



## AGENDA

### Town of Lunenburg Council Meeting

Tuesday, December 14, 2021 at 6:00 p.m.

Lunenburg Town Hall, 120 Townsend Street

---

1. Call to Order – Mayor Risser
2. Acknowledgement of Mi'kma'ki the Ancestral and Unceded Territory of the Mi'kmaq People – Mayor Risser
3. Agenda

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

4. November 23, 2021 Council Meeting Minutes

**Motion:** moved and seconded approval of the November 23, 2021 Council meeting minutes.

5. Public Hearings, Presentations and Questions

- a. Cpl. John Payne, RCMP, Quarterly Report – information presentation

6. Correspondence, Petitions and Proclamations Consideration

- a. Municipal Affairs and Housing: Work Commencing on Municipal and Village Code of Conduct Regulations – letter for information

7. Business Arising from the Minutes/Unfinished Business

- a. Appointment for 2022 Internal/External Committee Members – pending motion (moved and seconded on November 23, 2021)

**Motion:** moved and seconded to that Council members on the 2021/22 Internal and External Committee appointment lists (Schedule “A”) be re-appointed, to serve until the second regular meeting of Council in November 2022.

- b. Polymer Dosing Trials on Wastewater Treatment Plant DAF System – staff report and recommendation

Motion: moved and seconded to approve the execution of the Phase 3 scope of work Polymer Dosing Trials on Wastewater Treatment Plant DAF System at a budget of \$23,000 with funds drawn from a reduction in the current year reserve transfer.

- c. Wastewater Treatment Plant –WWTP Upgrade Predesign Work – staff report and recommendation

Motion: moved and seconded the approval of the WWTP and Outfall Predesign Project in the amount of \$71,500 in fiscal 21/22 to be funded from Deed Transfer Taxes. – update from memo

- d. Water Treatment Status Report July – September 2021 – staff information report
- e. Wastewater Treatment Status Report July – September 2021 – staff information report

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

- a. Western Region Housing Authority, November 2021 – report and resignation

Motion: moved and seconded to advertise for applicants to fill the pending vacancy on the Western Region Housing Authority for the period of April 1, 2022 – March 31, 2025.

- b. Planning Advisory Committee November 24, 2021 Public Participation Meeting Minutes – recommendations x 1

Motion: moved and seconded that Town Council approve First Reading and proceed to a Public Hearing in order to consider, and if deemed advisable, amending the MPS by inserting the following after “Policy 3-2”:

“3.2.4 Lot Zone 1 Maximum Lot Size Waiver by Development Agreement

Though it is the intent to maintain the historical spatial environment by regulating the maximum lot size in Lot Zone 1, there may be times that Council may wish to enable lots to exceed the maximum lot size for the wellbeing of businesses and/or community. Council shall consider such circumstances through the Development Agreement process.

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and
- (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.”

- c. Anti-Racism Special Committee November 25, 2021 Meeting Minutes – recommendations x 2

Motion: moved and seconded to advertise for applicants to fill the vacancies on the Anti-Racism Special Committee for 2022.

Motion: moved and seconded to amend the Terms of Reference for the Anti-Racism Special Committee's Membership section C. 2, fourth bullet, to read: "Two representatives from the Mi'kmaq community, one of which may be a representative from Acadia First Nation."

- d. Heritage Advisory Committee November 29, 2021 Meeting Minutes – recommendation x 1

Motion: moved and seconded that Council refuse to approve first reading or proceed to a Public Hearing in order to consider, and if deemed advisable, approve the issuance of a Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street subject to the following condition:

- 1) That the Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street be conditional upon the owners obtaining a Building Permit for the addition to 94 Pelham Street in conformity with the Application and Plans/Elevations (Attachment F) as submitted and attached within four (4) years of the date of the issuance of the Certificate of Appropriateness for the Demolition or Removal.

## 9. New Business

- a. Comprehensive Community Plan (CCP) Implementation Projects RFP Award – staff report and recommendation

Motion: moved and seconded to award all components of the CCP Implementation RFP TOL2021023 to MC Advisory Group Inc. in the amount of \$111,750 plus HST (\$116,540 with net HST).

- b. Grant Application: BURG Classic

Motion: moved and seconded to approve the Burg Classic's 2021/22 grant request in the amount of \$421. The approval is subject to the group receiving their charity registration before their event.

- c. New Collective Agreement for RCMP Potential Budget Impact – staff report and recommendation

Motion: moved and seconded that a letter be forwarded to the Nova Scotia Department of Justice, Public Safety Canada, NSFM, and FCM indicating that a significant increase in policing services and the uncertainty of whether retroactivity will be paid by the Federal Government, would have a significant impact on the tax payers of the Town of Lunenburg and further that the Province of Nova Scotia and Public Safety Canada try to lessen this impact to Municipal Units in Nova Scotia.

d. Seniors' Safety Program Provincial Funding – request for letter of support

**Motion:** moved and seconded that Town Council will send a message to the Minister of Seniors and Long-Term Care in support of increased Provincial funding for Lunenburg County Seniors' Safety Programs.

e. Five Ton Salt Truck for Public Works, Request for Budget Increase and Tender Award – staff report and recommendation

**Motion:** to approve the increase in the budget for the replacement of the 2002 GMC Topkick Five-Ton Salt Truck from \$175,000 to \$202,000, including the net HST.

**Motion:** to approve tender award to Nova Truck Centres of Truro NS for a 2023 Freightliner 1085D for a total price of \$193,600 + HST = \$222,640 (\$202,000 including net HST).

10. Meet in camera

**Motion:** moved and seconded to meet in camera to consider the following matters pursuant to section 22 (2), Municipal Government Act:

- ABCO Plant Expansion Requirements
- Tender Award Discussion
- Personnel Matters

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

12. Adjournment – Mayor Risser

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

Agenda Item	Assigned to	Council Meeting Assigned	Status	Anticipated Return Date
Watershed boundary extension and land management plan with external resources	Public Works	October 13, 2020	Town Engineer will prepare a report for draft Budget 2021/22 consideration	TBD

*Please note* – The agenda is subject to change.

**TOWN OF LUNENBURG COUNCIL MEETING MINUTES**

**TUESDAY, NOVEMBER 23, 2021 AT 6:00 P.M.**

**LUNENBURG COUNCIL CHAMBER, 120 TOWNSEND STREET**

---

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

**ALSO PRESENT:** Ann Covey, Recording Secretary  
Lisa Dagley, Finance Director  
Kevin Malloy, Interim Chief Administrative Officer  
Heather McCallum, Assistant Municipal Clerk

---

1. Call to Order

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

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

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

3. Agenda

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

4. October 29, November 5 and 9, 2021 Council Meeting Minutes

Motion: moved and seconded approval of the October 29, November 5 and 9, 2021 Council meeting minutes with the following correction to the November 9 meeting minutes: 8 (a), main motion, Councillor Birtles also voted in the negative. Motion carried.

Staff will amend the November 9 meeting minutes.

5. Public Hearings, Presentations and Questions (Nil)

6. Correspondence, Petitions and Proclamations Consideration (Nil)

7. Business Arising from the Minutes/Unfinished Business (Nil)

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

a. Planning Advisory Committee November 3, 2021 Meeting Minutes

These minutes are for information.

9. New Business

a. Appointment for 2022 Internal/External Committee Members and Deputy Mayor – draft motions

The Mayor and Council expressed appreciation to Deputy Mayor Peter Mosher for his service this past year and advised that the one-year term of his appointment is nearing the end and the election of the 2021/22 Deputy Mayor is scheduled for this meeting. He called for nominations for Deputy Mayor to be put to election.

Councillor Birtles put forward the nomination of Deputy Mayor Mosher and Councillor Sanford put forward the nomination of Councillor Halverson. The Mayor called for further nominations and hearing none, declared nominations closed. The Mayor then directed that an election of Deputy Mayor by secret ballot be conducted which would be scrutinized by the Finance Director and Recording Secretary. The Finance Director collected and counted the ballots with the Recording Secretary. She advised the Mayor of the results who declared that Deputy Mayor Mosher will continue to serve for 2021/22.

Motion: moved and seconded to re-appoint Deputy Mayor Mosher to serve until the second regular meeting of Council in November 2022. Motion carried.

Motion: moved and seconded to that the Council member 2021/22 Internal and External Committee appointment lists be re-appointed, to serve until the second regular meeting of Council in November 2022.

Councillor Duggan said she has not been able to attend any of the SSHAC meetings due to schedule conflicts and asked if another Councillor would like to replace her on that committee.

The Mayor said that the Committee Appointments List circulated for this meeting was not accurate and it was agreed to defer any decision until the next meeting for which staff will prepare a current list.

10. Meet in camera

Motion: moved and seconded to meet in camera to consider the following matters pursuant to section 22, Municipal Government Act:

- Lease of Town building at 40 Duke Street; and
- Disposal of Town land adjacent to 267 Pelham Street.

Council recessed and met in camera at 6:07 p.m.

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

The public portion of the Council meeting resumed at 7:45 p.m. approx.

- a. Blue Zone Request for Early Termination of Lease at the Old Fire Hall, 40 Duke Street

Motion: moved and seconded that Council approves the early termination of the lease with Christa Heyne and Karen Mills Crews operating Blue Zone Wellness and Fitness Centre as of December 31, 2021. Motion carried.

- b. Proposal to Buy Lot "D" from Town by owners of 267 Pelham Street

Motion: moved and seconded that Council authorize negotiations to proceed for the sale of the Town-owned Lot "D" (Schedule A) to the owners of the adjacent property at 267 Pelham Street. Motion carried.

12. Adjournment – Mayor Risser

The meeting was adjourned at 7:46 p.m. approx. by the Mayor.

---

Kevin Malloy, CAO



# RCMP-GRC

ROYAL CANADIAN MOUNTED POLICE • GENDARMERIE ROYALE DU CANADA



## Town of Lunenburg Q2 Report

**Cpl. John PAYNE**  
Site Supervisor Lunenburg Detachment



Royal Canadian Mounted Police Gendarmerie royale du Canada

Canada 

## LUNENBURG DISTRICT STAFF

- 1 Staff Sergeant
- 2 Sergeants
- 6 Corporals
- 33 Constables
- 1 Reserve Constable
- 7 Administrative Staff
- Crime Analyst (Covers numerous areas including Lunenburg District)
- Senior Safety Coordinator (Jointly Managed with BPS)
- Additional Resources on Request – ERT, MCU, FIS, ICE AIR SERVICES, CRITICAL INCIDENT PROGRAM



## SOUTHEAST TRAFFIC SERVICES

- Six member Provincial Unit working out of Lunenburg District (Chester Office)
- Dedicated traffic enforcement throughout Lunenburg and Queens Counties.

These below statistics are in addition to the “Road Safety” work conducted by Lunenburg County District members.

- 415 Summary Offence Tickets
- 110 Written Warnings
- 74 Checkpoints

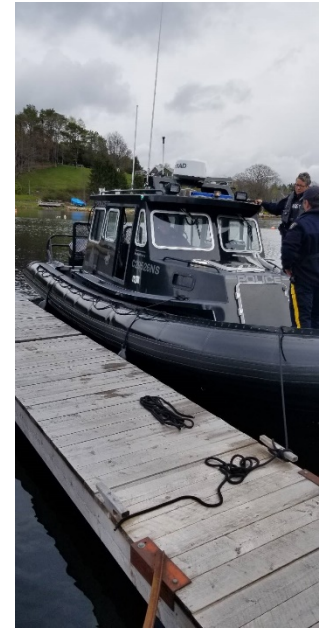


Royal Canadian Mounted Police Gendarmerie royale du Canada

Canada

# LUNENBURG DISTRICT FLEET

- (15) Patrol Cars
- (3) Patrol SUVs
- (5) Unmarked Police Vehicles
- (1) Police Boat
- (1) 4 Seat UTV (Side x Side)
- (4) Patrol Bicycles



# Lunenburg District Facilities



- Bridgewater Detachment
- Lunenburg Detachment
- Chester Detachment

**S/Sgt. Victor WHALEN**  
**District Commander**



*Lunenburg NS*

**Telephone:** 902-634-8674

**Fax:** 902-634-4311

## **Hours of Operation**

Monday, Wednesday & Friday

8:30 am to 4 pm

Fingerprints

By appointment only

## **Services available**

- Criminal records check
- Fingerprints
- General information
- Non emergency complaints
- Outside detachment emergency phone
- Report a crime
- Vulnerable sector check



Royal Canadian Mounted Police Gendarmerie royale du Canada

**Canada** 

# District Resources



## GENERAL INVESTIGATION SECTION (Lunenburg County)

- Cst. Alex Tucker is Lunenburg District's GIS Investigator. His role is to investigate resource intensive & more complex criminal investigations.
- Often paired with SCEU Lunenburg District benefits from a highly trained multi-member investigative team.

## SCHOOL SAFETY RESOURCE OFFICER (Lunenburg County)

- The SSRO is working with local schools and, as before, delivering programs concerning a range of topics including cyber bullying, and other social media topics. They continue to face some restrictions due to the Covid virus however are attending receptive schools and providing relevant materials where they can.

## COMMUNITY POLICING SERVICES OFFICER (Lunenburg County)

- Cst. Sonia Upshaw is located in the Chester Detachment and is a Community Policing/Programs Officer.
- Cst. Tim LYNCH has returned to General Duty position on D Watch, but continues to work out of the Lilydale Detachment while maintaining his contacts and mutual partnerships that he developed during his tenure in this position.



# Q2 Lunenburg District Calls for Service

- Between July 1<sup>st</sup> & September 30<sup>th</sup>, 2021, the Town of Lunenburg had received **243 Calls for Service** which included Criminal Code, Controlled Drugs and Substance Act, and Provincial Act Investigations.
- Check Stops – 5
- False Alarms - 9
- Wellbeing Checks - 1
- Mental Health Calls – 5
- Sudden Death - 0
- Crime Prevention -10
- 911 calls - 11
- Assistance to GP - 1



# Town of Lunenburg



During the Second Quarter of 2021 184 occurrences were generated in the Town of Lunenburg.

## Notable occurrences:

- **20211131006** - On August 01<sup>st</sup>, 2021 Lunenburg Detachment members received a report of an assault with a weapon, the victim being a 18 yr old female. Members responded immediately, arrested the male suspect, photos of the victims injuries were obtained. The matter is before the courts.
- **20211193335** – On August 12<sup>th</sup>, 2021 Lunenburg Detachment members received a report of an Impaired Driver on Dufferin Street, in the Town of Lunenburg at approximately 6:30 pm. Members attended, located suspect vehicle and driver. Investigation by members indicated driver was intoxicated, driver arrested and charged accordingly. Driver pled guilty and has been sentenced.
- **20211275875** – On August 27<sup>th</sup>, 2021 Lunenburg RCMP called to an assault in progress at the Fishermen's Hospital. Suspect assaulted the victim (Security Guard), members attended, arrested and charged the suspect. The matter is before the courts.
- **20211467924** – On September 30<sup>th</sup>, 2021 a Lunenburg RCMP responded to complaint of a Break and Enter into a residence. Members attended, located two youths inside the residence, charges laid, matter is before the courts. Possible youth justice referrals may be considered at this time.



Royal Canadian Mounted Police    Gendarmerie royale du Canada

Canada 

# Covid-19 Enforcement



- During the second quarter Lunenburg Detachment Members responded to 8 files related to the Quarantine Act or Health Protection Act.
  - The majority of these files included in-person checks to individuals required to self-isolate after entering Canada from abroad.
  - Currently, when travelers enter Canada they are required to register with CBSA and provide an isolation address. During the quarantine period a file is generated with the local police of jurisdiction to monitor self-isolation compliance.
  - No violations of local isolation requirements have been found.



# Other Notable Calls



A couple of notable occurrences in the Town of Lunenburg:

- There have been reports of a female going from door to door in and outside of the town of Lunenburg, asking residents for money. The Lunenburg RCMP have identified the female and at this time, other resources are being sought to address the issue.
- On November 29<sup>th</sup> and November 30<sup>th</sup>, 2021, numerous vehicles were rummaged through in the Town of Lunenburg. Possible suspects are being looked at for these offences. The majority of the vehicles were unlocked. These types of thefts are considered thefts of opportunity. The investigation is ongoing.



Royal Canadian Mounted Police  
Gendarmerie royale du Canada

Canada 



## Municipal Affairs and Housing Office of the Minister

---

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902-424-5550 Fax 902-424-0581 • [novascotia.ca](http://novascotia.ca)

---

November 30, 2021

### **Work Commencing on Municipal and Village Code of Conduct Regulations**

Municipal Elected Officials and Municipal Administrators:

I recognize that many of you have been waiting patiently on updates related to municipal codes of conduct regulations. Today, I am pleased to be sharing the most recent status of the project and what we hope to achieve in the next year.

As you may be aware, in 2017 the *Municipal Government Act* (MGA) and the *Halifax Regional Municipality Charter* (HRMC) were amended to add a requirement for municipalities and villages to establish a code of conduct for elected officials. The MGA and HRMC were further amended in 2021 to add additional provisions regarding codes of conduct, including the requirement for municipalities to hire a third-party investigator to investigate alleged breaches and to enable councils to discuss alleged breaches in-camera. Neither the 2017 nor the 2021 amendments have been proclaimed as regulations are required to support their implementation.

In order to develop the regulations related to municipal codes of conduct in a thoughtful and collaborative manner, we have chosen to establish a Code of Conduct Working Group (CCWG). This working group has a mandate of developing recommendations on the content to be included in the municipal codes of conduct regulations. These recommendations will focus on the content to be included in a municipal code of conduct as well as possible sanctions for a breach. The CCWG has representation from the Department of Municipal Affairs and Housing (DMAH), the Nova Scotia Federation of Municipalities (NSFM), the Association of Municipal Administrators, Nova Scotia (AMANS), and the Association of Nova Scotia Villages (ANSV) and will function similarly to the Joint Municipal Accountability and Transparency Committee (JMAT). The representatives will be from a regional, a rural, a town and a village to ensure accurate representation across Nova Scotia's municipalities which assures various sizes and unique needs are captured. The NSFM, AMANS and ANSV have already determined the individuals they will be appointing to the CCWG. We will work closely with the NSFM, AMANS and ANSV to set up an initial meeting to begin this important work soon.

It is important the recommendations developed by the CCWG are supported by municipalities and villages in Nova Scotia. Therefore, once the CCWG has developed their recommendations on the content, DMAH will consult with all municipalities and villages on the proposal. It is difficult to predict when the recommendations will be finalized by the CCWG. However, we will keep you apprised of their progress and look forward to your participation during consultations.

.../2

Page Two  
Municipal Officials and Administrators

I recognize how important this work is to all municipalities and villages in Nova Scotia and would like to thank you for your patience while we determine the most appropriate path forward to complete this work in a collaborative and thoughtful manner. I look forward to reviewing the proposed recommendations from the CCWG and associated consultation feedback.

If you have any questions, please do not hesitate to reach out to our Department.

Sincerely,



Minister  
Honourable John A. Lohr

- c. Nova Scotia Federation of Municipalities
  - Association of Municipal Administrators of Nova Scotia
  - Association of Nova Scotia Villages
- aj

## **2020/21 TOWN OF LUNENBURG COUNCIL APPOINTMENTS**

### **DEPUTY MAYOR**

Deputy Mayor Peter Mosher

**November 23, 2021 Council motion appointing the Deputy Mayor for an approximately one-year term to serve until the second regular meeting of Council in November 2022.**

January 22, 2013 Council motion - all future Deputy Mayors shall be **annually** elected by Council and shall no longer be limited to a one year term.

Town of Lunenburg Role & Responsibilities of the Deputy Mayor (approved by Council motion December 9, 2014):

The Deputy Mayor shall

- ▶ As per MGA section 16 (5) act in the absence or inability of the mayor or in the event of the office of mayor being vacant
- ▶ Act as and perform the duties of the Mayor in the Mayor's temporary absence as per MGA section 15
  - 1) preside at all meetings of Council
  - 3) a) monitor the administration and government of the municipality b) communicate such information and recommend such measures to the Council as will improve the finances, administration and government of the municipality.
- ▶ Attend civic and community events as a representative of the Town as may be required and requested by the Mayor
- ▶ Accompany the Mayor or attend on behalf of the Mayor, meetings dealing with inter-municipal relations and matters concerning regional cooperation or of regional or provincial or national significance.
- ▶ Assist the Mayor in planning for and working with Council through a process of CAO support and evaluation.
- ▶ Preside over some meetings, as may be mutually agreed, such as Committee of the Whole (COW) meetings.

### **COMMITTEE OF THE WHOLE**

Mayor Matt Risser, Chair

Deputy Mayor Peter Mosher, Alternate Chair

Councillor Jenni Birtles

Councillor Melissa Duggan

Councillor Stephen Ernst

Councillor Ed Halverson

Councillor Susan Sanford

26. The responsibilities of the Committee of the Whole are to:
  - a. discuss, consider, advise and make recommendations to Council for approval concerning the affairs of the Town in advance of Council making decisions or taking actions on such matters, except where the Mayor and CAO have determined that consideration by Committee of the Whole is unnecessary or inadvisable including the following matters which will normally be dealt with by Council without first being considered by the Committee of the Whole for its recommendations:
    - i. first and second readings of a Bylaw enactment, amendment or repeal; and
    - ii. matters which are the subject of statutory hearing by Council;
  - b. review and revise draft Town Bylaws and Policies and amendments thereto making recommendations to Council regarding same;
  - c. review and revise draft strategic and annual corporate plans and make recommendations to Council regarding same;
  - d. review and revise the Town draft budget for the next fiscal year and make recommendations to Council regarding same;
  - e. receive reports and related presentations of a complex nature requiring strategic, budget, and/or policy consideration for recommendation to Council;
  - f. discuss, consider, advise and make recommendations on any other matters which may be referred to it by Council;
  - g. take such steps not inconsistent with this Policy that this Committee deems necessary to carry out its mandate; and
  - h. meet in camera where appropriate to fulfill its responsibilities in accordance with the Municipal Government Act.
27. The Chair of the Committee of the Whole is the Mayor and in their absence the Deputy Mayor.
28. The Committee of the Whole consists of all Council members and membership on the Committee automatically extends to Council members without the necessity of formal appointment by Council and automatically terminates when the person is no longer a Council member.
29. Items may be added to the Committee of the Whole agenda by Council members making prior requests to the Mayor and CAO who will review the requests and determine if it should be included in the next Committee of the Whole meeting agenda or referred elsewhere.
30. In addition to scheduled Committee of the Whole meetings, a Council member may move that Council recess and move into Committee of the Whole for informal consideration of any item on the Council agenda and rise and report back to Council. Such motion shall be determined by a majority vote of Council members present and voting.

## **ANTI-RACISM SPECIAL COMMITTEE**

Councillor Melissa Duggan, Chair  
Deputy Mayor Peter Mosher  
Jerin Kottakkal  
Vacant, Citizen-at-large Representative  
Vernon Simms  
Vacant, African Nova Scotian Representative  
April Hiltz, Native Council of Nova Scotia  
Vacant, Mi'kmaq Representative

### Ex-officio:

- Margie Knickle
- Piotr Luczak
- Megan Meldrum
- Yvonne Mosely
- Mayor Matt Risser

### Advisors:

- Chavasse Bain, African NS Affairs
- Cynthia Dorrington, Black Loyalist Heritage Centre
- Tammy Hamlin, Town of Truro
- Jessika Hepburn, BIPOC South Shore
- Mohammad Mousa, Social, Human Sciences & Youth, CC UNESCO (Ottawa)
- Celeste Sulliman, Treaty Education, NS Office of Aboriginal Affairs

### Staff:

- Heather McCallum, Assistant Municipal Clerk (Recording Secretary)
- Kelly Cunningham, Recreation Director (occasional)
- Arthur MacDonald, Heritage Manager (on hiatus)

Terms of Reference (approved by Council January 26, 2021)

### Purpose/Objective

The Town of Lunenburg is committed to supporting equity, diversity, inclusion and dignity of all people. To this end, Lunenburg Town Council has established an Anti-Racism Special Committee with particular emphasis on anti-Black and Indigenous racism.

The Special Committee may make recommended amendments to revise their Terms of Reference to Town Council for approval throughout their term.

### Responsibilities of the Special Committee

1. Develop a Municipal Action Plan for Ending Racism and Discrimination with emphasis on (but not limited to) anti-Black and Indigenous racism, including:
  - a) Identify ways and means to eliminate barriers to employment, policies, procedures and practices that may negatively impact the BIPOC (Black/ Indigenous/People of Colour) members of our community;
  - b) Strive to achieve suitable representation of designated and underrepresented groups, with particular attention to African Nova Scotian and Indigenous people, in the Town of Lunenburg's Committees, workplace, activities and services;
  - c) Strive to showcase the rich cultural heritage of all peoples on the Town of Lunenburg's literature, plaques, interpretive panels, street naming policy, events, website and other media/communication platforms with particular attention to African Nova Scotian and Indigenous histories.
  - d) Make recommendations on how implementation and ongoing monitoring through an inclusivity, diversity, and anti-racism lens can be achieved in the Town of Lunenburg government and services.
2. Review and consider the Town becoming a member of the Canadian Commission for UNESCO's Coalition of Inclusive Municipalities and make a recommendation to Council accordingly.

### Membership of the Special Committee

The Special Committee will be established by the Town issuing invitations to appropriate stakeholders and experts from the BIPOC (Black/Indigenous/People of Colour) community from the Town of Lunenburg where possible, and the wider community where necessary. All members must be appointed to the Anti-Racism Special Committee by Lunenburg Town Council.

The Special Committee shall be comprised of eight (8) voting Special Committee members including:

- a) Two Town Councillors (one of which shall Chair)
- b) Two citizens at large who have knowledge or expertise in African Nova Scotian or Indigenous affairs (who may or may not live within the Town);
- c) Two representatives from the African Nova Scotian community (who may or may not live within the Town); and
- d) Two representative from the Indigenous community, one of which shall be a representative from Acadia First Nations (who may or may not live within the Town).

Other Special Committee non-voting participants:

- The Special Committee may invite external non-voting participants and/or advisors who represent key partner organizations and/or who bring expertise in relevant areas to advise the Special Committee as required.
- Town staff shall be assigned to support the Special Committee (recording secretary and/or general advisory services)

#### Meeting Proceedings

1. The rules of procedure for the Special Committee shall be governed by the Town's "Council and Committee Meetings and Proceedings Policy".
2. All Minutes of the Special Committee will be open to the public, unless the matter to be discussed qualifies for in camera pursuant to the Municipal Government Act.
3. The Special Committee will report progress updates to the Town Council at intervals determined by the Special Committee and Council.
4. Meeting dates and frequency to be determined by the Special Committee upon their first meeting. Due to the ongoing COVID-19 pandemic, meetings will take place online over Zoom. When the easing of the pandemic allows for in-person meetings, these may take place at Town Hall with remote access available via Zoom for those whose location makes in-person attendance challenging.
5. A quorum of the Special Committee shall consist of five voting members.
6. Citizen members of the Special Committee (i.e., those not representing an organization) shall serve in a volunteer capacity and are entitled to the Committee of Council member annual honorarium of \$225.
7. The mandate of the Anti-Racism Special Committee will expire upon the completion of the Municipal Action Plan for Ending Racism and Discrimination report, and upon Council making a final decision regarding its adoption. It is anticipated that the work of the Special Committee will take approximately a year, depending on availability of the members.

## AUDIT COMMITTEE

Councillor Ed Halverson, Chair  
Mayor Matt Risser  
Deputy Mayor Peter Mosher  
Councillor Jenni Birtles  
Councillor Melissa Duggan  
Councillor Stephen Ernst  
Councillor Susan Sanford  
Jamie Green, Citizen Representative

#### Audit Committee (Committees of Council Policy excerpt)

Section 9 of Committees of Council Procedural Policy – The Chair of the Audit Committee shall not be a Town signing authority for banking or cheque signing purposes.

20. The responsibilities of the Audit Committee are to:
  - a. conduct a detailed review of the Town financial statements with the Town Auditor;
  - b. evaluate internal control systems and management letter with the Town Auditor;
  - c. conduct a review of the conduct and adequacy of the audit;
  - d. consider such matters arising out of the audit as may appear to the Audit Committee to require investigation;
  - e. review other matters as may be determined by Council to be the duties of the Audit Committee and any other matters; and
  - f. take such other action not inconsistent with this Policy that the Committee reasonably deems necessary to carry out its mandate in accordance with Town Policies and Bylaws and the Municipal Government Act.
21. The Audit Committee shall be comprised of all members of Council and a minimum of one resident at large appointment who is not a member of Council or staff. Resident appointees shall possess knowledge and understanding of financial and investment matters as evidenced in their Committee application form.
22. Council shall advertise for resident Audit Committee applications before December 31 every two years. The resident Committee member(s) shall be selected by Council as noted herein with the exception that this shall be a two year appointment.
23. The CAO, Finance Director and Accountant shall be non-voting members of the Audit Committee. Through the CAO the Committee may request additional members of the Town's senior management staff to attend Committee meetings.

24. The Audit Committee Chair shall be a member of Council bi-annually appointed by Council as set out in section 9. The Committee Chair will make periodic reports to Council on matters relating to the Committee's work progress.
25. The Audit Committee shall meet at least twice per year as called by the Chair in consultation with Town staff to receive and review the completed Town audit with the Town Auditor and to carry out its additional Municipal Government Act duties.

## **HERITAGE ADVISORY COMMITTEE**

Councillor Stephen Ernst, Chair  
Councillor Jenni Birtles  
Oliver Osmond, Lunenburg Heritage Society Representative  
Nathalie Irving, Lunenburg Heritage Society Representative  
E. Patricia MacDonald, Citizen Representative  
Vacant, Citizen Representative

### Heritage Advisory Committee (Committees of Council Policy excerpt)

29. The responsibilities of the Heritage Advisory Committee are to:
  - a. carry out their duties described in the Town's Heritage Property Bylaw and Provincial Heritage Property Act;
  - b. advise Town Council respecting:
    - i. the inclusion of buildings, streetscapes and areas in the Town Registry of Heritage Property;
    - ii. an application for permission to alter substantially or demolish a Town Heritage Property;
    - iii. building or other regulations that affect the attainment of the intent and purpose of the Town Heritage Property Bylaw and Heritage Property Act; and
    - iv. any other matters conducive to the effect of carrying out the intent and purpose of the Town Heritage Property Bylaw and Heritage Property Act.
30. The Heritage Advisory Committee is comprised of six members all of whom shall be residents of the Town and appointed by Council for a two year term. Two members of the Committee shall be members of Council, two shall be members of the Lunenburg Heritage Society or individuals who have otherwise demonstrated active interest in the preservation of buildings of historic significance, and two members of the Committee shall be appointed at large.

## **PLANNING ADVISORY COMMITTEE**

Councillor Susan Sanford, Chair  
Councillor Stephen Ernst  
Councillor Ed Halverson  
Peter Goforth, Citizen Representative  
Gerry Rolfsen, Citizen Representative  
Colin Whitcomb, Citizen Representative  
Vacant, Citizen Representative

### Planning Advisory Committee (Committees of Council Policy excerpt)

31. The responsibilities of the Planning Advisory Committee are to:
  - a. carry out the Planning Advisory Committee duties set out in the NS Municipal Government Act;
  - b. advise Council respecting the preparation and amendment of planning documents and general planning matters; and
  - c. conduct a review of and proposed amendments to the Town's Municipal Planning Strategy, Land Use By-law and Subdivision
  - d. By-law and other relevant planning matters.
32. The Planning Advisory Committee is comprised of at least four residents appointed for two year terms and three Council members as determined by Council.

## **PROJECT LUNENBURG STEERING TEAM**

Councillor Susan Sanford, Chair  
Deputy Mayor Peter Mosher  
Councillor Stephen Ernst  
Peter Goforth, Qualified Expert  
Gerry Rolfsen, Qualified Expert  
Cheryl Lamerson, Citizen Representative  
Bill Rice, Citizen Representative

## COMPREHENSIVE COMMUNITY PLAN PROJECT

Terms of Reference ("ToR") for the

Comprehensive Community Plan Project Steering Team ("Steering Team")

### 1.0 DEFINITIONS

In these ToR,

"Council" means the Council of the Town of Lunenburg.

"Comprehensive Community Plan" is a community-specific, inclusive and holistic planning process that covers all aspects of the community, and enables it to plan its development and lay out its vision and high-level goals for the long term.

"Comprehensive Community Plan Project" includes the generation of a Comprehensive Community Plan as well as an updated Municipal Planning Strategy, Land Use By-law, Heritage Conservation District Plan and By-law, and Subdivision By-law as supporting documents.

"Comprehensive Community Plan Steering Team" means an advisory group tasked by Council to be the governing body of the Comprehensive Community Plan Project and will provide strategic leadership and governance oversight.

### 2.0 TITLE

The advisory group to Council shall be named the Comprehensive Community Plan Project Steering Team (Steering Team).

### 3.0 PURPOSE

The purpose of the Comprehensive Community Plan Project Steering Team (Steering Team) is to monitor the quality of Comprehensive Community Plan and updated Municipal Planning Strategy, Land Use By-law, Heritage Conservation District Plan and By-law, and Subdivision By-law as they develop; provide support, guidance, and oversight of the process; and ensure that the scope of work is adhered to and milestones met in accordance with the Request for Proposals (RFP), attached as Appendix 1.1., or in accordance with an amended consulting services agreement.

### 4.0 RESPONSIBILITIES

4.1 The responsibilities of the Steering Team will be to:

- a. monitor the quality of Comprehensive Community Plan, Municipal Planning Strategy and Land Use By-law, Heritage Conservation District Plan and By-law, and Subdivision By-law as they develop;
- b. provide support, guidance, and oversight of the Comprehensive Community Plan process and its progress;
- c. provide oversight of the Municipal Planning Strategy and Land Use By-law, Heritage Conservation District Plan and By-law, and Subdivision By-law processes and their progress;
- d. ensure that the scope of work is adhered to and milestones met;
- e. provide regular updates to Council;
- f. based on delegated authority, make decisions that are in accordance with the terms of the RFP;
- g. provide advice and recommendations to Council on any substantive changes to the scope of work and/or terms of the RFP; and
- h. provide a recommendation to Council relating to the approval of the Comprehensive Community Plan.

4.2 The Steering Team may consult with Town of Lunenburg staff, Council, or stakeholders, as necessary.

4.3 The Steering Team may seek outside expertise, as necessary.

4.4 The Steering Team may establish rules of procedure that are necessary for the performance of its responsibilities.

### 5.0 MEMBERSHIP

5.1 Voting members of the Steering Team shall include:

- i. Chair, Town Councillor #1, as appointed by Council
- ii. Town Councillor #2, as appointed by Council
- iii. Town Councillor #3, as appointed by Council
- iv. Citizen Representative #1, as appointed by Council
- v. Citizen Representative #2, as appointed by Council
- vi. Qualified Expert #1, as appointed by Council
- vii. Qualified Expert #2, as appointed by Council
- viii. Qualified Expert #3, as appointed by Council

5.2 Non-voting, ex-officio members shall include:

- i. Project Manager/Manager of Planning and Development
- ii. Heritage Manager
- iii. Town Engineer
- iv. Staff representative of the Municipality of the District of Lunenburg
- v. Representative of a Provincial organization or crown corporation (e.g. Develop Nova Scotia, Municipal Affairs)

5.3 There shall be a maximum of eight (8) voting members. 5.4 Council may appoint new members to join the Steering Team and amend the ToR accordingly.

5.4 Council may appoint new members to join the Steering Team and amend the ToR accordingly.

5.5 Resource people may be invited to attend the meetings upon request from the Chair on behalf of the Steering Team to provide advice and assistance, as necessary.

5.6 Citizen representatives shall have expertise in project management, community engagement, programming and policy, rural and urban planning, asset management, or other area of expertise deemed beneficial by Council in providing oversight of the plan process.

5.7 Qualified experts shall have expertise in project management, community engagement, programming and policy, rural and urban planning, asset management, or other area of expertise deemed beneficial by Council in providing oversight of the plan process. Town citizens who meet the criteria shall be given preference in the selection process.

### 6.0 CHAIRPERSON

6.1 The Chair of the Steering Team shall be a Town Councillor and appointed by Council.

6.2 The Chair shall provide information on the progress of the Steering Committee as well as bring forward its recommendations to Council.

6.3 The Chair shall preside over all Steering Team meetings. The Chair will ensure that the meetings are conducted in a cordial and respectful manner and that matters are discussed in accordance with the meeting agenda.

6.4 The Chair shall set meeting dates and approve the agenda.

6.5 The Chair shall be the spokesperson for the Steering Committee.

7.0 MEETINGS

7.1 Meetings shall be held once a month.

7.2 Special or extraordinary meetings shall be called by the Chair, when necessary.

7.3 Quorum shall consist of fifty percent (50%) of the members plus one (1). 7.4 Record of meetings will be recorded in the form of notes by the Town of Lunenburg staff. At each meeting, the previous notes will be reviewed by members.

7.5 The Steering Team meetings are open to members of the public.

8.0 AMENDMENTS

The Terms of Reference may be amended by Council.

9.0 CONFLICT OF INTEREST

The Steering Team members have an obligation to disclose any conflicts of interest relative to the matters under discussion.

10.0 TERM

The Steering Team shall be in effect until dissolved by Council or upon completion of the Comprehensive Community Plan Project.

**PROTECTIVE SERVICES COMMITTEE**

Deputy Mayor Peter Mosher, Chair

Councillor Ed Halverson

Councillor Susan Sanford

Councillor Melissa Duggan

Brian Keizer, Districts 1 & 2 Fire Commission

David Afford, Districts 1 & 2 Fire Commission

David Baugil, Districts 1 & 2 Fire Commission

Protective Services Committee (Committees of Council Policy excerpt)

- 33. The Protective Services Committee responsibilities are to advise Council regarding:
  - a. oversight of the volunteer firefighting force and their training, buildings and equipment, fire alarm systems, fire investigations and prevention, water supply and hydrants; and
  - b. Fire Protection Services budget matters.
- 34. The Protective Services Committee is comprised of four Council members including the Chair. For the purpose of fire protection matters relating to the Municipality of the District of Lunenburg Fire Districts 1 and 2 Commission ("Commission") only, the Commission may appoint three Commission members to be additional voting members of the Committee for the purpose of fire protection matters related to the Commission.

## **2020/2021 TOWN OF LUNENBURG EXTERNAL APPOINTMENTS**

### **COMMON LANDS**

Deputy Mayor Mosher (Town of Lunenburg Council appointment)  
Rachel Bailey (Town of Lunenburg Council appointment)  
Councillor Chasidy Veinotte (Municipality of the District of Lunenburg Council Appointment)  
Eric Walters (Municipality of the District of Lunenburg Council Appointment)  
\_\_\_\_\_ (NS Supreme Court Justice) Peter Tanner?

(Membership is comprised of two Town of Lunenburg residents annually appointed by the Lunenburg Town Council; plus two residents of the Municipality of the District of Lunenburg east of the Town of Lunenburg appointed annually by Municipality of the District of Lunenburg Council; and one “selected by a County Court Judge of District #2” or NS Supreme Court Justice per Town Solicitor).

### **CULTURAL PLAN IMPLEMENTATION GROUP**

Deputy Mayor Peter Mosher

### **LUNENBURG ACADEMY FOUNDATION**

Councillor Stephen Ernst

### **LUNENBURG COUNTY SENIOR SAFETY ADVISORY PARTNERSHIP**

Councillor Jenni Birtles

### **LUNENBURG FISHERMEN’S MEMORIAL SOCIETY**

Mayor Matt Risser  
Deputy Mayor Peter Mosher  
Members of the Fishermen’s Memorial Society Memorial Tribute Society Sub-Committee

### **LUNENBURG COUNTY JOINT ACCESSIBILITY COMMITTEE**

Councillor Susan Sanford  
Councillor Melissa Duggan (alternate)

#### **Lunenburg County Accessibility Advisory Committee Terms of Reference**

##### **1.0 PURPOSE**

The Lunenburg County Accessibility Advisory Committee’s (AAC) role is to assist the five municipal units (the Districts of Chester and Lunenburg and the Towns of Bridgewater, Lunenburg and Mahone Bay) in Lunenburg County develop an Accessibility Plan in accordance with “An Act Respecting Accessibility in Nova Scotia, 2017 (The Act). The AAC provides advice to the five municipal councils on identifying, preventing and eliminating barriers to people with disabilities in municipal programs, services, initiatives and facilities. The Committee plays a pivotal role in helping the five municipalities become barrier-free communities and ensuring the obligations under the Act are met.

##### **2.0 SCOPE**

These Terms of Reference are applicable to all members appointed to the Lunenburg County Accessibility Advisory Committee (ACC).

##### **3.0 REFERENCES**

3.1 Bill No. 59 – Accessibility Act, Chapter 2 of the Acts of 2017

##### **4.0 DEFINITIONS**

4.1 **Barrier** means anything that hinders or challenges the full and effective participation in society of persons with

disabilities including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

**4.2 Council(s)** means the Councils for the Districts of Chester and Lunenburg and the Towns of Bridgewater, Lunenburg and Mahone Bay.

**4.3 Disability** includes a physical, mental, intellectual, learning or sensory impairment, including an episodic disability (long-term conditions that are characterized by periods of good health interrupted by periods of illness or disability); that, in interaction

with a barrier, hinders an individual's full and effective participation in society.

## 5.0 POLICY

### 5.1 Membership

- 5.1.1 The Committee shall consist of ten (10) voting members who serve without pay, except for associated expenses. Five (5) community members and five (5) Council members. Each Council will appoint their own Council member representative. The five (5) community representatives are to be appointed by all five (5) municipal units.
- 5.1.2 Applications for the community members will be sent to the Lunenburg County Accessibility Nominating Committee. This Committee will be comprised of the Mayors/Wardens of the five municipal units **or their designate**. The Nominating Committee will send a recommendation to all five councils concerning the appointment of the community members.
- 5.1.3 Councils shall appoint each of the five (5) community representatives' members as follows: Two members (2) to a three (3) year term; two members (2) to a two (2) year term; and one-member (1) to a one (1) year term. Once a member has completed their term all new terms will be for three (3) years.
- 5.1.4 Councils shall appoint a Council representative and an alternate from each of their respective municipal units. Council members' terms will be for two years.
- 5.1.5 At least one half of the members (community and council representatives) of the AAC must be persons with disabilities or representatives from organizations representing persons with disabilities.
- 5.1.6 If a community member vacates the Committee for any reason at any time before that member's term would normally expire, the Councils shall appoint promptly a new member to the Committee to hold office for the unexpired term.
- 5.1.7 If a Council member vacates the Committee for any reason at any time before that Council member's term would normally expire, the Council that the member represents shall appoint promptly a new Council member to the Committee to hold office for the unexpired term.
- 5.1.8 Applications for the appointment of community representatives to the Committee shall be invited by public advertisement.
- 5.1.9 The Chair and Vice-Chair will be appointed annually by the Committee.

### 5.2 Qualifications

- 5.2.1 Any member of the Committee is eligible for reappointment.
- 5.2.2 Any member of the Committee, who is absent from three (3) consecutive meetings of the Committee, forfeits office, unless the absence is caused by illness or authorized by resolution of the Committee and noted in the Committee minutes. Any member who forfeits office is eligible for reappointments following the remainder of the unexpired term.

### 5.3 Mandate of Responsibilities

#### The Committee has the following responsibilities:

- 5.3.1 Advise the five Councils in the preparation, implementation and effectiveness of an Accessibility Plan. In accordance with the Act, the Plan must include:
- A report on measures the five (5) municipal units have taken and intend to take to identify, remove and prevent barriers;
  - Information on procedures the five (5) municipal units have in place to assess the following for their effect on accessibility for persons with disabilities:
    - Any of its existing and proposed policies, programs, practices and services, and
    - Any existing and proposed enactments or bylaws it will be administering; and
  - Any other prescribed information.
- 5.3.2 Advise all five (5) Councils on opportunities to promote the full participation of persons with disabilities, in accordance with the Act;
- 5.3.3 Identify and advise on the accessibility of existing and proposed municipal services and facilities;
- 5.3.4 Advise and make recommendations about strategies designed to achieve the objectives of the five (5) municipal units Accessibility Plan;
- 5.3.5 Receive and review information directed to it by all five (5) municipal Councils and their committees, and to make recommendations as requested;
- 5.3.6 Monitor federal and provincial government directives and regulations; and
- 5.3.7 Host public consultations related to accessibility
- 5.3.8 Provide input and advice to all five (5) councils with respect to updating the Accessibility Plan every three years.
- 5.3.9 Provide an annual budget for the five (5) Councils consideration in order for the Committee to carry out their mandate.

### 5.4 Rules of Engagement:

- 5.4.1 Committee meetings will be called by the Chair as required to fulfill the duties outlined. Meetings of the ACC shall be open to the public and advertised no less than one week in advance.

- 5.4.2 A majority of the appointed voting members of the Committee constitutes a quorum.
- 5.4.3 Subject to the principles set out in the **Municipal Conflict of Interest Act**, all committee members present including the person presiding shall vote on a question.
- 5.4.4 Subject to section 22 of the **Municipal Government Act**, meetings of the committee are open to the public
- 5.4.5 The Committee may receive presentations from the public upon the approval of the Chair.
- 5.4.6 The Committee may establish Working Groups to explore specific issues related to the Accessibility Plan and/or other responsibilities. Members of the Working Group may consist of additional members of the community. A member of the AAC shall chair the Working Group.

**5.5 STAFF RESOURCES**

- 5.5.1 The Committee will be supported by municipal staff and consulting resources as required.
- 5.5.2 Staff appointed by the five (5) municipal units will attend meetings as a resource to the Committee.
- 5.5.3 The Municipalities will provide administrative support services to the Committee to aid in agenda preparation, minute taking, and other administrative duties as required.

**6.0 POLICY REVIEW**

- 6.1 These Terms of Reference will be reviewed by each of the five (5) Councils at least every four years from the effective/amended date.

**LUNENBURG HOME FOR SPECIAL CARE CORPORATION / HARBOUR VIEW HAVEN**

Councillor Jenni Birtles  
Jenise Brouse  
Diane Johnson  
Jackie Moore  
Patrick Morris  
Virginia Uhlman  
Ellen Wathen

**LUNENBURG WATERFRONT ASSOCIATION**

Mayor Matt Risser

**REGION 6 SOLID WASTE MANAGEMENT COMMITTEE**

Councillor Ed Halverson  
Mayor Matt Risser (alternate)

**REGIONAL EMERGENCY MANAGEMENT ORGANIZATION (REMO)**

Mayor Matt Risser  
Deputy Mayor Peter Mosher  
Alternate - Councillor Susan Sanford

**SOUTH SHORE HOUSING ACTION COALITION**

Councillor Melissa Duggan

**SOUTH SHORE REGIONAL LIBRARY BOARD**

Councillor Jenni Birtles

Section 10 of the Libraries Act = 1 x member of Council or public for a period as determined by the Council making the appointments.

**WESTERN REGIONAL HOUSING AUTHORITY**

Helen Lanthier (to March 31, 2022; not re-offering)

Section 22(1) of the Housing Act - The Governor in Council may constitute a body corporate to be a regional housing authority, prescribe its membership and manner of appointment.

## MEMORANDUM

**TO: TOWN COUNCIL**

**FROM: Dennis MacPherson, M.Eng., P.Eng., TOWN ENGINEER**

**DATE: December 1, 2021**

**RE: Polymer Dosing Trials on Wastewater Treatment Plant DAF System**

---

### **1. FACTS**

The Dalhousie Centre for Water Resources Studies (CWRS), in collaboration with CBCL, completed a Polymer Dose Optimization Study for the Lunenburg Wastewater Treatment Plant (WWTP) in the summer of 2021. The purpose of this report was to study the effectiveness of existing polymer dosing because of our history of excess polymer and solids carryover from the Dissolved Air Flotation (DAF) unit into the effluent discharged into the Lunenburg Harbor.

As per Dalhousie's report, the primary objective of this work was to conduct laboratory jar testing experiments to optimize polymer dose under various water quality conditions with a goal of improving overall DAF performance. This work was completed from November 2020 and March 2021, and consisted of two phases: Phase 1 focused on optimizing the polymer dose under normal operating conditions (e.g. ambient salinity), while Phase 2 focused on challenge testing to understand the impacts of salinity on polymer dose and performance. These tests identified that there is a high probability that our current dosing levels are too high and these levels can be cut back and still accomplish the polymer effectiveness while minimizing excess polymer carried to the harbor and save the unrequired polymer costs.

While these experiments were conducted using controlled laboratory conditions, it is recommended that these dosages and conditions continue to be evaluated under a pilot or full-scale (on one train) scenario at the plant. Piloting will allow a further investigation of the conditions identified as optimal at bench-scale, under dynamic flow and water quality conditions and will help to identify polymer dose and type that perform more favorably under more realistic, dynamic conditions. This pilot testing shall be considered a "Phase 3" of this evaluation program.

A memo was presented to Council in September 2021 that requested Council's support for funding for this Phase 3 work. This proposal was rejected at that time. However,

CBCL's proposal has been updated to be more cost-effective and better suit the requirements of the Town and are presented again for Council's reconsideration.

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

### Tabled Proposal:

In consideration of execution of this Phase 3 testing, CBCL has provided an updated proposal to conduct polymer dose pilot trials on the WWTP DAF system. This proposal dated November 3, 2021 from Sarah Ensslin accompanies this memorandum. The purpose of this trial is to "test reduced polymer doses at full scale in a controlled way, while collecting data to support a decision whether to reduce the current polymer dose or not. This work is a key part of working towards an improved instrumentation-based polymer dosing control."

The new proposal submitted by CBCL has been adjusted to be more cost-effective. It has shorter and less-frequent meetings, fewer site visits by CBCL, fewer but more targeted sampling and less formal reporting completed by the Dalhousie student assigned to the project (under supervision).

Scope and Responsibilities: as per CBCL proposal attached

Schedule: December 2021 to March 2022

CBCL Direct Cost: \$18,000 + HST (lump sum)

The proposed cost is the full cost of the project without any deductions for probable MITACS funding which CBCL can often access on similar projects. If the project is approved by the Town in writing, even contingent upon receiving the funding, then CBCL can apply for MITACS funding. Funding for similar projects has been \$7500. This is the amount that CBCL will be applying for.

There are no other options considered in this memo besides "Do Nothing".

### Expenditure Justification:

Justification discussion is as follows:

Project knowns and assumptions:

- Project assumed budget: \$23K (CBCL quote, plus net HST, internal Project Management and contingency)
- The current yearly cost of dry polymer chemical is ~\$22K/year
- There is a potential to be able to reduce the consumption of dry polymer by at least one half (conservative). Therefore, it is assumed we can potentially save half of the dry polymer with the results of this project, ~ \$11K per year. This results in a payback period of just over two years.
- Also, there is a potential maintenance savings in reduction of cleanout of channels downstream of the DAFs (currently uses vacuum truck about every 2 weeks)

- It is assumed that the visual issue in the harbor is caused by excess (unspent) Polymer going through the system and out into the harbor. This project will help alleviate that issue by significantly reducing the discharge of unused polymer into the harbor.
- We will be using polymer in the existing plant for at least the next 3-5 years, depending on upcoming path-forward decisions on Long Term WWTP

It is anticipated that study conclusions shall result in an adjustment to the current constant dosing to a significantly lower level, adjustable depending on influx conditions. Therefore, it can be concluded that the completion of the proposed work is justified based on potential costs savings and reduction in polymer carryover into the harbor.

### **3. FINANCIAL IMPACT**

This scope of work was not previously identified or approved in the current 2021-22 budget. However, upon review by the Town's Finance Director, it is recommended that the current year Sewer reserve transfer be reduced to \$40,000 (\$63,000 - \$23,000) to fund this work at a budget of \$23,000. If successful in receiving the MITACS funding in the amount of \$7,500 the impact to the Sewer reserve transfer will only be \$15,500.

### **4. STRATEGIC PLAN RELEVANCE**

- CCP - 4.2(a) Wastewater (Operational Improvements)

### **5. RECOMMENDATION AND DRAFT MOTION**

Draft Motion to approve the execution of the Phase 3 scope of work Polymer Dosing Trials on Wastewater Treatment Plant DAF System at a budget of \$23,000 with funds drawn from a reduction in the current year reserve transfer.

Attachments –

1. CBCL Proposal from Sarah Ensslin, M.Sc., P.Eng., dated November 3, 2021

Acknowledged only by:

Kevin Malloy  
Interim CAO

November 3, 2021

Dennis MacPherson, P.Eng.  
Town Engineer  
Town of Lunenburg  
PO Box 129  
Lunenburg, NS B0J 2C0

Dear Mr. MacPherson:

*RE: Proposal to conduct polymer dose trials on the WWTP DAF system*

The results from the bench-scale testing at the Wastewater Treatment Plant (WWTP) appear promising in demonstrating that it may be possible to lower the polymer dose to the Dissolved Air Flotation (DAF) system. Despite efforts to make the testing as representative as possible, bench-scale results can't be certain to translate well to full scale. We understand that the Town of Lunenburg (the Town) would like to test reduced polymer doses at full scale in a controlled way, while collecting data to support a decision on whether to reduce the current polymer dose or not. This work is a key part of working towards improved instrumentation-based polymer dosing control.

As general background, the optimization of process chemical dosages, including polymer, is something that is done on a continuous basis at many wastewater facilities. In practice, polymer doses are often changed on a daily or event-basis as influent conditions require. This has not been historical practice at the Lunenburg WWTP, but this type of testing could possibly lead to that direction in the future.

Possible advantages from reducing the dose, if it is successful at full scale, include less polymer carryover in the effluent, operating cost reductions, and less foaming in the UV channels. There are several key questions to be answered to confirm if the DAF polymer dose at full scale could be beneficially reduced on a permanent basis:

- 1 Is a lower dose as effective as the current dose?
- 2 Do differing inlet conditions require different dosing ranges?
- 3 Does a lower dose work in multiple seasons of the year?
- 4 Does a lower dose appear to have other operational benefits (e.g., channel foaming, ease of cleaning)?

To provide more information on these questions, we propose to work with Dr. Graham Gagnon's laboratory at Dalhousie University's Centre for Water Resource Studies (CWRS), work to be managed by Lindsay Anderson, M.A.Sc., and performed by Sheila Richardson) to investigate these questions and use the resulting information to allow the Town to decide if the polymer dose should be changed. The aim and scope of the work is described in the following sections.

## Purpose

To test varied polymer doses on the existing DAFs to determine if changing the full-scale polymer dose would benefit the performance of the plant in terms of Total Suspended Solids (TSS), Carbonaceous Biochemical Oxygen Demand (CBOD), or Ultraviolet Transmittance (UVT) measurements. We would focus on determining if reducing the dose will be beneficial.

## Preconditions

- 1 Bench-scale testing supports polymer dose reduction under summer conditions.
- 2 SCADA changes are made to allow a readout of the polymer dose to each DAF.

## Proposed Procedure

The proposed procedure is detailed below, with key parties identified in parentheses and who would carry out each step:

- 1 Do testing for two days each week over an approximately three-month period. Note the point in the tidal cycle on each test day (CWRS). One dose to be tested each testing day.
- 2 Change the polymer dose to one DAF train (TOL), while leaving the other as a control.
  - a) Let 3–5 HRT pass through test DAF. Minimum 50,000 -75,000 USgal for flushing test DAF prior to sampling. Samples to be taken of influent, then effluent from all 4 sets of overflow weirs (both control DAF and test DAF). Samples to be taken approximately half-hourly at all locations, to allow at least 2 DAF cycles of each test concentration to be run (CWRS).
  - b) Start with test concentrations close to existing and expand range gradually (start with 2.5 mg/L, then 1.5 mg/L, then 0.5 mg/L), etc., with lower concentrations being the focus). Team (CWRS /CBCL/TOL) to select concentrations for the next cycle of testing.
  - c) All samples to be tested for TSS, CBOD, UVT, and conductivity (CWRS).
  - d) Flow conditions recorded during testing (SCADA download of test cycles, by CBCL, provided to CWRS for documentation).
- 3 Alternate the test DAF the next day to ensure that it works with both DAF units (TOL).
- 4 Record and report results to the Town (CWRS). Reporting will be completed by Sheila Richardson, the student doing the testing.

## CWRS responsibilities

- 1 Attending all test days to take samples and test all samples.
- 2 Provide sample data to the team to inform decisions on next set of test concentrations.
- 3 Attend bi-weekly remote progress meetings.
- 4 Record plant flows and tidal cycle data.

## CBCL Responsibilities

- 1 Coordination of SCADA changes.
- 2 Attending a trial at the plant (1 site visit included) to observe the operational effects and offer support to operator depending on result of the trials.
- 3 Attend bi-weekly remote progress meetings (assumed to take 30 min, on average).
- 4 Review reports and provide guidance to Sheila Richardson.

## TOL Responsibilities

- 1 Provide KRC Controls (KRC) services as needed to facilitate the trials, including making the initial SCADA changes.
- 2 Operate the plant.
- 3 Change the doses to the test DAF as agreed with the team.
- 4 Attend bi-weekly remote progress meetings.

## Key Changes from Previous Proposal

This proposal has been revised to include shorter, less frequent meetings, and fewer site visits by CBCL. Fewer samples will be collected for each dosing event, but in a more targeted way. The reporting will be completed by the student, Sheila Richardson, and will be less formal than reporting on the Phase 1, which was completed by the CWRS research engineer with assistance from the student.

## ATP Testing

CWRS requests access to the Moving Bed Biofilm Reactor (MBBR) to carry out Adenosine Triphosphate (ATP) testing at their own cost, to provide more value to the graduate research results. To accommodate this, Town staff would only need to provide Sheila with access to the MBBRs for sampling. CWRS would also share these ATP results with the Town.

## Exclusions

The work does not include specifying or coordinating installation of Equalization (EQ) tank instrumentation, nor suggesting dosing control algorithms based on on-line instrument readings. The work does not include preparing an Application for Approval for Nova Scotia Environment (NSE). This is not an activity that requires Approval.

## Timeline

We would submit the Mitacs application right away if this proposal is approved. It typically takes about 4 weeks to get confirmation of award if successful. We propose to carry out this work between December 2021 and March 2022, where the initial two weeks would be for coordinating with KRC, and then commencing the polymer dose trials in January.

## Commercial Terms

We have attached the proposed CWRS scope of work, and we will provide additional engineering services to coordinate and review the CWRS work so that it provides relevant information to inform the decision-making, as well as carrying out the specific tasks above. We propose to do this work, lump sum, for \$18,000, including fees and expenses, but excluding HST, under our Standard Terms and Conditions (attached). This breaks down to \$3,000 for CBCL support (which would be incurred in support time if the Town were to do all the testing in-house), \$10,000 in student time, \$2,500 in materials costs for testing, and \$2,500 in student travel expenses.

