

**PLANNING ADVISORY COMMITTEE PUBLIC PARTICIPATION
MEETING MINUTES**

TOWN OF LUNENBURG

Wednesday, August 21, 2024 at 6 p.m.

Council Chamber, 120 Townsend St. and Zoom Webinar/YouTube Live



Present Deputy Mayor Stephen Ernst (Chair)
Councillor Ed Halverson
Irma DaSie, Citizen Representative
Alex Greek, Citizen Representative
Colin Whitcomb, Citizen Representative

Also Present Hilary Grant, Interim CAO
Trevor Hume, Planner/Development Officer
Marc Kiely, Interim Community Development Manager
Maya Mills, Recording Secretary

Call to Order The Chair called the meeting to order at 6:00 p.m.

Land acknowledgment The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.

Approval of Agenda Moved and seconded that the Committee approve the agenda for the August 21, 2024, meeting as presented.

Motion carried unanimously

Approval of Minutes Correction made to clarify that Councillor Ed Halverson was not present at the July 31, 2024. Moved and seconded that the Committee approve the minutes of the July 31, 2024 meeting with correction.

Motion carried unanimously with correction

Public
Participation: Item
6.1

Interim CAO, Hilary Grant, opened the meeting by reviewing the public participation process.

Interim Director of Community Development, Marc Kylie, presented on item 6.1 which includes a proposed amendment to the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-Law. The proposed amendments would remove references to 'ongoing' and 'upcoming' work, that is now complete, in sections 5.3.1 and 5.3.2 of the MPS.

Deputy Mayor (Chair) Stephen Ernst begins the public participation portion of item 6.1.

Paula Rennie, Town of Lunenburg resident, requests to present at the end of all three presentations on the agenda as her presentation addresses all three items.

Deputy Mayor (Chair) Stephen Ernst agrees to having Paula Rennie present at the end of all three agenda items.

Public Participation:
Item 6.2

Interim CAO, Hilary Grant, presented on item 6.2 which includes a proposed amendment to the MPS to allow Council to enter into development agreements with purchasers of Town-owned lands. have more time to consider the amendments and submit comments.

Colin Whitcomb, Citizen Representative, asked if the Committee could receive clarity on why the topic of rezoning had come back to council and questioned if it was related to a change in provincial legislation.

Interim CAO, Hilary Grant, explained that the public participation meeting of August 21st was a return of a request for properties on Green Street to be redesignated to residential zoning. PAC already recommended to Council that they adopt the amendments as presented on March 25th, 2024. Since then, Council adopted a new Planning Public Participation Policy with different advertising requirements than the former policy after the Municipal Government Act (MGA) was amended. Staff want to ensure that the entire amendment process is handled under one set of MGA regulations and under one town policy to avoid any potential procedural appeals. The goal of staff returning this item to the Committee is to prevent any risk of the amendment being challenged or possibly overturned given the changes at both the municipal level and at the provincial level. Staff hope that PAC will affirm their original recommendation to Council.

Deputy Mayor (Chair) Stephen Ernst corrects the meeting agenda by asking public participants if there is anyone that would like to present on item 6.2 before PAC moves along to agenda item 6.3. Hearing no additional requests to speak on item 6.2, Ernst asks the public if there is anyone else that would like to speak on item 6.3.

Public Participation:
Item 6.3

Alison Strachan, Town of Lunenburg resident, spoke on behalf of the residents of lower Green Street who had submitted applications to be rezoned from commercial to residential. Alison Strachan said that a commercial zoning could impact the heritage value of the area. She urged the Committee not to delay on a decision and communicate directly with the residents of Green Street that the Committee supports a rezoning.

Rosalie Osmond, Town of Lunenburg resident, speaks on behalf of herself and her husband in support of the rezoning of Green Street from commercial to residential. Mrs. Osmond questioned why some of the houses may still be allowed to be zoned commercial and demonstrated concern for Green Street not being uniformly residential.

Irma DaSie, Citizen Representative, directed a question to the Interim CAO, Hilary Grant, inquiring as to the previous decision that was made on item 6.3. In her recollection PAC had unanimously agreed on a recommendation to rezone the entirety of Green Street to residential, including the two lots that continue to maintain their commercial zoning.

Interim CAO, Hilary Grant, explained that staff are reiterating the process as it originally unfolded including staff's original recommendation, however, based on Grant's understanding when PAC reviewed the policy previously the committee did ask for all of Green Street to be turned back into residential zoning but that was not the recommendation of the staff person's original report so to maintain some integrity for the process despite that staff person no longer being involved in the file, staff have reiterated the process exactly as it had unfolded before. Staff hope that PAC will affirm its original recommendation.

Colin Whitcomb, Citizen Representative, asked for clarity to ensure that there has been no new information presented from lower Green Street Property owners, since the committee last met on this topic, who wish to remain commercially zoned.

