Program.**

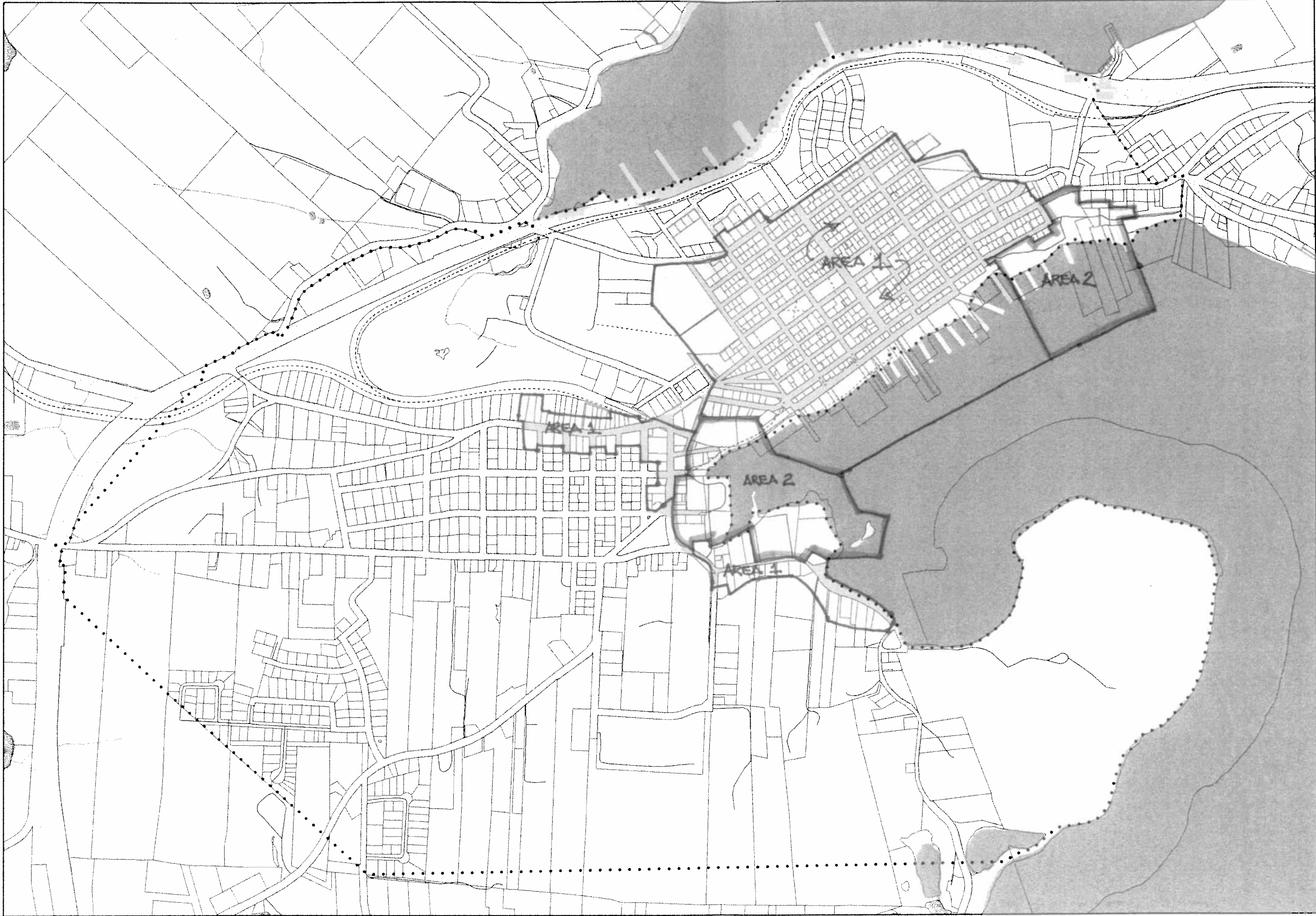
**10.8 maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.**