The proposed cost is the full cost of the project without any deductions for probable MITACS funding which we can often access on similar projects. If the project is approved by the Town in writing, even contingent upon receiving the funding, then we can prepare a funding application for this project. If the project is awarded this funding, then we will advise what the decrease in costs will be. Funding of \$7,500 has been awarded for similar projects, and this is what we would be applying for in this case as well.

Please let me know if you have any questions or want any changes to the scope.

Yours very truly,

CBCL Limited



Prepared by:  
Sarah Ensslin, M.Sc., P.Eng.  
Process Engineer  
Telephone: 902-421-7241 x 2238  
E-Mail: sensslin@cbcl.ca



Reviewed by:  
Mike Chaulk, M.A.Sc., P.Eng.  
Manager, Process Engineering

Attachments:            Proposal from Dalhousie University (CWRS)  
                                 Standard Terms and Conditions

Project No: 218301.20

## Ensslin, Sarah

---

**From:** Lindsay Anderson <Lindsay.Anderson@Dal.Ca>  
**Sent:** October 27, 2021 3:33 PM  
**To:** Ensslin, Sarah  
**Cc:** Amina Stoddart  
**Subject:** Lunenburg scale up Mitacs Accelerate

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

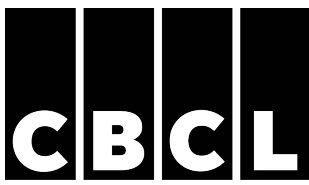
Hi Sarah,

As discussed earlier we would like to proceed with pursuing a Mitacs Accelerate grant with CBCL for the scale-up polymer dosing work at the Lunenburg WWTP. We see Sheila's role for the Mitacs internship as conducting sampling and performing analysis throughout the dosing trials. Specifically, we would like to collect samples from the DAF influent, and effluent from DAF overflow weirs for each polymer dose adjustment. Sheila will characterize grab samples in terms of UVT%, TSS, CBOD and conductivity. The sampling and analysis would occur over a 16-week period, during which time Sheila will spend 75% of her time on site and 25% of her time at DAL. If successful, Mitacs will contribute \$7,500 and CBCL will contribute an additional \$7,500 which would cover the CWRS expenses for the scale-up work (\$15,000). Out of this, \$10,000 will go towards student salary for the internship and \$5,000 will go to research expenses (\$2,500 for travel to and from the plant from DAL and \$2,500 for lab consumables to complete testing). We would also be very interested in having access to the MBBRs so that Sheila can collect additional samples for ATP analysis to complete her graduate research work. However we would not be looking for financial contribution for this aspect, we would only need time from the plant staff to provide Sheila with access to the MBBRs for sampling. We would certainly share these ATP results with the Town.

Let us know if you have any questions

Thanks,  
Lindsay

Lindsay Anderson, B. Eng, MAsc, EIT,  
PhD Candidate  
Research Engineer  
Centre for Water Resources Studies  
Dalhousie University  
1360 Barrington Street  
Halifax, Nova Scotia, B3H 4R2



**SCHEDULE "A"**  
**CBCL Limited ("CBCL") and Client**  
**STANDARD TERMS AND CONDITIONS**

1. **ENTIRE AGREEMENT.** The attached proposal together with this Schedule "A" constitutes the entire agreement between Client and CBCL (this "Agreement"). This Agreement supersedes all prior communications, undertakings and agreements, written or oral made between the parties. Amendments to this Agreement must be in writing, signed by both Client and CBCL.
2. **SCOPE OF WORK.** Upon receipt of notice from Client of a requested change in the scope of the work hereunder, CBCL will promptly notify Client of any estimated impact on the schedule, price or terms of this Agreement resulting from such a change. The parties agree to expeditiously negotiate any such changes to this Agreement and to promptly execute any such agreed upon amendments to this Agreement. Client acknowledges and agrees that its use of any purchase order or other form to procure services is solely for administrative purposes and in no event shall CBCL be bound by any terms or conditions on such purchase order or form regardless of reference to or signature on behalf of CBCL. Client shall endeavor to reference this Agreement on any purchase order (or any other form), but Client's failure to do so shall not operate to modify this Agreement.
3. **SITE INFORMATION AND ACCESS.** Client shall make available to CBCL all relevant information, data and documents under his control regarding past, present and proposed conditions of the work site. The information shall include, but not be limited to, plot plans, topographic survey, hydrologic data and soil and geologic data including borings, field or laboratory tests and written reports. Client shall immediately transmit to CBCL any new or revised information, data or documents that become available. Client shall make all necessary arrangements to ensure ready and uninterrupted work site access for CBCL, its personnel and equipment throughout performance of this Agreement, at no cost to CBCL. Client acknowledges that subsurface conditions may vary from those encountered at the location where borings, surveys or other explorations are made by CBCL and that the data, interpretations and recommendations of CBCL are based solely on such borings, surveys and explorations and on the information provided to it by the Client. CBCL will not be responsible for the interpretation by others of the results of CBCL's borings, surveys or explorations. Similarly, CBCL will not be responsible for the accuracy of Client provided information of any kind nor for the consequences of incorporating such information in the work.
4. **FEES, DISBURSEMENTS AND EXPENSES.** Unless otherwise stated or agreed to in writing by CBCL and the Client, terms of payment for professional services, invoiced expenses, and office disbursements shall be as presented on each invoice submitted by CBCL to the Client. Fees shall be charged at the hourly rates or for the stipulated price specified in the proposal. Fees shall be net of invoiced expenses and office disbursements. Sub-consulting fees shall be subject to a 10% mark-up. Expenses such as hotel, travel, meals and the like shall be charged at cost. Office disbursements such as printing, communication, delivery, internal lab and the like shall be billed at 6% of fees charged.
5. **PERMITS AND UTILITIES.** Client shall obtain all required approvals, permits, licenses and access rights from municipal and other governmental authorities and utilities having jurisdiction over or easements on the work site. The Client shall advise CBCL of the location of all underground utilities and structures at the work site.
6. **TERMS OF PAYMENT.** Unless otherwise stated in the Letter Agreement, invoices will be submitted by CBCL on a period by period basis where a period constitute four (4) weeks (28 days) or, at the option of CBCL upon completion of the services, and will be due and payable on the invoice date. Invoices will be considered past due if not paid within thirty (30) days thereafter (the "overdue date"). Invoices not paid on or before the overdue date shall bear interest at the rate of one and one-half percent (1.5%) per month computed from the overdue date. In addition, any collection fees, legal fees, court costs and other related expenses incurred by CBCL in respect of the collection of delinquent invoice amounts shall be paid by Client.
7. **OWNERSHIP RIGHTS.** All reports, drawings, plans, models, designs, surveys, photographs, specifications, computer files, field data, notes and other documents and instruments produced by CBCL shall be and remain the sole property of CBCL. CBCL shall retain all common law, statutory and other reserved rights therein, including copyright.
8. **LEGAL FEES.** In the event either party makes a claim or commences legal proceedings against the other for any act arising out of the performance or interpretation of this Agreement, including the payment of professional fees, the unsuccessful party shall pay to the prevailing party all reasonable costs incurred by the prevailing party in prosecuting or defending such claim or action, including staff time, court costs, solicitors' fees and other related expenses. In the event of a non-adjudicative settlement of a claim or legal proceedings between the parties or resolution by arbitration, the term "prevailing party" shall be determined by that process.
9. **STANDARD OF CARE.** In the performance of professional services, CBCL will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of its profession practicing in the same or similar localities. CBCL makes no warranties, either expressed or implied, as to its professional services rendered under this Agreement. CBCL will perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the project. Nothing in this Agreement shall be construed to establish a fiduciary relationship between the parties.

10. **INSURANCE.** CBCL will maintain professional liability insurance, comprehensive general liability insurance and automotive insurance throughout the term of this Agreement, with the exception of automotive insurance, for a period of at least one year thereafter.
11. **OPINION OF PROBABLE COST.** CBCL shall, where required, prepare an opinion of probable construction cost. This opinion of probable costs is presented on the basis of experience, qualifications, and best judgment. It has been prepared in accordance with acceptable principles and practices. Market trends, non-competitive bidding situations, unforeseen labour and material adjustments and the like are beyond the control of CBCL Limited and as such we cannot warranty or guarantee that actual costs will not vary from the opinion provided.
12. **ENVIRONMENTAL LIABILITY.** Because Client owns and operates the site where work is being performed, Client has and shall retain all responsibility and liability associated with the environmental conditions at the site and shall be solely responsible for the handling and disposal of any bore samples, asbestos, or other toxic or hazardous materials, substances or products (collectively "Hazardous Waste") located on the worksite or generated on the site as a result of CBCL's performance hereunder. Client agrees to indemnify and save harmless CBCL from any claims, damages or liability whatsoever, arising out of the detection, presence, handling, removal or disposal of Hazardous Waste on or about the worksite.
13. **LIMITATION OF LIABILITY.** Notwithstanding any other provision of this Agreement, the total liability, in the aggregate, of CBCL, its officers, directors and employees or any of them to Client, for any and all claims, losses, costs, demands, damages, including solicitors' fees, expert witness fees and costs of any kind arising under or related to this Agreement or any services provided hereunder, whether based in contract or tort, shall not exceed the total compensation actually paid to CBCL under this Agreement, or the total amount of \$50,000, whichever is less. All claims by Client shall be deemed relinquished unless filed within one (1) year after substantial completion of the services rendered under this Agreement. CBCL's liability shall be absolutely limited to direct damages arising out of the services provided under this Agreement and CBCL shall not be liable in any way for any consequential or indirect loss, injury or damages of any kind incurred by Client, including but not limited to loss of profits, loss of income or loss of use of property. CBCL shall not be liable for any damages or costs arising out of the failure of any manufactured product or any manufactured or factory assembled system of components to perform in accordance with manufacturer's specifications or product literature or otherwise.
14. **DISPUTES.** Any dispute arising hereunder shall be resolved by taking the following steps, where a successive step is taken if the issue is not resolved at the preceding step: (1) by negotiation between the technical and contractual personnel for each party, (2) by negotiation between executive management of each party, (3) by submission to mediation, (4) by arbitration if both parties agree or (5) litigation in the courts of the Province whose laws govern this Agreement, pursuant to Paragraph 21 hereof.
15. **DELAYS.** Client agrees that CBCL shall not be liable for any damages arising, directly or indirectly, from any delays due to causes beyond CBCL or the Client's reasonable control.
16. **COVID-19.** Client agrees that CBCL shall not be liable for any damages arising, directly or indirectly, from any delays related to the existence or impact of COVID-19 or any variant thereof. If any such delay arises, Client and CBCL will work together to devise and implement work around plans as may be reasonably necessary in the circumstances, which may involve mutually agreed upon adjustments to schedule, scope and compensation.
17. **JOBSITE SAFETY.** Client agrees that the responsibility for site safety and construction means and methods remains with the contractor, not the design professional.
18. **TERMINATION.** CBCL may terminate this Agreement upon at least seven (7) calendar days' notice to Client, in the event that (a) Client fails to perform any of its obligations hereunder, including payment of fees for service, in a timely manner, or (b) the parties fail to promptly reach agreement on the compensation and schedule adjustments necessitated by requested changes to the scope of the work hereunder. In the event of such termination by CBCL, Client shall pay to CBCL, in addition to payment for services rendered hereunder to the time of termination and reimbursable costs, all reasonable expenses of CBCL in connection with the orderly and safe termination of its services.
19. **INCONSISTENCY.** In the event that there is any inconsistency or contradiction between any of the provisions of the Proposal and the provisions of this Schedule "A", then in such case, the provisions of the Proposal shall prevail.
20. **ASSIGNMENT.** Neither Client nor CBCL shall assign its interest in this Agreement without the prior written consent of the other except that CBCL may assign its interest in this Agreement to a related or affiliated company of CBCL without the consent of Client.
21. **GOVERNING LAWS.** This Agreement shall be governed by the laws of, and any legal proceedings arising out of this Agreement shall be brought in a court of competent jurisdiction in, the Province in which the work site is located, if applicable, and otherwise, then by the laws of the Province of Nova Scotia.

**M E M O R A N D U M**

**TO: TOWN COUNCIL**

**FROM: IAN TILLARD, ENGINEERING CONSULTANT AND  
DENNIS MACPHERSON, M. Eng., P.Eng, TOWN ENGINEER**

**DATE: DECEMBER 2, 2021**

**RE: WASTEWATER TREATMENT PLANT – EXTENSION OF THE WWTP  
UPGRADE PREDESIGN WORK**

---

**1. FACTS**

The purpose of this memo is to provide the background for and a request to continue the design work for the WWTP (Wastewater Treatment Plant) in three key areas. The purpose of the request is to be able to better define the project technically which will include more detailed and accurate estimates. This will enable the project to be better defined for any upcoming funding request(s).

**2. ISSUES AND OPTIONS ANALYSIS**

The design work completed for the WWTP in the WWTP Long Term Expansion report identified 4 main options for the upgrade/expansion. Since the issuing of the report a decision has been made to proceed with the SBR (Sequence Batch Reactor) option. As there were 4 options to examine, the design work for each of those options was taken as far as a conceptual design level during the initial study period. Now that the SBR option has been chosen, more detail is required to better define the technical and financial aspects, and mitigate risks identified in the conceptual phase. This work will ultimately be required and generally, projects that are better defined technically and financially have a higher rate of success in obtaining funding. Funding agencies can be more confident that more advanced projects will proceed, that risks have been identified and mitigation planned, and that the amount of funding applied for is a reasonable match for the actual needs of the project.

There are some key areas of the SBR option that required further development:

1. Project planning

With the selection of the SBR option and the intent to undertake this within a relatively short time frame, the overall long-term project scope, plan and budget can now be firmly established. There are some technical aspects that

- are discussed in the following sections which delve into more design details. However, there are parts of the short-term and long-term scopes that have been moved around based on discussions about how best to deal with the higher priority short-term items and what items can be included in the long-term plan. This has resulted in:
- a. Some items being moved from the short-term plan to the long-term plan. Such as the emergency generator, aeration blowers and aeration upgrades.
  - b. Some items in the BCA (Building Condition Assessment) report being dealt with in-house.
  - c. Some short-term items being planned for execution over the next short number of years. Such as headworks upgrade, process building roof and some miscellaneous items in the process building
  - d. Some items will be included in future maintenance/capital budgets.
- The result is that the components of the long-term, short-term and BCA reports need to be re-cast to identify each project clearly, whether it is individual short-term projects, long-term expansion project or future maintenance projects. This along with the technical issues discussed below will enable the establishment of clear scopes and budgets for all aspects.
2. Process design  
The Town has installed flow metering and has increased influent sampling frequency since the long-term report was issued and there is considerably more data and details available which will enable a deeper look into a specific design for the flow conditions and loads. This will result in more detailed analysis and accurate equipment selection, sizing and configuration. It will also enable the analysis of the hydraulic profiles of the systems and determine whether a new lift station is required. Another item of unique concern is the blower sizing and whether the new blowers can be moved to the process space. Thereby allowing expansion of the electrical room without adding a building extension.
  3. Geotechnical investigation  
The only area available for placement of the SBR process and equalization tanks is in an area that has been built up over the years as a landfill. This has a very significant influence on the tank design and preliminary Geotech work is required to allow investigation of the sub-surface ground conditions, which is a significant cost risk on this project.
  4. Structural design of the tanks  
Once the geotechnical data is in hand, predesign of the tanks can proceed. This will provide more accurate detail on the tank configuration and sizing and supporting structures that will be required. At this point there is a wide range of possible tank designs and costs due to the unknown ground conditions and consequent lack of detail of the design. Final geotechnical investigation and design will be required during detailed design, but these first steps will allow the design to progress significantly over where it is presently.
  5. Electrical design  
There are a number of significant electrical areas that need confirmation in order to finalize the design criteria;

- a. Overall electrical service size and whether the existing main entrance size is adequate for all of the new and revised loads. The answer to this would depend on what electrical loads result from the equipment selection.
- b. Expansion of the building to accommodate a new electrical main service and emergency generator transfer switch. This may be dependant on whether the new blowers can be moved process space which will enable the existing electrical space to be extended within the building.
- c. Configuration of the emergency generator and transfer switch. This will determine space requirements and whether the interface can be done in a simple configuration.

The timing of this work is intended to be an immediate start and this would enable the output of this work to be included in any funding applications.

### **3. FINANCIAL IMPACT**

The budget request for this project is:

	Amount including net HST
Planning	\$8,500
Geotech	\$26,000
Process Design	\$16,000
Structural and Electrical Design	\$21,000
<b>Total</b>	<b>\$71,500</b>

Within the wastewater approved capital projects for 21-22 funded from Deed Transfer Taxes it is anticipated that there will be budgetary savings that could allow for this project to proceed with Deed Transfer Tax funding already allocated to wastewater projects for 21.22. This is primarily due to the fact that the Town received PCAP funding for the Saltwater Intrusion Check Valve Installation at \$52,500 savings.

To avoid project delays it is recommended that the Town award this work to CBCL as a sole source. Upon the completion of this pre-design work there can be a procurement process for any future detailed design and construction work.

The work on this project will begin immediately and the majority will be completed by March 31, 2022, however there are some elements that will carry over into fiscal 22-23 to be completed.

### **4. STRATEGIC PLAN RELEVANCE**

This project is part of the “Servicing and Facilities” Strategic Direction of Project Lunenburg’s Comprehensive Community Plan approved by Council in November 2020. Specifically, this project relates to the Strategic Direction Action to make “Upgrades to the wastewater treatment plant.”

**5. RECOMMENDATION AND DRAFT MOTION**

Staff are recommending that:

1. The WWTP and Outfall Predesign project be extended to include the additional planning and design work as described above.

Draft Motion:

*Motion: moved and seconded the approval of the WWTP and Outfall Predesign Project in the amount of \$71,500 in fiscal 21/22 to be funded from Deed Transfer Taxes.*

Acknowledged by:

---

Kevin Malloy  
Interim CAO

Circulated: \_\_\_\_\_

---

Document No: C-RTN-001-002  
Meeting: Council  
Circulate To: Council, KM, JL, JM, PB  
File: Water/Wastewater - General

---

## **MEMORANDUM**

**TO: TOWN COUNCIL**

**FROM: Dennis MacPherson, M.Eng., P.Eng., TOWN ENGINEER**

**DATE: December 1, 2021**

**RE: POTABLE WATER, QUALITY TEST RESULTS: JULY 2021 TO SEPTEMBER 2021**

---

### **1. FACTS**

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

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

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

### **2. Summary of Water System Performance**

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

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

## 2.1 Water Quality

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

- Weekly total coliform and fecal coliform tests for water entering the distribution system and various water distribution system sample points (maximum none/100 mL).
- Monthly tests for aluminum.
- Quarterly tests for parameters for corrosion control:
  - Lead (maximum 0.005 mg/L).
  - Manganese (maximum 0.12 mg/L).
- Quarterly tests for disinfection by-products:
  - Trihalomethanes (maximum 0.1 mg/L).
  - Haloacetic acids (maximum 0.08 mg/L).
- Turbidity at each filtration unit must be between 0.1-0.3 NTU measured continuously.
- Chlorine residual must be between 0.2-4.0 mg/L measured continuously.
- The Province can also request virus testing for *Giardia* and *Cryptosporidium* at any time. Treatment efficiencies are required to meet:
  - 3-log reduction (99.9%) of *Giardia* and *Cryptosporidium*.
  - 4-log reduction (99.9%) of viruses.
- Treatment must also limit corrosion of water distribution and/or plumbing systems and reduce odors.

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

### Results

From July to September 2021, all weekly, monthly, and quarterly regulatory testing and in-house daily testing complied with the Approval requirements. The following table summarizes the sampling results for this quarter, including parameters identified in the Approval to Operate. This table reports periodic turbidity and chlorine residual testing, but not continuous testing. Turbidity and chlorine residual are continuously monitored and recorded on the WTP Supervisory Control and Data Acquisition (SCADA) system. There are safeguards in place that automatically raise alarms for the operator and shut down equipment when the required conditions are not met.

Parameter Tested	Approval Limit	Exceeded Approval Limit
Aluminum	<0.1 mg/L for conventional treatment	None
	<0.2 mg/L for other treatment	None
Lead	<0.005 mg/L	None
Manganese	<0.12 mg/L	None
Trihalomethanes	<0.1 mg/L	None
Haloacetic Acids	<0.08 mg/L	None
Turbidity	0.1-0.3 NTU	None
Chlorine Residual	0.2-4.0 mg/L	None
Total Coliforms	None/100 mL	None
Fecal Coliforms	None/100 mL	None
Comment: None		

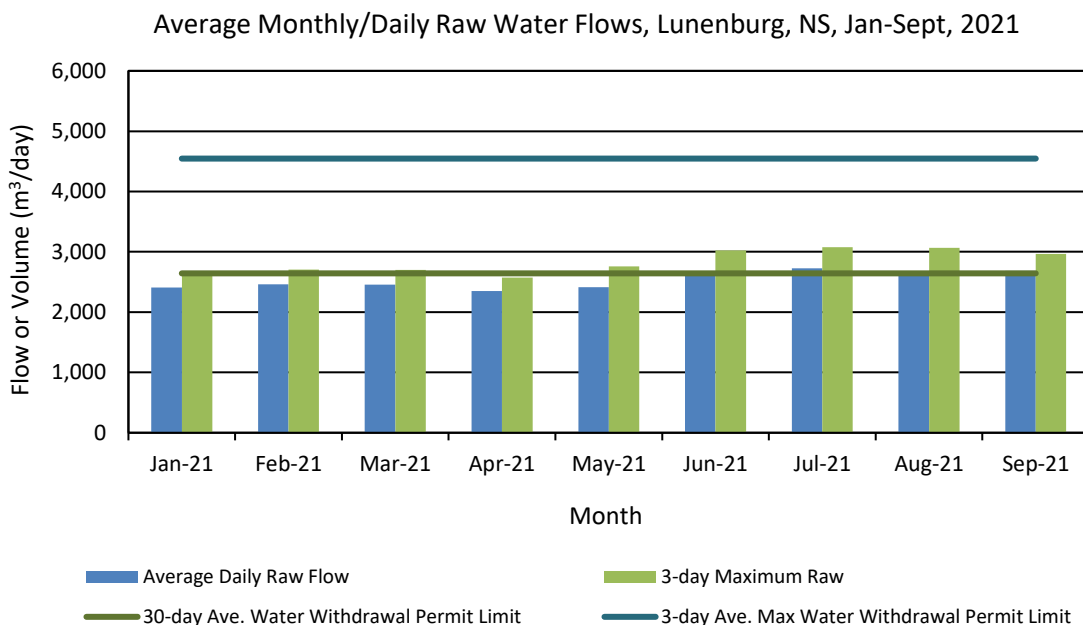
## 2.2 Raw and Treated Water Flows

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

- Average rate of withdrawal: 2,634 m<sup>3</sup>/day (averaged over 30 days).
- Maximum rate of withdrawal: 4,546 m<sup>3</sup>/day (averaged over 3 days).

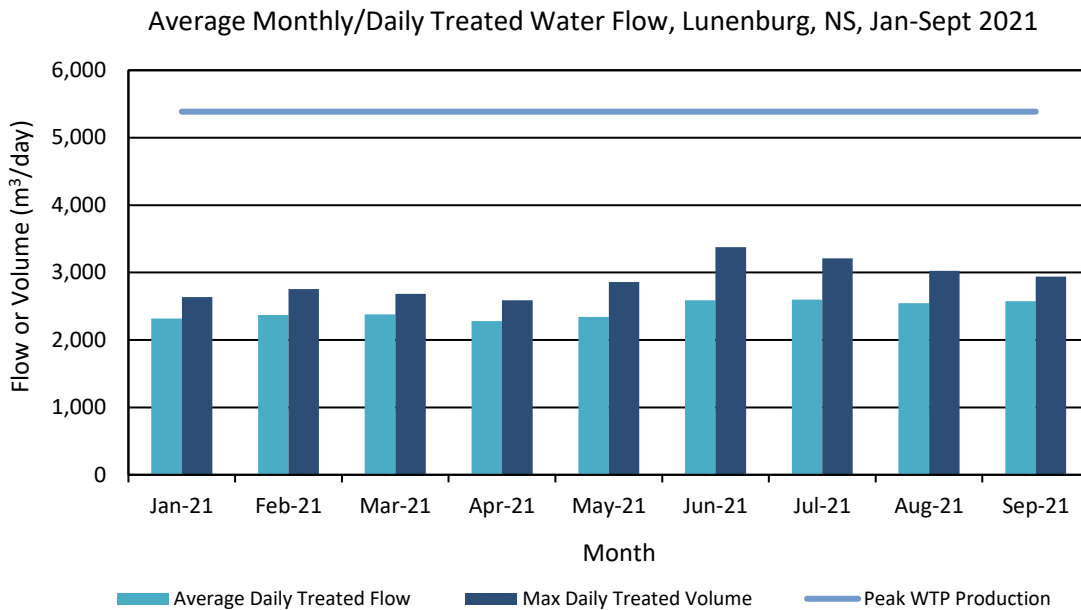
### Average Monthly and Daily Flow of Raw Water:

The following graph shows the historical monthly flows and the 3-day maximum flows for the raw water entering the WTP in 2021:



Average Monthly and Daily Flow of Treated Water:

The following graph shows the historical monthly flows and the maximum daily flow for the WTP in 2021:



Results

The average daily raw water flow exceeded the 30-day average Water Withdrawal Permit Limit all three months during this quarter. In July, the 30-day average raw water withdrawal flow rate exceeded the limit by 92 m<sup>3</sup>/day, in August by 15 m<sup>3</sup>/day, and in September by 49 m<sup>3</sup>/day. The 30-day average withdrawal rate exceedances have been reported to NSECC and must be included in the annual report with a written plan on how exceedances are to be avoided in the future. The Town is in the process of renewing the Water Withdrawal Permit and is requesting a higher withdrawal limit.

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

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

**2.3 Water Main Breaks and Repairs:**

Breaks and repairs were not reported this quarter.

**2.4 Complaints**

Complaints were not reported this quarter.

**3. FINANCIAL IMPACT**

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

**4. STRATEGIC PLAN RELEVANCE**

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

**5. RECOMMENDATION**

This report is provided for Town Council's information.

Acknowledged only by:

Kevin Malloy

Interim CAO

Circulated: \_\_\_\_\_

---

Document No: E-RTN-001-002  
Meeting: Council  
Circulate To: Council, KM, JL, JM, PB  
File: Water/Wastewater - General

---

## **MEMORANDUM**

**TO: TOWN COUNCIL**

**FROM: Dennis MacPherson, M.Eng., P.Eng., TOWN ENGINEER**

**DATE: December 1, 2021**

**RE: JULY 2021 TO SEPTEMBER 2021 WASTEWATER: QUALITY TEST RESULTS**

---

### **1. FACTS**

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

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

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

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

The Lunenburg WWTP was issued an amended Approval to Operate by Nova Scotia Environment in 2020. The requirements of this Approval, as well as the Federal Requirements are summarized below:

## Provincial Approval 2012-082710-02 Testing Requirements

<p>Treated wastewater must be tested a minimum of five times per month (once per week) for:</p> <ul style="list-style-type: none"> <li>• Carbonaceous Biochemical Oxygen Demand (CBOD, maximum 20 mg/L)</li> <li>• Suspended Solids (SS, maximum 20 mg/L); and</li> <li>• <i>E. coli</i> (maximum 1000 counts/100 mL).</li> </ul>
<ul style="list-style-type: none"> <li>• pH is tested daily (five times per week). Acceptable pH is in the range 6.0 - 9.0.</li> </ul>
<ul style="list-style-type: none"> <li>• The facility is considered to be “compliance with the treated effluent discharge criteria if the average value calculated for the averaging period meets the specified limits. All average residuals shall be the arithmetic mean with the exception of <i>E.coli</i>, which shall be the geometric mean.” The averaging period is defined as quarterly.</li> </ul>

## Federal Wastewater Systems Effluent Regulations Testing Requirements

<p>Treated wastewater must be tested every two weeks for:</p> <ul style="list-style-type: none"> <li>• Carbonaceous Biochemical Oxygen Demand (CBOD maximum 25 mg/L)</li> <li>• Total Suspended Solids (TSS maximum 25 mg/L)</li> <li>• Un-ionized ammonia (maximum 1.25 mg/L) and</li> <li>• pH (between 5.5 - 9.5)</li> </ul>
<ul style="list-style-type: none"> <li>• Acute Lethality Tests are mandated to be conducted quarterly. In this test, rainbow trout are used to determine if they can survive in wastewater effluent over a 96-hour period. According to the regulations, if four consecutive Acute Lethality Tests pass when taken quarterly (over a year), then the testing for acute lethality can be reduced to once per year. The WWTP is currently on the reduced program of one lethality test per year.</li> </ul>

## Results

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

### Quarterly Averages:

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

Quarter	Quarterly Average		
	CBOD (max 20 mg/L)	SS (max 20 mg/L)	<i>E. coli</i> (max 1000 counts/100 mL)
Qtr. 3 2021	4.8	11.1	13

On a quarterly average basis, which is the basis for meeting the requirements in the Provincial Approval, CBOD, SS and *E. coli* test results all met the Provincial and Federal requirements.

Lethality Testing:

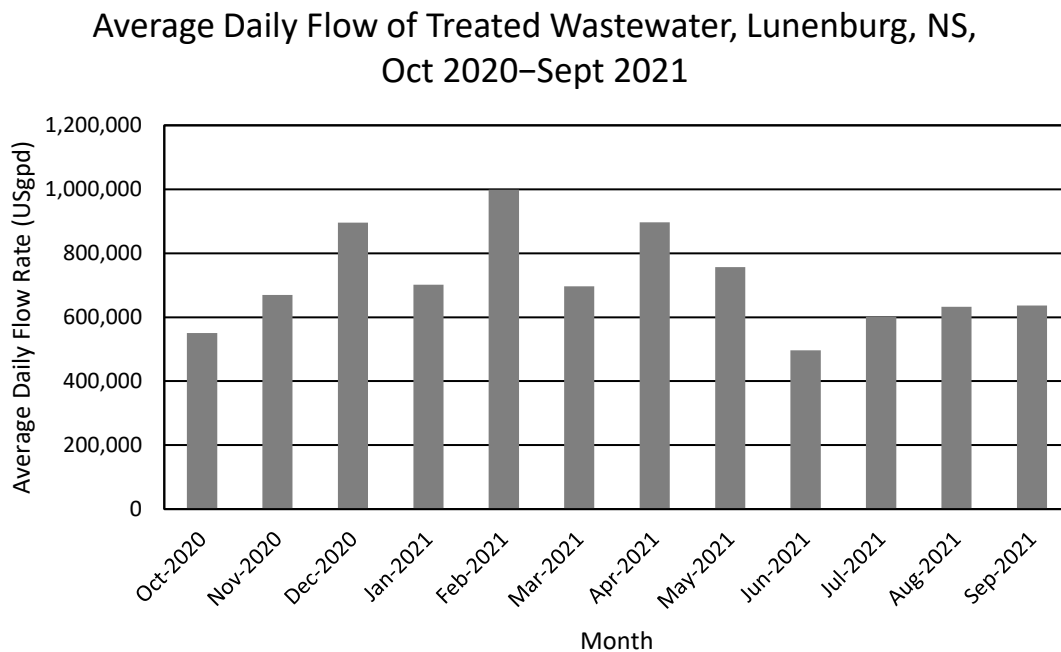
According to the *Wastewater Systems Effluent Regulations* we are now only required to test for acute lethality yearly because the last four consecutive samples passed the test requirements.

The last acute lethality test was performed on November 3, 2020, and no trout died during this test.

The next acute lethality test will be performed in November 2021.

Average Monthly Daily Flow of Wastewater:

The following graph shows the monthly flows for the wastewater treatment plant over the past year:



Sewer Breaks and Repairs:

There were no sewer breaks or repairs executed during this period.

Complaints:

There were no complaints recorded or investigated during this period.

**3. FINANCIAL IMPACT**

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

**4. STRATEGIC PLAN RELEVANCE**

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

**5. RECOMMENDATION**

This report is provided for Town Council's information.

Acknowledged only by:

Kevin Malloy

Interim CAO

**Western Region Housing Authority Report  
to the Town of Lunenburg  
November 2021  
Submitted by Helen Lanthier**

Housing Nova Scotia relies on its regional Housing Authorities staff for the maintenance of safe, suitable, and affordable housing for the benefit of low-income Nova Scotians. The Housing Authorities are located across the province and are responsible for the administration, operation, and maintenance of Nova Scotia’s 11,500 rental properties. Their responsibilities include administering tenant applications and placements, collecting rent, resolving tenant issues, and maintaining and repairing properties. The Western Region Housing Authority has a Board of Directors that is responsible for tenant issues, such as approval of applicants for social housing, tenant transfers, renewal (or non-renewal) of leases, and responding to complaints or inquiries from tenants. These responsibilities are administered locally by standing committees of the Board. Each standing committee is comprised of representatives from local towns and municipalities, along with WRHA residents.

Meetings are held 5 times yearly, currently by telephone conferencing call. Agendas typically include ratification or denial of applications, approval (or denial) of priority access and/or transfer requests, notices to quit/evictions, appeals to decisions made, and information items including cancelled applications and current waitlist numbers.

Current local waitlists as of November 17, 2021, are below:

<u>Area</u>	<u>Family</u>	<u>Senior</u>	<u>Non-Elderly</u>
<b><u>Lunenburg County</u></b>			
Town of Mahone Bay	3	44	6
District of Chester	16	36	4
Town of Bridgewater	61	146	41
Municipality of the District of Lunenburg	48	25	8
Town of Lunenburg	5	44	6
<b><u>Queens County</u></b>	36	49	15
<b><u>Shelburne County</u></b>			
Town of Shelburne	33	27	16
Municipality of Shelburne	46	21	14
Town of Clarks Harbour	23	9	6
Municipality of Barrington	28	25	12
Town of Lockeport	0	9	1

Note that the Town of Lunenburg has 5 families on their waitlist, 44 seniors and 6 single people who are non-elderly. The Town has very few family units, and residents understand that the waitlist is very long and consequently do not apply. The number of seniors waiting for units in

the Town is concerning to me, along with the number of family units. The Town might consider addressing the scarcity of these RGI (Rent Geared to Income) units with Housing Nova Scotia.

I have had the privilege of representing the Town of Lunenburg on the Lunenburg/Queens/Shelburne County standing committee for the past six years. However, current regulations dictate that I cannot re-offer. I have attempted to find another person who would be willing to be considered, but without any success.

Please note that the Town needs to formally appoint a new representative in writing to Housing Nova Scotia before March 31, 2022.

Thank you for the opportunity to represent you. It has been an enlightening experience.

Helen Lanthier

**PLANNING ADVISORY COMMITTEE MEETING RECOMMENDATIONS**

**WEDNESDAY, NOVEMBER 24, 2021**

**RECOMMENDATIONS**

1. That Town Council approve First Reading and proceed to a Public Hearing in order to consider, and if deemed advisable, amending the MPS by inserting the following after "Policy 3-2":

**"3.2.4 Lot Zone 1 Maximum Lot Size Waiver by Development Agreement**

Though it is the intent to maintain the historical spatial environment by regulating the maximum lot size in Lot Zone 1, there may be times that Council may wish to enable lots to exceed the maximum lot size for the wellbeing of businesses and/or community. Council shall consider such circumstances through the Development Agreement process.

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and
  - (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19."
2. That Town Council approve First Reading following the effective date of Policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, enter into a Development Agreement to enable the lot consolidation of the lands of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793).
3. That Town Council refuse to approve First Reading following the effective date of policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, entering into a Development Agreement to enable the lot consolidation of lands known as PID 60061199 and PID 60061181.

**PLANNING ADVISORY COMMITTEE MEETING MINUTES**

**WEDNESDAY, NOVEMBER 24, 2021 AT 6:00 P.M.**

---

**PRESENT:** Councillor Susan Sanford, Chair  
Councillor Stephen Ernst  
Councillor Ed Halverson  
Peter Goforth, Citizen Appointment  
Mayor Matt Risser, ex officio  
Gerry Rolfsen, Citizen Appointment  
Colin Whitcomb, Citizen Appointment

**ALSO PRESENT:** Trevor Hume, Planning Technician  
Kelly Jardine, Recording Secretary  
Arthur MacDonald, Heritage Manager/Interim Development Officer  
and Planner  
Heather McCallum, Assistant Municipal Clerk

---

1. Call to Order

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

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

The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq People.

3. Agenda

**Motion: moved and seconded to approve the agenda. Motion carried.**

4. Approval of minutes

The chair noted that the November 3, 2021 minutes were missing part of a document and has now been corrected and re-uploaded.

**Motion: moved and seconded that the updated November 3, 2021 meeting minutes be approved, as presented. Motion carried.**

5. Public Participation Meetings

The Public Participation meetings were opened at 6:02 p.m.

The Chair thanked everyone for attending and reviewed the Public Participation Meeting Process (**Schedule "A"**).

- a. A Municipal Planning Strategy amendment that will enable Council to consider lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage requirements in Lot Zone 1 (LZ1) by development agreement

Public submissions were requested by the Chair for the first Public Participation portion of the meeting.

The following comments/submissions were received.

- Irma Da Sie, Architect and Stephen Richards - 106 Pelham Street (Schedule "B")

Ms. Da Sie and family have lived in Lunenburg for 17 years. She is opposed to the Town of Lunenburg allowing development agreements in Old Town for real estate developers to increase the allowable lot size and street frontages which may contribute to oversized building projects.

Ms. Da Sie is concerned the Comprehensive Community Plan (CCP) may be amended after only two months of its adoption for a non-resident. She is concerned the proposed development is a threat to the rules of the UNESCO designation. This development will have a negative impact on the current housing shortage and parking issues in the Town of Lunenburg.

- Nathalie Irving, Lunenburg Heritage Society and resident of 297 Pelham Street (Schedule "B")

Ms. Irving said she shares the same concerns as Ms. Da Sie about this development and is opposed to the demolition of 102 Pelham Street. The pillars of sustainability include culture and heritage even alongside economics and the environment. Heritage has an intangible value which is difficult to compare with the tangibles of economics but is an important factor to the sustainability of our town.

- Brian Arnott on behalf of Leaf + Branch Lands + Building Corporation Inc. and resident of 232 Lincoln Street (Schedule "B")

Mr. Arnott is opposed to the parking garage that is being proposed in Old Town Lunenburg and is concerned that such a project may be precedent setting. He argued the parking garage will have a negative financial impact on both his operations and asset value, will create the need for more parking, and have a negative impact on the streetscape.

The Heritage Manager provided an overview of his staff report (Schedule "C").

In response to a question from the Committee, the HM explained that the proponent will not make a presentation tonight, but a representative is here to answer questions.

In response to a question from the Committee, the HM stated that to his knowledge no geotechnical survey has been done by the proponent to evaluate if part of the parking structure could move underground.

Committee member Mr. Rolfsen clarified that this meeting is to discuss consolidation of lots and not the design of the proposed development.

- Alastair Jarvis, First South (Schedule “B”)

Mr. Jarvis was a resident of Lunenburg now located in First South. He has a business in Lunenburg and occupies three offices in town.

Mr. Jarvis commended the Town of Lunenburg for the award-winning Project Lunenburg and this should be used as a clear guide for the CCP and its project outcomes. He said that the MPS, Land Use By-law (LUB) and Subdivision By-law are the tools that should be used for development in the Town for both residents and developers. The CCP that emerged from Project Lunenburg is the tool that makes clear this proposed development and the amendments before this Committee do not align with the shared vision. He is opposed to the development.

- Brian MacKay-Lyons – 80 Pelham Street

Lunenburg architecture is studied at universities such as Harvard and Dalhousie. He is concerned about the heritage discussion later regarding the infill and character of the town. He is opposed to lot consolidation and particularly the proposed parking structure with no commercial uses at ground level. He believes that the General Commercial zoning does not allow for such a parking structure.

- Cheryl Stenstrom – 71 Lawrence Street

Ms. Stenstrom is opposed to the proposed development and argued it will negatively impact her business. She feels the development has a lack of commercial character, that residential diversity will be negatively impacted, and that the historic block on Lincoln will be negatively impacted if the proposed development moves forward. She argues it goes against the guiding principles of the CCP.

- Gordie Kirkpatrick - on behalf of Richburg LP Management Inc.

Mr. Kirkpatrick thanked everyone for their comments. He said he loves Lunenburg and believes this project will provide good paying year-round jobs and economic growth. He argued that the development will also provide daily, weekly, monthly and year-round housing.

Mr. Kirkpatrick said tonight is about lot consolidation but moving forward will work with everyone on the proposed development’s design to be respectful of Old Town Lunenburg’s character.

In response to a question from the Committee, Mr. Kirkpatrick said some of the units would be year-round rentals with kitchenettes installed, although it will be left to market forces rather than a fixed percentage.

In response to a question from the Committee, Mr. Kirkpatrick confirmed that the hotel expansion project is contingent on both requested development agreements on the north and south sides of the street being approved.

- Theresa Quilty – 45 MacDonald Street

Ms. Quilty said that for the proposed development to proceed it would require a change to the MPS/LUB and she would like Council, Planning Advisory Committee and staff to stand behind the newly adopted CCP and MPS/LUB. She does not support this development.

The HM, in response to a question from the Committee on whether development agreements violate the new plan, explained that there are currently provisions in the MPS for development agreements. The intent of the new MPS was to try to limit the types of development that may be considered by development agreements.

The Mayor confirmed that there are three development agreement processes that remain in the MPS: heavy industrial uses, extension or change of a non-conforming use, and the adaptive reuse of institutional buildings and sites. The MPS discussion is about adding a fourth, were it to be approved.

- Oliver Osmond, 95 Buenavista Court

Mr. Osmond spoke of the principles and process of Project Lunenburg and the traditional 14 lot block that is the heart of planning in the Town. Consolidation of lots will cause this to disappear.

He noted that the Heritage Advisory Committee has had no opportunity to discuss this yet and are meeting on November 29, 2021.

- Barry Olivella, 81 Townsend Street

Mr. Olivella has been a resident of Lunenburg for 25 years. He considers lot consolidation is a “slippery slope” if it is applied to Old Town Lunenburg in the current environment, because it could permit larger scale developments which could negatively impact the character of Old Town. He expressed concern about the risk of such projects to obscure our heritage and/or lose our UNESCO World Heritage status. He is opposed to this development.

In response to a question from the Committee, the HM confirmed that before the new MPS and LUB, there were no regulatory restrictions with regards to maximum lot frontage or maximum lot areas on lot consolidation in Old Town.

- Wilfred Moore, 169 Montague Street and 103 Pelham Street (Schedule “B”)

Senator Moore is opposed to this development and the three motions put before the Planning Advisory Committee. He expressed concern about the project setting a precedent he is not in favour of it. He supported the CCP and would like the Committee and Council to support it.

The Chair called for any further public submissions and there were none.

Motion: moved and seconded to close this portion of the public participation meeting.  
Motion carried.

This portion of the public meeting was closed at 7:46 p.m.

The Committee recessed from 7:46 – 7:57 p.m.

- b. A proposed development agreement that will enable the lot consolidations of 94 Pelham Street (PID# 60061801) with 102 Pelham Street (PID# 60061793)

The Heritage Manager provided an overview of his staff report (**Schedule "D"**). This is a Public Participation Meeting in order to consider a proposed Development Agreement to enable the consolidation of 94 Pelham Street (PID# 60061801) with 102 Pelham Street (PID# 60061793).

Public submissions were requested by the Chair for this public participation portion of the meeting. There were no verbal submissions or online submissions.

Motion: moved and seconded to close this portion of public participation meeting.  
Motion carried.

This portion of the public meeting was closed at 8:00 p.m.

- c. A proposed development agreement that will enable the lot consolidations of PID # 60061199 and PID# 60061181 (lands of the surface parking lot at the corner of Duke and Pelham Streets)

The Heritage Manager provided an overview of his staff report (**Schedule D**). This is a Public Participation Meeting in order to consider a proposed Development Agreement to enable the consolidation of PID # 60061199 and PID# 60061181 (lands of the surface parking lot at the corner of Duke and Pelham Streets).

Public submissions were requested by the Chair for this public participation portion of the meeting. There were no verbal submissions or online submissions.

Motion: moved and seconded to close this portion of public participation meeting.  
Motion carried.

The Public Participation meetings were closed at 8:02 p.m.

## 6. New Business (Nil)

## 7. Business Arising from the Public Participation Meetings

- a. A Municipal Planning Strategy amendment that will enable Council to consider lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage requirements in Lot Zone 1 (LZ1) by development agreement

The Committee discussed the motion in the context of allowing for an additional mechanism to consider development agreements.

In response to a question on risk to the Town's UNESCO designation, the HM explained that Lunenburg became a UNESCO World Heritage site in 1995, and the first Heritage Conservation District Plan and Bylaw came in 200. At that time, municipalities were unable to regulate maximum lot size and frontage which was only in more recent years enabled under the Municipal Government Act. In his opinion, there is no risk to our UNESCO designation from this type of development solely.

**Motion:** moved and seconded that PAC recommends to Town Council to approve First Reading and proceed to a Public Hearing in order to consider, and if deemed advisable, amending the MPS by inserting the following after "Policy 3-2":

**"3.2.4 Lot Zone 1 Maximum Lot Size Waiver by Development Agreement**

Though it is the intent to maintain the historical spatial environment by regulating the maximum lot size in Lot Zone 1, there may be times that Council may wish to enable lots to exceed the maximum lot size for the wellbeing of businesses and/or community. Council shall consider such circumstances through the Development Agreement process.

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and
- (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19." **Motion carried.** Councillor Sanford and Mr. Rolfsen voted in the negative.

- b. A proposed development agreement that will enable the lot consolidations of 94 Pelham Street (PID# 60061801) with 102 Pelham Street (PID# 60061793)

**Motion:** moved and seconded that PAC recommends to Town Council to approve First Reading following the effective date of Policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, enter into a Development Agreement to enable the lot consolidation of the lands of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793). **Motion carried.** Councillors Ernst and Sanford voted in the negative.

- c. A proposed development agreement that will enable the lot consolidations of PID # 60061199 and PID# 60061181 (lands of the surface parking lot at the corner of Duke and Pelham Streets)

In response to a question, the Heritage Manager confirmed that the existing hotel lot is non-conforming with current regulations.

Councillor Halverson and Mr. Rolfsen reiterated that we are here to discuss lot consolidation and not the design.

Motion: moved and seconded that PAC recommends to Town Council to approve First Reading following the effective date of policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, entering into a Development Agreement to enable the lot consolidation of lands known as PID 60061199 and PID 60061181. Motion defeated. Councillors Sanford, Ernst and Mr. Rolfsen voted in the negative.

8. Next Meeting Dates

- As required.

9. Adjournment

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

The Chair adjourned the meeting at 8:33 p.m.

---

Heather McCallum, Assistant Municipal Clerk  
for Kelly Jardine, Recording Secretary

## **Public Participation Meeting Process Outline**

### **1. Opening of the Public Participation Meeting**

*A Public Participation Meeting provides members of the public with an opportunity to learn about a proposal and make their views known to the Planning Advisory Committee (PAC). A Public Participation Meeting is required under the Town's Public Participation Program for certain Planning related applications/proposals.*

*In terms of process, after the Public Participation Meeting is held, the PAC may make a recommendation to Council to approve First Reading and proceed to a Public Hearing or defer decision to a later date. Please note that time for questions from the gallery is during the Public Participation Meeting. Once the Public Participation Meeting is closed, discussion is to be between the PAC members only.*

### **2. Review of General Rules of Conduct**

*There are a few general rules of conduct that are to be observed so that everyone who wishes to speak can do so in an open and respectful environment. The general rules of conduct for speakers are:*

- Please state your name and civic address clearly so that it may be recorded in the minutes.*
- We ask that you be respectful of others' opinions.*
- Speakers will be limited to one presentation unless called upon by the Chair for further comment. Speakers are limited to ten (10) minutes so that all may have an opportunity to participate.*
- PAC members may question each speaker.*
- Comments and questions by the public are to be directed to the Chair.*

### **3. Public Participation Meeting**

- (i) Presentation by Interim Planner Arthur MacDonald
- (ii) Written submissions:  
  
Irma Da Sie, Architect and Stephen Richards;  
Lunenburg Heritage Society  
Leslie Wright; Leaf + Branch Lands + Building Corporation Inc.
- (iii) Public input (oral submissions)

### **4. Closing of the Public Hearing**

Motion: moved and seconded to close the Public Participation Meeting.

Good evening.

Your worship, distinguished councillors, committee members, town staff, ladies & gentlemen of the town of Lunenburg.

My name is Irma Da Sie. My husband & I have lived in Lunenburg for 17 years at 106 Pelham street directly next door to the Lunenburg arms hotel.

I am & have been a working architect for almost 40 years. To be clear, I am not against any development, only insensitive development. We need good, & yes, modern design that enhances the pedestrian experience in old town & ensure that the streetscapes are conserved, that the scale & form harmonise with the surroundings & projects have a high aesthetic value, while minimising any negative impacts on old town's heritage value.

But, here we are once again to fight for the protection of our built heritage.

What this meeting is about, is the protection of our newly adopted Municipal Planning Strategy & Land Use By-law. I firmly believe we should NOT be allowing development agreements in old town for real estate developers to increase the allowable lot size & street frontages which will simply contribute to oversized building projects.

To quote from the MPS text, "Lot frontage is typically the key lot dimension that affects community character."

For the public's benefit, I would like to explain; A development agreement (DA) is a contractual relationship between the owner of a lot and the Town. It circumvents the planning process. It maximizes the benefits of a development in ways that the current zoning & by-laws would not otherwise allow. It is a practice considered undemocratic by some. Once entered into such an agreement, It provides certainty to the developer that his project cannot be subjected to any changes in planning policy for its duration & they can be binding for up to 10 years or even more. It's also a mechanism used to provide a benefit to the town, such as infrastructure improvements, parks or monetary payment, in exchange for that privilege & long term certainty. These are PRIVATE negotiations, mostly likely taking place during "in camera" meetings, so thus, the community will not be involved.

The first item for discussion is a general blanket amendment that will allow any future council for years to come, possibly 40 years, to enter into negotiations with any future developer, possibly of unknown reputation, for reasons the public will not know about or be allowed to comment on. We are to entrust that all future governments, mayors & 6 councillors, will always be able to judge for themselves what is in the best interest of the residents, & they alone can determine what the “in lieu” payment might be, if any.

Now, there’s one thing I really have trouble comprehending.

Mr. MacDonald laid out 2 options for consideration to the PAC, or 3 if you count the simple refusal of the application which was within their power to do so. The first was to simply change the maximum lot size & lot frontage in the new zoning strategy for everyone.

But, Mr MacDonald’s advice was & I quote “ Considering the above, as well as the potential impacts on the urban form of the WHS (World Heritage site), it is not recommended at this time to enable a blanket as-of-right increase to the maximum lot area & maximum lot frontage for the entire Lot Zone 1.”

He’s right. This would be a clear threat on our UNESCO status.

Yet, Option 2 as chosen by the PAC enabling council to consider applications on a case by case nature is essentially worse, as it can allow, by DA, even bigger projects over time, as economic pressures heighten, as governments choose different agendas, as egos take over & disregard what is beneficial to the town. This scenario is an even **bigger** threat to safeguarding our built heritage.

And yet this is what we are asked to consider.

Lunenburg’s planning documents are based on the Comprehensive Community Plan. It is the 40-year strategic plan for the Town based on lots of community input, best practices & technical analysis.

“Since February 2019, the Town engaged its citizens over an 18-month process to define the community's goals and aspirations, and to chart a course that will have community efforts moving in the same direction, contributing to a shared vision for the future. Project Lunenburg was completed with the partnership of Upland Planning + Design”... who incidentally, won the Atlantic Planners Institute 2021 Award for Planning Excellence for this work.

I feel this is an amazing legacy left by former mayor Rachel Bailey, & the former councillors & staff who made this possible. It reflected well on the new government who adopted the CCP & moved forward with the new municipal planning strategy & land use by-law. To quote the town's website, "The town's new regulations present an exciting & ground breaking approach to Urban planning"

The Planning Strategy was carefully & specifically drafted to protect our built heritage & incorporated what is required to ensure the preservation of the UNESCO criteria of Lunenburg's Outstanding Universal Value. It called for the protection of the rigid urban grid & small lot sizes in Old Town. It focussed on access to housing, putting the needs of residents before tourism & good, well paying jobs all year long.

So now, within 2 months of its adoption, we are gathered to discuss gutting the of the very heart of the Planning Strategy to meet the needs of Mr. Richard Homburg & his privately owned international conglomerate. He is not a resident of Lunenburg.

Our UNESCO designation is not something we can afford to take for granted. It is not out of the realm of possibilities for Lunenburg to be delisted. If we open the doors to the pressures of tourism & uncontrolled development, it could begin to happen.

Liverpool in the UK was delisted due to a development project that resulted in a serious loss of historic authenticity, stating that the city's historic urban landscape had been permanently unbalanced.

Old City in Jerusalem is on the endangered list due to uncontrolled urban development, general deterioration of the state of conservation due to tourism. As is the historic centre of Vienna.

So let me ask council, is this to be **your** legacy?

We can't get heritage back.

So please, let's just follow the planning strategy, as paid for by our taxes, as it was drafted by the consultants & experts that were hired to do so, and let's not get distracted by outside influencers who pretend to know what is good for the town's residents. There are many other development opportunities available elsewhere in town for projects requiring larger lots.

With regards to specifically items 2 & 3 on the application, these should also be dismissed as neither proposal contains anything that would be beneficial to the town's residents.

An important objective of the CCP was to create a balanced economy & year round well paying jobs. These are really not the well paying jobs the community is seeking. The tourist industry employs workers from May to October, 4 maybe 6 months max. The other tourism businesses in town have no problem providing these seasonal jobs. So I ask the question, How many additional well paying long term career jobs are they proposing to add?

That then creates further problems, where to house them.

The primary objective of the planning strategy is access to quality housing. Where will these new seasonal employees live? Will additional stress be created on our already strained housing market? Will there be the creation of additional good quality long term housing or employee housing in any of these buildings?

Specific to item 2)

I've explained so much in my letter of October 11. This was written in direct response to Mr. MacDonalds analysis to the initial demolition permit request. These documents are no longer part of this package, so I am assuming the demolition request will be heard under a separate hearing once the HAC committee has weighed in with their recommendations if this goes ahead.

The gist of my letter describes the importance of not allowing any more demolition of perfectly sound heritage buildings & the need to protect each individual asset. H1 -H2

As well, I describe & analyse why the new extension does not fit into the surrounding streetscape. It is explained in detail, which I hope you have taken the time to read. I would be happy to answer any questions you may have.

I do have a few new points to make on the presentations newly included in the documents.

M0 - M1

Firstly the way the new extension is depicted in the harbour view photo. When accurately imported into autocad, you can see that the length is misrepresented by almost 5 feet in length.

M2

SECONDLY, the developers rendering of the south side of pelham is so out of scale with the streetscape...

M3

...as you can see in this elevation depicting the new extension in relation to our building next door.

M4-M5

I have sketched the proposed building mass from a pedestrian's view from the corner of king street & pelham which is a more realistic representation.

M6-M7

I have added imilar sketches showing the mass of the proposal from the corner of Pelham & Duke street.

M8

The massing diagram has been left out of the agenda package & I thought it should be included for a better understanding of the scale of the request.

Finally M9

Showing the already dominate massing of LA hotel on the surrounding 2 & 3 story buildings.

I would also like to add that by granting the development agreement on these 2 lots, before the HAC is allowed to weigh in, you are potentially condemning this little heritage building to an unknown fate. I do not envision the public's support for more demolition of our built heritage, especially this structurally sound, well maintained, pre-1900 building that was once a commercial establishment & then a former residence.

If we can learn from a very sad & recent example. The land & house next door to the golf course was captive in a development agreement for 10 years, only to be demolished due to neglect. 94 Pelham is of minimal use to the Hotel, & the option to sell it off & return it to the housing stock in town could therefore always be considered if left as a separate property. If you agree to consolidation of these 2 lots, this building could potentially be another casualty of the negligence of our town council to protect a UNESCO asset.

I'd like to bring up another issue, which relates to Mr. Homburg's organisation's commitment to the community & respect for town by-laws.

I think it is important to state a few facts from our experience between the LA hotel, ourselves & other neighbours.

When the original Lunenburg Arms Hotel was built & operational in 2002, it was agreed by all parties to install the kitchen fans high above the roof line on the east facade where they would cause no disruptions. Some years later, after we purchased our house, these fans were brought down to the level of our deck & pointed towards us & other apartments nearby. The sound was so loud, from 6 am until 11 pm, that we could no longer enjoy our deck during the summer or engage pleasantly in conversation. Despite the involvement of town lawyer, Mr Burke, advising the Hotel that they did in fact contravene the town's sound by-law, the Homburg International Group refused to consider the impact of their newly modified equipment on the neighbourhood, nor did they take any action to improve the situation. This can all be validated by Mr. Burke.

So, I would caution against entering into a DA with an organisation that knows that they have the ability to pick & choose which by-laws they can ignore.

The 3<sup>rd</sup> proposal on the agenda asks for an increase in the maximum lot size as a special accommodation for a 2 storey above ground parking and more hotel rooms above.

I believe it is wishful thinking that this decorated shed of a parking garage is going to alleviate the additional stress on old town's parking woes. It is well known that curb parking is convenient. Drivers fill up the curb first, no matter how much off-street space exists nearby.

BUT the issue of parking is HUGELY important in old town.

That is precisely why it is premature to accept this lot consolidation based on a street level parking garage.

The Planning Strategy clearly states that on-site parking in old town is clearly contrary to good community development. It is for that reason that no minimum parking requirements are established in the new by-laws. They recommend the public provision of parking, such as off-site parking lots & improved street parking, as a desirable alternative to destroying the building fabric of old town.

Agree or not, **This is not the time or the place for this discussion.**

As the CCP states, the town needs good governance, community participation & expert consultation to create a comprehensive parking policy for the town during the tourist season.

Not like this.

Accepting this development agreement for a parking garage would be a tragic misstep, a “race to the bottom” and a failure of council to seize the opportunity to address the parking problem properly.

For the town council to foolishly lock themselves into a legally binding document that would secure Mr. Homburg’s right to a private above ground parking structure for years to come is not in anyone’s best interest except Mr. Homburg himself.

The town needs to stay focused on the pedestrian experience, continuity of street-level activity, & diversity of uses which is what heritage tourism is all about.

Parking garages should not be at street level, put them underground if need be. We need to enhance the pedestrian experience for residents all year round, not create a street that will be desolate for half the year.