Interim CAO, Hilary Grant, responded that based on her understating what sits in the memo is the research that was done for the original application since that time staff have not heard from property owners advocating to remain commercial.

Deputy Mayor (Chair), Stephen Ernst, opens the floor one more time for public participation on item 6.3. Hearing no responses, Ernst moves ahead with public participation from Town of Lunenburg resident, Paula Rennie, whose presentation covered items 6.1, 6.2 and 6.3.

Town of Lunenburg resident, Paula Rennie, shares a hard copy of her presentation with all committee members.

Planner/Development Officer, Trevor Hume, asks the chair to clarify the amount of time that will be allotted to the speaker for their presentation.

Deputy Mayor (Chair), Stephen Ernst, allows Mrs. Rennie 15 minutes to speak as she will be presenting on all three items.

Mrs. Rennie gave a presentation on the state of the Town of Lunenburg's UNESCO World Heritage site and the challenges that the site faces.

Deputy Mayor (Chair), Stephen Ernst, calls for a motion to close the public participation portion of the meeting.

Motion carried unanimously

Amending the MPS:
Item 7.1 Deputy Mayor (Chair), Stephen Ernst, calls for a motion to recommend to Council that they amend the MPS following attachment A, to make the MPS consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-Law.

Motion moved by Irma DaSie and seconded by Ed Halverson.

Councillor Ed Halverson asked to return to the presentation from Mrs. Rennie and questioned whether staff could answer some of the questions raised in Mrs. Rennie's presentation, specifically regarding the feasibility of conducting heritage risk assessments for new developments in the Town.

Interim CAO, Hilary Grant, responded that item 6.51 of the MPS, policy 619, does indicate that Council should not amend the land-use by-law or enter into a development agreement unless Council is satisfied is not premature or inappropriate due to the impacts on UNESCO World Heritage Site statements of outstanding universal value. She explained that as this is already stated within the policy there is no need to repeat it, and Council has the guidance under the MPS. Determining whether a development agreement would impact the Town of Lunenburg's UNESCO World Heritage Site, ultimately falls to Council's discretion. The Town of Lunenburg is the site's manager, and it is the Town's role to legally protect the site.

Interim Director of Community Development, Marc Kiely, clarified that heritage risk assessments are under the jurisdiction of the site manager and the site manager is responsible to work with Parks Canada to determine whether a project would impact the site's statement of outstanding universal value. Parks Canada would be responsible for determining if a heritage risk assessment would be required by an international governing body.

Councillor Ed Halverson asked for clarity on what criteria is assessed in a heritage risk assessment and how would that information be presented to council so that Council can be assured they are not jeopardizing the Town's World Heritage Site status.

Interim Director of Community Development, Marc Kiely, responded that all risks to the site would be measured against the site's statement of outstanding universal value. Criteria that would be assessed during this process would be determined on a case-by-case basis and determined by the site's statement of outstanding universal value.

Interim CAO, Hilary Grant, added that one of the goals in managing a living World Heritage Site is that Council would pass comprehensive policies and by-laws under which there would be no permissible development that could negatively impact the Town of Lunenburg's heritage. The land-use by-law was adopted by Council feeling that any developments passed by Council would not impact the World Heritage Status of Lunenburg. Staff implement the by-laws that have been put in place by Council. Staff have undertaken some heritage impact assessments over the last year. Those assessments are not

always undertaken in a formal matter. One heritage impact assessment has been recorded by staff and shared with Parks Canada, that assessment is available on the Town's website. Grant noted that these heritage impact assessments are very labour intensive and come at a high cost.

Councilor Ed Halverson questioned why there has yet to be ministerial approval on the new heritage plan and by-law.

Interim CAO, Hilary Grant, responded that the heritage plan and by-law would go to both the heritage program manager and to a provincial planner for review, if they felt that there was anything unacceptable in the document or if they felt that it was in conflict with Town's other planning documents they would then signal that to Town staff and ask that amendments be made prior to it arriving at the Minister for approval. The provincial planner has asked that these amendments be made prior to the document being put forward to the Minister with a positive provincial staff recommendation. Both bodies did not recommend any amendments to the Heritage Conservation District Town and By-Law itself, solely made recommendations to align across existing planning documents.

Deputy Mayor (Chair), Stephen Ernst, calls for a motion.

Motion carried unanimously

Amending the MPS:
Item 7.2

Deputy Mayor (Chair), Stephen Ernst, calls for a motion to recommend to Council that they amend the MPS and the Town's land-use by-law to allow development agreements on lands purchased from the Town.

Motioned by Councilor Ed Halverson, seconded by Citizen Representative Irma DaSie.

Deputy Mayor (Chair), Stephen Ernst, opened the floor for discussion on the motion.

Colin Whitcomb, Citizen Representative, questioned whether the development agreements would be expanded to other land parcels outside of town-owned lands and if there was a possibility to incorporate buy-back agreements. Whitcomb also questioned whether staff should respond to the document provided by Mrs.