**10.9 ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.**

# ATTACHMENT C-1

## UPLAND

63 King Street  
Lunenburg, NS B2Y 2H7  
+1 502 423 0649  
uplandstudio.ca



TITLE

Basemap

PROJECT

Project Lunenburg

CLIENT

CREATED BY

REVIEWED BY

APPROVED BY

DATE

4/22/2020

NOTES

••• Town of Lunenburg  
Boundary

▭ AREA 1

▭ AREA 2

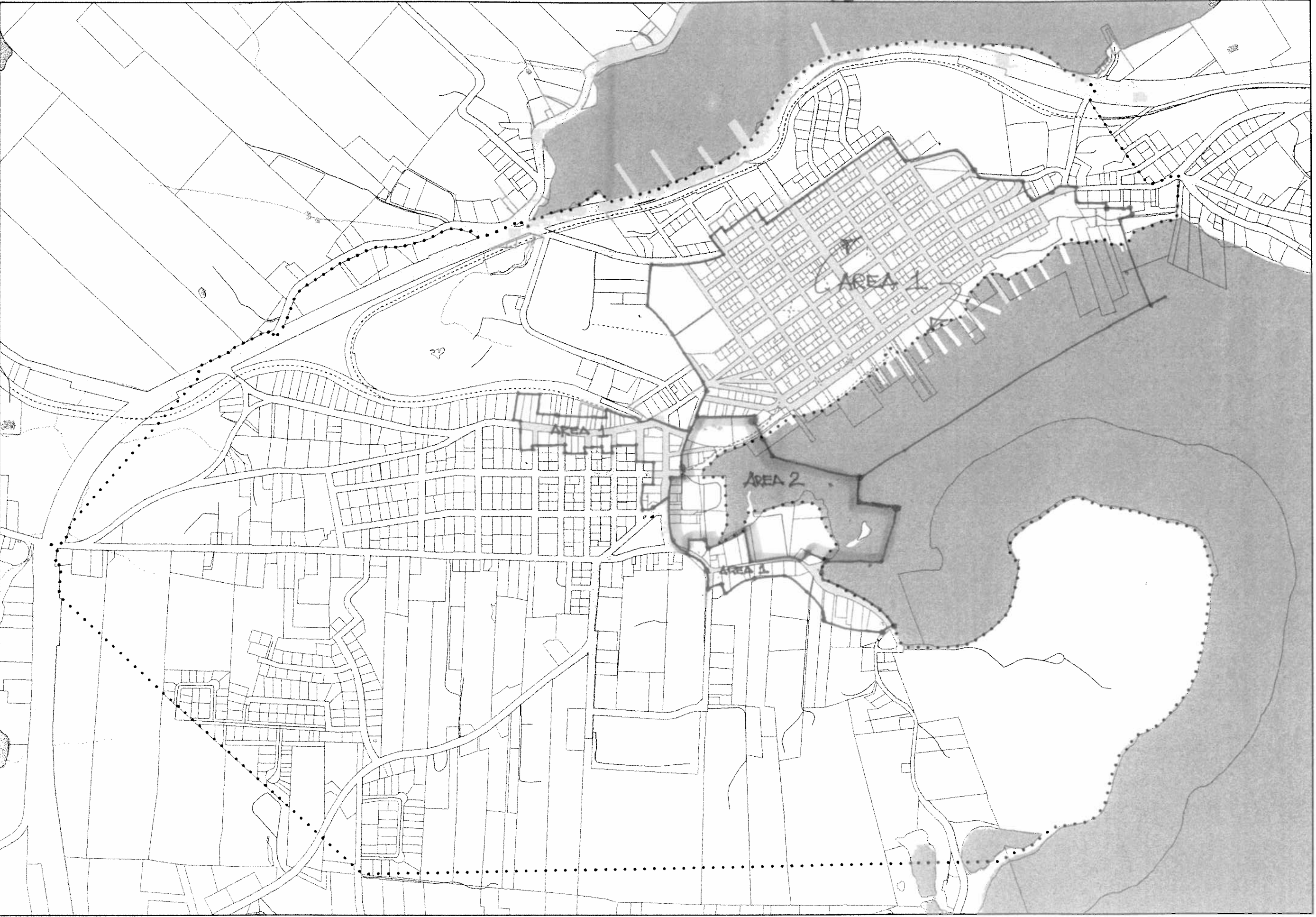
NORTH

SCALE

1 cm = 90 m



43 King Street  
Ottawa, ON K1N 6Z4  
+1 905 423 6649  
upland@upland.ca



TITLE  
Basemap

PROJECT  
Project Lunenburg

CLIENT

CREATED BY

REVIEWED BY

APPROVED BY

DATE  
4/22/2020

NOTES  
••• Town of Lunenburg  
Boundary

□ AREA 1  
■ AREA 2

NORTH

SCALE  
1 cm = 90 m  
0 250 m

## MEMORANDUM

**TO: HERITAGE ADVISORY COMMITTEE - TOWN COUNCIL**

**FROM: HERITAGE MANAGER**

**DATE: SEPTEMBER 10, 2020**

**RE: REVISED HCD PLAN AND BY-LAW – REVIEW OF THE TRIGGERS FOR PUBLIC HEARINGS**

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### **1. FACTS**

The Heritage Advisory Committee (HAC) met on July 20, 2020 and discussed a report regarding the triggers for public hearings as envisioned in the proposed Heritage Conservation District (HCD) Plan and By-law. The Committee suggested some revisions to the proposed revised triggers and the HM advised that he would undertake a further review for the Committee's consideration at the next meeting.

**Attachment A** outlines the originally proposed triggers for a Public Hearing as drafted for the revised HCD Plan and By-law. These triggers are aligned with those that are currently established under the current HCD Plan and By-law.

As outlined in the July 20, 2020 Committee meeting report it was recommended that the triggers be reviewed to see if any of them could be deleted or altered to enable more developments to proceed without the necessity of Council's approval through a public hearing process.

In light of Project Lunenburg, and the goal of increasing the number of dwelling units, new residential dwellings should be able to proceed as-of-right provided the provisions of the HCD are complied with. Currently new dwellings greater than 2 units requires Council's approval through the public hearing process. During the HAC meeting of July 20<sup>th</sup>, the Committee agreed with deleting Part 4.3(3).