P1

I just want to add some information to the discussion about the former king’s hotel. Here is a picture from 1896 showing a very pedestrian friendly design in harmony with the sloping site, giving life & vibrancy to the area.

In closing, we, as owners of 104-106 Pelham, firmly object to giving special accommodation to bypass the zoning regulations of our town. We all have to

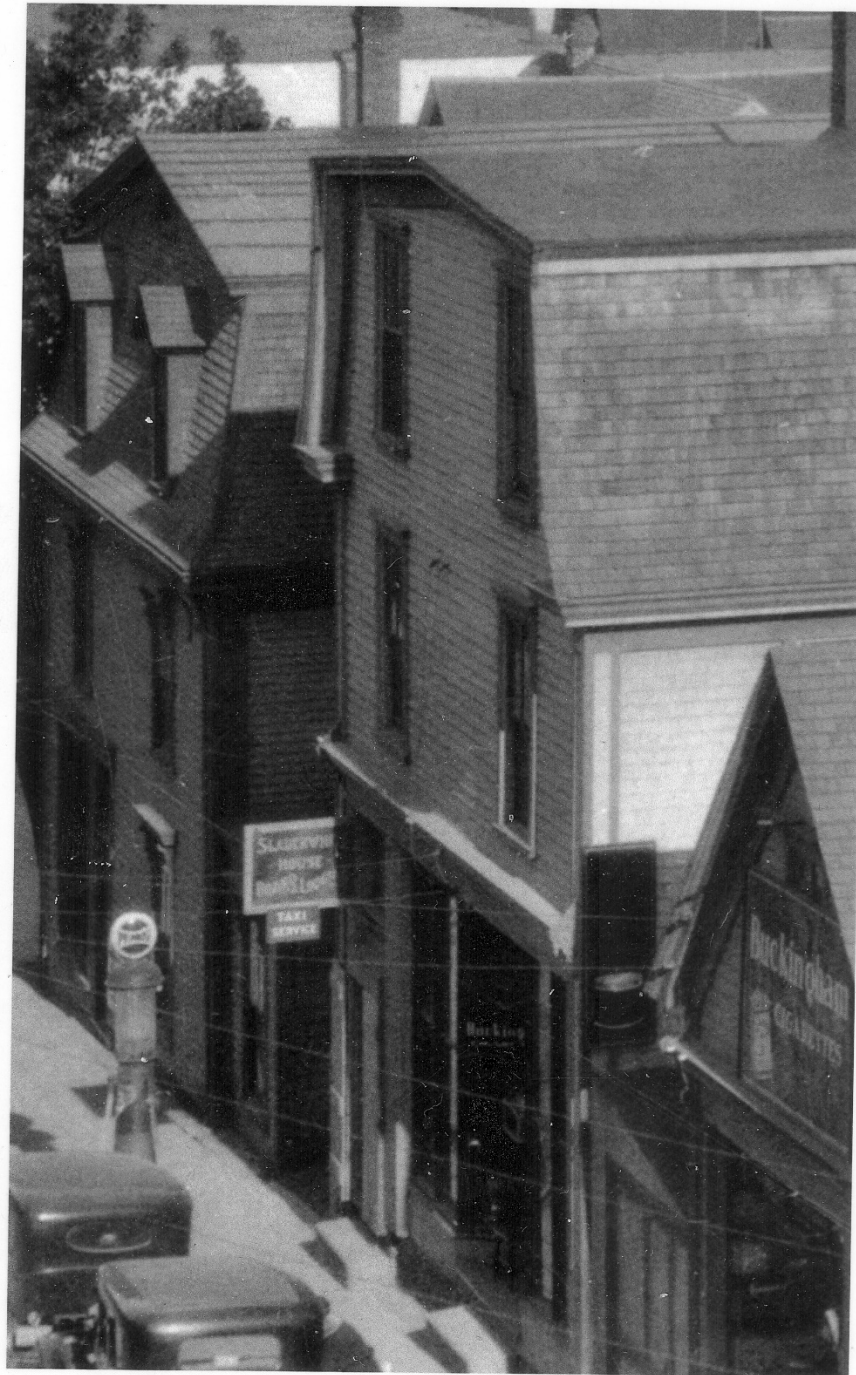
conform to the rules & Mr. Homburg is no exception. His business will not collapse if he doesn't get his way.

Thank you all for allowing me to express our views.

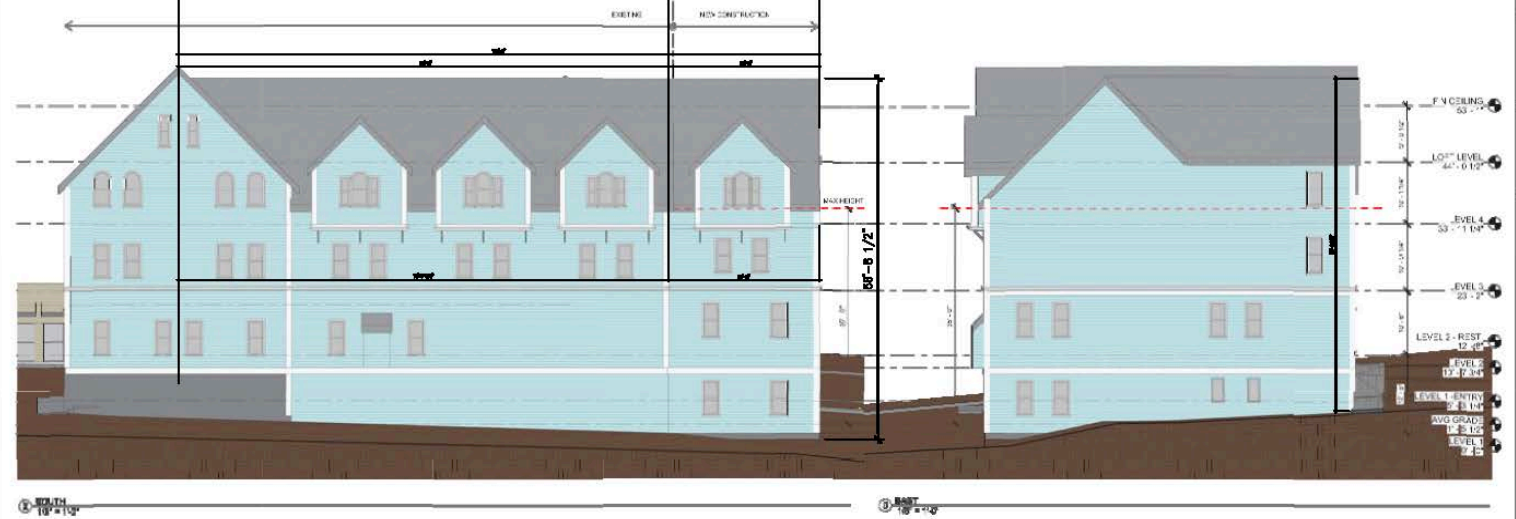
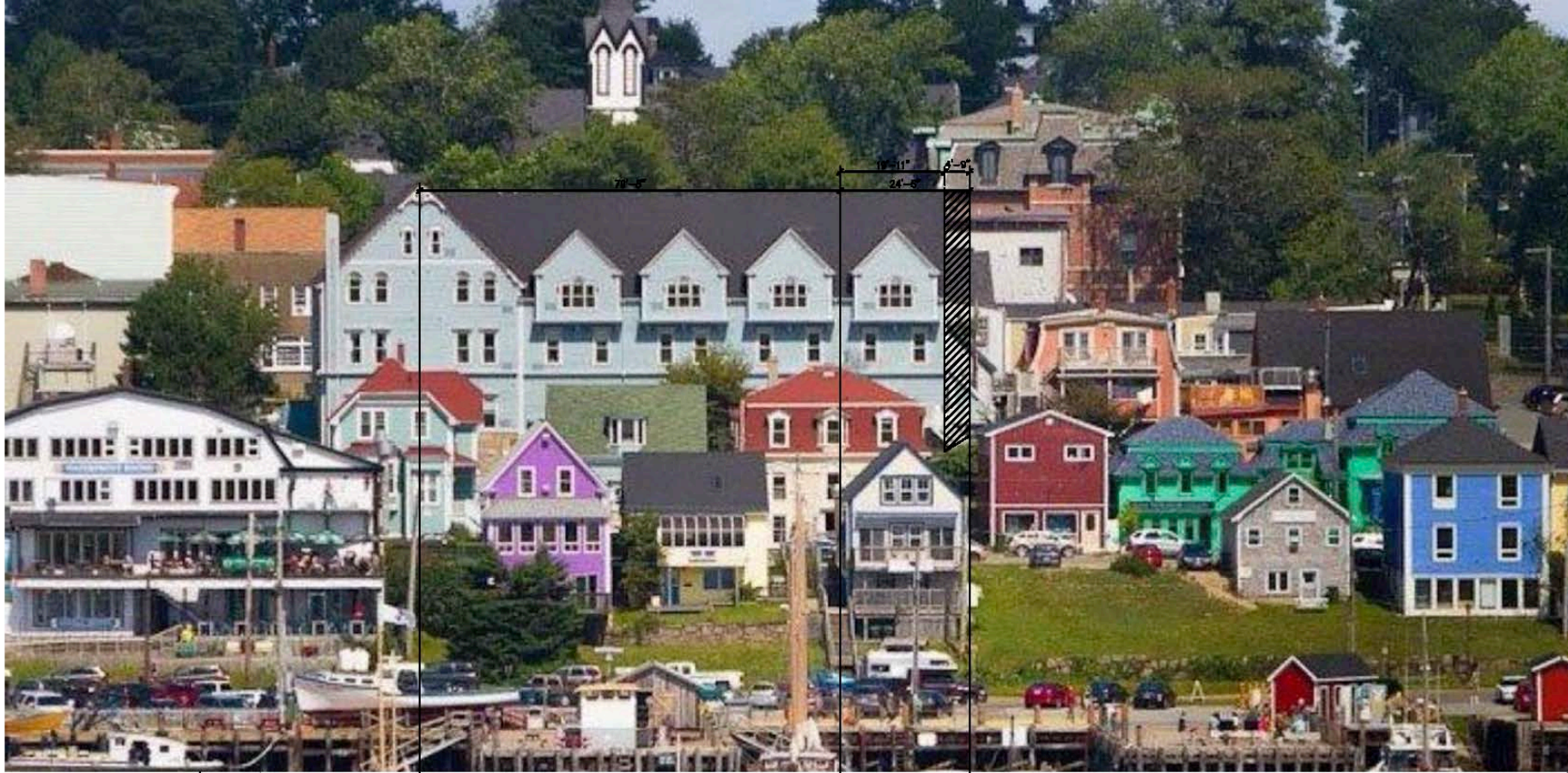
Irma Da Sie,  
Stephen Richards.

# NOVA SCOTIA MUSEUM

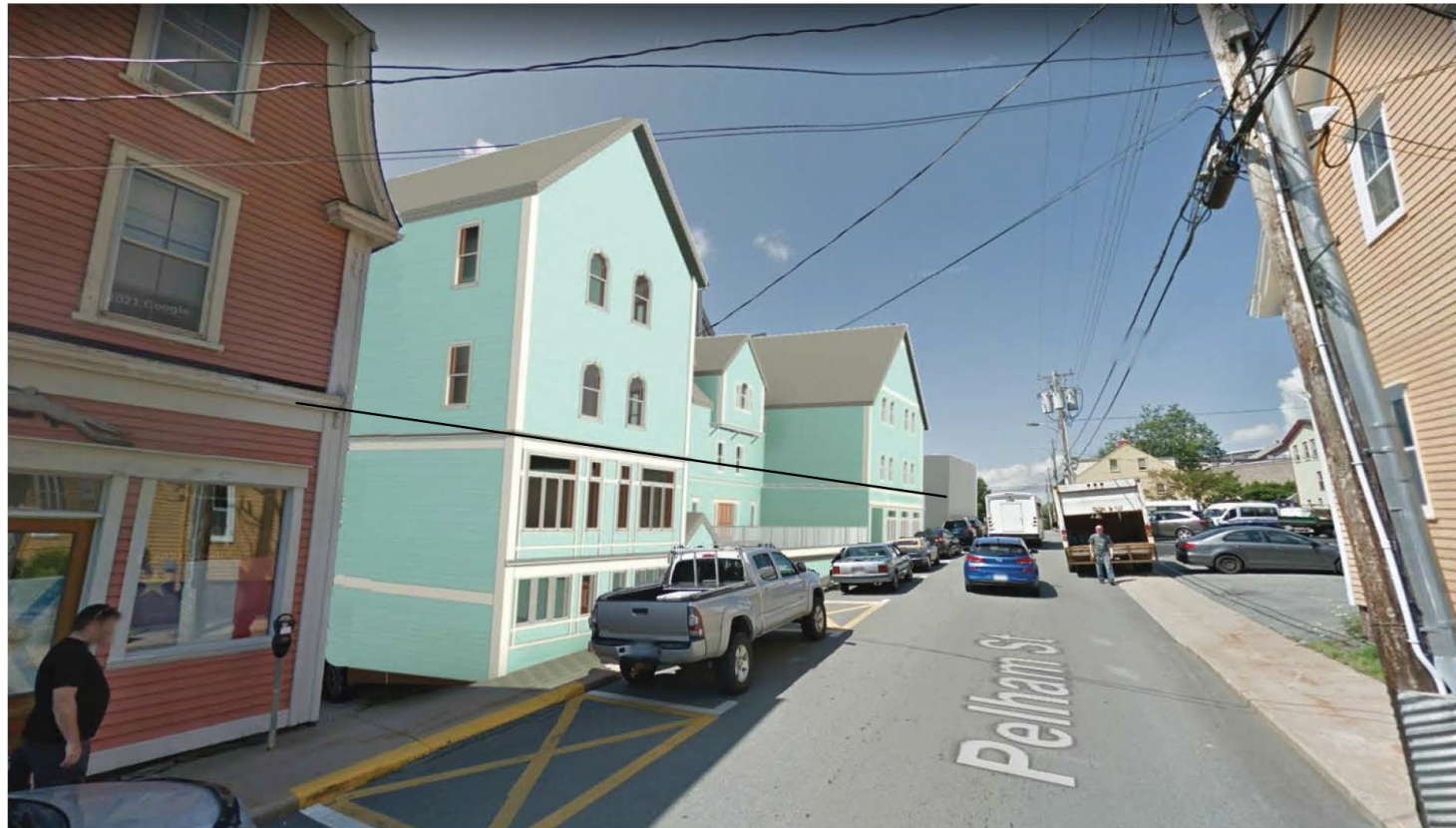


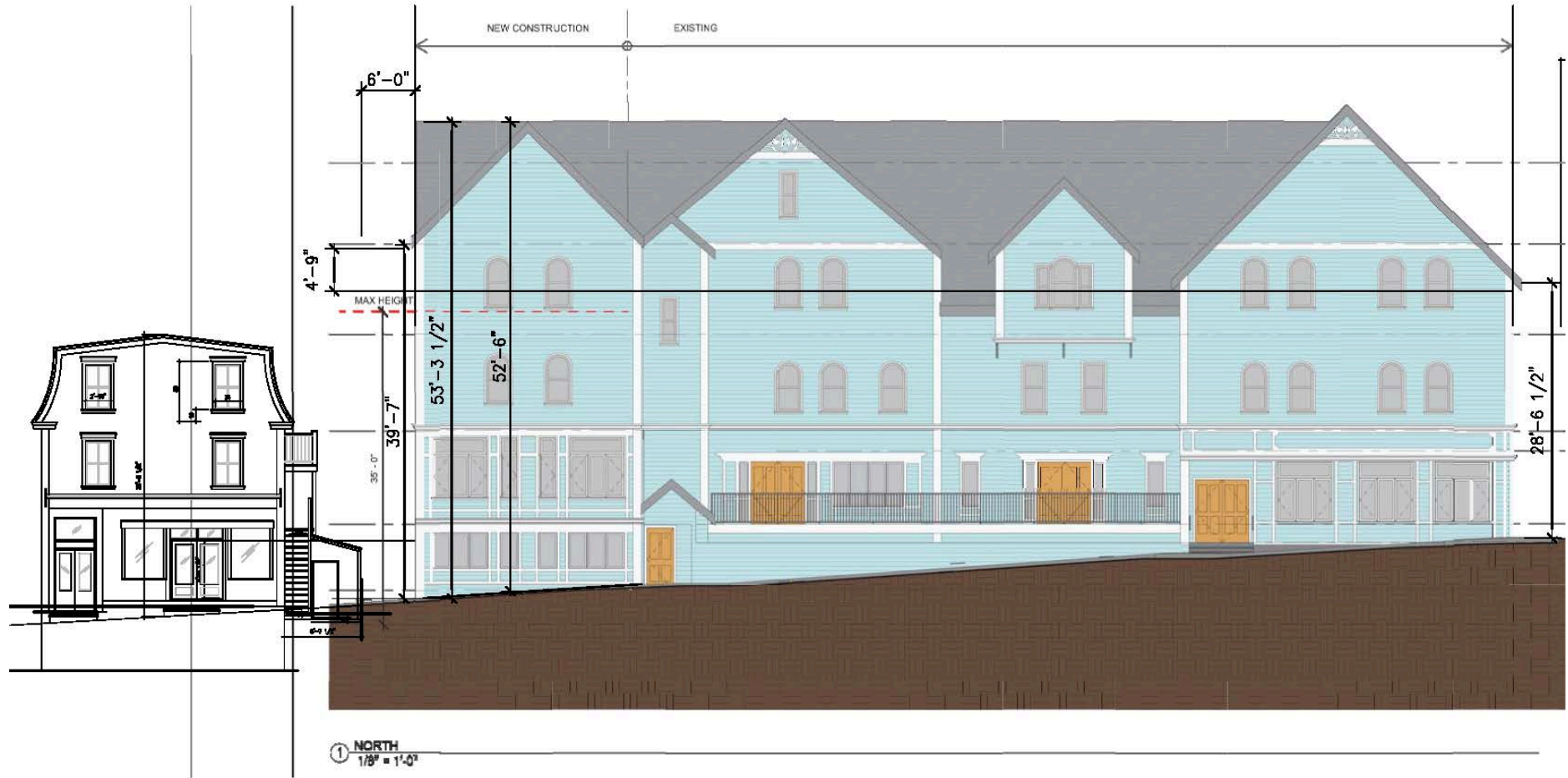






# RENDERING







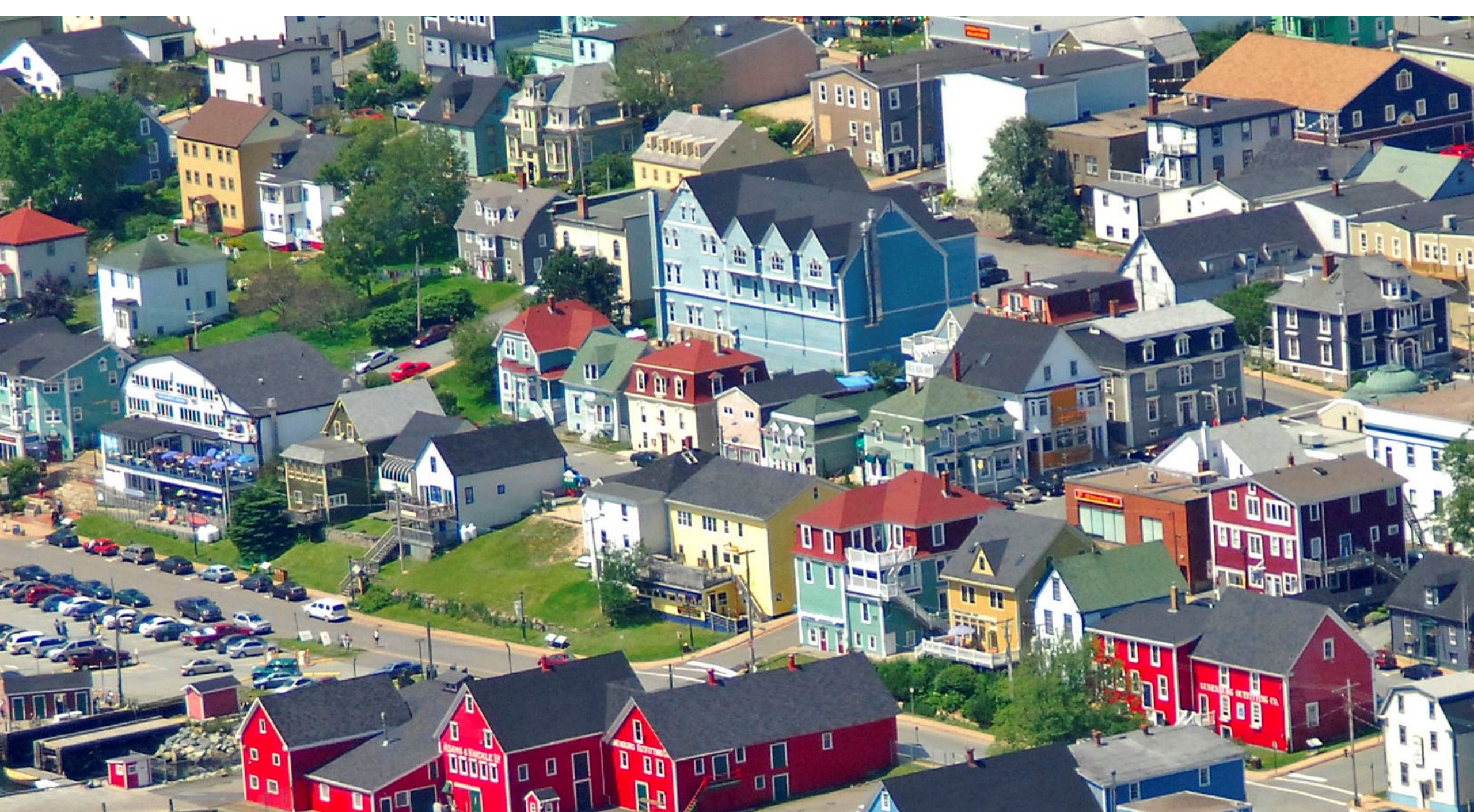






# RENDERING







Lunenburg PAC Public Participation Meeting - November 24, 2021

Nathalie Irving, 297 Pelham Street

Chair of the Lunenburg Heritage Society

I feel that this evening's meeting is a precursor to the topic to which the society was requested to advise earlier this fall. In its letter to the Mayor and Council, dated October 14, 2021 the Society opposed the demolition of 102 Pelham Street. This demolition is to make way for part of the development plans of the Lunenburg Arms Hotel.

Rather than reading my letter this evening, I would like to express some of my concerns:

- The possibility of amendments to the new Municipal Planning Strategy and Land Use Bylaw a mere two months after they came into effect.
- The additional mass of an expanded Lunenburg arms building
- an additional densely massed structure across the street to the Lunenburg arms on the corner of Pelham and Duke
- The height of structures. Section 3.2 of the design guidelines for the Old Town Heritage Conservation District state that the maximum height of a commercial building should be 35 ft. more than a story below the proposed addition

The pillars of sustainability include culture and heritage evenly, along side economics and the environment. Heritage has an intangible value which is difficult to compare with the tangibles of economics, but is an important factor to the sustainability of our town.

As stated in our letter, the collective of the buildings in Town create our story and I am concerned that this development does not add positively to our story.

Mayor & Councillors  
Town Of Lunenburg  
119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS B0J 2C0

October 14, 2021

Dear Mayor Risser and Councillors:

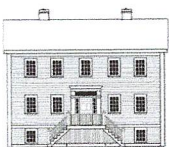
**Re: Demolition of 102 Pelham Street, Lunenburg, NS**

As requested in a letter from Arthur MacDonald, Heritage Manager, on September 17, 2021 the Lunenburg Heritage Society wishes to provide advice with regards to the application to demolish 102 Pelham Street. One goal of the Lunenburg Heritage Society is to preserve and promote Lunenburg's unique heritage and this goal is the basis for our opposition to the application to demolish 102 Pelham Street. This building has served many purposes through its years on Pelham Street: barn, records office, store, home, and business. If nothing else, this building is a good example of pre-1940 commercial structure and preserves the scale and architectural characteristics of the commercial district.

The collective of the buildings in Town create our story: the interesting, the elaborate and the every day. There is concern that demolishing 102 Pelham Street to make way for further development would not be in keeping with Lunenburg's UNESCO designation. If we were to determine the historical worth of a building based solely on its being a registered property, then many of the treasured homes and commercial buildings in the Town of Lunenburg could easily be lost to demolition.

The Lunenburg Arms towers over Pelham Street between King and Duke and its expansion will only add to the mass of the structure (even if considered as four masses). The character of the block will be lost entirely if we also consider the proposed new parking garage and 30 or more micro-suites across the street on the corner of Pelham and Duke. Feedback from our membership has indicated concern over the additional massing having a "detrimental" impact and turning the block into an "urban wasteland" with little pedestrian traffic and speeding drivers.

In the Town staff's draft report to the Heritage Advisory Committee/Town Council, Section 4.8.2 of the Old Town Heritage Conservation District Plan Demolition Policy considers the design features of an expanded Lunenburg Arms, with respect to the overall structure. However, it does not consider the design features of the existing structure of 102 Pelham and the impact of replacing it. This makes an approval of the application seem like a foregone conclusion. The draft report also states that the applicant is willing to move the structure, but have they considered incorporating it into the expansion



---

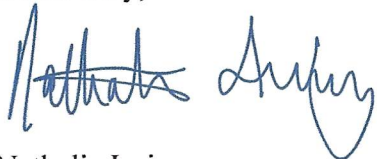
plans? Why does preservation have to suffer in the name of development? Can the old not be incorporated with the new? Tell a new story, educate our visitors, and share our heritage.

The economics of preservation will very rarely win over demolition and starting anew when business owners consider capital costs. The properties owned by the applicant capitalize on their charm, character, and unique locations: all of which can be found in Lunenburg.

Various arguments can be mounted to demolish 102 Pelham Street, as indeed for any building. However, what is the Town's duty to the preservation of its built Heritage? That duty may require a deeper reflection, and that is what the Lunenburg Heritage Society is asking Council to do and deny the application to demolish 102 Pelham Street.

Thank-you for your consideration of our advice.

Yours truly,

A handwritten signature in blue ink, appearing to read "Nathalie Irving". The signature is fluid and cursive, with the first name being more prominent.

Nathalie Irving  
Chair, Lunenburg Heritage Society



November 22 2021

Mayor Risser and Councillors  
Town of Lunenburg  
119 Cumberland Street  
Lunenburg NS  
B0J 2C0

**RE: Proposed Expansions of the Lunenburg Arms Hotel**

Dear Mr. Mayor and Councillors,

Leaf + Branch Lands + Building Corporation Inc is the owner of the Burns Block property at 228/232 Lincoln Street that abuts the parking lot property that is one of the subjects of the application by Richburg LP Management Inc for expansion of their Lunenburg Arms Hotel operation.

Leaf + Branch has owned and operated the Burns Block for more than 10 years.

Having reviewed the minutes of the Planning Advisory Committee's November 3 2021 meeting, we are writing to register our opposition to the proposal to build a four storey parking garage and residential suites structure on the existing parking lot.

While we have many concerns about both the proposed expansions, our opposition specifically notes "Item xiv" in "Evaluation Criteria Policy 6-19 Review" which identifies "land use conflicts that could place limits on existing operational procedures at existing businesses."

We take exception to the Staff report claiming that the proposed land use development will have no such effect.

For your information, the Burns Block is home to six businesses that employ a total of 15 people. To a very large extent, these businesses rely on the light and views that are available from the south side of the building. The proposed project would eliminate this important amenity.

As a consequence, Leaf + Branch would suffer financial loss as we would no longer be able to charge the current rental rates and our operating income would be reduced.

As a further consequence, this proposal would also affect the market value of our asset causing further loss of our investment at the time of sale.

Yours sincerely,

**LEAF + BRANCH LANDS + BUILDING CORPORATION INC**  
Leslie Wright



November 23 2021

Councillor Susan Sanford  
Chair  
Planning Advisory Committee  
Town of Lunenburg  
119 Cumberland Street  
Lunenburg NS  
B0J 2C0

**RE: Public Participation Meeting November 24 2021**

Dear Councillor Sanford,

As owners of the property at 228/232 Lincoln Street, a representative of our firm would like to make a brief slide presentation at tomorrow's public participation meeting regarding lot consolidations for the expansion proposals by Richburg LP Management Inc. Our property abuts one of the lots in question.

Please advise if there are any specific coordination requirements as we will be bringing our presentation on a flash drive.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Leslie Wright", written over a horizontal line.

**LEAF + BRANCH LANDS + BUILDING CORPORATION INC**  
Leslie Wright

CC: Kevin Malloy, Interim CAO  
cao@townoflunenburg.ca

Arthur MacDonald  
amacdonald@explorelunenburg.ca

**Speaking notes to accompany the slide presentation by Leaf + Branch to the Planning Advisory Committee of the Town of Lunenburg on Wednesday, November 24 2021.**

---

**SLIDE 1**

Brian Arnott

Leaf + Branch Lands + Building Corporation Inc

We develop properties in Ontario and Nova Scotia for ourselves and for other developers and investors.

We own 232 Lincoln St. This property abuts the present hotel parking lot.

We are speaking specifically to the parking garage proposal by Richburg LP Management.

For the record, we are strongly opposed.

**SLIDE 2**

This slide shows the original lot plan for Old Town with its grid of equal sized lots

Each lot is 40 ft by 60 feet (4,800 square feet in area.)

This town plan is the basis for the UNESCO inscription.

This plan also establishes the character of the townscape – Small IS beautiful.

**SLIDE 3**

This slide shows the lots in Old Town that still have their original boundaries.

Most of these are in the residential parts of Old Town.

**SLIDE 4**

This slide shows (in red) the previously consolidated lots that exceed the current maximum lot size of 465 m<sup>2</sup>/5,003 square feet.

**SLIDE 5**

This slide zooms in to show how the concentration of lot consolidations in the Old Town core has had impact on the original town plan.

The character and scale of the Old Town core have been gradually eroded by lot consolidations in the mid-to-late 20<sup>th</sup> century.

In order to prevent further loss of the character of the Old Town core, the Comprehensive Community Plan has had lot consolidations capped at 465 m<sup>2</sup> (5,003 sf) or 4% more than two of the original lot sizes.

The parking garage/micro-suites proposal requires a lot of 662 M2 (7,127 sf) – 42% bigger than the current maximum allowable area and 48% bigger than two originals lots.

The consideration of such a proposal begs the question of why have we gone to the trouble of consulting extensively with our community and approving this maximum lot size – only to break it before the ink is dry on our resolution?

## **SLIDE 6**

This slide shows the applicant's proposal for the parking garage – this is a plan view of the upper level showing an entrance off Duke Street.

What this plan does not show is that the applicant proposes an additional two storeys above this containing 30 to 38 micro-suites.

It also does not tell you that this proposal will generate the need for more parking – there are only 40 spaces in the parking garage to serve up to 76 suites – a further need 36 more parking spaces.

## **SLIDE 7/8**

This slide compares the size of the proposed parking garage/micro-suites (shown in red) to other large buildings in Lunenburg and shows that the proposed parking garage/micro-suites structure is as big as the Lunenburg Academy.

## **SLIDE 9**

This slide shows the existing condition including our building at 232 Lincoln Street with its distinctive windows.

For the record, this building houses 6 companies with a total of 15 employees.

Leaf + Branch believes that the proposed parking garage/micro suites structure will have a negative financial impact both on our operations and on our asset value. We also believe that we have a right-to-light that the proposed structure would infringe upon.

## **SLIDE 10**

This slide shows the streetscape views of the current and proposed conditions looking both west and east along Pelham. It is clear that the parking structure will have a negative impact on the streetscape as it offers nothing for pedestrians.

## **SLIDE 11**

This slide shows the parking garage/micro-suites structure in its urban context and illustrates that it would be the biggest building in Old Town – several times bigger than its neighbours.

## **SLIDE 12**

Is this what we want to see in future aerial views of Old Town?

In summary, the evidence is overwhelming that the parking garage/micro-suites proposal runs entirely contrary to the spirit, principles and intent of the Comprehensive Community Plan.

It is abundantly clear that:

- That the parking structure is massively out of scale in its urban context
- That both the building form and the building type are inappropriate to the character of Old Town and are unprecedented
- That the whole project makes no contribution to the Pelham or Duke streetscapes
- That the project will generate the need for more parking (as many as 36 additional spaces)
- That this consolidation would be precedent setting

On behalf of Leaf + Branch, I therefore respectfully request that this Committee deny the applicant's request for the lot consolidations before you – and further request that you decide here today that this application should not move forward into the development agreement process.

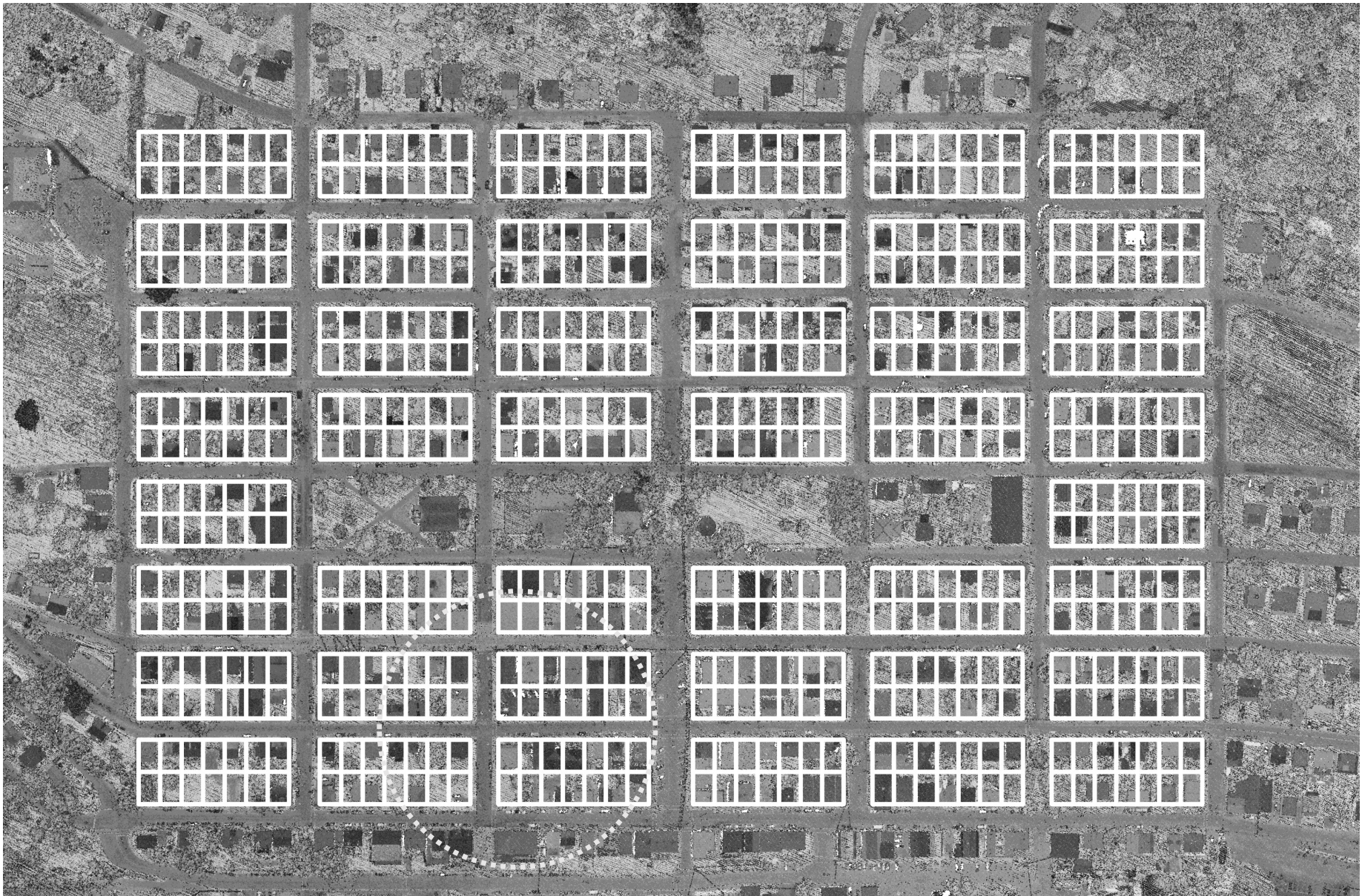
Finally, in light of all the work that went into the Comprehensive Community Plan and the expectations of all those who participated, I urge you to re-consider passing the amendment granting you authority to entertain any and all future lot consolidations as-of-right -- rather than dealing with all future lot consolidation proposals strictly on a case-by-case basis.

Thank you for your attention.

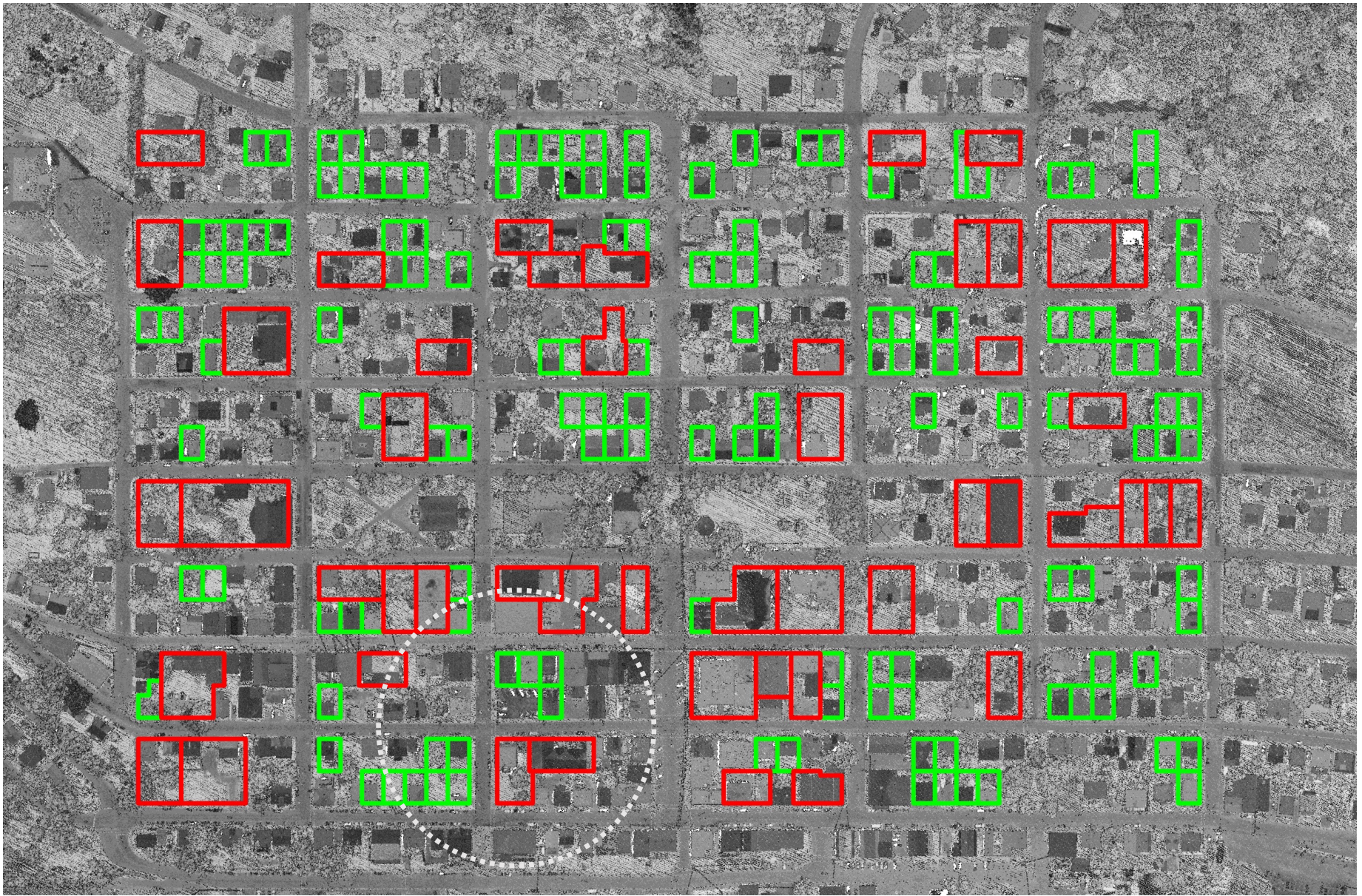
Town of Lunenburg  
Planning Advisory Committee  
November 24, 2021

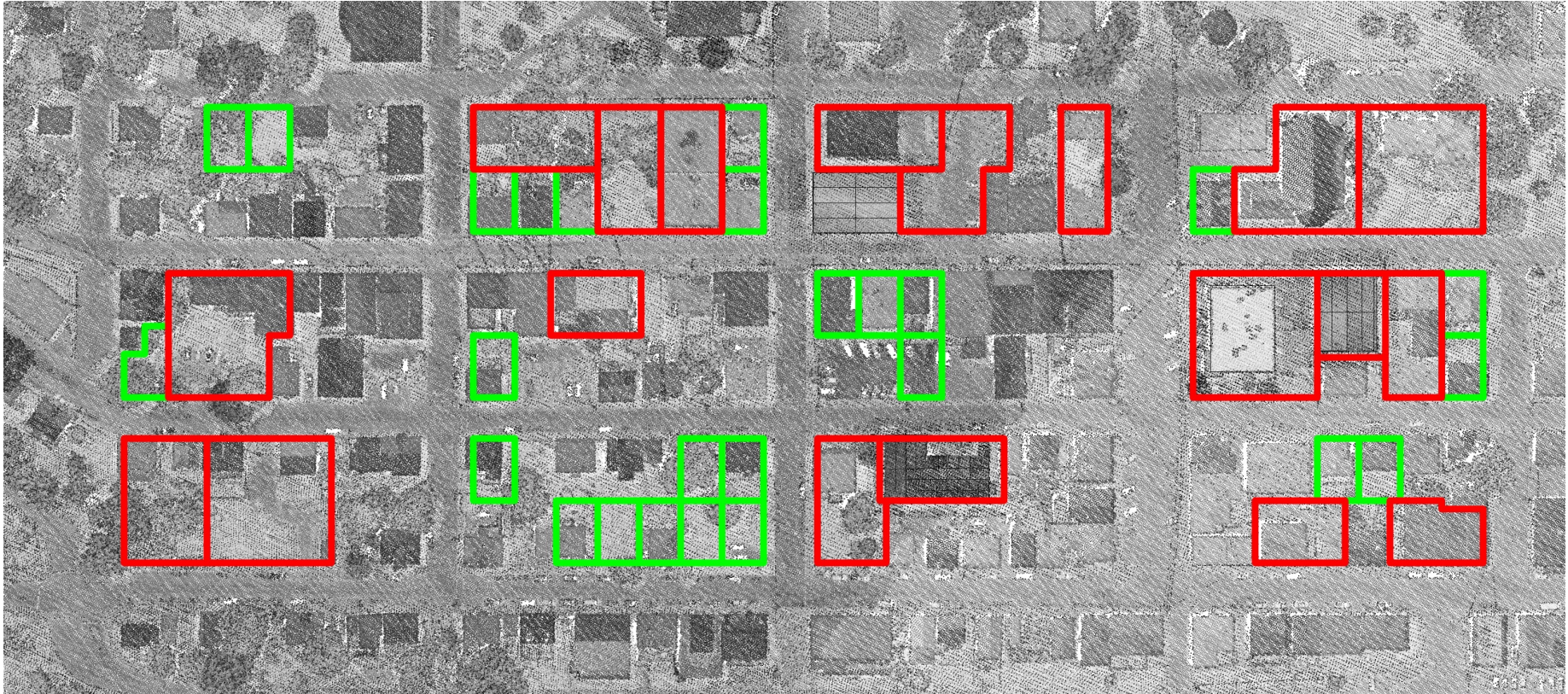


232 Lincoln Street, Lunenburg

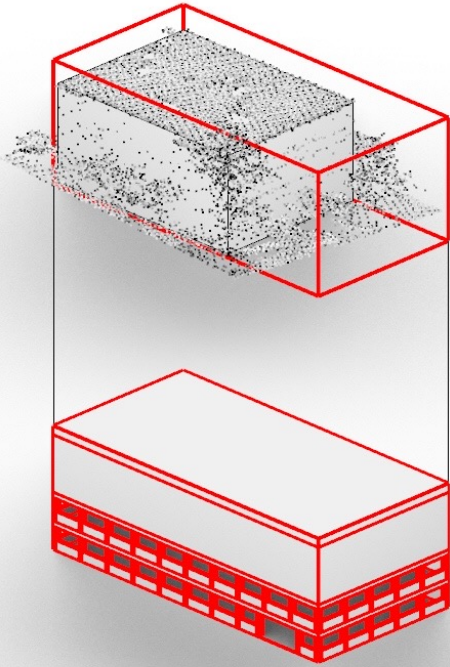




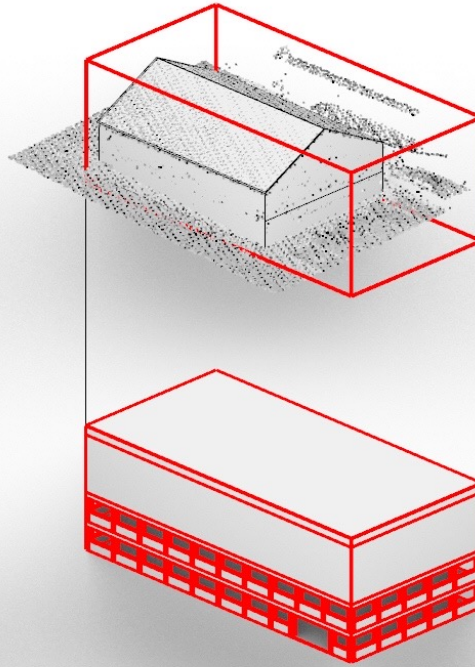




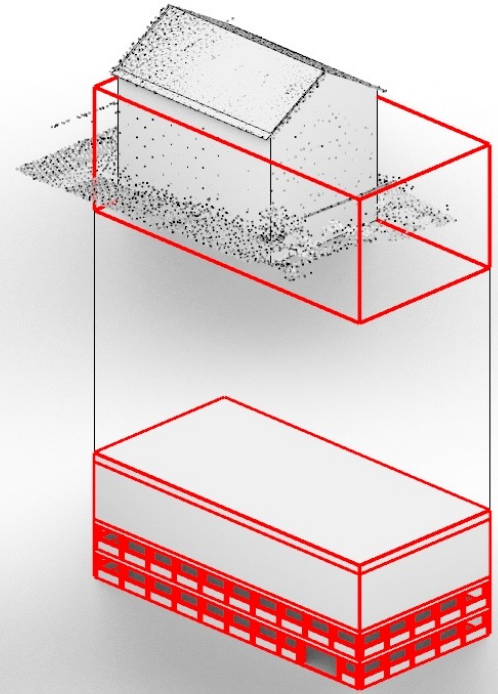




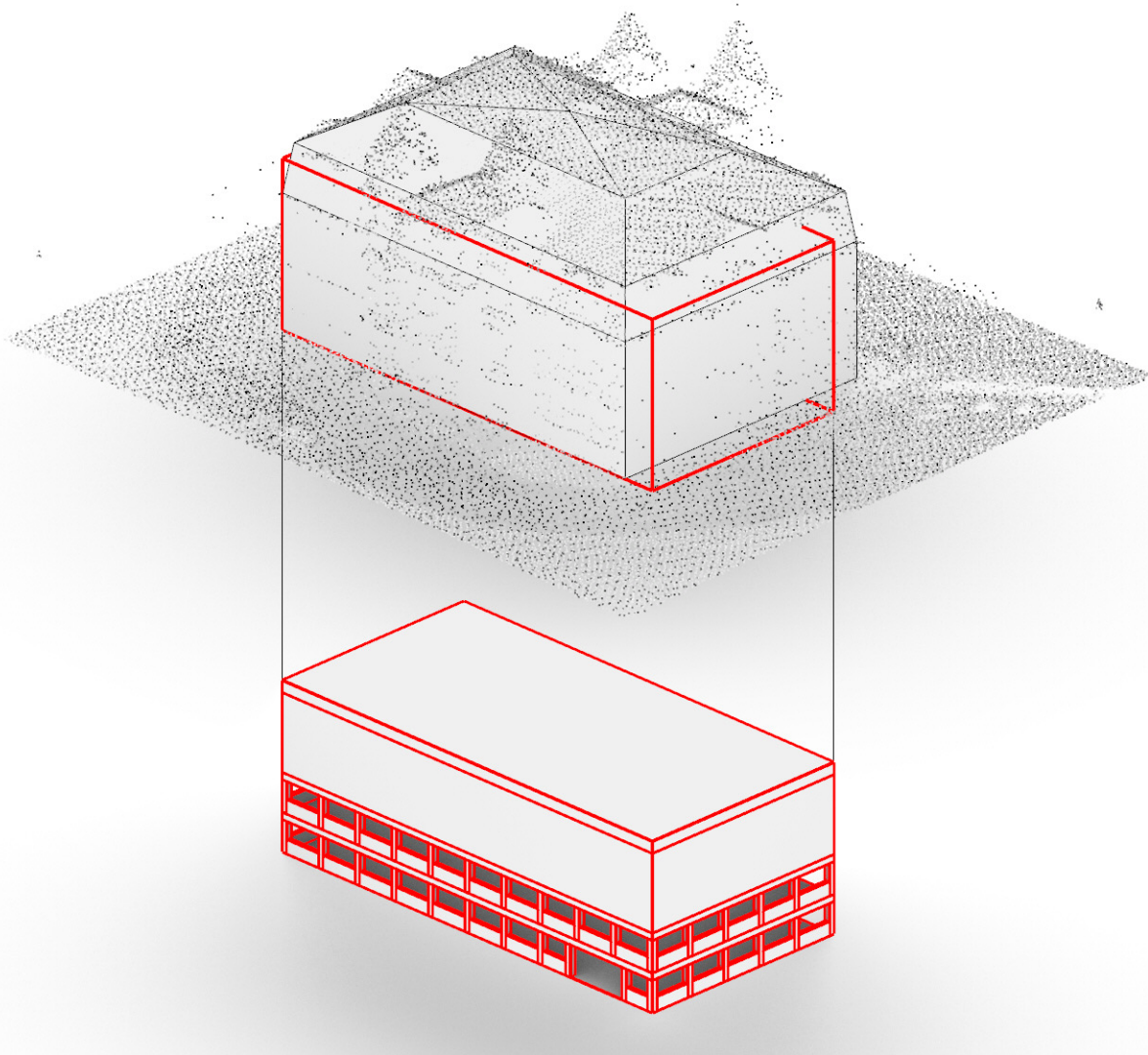
Old Post Office



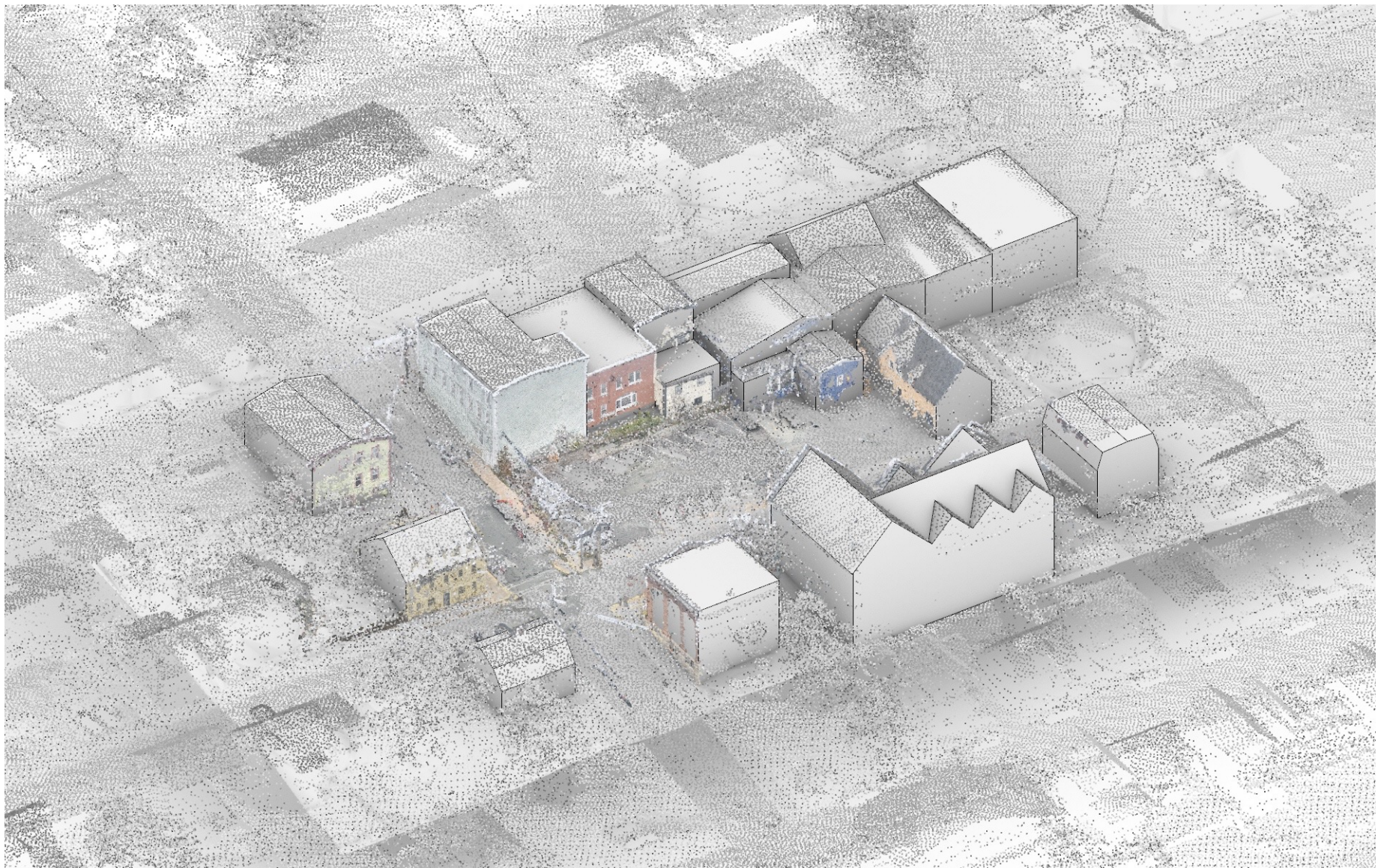
Mermaid Vision



Opera House



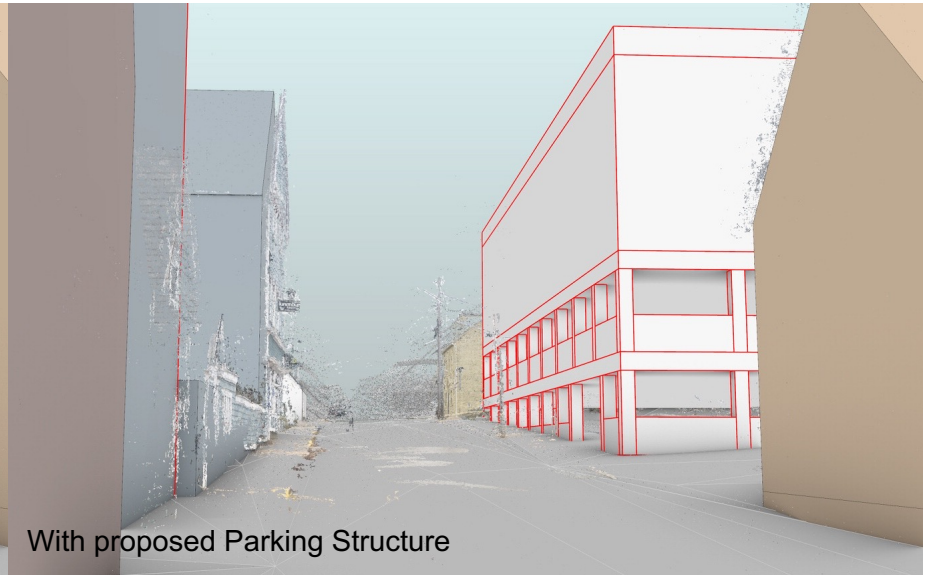
Comparison of proposed Parking Building scale to Lunenburg Academy



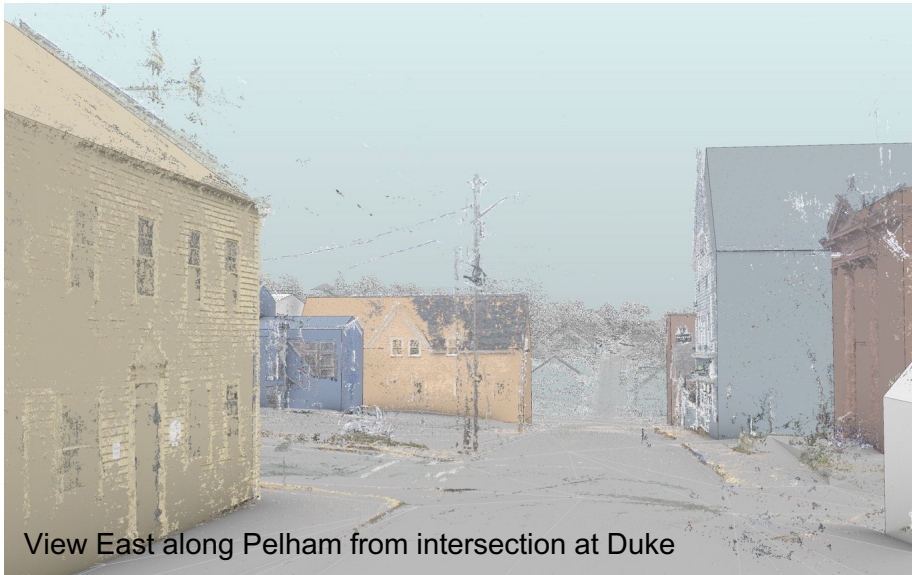
Aerial view showing existing condition of proposed site



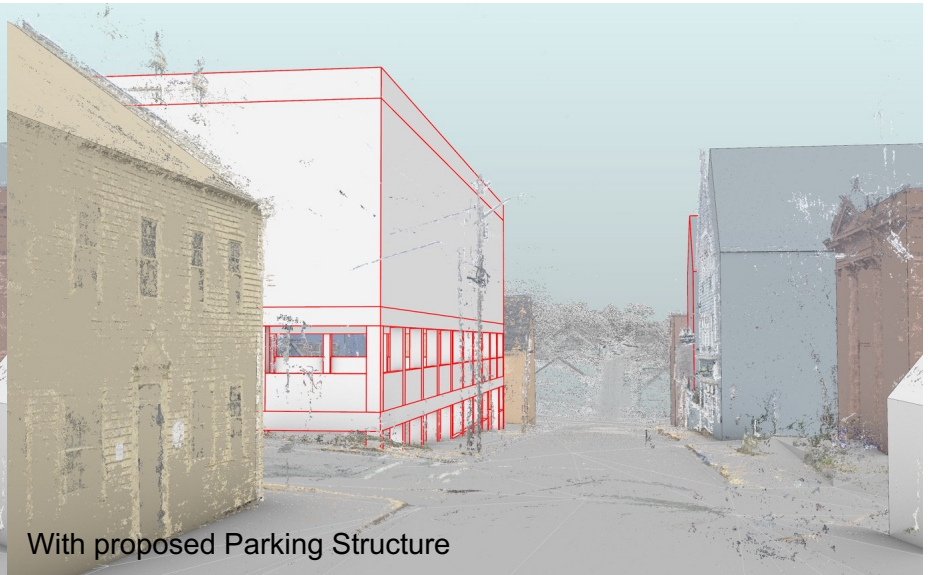
View West along Pelham from intersection at King



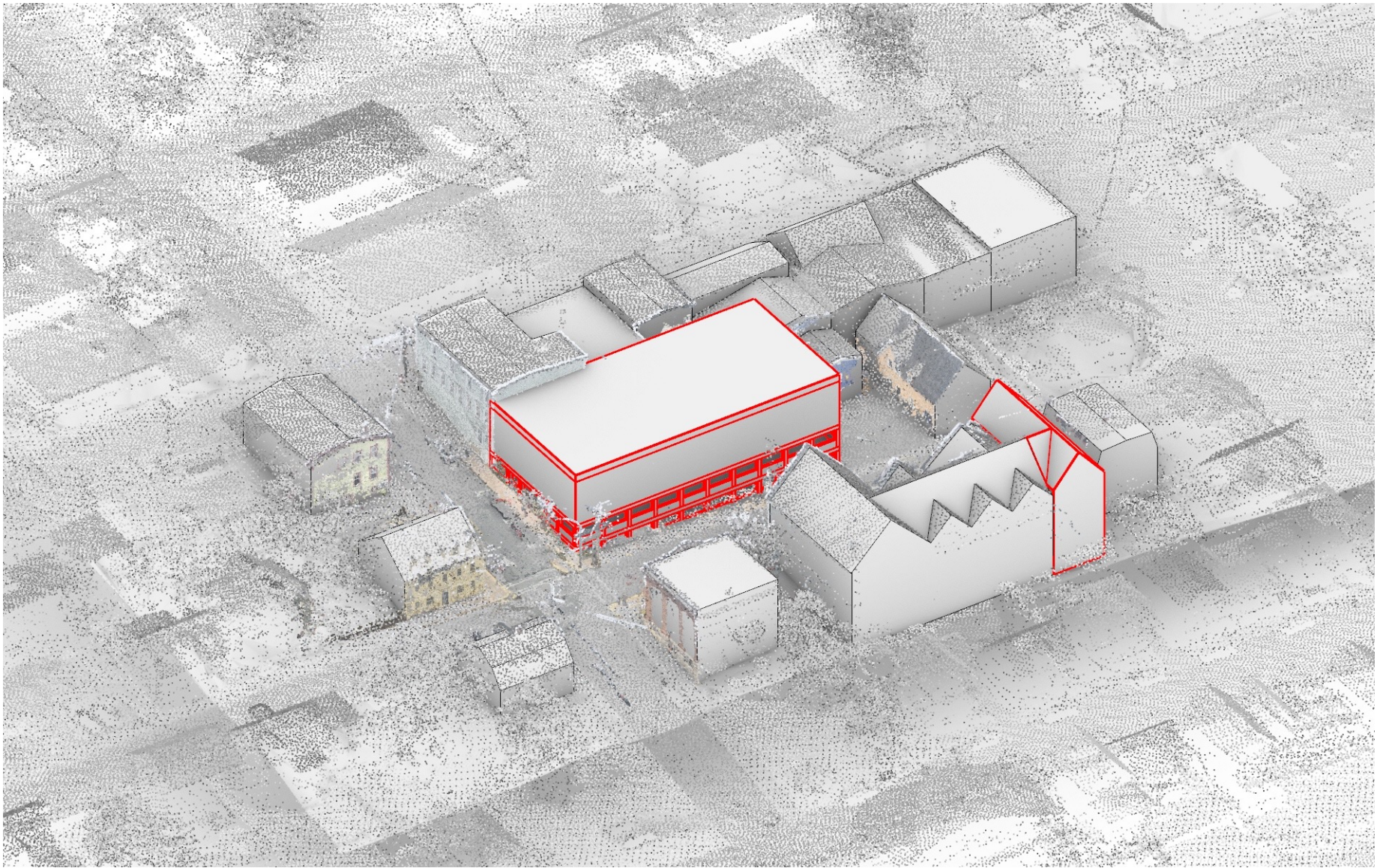
With proposed Parking Structure



View East along Pelham from intersection at Duke



With proposed Parking Structure





Alastair Jarvis  
1520 Hwy 332  
First South, NS B0J 2C0

Madam Chair, your worship, members of the committee and council,

I am a former resident of Lunenburg. I now live in First South, but I call Lunenburg home.