Rennie.

Whitcomb presented an amendment to the motion asking to differ the motion on item 7.2 until a staff response was provided to Mrs. Rennie.

Amendment seconded by Citizen Representative, Alex Greek.

Deputy Mayor (Chair), Stephen Ernst, opened the floor to discussion on the amendment to the motion.

Citizen Representative Irma DaSie agreed with Colin Whitcomb on the inclusion of development agreements on town-owned lands but flagged the challenges presented by imposing development agreements on private developers. DaSie acknowledged that the vagueness of the amendments to the policy is important, and any other important points can be raised in public participation.

Deputy Mayor (Chair), Stephen Ernst, reiterated that the motions is only to recommend that the amendment be brought forward to Council, by the time that it comes to Council staff may have had the time to address many of the points presented in the discussion.

Councilor Ed Halverson commented that development agreements are a specific set of rules that are laid out for a particular project, and those projects are all subject to the same public participation process that PAC is undergoing now. Halverson remarked that he was not inclined to defer the motion as its presented and recommended that the motion move ahead.

Councilor Ed Halverson questioned whether staff would prepare a response to Mrs. Rennie's presentation and if that response could be forwarded to Council.

Citizen Representative, Alex Greek, commented that he does not have issue with the motion as it is presented but he would like to see additional detail in some areas such as options for proceeding with the development agreements.

Councilor Ed Halverson responded that the specifics that Greek mentioned could be entertained on a case-by-case basis and reiterated that he feels comfortable recommending the amendment

to Council, as it is presented, with a stipulation that a response to Mrs. Rennie is provided.

Deputy Mayor (Chair) Stephen Ernst presented the ammended motion put forward by Citizen Representative Colin Whitcomb, which would include differing the motion until staff could provide a response to Mrs. Rennie's document.

Amended motion defeated - 3 in opposition, with Citizen Representative Colin Whitcomb voting in favour

Deputy Mayor (Chair) Stephen Ernst, returned to the motion as it was originally presented which would reccomend to Council that they ammend the MPS following attachment a to allow development agreements on all lands purchased from the Town.

Motion moved by Councilor Ed Halverson and seconded by Citizen Representative Irma DaSie.

Citizen Representative Colin Whitcomb questioned whether as part of the recommendation to Council there would be a response provided to some of the points addressed in Mrs. Rennie's document, as well as consideration of buy-back agreements and development agreements outside of town-owned lands.

Interim CAO, Hilary Grant responded that for the sake of clarity it would be advised that the committee make three separate motions.

Original motion carried unanimously

Citizen Representative, Colin Whitcomb questioned whether the development agreements and buy-back agreements would also be presented in the staff report.

Interim CAO, Hilary Grant responded that preparing responses to presentations could be considered an operational matter and thus a recommendation may not be required. However, the role of PAC is to make recommendations to Council, not to direct staff, so if PAC feels strongly that they do not want Council to consider this amendment without seeing a response from staff, then it may warrant PAC making a recommendation to that effect.

Councilor Ed Halverson questioned what would be involved in terms of staff time requirements to prepare a report for Council outlining the pros and cons of allowing development agreements outside of Town-owned lands, including buy-back agreements.

Interim CAO, Hilary Grant, responded that to prepare a report of that magnitude would require direction from Council because the staff time would be of such an extent. Direction from Council would be required to allocate staff resources to such a report.

Citizen Representative, Colin Whitcomb proposed a motion to recommend to Council for staff to look into buy-back agreements on town-owned land and, if Council feels it is warranted, for staff to also look into agreements on non-town-owned land.

Motion moved by Citizen Representative Colin Whitcomb and seconded by Councilor Ed Halverson.

Motion carried unanimously

Amending the MPS:
Item 7.3

Deputy Mayor (Chair), Stephen Ernst, calls for a motion to recommend to Council that they amend the MPS and the Town's land-use by-law to rezone PID 60052495, PID 60052503 rear and front portion, to lower density residential.

Councilor Ed Halverson questioned whether the PID's listed include all of the properties on lower Green Street or exclude the properties that wish to remain commercially zoned.

Interim CAO, Hilary Grant responded that if PAC would like to reaffirm the motion that they made previously then staff would recommend that PAC pass a motion to reaffirm their previous decision, which would avoid PID numbers altogether.

Councilor Ed Halverson commented that there has been some confusion as things have been moved from residential numbers to PID numbers.

Councilor Ed Halverson proposed a motion to reaffirm the previous motion that PAC recommended to Council, in which PAC recommended that Council change the zoning of all the addresses on lower Green Street from commercial to residential.

Moved by Councilor Ed Halverson and seconded by Citizen
Representative Irma DaSie.

Motion carried unanimously

Next meeting

TBD

Adjournment

There being no further business, the August 21, 2024 Planning
Advisory Committee meeting adjourned at 7:24 p.m.

Minutes were read and approved.

DRAFT