The HAC also felt it would be appropriate to enable new commercial buildings, new industrial buildings and new institutional buildings, including public buildings, to proceed without the necessity of Council's approval through a public hearing process. In light of this Part 4.3 (5) has been deleted.

The HAC also discussed the percentages of demolitions (removals) and additions as they applied to the triggers for the public hearing process. Upon reflection, the Committee was uncomfortable with increasing these percentages as they may hinder the historic streetscape of the area as well as the heritage asset itself with an overwhelming addition or deletion. The Committee felt that these percentages should remain in place and such developments should only be approved by Council through the public hearing process.

A Proposed Revised Triggers for Public Hearings (Part 4.3) is enclosed in **Attachment B** for your review and consideration.

## 2. **ISSUES AND OPTIONS ANALYSIS**

The proposed triggers for a public hearing process as outlined in **Attachment B** will reduce the potential number of applications requiring Council's approval. The removal of the requirement of having more than 2 dwelling units go through the process will be more in keeping with the policies of the Comprehensive Community Plan (Project Lunenburg).

**Attachment B** also notes a change from the draft with regards to additions. The existing HCD Plan and By-law places the 25% addition limitation only on residential dwellings. **Attachment A** proposes that this restriction applies to all buildings with the exception of those located in the Waterfront Buildings Area Map. **Attachment B** amends **Attachment A** to revert back to the existing HCD Plan and By-law and limits this restriction solely to residential buildings, and clarifies that additions to any existing commercial building, any existing industrial building, any institutional (public buildings) building as well as those located in the Waterfront Buildings Area are exempt from this provision.