I came to Lunenburg to work at HB Studios, I've contributed to several efforts to recruit staff and businesses to Nova Scotia and Lunenburg in particular. It's safe to say I'm a fan and a booster of Lunenburg.

When I left HB, we worked hard as a family to stay here. I co-founded a technology company, built it out of the Hub, a co-working space in Mahone Bay, but moved the business to Lunenburg to continue building it here. We were acquired in 2018 and the Canadian office of the American Forest Foundation (a national D.C. based Conservation non-profit) is now the business we operate out of Lunenburg. Our staff match the demographic we had at HB: young men and women, some of whom were already in Lunenburg and others we've attracted here from New Brunswick, British Columbia and overseas.

We occupy 3 offices in the Burns Block at 232 Lincoln St. I'm here less to deliver the message of not in my backyard – even though the development that the current amendments concerns is outside of the window I sit at every day. My choice, should the development enabled by these amendments enable proceed, is easy. We'll not renew our lease and move the office back to Mahone Bay or switch to 100% remote. Year-round full-time jobs that could be based in Lunenburg when we all return to the office post pandemic will be lost to the town. Of that, let there be no doubt.

I wish to address the committee and council, rather, to share my grief at the prospective loss of such a beautiful, well preserved and functioning historic office block in the heart of Lunenburg's Old Town Core. Brian and Leslie have curated and restored one of the most beautiful spaces in the town of Lunenburg. An asset which this development puts at risk. An outcome I believe we've worked hard together as a community to avoid.

I want to commend council for the award-winning Project Lunenburg. It was visionary and the document it produced has been rightly celebrated.

During the process I was reminded at many stages of Andy Fillmore's work with the team who created the Centre Plan in Halifax and the legacy they created – in evidence by the way in which that city has grown over the past 10 years. I celebrate Project Lunenburg for the same potential – if it's serving its purpose, the document should serve as a clear guide for constituents and developers alike of the intention and framework within which the shared vision of the town is being realized as we build it together.

The Comprehensive Community plan that emerged as the outcome of Project Lunenburg is the tool makes clear that this proposed development and the amendments before the committee which are conceived of to enable this development are *not* aligned with the shared vision we built together.

The proposed development does not represent *Residential Gentle Density* as expressed as the intention for the **Old Town Core**. It does not reflect the Land Uses as described in section 2.2 of the Comprehensive Community Plan.

Mid-rise housing types **ARE** described in section 2.5 of the CCP as the intended Land Use for the **Main Street Mixed Use** area along Victoria Rd, **NOT** the **Old Town Core**.

Development agreements for Mid-rise housing types such as multi-unit apartment buildings in the Old Town Core are not aligned with guidance the Comprehensive Community Plan. A municipal planning strategy amendment to allow lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage in this zone to enable such development agreements are clearly understood by the community to be out of alignment with guidance in the Comprehensive Community Plan for the Old Town Core.

I'm incredibly lucky to work in Lunenburg every day. I wasn't always so lucky – there was a time that I commuted daily to Halifax for work. Every day I would park in the parking garage in the block below MEC on Hollis St. I don't know if you can picture that block of Hollis St between Sackville and Salter St. If you can't, I invite you to load it up on Google Maps and go to a Street view ([bit.ly/3oTmPGY](https://bit.ly/3oTmPGY)). Knowing it as well as I do, I cannot fathom that such a similar structure as this could be considered to respect and complement the surrounding context of the Old Town Core of Lunenburg.

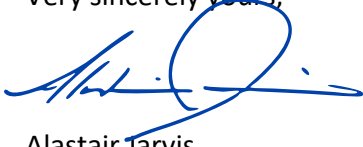
Again, I wish to congratulate, commend, and thank you for the Comprehensive Community Plan that you spearheaded and developed with the town, because I think it makes very clear what the right outcome is to the current proposal.

What made the Centre Plan so useful and successful in Halifax was clear guidance to developers who have with that clear guidance built a prosperous and vibrant Halifax in keeping with the vision laid out over a decade ago. As Andy and his successors learned in Halifax following the rollout of the Centre plan, though they stamped as much ambiguity as possible out of their plan to give clear guidance to developers, it still got challenged and tested for edge cases by proponents of developments many times. With each test, the shared vision became clearer, and the work of developers to respond to our invitation to co-create our shared vision of the future got easier. This is a good test.

Thanks therefore must go to the proponent of this development. Their proposal provides an excellent challenge for counsel. This is a good test of the soundness and effectiveness of the Comprehensive Community Plan. Reaffirming the clarity of the Comprehensive Community Plan will serve both the town's constituents and future proponents who with clarity will bring their vision, innovation, and capital to realize the enormous potential for development in line with the vision of our shared future we crafted together and endorsed as the outcome of Project Lunenburg. Thanks

again to counsel for creating the clear vision and guidance and principled justification for an answer of **no** to the proposed amendments and the future development they are conceived of to enable.

Very sincerely yours,

A handwritten signature in blue ink, appearing to read 'Alastair Jarvis', with a large, stylized flourish at the end.

Alastair Jarvis  
in Lunenburg  
on November 24<sup>th</sup>, 2021

REMARKS BY

THE HONOURABLE WILFRED P. MOORE, J.C.

AT THE  
PUBLIC PARTICIPATION MEETING  
OF THE  
PLANNING ADVISORY COMMITTEE  
OF THE  
TOWN OF LUNENBURG

WEDNESDAY, 24 NOVEMBER, 2021

6:00 P.M.

TOWN HALL

Madam Chair, Committee Members and  
Members of the Public ~ my name is Wilfred  
Moore and I have an office at 169 Montague  
Street. My wife, Jane Ritey, and I have  
received Heritage Awards for restoring and  
maintaining our properties. Our family's  
business owns the property at 102 Pelham Street,  
opposite Irma's property at 106 Pelham, and  
three door away from the massive development  
proposal before you.

I do not intend to repeat the comments  
made by speakers before me who spoke against  
the within three Motions. I wish you to know  
that I am firmly against those three Motions.  
We do not come to this Meeting with blinders on;  
the adoption of those Motions will result in  
/2.

the development Applicant proceeding with its proposal. The adoption of these Motions would set a dangerous precedent, as pointed out by Olivier.

My wife and I, and others, signed a letter published in the local newspaper urging the public to support the recently adopted Town Planning Strategy and Land Use By-law. Yet, here we are a few months later dealing with proposed changes to our Planning Strategy and Land Use By-law. Jane and I would not have lent our support to that work if we were told that the within three Motions would receive the support of Town Council. So, to this Committee,

3;

and especially its Members who are Town  
Councillors. I urge you to not break  
faith with your public who supported our  
new Planning Strategy and Land Use By-law.

Thank you.



Circulated: \_\_\_\_\_

Document No: 5(a)

Meeting: PAC – November 24, 2021

Circulate To: PAC, Council, KM, HM

File:

**MEMORANDUM**

**TO: PLANNING ADVISORY COMMITTEE/COUNCIL**

**FROM: ARTHUR MACDONALD**

**DATE: NOVEMBER 17, 2021**

**RE: LUNENBURG ARMS APPLICATION TO AMEND MAXIMUM LOT SIZE REQUIREMENTS IN LOT ZONE 1**

**1. FACTS****A. Background**

The owners of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street would like to consolidate 94 Pelham Street with 102 Pelham Street to enable a 14-suite expansion to the hotel. They would also like to consolidate the lands across the street (surface parking area at the corner of Pelham and Duke Streets) known as PID 60061199 and PID 60061181 to facilitate additional hotel suites and an accessory parking structure. They have made application to amend the maximum lot size as described for Lot Zone 1 in accordance with the Town's Land Use By-law.

The new planning documents under Project Lunenburg became effective on September 22, 2021. The Municipal Planning Strategy (MPS) and Land Use By-law (LUB) created new Lot Zones to govern lot zone standards for subdivision proposes. The relevant Policy and By-law provisions are attached in **Attachment A**.

The subject properties are in Lot Zone 1 which limits the maximum lot area to 465 m<sup>2</sup> (5,005 square feet) and the maximum lot frontage to 40 m (131 feet). The proposed lot consolidation of 94 and 102 Pelham Street will create a new lot with 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). The consolidation of PID 60061199 and PID 60061181 will create a new lot with 662.2 m<sup>2</sup> (7,127 square feet) and a frontage of 35.6 m (116.79 feet). The Lot Zoning Map is attached in **Attachment B**.

Note there is a separate application under the Heritage Conservation District (HCD) Plan and By-law to facilitate the demolition of 102 Pelham Street to make room for the hotel's expansion plans. There is also a separate application under the HCD Plan and By-law to consider the design of the new commercial building with an accessory

parking structure on the proposed consolidated lot (PID 60061199 and PID 60061181).

The planning application may necessitate a two-part process. First, the MPS amendment (development agreement) or alternatively, the LUB amendment (increasing the maximum lot sizes pursuant to Part 5.2.1 of the LUB), is required to be undertaken and become effective. If Council agrees with the recommendation to amend the MPS to enable an increase in the maximum lot size by development agreement, then a second step is required to approve the development agreement. Staff has attempted to lay out the process in **Attachment G**.

**B. Proposal**

The request is to enable subdivision approval for the proposed lot consolidations. This would require a mechanism where the maximum lot area and lot frontage requirements of the Lot Zone 1 are amended to enable the creation of lots that have 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). This may be done by increasing the maximum lot area and maximum lot frontage pursuant to Part 5.2.1 of the Land Use By-law (LUB) (an LUB amendment) or by enabling by Policy through the Municipal Planning Strategy (MPS) Council’s consideration through the development agreement process (an MPS amendment).

Lot Zone 1:	Maximum Lot Area	Maximum Lot Frontage
Part 5.2.1 of LUB	465 m <sup>2</sup> (5,005 square feet)	40 m (131 feet)
Request	823.5 m <sup>2</sup> (8864 square feet)	41.57 m (136.38 feet)

**2. ISSUES AND OPTIONS**

The development of maximum lot areas and maximum lot frontages is a relatively new planning tool that was not available to municipalities back when the Heritage Conservation District was created and when the last planning review was undertaken. Due to the Outstanding Universal Values (OUV’s) of the UNESCO World Heritage Site (WHS), the new MPS and LUB recognized the importance of preserving the traditional lot form and grid pattern of the Charles Morris 1753 Model Town Plan of Lunenburg. The Town was laid out in lots 40 feet wide and 60 feet deep which created a tight knit urban form and layout. Large lot consolidations began to erode this traditional form of development. To preserve or otherwise minimize the effect of large lot consolidations, the new MPS and LUB inserted maximum lot area and maximum lot frontage standards in the LUB (Part 5.2.1 as outlined in **Attachment A**). You may notice that the maximum lot area and maximum lot frontage provisions are only applicable in Lot Zone 1 and no other Lot Zone. Lot Zone 1 encompasses the WHS. Therefore, the decision to expand the maximum lot area and maximum lot frontage pursuant to Part 5.2.1 of the LUB should not be taken lightly.

Amendments to the MPS/LUB as well as development agreement requests are required to be reviewed by Council through Policy 6-19. Staff’s review of the evaluation review criteria pursuant to Policy 6-19 is enclosed in **Attachment C**. Please note that this review was undertaken to support Option 2 as laid out below.

## Options:

**Option 1)** To amend the LUB, Part 5.2.1, to increase the maximum lot area and maximum lot frontage as outlined in the following table:

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

Table 1: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m <sup>2</sup> (1,185 ft <sup>2</sup> )	370 m <sup>2</sup> (3,983 ft <sup>2</sup> )	330 m <sup>2</sup> (3,553 ft <sup>2</sup> )	37 m <sup>2</sup> (399 ft <sup>2</sup> )
Maximum Lot Area	825 m <sup>2</sup> (8,880 ft <sup>2</sup> )	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	42 m (137 ft)	-	-	-

The proposed change in maximum lot frontage from 40 m (131 feet) to 42 m (137 feet) is not deemed a significant alteration and is well within the 10% variance enabled by the Municipal Government Act (MGA). However, the change in maximum lot area from 465 m<sup>2</sup> (5,005 square feet) to 825 m<sup>2</sup> (8,880 square feet) is deemed a significant change and is well outside the 10% variance enabled by the MGA.

Considering the above, as well as the potential impacts on the urban form of the WHS, it is not recommended at this time to enable a blanket as-of-right increase in the maximum lot area and maximum lot frontage for the entire Lot Zone 1.

## Option 2)

To address the request with minimal impact on the MPS and LUB with regards to maintaining the maximum lot area and maximum lot frontage requirements for Lot Zone 1, Council may wish to amend the MPS to enable them to be considered by development agreements. Rather than enabling a blanket as-of-right for the entire Lot Zone 1 (as outlined in Option 1), a development agreement process will enable Council to consider the applications on a case-by-case nature. This is the recommended course of action.

Such a request would require a two-stage process:

- a) First, Council may implement a new policy in the MPS to enable them to consider increasing the maximum lot area and/or maximum lot frontage by development agreement. Once the policy is effective, Council may then entertain a request through the development agreement process. The process to amend the MPS is attached in **Attachment D**.
- b) Second, once the policy is in place, Council may then entertain the request through the development agreement process. The process to enter into a Development Agreement is outlined in **Attachment E**.

***Please note that during a Planning Advisory Committee (PAC) on November 3, 2021, the PAC passed a motion to proceed with a Public Participation Meeting to consider Option 2 as outlined above. Option 2 is the subject of this Public Participation Meeting (November 24, 2021).***

**Option 3)** To refuse the application to amend Part 5.2.1 of the LUB. Reasons for such a refusal shall be provided by Council and is subject to an appeal to the Public Utilities and Review Board. Council may identify such a refusal based on Policy 6-19 (c) (vii) as reviewed and outlined in **Attachment C**. For example, concerns as expressed by Irma Da Sie, Architect as outlined in Attachment H may be used as a rationale to refuse the application.

**3. FINANCIAL IMPACT**

The applicant has paid the standard application fee to amend the planning documents (\$750) plus a deposit of \$700 to cover the associated advertisement costs. In this case as the proposal is recommended for a two-step process with one application, it is recommended that the Town include the development agreement application fee as part-in-parcel of the \$750 application fee to amend the planning documents.

The Town may incur costs if an appeal is filed with the Public Utilities and Review Board.

**4. STRATEGIC PLAN RELEVANCE**

The approval of the request is in keeping with the Town's CCP, in particular:

*Economic Development:* Direction to support economic development.  
*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

**5. RECOMMENDATION AND DRAFT MOTION**

**Motion:** Moved and seconded that PAC recommends to Town Council to approve First Reading and proceed to a Public Hearing in order to consider, and if deemed advisable, amend the MPS by inserting the following after "Policy 3-2":

"3.2.4 Lot Zone 1 Maximum Lot Size Waiver by Development Agreement

Though it is the intent to maintain the historical spatial environment by regulating the maximum lot size in Lot Zone 1, there may be times that Council may wish to enable lots to exceed the maximum lot size for the wellbeing of businesses and/or community. Council shall consider such circumstances through the Development Agreement process.

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

**(a)** there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and

**(b)** the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.”

**ATTACHMENTS:**

- A.** Relevant MPS Policy and Land Use By-law Provision
- B.** Lot Zoning Map
- C.** Evaluation Criteria Policy 6-19 Review
- D.** Application Process to amend MPS
- E.** Application Process to enter Development Agreement
- F.** UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's)
- G.** Planning Application Process
- H.** Written Submission from Irma Da Sie, Architect and Stephen Richards

**ATTACHMENT A**  
**Relevant MPS Policy and Land Use By-law Provision**

**Relevant MPS Policy:**

**3.2.2 Lot Zones**

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

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

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

**Relevant Land Use By-law Provision:**

**5.2. Lot Standards**

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

Table 2: Lot Subdivision Standards

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



**ATTACHMENT C**  
Evaluation Criteria Policy 6-19 Review

**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 proposal is an amendment to the Municipal Planning Strategy to enable the proposal to proceed through the development agreement process. Once the amendment becomes effective, the proposal would be consistent with the intent of the strategy.
- (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 Town is not obligated to absorb any costs related to the proposal.
  - ii. impacts on existing drinking water supplies, both private and public;  
There is adequate public drinking water to support the development consisting of a 14 suite expansion to the Lunenburg Arms as well as the 30 micro-suites and parking structure across the street.
  - 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;  
There is adequate central water and sewage services to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites and parking structure across the street.
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
It is anticipated that the proposed development will not worsen any existing traffic hazards. The development of the additional suites will increase congestion on the road, in particularly when guests are leaving or arriving. However, currently the guests are limited to on-street parking and the use of the surface parking lot. The development of a parking structure will almost double the capacity of the surface parking lot and should help to alleviate some of the increased congestion associated with the hotel's expansion. With regards to cycling, the existing circumstance should remain relatively the same. With regards to the pedestrian network, it is anticipated that pedestrian traffic between the Hotel and the parking structure across the street will increase.

There is an existing crosswalk at the corner of Duke and Pelham to enable the safe passage of clients to and from the hotel to the parking structure. There is an opportunity for businesses to benefit from the increased pedestrian traffic.

- v. the adequacy of fire protection services and equipment;  
There is adequate fire protection services and equipment to service the proposed development.
- vi. the adequacy and proximity of schools and other community facilities;  
The proposed development is in the heart of the downtown area. The adequacy and proximity of schools is not a major concern due to the type of use – servicing accommodations for the travelling public. The adequacy and proximity of community facilities are considered adequate.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
The UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's) are attached in Attachment F. Under "Authenticity" it states:

"Old Town Lunenburg is authentic in location and setting, forms and designs, materials and substances, and uses and functions. The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets, central public spaces, and key community structures, with a functioning waterfront as its focus. In terms of forms and materials, there is a harmony of scale, siting and materials (predominantly wood) throughout the property, and a regional architectural vocabulary that includes the 'Lunenburg bump', an indigenous five-sided dormer. While a continuing vernacular architectural tradition is integral to the property's Outstanding Universal Value, there has been very limited infill in the modern era. Many of the property's historic uses and functions survive."

The OUV'S identifies the importance of the "original British colonial plan ... including the regular layout of property parcels in a grid pattern". The Lunenburg Plan (1753) incorporated all the principles of the model town: geometrically regular streets and blocks; the allocation of public spaces; an allowance for fortifications; and a distinction between urban and non-urban areas. The plan consists of a gridiron of six divisions, which run north from the front harbour and are divided into eight blocks. The blocks in the grid are each subdivided into fourteen building lots with 40 feet of street frontage with a depth of 60 feet. Below is an excerpt from the Heritage Conservation District Plan:

#### **"5.4 Conservation of historic Old Town lot layout and block form.**

The urban form, scale and cohesive architectural character of the Old Town is also directly related to its original lot layout, where each block was divided into fourteen 40 ft x 60 ft lots. This rectangular grid, superimposed on the Old Town's hilly topography, resulted in the construction of many houses and buildings of similar scale and orientation, densely built in close proximity to each other, and overlooking each other on sloping sites. The small lots, as well as the town planning conventions of the colonial period, predetermined that buildings would be built close to the street with narrow side yards and small rear yards.

Most blocks in the Old Town have retained their original lot divisions, with anywhere from eight to fourteen buildings (along with attendant outbuildings) situated upon them. Where lot consolidations have occurred, they have most commonly been in combinations of two - either two lots deep, running through from street to street, 40 ft wide x 120 ft deep, or two lots side by side, 80 ft wide x 60 ft deep. There are only a few instances where larger lot consolidations have occurred - the largest having been four lots combined into one 80 ft x 120 ft parcel with one house on it.

Effective conservation of the Old Town's urban form implies that there should be a limitation on the size of lot consolidations in order to limit any propensity or pressure for the construction of large, out-of-scale buildings. However, this is difficult to achieve without significant change to the Planning Act (and the new Municipal Government Act) which enables municipalities only to establish minimum lot sizes, not maximum lot sizes.

Regulation of the maximum size of buildings (rather than lot sizes), however, is permitted under both the Planning Act/Municipal Government Act (through the Municipal Planning Strategy), and the Heritage Property Act (through the heritage conservation district plan and bylaw).

The current Municipal Planning Strategy does not regulate maximum building size except indirectly through criteria for development agreements; nor do the MPS & LUB architectural controls include specific mention of scale, size, bulk or massing as criteria for evaluating proposals. Criteria for building size will therefore be included in the conservation plan and bylaw in order to ensure that new development will be in keeping with existing scale and urban form.”

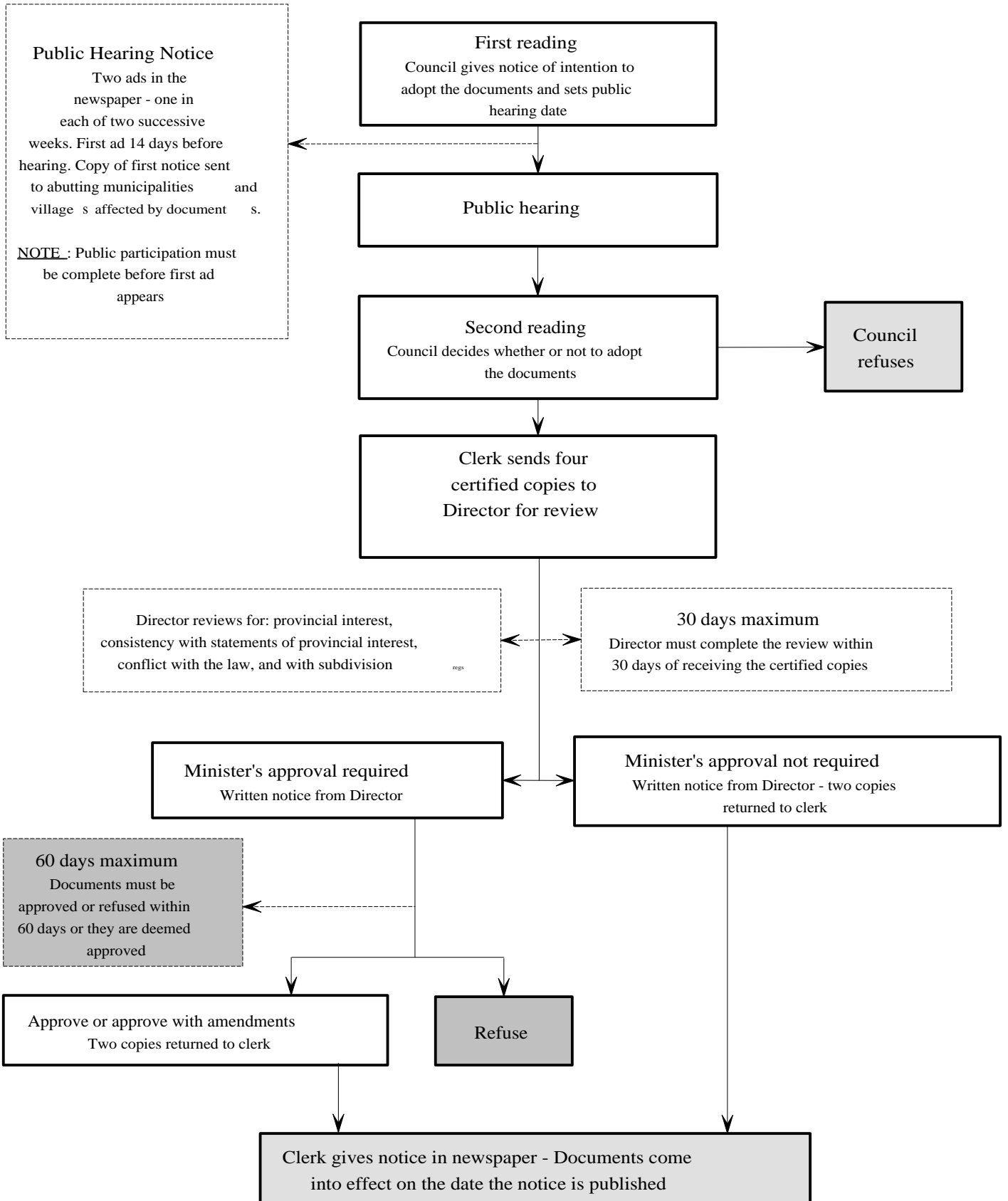
In this case the proposal is located on a commercial block on one of the three prime commercial streets which include Montague Street, Pelham Street and Lincoln Street. The commercial needs for larger lot sizes derive from their inherent qualities as commercial enterprises are quite different to the needs of smaller residential developments further up the hill. The spatial relationships between commercial and residential properties are recognized as inherently different in the Heritage Conservation District Plan and By-law where the separation distances between the built environment is quite small in the commercial fabric as buildings are placed closer together, whereas there are larger spatial separations in the residential areas. This helps to frame the public realm and provide a tight commercial flavour to the commercial street. The grid patterns are more evident in the residential areas, whereas less so in the commercial areas due to these inherent qualities.

The essential blocks of the model Town Plan, consisting of the street grid pattern, will not be affected. The internal 40 ft. by 60 ft. lot pattern will be affected but many may say that it has already been affected due to the inherent qualities of the commercial layout. Many commercial lots in the commercial areas have already gone beyond the historic 40 ft. by 60 ft. lot delineations. The proposal is to help facilitate the expansion plans of an existing commercial facility catering to the travelling public in the heart of Old Town which helps promote the site to visitors, providing a heightened awareness for the Town's WHS as well as by providing an economic return to help facilitate the maintenance and well-being of the WHS.

This criterion requires Council to review as to whether Council is satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV). Both lots (the Lunenburg Arms site as well as the surface parking lot site) already exceed the 40 ft. frontage as noted in the 1753 Model Town Plan. The expansion plans for the hotel will enable them to grow and expand providing life, energy, and economic benefits for the WHS. In staff's opinion, there is a balance that needs to be recognized regarding the positive and negative impacts on the statements of OUV's and the overall health for the WHS. As previously stated, the commercial nature of the site has inherent qualities that reduces such impacts – for example, a similar application in the residential areas would be seen as having more of an impact on the OUV's. In this case it is reasonable for Council to take a position that they are satisfied the proposal is not premature or inappropriate due to impacts on UNESCO WHS statements of outstanding universal value (OUV).

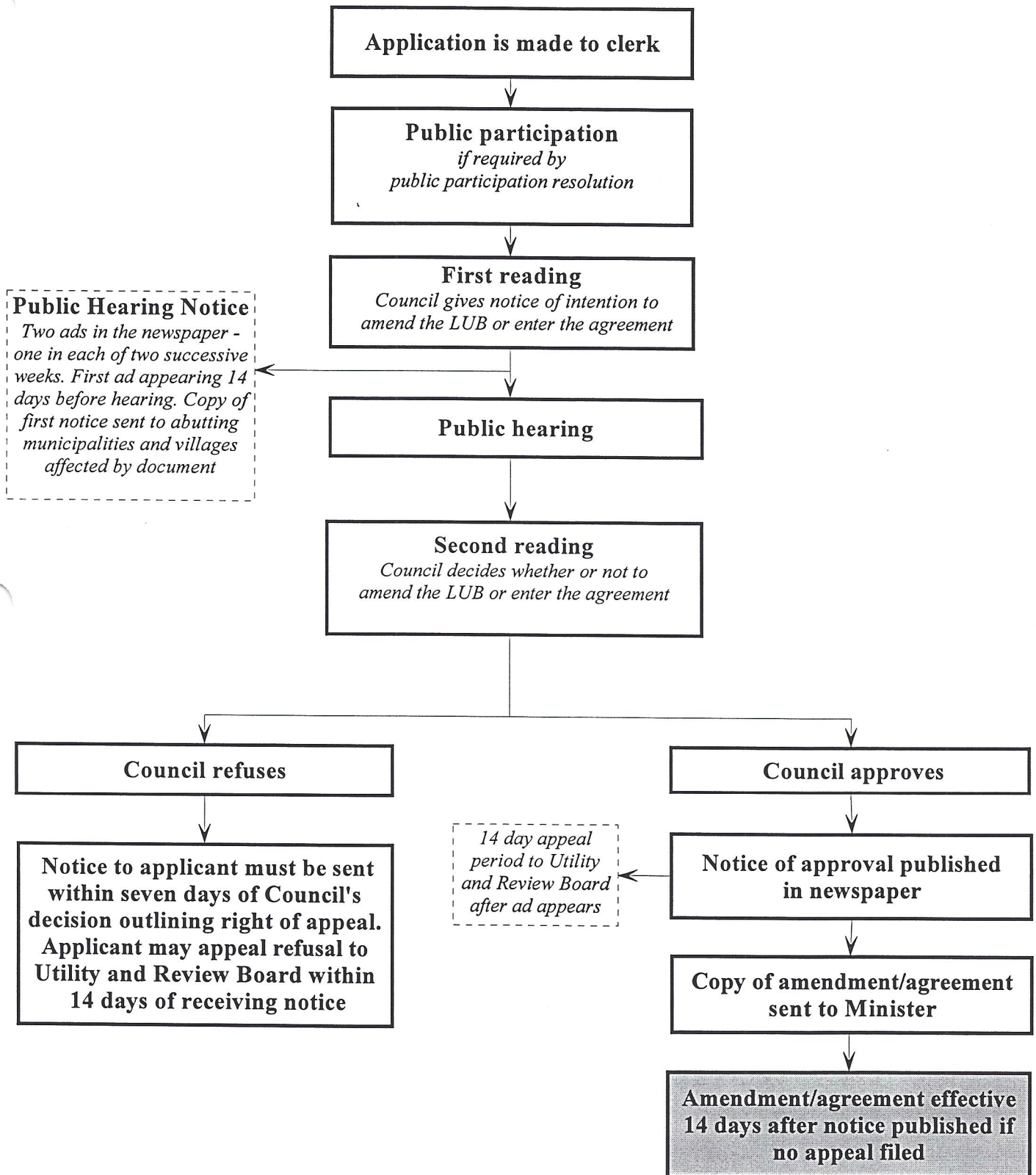
- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;  
The proposed development will not create or worsen pollution problems in the area nor create any soil erosion and/or siltation of watercourses.
- ix. site-specific climate change risks;  
There are no known site-specific climate changes risks associated with the proposed development.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
There are no known potentials to create flooding or serious drainage issues.
- xi. impacts on known habitat for species at risk;  
There are no known impacts on known habitat for species at risk.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
There are no known impacts on the navigability and/or environment of Lunenburg's Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
The sites do not impose concerns related to the suitability of grades, soil, geological conditions, watercourses, wetlands, and proximity to rights-of-ways.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The proposed development is an extension to an existing hotel. The hotel expansion should not create any additional land use conflicts that could place limits on existing operational procedures at existing businesses other than, at times, increased traffic congestion during periods associated with arrivals and departures.

# Chart 1 - Planning Documents Approval Process ATTACHMENT D



# Chart 2 - Land Use Bylaw<sup>1</sup> / Development Agreement Approval Process

ATTACHMENT E



<sup>1</sup> non implementing land use bylaw amendments only  
 Shaded boxes indicate that the process has come to an end.  
 Source: MGA sections 206, 210 and 230

# ATTACHMENT F

## Old Town Lunenburg

Lunenburg is the **best surviving example of a planned British colonial settlement** in North America. Established in 1753, it has retained its **original layout** and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have managed to safeguard the city's identity throughout the centuries by preserving the wooden architecture of the houses, some of which date from the 18th century.

## Outstanding Universal Value

### Brief synthesis

Old Town Lunenburg is the **best surviving example of a planned British colonial settlement** in North America. Established in 1753, it has retained **its original layout** and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have safeguarded the town's identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

**Criterion (iv):** Old Town Lunenburg is a **well-preserved example of 18th century British colonial urban planning, which has undergone no significant changes since its foundation, and which largely continues to fulfil the economic and social purposes for which it was designed.** Of special importance is its diversified and well-preserved vernacular architectural tradition, which spans over 250 years.

**Criterion (v):** Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

### Integrity

Within the boundaries of the 33 ha property are located all the elements necessary to express the Outstanding Universal Value of Old Town Lunenburg. The property encompasses the **intact original town plan in its entirety**, missing only the fortifications that surrounded the town in its early years, but of which there are no surviving above-ground remains. Its boundaries adequately ensure the complete representation of the features and processes that convey the property's significance, and there is a 48.72 ha buffer zone. The property does not suffer unduly from adverse effects of development and/or neglect.

## **Authenticity**

Old Town Lunenburg is **authentic in location and setting**, forms and designs, materials and substances, **and uses and functions**. The **original British colonial town plan remains evident**, including the regular layout of property parcels in a grid pattern with geometrically regular streets, **central public spaces, and key community structures**, with a functioning waterfront as its focus. In terms of forms and materials, there is a harmony of scale, siting and materials (predominantly wood) throughout the property, and a regional architectural vocabulary that includes the 'Lunenburg bump', an indigenous five-sided dormer. While a continuing vernacular architectural tradition is integral to the property's Outstanding Universal Value, there has been very limited infill in the modern era. Many of the property's historic uses and functions survive.

Most of the recent changes to the property are renovations to specific buildings, some of which have better conveyed the heritage value of Old Town Lunenburg than others. Due to long-term economic circumstances, there are also ongoing pressures on property owners in terms of rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning.

## **Protection and management requirements**

Old Town Lunenburg, which is almost entirely in private ownership, is commemorated by the Government of Canada as a National Historic Site (1991) and protected under two key pieces of provincial legislation, the *Municipal Government Act* (1998) and the *Heritage Property Act* (1989), which enable the municipality to create, respectively, land-use and heritage bylaws. In this context, the municipality adopted the *Heritage Conservation District Plan, Bylaw and Guidelines* in 2000 (consolidated in 2001). In order to better manage the community as a World Heritage property and ensure the continuing protection of the town's heritage resources, the Town of Lunenburg Heritage Sustainability Strategy (2010) has been developed to guide its development, including the identification of heritage, culture and tourism prospects that may produce economic opportunities for the community.

Sustaining the Outstanding Universal Value of the property over time will require managing, to the degree possible, ongoing pressures on property owners related to rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning. It will also require developing and implementing mechanisms to encourage building renovations that fully respect the heritage value of Old Town Lunenburg. Special attention will be given over the long term to monitoring and taking appropriate actions related to a number of factors in and near the property. Specifically, these include the potential impacts of climate change, and the impacts of tourism and visitation.

**ATTACHMENT G  
Planning Application Process**

<b>Planning Application Process</b>	
<b>Step One:</b>	
1.1 PAC meeting to approve advertisement for Public Participation Meeting for MPS or LUB amendment.	November 3, 2021
1.2 PAC holds Public Participation Meeting for MPS or LUB amendment.	November 24, 2021*
1.3 Recommendation to Council to approve First Reading and advertise for a Public Hearing.	December 7, 2021*
1.4 Council holds Public Hearing and votes.	January 25, 2022*
1.5 If Council votes positive package of amendments forwarded to Province for review.	January 31, 2022*
1.6 If Province advises they are okay, advertisement is placed and the amendment becomes effective the date of the advertisement. (No appeal)	Date unknown
<b>Step Two:</b>	
2.1 PAC meeting to approve advertisement for Public Participation Meeting for Development Agreement (if MPS amendment is chosen)	Date unknown
2.2 PAC holds Public Participation Meeting for Development Agreement.	Date unknown
2.3 Recommendation to Council to approve First Reading and advertise for a Public Hearing.	Date unknown
2.4 Council holds Public Hearing and votes.	Date unknown
2.5 If Council votes positive package of amendments forwarded to Province for review.	Date unknown
2.6 If Province advises they are okay, advertisement is placed and with rights to appeal.	Date unknown
2.7 Once appeal period has elapsed, Development Agreement can then be filed at the Land Registration Office (LRO).	Date unknown
2.8 Once registered at LRO, subdivision plan consolidating the lots may be approved and filed at LRO.	Date unknown



\* Dates are approximate.

The Public Participation Meeting (Step 1.2) may be combined with Public Participation Meeting (Step 2.2) to speed up the process. However, Council cannot approve the Development Agreement until such time as the amendment to the MPS becomes effective.

# ATTACHMENT H

October 11, 2021

Irma Da Sie, Architect & Stephen Richards  
106 Pelham, PO Box 196  
Lunenburg, NS BOJ 2C0

**Town Of Lunenburg**  
**Mayor & Council Members**  
**Heritage Advisory Committee Members**  
**Planning Advisory Committee Members**

119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS BOJ 2C0

Re: Demolition of 102 Pelham Street

To all concerned,

As the direct neighbour of The Lunenburg Arms Hotel, we are writing this letter to voice our objection to the demolition of 102 Pelham Street requested by Richmond LP Management Inc., as well as to object to the consolidation of the lands with 90/94 Pelham Street.

This little building is part of the UNESCO World Heritage Site & is in the Old Town Historic District and that alone makes it worthy of protection.

We strongly believe that demolition is no way beneficial to anyone residing or visiting Lunenburg and only serves to whittle away at the fabric of our UNESCO town. It is important to safeguard each individual asset, no matter how small, to preserve the value of heritage tourism that is so crucial to Lunenburg's economic well-being.

We also suggest that the application for development be focussed on the vacant lot owned by the hotel at the corner of Pelham & Duke Streets, which is a wonderful opportunity for the creation of thoughtful & innovative integration of a new building in the historic context, as well as providing the capacity to add the additional suites required for economic sustainability. In a real estate listing in which the Lunenburg Arms went up for sale in 2014, it boasts, "Across the street are two lots ... that provide...(an) opportunity to build up to an additional 35 annex rooms."

Photos #1 & #2, attached, show a historical view looking east on Pelham Street confirming that this little building has played a role, historically, in the social fabric of the town.

On the right of the bird's eye view photo #1, you can see the edge of the old Dolphin Tavern (now the main structure of the Lunenburg Arms Hotel) preserved in shape & style to its original self.

It is unfortunate that the two buildings to the east of the Tavern were demolished by the then owner of the Tavern. The Lunenburg Arms now sits where these buildings once were. Note the way these two old buildings descend in height from the Tavern, acknowledging that the street slopes to the east, thereby creating a sensitive rhythm of scale & proportion.

Photo #2 shows a more detailed in view of 102 Pelham (right) authenticating its presence as a tobacconist in the early 1900's. There is no reason to believe that this building is not the one depicted in the map of 1890, showing a structure with the same shape & height as it is today, yet simply reduced in length.

As discussed with the former owner of 102 Pelham, it is built with timber construction in the style of the local vernacular tradition of the time, an important characteristic of the UNESCO designation. The fact that alterations to the facade have been allowed to occur over the years in no way diminishes its importance to the fabric of the streetscape.

The second defining characteristic, as outlined in UNESCO's description of Old Town Lunenburg, claims of the town's authenticity;

*"The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets..."*

The assignment of lots by the random drawing of playing cards is a well documented & fascinating historical account of Lunenburg's history. Some of the lots have already been consolidated due to past developments, thereby highlighting the importance of preserving what is left to keep Lunenburg's character as "authentic" as possible.

Also, allowing an expansion to the Lunenburg Arms Hotel in no way guarantees its financial success in what is a struggle for most of the hotels & inns already trying to survive in such a seasonal industry. This unique little property could, one day perhaps, be sold off separately & restored as a small commercial undertaking that would truly be a valuable addition to the fabric of the street.

And what if the Lunenburg Arms is "unsustainable in its current form"? Could not the building be repurposed into long term housing? Would this be a bad thing?

#### **Review of the 94 Pelham Street Expansion Design: Attachment D**

Mr. MacDonald states that "the expansion design is considered to be in conformance with the Design Guidelines of the Heritage Conservation District By-law", yet we strongly believe that this is not the case.

#### Compatibility with the style, scale & material of the existing building:

*"The scale is similar to the western end..."*

The existing western end wall of the building is at a height of approx. **28'-6"** measured from its grade level at Pelham street with the gable roof pitch angling eastward away from the side, whereas the eastern end wall of the new addition measures approx. **39'-6"** with a gable end wall reaching a height of approx. **53'-4"** at its peak measured from its grade level at Pelham street. The soffit is approx. **4'-9"** higher on the new extension than the main building. The design does not take into account the sloping nature of the street which drops approx. **6'-9"** on the length of the properties. All of this contributes visually to a much higher structure than that of the western end & would be totally out of scale with its surroundings.

Size, massing & proportions:

*"New buildings shall not exceed 4,200 sq. ft."*

*"As the building is broken into masses that provides the appearance of a multitude of buildings."*

*"The proposed size, massing...are deemed in keeping with the intent of the design guidelines."*

The design guidelines specifies that new buildings be under 4,200 sf. The fact that the existing building is already over these guidelines should be pause for reflection, yet justifying the expansion by finding one suitable clause (under 25% expansion area) is disconcerting.

Section 3 of the guidelines stresses the importance that buildings not be too large or bulky for their context. Allowing expansion to an already massive structure to be almost 7,000 sf in no way satisfies the intent of the by-law.

**"Massive buildings under single roof forms can appear visually dominant in the small scale varied context of the Old Town." (3.3 of the guidelines)**

As viewed from the south, the waterfront or across the harbour, (the iconic Lunenburg Town photo), the current building has the appearance of one massive form under one roof with dormers applied. This new extension only amplifies the size of its massive form and makes no attempt to break it up or **"to have an additive form with varied rooflines..." (3.3 of the guidelines)**. The hotel is already a dominant feature of the town & looms over the 2 & 3 storey heritage buildings below. Allowing the addition of 20% of its mass would be offensive & would be a serious fail to the protection of the charm of the Heritage Old Town. (see photo #3 & #4)

Facade Design should...have a rhythm along the street:

As viewed from one of the most prominent intersections of town, the corner of King & Pelham, the existing Lunenburg Arms does have the appearance of varied roof forms, & its current setbacks create a rather interesting streetscape. Its current design plays off rather sympathetically with the form of 102 Pelham. (photo #5)

Yet, when compared to the proposed view (photo #6), the addition of an overpowering "4<sup>th</sup> element" will only obscure the rhythm pattern of the street and does not reinforce it at all.

Compatibility with the character of the streetscape:

*"The 3 ½ storey addition is considered compatible with the character of the street"*

**Additions shall be designed "in a manner which is compatible with the ... character of the immediate neighbourhood." (7.2 of the guidelines)**

**"Maximum height restrictions of 35 ft." (3.2 of the guidelines)**

All the buildings in the immediate neighbourhood are 2 or 3 storeys maximum. Our 3 storey building at 104/106 Pelham has a height of **31'-6"** from the average grade to the very peak of the gambrel. The hotel's new extension will have a peak height of aprox. **53'-6"** from the average grade. It will have the appearance of a high 4 storey structure & if the upper suites are similar to the existing building, they may even have an additional mezzanine level within the roof space (mezzanine levels of the existing upper floor suites are omitted on the plans). This new addition will have the appearance of being the equivalent of 2 storeys higher than the neighbouring building & other buildings in the vicinity, not to mention being way over the maximum 35 ft allowable height.

Off-set from Main facade:

**“Additions... should be offset from the main facade...to visually distinguish the addition from the main facade” . (7.5 of the guidelines)**

Height should not exceed original structure:

**“An addition should be visually subordinate to the original structure and distinguishable from it...” (7.6 of the guidelines)**

The analysis put forward in the above 2 items addresses only the Pelham street facade & does not address the more visually prominent South facade. The addition as viewed from the south is such that it is designed as a continuation of the existing building. There is no set-back, nor any height variation that distinguishes it from the original structure. Consequently, the design, form & height of the new addition is not in keeping with the intent of the design guidelines.

In conclusion, it is our position that this demolition permit, as well as the demand for the consolidation of lands, be denied as it does not, in any way, contribute positively to the needs of the town. It does not respect the Heritage Conservation District Plan’s Design Guidelines nor satisfy its intent. It does not respect the newly drafted Comprehensive Community Plan which calls for a focus for the continued preservation & enhancement of the Old Town core. It is an insult to all of the residents & businesses of the Town that have been required to developed their properties in compliance with the current zoning by-laws.

Given that a perfectly acceptable alternative solution is available by developing their vacant properties, the argument that demolition is the only solution for economic sustainability seems misguided.

Respectfully yours,

The image shows two handwritten signatures in blue ink. The top signature is 'Irma Da Sie' and the bottom signature is 'Stephen Richards'. Both are written in a cursive, flowing style.

Irma Da Sie, Architect & Stephen Richards  
irma.dasie@gmail.com  
(902) 298-1556



PHOTO #1 - Early 1900's view of Pelham looking East

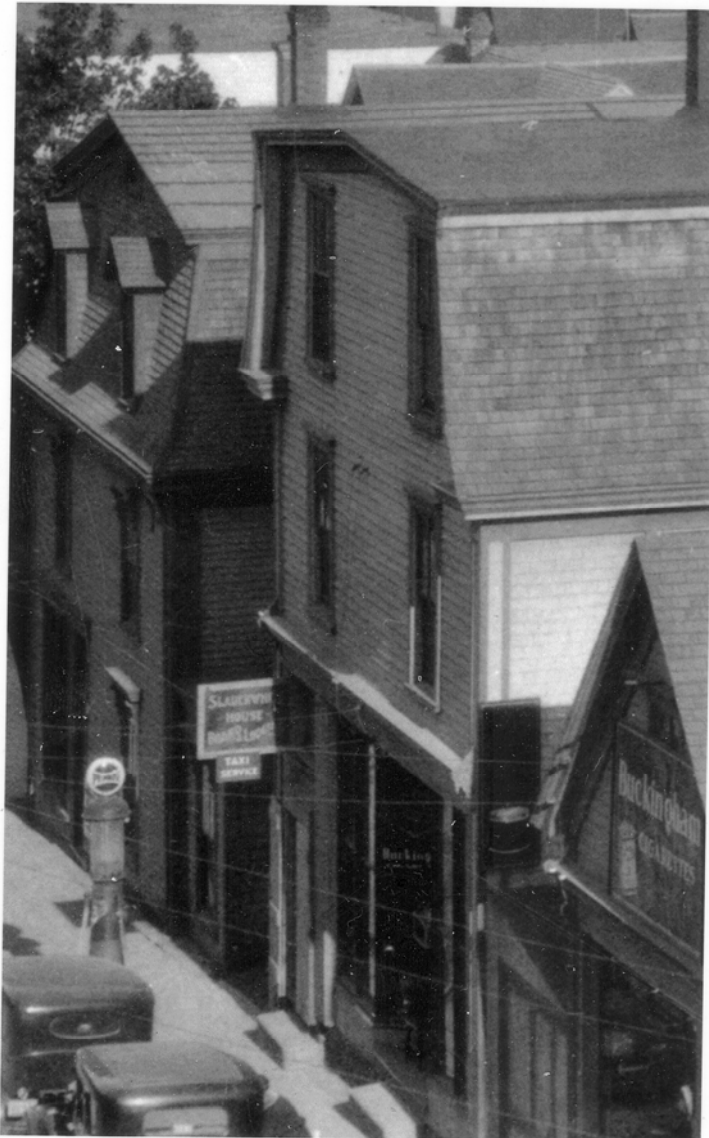


PHOTO #2

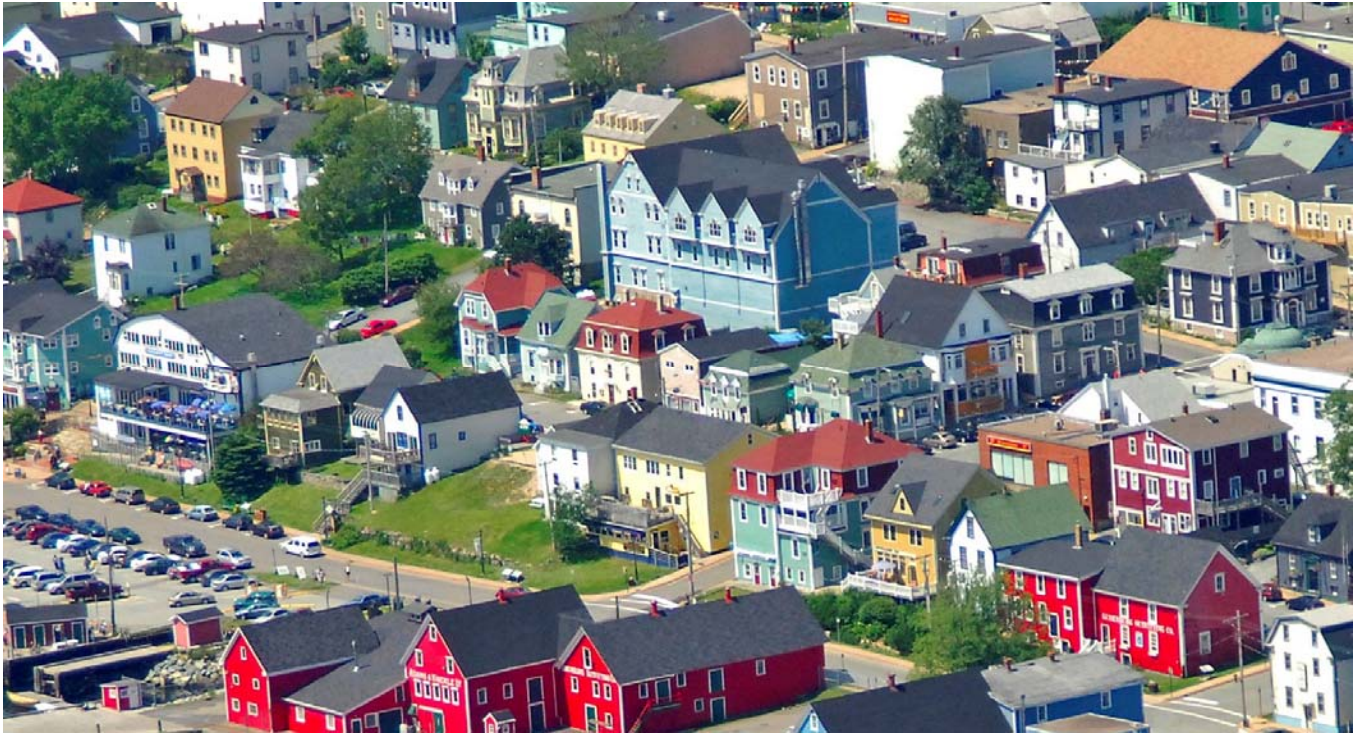


PHOTO #3 - Current view of the Lunenburg Arms Hotel looming over the neighbouring 2 & 3 storey structures



PHOTO #4 - Lunenburg Town view from the Harbour



PHOTO #5 - Current view from the corner of King St. & Pelham



PHOTO #6 - View showing the massing of the proposed addition

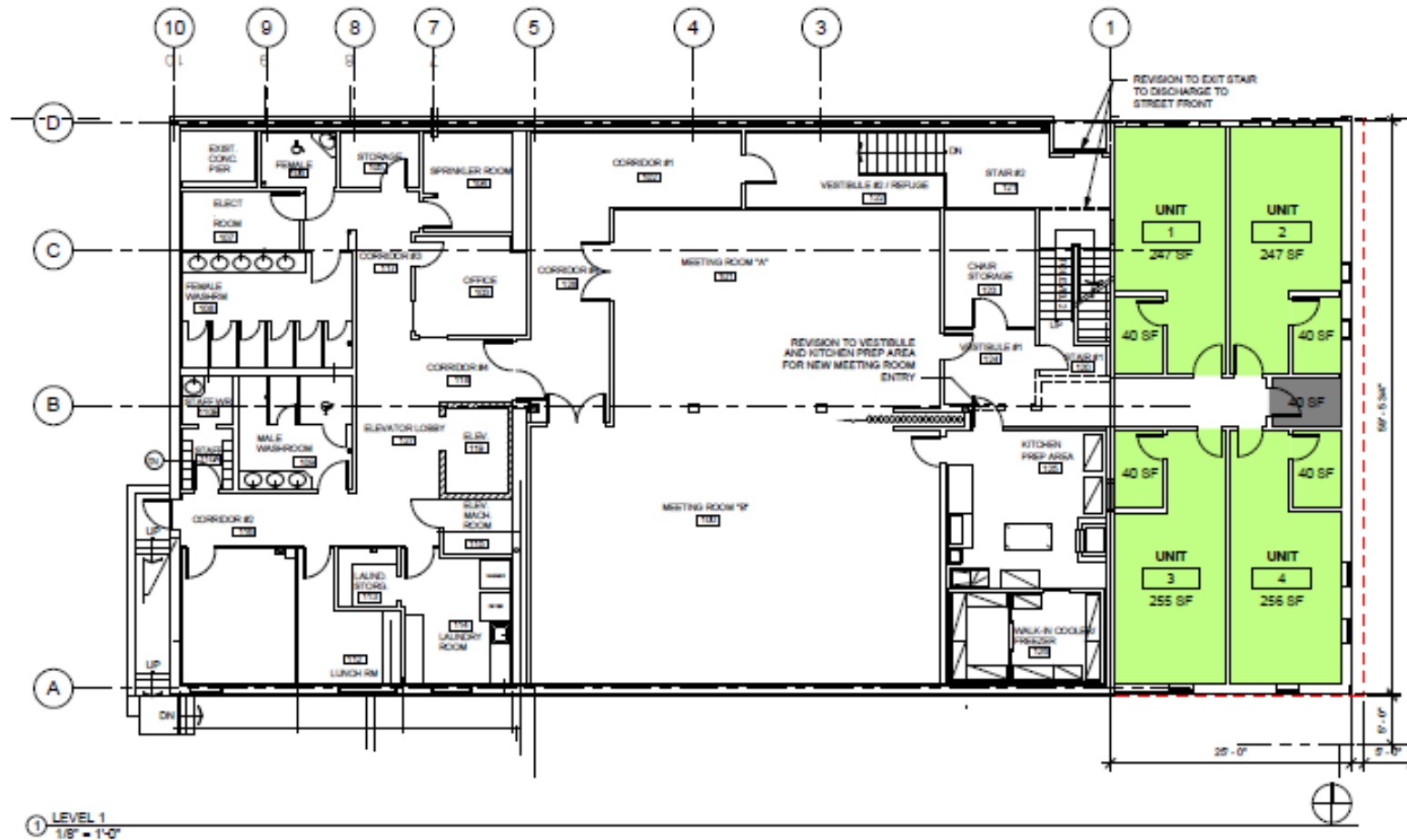
# LUNENBURG ARMS PROPOSAL

PLANNING ADVISORY COMMITTEE – PUBLIC PARTICIPATION MEETING  
NOVEMBER 24, 2021

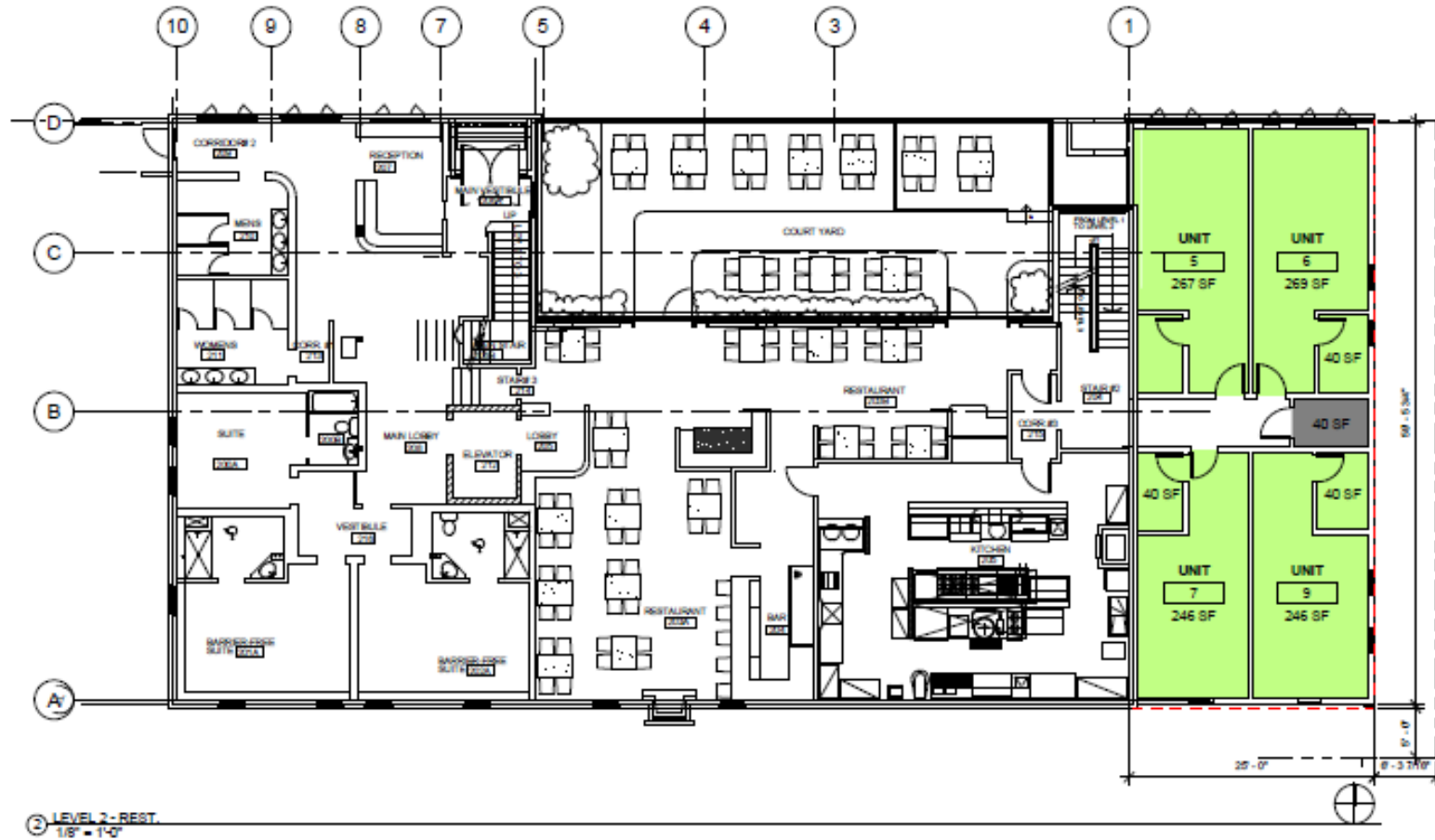




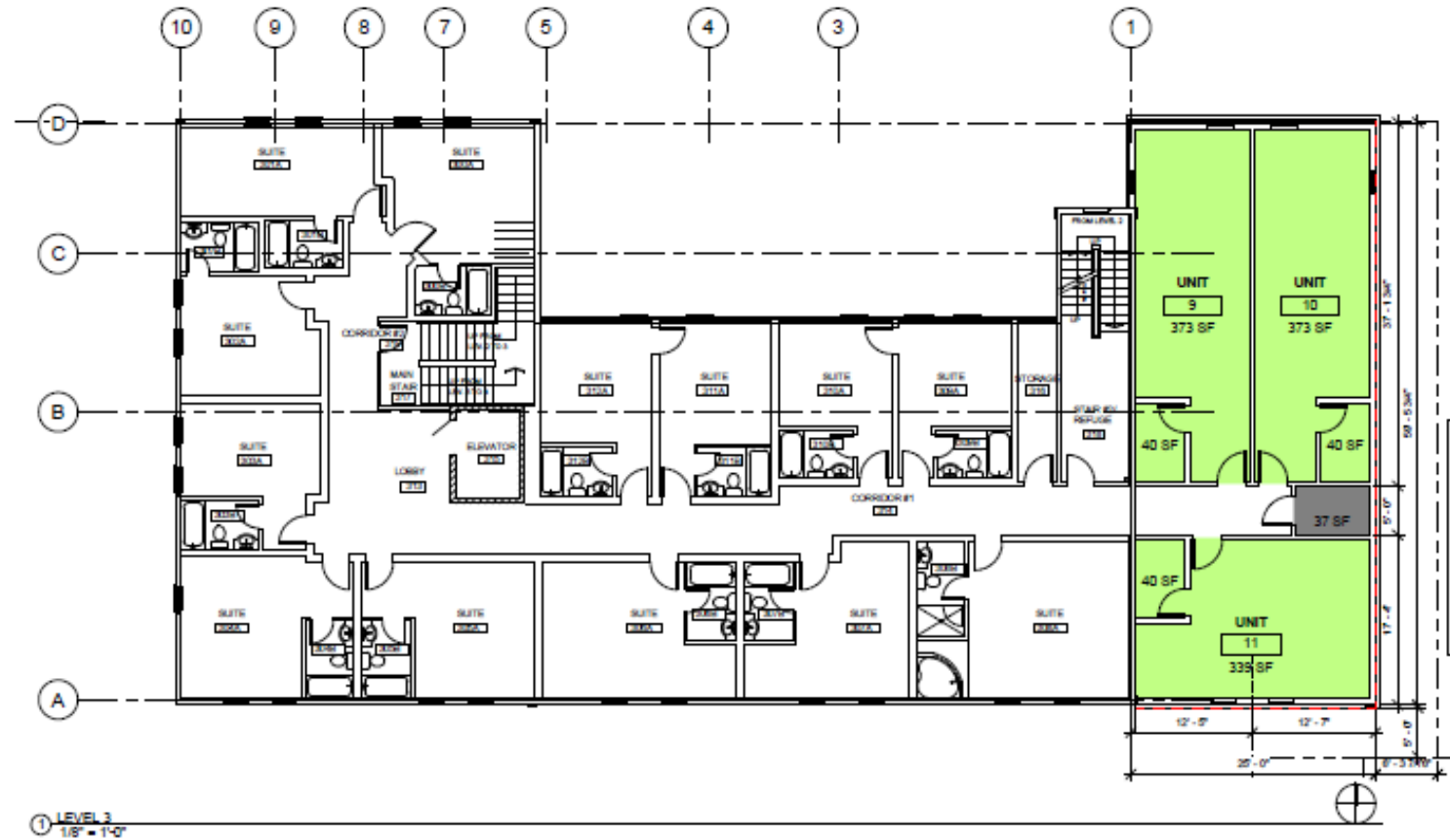
# LEVEL 1 FLOOR PLAN – LUNENBURG ARMS EXPANSION



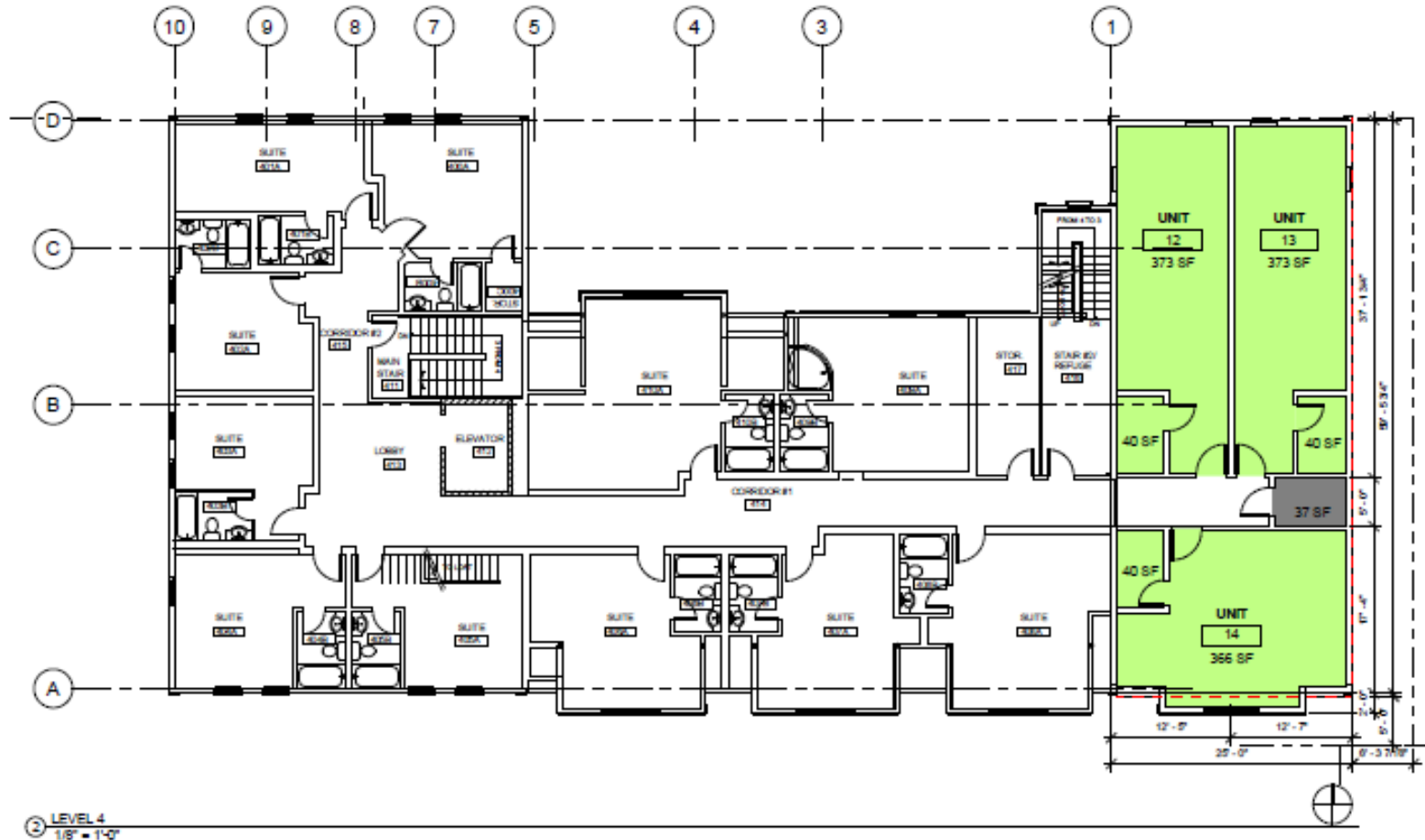
# LEVEL 2 FLOOR PLAN – LUNENBURG ARMS EXPANSION



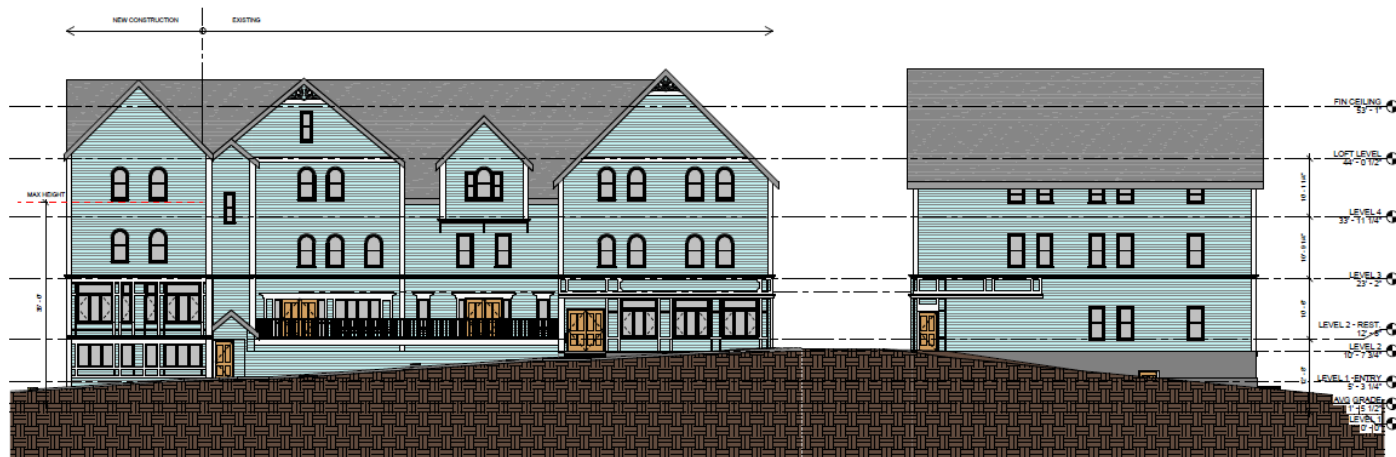
# LEVEL 3 FLOOR PLAN – LUNENBURG ARMS EXPANSION



# LEVEL 4 FLOOR PLAN – LUNENBURG ARMS EXPANSION



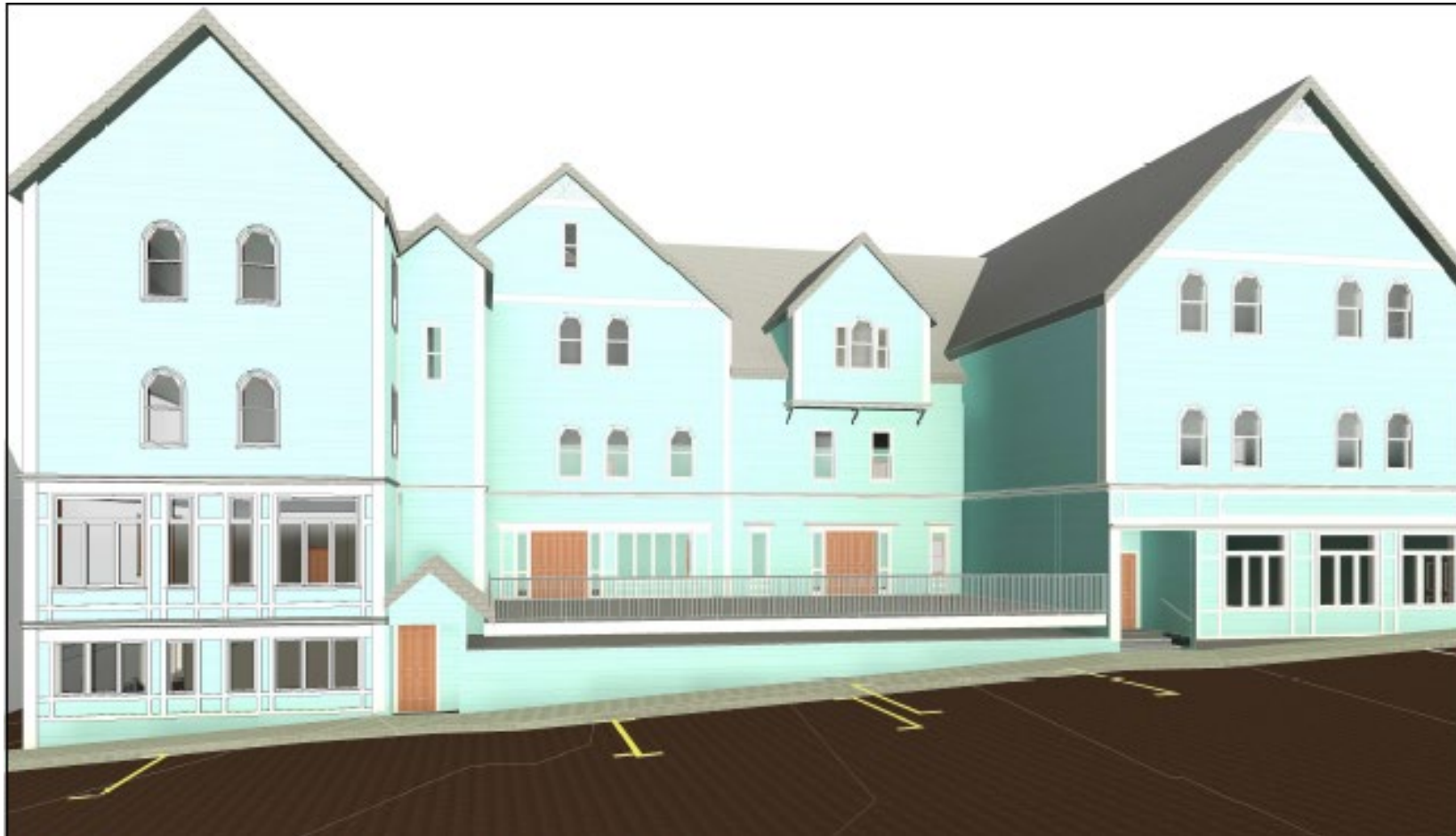
# ELEVATIONS – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# ELEVATION – LUNENBURG ARMS EXTENSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – SOUTH SIDE OF PELHAM



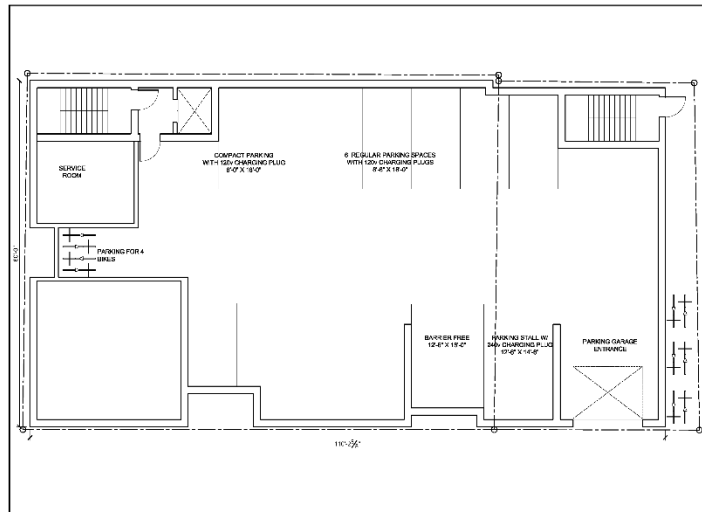
# RENDERING – SOUTH SIDE OF PELHAM



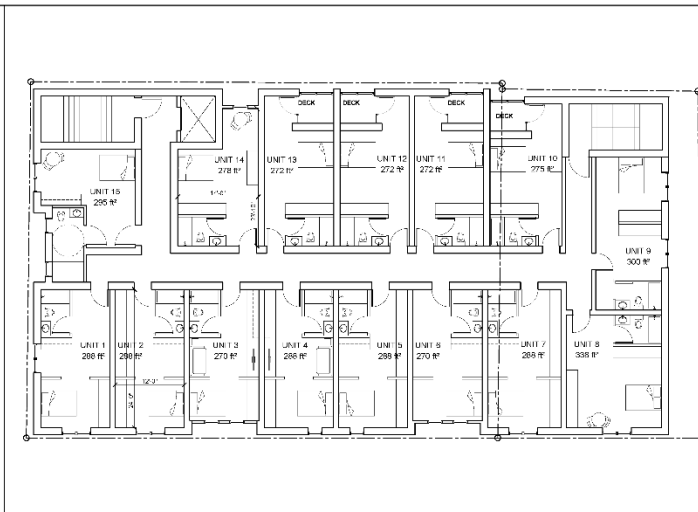
# FLOOR PLANS - NORTH SIDE OF PELHAM



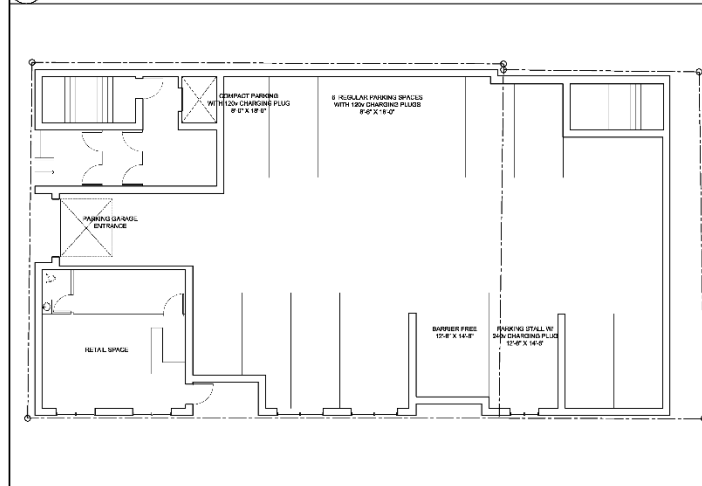
**root**  
ARCHITECTURE  
15 Victoria Road  
Dorchester, NS  
B9J 7J5  
502-461-4600  
www.rootarchitect.ca



1 SITE PLAN - LOWER LEVEL PARKING



3 HOTEL LEVEL 1: FLOOR PLAN



2 SITE PLAN - UPPER LEVEL PARKING

C.I.N.:

R.I.N.:



5	ISSUED FOR REVIEW	21/2/20
4	ISSUED FOR REVIEW	21/2/20
3	ISSUED FOR REVIEW	19/02/20
2	ISSUED FOR REVIEW	18/02/20
1	ISSUED FOR REVIEW	11/08/19
1	ISSUED FOR REVIEW	18/01/19

PROJECT:  
LUNENBURG ARMS  
LUNENBURG, NS

ISSUED BY:  
EXISTING  
SITE PLAN

C.I.N. 2127  
PROJECT NUMBER 111  
SCALE AS SHOWN  
DRAWN BY C  
DATE 23 MAR 2020

A-101

# ELEVATION DRAWINGS – NORTH SIDE OF PELHAM

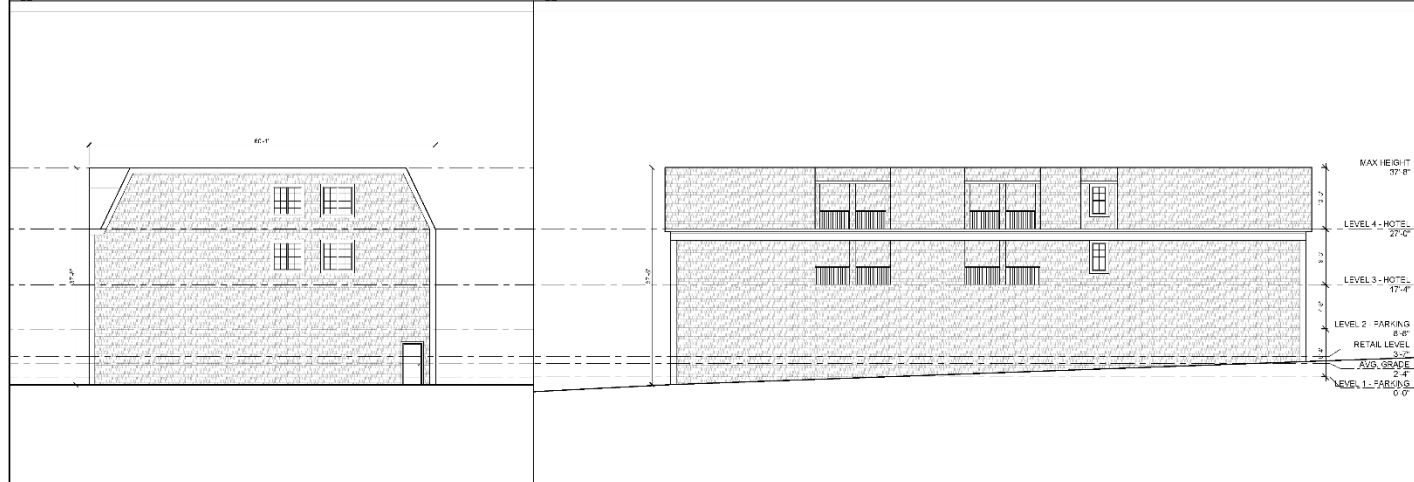


**root**  
ARCHITECTURE  
15 Victoria Road  
Dorchester, NS  
B9Y 7Y5  
502-461-6660  
www.rootarchitect.ca



1 DUKE ST. PARKING ELEVATION  
A-201

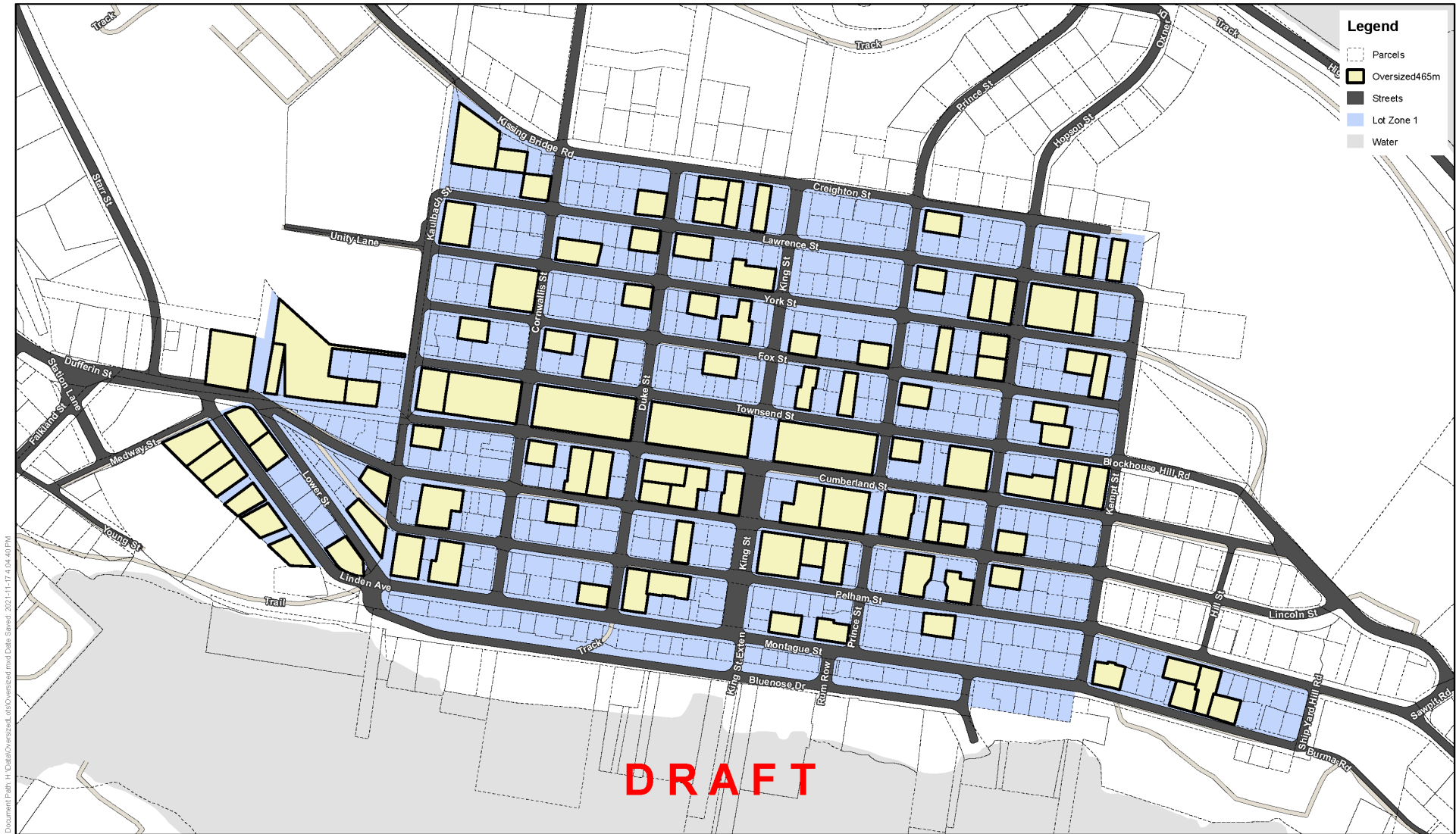
2 PELHAM ST. PARKING ELEVATION  
A-201



3 SIDE PARKING ELEVATION  
A-201

4 REAR PARKING ELEVATION  
A-201

<p>MAX HEIGHT 37'-8"</p> <p>LEVEL 4 - HOTEL 27'-0"</p> <p>LEVEL 3 - HOTEL 17'-4"</p> <p>LEVEL 2 - PARKING 8'-8"</p> <p>RETAIL LEVEL 3'-0"</p> <p>AVG. GRADE 2'-4"</p> <p>LEVEL 1 - PARKING 0'-0"</p>	<p>MAX HEIGHT 37'-8"</p> <p>LEVEL 4 - HOTEL 27'-0"</p> <p>LEVEL 3 - HOTEL 17'-4"</p> <p>LEVEL 2 - PARKING 8'-8"</p> <p>RETAIL LEVEL 3'-0"</p> <p>AVG. GRADE 2'-4"</p> <p>LEVEL 1 - PARKING 0'-0"</p>																		
<table border="1"> <tr><td>5</td><td>ISSUE FOR REVIEW</td><td>23/7/21</td></tr> <tr><td>4</td><td>ISSUE FOR REVIEW</td><td>22/3/21</td></tr> <tr><td>3</td><td>ISSUE FOR REVIEW</td><td>19/02/21</td></tr> <tr><td>2</td><td>ISSUE FOR REVIEW</td><td>18/02/21</td></tr> <tr><td>1</td><td>ISSUE FOR REVIEW</td><td>11/02/21</td></tr> <tr><td>MC</td><td>10/01/21</td><td>08/01/21</td></tr> </table>	5	ISSUE FOR REVIEW	23/7/21	4	ISSUE FOR REVIEW	22/3/21	3	ISSUE FOR REVIEW	19/02/21	2	ISSUE FOR REVIEW	18/02/21	1	ISSUE FOR REVIEW	11/02/21	MC	10/01/21	08/01/21	<p>PROJECT:</p> <p>LUNENBURG ARMS</p> <p>LUNENBURG, NS</p> <p>ISSUED BY:</p> <p>ELEVATIONS</p>
5	ISSUE FOR REVIEW	23/7/21																	
4	ISSUE FOR REVIEW	22/3/21																	
3	ISSUE FOR REVIEW	19/02/21																	
2	ISSUE FOR REVIEW	18/02/21																	
1	ISSUE FOR REVIEW	11/02/21																	
MC	10/01/21	08/01/21																	
<p>C:\p</p> <p>PROJECT NUMBER: 81</p> <p>SCALE: AS SHOWN</p> <p>DRAWN BY: C</p> <p>DATE: 23 MAR 2021</p>	<p>A-201</p>																		

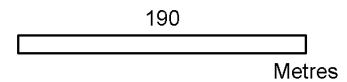
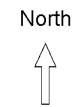


Document Path: H:\Data\Oversized\Oversized.mxd Saved: 2021-11-17 4:04:49 PM



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume liability for any damages caused by any errors or omissions in the data. Users of our maps and other analysis products are solely responsible for interpretations made from these products.

**TOWN OF LUNENBURG**  
**Non-conforming Lots (> 5,005 ft<sup>2</sup>), Lot Zone 1**



1:3,000



Circulated: \_\_\_\_\_

---

Document No: 5(b) and 5(c)  
Meeting: PAC – November 24, 2021  
Circulate To: PAC, Council, KM, HM,  
File:

---

## M E M O R A N D U M

**TO: PLANNING ADVISORY COMMITTEE/TOWN COUNCIL**

**FROM: ARTHUR MACDONALD**

**DATE: NOVEMBER 17, 2021**

**RE: DEVELOPMENT AGREEMENT APPLICATION BY LUNENBURG ARMS HOTEL TO APPROVE LOT CONSOLIDATION IN EXCESS OF THE MAXIMUM LOT SIZE REQUIREMENTS IN LOT ZONE 1**

---

### 1. FACTS

#### A. Background

The owners of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street would like to consolidate 94 Pelham Street with 102 Pelham Street to enable a 14 suite expansion to the hotel. They would also like to consolidate the lands across the street (surface parking area at the corner of Pelham and Duke Streets) known as PID 60061199 and PID 60061181 to facilitate additional hotel suites and an accessory parking structure. They have recently made application to amend the maximum lot size as described for Lot Zone 1 in accordance with the Town's Land Use By-law. Council will be considering an amendment to The Municipal Planning Strategy (MPS) to enable larger maximum lot sizes (frontage and area) through the development agreement process pursuant to a new Policy as outlined below:

#### **“3.2.4 Lot Zone 1 Maximum Lot Size Waiver by Development Agreement**

Though it is the intent to maintain the historical spatial environment by regulating the maximum lot size in Lot Zone 1, there may be times that Council may wish to enable lots to exceed the maximum lot size for the wellbeing of businesses and/or community. Council shall consider such circumstances through the Development Agreement process.

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

(a) there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and

(b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.”

The subject properties are located in Lot Zone 1 which limits the maximum lot area to 465 m<sup>2</sup> (5,005 square feet) and the maximum lot frontage to 40 m (131 feet). The proposed lot consolidation of 94 and 102 Pelham Street will create a new lot with 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). The consolidation of PID 60061199 and PID 60061181 will create a new lot with 662.2 m<sup>2</sup> (7,127 square feet) and a frontage of 35.6 m (116.79 feet).

## B. Proposal

The request is to enable subdivision approval for the proposed lots consolidations as shown in **Attachment A**. Policy 3-2A and Policy 6-19 are reviewed in **Attachment B**.

Lot Zone 1:	Maximum Lot Area	Maximum Lot Frontage
Part 5.2.1 of LUB	465 m <sup>2</sup> (5,005 square feet)	40 m (131 feet)
Lunenburg Arms Hotel	823.5 m <sup>2</sup> (8864 square feet)*	41.57 m (136.38 feet)*
PID 60061199 and PID 60061181	662.2 m <sup>2</sup> (7,127 square feet)*	35.6 m (116.79 feet)*

\* Approximate – plus or minus

## 2. ISSUES AND OPTIONS

The Town will be considering an amendment to the Municipal Planning Strategy by inserting a new policy, Policy 3-2A as outlined above. This new Policy enables Council to enter into a Development Agreement to enable the consolidation of lots in excess of the maximum lot size (frontage and area) outlined in the Land Use By-law. Council may either approve the entering into the proposed Development Agreements or may refuse to enter into the proposed development agreements. The Developments agreements will be tied to the lots and run with the title of the properties.

### Options:

**Option 1)** To enter into a Development Agreement to enable the lot consolidation of the lands of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793) (**Attachment C**) as well as for the lot consolidation of PID 60061199 and PID 60061181 (**Attachment D**).

**Option 2)** To refuse the request to enter into a Development Agreement to enable the lot consolidation of the lands of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793) as well as for the lot consolidation of PID 60061199 and PID 60061181.

**Note:** For clarity, Council may approve the Development Agreement to enable the lot consolidation of 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793) and refuse the Development Agreement to enable the consolidation of PID 60061199 and PID 60061181 or vice versa provided they give their reasons for refusal. Any approval or refusal to enter into a Development Agreement is appealable to the Public Utility and Review Board pursuant to Section 247(2) of the Municipal Government Act.

**3. FINANCIAL IMPACT**

The applicant has paid the standard application fee to amend the planning documents (\$750) plus a deposit of \$700 to cover the associated advertisement costs. In this case as the proposal is for a two-step process with one application, it is recommended that the Town include the development agreement application fee as part-in-parcel of the \$750 application fee to amend the planning documents.

The Town may occur costs if an appeal is filed with the Public Utilities and Review Board.

**4. STRATEGIC PLAN RELEVANCE**

The approval of the request is in keeping with the Town's CCP, in particular:

*Economic Development:* Direction to support economic development.  
*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

**5. RECOMMENDATION AND DRAFT MOTION**




- 1) Motion: Moved and seconded that PAC recommends to Town Council to approve First Reading following the effective date of Policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, enter into a Development Agreement to enable the lot consolidation of the lands of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793) (Attachment C).
- 2) Motion: Moved and seconded that PAC recommends to Town Council to approve First Reading following the effective date of policy 3-2A and proceed to a Public Hearing in order to consider, and if deemed advisable, enter into a Development Agreement to enable the lot consolidation of lands known as PID 60061199 and PID 60061181 (Attachment D).

**ATTACHMENTS:**

- A. Site Plan shown Proposed Lot Consolidations
- B. Review of Policy 3-2A and Policy 6-19
- C. Proposed Development Agreement for Lot Consolidation of 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793)
- D. Proposed Development Agreement for Lot Consolidation of PID 60061199 and PID 60061181
- E. UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's)



# ATTACHMENT A Site Plan

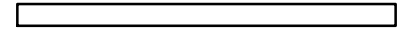
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

60061199

60061181

Pelham St

60061801

60061793

Montague St

**ATTACHMENT B**  
**Review of Policy 3-2A and Policy 6-19**

**Policy 3-2A:** Council shall consider by development agreement proposals the approval of lots that exceed the maximum lot area and/or maximum lot frontage permitted in Lot Zone 1. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed lot exceeding the maximum lot area and/or maximum lot frontage and a clear benefit to the Town and residents of Lunenburg in having the development locate within Lot Zone 1; and

There seems to be a clear need to exceed the maximum lot area and/or frontage in this circumstance. For 94 Pelham Street, without the proposed lot consolidation, Lunenburg Arms Hotel would not be able to expand. For the lot across the street, the potential number of hotel suites and number of potential on-site parking spaces would be severely affected due to the Building Code set-back requirements as well as the set-back standards of the Land Use By-law.

Lunenburg Arms Hotel is a positive asset to the health and wellbeing of the WHS. It provides services to the travelling public and provides local employment for the citizens. The hotel is an existing asset that cannot be easily moved to another location. The economic benefits for maintaining the hotel and enabling its expansion suggest that it would be a benefit to the Town and the residents of Lunenburg. The Town benefits by the additional revenue in taxation that may be redirected into cultural and heritage promotions and programs.

- (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.”  
Policy 6-19 is reviewed below:

**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 proposal is reasonably consistent with the intent of Policy 3-2A.
- (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 Town is not obligated to absorb any costs related to the proposal.

- ii. impacts on existing drinking water supplies, both private and public;  
There is adequate public drinking water to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites across the street.
- 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;  
There is adequate central water and sewage services to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites across the street.
- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
It is anticipated that the proposed development will not worsen any existing traffic hazards. The development of the additional suites will increase congestion on the road, in particularly when guests are leaving or arriving. However, currently the guests are limited to on-street parking and the use of the surface parking lot. The development of a parking structure will almost double the capacity of the surface parking lot and should help to alleviate some of the increased congestion associated with the hotel's expansion. With regards to cycling, the existing circumstance should remain relatively the same. With regards to the pedestrian network, it is anticipated that pedestrian traffic between the Hotel and the parking structure across the street will increase. There is an existing crosswalk at the corner of Duke and Pelham to enable the safe passage of clients to and from the hotel to the parking structure. There is an opportunity for businesses to benefit from the increased pedestrian traffic.
- v. the adequacy of fire protection services and equipment;  
There is adequate fire protection services and equipment to service the proposed development. The proposed development will not hinder the Town's ability to provide adequate fire protection services to the area.
- vi. the adequacy and proximity of schools and other community facilities;  
The proposed development is in the heart of the downtown area. The adequacy and proximity of schools is not a major concern due to the type of use – servicing accommodations for the travelling public from afar. The adequacy and proximity of community facilities are considered adequate.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
The UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's) are attached in **Attachment E**. Under "Authenticity" it states:

"Old Town Lunenburg is authentic in location and setting, forms and designs, materials and substances, and uses and functions. The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets, central public spaces, and key community structures, with a functioning waterfront as its focus. In terms of forms and materials, there is a harmony of scale, siting and materials (predominantly wood) throughout the property, and a regional architectural vocabulary that includes the 'Lunenburg bump', an indigenous five-sided dormer. While a continuing vernacular architectural tradition is integral to the property's Outstanding Universal Value, there has been very limited infill in the modern era. Many of the property's historic uses and functions survive."

The OUV'S identifies the importance of the "original British colonial plan ... including the regular layout of property parcels in a grid pattern". The Lunenburg Plan (1753) incorporated all the principles of the model town: geometrically regular streets and blocks; the allocation of public spaces; an allowance for fortifications; and a distinction between urban and non-urban areas. The plan consists of a gridiron of six divisions, which run north from the front harbour and are divided into eight blocks. The blocks in the grid are each subdivided into fourteen building lots with 40 feet of street frontage with a depth of 60 feet. Below is an excerpt from the Heritage Conservation District Plan:

#### **"5.4 Conservation of historic Old Town lot layout and block form.**

The urban form, scale and cohesive architectural character of the Old Town is also directly related to its original lot layout, where each block was divided into fourteen 40 ft x 60 ft lots. This rectangular grid, superimposed on the Old Town's hilly topography, resulted in the construction of many houses and buildings of similar scale and orientation, densely built in close proximity to each other, and overlooking each other on sloping sites. The small lots, as well as the town planning conventions of the colonial period, predetermined that buildings would be built close to the street with narrow side yards and small rear yards.

Most blocks in the Old Town have retained their original lot divisions, with anywhere from eight to fourteen buildings (along with attendant outbuildings) situated upon them. Where lot consolidations have occurred, they have most commonly been in combinations of two - either two lots deep, running through from street to street, 40 ft wide x 120 ft deep, or two lots side by side, 80 ft wide x 60 ft deep. There are only a few instances where larger lot consolidations have occurred - the largest having been four lots combined into one 80 ft x 120 ft parcel with one house on it.

Effective conservation of the Old Town's urban form implies that there should be a limitation on the size of lot consolidations in order to limit any propensity or pressure for the construction of large, out-of-scale buildings. However, this is difficult to achieve without significant change to the Planning Act (and the new Municipal Government Act) which enables municipalities only to establish minimum lot sizes, not maximum lot sizes.

Regulation of the maximum size of buildings (rather than lot sizes), however, is permitted under both the Planning Act/Municipal Government Act (through the Municipal Planning Strategy), and the Heritage Property Act (through the heritage conservation district plan and bylaw).

The current Municipal Planning Strategy does not regulate maximum building size except indirectly through criteria for development agreements; nor do the MPS & LUB architectural controls include specific mention of scale, size, bulk or massing as criteria for evaluating proposals. Criteria for building size will therefore be included in the conservation plan and bylaw in order to ensure that new development will be in keeping with existing scale and urban form."

In this case the proposal is located on a commercial block on one of the three prime commercial streets which include Montague Street, Pelham Street and Lincoln Street. The commercial needs

for larger lot sizes derive from their inherent qualities as commercial enterprises are quite different to the needs of smaller residential developments further up the hill. The spatial relationships between commercial and residential properties are recognized as inherently different in the Heritage Conservation District Plan and By-law where the separation distances between the built environment is quite small in the commercial fabric as buildings are placed closer together, whereas there are larger spatial separations in the residential areas. This helps to frame the public realm and provide a tight commercial flavour to the commercial street. The grid patterns are more evident in the residential areas, whereas less so in the commercial areas due to these inherent qualities.

The essential blocks of the model Town Plan, consisting of the street grid pattern, will not be affected. The internal 40 ft. by 60 ft. lot pattern will be affected but many may say that it has already been affected due to the inherent qualities of the commercial layout. Many commercial lots in the commercial areas have already gone beyond the historic 40 ft. by 60 ft. lot delineations. The proposal is to help facilitate the expansion plans of an existing commercial facility catering to the travelling public in the heart of Old Town which helps promote the site to visitors, providing a heightened awareness for the Town's World Heritage Site (WHS) as well as by providing an economic return to help facilitate the maintenance and well-being of the WHS.

This criterion requires Council to review as to whether Council is satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV). Both lots (the Lunenburg Arms site as well as the surface parking lot site) already exceed the 40 ft. frontage as noted in the 1753 Model Town Plan. The expansion plans for the hotel will enable them to grow and expand providing life, energy, and economic benefits for the WHS. In staff's opinion, there is a balance that needs to be recognized regarding the positive and negative impacts on the statements of OUV's and the overall health for the WHS. As previously stated, the commercial nature of the site has inherent qualities that reduces such impacts – for example, a similar application in the residential areas would be seen as having more of an impact on the OUV's. In this case it is reasonable for Council to take a position that they are satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV).

- 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 development will not create or worsen pollution problems in the area nor create any soil erosion and/or siltation of watercourses.
- ix. site-specific climate change risks;  
There are no known site-specific climate changes risks associated with the proposed development.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
There are no known potentials to create flooding or serious drainage issues.
- xi. impacts on known habitat for species at risk;  
There are no known impacts on known habitat for species at risk.

- xii. impacts on the navigability and environment of Lunenburg Harbour;  
There are no known impacts on the navigability and/or environment of Lunenburg's Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
The sites do not impose concerns related to the suitability of grades, soil, geological conditions, watercourses, wetlands, and proximity to rights-of-ways.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The proposed development is an extension to an existing hotel. The hotel expansion should not create any additional land use conflicts that could place limits on existing operational procedures at existing businesses other than, at times, increased traffic congestion during periods associated with arrivals and departures.

**Attachment C**  
**Proposed Development Agreement for Lot Consolidation of 94 Pelham Street**  
**(PID 60061801) and 102 Pelham (PID 60061793)**

**THIS DEVELOPMENT AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

**BETWEEN:**

**RICHBURG LP MANAGEMENT INC.**

(a body corporate, incorporated pursuant to the laws of the Province of Nova Scotia,  
hereinafter called the “Developer”)

**OF THE FIRST PART**

- and -

**THE TOWN OF LUNENBURG,**

(a body corporate pursuant to the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended,  
having its chief place of business at Lunenburg, Lunenburg County, Nova Scotia, an incorporated Town  
hereinafter called the “Town”)

**OF THE SECOND PART**

**WHEREAS** the Developer has agreed to enter into this Agreement with the Town pursuant to Section 225 of the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended, and Policy 3-2A of the *Municipal Planning Strategy*; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 1” which lands are more particularly described in Schedule A attached hereto and which are known as 94 Pelham Street and Property Identification (PID) Number 60061801; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 2” which lands are more particularly described in Schedule B attached hereto and which are known as 102 Pelham Street and Property Identification (PID) Number 60061793; and

**WHEREAS** the Developer has made application to the Town for subdivision approval in order to consolidate Property 1 with Property 2; and

**WHEREAS** Policy 3-2A of the Town’s *Municipal Planning Strategy* implemented on September 22, 2021, A.D., and amendments thereto enables the Town to enter into a Development Agreement to enable subdivision approval for lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage as prescribed in the *Land Use By-law*; and

**WHEREAS** the Town by resolution of Town Council passed at a meeting on \_\_\_\_ day of \_\_\_\_, 2022, approved this Development Agreement;

**NOW THIS AGREEMENT WITNESSETH** that in consideration of the sum of \$1.00 now paid by the Developer to the Town, the receipt of which is hereby acknowledged, the parties here to mutually covenant and agree to the Lot Consolidation of Property 1 with Property 2 subject to the following terms and conditions:

### **1. Subdivision Approval**

**1.1** The Developer hereby agrees to submit a Subdivision Plan for the lot consolidation of Property 1 and Property 2 as shown in Schedule C in conformance to the Town's Subdivision By-law by no later than December 31, 2025.

**1.2** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 825 m<sup>2</sup> (8880.2 square feet) in area and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

**1.3** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 42 m (137.8 feet) in street frontage and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

### **2. Amendments and Discharge**

**2.1** Any amendments to this Agreement which are substantive shall be made subject and pursuant to requirements set forth in the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall require a public hearing.

**2.2** Any and all amendments to this Agreement shall be substantive.

**2.3** Notwithstanding Section 2.2 of this Agreement, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council at the request of the Developer without a public hearing.

**2.4** Notwithstanding Section 2.2 and 2.3, Council may discharge this Agreement without the consent of the Developer if the developer fails to submit a Subdivision Plan in accordance with the Town's Subdivision By-law for approval by December 31, 2025. This discharge shall be defined as not substantive under the meaning of the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall not require a public hearing.

### **3. Signing of Development Agreement**

**3.1** The Developer shall sign this Agreement within sixty (60) days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the Development Agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

### **4. Warranties by Developer**

**4.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## **5. Compliance with other By-laws and Regulations**

**5.1** Nothing in this Agreement shall exempt the Developer from complying with Federal, Provincial and Town laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Town license, permission, permit, authority or approval required thereunder.

**5.2** The Town does not make any representations to the Developer about the suitability of the Property for the development proposed by this Agreement. The Developer assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

**5.3** The Developer is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

**5.4** The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

**5.5** Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

## **6. Provisions of Land Use By-law**

**6.1** Any provisions or regulations not set out or specifically mentioned in this Agreement shall be governed by the provisions of the Town's Land Use By-law, implemented on September 22, 2021, and any amendments thereto.

## **7. Breach of Terms or Conditions**

**7.1** Upon the breach by the Developer of the terms or conditions of this Agreement, the Town may undertake any remedies permitted by the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended.

## **8. Termination of Agreement**

**8.1** That this Agreement shall be in effect until discharged by resolution of the Council of the Town in accordance with the relevant statutes; whereupon the Land Use By-law shall apply to the lands.

**8.2** That the Council of the Town retains the option of discharging this development agreement should any fact provided to the Town by the Developer or its agents constitutes a material misrepresentation of the facts upon which this Agreement is based.

**8.3** That the Council of the Town may discharge this Agreement if the Developer breaches any terms of the Agreement.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of: **TOWN OF LUNENBURG**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matt Risser, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bea Renton, Town Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**DEVELOPER**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**RICHBURG LP MANAGEMENT INC.**

PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the subscriber personally came and appeared \_\_\_\_\_, a subscribing witness to the annexed Indemnity, who having been by me duly sworn, made oath and said that \_\_\_\_\_ one of the parties thereto, signed, sealed and delivered the same in their presence.

---

A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY

I CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, one of the parties mentioned in the foregoing and annexed Indemnity, signed, and executed the said Indemnity in my presence and I have signed as witness to such execution.

---

A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

Schedule A - Property 1 Description

**PID 60061801**

MUNICIPALITY/COUNTY: Town of Lunenburg, Lunenburg County

REGISTRATION COUNTY: Lunenburg

LOCATION: Pelham Street

DESIGNATION OF PARCEL ON PLAN: Lot 4

TITLE OF PLAN: Plan Showing Consolidation of Lot 1, Lot 2 & Lot 3 to create Lot 4, Property of GMT Software Systems Ltd., 90 Pelham Street, Town of Lunenburg, Lunenburg County, Nova Scotia

REGISTRATION DATE OF PLAN: June 11, 1999

REGISTRATION REFERENCE OF PLAN: Plan No. 11165

TOGETHER WITH the Grantors right to continue the encroachment of the building and any land occupied by the said building as it may extend over the land to the west hereof, as referenced in the Statutory Declaration in Book 261 at Page 1079 and in Deed in Book 488 at Page 102.

TOGETHER WITH the benefit of the Utility Easement running over a 10 foot strip of land from the above described Lot 4 to Montague Street, over lands now or formerly owned by CIBC Mortgage Corporation, as defined and described in the Grant of Utility Easement in Book 355 at Page 766 and shown on the above referenced plan of Lot 4.

SUBJECT TO a Right of Way for the benefit of Lands at 102 Pelham Street, formerly owned by Vera Louise Levy, being shown on the above referenced plan, and also on Plan No. 75788969, and further defined and described in the Deed in Book 138 at Page 450 and further defined by the Right of Way Agreement in Book 956 at Page 399.

SUBJECT TO the Restrictive Covenant defined in the Deed in Book 300 at page 973.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: LUNENBURG COUNTY

Registration Year: 1999

Plan or Document Number: 11165

## Schedule B – Property 2 Description

**PID 60061793**

MUNICIPALITY/COUNTY: Town of Lunenburg, Lunenburg County

REGISTRATION COUNTY: Lunenburg

LOCATION: Pelham Street

DESIGNATION OF PARCEL ON PLAN: Property of Donald Cedric Levy & Dianne Johnson

TITLE OF PLAN: Plan Showing Survey of Property of Donald Cedric Levy & Dianne Johnson, Property of Mary Elizabeth Jordan and Property of Kathryn Ann White at 102 Pelham Street, 106 Pelham Street and 103 Montague Street, respectively, Town of Lunenburg, Lunenburg County, Nova Scotia

REGISTRATION DATE OF PLAN: August 25, 2005

REGISTRATION REFERENCE OF PLAN: Plan No. 82833733

TOGETHER WITH the Grantors right, title and interest in the building and any land occupied by the said building as extends over the land hereinbefore described as referenced in the Deed in Book 732 at Page 764.

TOGETHER WITH the Right of Way over the existing driveway located along the western boundary of the land hereinbefore described, as shown on the aforementioned plan and further shown on Plan No. 75788969, and as referenced in the Deed in Book 120 at Page 534 and further defined and described in the Right of Way Agreement in Book 956 at Page 399.




\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.



# SCHEDULE C Site Plan

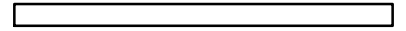
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

Pelham St

Montague St

PID: 60061801  
Property 1

PID: 60061793  
Property 2

**Attachment D**  
**Proposed Development Agreement for Lot Consolidation of**  
**PID 60061199 and PID 60061181**

**THIS DEVELOPMENT AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

**BETWEEN:**

**RICHBURG LP MANAGEMENT INC.**

(a body corporate, incorporated pursuant to the laws of the Province of Nova Scotia,  
hereinafter called the “Developer”)

**OF THE FIRST PART**

- and -

**THE TOWN OF LUNENBURG,**

(a body corporate pursuant to the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended,  
having its chief place of business at Lunenburg, Lunenburg County, Nova Scotia, an incorporated Town  
hereinafter called the “Town”)

**OF THE SECOND PART**

**WHEREAS** the Developer has agreed to enter into this Agreement with the Town pursuant to Section 225 of the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended, and Policy 3-2A of the *Municipal Planning Strategy*; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 1” which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 60061199; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 2” which lands are more particularly described in Schedule B attached hereto and which are known as Property Identification (PID) Number 60061181; and

**WHEREAS** the Developer has made application to the Town for subdivision approval in order to consolidate Property 1 with Property 2; and

**WHEREAS** Policy 3-2A of the Town’s *Municipal Planning Strategy* implemented on September 22, 2021, A.D., and amendments thereto enables the Town to enter into a Development Agreement to enable subdivision approval for lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage as prescribed in the *Land Use By-law*; and

**WHEREAS** the Town by resolution of Town Council passed at a meeting on \_\_\_\_\_ day of \_\_\_\_\_, 2022, approved this Development Agreement;

**NOW THIS AGREEMENT WITNESSETH** that in consideration of the sum of \$1.00 now paid by the Developer to the Town, the receipt of which is hereby acknowledged, the parties here to mutually covenant and agree to the Lot Consolidation of Property 1 with Property 2 subject to the following terms and conditions:

### **1. Subdivision Approval**

**1.1** The Developer hereby agrees to submit a Subdivision Plan for the lot consolidation of Property 1 and Property 2 as shown in Schedule C in conformance to the Town's Subdivision By-law by no later than December 31, 2026.

**1.2** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 825 m<sup>2</sup> (8880.2 square feet) in area and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

**1.3** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 42 m (137.8 feet) in street frontage and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

### **2. Amendments and Discharge**

**2.1** Any amendments to this Agreement which are substantive shall be made subject and pursuant to requirements set forth in the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall require a public hearing.

**2.2** Any and all amendments to this Agreement shall be substantive.

**2.3** Notwithstanding Section 2.2 of this Agreement, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Developer without a public hearing.

**2.4** Notwithstanding Section 2.2 and 2.3, Council may discharge this Agreement without the consent of the Developer if the developer fails to submit a Subdivision Plan in accordance with the Town's Subdivision By-law for approval by December 31, 2026. This discharge shall be defined as not substantive under the meaning of the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall not require a public hearing.

### **3. Signing of Development Agreement**

**3.1** The Developer shall sign this Agreement within sixty (60) days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the Development Agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

### **4. Warranties by Developer**

**4.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## **5. Compliance with other By-laws and Regulations**

**5.1** Nothing in this Agreement shall exempt the Developer from complying with Federal, Provincial and Town laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Town license, permission, permit, authority or approval required thereunder.

**5.2** The Town does not make any representations to the Developer about the suitability of the Property for the development proposed by this Agreement. The Developer assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

**5.3** The Developer is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

**5.4** The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

**5.5** Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

## **6. Provisions of Land Use By-law**

**6.1** Any provisions or regulations not set out or specifically mentioned in this Agreement shall be governed by the provisions of the Town's Land Use By-law, implemented on September 22, 2021, and any amendments thereto.

## **7. Breach of Terms or Conditions**

**7.1** Upon the breach by the Developer of the terms or conditions of this Agreement, the Town may undertake any remedies permitted by the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended.

## **8. Termination of Agreement**

**8.1** That this Agreement shall be in effect until discharged by resolution of the Council of the Town in accordance with the relevant statutes; whereupon the Land Use By-law shall apply to the lands.

**8.2** That the Council of the Town retains the option of discharging this development agreement should any fact provided to the Town by the Developer, or its agents constitutes a material misrepresentation of the facts upon which this Agreement is based.