### **Options:**

- 1) To continue with the HCD Plan and By-law review with the existing proposed triggers for a public hearing as outlined in Attachment A; or
- 2) To continue with the HCD Plan and By-law review with the revised triggers for a public hearing as outlined in Attachment B; or
- 3) To continue with the HCD Plan and By-law review with an alternate proposal.

Note no formal recommendation to Council is required at this time. Upon receiving the Committee's direction, staff will incorporate their decision in the draft HCD Plan and By-law.

**3. FINANCIAL IMPACT**

There are no direct financial impacts to the Municipality associated with this memo.

**4. STRATEGIC PLAN RELEVANCE**

This project is in keeping with:

Strategic Plan Goal #1 – To enhance appreciation of Lunenburg's heritage;  
Strategic Plan Goal #2 – To promote our UNESCO designation;

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that HAC approved the following motion:

*Motion:* Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ that HAC advised staff to continue with the HCD Plan and By-law review with the revised triggers for a public hearing as outlined in Attachment B.

**Attachments**

- A. Triggers for Public Hearing (As proposed in the existing draft HCD Plan and By-law)
- B. Proposed Revised Triggers for Public Hearing

Acknowledged only by:

Bea Renton  
Town Manager/Clerk

**ATTACHMENT A**  
**Triggers for Public Hearings (As proposed in the existing draft HCD Plan and By-law)**

**4.3 Types of Development Requiring Public Hearing**

Applications for a Certificate of Appropriateness for the following types of development shall be referred by the Heritage Officer to Council for consideration at a Public Hearing:

- (1)** The demolition or removal of

  - a)** more than 10 % of the total usable floor area of all floors of the main building including the usable floor areas of any basement and attic; or
  - b)** any part of a main building for which the cumulative sum of all areas of its horizontal dimensions exceeds 25% of the area of the existing footprint of the main building.
  
- (2)** The demolition or removal of

  - a)** more than 10 % of the total usable floor area of all floors of the

Anderson Barn (45 Montague Street);  
Benjamin Knock Cobbler Shop (56 Prince Street);  
Maurice Lohnes Barn (160 Tannery Road);  
James Edwin Schwartz Barn (120 Tannery Road);

including the usable floor areas of any basement and attic; or
  - b)** any part of the

Anderson Barn (45 Montague Street);  
Benjamin Knock Cobbler Shop (56 Prince Street);  
Maurice Lohnes Barn (160 Tannery Road);  
James Edwin Schwartz Barn (120 Tannery Road);

building for which the cumulative sum of all areas of its horizontal dimensions exceeds 25% of the area of the existing footprint of the building.
  
- (3)** Any new building containing more than two (2) dwelling units;
  
- (4)** Any addition to a building which is greater than 25% of the area of the existing building's footprint, or any addition where the cumulative sum of the area of additions over time is greater than 25% of the existing building's footprint, as it existed on September 4<sup>th</sup>, 2000 (either as an addition to the sides of the building or on top such as an additional storey). Notwithstanding the foregoing, those buildings located in the Waterfront Buildings Area as identified on Schedule "B", Waterfront Buildings Area Map are exempt from this provision;

and
  
- (5)** Any new commercial buildings, any new industrial buildings, or any new institutional buildings including public buildings.

## ATTACHMENT B Proposed Revised Triggers for Public Hearing

### 4.3 Types of Development Requiring Public Hearing

Applications for a Certificate of Appropriateness for the following types of development shall be referred by the Heritage Officer to Council for consideration at a Public Hearing:

- (1) The demolition or removal of
  - c) more than 10% of the total usable floor area of all floors of the main building including the usable floor areas of any basement and attic; or
  - d) any part of a main building for which the cumulative sum of all areas of its horizontal dimensions exceeds 25% of the area of the existing footprint of the main building.
  