**8.3** That the Council of the Town may discharge this Agreement if the Developer breaches any terms of the Agreement.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of: **TOWN OF LUNENBURG**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matt Risser, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bea Renton, Town Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**DEVELOPER**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**RICHBURG LP MANAGEMENT INC.**

**PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY**

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the subscriber personally came and appeared \_\_\_\_\_, a subscribing witness to the annexed Indemnity, who having been by me duly sworn, made oath and said that \_\_\_\_\_ one of the parties thereto, signed, sealed and delivered the same in their presence.

\_\_\_\_\_  
A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY**

I CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, one of the parties mentioned in the foregoing and annexed Indemnity, signed, and executed the said Indemnity in my presence and I have signed as witness to such execution.

\_\_\_\_\_  
A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

## Schedule A – Property 1 Description

**PID# 60061199**

ALL those two certain lots of land situate in the Town Plot of Lunenburg, being lots numbered 1 and 2 in Block "B" in Moreau Division of the Town Plot of Lunenburg, measuring on Pelham Street a frontage of eighty feet (80), more or less, and sixty feet (60) on Duke Street and being the same land conveyed from Bluenose Motors Limited to Ronald Beatty by Deed dated the 24th day of November, 1966 and recorded in the Office of the Registrar of Deeds at Bridgewater, N.S., in Book 136 at page 2 under number 4.

This land was conveyed by Ronald Beatty, et ux, to Dolphin Tavern Limited by Deed dated April 1, 1970 and registered in the Registry of Deeds at Bridgewater, N.S., on April 23 1970 in Book 141 at page 110 under number 168.

BEING AND INTENDED to be the same property conveyed by Dolphin Tavern Limited to Lunenburg Dinner Theatre Company Limited by deed dated August 2, 1994 and recorded at the Office of the Registrar of Deeds at Bridgewater, N.S., on August 6, 1994 in Book 570, Page 910, under No. 5849.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

## Schedule B – Property 2 Description

### PID# 60061181

All that certain lot of land situate in the Town of Lunenburg, in the County of Lunenburg and Province of Nova Scotia, shown as 'Remaining Property of Weldon Allen, Remaining Area = 1935 Sq. Ft' on a plan of subdivision prepared by Lester W. Berrigan, N.S.L.S. No. 409, dated September 18, 1992 and filed at the Registry of Deeds Office, Bridgewater on October 14, 1992 as plan number 9125, described as follows:

Beginning at a survey marker on the northern boundary of Pelham Street and at the southeast corner of property of Stellar Investments Inc., formerly of William Patrick Towndrow;

Thence North 07 degrees 19 minutes 23 seconds East along the property of Stellar Investments Inc. , for a distance of 59.56 feet, more or less, to a survey marker on the Southwest corner of property now or formerly of Himmelman's Jewelers Limited, formerly J. Nelson Dibbin and G. Annette Dibbin;

Thence in a northwesterly direction, along the southern boundary of the property of Himmelman's Jewelers Limited, for a distance of 32.5 feet, more or less, to the northeastern corner of property of Atcan Hotels Inc.;

Thence South along the property of Atcan Hotels Inc., sixty feet, more or less, to a stake on the Southwest corner of the property of Atcan Hotels Inc. and the north boundary of Pelham Street;




Thence in an southeasterly direction along the north boundary of Pelham Street for a distance of 32.5 feet, more or less, to the survey marker at the place of beginning.

#### MGA Compliance Statement:

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.



# SCHEDULE C Site Plan

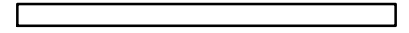
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

PID: 60061199  
Property 1

PID: 60061181  
Property 2

Pelham St

Montague St

# ATTACHMENT E

## Old Town Lunenburg

Lunenburg is the **best surviving example of a planned British colonial settlement** in North America. Established in 1753, it has retained its **original layout** and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have managed to safeguard the city's identity throughout the centuries by preserving the wooden architecture of the houses, some of which date from the 18th century.

## Outstanding Universal Value

### Brief synthesis

Old Town Lunenburg is the **best surviving example of a planned British colonial settlement** in North America. Established in 1753, it has retained **its original layout** and overall appearance, based on a rectangular grid pattern drawn up in the home country. The inhabitants have safeguarded the town's identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

**Criterion (iv):** Old Town Lunenburg is a **well-preserved example of 18th century British colonial urban planning, which has undergone no significant changes since its foundation, and which largely continues to fulfil the economic and social purposes for which it was designed.** Of special importance is its diversified and well-preserved vernacular architectural tradition, which spans over 250 years.

**Criterion (v):** Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

### Integrity

Within the boundaries of the 33 ha property are located all the elements necessary to express the Outstanding Universal Value of Old Town Lunenburg. The property encompasses the **intact original town plan in its entirety**, missing only the fortifications that surrounded the town in its early years, but of which there are no surviving above-ground remains. Its boundaries adequately ensure the complete representation of the features and processes that convey the property's significance, and there is a 48.72 ha buffer zone. The property does not suffer unduly from adverse effects of development and/or neglect.

## **Authenticity**

Old Town Lunenburg is **authentic in location and setting**, forms and designs, materials and substances, **and uses and functions**. The **original British colonial town plan remains evident**, including the regular layout of property parcels in a grid pattern with geometrically regular streets, **central public spaces, and key community structures**, with a functioning waterfront as its focus. In terms of forms and materials, there is a harmony of scale, siting and materials (predominantly wood) throughout the property, and a regional architectural vocabulary that includes the 'Lunenburg bump', an indigenous five-sided dormer. While a continuing vernacular architectural tradition is integral to the property's Outstanding Universal Value, there has been very limited infill in the modern era. Many of the property's historic uses and functions survive.

Most of the recent changes to the property are renovations to specific buildings, some of which have better conveyed the heritage value of Old Town Lunenburg than others. Due to long-term economic circumstances, there are also ongoing pressures on property owners in terms of rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning.

## **Protection and management requirements**

Old Town Lunenburg, which is almost entirely in private ownership, is commemorated by the Government of Canada as a National Historic Site (1991) and protected under two key pieces of provincial legislation, the *Municipal Government Act* (1998) and the *Heritage Property Act* (1989), which enable the municipality to create, respectively, land-use and heritage bylaws. In this context, the municipality adopted the *Heritage Conservation District Plan, Bylaw and Guidelines* in 2000 (consolidated in 2001). In order to better manage the community as a World Heritage property and ensure the continuing protection of the town's heritage resources, the Town of Lunenburg Heritage Sustainability Strategy (2010) has been developed to guide its development, including the identification of heritage, culture and tourism prospects that may produce economic opportunities for the community.

Sustaining the Outstanding Universal Value of the property over time will require managing, to the degree possible, ongoing pressures on property owners related to rising property values, maintenance costs, and the challenges of retaining historical accuracy in restoration planning. It will also require developing and implementing mechanisms to encourage building renovations that fully respect the heritage value of Old Town Lunenburg. Special attention will be given over the long term to monitoring and taking appropriate actions related to a number of factors in and near the property. Specifically, these include the potential impacts of climate change, and the impacts of tourism and visitation.

**ANTI-RACISM SPECIAL COMMITTEE MINUTES  
THURSDAY, NOVEMBER 25, 2021  
MEETING RECOMMENDATION**

1. That Council agree to advertise for applicants to fill the vacancies on the Anti-Racism Special Committee (ARSC) for 2022 (Schedule "A").
2. That Council agree to amend the Terms of Reference for the Anti-Racism Special Committee's Membership section C. 2 fourth bullet to read: "Two representatives from the Mi'kmaq community, one of which may be a representative from Acadia First Nation." (Schedule "B")

**ANTI RACISM SPECIAL COMMITTEE MINUTES**

**THURSDAY, NOVEMBER 25, 2021 AT 6:00 P.M.**

**ZOOM MEETING**

---

**PRESENT:**           **Voting Members**  
Councillor Melissa Duggan, Chair  
Deputy Mayor Peter Mosher  
Vernon Simms

**Non-Voting Ex-officio Members**  
Margie Knickle  
Yvonne Mosely  
Mayor Matt Risser

**Advisors**  
Cynthia Dorrington, Black Loyalist Heritage Centre

**ALSO PRESENT:** Kevin Malloy, Interim CAO  
Heather McCallum, Assistant Municipal Clerk

**ABSENT:**           April Hiltz  
Jerin Kottakkal

---

1. Call to Order

The Chair called the meeting to order at 6:07 p.m.

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

The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq People.

3. Agenda

The agenda was approved by consensus.

4. Anti-Racism Special Committee May 20, 2021 meeting minutes

The minutes were approved by consensus.

5. Business

a. Voting member vacancies

There was a discussion on a potential opportunity to work with other municipalities in Lunenburg County on anti-racism/anti-discrimination initiatives. There was broad support for a regional approach from IIL and the Committee.

It was agreed to advertise to fill the vacancies on the Committee (Attachment "A"). The request will be put to Council. Several of those present volunteered to help in recruitment.

Robert recommended that the Terms of Reference Section C.2 be amended to read: "Two representatives from the Mi'kmaq community" rather than "Indigenous", which is a broader term. The Committee agreed (Attachment "B") and will also be put to Council.

- b. Introduction of the consultant team "IIL": Andreas Robinson (Infinitus Academy), Robert Bernard (The Indigenous Guide), and Renee Kuehnle (Lightship Strategies)

Robert, Renee, and Andreas introduced themselves and their backgrounds.

- c. Development of the Plan – session led by IIL

The consultants led a discussion with the Committee on how they will approach writing the Plan (Schedule "C"). Their intention is to write a living document that can change, grow and allows for evaluation – i.e., did it work?

IIL has reviewed over 20 plans on equity, diversity and inclusion (EDI), which they used to develop their best practices. IIL will share a document they created with the Committee in a later session. Broad recommendations were discussed.

6. Next Meeting(s) – To be scheduled.

7. Adjournment

The meeting adjourned at 8:50 p.m.

---

Heather McCallum, Assistant Municipal Clerk

TOWN OF LUNENBURG

Anti-Racism Special Committee – REVISED Membership\*

October 2021

Composition of the Special Committee [as approved by Council on August 25, 2020]	
Eight committee members:	Invited representatives:
<i>Two municipal Councillors (one of which shall be Chair); [appointed on November 12, 2020]</i>	1. Councillor Melissa Duggan, Chair 2. Deputy Mayor Peter Mosher
<i>Two Citizens at large who have knowledge or expertise in African Nova Scotian or Indigenous affairs (who may or may not live within the Town;</i>	3. Jerin Kottakkal 4. Vacant
<i>Two representatives from African Nova Scotian Community;</i>	5. Vernon Simms 6. Vacant
<i>Two representative from the Indigenous Community (one of which shall be a representative from Acadia First Nations)</i>	7. Vacant, Acadia First Nation 8. April Hiltz, Native Council of Nova Scotia
Other participants:	
<i>The Committee may also invite external non-voting participants who represent key partner organizations and/or who bring expertise in relevant areas.</i>	Ex-officio: <ul style="list-style-type: none"> <li>• Margie Knickle</li> <li>• Piotr Luczak, LLB</li> <li>• Megan Meldrum, Graduate Student</li> <li>• Yvonne Mosely</li> <li>• Mayor Matt Risser</li> </ul>
<i>Note: Names in grey don't normally attend.</i>	Advisors: <ul style="list-style-type: none"> <li>• Chavasse Bain, African NS Affairs</li> <li>• Cynthia Dorrington, Black Loyalist Heritage Centre</li> <li>• Tammy Hamlin, Town of Truro</li> <li>• Jessika Hepburn, BIPOC South Shore</li> <li>• Mohammad Mousa, Social, Human Sciences &amp; Youth, CC UNESCO (Ottawa)</li> <li>• Celeste Sulliman, Treaty Education, NS Office of Aboriginal Affairs</li> </ul>
<i>Town Staff shall be assigned to support the Special Committee (recording secretary and/or general advisory services)</i>	Staff: <ul style="list-style-type: none"> <li>• Heather McCallum, Assistant Municipal Clerk (Recording Secretary)</li> <li>• Arthur MacDonald, Heritage Manager (not available at present)</li> <li>• Kelly Cunningham, Recreation Director (occasional on request)</li> </ul>

\*The Special Committee may choose to adjust the membership parameters of the group as part of their work.

**TOWN OF LUNENBURG**  
**ANTI-RACISM SPECIAL COMMITTEE**  
**TERMS OF REFERENCE – PROPOSED REVISION**

November 25, 2021

**A. Purpose/Objective**

1. The Town of Lunenburg is committed to supporting equity, diversity, inclusion and dignity of all people. To this end, Lunenburg Town Council has established an Anti-Racism Special Committee with particular emphasis on anti-Black and Indigenous racism.
2. The Special Committee may make recommended amendments to revise their Terms of Reference to Town Council for approval throughout their term.

**B. Responsibilities of the Special Committee**

1. Develop a Municipal Action Plan for Ending Racism and Discrimination with emphasis on (but not limited to) anti-Black and Indigenous racism, including:
  - a) Identify ways and means to eliminate barriers to employment, economic prosperity, policies, procedures and practices that may negatively impact the BIPOC (Black/ Indigenous/People of Colour) and other underrepresented members of our community;
  - b) Strive to achieve suitable representation of designated and underrepresented groups, with particular attention to African Nova Scotian and Indigenous people, in the Town of Lunenburg's Council, Committees, workplace, activities, and services, and marketing;
  - c) Strive to showcase the rich cultural heritage of all peoples in the Town of Lunenburg's literature, plaques, interpretive panels, Road Naming Procedure Policy, events, website and other media/communication platforms with particular attention to African Nova Scotian and Indigenous histories.
  - d) Make recommendations on how implementation and ongoing monitoring and training with an inclusivity, diversity, equity, and anti-racism lens can be achieved in the Town of Lunenburg government and services.
2. Review and consider the Town becoming a member of the Canadian Commission for UNESCO's Coalition of Inclusive Municipalities and make a recommendation to Council accordingly.

### C. Membership of the Special Committee

1. The Special Committee will be established by the Town issuing invitations to relevant stakeholders and experts from the BIPOC (Black/Indigenous/People of Colour) community from the Town of Lunenburg if possible, and the wider community as necessary. All members must be appointed to the Anti-Racism Special Committee by Lunenburg Town Council.
2. The Special Committee shall be comprised of eight (8) voting Special Committee members including:
  - Two Town Councillors (one of which shall Chair);
  - Two citizens at large who have knowledge/expertise in African Nova Scotian or Indigenous affairs;
  - Two representatives from the African Nova Scotian community;
  - Two representatives from the Indigenous Mi'kmaq community, one of which shall **may** be a representative from Acadia First Nations.
3. Other Special Committee non-voting participants:
  - The Special Committee may invite external non-voting (ex-officio) participants and/or advisors who represent key partner organizations and/or who bring expertise in relevant areas to advise the Special Committee as required.
  - Town staff shall be assigned to support the Special Committee (recording secretary and/or general advisory services) – *Assistant Municipal Clerk, Heritage Manager, and Recreation Director*.

### D. Meeting Proceedings

1. The rules of procedure for the Special Committee are the Town's "Council and Committee Meetings and Proceedings Policy", which includes the ability to suspend rules of order in its operation by the unanimous consent of the Special Committee members present. It is the preference of the Special Committee membership to take an informal approach to proceedings. This includes but is not limited to:
  - a. Decisions may be made by consensus, dispensing with formal motions.
  - b. A quorum of the Special Committee shall consist of a majority of voting members, including the Chair.
  - c. In the absence of the Chair, meetings will be chaired by the second member of Lunenburg Town Council.

- d. Discussions may be casual and not have a formal time limit (other than the scheduled length of the meeting). Efforts will be made to ensure all voting members have a voice at meetings.
  - e. Meetings will not be longer than two hours without the agreement of the Special Committee voting members.
2. Small working groups of Special Committee members may meet for specific tasks as directed by a consensus of the membership, and report back to the Special Committee.
3. Special Committee meeting minutes will be taken by Town staff and available to the public, unless the matter to be discussed qualifies for in camera pursuant to the Municipal Government Act. Meetings are confidential to allow a safe space for discussion.
4. The Special Committee will report progress updates to the Town Council via the Chair and meeting minutes.
5. Meeting dates and frequency to be determined by the Special Committee. When the easing of COVID-19 pandemic restrictions allows for in-person meetings, these may take place at Town Hall with remote access available via Zoom for those whose location makes in-person attendance challenging.
6. The work of the Special Committee – per Section B above – will take approximately one year to complete (i.e., February 28, 2021). The term may be adjusted as needed for the completion of the work, with the approval of Council. The mandate of the Anti-Racism Special Committee (Section B) will expire upon the completion of the Municipal Action Plan for Ending Racism and Discrimination report, and upon Council making a final decision regarding its adoption.
7. Background materials and resources will be maintained by Town staff for the use of the Special Committee to assist with their work.
8. Voting members of the Special Committee shall serve in a volunteer capacity and are entitled to the Committee of Council member annual honorarium of \$225.

## **E. Project Lunenburg Comprehensive Community Plan**

It is noted that the formation of this Special Committee is in keeping with the following five year Action priorities in the Town's Comprehensive Community Plan:

### Governance

- *Reform municipal committees to build a culture of inclusion.*

### Culture and Recreation

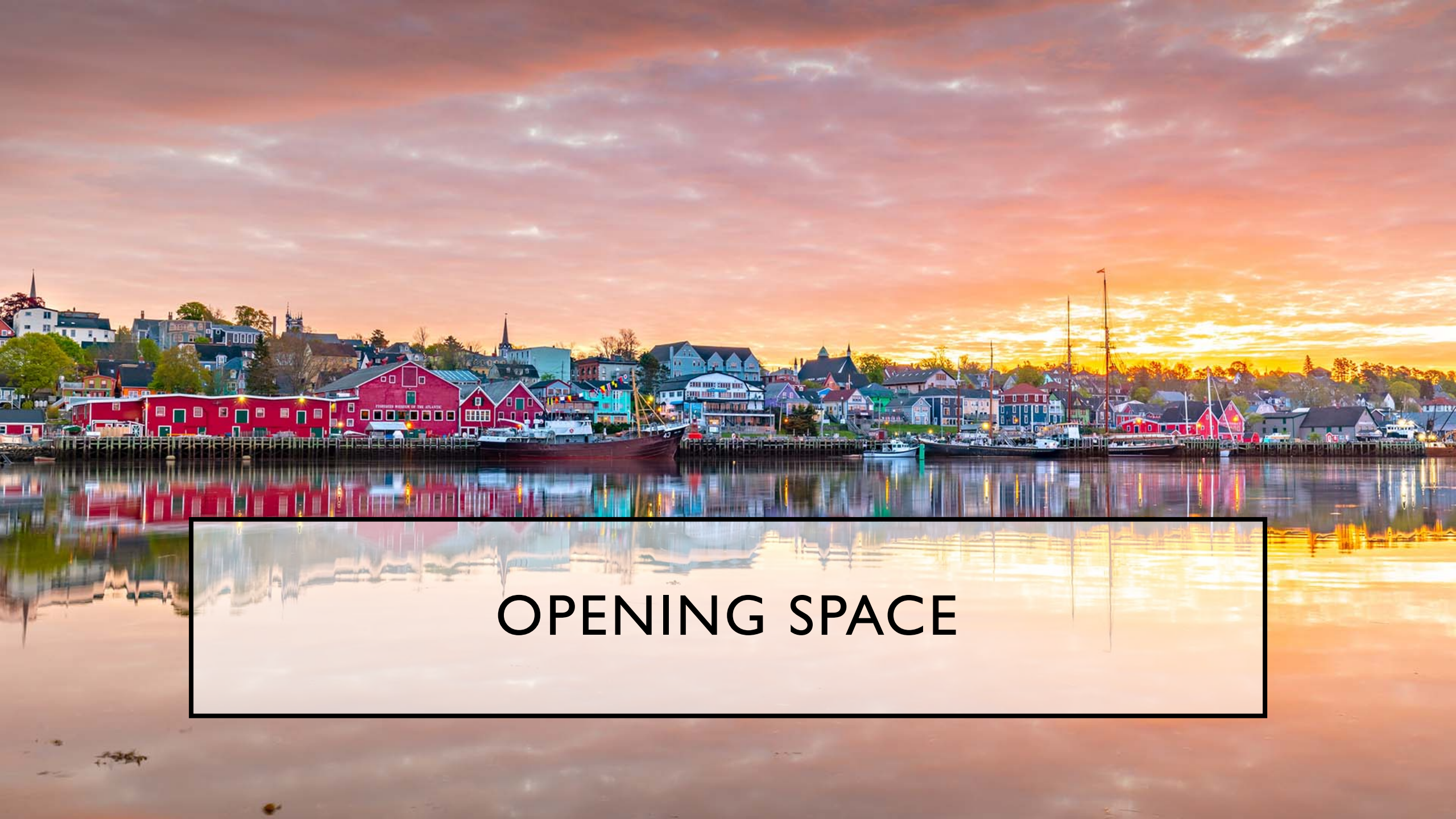
- *Foster inclusivity in programming and leadership.*
- *Build relationships between the Town and Mi'kmaw residents and organizations, and the Town and Black residents and organizations in the area.*
- *Create a special committee or action group to promote anti-racism and decolonization, with particular emphasis on the lived experiences and aspirations for Black, Indigenous and people of colour in Lunenburg.*



# BUILDING SHARED LANGUAGE



Town of Lunenburg Session I: November 25<sup>th</sup>, 2021



**OPENING SPACE**

TRADITIONAL &  
ANCESTRAL  
ACKNOWLEDGEMENT



**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# BREAKING BREAD

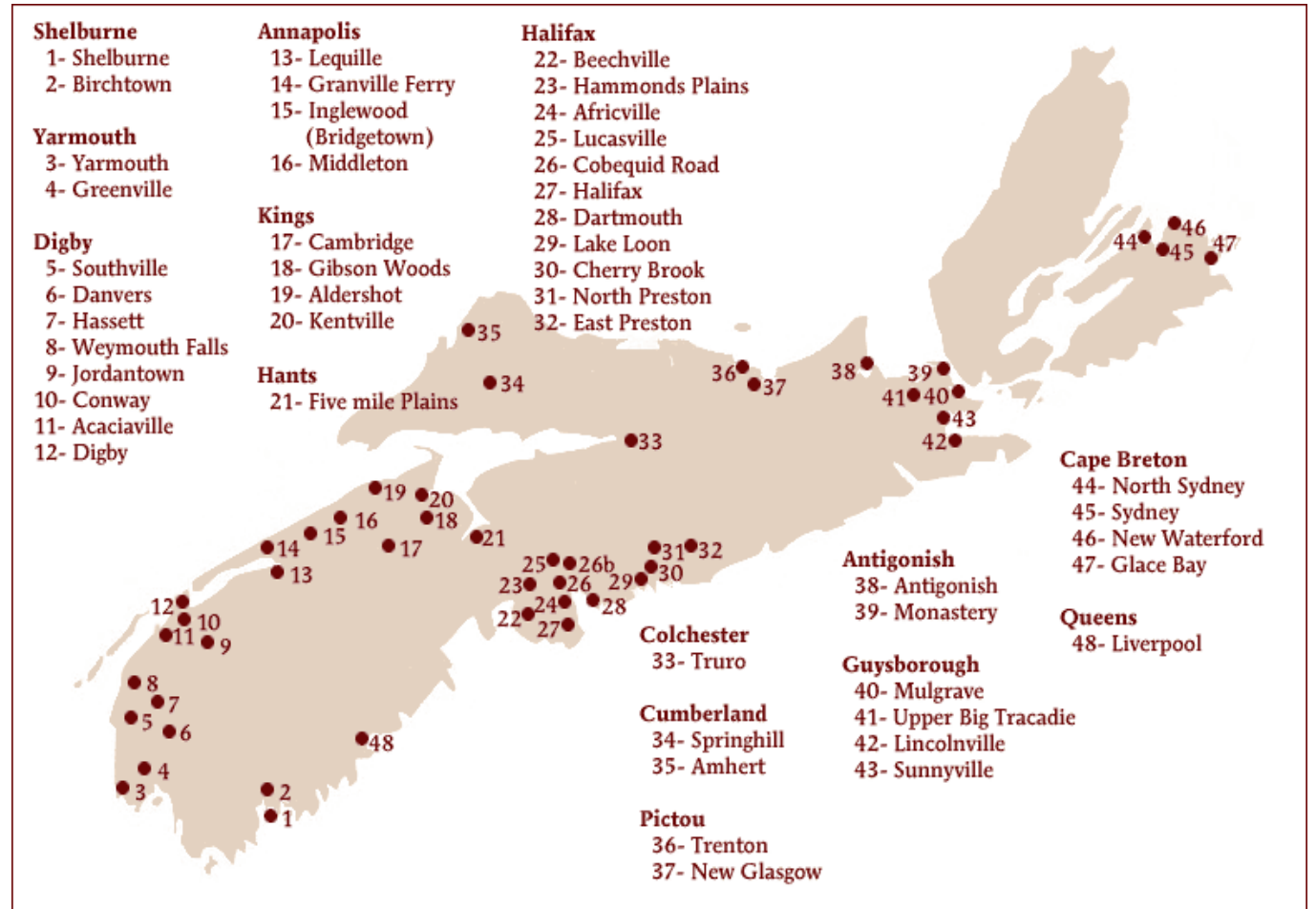


Libation – honouring our Ancestors and Communities



Vision – for the session

# Historic African Nova Scotian Communities



## Content Disclaimer:

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

**Land Acknowledgement**

**Outline**

**Ice Breaker**

**Our Approach and What we've learned**

**Best Practices, Commitment, Capacity**

**Where are we as a Committee? As a Community?**

**Shared Language**

**Review**

**Recommendations**

## FLOW OF THE DAY

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# ICE BREAKER



What are the hats we wear?



Why is this work important to us?

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# INTRODUCTION AND OVERVIEW



Approach and Vision for this



Road Map

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# OUR WORKPLAN



Meetings & Working with Committee



Best Practice Review & Building Shared Language



Community Engagement



Plan Development & Co-creation



Commitment & Adoption of Plan

# AUTHENTIC ENGAGEMENT



What does authentic engagement look like?



Who are our stakeholders

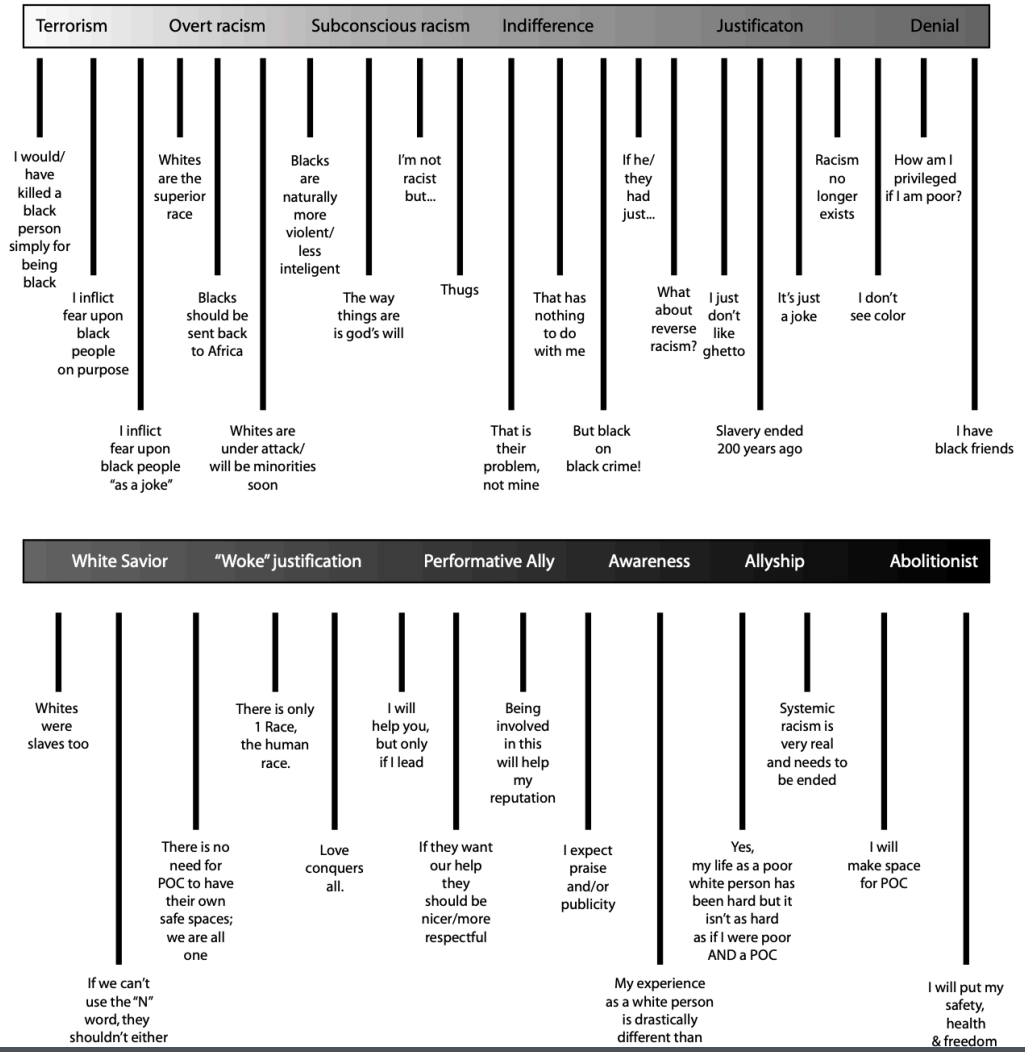


How can we build trust, respect and prepare for engagement

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# Racism Scale: Where do you fall?



**\*Note: It is common for most people to move back and forth along the scale regularly, especially the middle parts**  
**\*\* The term "blacks" is used to be more familiar to anyone of those mentalities**  
**\*\*\*\*"Blacks" can be substituted with people of any nationality/ethnicity other than european white**

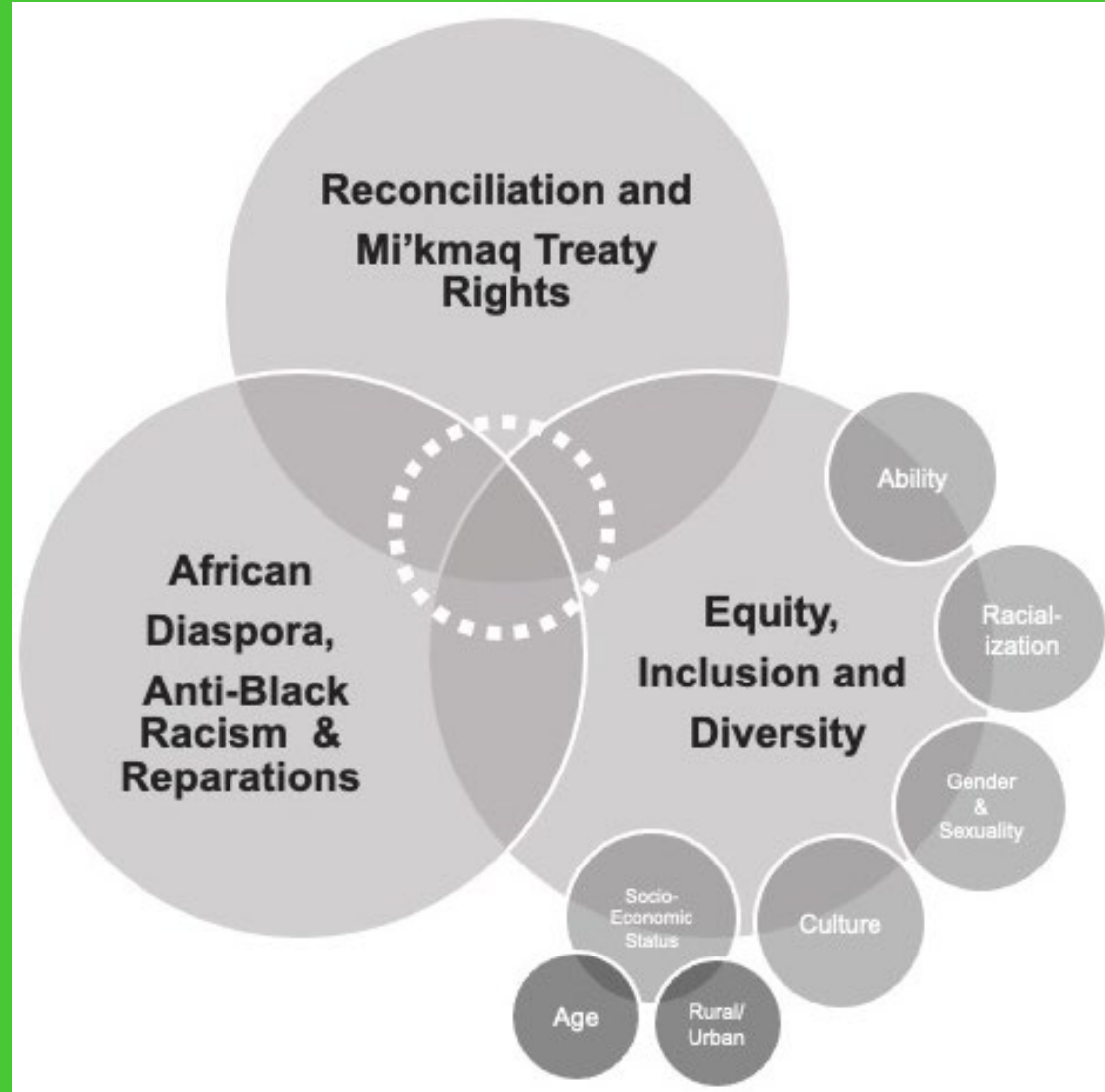
# LENSES



## Content Disclaimer:

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# LENSES



## Content Disclaimer:

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# GLOSSARY

Must have accessible language



Must have clear understanding of terms



PPL must be onboarded and held accountable to using terms

**Normalize internal and then external**

## Content Disclaimer:

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# WHAT WE'VE LEARNED TO DATE

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# BEST PRACTICES

Commitments

Shared Language

Land Use – Land  
Acknowledgement

Street names\*

Engagement

Policy & Action

Committees &  
Human Resources

Evaluation,  
Monitoring &  
Change

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# RECOMMENDATIONS

Make the special committee a standing committee

Push to take this regional to match the scale of organizations/partners

Education, Engagement and Training for CoExecutives, Councilors, Mayor, Deputy Mayor

Permanent staff to focus on the relationships

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

## COMMITMENT & CAPACITY

WHAT IS OUR  
COMMITMENT?

WHAT IS OUR  
CAPACITY AT  
EACH LEVEL

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.



What are the fears, concerns, shortcomings?



How connected is this committee to community?



How traditionally is this committee setup? Is this structured for success? Needs?



What is the capacity of the TOL to action recommendations of the committee?

WHERE ARE YOU  
(AS A SPECIAL  
COMMITTEE)

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.



What are our priorities?



What is the greatest risk, threat, fear and opportunity for this plan?



What type of name (for the plan) reflects the vision and would be meaningful to community, industry and government

## DISCUSSION AND ACTIONS

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# PLAN STRUCTURE



Name



Structure



Accessible Language & Measurables



Stakeholders



Ongoing Monitoring & Plan Adaptation

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.

# OBJECTIVES AND TIMELINES



IMMEDIATE



SHORT



MEDIUM



LONG TERM

**Content Disclaimer:**

Infinitus Academy Inc. © exclusive owner of this content and intellectual property. No part of this is to be recreated, redistributed or repurposed without explicit consent.



CLOSING CIRCLE





ENJOY THE DAY (EVENING)!

**HERITAGE ADVISORY COMMITTEE MINUTES  
MONDAY, NOVEMBER 29, 2021  
MEETING RECOMMENDATIONS**

1. That Council refuse to approve first reading or proceed to a Public Hearing in order to consider, and if deemed advisable, approve the issuance of a Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street subject to the following condition:
  - 1) That the Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street be conditional upon the owners obtaining a Building Permit for the addition to 94 Pelham Street in conformity with the Application and Plans/Elevations (Attachment F) as submitted and attached within four (4) years of the date of the issuance of the Certificate of Appropriateness for the Demolition or Removal.

Note: The motion was defeated at Committee due to the absence of a seconder.

**HERITAGE ADVISORY COMMITTEE MEETING MINUTES**

**MONDAY, NOVEMBER 29, 2021 AT 6:00 P.M.**

**LUNENBURG TOWN COUNCIL CHAMBER**

---

**PRESENT:** Councillor Stephen Ernst, Chair  
Councillor Jenni Birtles  
Nathalie Irving  
Oliver Osmond  
Mayor Matt Risser (ex-officio)

**ALSO PRESENT:** Trevor Hume, Planning Technician  
Arthur MacDonald, Heritage Manager  
Heather McCallum, Assistant Municipal Clerk

**ABSENT:** Patricia MacDonald

---

1. Call to order

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

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

The Chair spoke of Lunenburg's location on the unceded territory of the Mi'kmaq People.

The Chair acknowledged the recent passing of David John Lobb, a former member of the Heritage Advisory Committee who contributed a great deal during his years with the committee. On behalf of the Committee, the Chair expressed his sympathies to Mr. Lobb's family.

3. Agenda

**Motion: moved and seconded to approve the agenda. Motion carried.**

4. Heritage Advisory Committee April 19, 2020 meeting minutes

**Motion: moved and seconded to approve the April 19, 2020 meeting minutes. Motion carried.**

5. Business Arising from the Minutes/Unfinished Business (Nil)

6. New Business

a. Lunenburg Arms Application: Demolition of 102 Pelham Street and Lunenburg Arms Expansion – 94 Pelham Street

The Heritage Manager presented his report (**Schedule “A”**).

Committee members discussed a number of points, centred on (a) 102 Pelham Street is not a registered Heritage building but is located in the Heritage Conservation District; (b) the dominance of the proposed design mass on the streetscape; and (c) the need to support visitation for businesses in Lunenburg.

**Motion:** Moved that the HAC recommends that Council approve first reading and proceed to a Public Hearing in order to consider, and if deemed advisable, approve the issuance of a Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street subject to the following condition:

- 1) That the Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street be conditional upon the owners obtaining a Building Permit for the addition to 94 Pelham Street in conformity with the Application and Plans/Elevations (Attachment F) as submitted and attached within four (4) years of the date of the issuance of the Certificate of Appropriateness for the Demolition or Removal.

There was no seconder; motion defeated.

7. Next Meeting Dates – Call by the Chair

8. Adjournment

There being no further business, the meeting was adjourned by the Chair at 6:32 p.m.

---

Heather McCallum, Assistant Municipal Clerk

Circulated: \_\_\_\_\_

Document No: 6(a)

Meeting: HAC – November 29, 2021

Circulate To: Council, HAC, KM, HM

File:

**MEMORANDUM**

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

**FROM: ARTHUR MACDONALD, HERITAGE MANAGER**

**DATE: NOVEMBER 18, 2021**

**RE: LUNENBURG ARMS APPLICATION: DEMOLITION OF 102 PELHAM STREET AND LUNENBURG ARMS EXPANSION- 94 PELHAM STREET**

**1. FACTS****A. Background**

The owners of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street has made application to demolish 102 Pelham Street and consolidate the lands with 94 Pelham Street to enable an expansion to the hotel.

This report will address the demolition of 102 Pelham Street. One of the criteria for demolition speaks about Council's review of the proposal, if any, for a replacement, so this report also touches on the redevelopment of the Lunenburg Arms.

Both properties, 94 Pelham Street and 102 Pelham Street, are in the Old Town Heritage Conservation District (HCD). The properties are not registered heritage properties. However, they are in the UNESCO World Heritage Site (WHS), the Old Town National Historic District as well as the HCD. As such they are regulated pursuant to the HCD Plan and By-law.

Note there is a separate application to amend the Land Use By-law to enable the two lots to be consolidated.

**B. Proposal****Demolition of 102 Pelham Street:**

102 Pelham Street is in the HCD and regulated pursuant to the HCD Plan and By-law. According to the "Inventory of Historic Buildings" (**Attachment B**) a long barnlike structure with a depth of 60 feet originated on the site and thought to have been built by Joshua Hirtle, a cooper, who purchased the property in 1872. By 1906 the barn was reduced in depth and it is unknown whether the present building remains as part

of the original barn or is an entirely new structure. The building is considered a pre-1940's main building as identified on Map 2 and as such any demolition request requires a Public Hearing and Council's approval. Policy 4.8 of the HCD Plan is reviewed in **Attachment A**.

As part of the HCD, the 3 year not more than 4 year rule does not apply. This rule only applies to registered municipal heritage properties located outside of a HCD. Therefore, Council has the ultimate authority to approve or deny the request for demolition subject to appeal to the Public Utilities and Review Board.

#### **Expansion of 94 Pelham Street:**

As with 102 Pelham Street, 94 Pelham Street is in the HCD and regulated pursuant to the HCD Plan and By-law. The expansion's design is reviewed in **Attachment D**.

The planning process as well as the Heritage Property Act's provision dealing with demolitions are attached in **Attachment E**. The application complete with plans and elevations drawings are attached in **Attachment F**.

## **2. ISSUES AND OPTIONS**

The municipality may grant the application either with or without conditions or may refuse it. One of the first steps is to obtain the advice of the Heritage Advisory Committee as well as the Lunenburg Heritage Society pursuant to 4.8.1.5 of the HCD Plan. A letter from the Lunenburg Heritage Society is attached in **Attachment G**. The Town also received a written submission from Irma Da Sie, Architect and Stephen Richards attached in **Attachment H**.

The refusal of the demolition request would effectively end their application and the review of the proposed design of the addition to the hotel would not be necessary. Such a refusal is appealable to the Public Utility and Review Board and reason(s) for Council's refusal would have to be given. For example, Council may determine that due to the building's heritage significance, the demolition request is refused in light of Policy 4.8.1.1 of the HCD Plan. Another example for refusal could be that Council feels that the replacement building is not appropriate for the reason or reasons outlined in Irma Da Sie's letter and be refused in light of Policy 4.8.1.2. As stated above, the 3 year not more than four year rule does not apply. They cannot simply wait the three years and between the third and fourth year undertake the demolition.

If Council wishes to entertain the approval of the application for demolition, they may review such approval in light of the design of the replacement building (the addition to the Hotel). Council may grant the demolition request with or without conditions as well as conditions associated with the replacement building, such as, but not limited to, a time line for its construction. These conditions are review in **Attachment A** pursuant to Policy 4.8.2 of the Heritage Conservation District Plan. Such an approval is also appealable to the Public Utility and Review Board.

### **3. FINANCIAL IMPACT**

The only direct cost to the Town will be the costs associated with the placement of the newspaper advertisements for the Public Hearing for two consecutive weeks and the final advertisement for relaying Council's decision and the right to appeal. Costs may also occur with regards to undertaking an appeal if one is file.

### **4. STRATEGIC PLAN RELEVANCE**

The approval of the request could be justified in-keeping with the Town's CCP, in particular:

*Economic Development:* Direction to support economic development.

*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

The denial of the request could be justified in-keeping with the Town's CCP, in particular:

*Heritage:* Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

### **5. RECOMMENDATION AND DRAFT MOTION**

Motion: Moved and seconded that the HAC recommends that Council approve first reading and proceed to a Public Hearing in order to consider, and if deemed advisable, approve the issuance of a Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street subject to the following condition:

- 1) That the Certificate of Appropriateness for the Demolition or Removal of the structure located at 102 Pelham Street be conditional upon the owners obtaining a Building Permit for the addition to 94 Pelham Street in conformity with the Application and Plans/Elevations (Attachment F) as submitted and attached within four (4) years of the date of the issuance of the Certificate of Appropriateness for the Demolition or Removal.

### **ATTACHMENTS:**

- A. HCD Plan Demolition Policy 4.8
- B. Inventory of Historic Buildings: 94 Pelham and 102 Pelham Street
- C. Documentation of 102 Pelham Street
- D. Review of 94 Pelham Street Expansion Design
- E. Process and HPA's Public Hearing Provisions for Demolitions
- F. Application and Plans/Elevations
- G. Written Submission from Lunenburg Heritage Society
- H. Written Submission from Irma Da Sie, Architect and Stephen Richards

**ATTACHMENT A**  
**Old Town Heritage Conservation District Plan Demolition Policy 4.8**

**4.8 Demolition or removal of heritage buildings.**

**4.8.1 Public hearing required / criteria for review of application.**

Where application is made for a Certificate of Appropriateness for the demolition or removal of any pre-1940 building in the heritage conservation district, as identified on Map 2, or any post-1940 building deemed worthy of protection from demolition (see policies 6.1.1.2 and 6.3.1.3), it shall be the intention of Council to require that the application be considered at a public hearing. In determining whether to grant or refuse permission for such demolition or removal, Council shall consider:

1. the physical condition, historical significance, architectural integrity, and uniqueness of the building, the extent to which it establishes or supports the architectural character of the surrounding streetscape or area, and its visual prominence and value as a local or regional landmark;
2. the proposal, if any, for a replacement building and the extent to which replacement may be preferable to conservation, maintenance, or rehabilitation of the existing building.
3. alternative economic uses for the building, and the relative costs and economic returns from rehabilitation vs the costs and economic returns from demolition or replacement, with the onus on the applicant to provide cost estimates for consideration by Council;
4. any alternatives to demolition or removal which may be available.
5. the advice of the Town of Lunenburg Heritage Advisory Committee and the Lunenburg Heritage Society.

**Consideration of these five (5) points are provided below:**

**4.8.1.1:** The physical condition of the building at 102 Pelham Street is quite good and supports the architectural character of the surrounding streetscape. According to the "Inventory of Historic Buildings" the building housed the office of the Registrar of Deeds – Henry Bailly. The streetscape has changed with the demolition of 98 Pelham Street in 1983 and the demolition of 96 Pelham Street in 1982 which made room for the Lunenburg Arms expansion. A three storey structure located at the western end of 94 Pelham Street was originally built in 1887 and has been incorporated into the Lunenburg Arms Hotel and remains a significant part of the Pelham Street streetscape.

102 Pelham Street seems to echo the original barn structure on the lot with its gable end facing the street. It is unknown whether the existing structure contains fabrics of the original barn or was otherwise replaced with a new structure in 1906. The building is plain and simple in design and does not contain elaborate architectural details. Architecturally the building is not considered a substantial local or regional landmark.

**4.8.1.2:** The replacement building (the addition to the Hotel) will enable an expansion to the Lunenburg Arms Hotel. The Hotel has limited space to expand and its continued health and vitality is a significant feature of the local economy and seen as a valuable asset in accommodating visitors to the UNESCO World Heritage Site. This expansion will enable the Hotel to create 14 additional hotel suites.

Though the conservation, maintenance, or rehabilitation of any pre-1940's buildings in Old Town is preferred, the design of the addition can enhance the visitor's experience while being compatible with the existing design features of the Hotel and its setting.

The scale and massing of the Lunenburg Arms presently exceeds the 4200 square foot limitation for new commercial building in the HCD pursuant to Part 3.3 of the HCD By-law Design Guidelines. The hotel is broken into parts which diminishes its overall mass. The existing hotel's footprint is 5870 square feet and with its proposed addition, 1127 square feet, will have a building footprint of 6997 square feet.

The height of the addition will visually be a storey above the neighbouring property to the east located at 106 Pelham Street mainly due to the lowering of the grade of Pelham Street between Duke Street and King Street. One may argue that the built environment from Duke to King Street should be stepped downwards to soften the height and bulkiness as it approaches lower height buildings. However, one could also argue that moving its existing wall height 25 feet closer towards King Street with a separation distance between structures does not significantly increase the impacts associated with its height and bulkiness over the existing conditions.

The design incorporates features of the Lunenburg vernacular and strives to be consistent with the building's existing architectural features. The expansion plans for the hotel will enable them to grow and expand providing life, energy, and economic benefits. In staff's opinion, there is a balance that needs to be recognized regarding the impacts associated with replacement versus the alternative of conserving, maintaining, and rehabilitating the existing building. In this case it is reasonable for Council to take a position that they are satisfied the proposal may be preferable to conservation, maintenance, or rehabilitation of the existing building.

**4.8.1.3 and 4.8.1.4:** The existing building located at 102 Pelham is a 1 ½ storey building which, due to its size and foundation, is unable to accommodate the 14 suites expansion plans for the Hotel. The expansion will enable each level to have direct access to the existing Hotel, accommodating visitors to the remaining facilities of the Hotel as well as providing a more effective management and administration of the additional space.

With regards to alternative economic uses for the existing building, the building is currently used by the Lunenburg Arms as a Spa with storage on the second floor. The structure has been renovated and maintained over the years by the Hotel. During a site inspection on August 13<sup>th</sup> no historical reference materials or details were visible.

The applicant has expressed that the Lunenburg Arms is unsustainable in its current form. They have acknowledged that without subsidies provided for by their other properties, they would be struggling to keep the hotel operational. They wish to expand in order to provide additional income to sustain the hotel over the long term.

The applicant has expressed a willingness to work with others with regards to the possibility of moving the building to another site. This will and continue to be an option right up to demolition day. However, to date, they have been unable to find a proponent willing to consider this option.

**4.8.1.5:** A letter from the Lunenburg Heritage Society is attached in **Attachment G**. They oppose the request to demolish 102 Pelham Street.

**Attachment A – Continued**

**4.8.2 Conditions on certificate of appropriateness for demolition or removal.**

A Certificate of Appropriateness granted for the demolition or removal of any building in the heritage conservation district may include conditions respecting:

- .1 the filing with the heritage officer of photographic or other documentation of the building prior to its demolition or removal;
- .2 the salvaging of historic, exterior architectural materials such as mouldings, brackets, doors, windows, etc., prior to demolition;
- .3 the making good, landscaping or other restoration of the site following demolition or removal of the building;
- .4 the architectural character of any replacement building, in accordance with the design guidelines;
- .5 the time frame for construction of any replacement building;
- .6 any other matter pursuant to section 14 of the provincial Heritage Conservation Districts Regulations.

<b>Policy 4.8.2 Review</b>	
<b>Section:</b>	<b>Comments:</b>
4.8.2.1	Photos have been documented as shown in <b>Attachment C</b> .
4.8.2.2	The building has been extensively renovated with modern materials – does not appear to have any significant historical architectural materials to salvage.
4.8.2.3	Following demolition or removal, the applicant intends to proceed with the addition to Lunenburg Arms in-keeping with the design as submitted.
4.8.2.4	The design is considered to be in conformance with the Design Guidelines of the HCD By-law.
4.8.2.5	The proposed motion includes the condition on the Certificate of Appropriateness for Demolition or Removal the requirement to obtain a Building Permit for the addition in conformity with the application and the plan/elevations as submitted and attached in <b>Attachment F</b> within four (4) years of the date of the issuance of the Certificate of Appropriateness for the Demolition or Removal.
4.8.2.6	<b>Attachment E</b> outlines Section 14 of the provincial Heritage Conservation Districts Regulations. Council may wish to add additional conditions. However, as the addition’s design remains subject to the Design Guidelines of the HCD By-law and that the issuance of the Certificate of Appropriateness for Demolition or Removal of 102 Pelham Street is conditional upon the plans submitted, no additional conditions are considered necessary from a staff perspective.

# ATTACHMENT B

## Inventory of Historic Buildings: 90-94 Pelham and 102 Pelham Street

Pelham Street

1906	#90/94	c1886	#96	1810-17	#98	1844-51	#102	1872-1906	#104	c1886	#11 King
 <p>history of the Royal Bank in Lunenburg traces back to John Henry Wilson, a businessman of the 18th century who held shares in the bank and who ran a boot and shoe store as well. By the late 1880's, he owned the building on the end of this block between Pelham and Kings Streets and in 1887 had the building next to it now occupied by the Kings Tavern. He leased a portion of that building to the Merchants Bank of Halifax. The Merchants Bank amalgamated with various banks to form the Royal Bank. Wilson sold to the new bank the property on which to erect a new building. Built in 1906 the stone faced masonry building presents a bold, classically derived facade to Pelham Street. Divided into three bays, each with a 2 story round-headed window opening, the facade is defined by wide corner pilasters which give visual support to a massive entrance. The centre bay projects outward from the main line of the building and is emphasized by a monumental pediment supported by intricately detailed engaged columns. Over each window is a large fluted oval keystone.</p> <p>of historical interest to that Henry Wilson's daughter, Morris Wilson, started the Merchants Bank at the age of 15 and rose to</p>	 <p>In 1887 John Henry Wilson leased to the Merchants Bank "the lower flat of the 3 storey building lately erected on the southern side of Pelham St. nearly opposite Kings Hotel." Since that time, the building has housed a variety of other commercial enterprises. The 1914 insurance plan shows it fully occupied by a restaurant, store, offices and a Hall on the 3rd floor. From 1909 to the 1960's it housed the Rissers Restaurant and Boarding establishment and in 1967 came into its present use as a tavern.</p> <p>The upper floors of the building are still intact with segmental (2nd floor) and semi-circular (3rd floor) windows and an interesting vergerboard adding interest to the facade. The ground floor, however has been substantially altered.</p>	 <p>This building was demolished in the summer of 1982 having become derelict, however it was so sturdily built that, despite considerable rot in some of its structural members, it had to be torn apart piece by piece in order to be taken down. The demolition revealed details of the pegged post and beam structure and laid bare the massive central chimney with its separate sections corbelled together at the attic level and its total of 6 fireplaces. The building had an interesting four bay facade and was clapboarded over birchbark on sheathing boards up to 16 inches wide. Registered deeds suggest that the house was built for Henry Woolenhaupt, a town merchant, who in 1817, sold it and a water lot down to the shore to Matthew Ernst, for 247 pounds. From 1872-1949, the property was owned by W. N. Zwicker, then by Zwicker and Co. In the 1880's it was occupied by Captain George Selig and in the rubble of demolition, 100 years later, were found handwritten papers signed by his daughter, Johanna. The house was reputedly haunted.</p> <p>In 1876, W.N. Zwicker (see #96 Pelham) sold off the lower part of his property to Alexander Silver, a fisherman, for \$300. By 1885, the house was passed to Alexander Jr. a record value of \$1,100. The substantially intact</p>	 <p>In the early 19th century the entire eastern end of this block was owned by the Bolman family and it was out of the Bolman estate that this lot was sold in 1844 to George Bremner for 62 pounds. He had this house built but enjoyed it only until 1852 when it was sold by the Sheriff for 137 pounds. In 1872, it was purchased by Joshua Hirtle, a cooper, for \$1,000 and is so identified on the Church map. Later, in 1886, J. Moyle Rudolf recorded in his diary "...D.M. Owen and I bought from William A. Smith for \$1,200 a property on Pelham Street. It was a dwelling house and barn 60 ft. long, in the street end of which was an office, occupied by Henry Bailly, Registrar of Deeds." (see #102 Pelham) Rudolph and Owen (a barrister) owned the house until 1911 when it entered the Whynot family.</p> <p>Although it is now vacant and in poor condition the house retains all of its original character</p> <p>Note: #98 was demolished in 1983.</p>	 <p>Both the 1879 and 1890 BEV's show a long barnlike structure on this lot, which would have been the 60 ft. long barn referred to by J. Moyle Rudolf in his diary (see #98 Pelham). This original barn was probably built by Joshua Hirtle, a cooper, who purchased the property in 1872. Both the Rudolf diary and the 1890 BEV indicate that the Registrar of Deeds, Henry Bailly, maintained his office here. Insurance plans reveal that by 1906 the barn was reduced in length and whether the present house is a part of the original barn or an entirely new structure built at that time is unknown. The building was occupied as a store until 1954.</p> <p>This modern 2 storey building was constructed in 1957 as an electricians shop on the site of an earlier building in which there had been a fire. The earlier building was built about 1901 by Alfred Dauphinee and Sons, ships blockmakers, and was used by that company until the 1950's. (see also #125 Montague)</p> <p>The Dauphinee business was an outgrowth of an earlier block-making business run by Alfred Dauphinee's father-in-law, Peter Loyer. This business was located in an earlier building which stood on this same lot. This much older house is reputed to have been the residence of the first</p>	 <p>This structure was built for John Morash, a customs official, and replaced an earlier building on the lot. In 1888, the newly formed corporation of the Town of Lunenburg rented office space in "John Morash's new shop" for \$80 per year, and the building is identified on the 1890 BEV as the "Town Clerk's office." Also subsequent deeds up to 1920 refer to the building as the "old Police Court." It was used as a store until the 1940's and has been an apartment house since that time.</p>	 <p>John Morash bought the building and all 4 eastern end of this lot in 1875 for \$2,000. In 1888 he renovated the roofed building (see BEV), gave it a mansard roof (see BEV) and put it to use as a store and a hotel. In 1937, it was owned by William Myra, a customs official, and is identified as an "office." In the 1940's, it has been used as an apartment house and in 1982 was pathetically restored.</p>					
											#9 King
											<p>Comparison of 1879 and 1890 BEV's reveals that this house was built in the 1880's for John Morash. It was used as a store from the 1920's until recent years when it was put back into residential use. Originally, the bay windows extended all the way down to street level (see 1890 BEV) but were replaced by a storefront in later years. Now, the storefront is replaced by smaller windows, each with a transom light and brackets connecting it to the upper bays. The recessed storefront door can still be seen.</p>
											<p>Before this house was built in 1878, this property was the "Bolman" property and the old house which was one as "Henry Bolman's old house." Henry Bolman's father, Daniel Bolman, were doctors and surgeons in Lunenburg settlement and owned lots and water lots of this block until 1844. Over the next 30 years the block was owned by Matthew Ernst, a merchant, Peter Loyer, a cooper, and Edward Van Horn, a carpenter. In each time through sheriff's sale. In 1875, it was sold to John Morash (see above) and in 1878, Morash sold the lots to Dr. Thomas DesBrisay. DesBrisay built the</p>

## ATTACHMENT C

### Documentation of 102 Pelham Street

#102

1872-1906



Both the 1872 and 1890 BEV's show a long barnlike structure on this lot, which would have been the 80 ft. long barn referred to by J. Moyle Rudolf in his diary (see #98 Pelham). This original barn was probably built by Joshua Hirle, a cooper, who purchased the property in 1872. Both the Rudolf diary and the 1890 BEV indicate that the Registrar of Deeds, Henry Bailly, maintained his office here. Insurance plans reveal that by 1906 the barn was reduced in length and whether the present house is a part of the original barn or an entirely new structure built at that time is unknown. The building was occupied as a store until 1954.



Google Maps – August 2018



Google Maps – June 2009

Birds Eye View Map – 1879

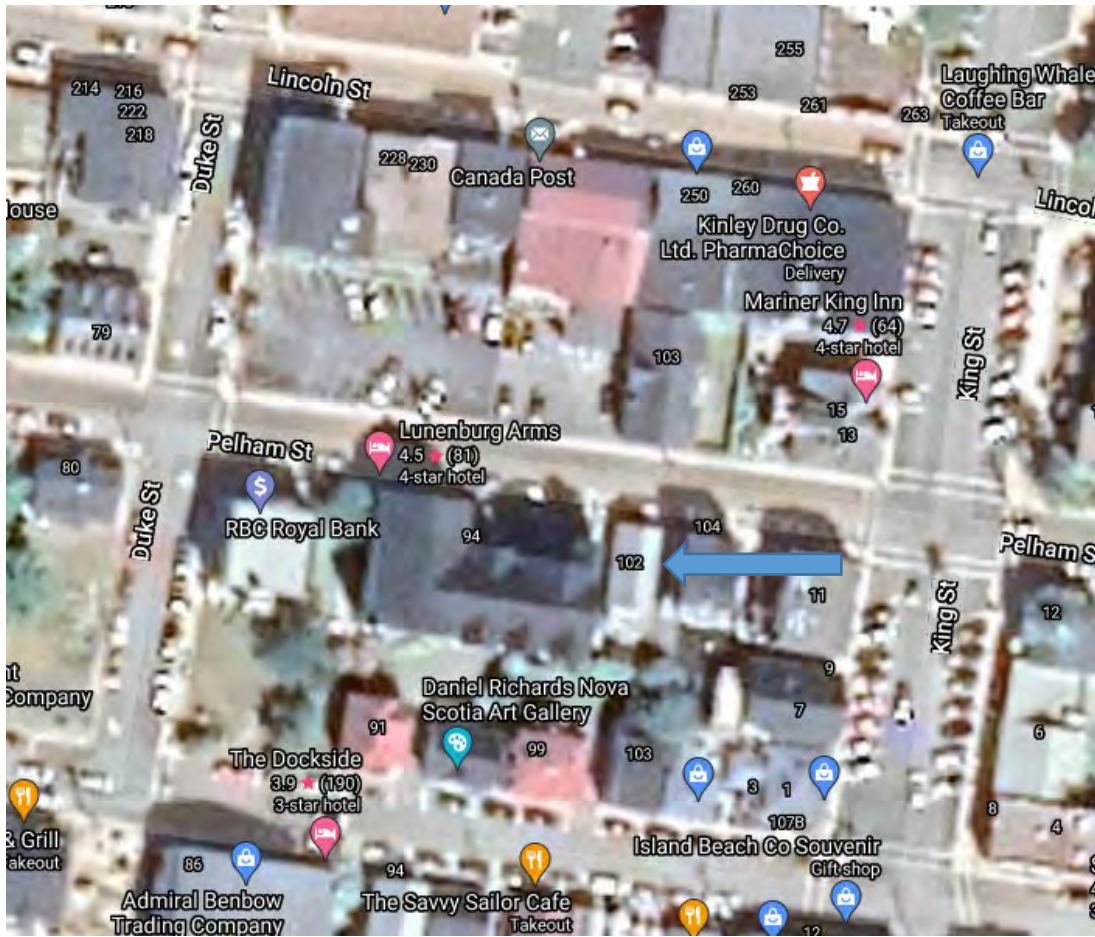


Birds Eye View Map – 1890





Identified as a pre-1940's Building.



**1 Property found**  
**PID:** 60061793 [Details](#)  
**AAN:** 02545136  
**Value:** \$167,200 (2018 COMMERCIAL TAXABLE)  
**Address:** 102 PELHAM STREET  
 LUNENBURG  
  
**County:** LUNENBURG COUNTY  
**Owner:** RICHBURG LP MANAGEMENT INC  
  
**LR:** LAND REGISTRATION

Powered By CARIS Spatial Fusion  
 Lat: 44-22-34N Long: 64-18-38W Scale: 1274 Zoom: 2







**PHOTOS DURING SITE VISIT OF AUGUST 13, 2021**



**North East Elevation**



**North West Elevation**



**West Elevation**



**South Elevation**



**Spa Reception Area**



**Spa Equipment**

Photos of Site Visit October 25, 2021



**ATTACHMENT D**  
**Review of 94 Pelham Street Expansion Design**

**Old Town Heritage Conservation District By-law Provisions Review:**

**Addition to Existing Building:**

Pursuant to Part 7.3 Total ground Floor Area (footprint) of an addition shall not exceed 25% of the ground Floor area (footprint) of the existing Building:

<b>94 Pelham Street Expansion</b>	
Ground Floor Area of Existing Building:	5870 square feet
Ground Floor Area of Addition:	1127 square feet
Percentage:	19.2 percent < 25% (Satisfies Part 7.3)

<b>Review of Design Guidelines (Part 7):</b>	
<b>Design Guidelines:</b>	<b>Comments:</b>
Compatibility with the style, scale and materials of existing building:	The proposed addition's design is in keeping with the design of the Hotel. The original building built around 1887 on the western end of the North Elevation is echo in the addition's design on the eastern end of the North Elevation – like two bookends. The scale is similar to the western end of the hotel as well with its gable end facing Pelham street with a similar roof shape and slope. The commercial storefront appearance of the western end is also echo into the addition's design to reinforce the commercial flavour of the street. The materials are wooden clapboard matching the existing.
Size, massing and proportions: More than 2,100 Sq. Ft. – shall provide additive form with varied roof lines; Maximum Ground Floor Area – 4,200 Sq. Ft. for new commercial buildings.	<p>The existing building's mass is broken into three (3) masses and with the addition will be broken into four (4) masses. The existing ground floor area is 5,870 square feet and with the addition of 1,127 square feet will create a building footprint of 6,997 square feet.</p> <p>Section 3 of the Design Guidelines specifies that new buildings shall not exceed 4,200 square feet. However, Section 3 is not considered the appropriate section to evaluate the development as it is not a new building. As it is an addition to an existing building, Section 7 is the appropriate section and Section 7 enables expansions to existing buildings that are less than 25%.</p> <p>As the building is broken into masses that provides the appearance of a multitude of buildings distinguishable by the form and</p>

	massing, and the addition's footprint is less than 25% of the existing building footprint, the proposed size, massing and proportions are deemed to be in keeping with the intent of the design guidelines.
Compatibility with the character of the streetscape:	The addition is considered compatible with the existing building and the streetscape. Many of the buildings along Pelham Street have their gable roof ends facing the street which is reinforced by the design of the addition. Directly to the east of the addition is an existing three storey building which has a mansard roof design with an exposed gable end facing Pelham. The development incorporates elements of the existing design including cornerboards, horizontal bands, vertical oriented windows with lower storefront picture windows that reinforces the commercial fabric of the street. The addition is considered compatible with the character of the streetscape.
Orientation to public street:	As previously noted the addition's design is oriented to Pelham Street by its gable end and sits parallel and perpendicular to the street lines. The building's design and massing helps to create a balance design in the building's façade with the original 1887 gable end on the west side of the North Elevation with the proposed addition's gable end on the east side of the North Elevation (like two bookends). The incorporation of the street level commercial storefront appearance of the addition helps to reinforce the commercial flavour of the street and again echoes the original 1887 building design.
Width to length ratio should not exceed 1:2:	The proposed addition will create a width to length ratio of 65ft./125ft. which is less than the 1:2 width to length ratio criteria. Due to the varied roof forms and the indentations of the building's façade along Pelham Street, the overall massing of the building is broken into four (4) identifiable parts which helps to break up the mass in such a fashion that the building would not look or feel like a long narrow building. The development meets the intent of this provision.
Set-back should be zero to frame public realm:	The addition reinforces the public street realm with a zero (0) front yard set-back.
Façade Design should be balance and have a rhythm along the street: 18 to 25 feet typical spacing of vertical details in façade.	The addition add a forth element to the façade's design reinforcing the rhythm pattern of the street. The vertical elements of the cornerboards and the gable end roof lines helps to support the pattern of the street. As previously stated, the addition is 25

	feet wide with cornerboards thereby conforming with this provision.
Spacing between buildings should be compatible – narrow for commercial streetscapes:	The addition maintains a narrow separation distance between it and the eastern side lot line thereby conforming with this provision.
Does not destroy or obscure significant architectural features:	The addition’s placement on the eastern end of the structure will not impact any existing significant architectural features of the building or any nearby buildings.
Form and Roof Shape similar to principal structure:	As previously stated the addition’s design will echo the original 1887 design on the western side of the building. The form and roof shape is considered compatible with the principal structure.
Off-set from Main Façade:	In commercial areas, the framing of the public realm should trump having a set-back that makes the addition easily identifiable from the existing structure. In this particular case, bring the addition forward helps to distinguish it from the existing structure with its current set-back and central patio space as well as protect the framing of the public street realm. In this regard, the proposed design is considered reasonable consistent with this intent.
Height should not exceed original structure:	The height matches with the height of the original 1887 structure on the western end of the building. The gable end roof design of the addition is considered compatible with the streetscape and the building’s existing design.
Cladding and trim (cornerboards) of addition should match existing in style, profile and materials:	The wooden clapboard cladding and wooden trim (cornerboards) match the existing in terms of their style, profile and materials.
Dormers should not occupy more than 1/3 of the roof, design to be compatible with existing:	There is an addition of one dormer on the South Facade to echo and balance with the existing dormers along the South Elevation. Though the dormers will slightly exceed 1/3 of the roof, it is deemed more important to provide a balanced compatible design in-keeping with the existing building. From an overall design perspective, the South Elevation with the new matching dormer will be better aesthetically than not have any dormer at all in this addition.
Windows and Trims of addition should match existing:	The windows and their trim match the existing in terms of their style, profile and materials.
Doors and Trims of addition should match existing:	The doors and their trims match the existing in terms of their style, profile and materials.

Exterior Decks, Stairs, Ramps and Railing shall be compatible with Lunenburg's traditional design:	Not applicable – There are no exterior decks, stairs, ramps or railings associated with the addition.
Facial Board, Frieze Board, Soffits and Gutter and Downspouts to match existing:	The facial board, frieze board, soffits and gutter and downspouts on the addition match those on the existing building in terms of their style, profile and materials.
Storefront details continued through addition (larger windows along street level, vertical oriented windows above – cornice details, mouldings and panel details):	The addition does incorporate a storefront appearance along Pelham Street which echoes the storefront appearance of the original 1887 structure.
Chimney:	Not applicable – There are no chimneys associated with the addition.
Vents:	There are currently vents along the East Façade and there will be new vents along the new proposed East Façade of the addition. It is felt that the East side or South side Elevation would be the best location for the vents to minimize the potential for additional vents along the North front façade.
Utilities:	The applicant has advised that they are looking to use the latest HVAC technology however they remain committed to finding a solution that keeps the aesthetics pleasing to the eye.

**ATTACHMENT E  
- PLANNING PROCESS -**

<b>Planning Process Outline</b>	
<b>Stage:</b>	<b>Date:</b>
<b>Applications referred by Council to HAC and the Lunenburg Heritage Society for advice and comments.</b>	<b>September 14, 2021</b>
<b>HAC meets and makes recommendation to Council – Lunenburg Heritage Society provides comments to Council.</b>	<b>November 29, 2021</b>
<b>Council First Reading to advertise for Public Hearing.</b>	
<b>Advertisement for Public Hearing 21 days prior for two consecutive weeks.</b>	
<b>Council holds Public Hearing.</b>	
<b>Council makes decision.</b>	
<b>Noticed published in local paper advising of Council's decisions and 21 Day Appeal Period</b>	
<b>21 Day Appeal period elapses.</b>	
<b>Certificate may be issued (if approved)</b>	

**Relevant Section of the Heritage Property Act and Regulations**

**Heritage Property Act:**

**Public hearing and conditions for approval of demolition or removal**

19F (1) Where the conservation plan and conservation by-law require that a certificate be issued for demolition or removal of a building or structure in a heritage conservation district, the council shall hold a public hearing.

(2) Where the council considers an application for a certificate for demolition or removal of a building or structure, the council shall not approve the application unless

(a) there is irreversible structural damage or deterioration to the building or structure; or

(b) the applicable policies of the conservation plan respecting demolition or removal of the building or structure are met. *1991, c. 10, s. 4.*

**Heritage Property Act Regulations:**

**Public hearing for certificate**

**11 (1)** The council shall cause notice to be given of a proposed development and of its intention to consider the application for a certificate by a notice to be published at least once a week for two successive weeks in a newspaper circulating in the area of the district, the first of such notices to be published at least twenty-one clear days before the date fixed for the public hearing.

(2) The notice required by subsection (1) shall

(a) describe the location of the proposed development by civic number, by a plan, map or sketch or other description adequate to identify the location;

(b) give a description of the proposed development; and

(c) state the date, time and place fixed for the public hearing and the place where and hours during which information pertaining to the proposed development may be inspected by the public.

### **Council decision on certificate**

**12 (1)** Subject to subsection (2) and subsection (2) of Section 19F of the Act, the decision of the council to approve or deny the application for a certificate shall be made, by resolution, after consideration of any submissions received and shall be by a majority vote of those councillors present when the vote is taken, but only those councillors present at the public hearing may vote upon the application.

(2) Where the council considers an application for a certificate other than one for demolition or removal of a building or structure, the council shall approve the application if it meets the requirements of the conservation by-law, including applicable portions of any design guidelines.

(3) Where the council denies the application for a certificate or approves the granting of the certificate with conditions imposed, the council shall include in the resolution the reasons for the denial or imposition of conditions, as the case may be.

(4) The council, by resolution, may specify conditions that shall attach to the granting of the certificate and the reasons for the conditions, and subsection (2) of Section 14 applies to those conditions.

(5) Upon the making of a decision to approve, approve with conditions or deny the granting of a certificate,

(a) the council shall cause notice to be published in a newspaper circulating in the district stating its decision and setting out the right of appeal; and

(b) the clerk of the municipality shall serve on the applicant, by personal service or registered mail, a copy of the resolution containing council's decision and reasons therefore, where required.

### **Conditions on certificate**

**14 (1)** A certificate may be granted unconditionally or with conditions.

(2) Where a certificate is granted with conditions, the conditions shall

- (a) relate to the development permitted by the certificate;
  - (b) be for a heritage conservation purpose; and
  - (c) be in accordance with the design guidelines.
- (3) Without limiting the generality of subsections (1) and (2), the conditions subject to which a certificate may be granted include conditions with respect to
- (a) the use of specific materials on or in a building or structure;
  - (b) the filing with the heritage officer of acceptable photographic or other documentation of a building or structure before its demolition or restoration, rehabilitation or alteration;
  - (c) the making good, after work is completed, of any damage caused to the building or structure by the work;
  - (d) restoration, rehabilitation or alteration of a building or structure or any part of it following the execution of work, with the use of original materials or acceptable alternatives;
  - (e) the preservation of or alteration in the design of buildings and structures;
  - (f) the site plan;
  - (g) the graphic representation of the proposed buildings and structures;
  - (h) type, species and placement of vegetation;
  - (i) the placement and design of signage; and
  - (j) the exterior colour of buildings and structures.

### **Appeal period**

**15** An appeal concerning the refusal of a certificate or the granting of a certificate with or without conditions by either the heritage officer or council shall be served on the Board within twenty-one days of the date of the publication of the notice of the refusal or granting in the newspaper.



**TOWN OF LUNENBURG**  
**HERITAGE, DEVELOPMENT PERMIT AND ENCROACHMENT LICENSE APPLICATION FORM**

Date: August 16, 2021

Civic Address: [REDACTED]

PID: see above      ZONE: \_\_\_\_\_       HCD       ARCH CONTRL       MuDesHER

**Applicant Information:**

Name: Richburg LP Management Inc

Mailing Address: [REDACTED] C1A 1R7

Telephone: \_\_\_\_\_ Cell: [REDACTED] Fax: \_\_\_\_\_

Email: [REDACTED]

**Property Owner Information:**       Same as applicant/owner

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Proposed Use and Construction:**

Current use:

- Single-unit dwelling      Describe: \_\_\_\_\_
- Multiple occupancy      Describe: \_\_\_\_\_
- Commercial      Describe: \_\_\_\_\_
- Institutional      Describe: \_\_\_\_\_
- Other      Describe: \_\_\_\_\_

Proposed use:

- No change
- Change to multi unit housing/hotel

**Proposed scope of project:**

1. 102 Pelham - Demolish current structure and add 12 rooms to existing hotel  
\_\_\_\_\_  
\_\_\_\_\_
2. PID 60061181 & 60061199 Construct 30-38 micro suites and parking garage.  
\_\_\_\_\_  
\_\_\_\_\_

Contractor Information:  Same as applicant; or

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_ Cell: \_\_\_\_\_

**Documentation attached:**

- Site Plan showing distances to lot lines
- Photograph of existing conditions
- Elevation drawings
- Other \_\_\_\_\_

**Permits/Fees:**

- Old Town Heritage Certificate of Appropriateness (free)
- Heritage Permit (free)
- Development Permit (free)
- Encroachment License (\$100.00)
- Indemnification Agreement for a portable/sandwich board sign

**Applicant Declaration:**

I solemnly declare:

1. That I am the authorized agent of the owner/the owner named in this application for a permit.
2. If the owner is a corporation or partnership, I have the authority to sign for the corporation or partnership.
3. That the plans and specifications submitted are prepared for the construction or alteration of the building or buildings described.
4. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge and made with a full knowledge of the circumstances connected with the same.
5. It is clearly understood by the undersigned that this is only an application and does not authorize the applicant to proceed with any work until all required permits are issued.
6. It is clearly understood by the undersigned that the changes in the design must be submitted for approval prior to construction.

Signature of Authorized Applicant: Gordie

Digitally signed by Gordie  
Date: 2021.08.16 10:06:31 -03'00'

Date: August 16, 2021

**OFFICE USE ONLY**

Permits required for this project:

- Development Permit
- Encroachment License (GEMC \$100.00)
- Indemnification agreement for a portable/sandwich board sign
- Heritage Permit
- Old Town Certificate of Appropriateness
- Building Permit (under separate application)

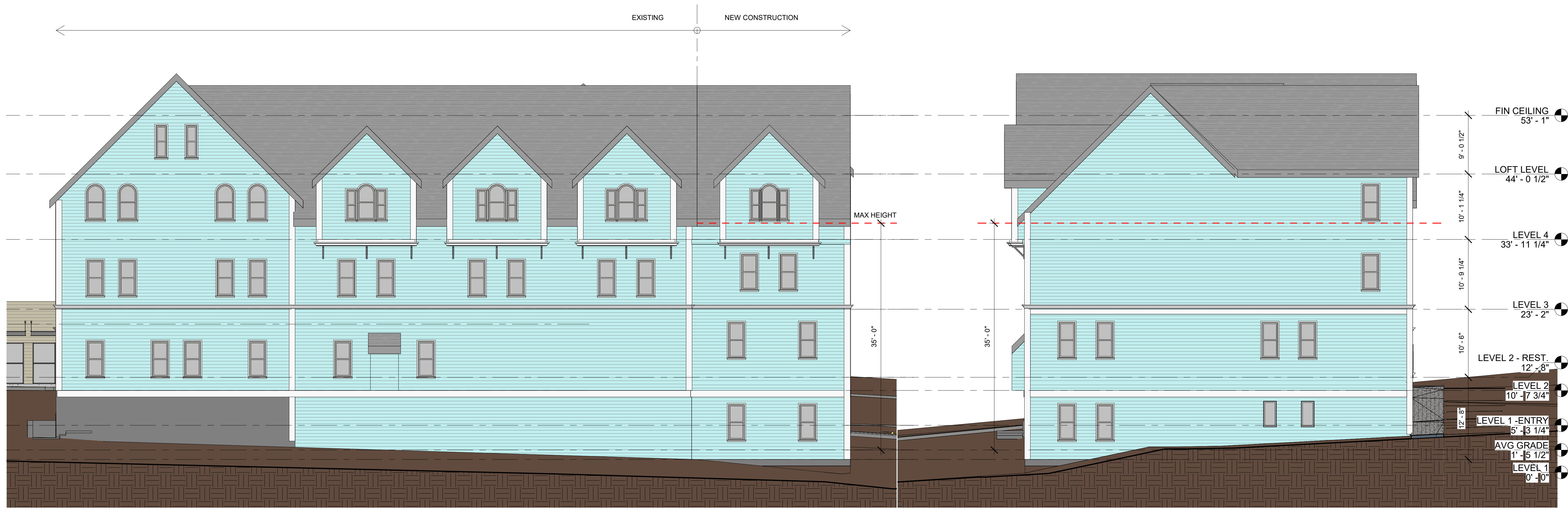






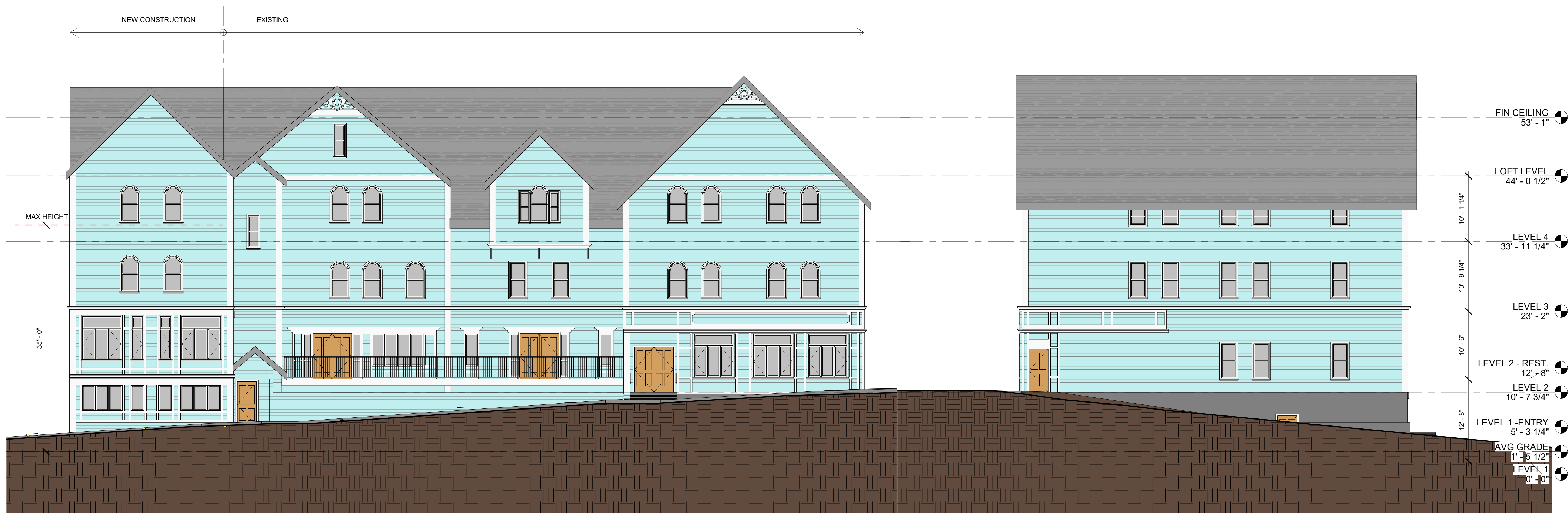
CLIENT:  
Owner

KEY PLAN



② SOUTH  
1/8" = 1'-0"

③ EAST  
1/8" = 1'-0"



① NORTH  
1/8" = 1'-0"

④ WEST  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

NO.	REVISIONS	DD/MM/YY

PROJECT :  
LUNenburg ARMS HOTEL  
LUNenburg, NS

DRAWING TITLE :  
ELEVATIONS

C.P.#:  
PROJECT MANAGER: KT  
SCALE: 1/8" = 1'-0"  
DRAWN BY: JE  
DATE: 02/09/21

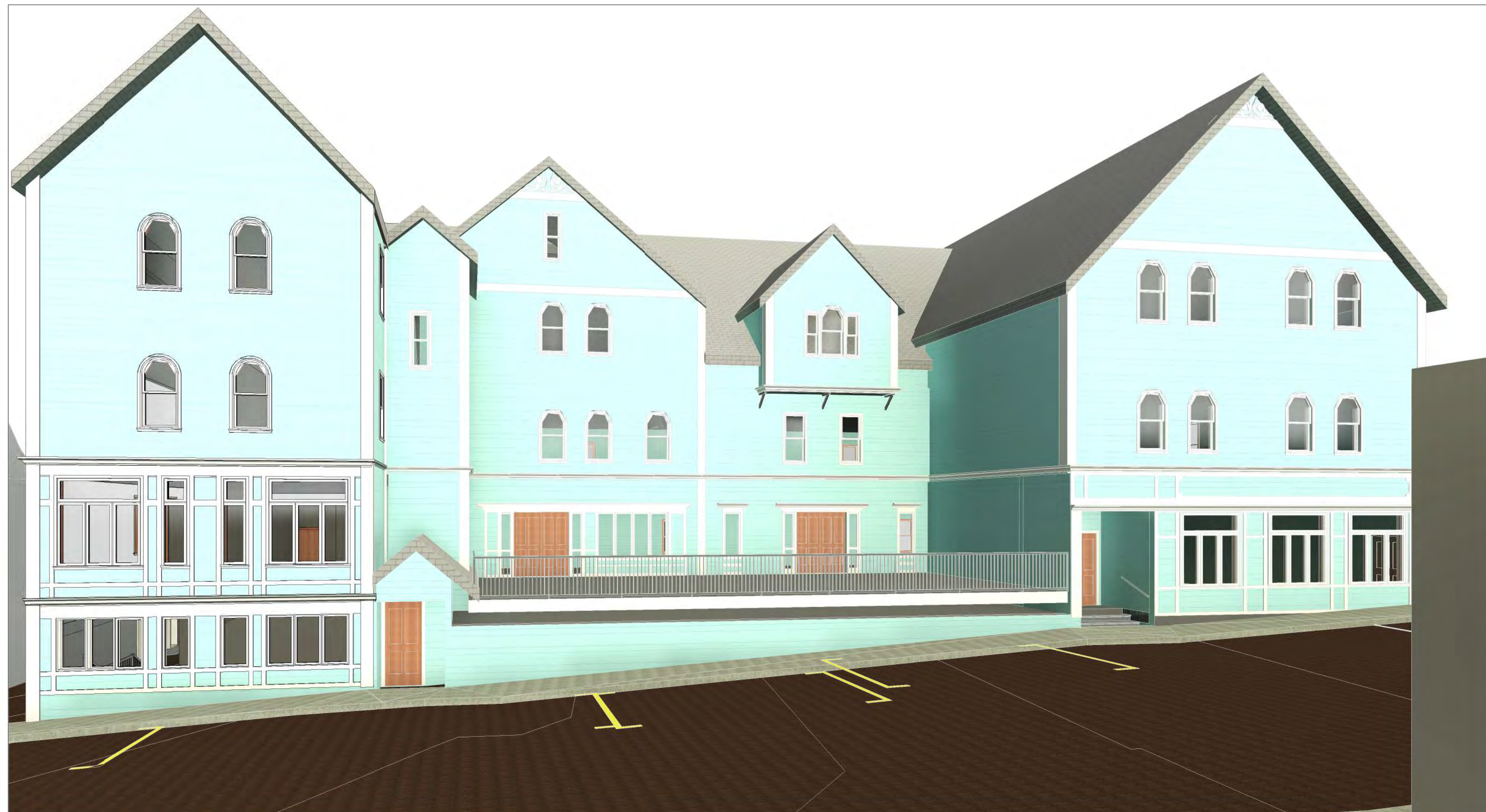
A301



② AXONOMETRIC



⑤ SOUTHEAST



① NORTHEAST



④ EAST

CLIENT:  
Owner

KEY PLAN

NOT FOR CONSTRUCTION


NO.	REVISIONS	DD/MM/YY

PROJECT :  
LUNENBURG ARMS HOTEL  
LUNENBURG, NS

DRAWING TITLE :  
PERSPECTIVES

C.P.#:  
PROJECT MANAGER: KT  
SCALE:  
DRAWN BY: JE  
DATE: 02/09/21

A401



*Drawing courtesy of Bill Plaskett*

Mayor & Councillors  
Town Of Lunenburg  
119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS B0J 2C0

October 14, 2021

Dear Mayor Risser and Councillors:

**Re: Demolition of 102 Pelham Street, Lunenburg, NS**

As requested in a letter from Arthur MacDonald, Heritage Manager, on September 17, 2021 the Lunenburg Heritage Society wishes to provide advice with regards to the application to demolish 102 Pelham Street. One goal of the Lunenburg Heritage Society is to preserve and promote Lunenburg's unique heritage and this goal is the basis for our opposition to the application to demolish 102 Pelham Street. This building has served many purposes through its years on Pelham Street: barn, records office, store, home, and business. If nothing else, this building is a good example of pre-1940 commercial structure and preserves the scale and architectural characteristics of the commercial district.

The collective of the buildings in Town create our story: the interesting, the elaborate and the every day. There is concern that demolishing 102 Pelham Street to make way for further development would not be in keeping with Lunenburg's UNESCO designation. If we were to determine the historical worth of a building based solely on its being a registered property, then many of the treasured homes and commercial buildings in the Town of Lunenburg could easily be lost to demolition.

The Lunenburg Arms towers over Pelham Street between King and Duke and its expansion will only add to the mass of the structure (even if considered as four masses). The character of the block will be lost entirely if we also consider the proposed new parking garage and 30 or more micro-suites across the street on the corner of Pelham and Duke. Feedback from our membership has indicated concern over the additional massing having a "detrimental" impact and turning the block into an "urban wasteland" with little pedestrian traffic and speeding drivers.

In the Town staff's draft report to the Heritage Advisory Committee/Town Council, Section 4.8.2 of the Old Town Heritage Conservation District Plan Demolition Policy considers the design features of an expanded Lunenburg Arms, with respect to the overall structure. However, it does not consider the design features of the existing structure of 102 Pelham and the impact of replacing it. This makes an approval of the application seem like a foregone conclusion. The draft report also states that the applicant is willing to move the structure, but have they considered incorporating it into the expansion



PO Box 674 · Lunenburg, NS · B0J 2C0  
[www.lunenburgheritagesociety.ca](http://www.lunenburgheritagesociety.ca)  
902 634-3498

---

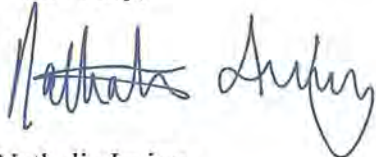
plans? Why does preservation have to suffer in the name of development? Can the old not be incorporated with the new? Tell a new story, educate our visitors, and share our heritage.

The economics of preservation will very rarely win over demolition and starting anew when business owners consider capital costs. The properties owned by the applicant capitalize on their charm, character, and unique locations: all of which can be found in Lunenburg.

Various arguments can be mounted to demolish 102 Pelham Street, as indeed for any building. However, what is the Town's duty to the preservation of its built Heritage? That duty may require a deeper reflection, and that is what the Lunenburg Heritage Society is asking Council to do and deny the application to demolish 102 Pelham Street.

Thank-you for your consideration of our advice.

Yours truly,

A handwritten signature in blue ink, appearing to read "Nathalie Irving". The signature is fluid and cursive, with the first name being more prominent.

Nathalie Irving  
Chair, Lunenburg Heritage Society

## ATTACHMENT H

October 11, 2021

Irma Da Sie, Architect & Stephen Richards  
106 Pelham, PO Box 196  
Lunenburg, NS BOJ 2C0

**Town Of Lunenburg**  
**Mayor & Council Members**  
**Heritage Advisory Committee Members**  
**Planning Advisory Committee Members**

119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS BOJ 2C0

Re: Demolition of 102 Pelham Street

To all concerned,

As the direct neighbour of The Lunenburg Arms Hotel, we are writing this letter to voice our objection to the demolition of 102 Pelham Street requested by Richmond LP Management Inc., as well as to object to the consolidation of the lands with 90/94 Pelham Street.

This little building is part of the UNESCO World Heritage Site & is in the Old Town Historic District and that alone makes it worthy of protection.

We strongly believe that demolition is no way beneficial to anyone residing or visiting Lunenburg and only serves to whittle away at the fabric of our UNESCO town. It is important to safeguard each individual asset, no matter how small, to preserve the value of heritage tourism that is so crucial to Lunenburg's economic well-being.

We also suggest that the application for development be focussed on the vacant lot owned by the hotel at the corner of Pelham & Duke Streets, which is a wonderful opportunity for the creation of thoughtful & innovative integration of a new building in the historic context, as well as providing the capacity to add the additional suites required for economic sustainability. In a real estate listing in which the Lunenburg Arms went up for sale in 2014, it boasts, "Across the street are two lots ... that provide...(an) opportunity to build up to an additional 35 annex rooms."

Photos #1 & #2, attached, show a historical view looking east on Pelham Street confirming that this little building has played a role, historically, in the social fabric of the town.

On the right of the bird's eye view photo #1, you can see the edge of the old Dolphin Tavern (now the main structure of the Lunenburg Arms Hotel) preserved in shape & style to its original self.

It is unfortunate that the two buildings to the east of the Tavern were demolished by the then owner of the Tavern. The Lunenburg Arms now sits where these buildings once were. Note the way these two old buildings descend in height from the Tavern, acknowledging that the street slopes to the east, thereby creating a sensitive rhythm of scale & proportion.

Photo #2 shows a more detailed in view of 102 Pelham (right) authenticating its presence as a tobacconist in the early 1900's. There is no reason to believe that this building is not the one depicted in the map of 1890, showing a structure with the same shape & height as it is today, yet simply reduced in length.

As discussed with the former owner of 102 Pelham, it is built with timber construction in the style of the local vernacular tradition of the time, an important characteristic of the UNESCO designation. The fact that alterations to the facade have been allowed to occur over the years in no way diminishes its importance to the fabric of the streetscape.

The second defining characteristic, as outlined in UNESCO's description of Old Town Lunenburg, claims of the town's authenticity;

*"The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets..."*

The assignment of lots by the random drawing of playing cards is a well documented & fascinating historical account of Lunenburg's history. Some of the lots have already been consolidated due to past developments, thereby highlighting the importance of preserving what is left to keep Lunenburg's character as "authentic" as possible.

Also, allowing an expansion to the Lunenburg Arms Hotel in no way guarantees its financial success in what is a struggle for most of the hotels & inns already trying to survive in such a seasonal industry. This unique little property could, one day perhaps, be sold off separately & restored as a small commercial undertaking that would truly be a valuable addition to the fabric of the street.

And what if the Lunenburg Arms is "unsustainable in its current form"? Could not the building be repurposed into long term housing? Would this be a bad thing?

#### **Review of the 94 Pelham Street Expansion Design: Attachment D**

Mr. MacDonald states that "the expansion design is considered to be in conformance with the Design Guidelines of the Heritage Conservation District By-law", yet we strongly believe that this is not the case.

#### Compatibility with the style, scale & material of the existing building:

*"The scale is similar to the western end..."*

The existing western end wall of the building is at a height of approx. **28'-6"** measured from its grade level at Pelham street with the gable roof pitch angling eastward away from the side, whereas the eastern end wall of the new addition measures approx. **39'-6"** with a gable end wall reaching a height of approx. **53'-4"** at its peak measured from its grade level at Pelham street. The soffit is approx. **4'-9"** higher on the new extension than the main building. The design does not take into account the sloping nature of the street which drops approx. **6'-9"** on the length of the properties. All of this contributes visually to a much higher structure than that of the western end & would be totally out of scale with its surroundings.

Size, massing & proportions:

*"New buildings shall not exceed 4,200 sq. ft."*

*"As the building is broken into masses that provides the appearance of a multitude of buildings."*

*"The proposed size, massing...are deemed in keeping with the intent of the design guidelines."*

The design guidelines specifies that new buildings be under 4,200 sf. The fact that the existing building is already over these guidelines should be pause for reflection, yet justifying the expansion by finding one suitable clause (under 25% expansion area) is disconcerting.

Section 3 of the guidelines stresses the importance that buildings not be too large or bulky for their context. Allowing expansion to an already massive structure to be almost 7,000 sf in no way satisfies the intent of the by-law.

**"Massive buildings under single roof forms can appear visually dominant in the small scale varied context of the Old Town." (3.3 of the guidelines)**

As viewed from the south, the waterfront or across the harbour, (the iconic Lunenburg Town photo), the current building has the appearance of one massive form under one roof with dormers applied. This new extension only amplifies the size of its massive form and makes no attempt to break it up or **"to have an additive form with varied rooflines..." (3.3 of the guidelines)**. The hotel is already a dominant feature of the town & looms over the 2 & 3 storey heritage buildings below. Allowing the addition of 20% of its mass would be offensive & would be a serious fail to the protection of the charm of the Heritage Old Town. (see photo #3 & #4)

Facade Design should...have a rhythm along the street:

As viewed from one of the most prominent intersections of town, the corner of King & Pelham, the existing Lunenburg Arms does have the appearance of varied roof forms, & its current setbacks create a rather interesting streetscape. Its current design plays off rather sympathetically with the form of 102 Pelham. (photo #5)

Yet, when compared to the proposed view (photo #6), the addition of an overpowering "4<sup>th</sup> element" will only obscure the rhythm pattern of the street and does not reinforce it at all.

Compatibility with the character of the streetscape:

*"The 3 ½ storey addition is considered compatible with the character of the street"*

**Additions shall be designed "in a manner which is compatible with the ... character of the immediate neighbourhood." (7.2 of the guidelines)**

**"Maximum height restrictions of 35 ft." (3.2 of the guidelines)**

All the buildings in the immediate neighbourhood are 2 or 3 storeys maximum. Our 3 storey building at 104/106 Pelham has a height of **31'-6"** from the average grade to the very peak of the gambrel. The hotel's new extension will have a peak height of aprox. **53'-6"** from the average grade. It will have the appearance of a high 4 storey structure & if the upper suites are similar to the existing building, they may even have an additional mezzanine level within the roof space (mezzanine levels of the existing upper floor suites are omitted on the plans). This new addition will have the appearance of being the equivalent of 2 storeys higher than the neighbouring building & other buildings in the vicinity, not to mention being way over the maximum 35 ft allowable height.

Off-set from Main facade:

**“Additions... should be offset from the main facade...to visually distinguish the addition from the main facade” . (7.5 of the guidelines)**

Height should not exceed original structure:

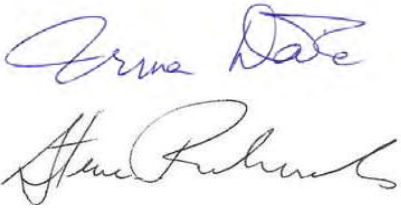
**“An addition should be visually subordinate to the original structure and distinguishable from it...” (7.6 of the guidelines)**

The analysis put forward in the above 2 items addresses only the Pelham street facade & does not address the more visually prominent South facade. The addition as viewed from the south is such that it is designed as a continuation of the existing building. There is no set-back, nor any height variation that distinguishes it from the original structure. Consequently, the design, form & height of the new addition is not in keeping with the intent of the design guidelines.

In conclusion, it is our position that this demolition permit, as well as the demand for the consolidation of lands, be denied as it does not, in any way, contribute positively to the needs of the town. It does not respect the Heritage Conservation District Plan’s Design Guidelines nor satisfy its intent. It does not respect the newly drafted Comprehensive Community Plan which calls for a focus for the continued preservation & enhancement of the Old Town core. It is an insult to all of the residents & businesses of the Town that have been required to developed their properties in compliance with the current zoning by-laws.

Given that a perfectly acceptable alternative solution is available by developing their vacant properties, the argument that demolition is the only solution for economic sustainability seems misguided.

Respectfully yours,

The image shows two handwritten signatures in blue ink. The top signature is 'Irma Dasie' and the bottom signature is 'Stephen Richards'. Both are written in a cursive, flowing style.

Irma Da Sie, Architect & Stephen Richards  
irma.dasie@gmail.com  
(902) 298-1556



PHOTO #1 - Early 1900's view of Pelham looking East

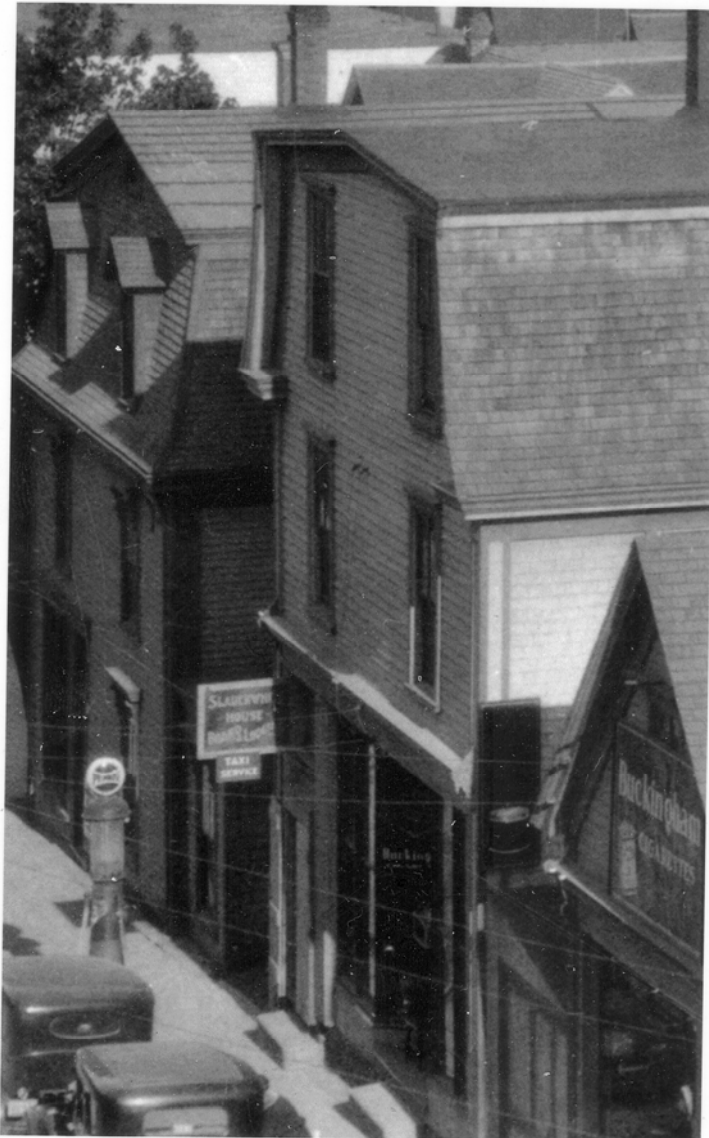


PHOTO #2

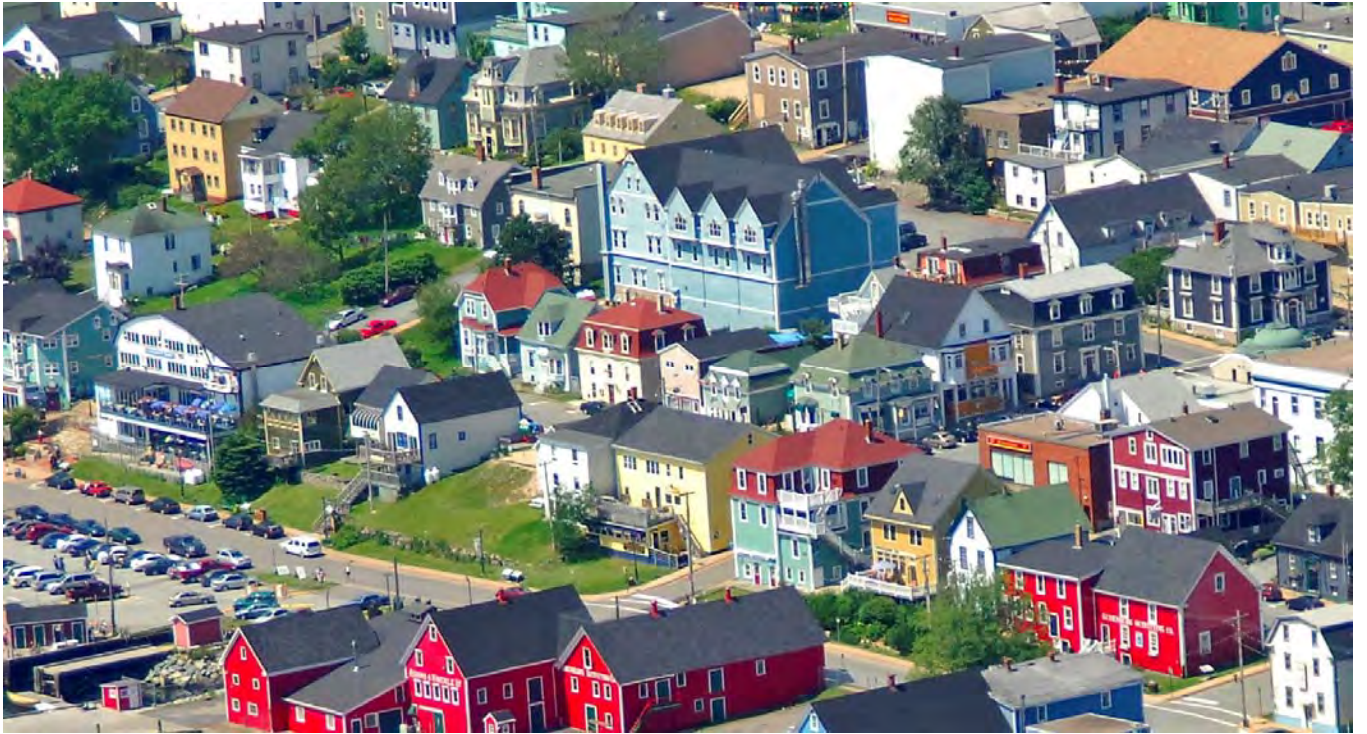


PHOTO #3 - Current view of the Lunenburg Arms Hotel looming over the neighbouring 2 & 3 storey structures



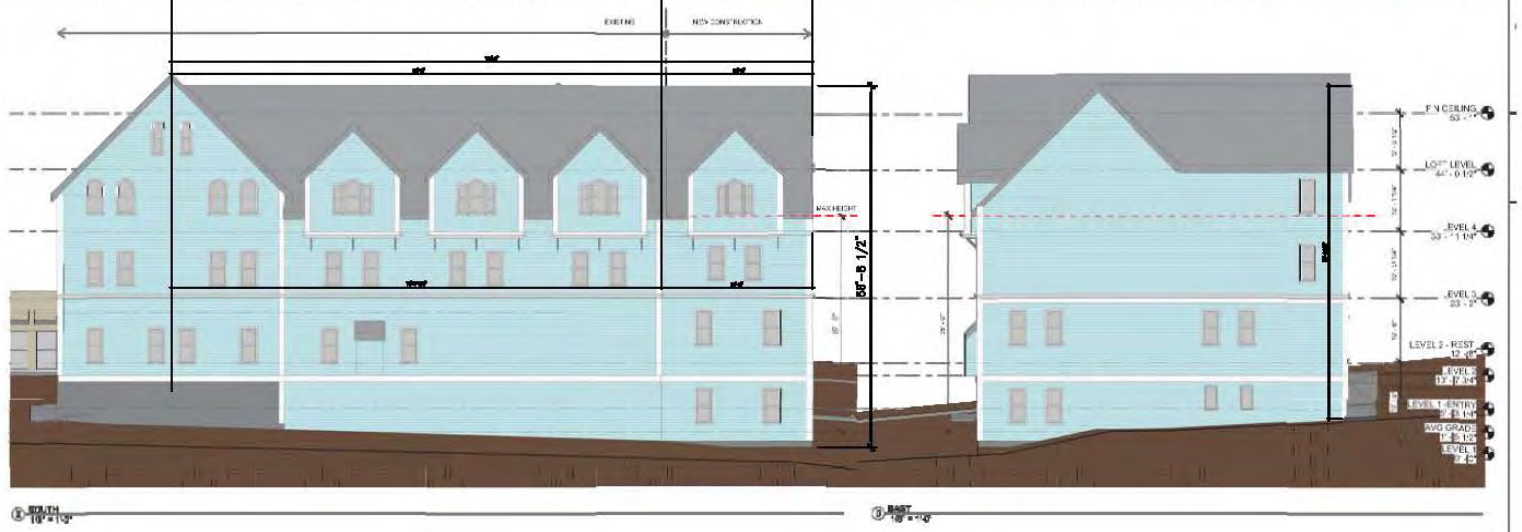
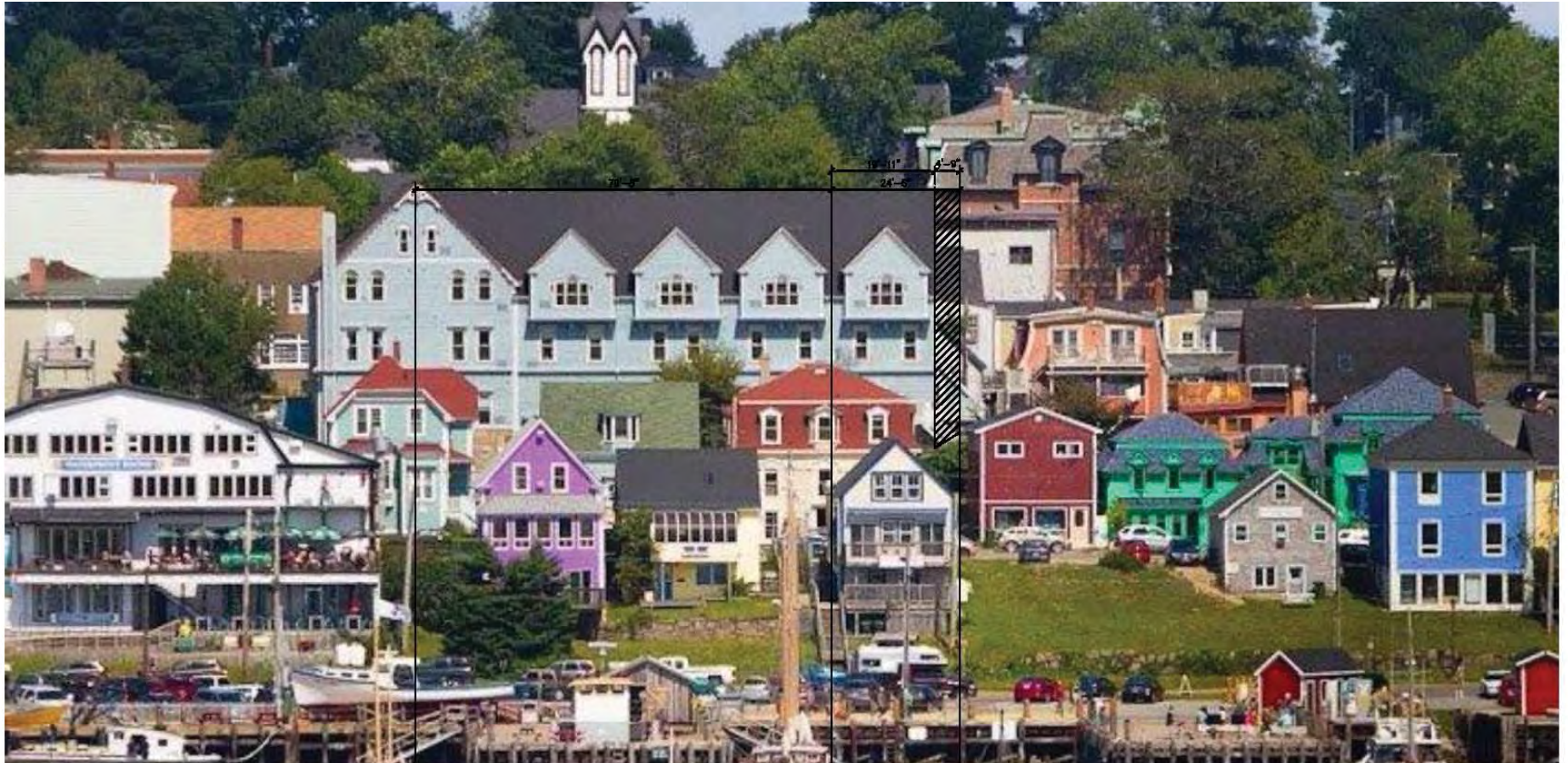
PHOTO #4 - Lunenburg Town view from the Harbour



PHOTO #5 - Current view from the corner of King St. & Pelham



PHOTO #6 - View showing the massing of the proposed addition





① NORTH  
 1/8" = 1'-0"





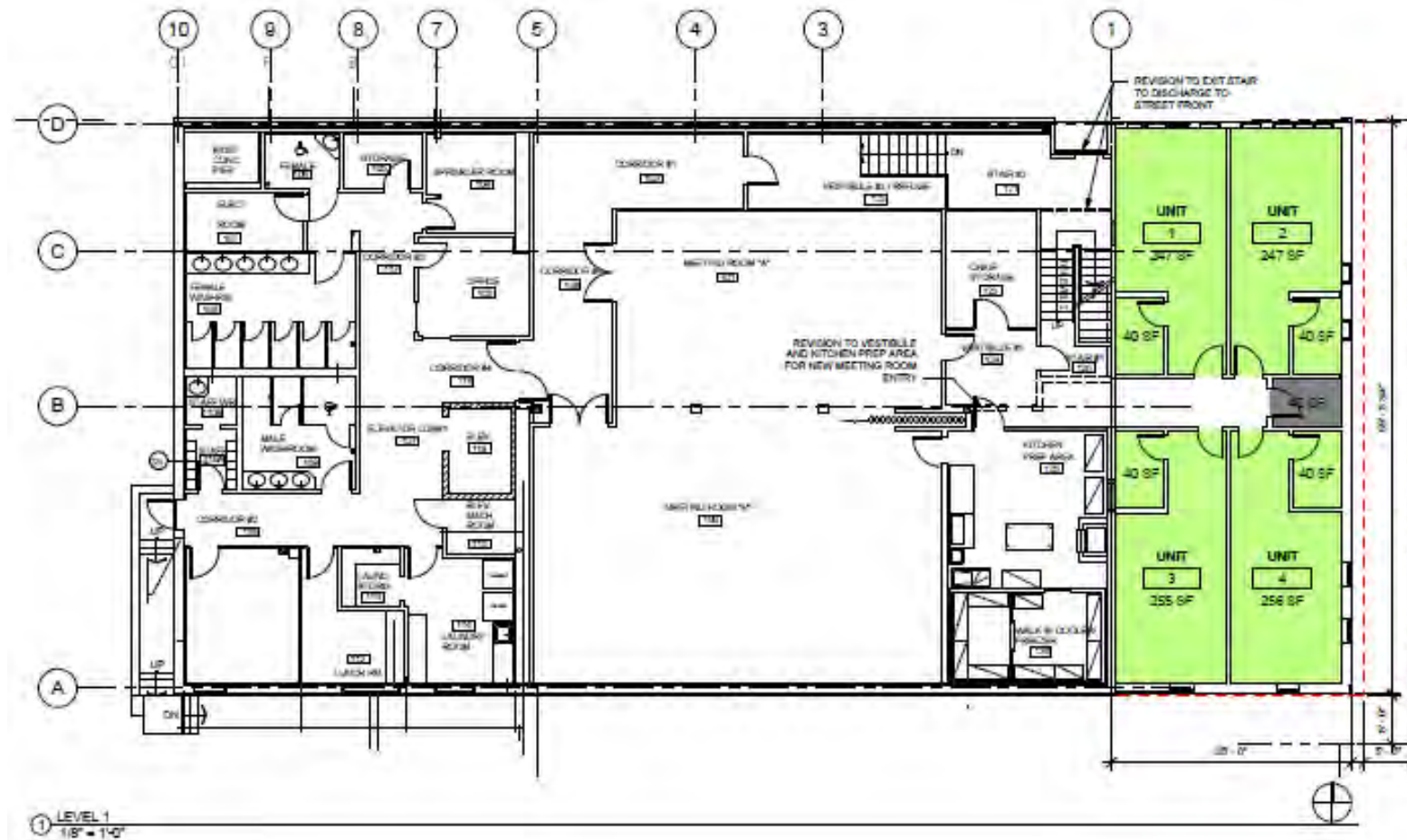
# LUNENBURG ARMS PROPOSAL

PLANNING ADVISORY COMMITTEE – PUBLIC PARTICIPATION MEETING  
NOVEMBER 24, 2021

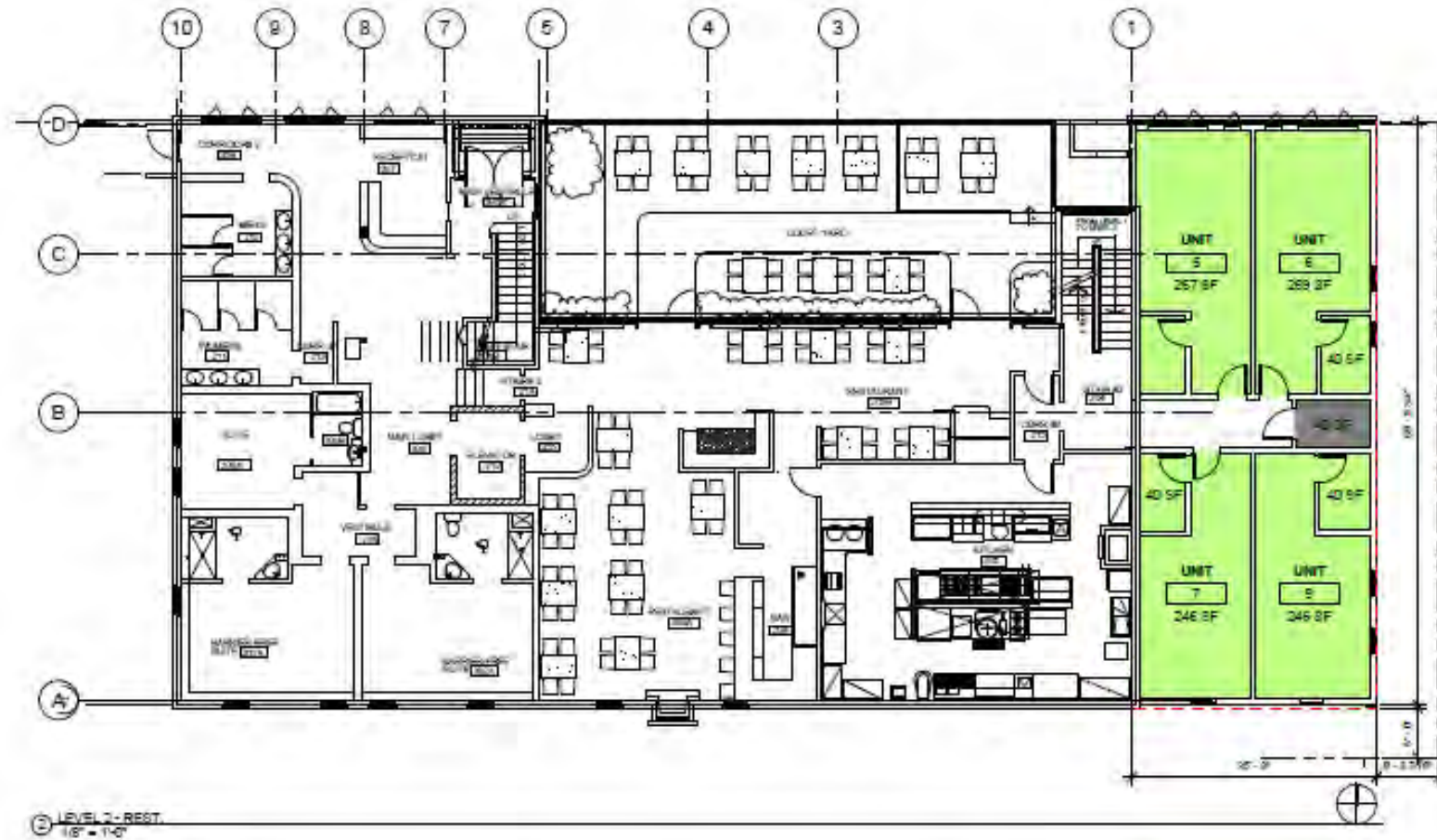




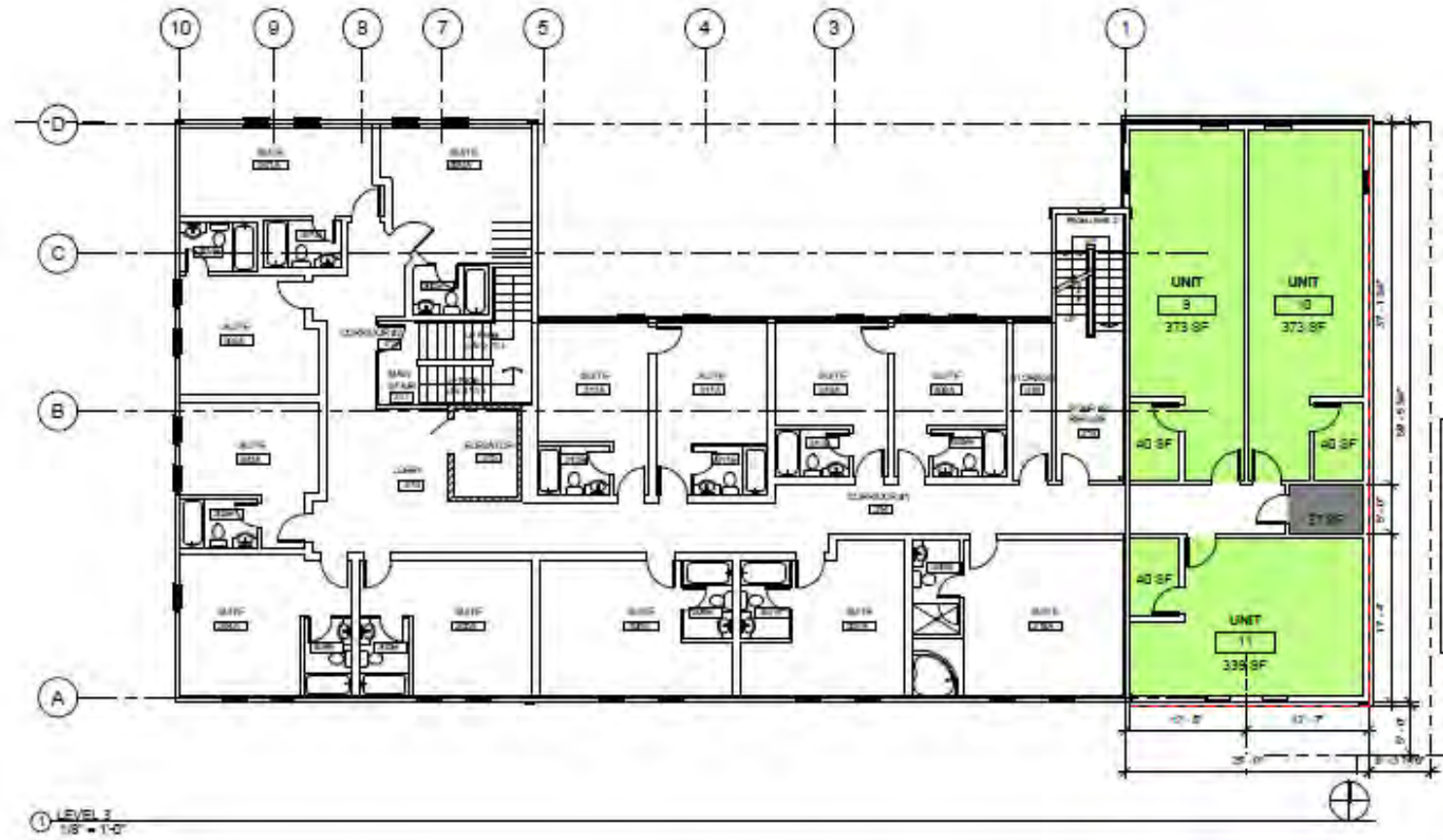
# LEVEL 1 FLOOR PLAN – LUNENBURG ARMS EXPANSION