- (2) The demolition or removal of
  - c) more than 10% of the total usable floor area of all floors of the  

Anderson Barn (45 Montague Street);  
Benjamin Knock Cobbler Shop (56 Prince Street);  
Maurice Lohnes Barn (160 Tannery Road);  
James Edwin Schwartz Barn (120 Tannery Road);

including the usable floor areas of any basement and attic; or
  - d) any part of the  

Anderson Barn (45 Montague Street);  
Benjamin Knock Cobbler Shop (56 Prince Street);  
Maurice Lohnes Barn (160 Tannery Road);  
James Edwin Schwartz Barn (120 Tannery Road);

building for which the cumulative sum of all areas of its horizontal dimensions exceeds 25% of the area of the existing footprint of the building.
  
- (3) Any addition to a building which is greater than 25% of the area of the existing residential building's footprint, or any addition where the cumulative sum of the area of residential additions over time is greater than 25% of the existing building's footprint, as it existed on September 4<sup>th</sup>, 2000 (either as an addition to the sides of the building or on top such as an additional storey). Notwithstanding the foregoing, those existing buildings located in the Waterfront Buildings Area as identified on Schedule "B", Waterfront Buildings Area Map; any existing commercial building's additions, any existing industrial building's addition or any existing institutional (public buildings) building's additions are exempt from this provision.

## MEMORANDUM

**TO: HERITAGE ADVISORY COMMITTEE - TOWN COUNCIL**

**FROM: HERITAGE MANAGER**

**DATE: SEPTEMBER 11, 2020**

**RE: CONSIDERATION OF REVISED SUBSTANTIAL ALTERNATION GUIDELINES**

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### **1. FACTS**

In an effort of minimizing applications that are required to be reviewed and approved by Council it is recommended that Council consider adopting a new policy respecting the Town's Substantial Alteration Guidelines as shown in **Attachment B**.

This policy is not with regards to the Heritage Conservation District (HCD). This policy is strictly in reference to those properties registered as Municipal Heritage Properties under the provisions of the Heritage Property Act (HPA). The location of these properties are throughout Town. Though some may be within the HCD others are not.

Pursuant to the Heritage Property Act (HPA) any substantial alteration to a registered Municipal Heritage Property requires the issuance of a Heritage Permit approved by Council. This is a separate permit from a Certificate of Appropriateness issued pursuant to the HCD approved by the Heritage Officer.

### **2. ISSUES AND OPTIONS ANALYSIS**

In instances where a development conforms with the Design Guidelines of the HCD, the proposed revised Substantial Alteration Guidelines (**Attachment B**) will enable the Heritage Officer to declare to the applicant that their development is not a substantial alteration and in essence, no approval from Council is required and no Heritage Permit is required. In this case the Heritage Officer advises the applicant by letter that no Heritage Permit is required provided the development proceeds as submitted, in essence the issuance of the letter by the Heritage Officer enables the applicant to proceed to the Development Permit and Building Permit stage. As shown in **Attachment B** any development to a registered

Municipal Heritage Property that conforms with the Design Guidelines of the HCD By-law will fall within this category. This will significantly reduce the number of applications requiring Council's approval.

For example, under the current Substantial Alteration Guideline, "change in style or design of railing or guards on porches or stairs" would be deemed a substantial alteration requiring Council's approval even when the change conforms with the Design Guidelines of the HCD By-law (recent example – 10 Falkland Street). Another example would be "re-shingling of roofs where not required for maintenance, including changes in the type of shingle" would be deemed a substantial alteration requiring Council's approval even when the change conforms with the Design Guidelines of the HCD By-law (recent example - 111 Townsend Street, the Presbyterian Church).

The proposed Substantial Alteration Guidelines (**Attachment B**) also limits the size of additions or demolitions (removal) on registered municipal heritage properties in the same fashion as the proposed provisions of the HCD. If a proposed addition or demolition (removal) exceeds the percentages as described in the revised Substantial Alteration Guidelines, Council's approval would be required.

For your information, demolitions (total removal) of registered Municipal Heritage Properties will still require the approval of Council in accordance with Section 17 the Heritage Property Act (notwithstanding Section 18 – the three year but not more than four year rule). The Act is available at the following link: <https://www.nslegislature.ca/sites/default/files/legc/statutes/heritage.htm>

If Council is concerned about relaxing these Substantial Alteration Guidelines and wishes to continue the practice of approving these substantial alterations, then staff would recommend maintaining the status quo and maintain the existing Substantial Alteration Guidelines as shown in **Attachment A**.

**Options:**

- 1) To provide a notice of motion to consider the rescinding of the current Substantial Alteration Guidelines (Attachment A) and the adoption of a new revised Substantial Alteration Guidelines (Attachment B); or
- 2) To maintain the status quo by keeping the existing Substantial Alteration Guidelines (Attachment A).

**3. FINANCIAL IMPACT**

There are no direct financial impacts associated with the proposal to adopt a revised Substantial Alteration Guidelines.

**4. STRATEGIC PLAN RELEVANCE**

This project is in keeping with:

Strategic Plan Goal #5 - Operate the Town efficiently and effectively.

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that Council approves the following motion.

Moved by \_\_\_\_\_, Seconded by \_\_\_\_\_ that Council rescinds the current Substantial Alteration Guidelines (Attachment A) and concurrently adopts the new revised Substantial Alteration Guidelines (Attachment B).

**Attachments**

- A.** Existing Substantial Alteration Guidelines
- B.** Proposed Revised Substantial Alteration Guidelines

Acknowledged only by:

Bea Renton  
Town Manager/Clerk

## **ATTACHMENT A EXISTING SUBSTANTIAL ALTERATION GUIDELINES**

### **Alteration Guidelines for Municipally Registered Heritage Properties Town of Lunenburg As Recommended by HAC and Approved by Council February 13, 2006**

#### **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 criteria of the Heritage Conservation District Guidelines.

The following shall be considered substantial alterations:

- additions, including porches, verandas, entries, stairways and dormers
- addition or removal of windows or window openings
- changes to the openings for doors or windows
- change in roof pitch or style (including pitch or style of a dormer)
- removal of porches, verandas, entries, stairways, dormers, windows, trim materials of any type, or chimneys

- change in style or design of railing or guards on porches or stairs
- addition of an accessory building
- addition of utilities such as air conditioning units, kitchen vents
- landscaping elements such as stairways which are not connected to the main building
- re shingling of roofs where not required for maintenance, including changes in the type of shingle
- the installation of turf stone (added by motion of Council May 25, 2006)
- the addition of utility structures (added by motion of Council March 27, 2008)

The following shall be considered non-substantial alterations:

- changes in storm windows from painted wood to aluminum
- fences which meet the criteria of the Heritage Conservation District Guidelines
- replacement/repair where no changes are intended
- use of vinyl window inserts if no other changes taking place
- replacement of shingles with clad board with the same exposure, and clad board with shingles
- placement of commercial advertising signs
- items which the Heritage Officer considers to be maintenance (ie. reshingle roof if needed)
- replacement of doors or storm doors with doors which meet the Heritage Conservation Guidelines
- replacement of non-traditional elements with traditional (ie clad concrete steps with wood; shingle a wall now covered in plywood)
- addition of glass doors inside wooden storm doors (added by motion of Council September 28, 2006)
- wooden rain barrels and other minor accessory structures (added by motion of Council November 10, 2006)
- the installation of wooden gutters (September 29, 2009)

**ATTACHMENT B**  
**Proposed Revised Substantial Alteration Guidelines**

**Alteration Guidelines for Municipally Registered Heritage Properties**  
**Town of Lunenburg**

**Approved by Council on \_\_\_\_\_**

**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.