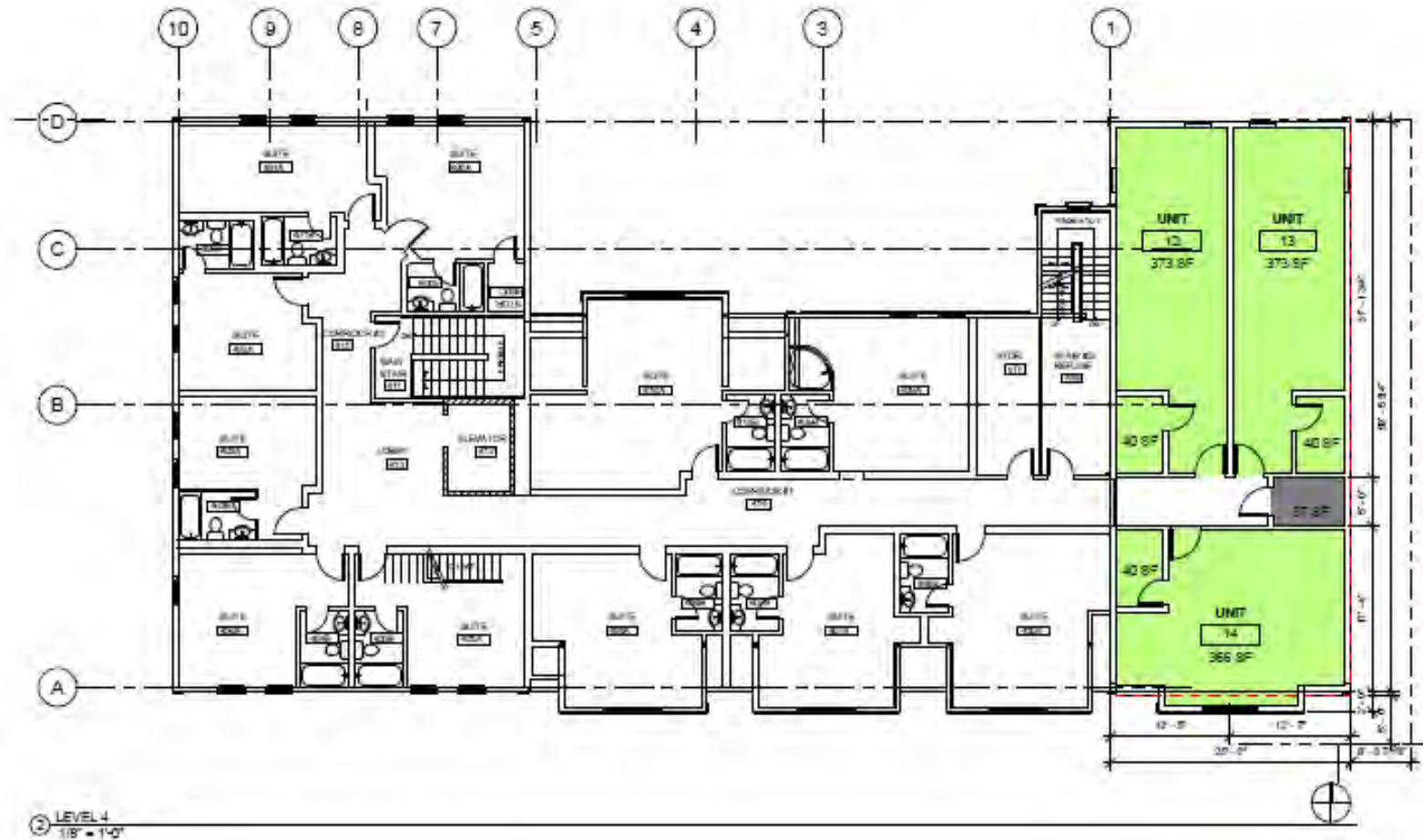
# LEVEL 2 FLOOR PLAN – LUNENBURG ARMS EXPANSION



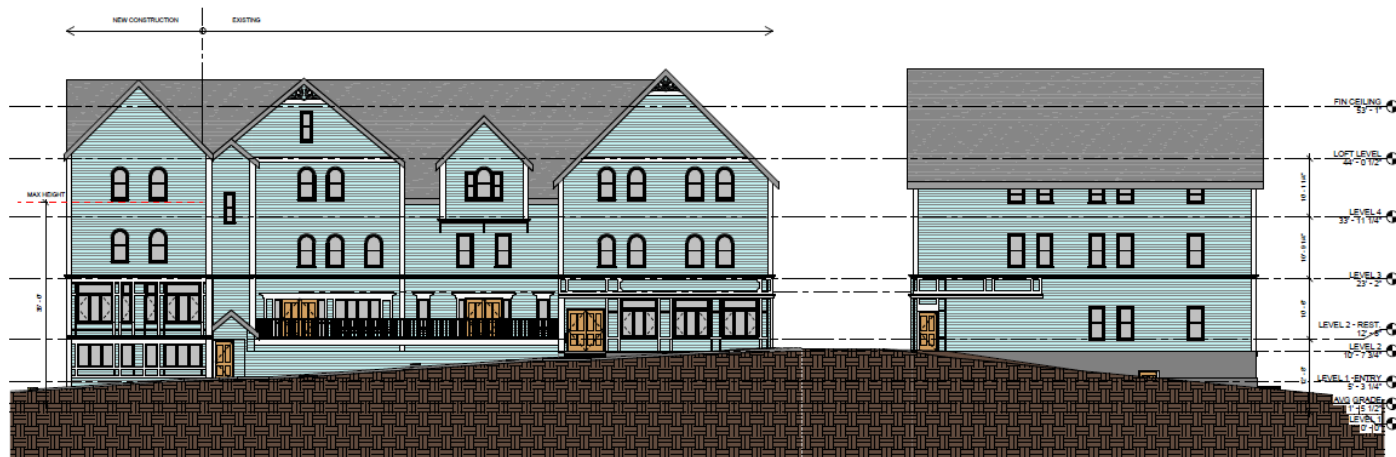
# LEVEL 3 FLOOR PLAN – LUNENBURG ARMS EXPANSION



# LEVEL 4 FLOOR PLAN – LUNENBURG ARMS EXPANSION



# ELEVATIONS – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# ELEVATION – LUNENBURG ARMS EXTENSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – SOUTH SIDE OF PELHAM



# RENDERING – SOUTH SIDE OF PELHAM

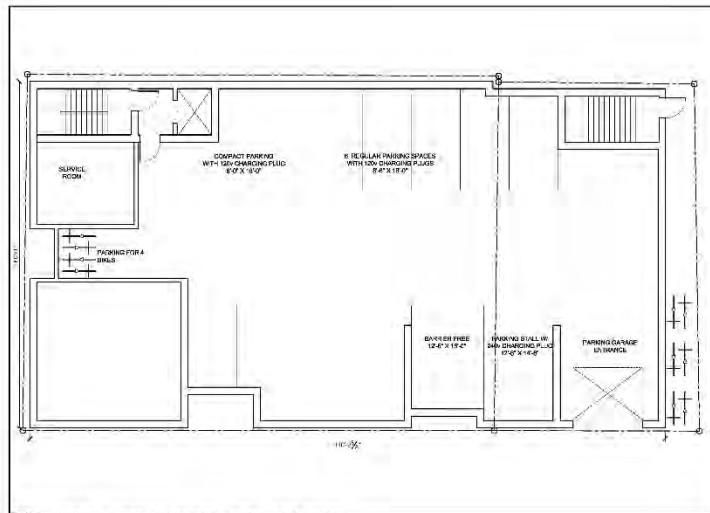


# FLOOR PLANS - NORTH SIDE OF PELHAM

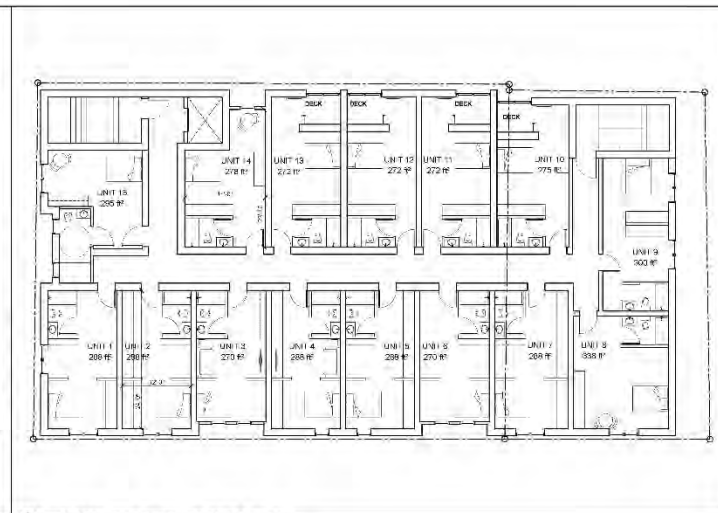


**root**  
ARCHITECTURE

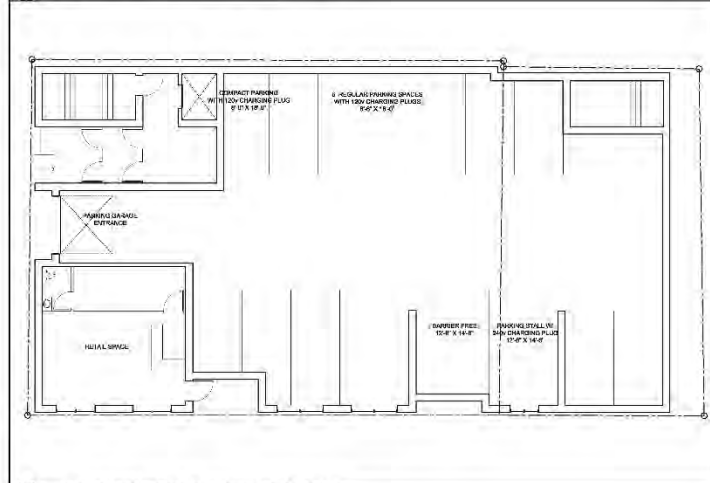
13 Vernon Road  
Dorchester, NS  
B7C 7J7  
902-464-6660  
www.rootarch.ca



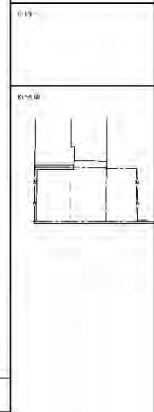
1 SITE PLAN - LOWER LEVEL PARKING  
A-101 1/8"=1'-0"



3 HOTEL LEVEL 1: FLOOR PLAN  
A-101 1/8"=1'-0"



2 SITE PLAN - UPPER LEVEL PARKING  
A-101 1/8"=1'-0"



5	DOOR FOR ENTRY	2'0" x 2'0"
6	DOOR FOR ENTRY	2'0" x 2'0"
7	DOOR FOR ENTRY	2'0" x 2'0"
8	DOOR FOR ENTRY	2'0" x 2'0"
9	DOOR FOR ENTRY	2'0" x 2'0"
10	DOOR FOR ENTRY	2'0" x 2'0"
11	DOOR FOR ENTRY	2'0" x 2'0"
12	DOOR FOR ENTRY	2'0" x 2'0"
13	DOOR FOR ENTRY	2'0" x 2'0"
14	DOOR FOR ENTRY	2'0" x 2'0"
15	DOOR FOR ENTRY	2'0" x 2'0"

PROJECT:  
LUNENBURG ARMS  
LUNENBURG, NS

ISSUANCE: 11.1  
EXISTING SITE PLAN

C.D.P. 2021  
PROJECT NUMBER 101  
DATE 20 NOV 2021  
SCALE 1/8"=1'-0"

A-101

# ELEVATION DRAWINGS – NORTH SIDE OF PELHAM



**root**  
ARCHITECTURE  
15 Victoria Road  
Dunsmuir, BC  
V7Y 1V5  
604-461-6660  
www.rootarch.com

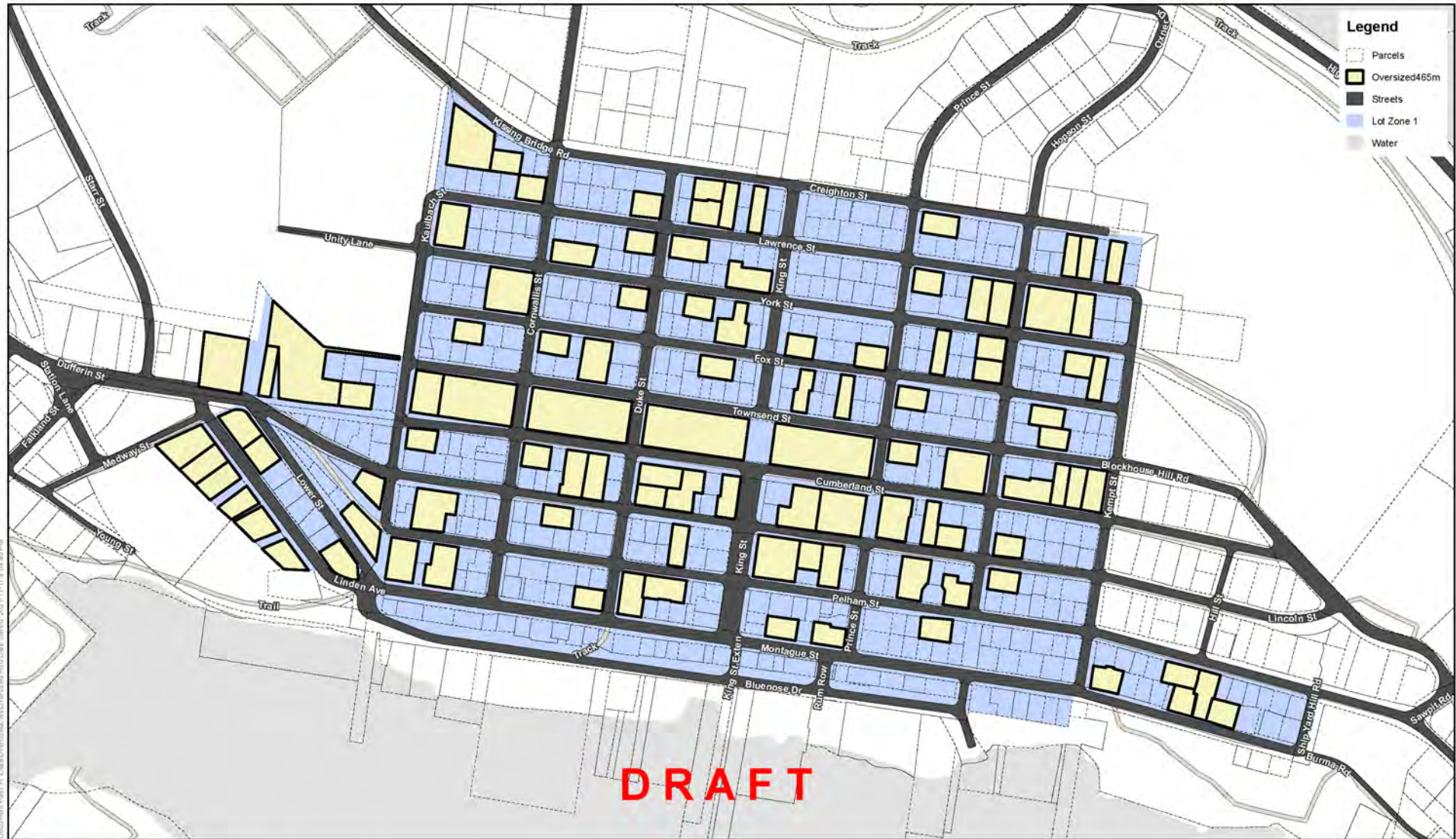


1	ISSUE FOR REVIEW	23/7/20
2	ISSUE FOR REVIEW	23/7/20
3	ISSUE FOR REVIEW	17/NOV/20
4	ISSUE FOR REVIEW	17/NOV/20
5	ISSUE FOR REVIEW	17/NOV/20
6	ISSUE FOR REVIEW	17/NOV/20
7	ISSUE FOR REVIEW	17/NOV/20
8	ISSUE FOR REVIEW	17/NOV/20
9	ISSUE FOR REVIEW	17/NOV/20
10	ISSUE FOR REVIEW	17/NOV/20
11	ISSUE FOR REVIEW	17/NOV/20
12	ISSUE FOR REVIEW	17/NOV/20
13	ISSUE FOR REVIEW	17/NOV/20
14	ISSUE FOR REVIEW	17/NOV/20
15	ISSUE FOR REVIEW	17/NOV/20
16	ISSUE FOR REVIEW	17/NOV/20
17	ISSUE FOR REVIEW	17/NOV/20
18	ISSUE FOR REVIEW	17/NOV/20
19	ISSUE FOR REVIEW	17/NOV/20
20	ISSUE FOR REVIEW	17/NOV/20
21	ISSUE FOR REVIEW	17/NOV/20
22	ISSUE FOR REVIEW	17/NOV/20
23	ISSUE FOR REVIEW	17/NOV/20
24	ISSUE FOR REVIEW	17/NOV/20
25	ISSUE FOR REVIEW	17/NOV/20
26	ISSUE FOR REVIEW	17/NOV/20
27	ISSUE FOR REVIEW	17/NOV/20
28	ISSUE FOR REVIEW	17/NOV/20
29	ISSUE FOR REVIEW	17/NOV/20
30	ISSUE FOR REVIEW	17/NOV/20
31	ISSUE FOR REVIEW	17/NOV/20
32	ISSUE FOR REVIEW	17/NOV/20
33	ISSUE FOR REVIEW	17/NOV/20
34	ISSUE FOR REVIEW	17/NOV/20
35	ISSUE FOR REVIEW	17/NOV/20
36	ISSUE FOR REVIEW	17/NOV/20
37	ISSUE FOR REVIEW	17/NOV/20
38	ISSUE FOR REVIEW	17/NOV/20
39	ISSUE FOR REVIEW	17/NOV/20
40	ISSUE FOR REVIEW	17/NOV/20
41	ISSUE FOR REVIEW	17/NOV/20
42	ISSUE FOR REVIEW	17/NOV/20
43	ISSUE FOR REVIEW	17/NOV/20
44	ISSUE FOR REVIEW	17/NOV/20
45	ISSUE FOR REVIEW	17/NOV/20
46	ISSUE FOR REVIEW	17/NOV/20
47	ISSUE FOR REVIEW	17/NOV/20
48	ISSUE FOR REVIEW	17/NOV/20
49	ISSUE FOR REVIEW	17/NOV/20
50	ISSUE FOR REVIEW	17/NOV/20
51	ISSUE FOR REVIEW	17/NOV/20
52	ISSUE FOR REVIEW	17/NOV/20
53	ISSUE FOR REVIEW	17/NOV/20
54	ISSUE FOR REVIEW	17/NOV/20
55	ISSUE FOR REVIEW	17/NOV/20
56	ISSUE FOR REVIEW	17/NOV/20
57	ISSUE FOR REVIEW	17/NOV/20
58	ISSUE FOR REVIEW	17/NOV/20
59	ISSUE FOR REVIEW	17/NOV/20
60	ISSUE FOR REVIEW	17/NOV/20
61	ISSUE FOR REVIEW	17/NOV/20
62	ISSUE FOR REVIEW	17/NOV/20
63	ISSUE FOR REVIEW	17/NOV/20
64	ISSUE FOR REVIEW	17/NOV/20
65	ISSUE FOR REVIEW	17/NOV/20
66	ISSUE FOR REVIEW	17/NOV/20
67	ISSUE FOR REVIEW	17/NOV/20
68	ISSUE FOR REVIEW	17/NOV/20
69	ISSUE FOR REVIEW	17/NOV/20
70	ISSUE FOR REVIEW	17/NOV/20
71	ISSUE FOR REVIEW	17/NOV/20
72	ISSUE FOR REVIEW	17/NOV/20
73	ISSUE FOR REVIEW	17/NOV/20
74	ISSUE FOR REVIEW	17/NOV/20
75	ISSUE FOR REVIEW	17/NOV/20
76	ISSUE FOR REVIEW	17/NOV/20
77	ISSUE FOR REVIEW	17/NOV/20
78	ISSUE FOR REVIEW	17/NOV/20
79	ISSUE FOR REVIEW	17/NOV/20
80	ISSUE FOR REVIEW	17/NOV/20
81	ISSUE FOR REVIEW	17/NOV/20
82	ISSUE FOR REVIEW	17/NOV/20
83	ISSUE FOR REVIEW	17/NOV/20
84	ISSUE FOR REVIEW	17/NOV/20
85	ISSUE FOR REVIEW	17/NOV/20
86	ISSUE FOR REVIEW	17/NOV/20
87	ISSUE FOR REVIEW	17/NOV/20
88	ISSUE FOR REVIEW	17/NOV/20
89	ISSUE FOR REVIEW	17/NOV/20
90	ISSUE FOR REVIEW	17/NOV/20
91	ISSUE FOR REVIEW	17/NOV/20
92	ISSUE FOR REVIEW	17/NOV/20
93	ISSUE FOR REVIEW	17/NOV/20
94	ISSUE FOR REVIEW	17/NOV/20
95	ISSUE FOR REVIEW	17/NOV/20
96	ISSUE FOR REVIEW	17/NOV/20
97	ISSUE FOR REVIEW	17/NOV/20
98	ISSUE FOR REVIEW	17/NOV/20
99	ISSUE FOR REVIEW	17/NOV/20
100	ISSUE FOR REVIEW	17/NOV/20

PROJECT: LUNENBURG ARMS  
LUNENBURG, NS  
ELEVATION #1  
ELEVATIONS

CAD: BT  
PROJECT MANAGER: BT  
DRAWN: JG BRUM  
CHECKED: JC  
DATE: 23 MAY 2020

A-201

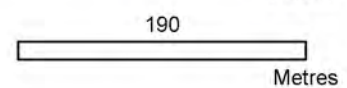
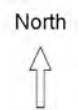


Document Path: H:\Calliope\overhead\33\Downloaded\msd\Draw\2011-11-17\3.10.10.P44



Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume liability for any damages caused by any errors or omissions in the data. Users of our maps and other analysis products are solely responsible for interpretations made from these products.

**TOWN OF LUNENBURG**  
**Non-conforming Lots (> 5,005 ft<sup>2</sup>), Lot Zone 1**



1:3,000



## MEMORANDUM

**TO: TOWN COUNCIL**

**FROM: KATIE MACMILLAN, BUSINESS COORDINATOR**

**DATE: NOVEMBER 30, 2021**

**RE: COMPREHENSIVE COMMUNITY PLAN (CCP) IMPLEMENTATION  
PROJECTS RFP AWARD**

---

### **1. FACTS**

A Request for Proposals (RFP) was issued for three components of the Comprehensive Community Plan (CPP) Implementation, the development of the Performance Indicator Measurements, the Organizational Review, and the Bylaw and Policies Review. Due to the total value of the RFP being over \$100,000, Council must award it in accordance with the Town's Purchasing Policy. Each procurement process has varying terms, conditions, and clauses depending on the goods and/or services required and their value. There wasn't a confidentiality clause in this RFP document nor in any of the received proposals, therefore this RFP and its award may be discussed in public session.

This report summarizes the key RFP results and the staff recommendation to award all components of the RFP to MC Advisory Group Inc. for \$111,750 plus HST (\$116,540 with net HST).

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

Four (4) proposals were received in response to this RFP. Those proposals were received from Davis Pier Consulting, Group ATN Consulting Inc., MC Advisory Group Inc., and Wickwire Holm. Within the RFP, proponents were provided with the option to bid on the projects individually or to bid on all of the project components. Group ATN Consulting Inc. and MC Advisory Group Inc. bid on all the projects while Davis Pier Consulting and Wickwire Holm only proposed to complete one of the projects. Davis Pier Consulting submitted their proposal for only the Organizational Review and Wickwire Holm submitted their proposal for only the Bylaw and Policies Review.

As a part of the evaluation of these proposals, the evaluation team interviewed Group ATN Consulting Inc., MC Advisory Group Inc., and Davis Pier Consulting. Wickwire Holm was not interviewed as it was felt that no further information was required outside of their

proposal. It was noted during the interview with Group ATN Consulting Inc. that they did not include a legal review as a part of their proposal or pricing for the Bylaw and Policies Review project. A legal review is an important aspect of the Bylaw and Policies Review project and would still need to be completed at an additional cost to the Town.

Below is the evaluation chart completed for the three interviewed proponents:

<b>Evaluation Criteria</b>	<b>Percentage</b>	<b>Davis Pier Consulting</b>	<b>Group ATN Consulting Inc.</b>	<b>MC Advisory Group Inc.</b>
Price - value for money	20%	16%	16%	18%
Ability to complete all RFP components	15%	5%	12%	15%
Demonstrated understanding of project, work plan, methodology and schedule	20%	18%	18%	20%
RFP Presentation to Selection Team	15%	13%	10%	14%
Project Timeline	10%	9%	8%	9%
Knowledge, experience, and technical competence of the Proponent and the proposed project team members as well as their ability to address the project scope	20%	15%	18%	20%
<b>TOTAL</b>	<b>100%</b>	<b>76%</b>	<b>82%</b>	<b>96%</b>

The proposed pricing for the three interviewed proponents is below. Note that net HST is included in all the below figures.

<b>Project</b>	<b>Budget</b>	<b>Davis Pier Consulting</b>	<b>Group ATN Consulting Inc.</b>	<b>MC Advisory Group Inc.</b>
Performance Indicator Measurements	\$ 50,000		\$ 40,763	\$ 44,713
Organization Review	\$ 50,000	\$ 51,882	\$ 42,588	\$ 44,713
Bylaw and Policy Review	\$ 30,000		\$ 26,476	\$ 27,114
<b>Total with net HST</b>		<b>\$ 51,882</b>	<b>\$ 109,827</b>	<b>\$ 116,540</b>

Although MC Advisory Group Inc. does have the higher priced proposal, the evaluation team feels that MC Advisory Group Inc. had the best presentation, best addressed the entire scope of work, and had gathered the best team to complete all three projects within this RFP. With the intention of awarding to MC Advisory Group Inc. their Certificate of

Insurance was requested and received which was noted in the RFP to only be required of the successful proponent.

**3. FINANCIAL IMPACT**

There is a total of \$130,000 in the 2021/22 approved budget to complete the three projects contained within this RFP. Should Council award to MC Advisory Group Inc. it will cost the Town \$116,540 which is within the approved budget amount.

**4. STRATEGIC PLAN RELEVANCE**

11.1 Internal Operations a., b., and e. – Implementation of the Comprehensive Community Plan

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that Council award all components of the CCP Implementation RFP to MC Advisory Group Inc. in the amount of \$111,750 plus HST (\$116,540 with net HST).

Draft Motion

*Motion: moved and seconded to award all components of the CCP Implementation RFP TOL2021023 to MC Advisory Group Inc. in the amount of \$111,750 plus HST (\$116,540 with net HST).*

Acknowledged by:

Kevin Malloy  
Interim CAO

## MEMORANDUM

**TO: Town Council**

**FROM: Lisa Dagley, Finance Director**

**DATE: December 1, 2021**

**RE: Burg Classic Grant Application for March 2022 Event**

### **1. FACTS**

The Burg Classic has submitted a grant application for their March 2022 event.

In the spring when Council considered the bulk of our 2021-22 community grant requests support was approved for the requests that qualified under the policy and had been previously supported by Council. The amounts of the grants approved were either for the amount requested for 2021-22 or at the same level as Council had previously supported the group.

The Burg Classic currently isn't a registered charity however they have applied to become a registered charity and hope to have this in place by the time of the event. Without this registration they do not qualify under the Town's policy, however Council has previously supported their event.

<b>Year of Event</b>	<b>Amount</b>	<b>Comments</b>
2019	\$421	To offset ice rental costs
2020	\$250	Approved to offset ice rental costs however event was cancelled due to Covid-19
2021		No event due to Covid-19

Their 2022 event request is \$8,000 and in-kind discount on ice time.

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

If this grant request had been received in the spring it would have been considered under the same criteria as the other applications.

There isn't budget capacity to consider their \$8,000 request. Therefore, their application could be considered in an amount between \$250 - \$421, assuming that they receive their charity status before their event. As they have had to cancel their event for the past two years due to Covid-19 consideration should be given for the higher grant amount of \$421.

**3. FINANCIAL IMPACT**

For 2021-22 there is an approved budget of \$20,000 for community grants. There is currently a balance of \$4,135 left unexpended.

**4. STRATEGIC PLAN RELEVANCE**

Culture and Recreation: Direction to support community life and assets in Lunenburg, including cultural identity, heritage interpretation, and the arts sector, as well as parks, open spaces, sports, and other activities.

**5. RECOMMENDATION AND DRAFT MOTION**

Recommended to approve a grant request to the Burg Class in the amount of \$421. The approval is subject to the group receiving their charity registration before their event.

*Draft Motion: moved and seconded to approve a grant request to the Burg Class in the amount of \$421. The approval is subject to the group receiving their charity registration before their event.*

Attachments - Burg Classic Grant Application

Acknowledged only by:

Kevin Malloy  
Interim CAO

Schedule "A"

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

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

Name of Non-Profit Organization: The Burg Classic

Primary Contact Person: Jayne Niford

Daytime phone number  Work  Cell  Home): 9028778262

Mailing Address: 214 Buckingham Drive, Tantallon, NS B3Z 1G7

Fax Number: \_\_\_\_\_ E-mail Address: jayne.niford@bird.ca

Organization Website: www.theburgclassic.com

1. Amount of funding requested: \$ 8000.00

In-kind Town of Lunenburg services requested: Discount on ice time.

2. The organization is a:

NS registered society name \_\_\_\_\_

Registered National Charity name/# Pending approval.

Other (please describe) \_\_\_\_\_

3. The geographic area serviced by the organization is: Lunenburg and surro

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

Please see attached letter.

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

Please see attached letter.

**Please include the following information with your completed application:**

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

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

<b>Printed Name of Authorized Representative</b>	<b>Signature of Authorized Representative</b>	<b>Position Held in Organization</b>	<b>Date MM / DD / YY</b>
Jayme Niford		Event Chair	11/09/21

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

**Community Grant Program**

Town of Lunenburg - Finance Director  
 PO Box 129  
 119 Cumberland Street  
 Lunenburg, NS B0J 2C0  
 (Fax): 902-634-4416, [ldagley@explorelunenburg.ca](mailto:ldagley@explorelunenburg.ca)



# *The 8<sup>th</sup> Annual Burg Classic Community Fundraising Event*

November 9, 2021

**Lisa Dagley**  
Finance Director  
Town of Lunenburg  
Lunenburg, N.S.

Dear Lisa:

This year will be the eighth annual Burg Classic Community Fundraising Event. The tournament has raised over \$180,000 since it began in 2012 and many local recipients have and will benefit from a weekend of hockey, silent auctions, 50/50 draws, family skate, and a dance on Saturday night. This most worthy event has received outstanding support from the players, the people that show up in the arena, the many volunteers, local businesses, and personal donations. We expect to have 20 teams registered this year and the over thirty five games will be played in the Lunenburg Arena on Thursday March 31 to Sunday April 3.

Our year over year most significant cost to run the event is our ice time worth over \$8000. We are hoping you can help us maximize the funds we raise for our local recipients by giving us a discount on the cost of the ice and/or free ice time.

This event has evolved into a tournament that not only raises essential funds for local people in need, it also brings our community together for an outstanding common cause. We hope the Town is able to help us by providing some reduction in our tournament costs.

We look forward to hearing from you.

Sincerely,

*Jayme Niford*  
Event Chair  
Jayme.niford@bird.ca  
902-877-8262



## SPONSORSHIP OPPORTUNITIES

Thank you for supporting the 2022 BURG Classic charity hockey tournament. Donations to the BURG Classic are in direct support of the community and will be accepted as financial or in-kind. A company or organization donating in-kind will receive sponsorship benefits based on the value of its donation.

### **TITLE Sponsor: Please contact us for further details**

Title Sponsorship allows your company to become the most featured sponsor for the BURG Classic. The event name will be adjusted to build your business name into the tile. Your logo will be displayed on all advertising products throughout the event and online that include the BURG Classic logo. The title sponsor will have one full page in the tournament brochure that will include your logo and write up if desired. The event may only have 1 title sponsor so don't wait!

### **Division Sponsors: Please contact us for further details**

The tournament consists of 3 Divisions. A Division sponsor will be able to rename the sponsored division to their business name. All tournament branding and advertising will include the division sponsors as applicable. The tournament only has 3 division sponsors available so don't wait!

### **PLATINUM: \$1,500 and above**

Platinum Sponsorship provides the top level of recognition throughout the weekend and in the weeks leading to the event and offers your company exclusive category rights.

#### *Benefits:*

- Your logo displayed on Platinum level sponsor board during the tournament
- Your company or organization displayed as Platinum level sponsor during the dance
- An exclusive sponsor feature on the event Facebook page, highlighting Platinum designation
- A full-page ad in the tournament brochure
- Advertising space in the arena for up to two (2) promotional banners or posters

### **GOLD: \$750 - \$1499**

Gold Sponsorship is an excellent option for those companies or organizations looking for a high level of publicity and verbal recognition prior to and during the event.

#### *Benefits:*

- Your logo displayed on Gold level sponsor board during the tournament
- Your company or organization displayed as Gold level sponsor during the dance
- Your logo included on a sponsor feature on the event Facebook page, highlighting Gold designation
- A 1/2 page ad in the tournament brochure
- Advertising space in the arena for one (1) promotional banners or posters

### **SILVER: \$500 - \$749**

Becoming a Silver sponsor enables you, your business or organization to be recognized as a key contributor to the BURG Classic charity hockey tournament.

#### *Benefits:*

- Your logo displayed on Silver level sponsor board during the tournament
- Your company or organization displayed as Silver level sponsor during the dance
- Your logo included on a sponsor feature on the event Facebook page, highlighting Silver designation
- A 1/4 page ad in the tournament brochure



### **BRONZE \$250 - \$499**

The Bronze Sponsorship level is a great way for individuals or small businesses or organizations to contribute to the community via this fantastic fundraiser.

*Benefits:*

- Your logo displayed on Bronze level sponsor board during the tournament
- Your logo included on a sponsor feature on the event Facebook page, highlighting Bronze designation
- A 1/8 page ad in the tournament brochure

### **SILENT AUCTION (Friend of the BURG)**

*Benefits:*

- Your name, or the name and logo of your business and organization, will be presented alongside your item during the silent auction, taking place at the arena throughout the weekend.
- If your item is valued at less than \$250, your name is featured as a Friend of the BURG in the tournament brochure.

**If you intend to donate or sponsor this event, please contact the Committee no later than March 1, 2022. All donations must be received by March 15, 2022.**



## **RECENT FUND RECIPIENTS FROM 2013-2020**

### **Jennifer Collins**

In February 2009, Jennifer Collins faced a life altering accident that broke her C4-C5 vertebrae's leaving her paralyzed from the neck down. Jennifer needs support to help cover ongoing physiotherapy and day-to-day full-time care costs.

### **Connor Hirtle**

Connor Hirtle, a 23-year-old from Dublin Shore, who was left an ASIA B Incomplete Quadriplegic following a swimming accident in July of 2015.

### **Hunter Parks**

Hunter suffers from a rare neuro muscular condition called ataxia telangiectasia (AT). One of the key lifestyle activities that keeps Hunter permanently out of a wheelchair is therapy, which is not covered by insurance and comes at a cost.

### **Max Nunex**

Four-year-old Max was diagnosed with a large brain tumor requiring various surgeries. Ongoing trips and overnight stays in Halifax compounded with a 3-month-old newborn has proven to be very challenging emotionally and financially for this family.

### **Sherley Hardin**

Sherley, an engaged community advocate and volunteer, mother of 3, was diagnosed with breast cancer at the same time as starting a new job.

### **Rob Edwards**

He is a young father suffering a crippling kidney disease, undergone dialysis six times daily awaiting a kidney transplant. With him unable to work, and his wife running her own business, every donation helped make a difficult situation a little bit more manageable.

### **Brooke Rhonlund**

**Tommy Hillier**

**Easton Walters**

**Elena Demont**

**Jeff Lilly**

**Cole Tanner**

**Curt Mossman**

**Local Mahone Bay Woman**

**Chad Wiseman**

**Family of Linnea Veinotte**

**Spencer Forward**

**Simon Steele**

**Robert Peel**

Finance Summary Sheet 2022



2021-11-09 > Last Updated

	ITEM	2022 BUDGET	COST	REVENUE	PROFIT	Comments
<b>TOURNAMENT</b>	Tournament	\$ 16,000.00	\$ -	\$ -	\$ -	
	Ice Time	\$ (8,272.00)	\$ -	\$ -	\$ -	
	Referees	\$ (4,050.00)	\$ -	\$ -	\$ -	
	Timekeepers	\$ (740.00)	\$ -	\$ -	\$ -	
	Awards	\$ (750.00)	\$ -	\$ -	\$ -	
	Supplies	\$ (1,250.00)	\$ -	\$ -	\$ -	
	Other	\$ -	\$ -	\$ -	\$ -	
	<b>\$ 938.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>DANCE</b>	Bar Sales	\$ 9,000.00	\$ -	\$ -	\$ -	May be impacted by COVID-19 restrictions
	Tickets	\$ 6,000.00	\$ -	\$ -	\$ -	
	Liquor	\$ (2,500.00)	\$ -	\$ -	\$ -	
	Center	\$ (420.00)	\$ -	\$ -	\$ -	
	Band	\$ (1,200.00)	\$ -	\$ -	\$ -	
	Lighting	\$ (400.00)	\$ -	\$ -	\$ -	
	Security	\$ (250.00)	\$ -	\$ -	\$ -	
	Supplies	\$ (450.00)	\$ -	\$ -	\$ -	
	Other	\$ -	\$ -	\$ -	\$ -	
		<b>\$ 9,780.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>FUNDRAISING</b>	Raffle Table	\$ 1,500.00	\$ -	\$ -	\$ -	
	Silent Auction	\$ 8,000.00	\$ -	\$ -	\$ -	
	Direct Sponsorships	\$ 7,500.00	\$ -	\$ -	\$ -	
	BURGer Month	\$ 2,000.00	\$ -	\$ -	\$ -	
	Advertizing	\$ (2,800.00)	\$ -	\$ -	\$ -	
	Insurance	\$ (900.00)	\$ -	\$ -	\$ -	
	Other	\$ -	\$ -	\$ -	\$ -	
	<b>\$ 15,300.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		
<b>Total</b>	<b>\$ 26,018.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>		

## **MEMORANDUM**

**TO: TOWN COUNCIL**

**FROM: KATHLEEN RAFUSE, ACCOUNTANT**

**DATE: NOVEMBER 30, 2021**

**RE: NEW COLLECTIVE AGREEMENT FOR RCMP POTENTIAL BUDGET IMPACT**

---

### **1. FACTS**

In 2015, The Supreme Court of Canada ruled that RCMP had the right to collective bargaining, similar to other members of the public service. The National Police Federation became the bargaining agent for RCMP Regular Members.

The first Collective Agreement was negotiated between the Federal Government and the National Police Federation, for RCMP Regular members and the Collective Agreement was signed on August 6, 2021, with an expiry date of March 31, 2023.

The province is working closely with the National Contract Management Committee to address the impacts to municipalities in Nova Scotia that contract RCMP as their police provider.

### **2. FINANCIAL IMPACT**

The current financing of RCMP in Nova Scotia, is the province retains a 70/30 cost-share agreement for units with less than a population of 15,000 with Public Safety Canada. This agreement has the province pay approximately 23% of RCMP policing services in Nova Scotia and approximately 47% is paid for by Municipal units with RCMP coverage and Public Safety Canada pays the remaining 30%.

The current percentage increase for budget purposes cannot be confirmed by the Province at this time. Our budgeted amount for 21/22 for RCMP services is \$855,650 a 10% increase would equate to \$85,565, a 15% increase would equate \$128,348, a 20% increase would equate to \$171,131 increase in our upcoming budget and this increase is on a go forward basis and does not include any retroactivity.

**3. RECOMMENDATION AND DRAFT MOTION**

That a letter be forwarded to the Nova Scotia Department of Justice, Public Safety Canada, NSFM, and FCM indicating that a significant increase in policing services and the uncertainty of whether retroactivity will be paid by the Federal Government, would have a significant impact on the tax payers of the Town of Lunenburg and further that the Province of Nova Scotia and Public Safety Canada try to lessen this impact to Municipal Units in Nova Scotia.

Acknowledged by:

Kevin Malloy  
Interim CAO

# **With Mounties due for a pay bump, cash-strapped municipalities seek reprieve from Ottawa**

Some mayors say they were caught off guard by retroactive pay

[Catharine Tunney](#) · CBC News ·

Posted: Oct 20, 2021 4:00 AM ET | Last Updated: October 20

say the looming salary bump will stress their finances — and they want Ottawa to step up.

This summer, the federal government and the union representing RCMP members ratified an agreement to deliver a sizeable pay increase to nearly 20,000 members.



- RCMP's union reaches tentative deal with Ottawa — a first in Mountie history
- Mounties to see their salaries soar as first collective agreement is ratified

The RCMP is a federal agency but it provides policing services, under contract, to eight provinces, all three territories, about 150 municipalities and more than 600 Indigenous communities.

The cost of the RCMP's services — including salaries and equipment — is split between the federal government and other levels of government. How much a municipality is on the hook for depends on its size.

Constable (Cst.): annual rates of pay (In dollars)

Effective date	Step 1 <sup>1</sup>	Step 2 <sup>1</sup>	Step 3 <sup>1</sup>	Step 4 <sup>1</sup>	Step 5 <sup>1</sup>
\$) April 1, 2016	53,144	69,049	74,916	80,786	86,110
A) April 1, 2017 <sup>1</sup>	54,074	70,257	76,227	82,209	87,017

agreement were happening behind closed doors, municipalities were advised by the federal government to set money aside to cover the anticipated pay hike.

"Well, the percentage was way too low," she said, adding the retroactive pay also came as a surprise to most mayors.

"We are absolutely not against collective bargaining. That's not it. It's when you're not at the table and the direct impact comes to you."

## **Ottawa is asked to swallow retroactive costs**

The FCM has written a letter to the federal government asking it to absorb all retroactive costs associated with the collective agreement.

Without federal help, Vanderheyden said, "municipalities will be forced to make incredibly difficult decisions because they're either going have

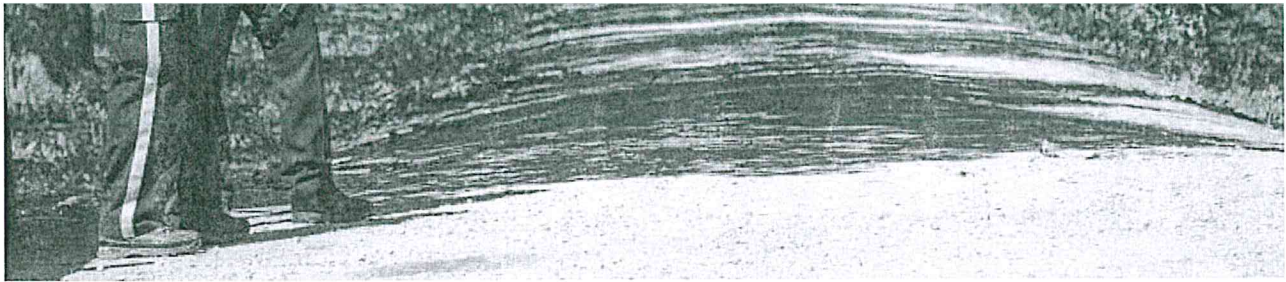
RCMP officers guard a property northeast of Airdrie, Alta., Wednesday, July 9, 2014. (Jeff McIntosh/The Canadian Press)

---

Peter Brown, mayor of Airdrie in Alberta, said that while he firmly supports paying RCMP officers more, he was surprised by the final price tag. He said his city, just north of Calgary, has budgeted and held money back over the past few years but still has only about half of what it needs to cover the added policing costs.

"The message from me is, recognize that we've all been hit. We're all suffering," he said, referring to the pandemic.

Brown said the collective agreement's impact on Airdrie's budget is



A spokesperson for the federal Department of Public Safety said the department has kept in touch with regions with RCMP contracts on a regular basis since 2018.

"Contracting jurisdictions were aware that the salary of RCMP officers had been frozen since 2016 and that the collective bargaining process began in 2020. With the new collective agreement for RCMP regular members and reservists, salaries are in line with other police services across Canada," said Tim Warmington.

"It is fair for regular members and reservists as well as reasonable for Canadian taxpayers."

**From:** [Matt Risser](#)  
**To:** [Kevin Malloy](#)  
**Cc:** [Heather McCallum](#)  
**Subject:** FW: Seniors' Safety Program - Support for Provincial Funding Request  
**Date:** November 30, 2021 5:31:54 PM  
**Attachments:** [2021\\_11\\_Lttr to Minister\\_FINAL.pdf](#)

---

---

**From:** David Murdoch <davidjmurdoch@gmail.com>  
**Sent:** Tuesday, November 30, 2021 3:12 PM  
**To:** Allen Webber <awebber@chester.ca>; mayor@modl.ca; David.devenne@townofmahonebay.ca; david.mitchell@bridgewater.ca; Matt Risser <MRisser@townoflunenburg.ca>  
**Subject:** Seniors' Safety Program - Support for Provincial Funding Request

Mayor Bolivar-Getson, Municipality of the District of Lunenburg  
Mayor Devenne, Town of Mahone Bay  
Mayor Mitchell, Town of Bridgewater  
Mayor Risser, Town of Lunenburg  
Warden Webber, Municipality of the District of Chester

Dear Mayors, Warden and Members of Councils:

As the recently elected chair of the Lunenburg County Seniors' Safety Partnership Society, I am reaching out to introduce myself and to re-introduce the subject of municipal funding contributions to the operations of the Seniors' Safety Program.

We are deeply grateful for the financial support received from the county's five municipalities and for the many municipal expressions of appreciation for the program's varied services. Municipal funding was first established in 2014 when the program sought to increase staffing from 0.5 FTE to 1.0 FTE in response to increasing service demands. All five municipal units stepped up to provide the amounts requested, amounts that were based proportionally on population. With that amount assured, we were able to create a full time Seniors' Safety Coordinator position. In the seven years since then, we have used occasional reserves and project grants to provide additional part-time contracted staffing to address steadily growing service demands.

Since 2014 there has been only one increase in municipal funding, a 2% increase in 2018 which has continued to provide a total of \$27,000 from the municipalities. The same year the province increased its grant from \$20,000 to \$25,000 making municipal and provincial contributions almost equal. That basic core funding has been supplemented by contributions from the Lunenburg County United Way that have decreased over the years from \$10,000 to the current \$5000.

Now, in preparation of our 2022/2023 budget, with increasing costs and no financial reserves, at a time when our service statistics warrant the need for 2.0 FTE staff positions, we are facing the prospect of reduced staffing complement with resulting reduction in service. With this in mind, we intend to approach our five municipalities by end of January 2022 with a request for increased contributions. In doing so, we are heartened by the fact that our local United Way has pledged to increase their

contribution to match any percentage increase made by the municipalities.

Recognizing the provincial responsibility for services such as we provide, we want to assure you that we communicated the need for increased funding to Department of Seniors officials during the previous government, and this month are again submitting a similar request to the new Minister with copies to the three local MLAs.

Attached you will find a copy of our letter to Minister Adams. We are requesting that your Council consider sending a message to the Minister in support of our request for increased provincial funding for Seniors' Safety Programs.

Yours sincerely,

David Murdoch  
Chair, Lunenburg County Seniors' Safety Partnership Society  
Phone 902 277 0766



November 29<sup>th</sup>, 2021

Hon. Barbara Adams,  
Minister of Seniors and Long-Term Care,  
Government of Nova Scotia

Dear Minister Adams,

As chair of the Lunenburg County Seniors' Safety Partnership Society, I am pleased to congratulate you on your appointment as Minister of the Department of Seniors and Long-Term Care, a newly formed department that is sure to provide you and your staff with exciting opportunities to foster dynamic, collaborative relationships amongst people and departments that were previously housed separately. I look forward to learning more about your re-organized department and about the part that the Seniors' Safety programs will play in the new configuration.

Since my appointment as chair of our Society, I've learned about the high esteem in which our Seniors' Safety Program is held by community partner organizations – well over 100 local, regional and provincial organizations. I am proud of the contribution that our 1 FTE Coordinator, with occasional help from contracted staff, has made to the safety, health and well-being of some of the 21,000 people age 55+ who live in Lunenburg County via community education and one-to-one direct service.

I am proud ... and concerned.

Concerned because I've learned about significant gaps and barriers in the resource network for older adults, gaps that our Seniors' Safety Coordinator is frequently called upon to address. Seniors' Safety Programs have been characterized as "crack fillers" because they help vulnerable older adults navigate the uncharted spaces between service boundaries: they arrange supports for frail elderly persons on home care waiting lists; they help ensure required standards are met so that home care can be implemented (everything from arranging for a mop to having a hoarding situation cleaned out); they assist people transitioning from Income Assistance when they lose their support worker and financial coverage for medical and dietary needs; they help locate and fill out forms that ensure that income is not interrupted. They respond to the increasing number of seniors who are precariously housed or who are homeless.



Concerned because our referrals doubled between 2018 and 2020 and because municipal and provincial funding has been unchanged since 2018. The core of our operating budget is derived from the provincial Seniors' Safety grant (\$25,000), contributions from all five municipalities in the county totalling \$27,000, and \$5000 from the United Way.

Concerned because the reasons for referral have become more serious and more complex: our Coordinator assists with issues such as homelessness, hoarding, mental health, elder abuse, financial hardship, lack of supports, suicide, and food insecurity among others.

Careful budgeting and creative grant-writing enable us to hire part-time staff intermittently to supplement the work of our 1.0 FTE permanent Coordinator. This year, having exhausted our reserves, without knowing what funding will come from the Department of Seniors, and without knowing municipal decisions on our requests for increased funding until May or June, we must prepare a bare bones 2022/23 budget that will necessitate a reduction in the service we can provide. Seniors will be caught in the gaps. Seniors will suffer.

Municipalities have expressed reluctance to increase funding to Seniors' Safety without seeing a provincial increase. We want to tell them that the province is stepping up with more funds to support the health and well-being of seniors. The Lunenburg County United Way has pledged to increase their grant by the same percentage as any municipal increases, a heartening show of local support that hinges in part on increased provincial funding.

We are seeking the soonest possible assurance that the province will increase the base funding for Seniors' Safety Programs, and implement a funding formula that recognizes the extra burdens on programs in counties with larger populations and/or geographic areas.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Murdoch", is written over a light grey rectangular background.

David Murdoch  
Chair, Lunenburg County Seniors' Safety Partnership Society



A handwritten signature in black ink, appearing to read "Penny Carver".

Penny Carver  
Councillor, Town of Mahone Bay  
Past Chair, Lunenburg County Seniors' Safety Partnership Society

cc

Deputy Minister, Paul LaFleche

Assoc. Deputy Minister, Tracey Barbrick

Faizel Nanji, Executive Director, Dept. of Seniors

Jacqueline Campbell, Policy Analyst, Dept. of Seniors

Lunenburg MLA, Minister Hon. Susan Corkum Greek

Lunenburg West MLA, Minister Hon. Becky Druhan

Chester-St Margarets MLA, Danielle Barkhouse

## MEMORANDUM

**TO: TOWN COUNCIL**

**FROM: DENNIS MACPHERSON, TOWN ENGINEER**

**DATE: NOVEMBER 29, 2021**

**RE: FIVE TON SALT TRUCK FOR PUBLIC WORKS, REQUEST FOR BUDGET INCREASE AND TENDER AWARD**

---

### **1. FACTS**

The Budget for 2021-22 included an approval for a purchase of a new or used five-ton Salt Truck as a replacement for Public Works' 2002 GMC Topkick Truck in the amount of \$175,000 (including net HST). The \$175,000 budget was established based on our recent experience with the purchase of our new 2021 International Truck.

A public Tender was issued on September 8, 2021 and two proposals were received on September 22, 2021. Both are for a new truck and are both over the budget cost, approximately \$202K and \$224K, including net HST. These prices represent the current market value for new vehicles of this type.

A Technical Bid Evaluation was completed for both bids received and the proposal from Nova Truck Centres for a 2023 Freightliner 1085D for \$193,600 + HST (net HST cost \$202,000) is acceptable and recommended to be purchased.

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

#### Issue Discussion:

The received proposal for the new Five Ton Salt Truck meets or exceeds the specifications outlined in the RFP except for being significantly over budget. In addition, the opportunity for the Town to purchase a new, warranted vehicle is very favourable to the existing Public Works fleet and maintenance budget as it would help reduce maintenance work on this vehicle for the near future.

However, to make this purchase, the budget would have to be increased from \$175,000 to \$202,000, a \$27,000 increase.

### Options Considered:

1. Do nothing: This option is eliminated as the 2002 GMC Topkick incurs high maintenance costs and low reliability and parts for repairs are not easy to source due to the age of the vehicle. Therefore, it should be replaced as soon as possible.
2. Negotiate reduced price from vendors: It is not anticipated that the price of a new truck can be reduced by \$27,000 included net HST. Vendors tell us that this is the current market price. Therefore, this option is eliminated.
3. Go out for rebid: It is not expected to receive new proposals that meet **our** specifications within the \$175,000 budget.

### **3. FINANCIAL IMPACT**

As noted, the approved 21-22 Capital Budget for a new five-ton Salt Truck was \$175,000 to be funded from a capital borrowing. It is not anticipated that the market price of these vehicles will decrease, in fact the cost may increase again if we defer until next year. The Town has the capacity for the increased \$27,000 in borrowing for this project and interest rates are currently still low for the capital financing.

### **4. STRATEGIC PLAN RELEVANCE**

- CCP – Chapter 04 Servicing and Facilities

### **5. RECOMMENDATION AND DRAFT MOTION**

Draft Motion to approve the increase in the budget for the replacement of the 2002 GMC Topkick Five-Ton Salt Truck from \$175,000 to \$202,000, including the net HST.

and

Draft Motion to approve tender award to Nova Truck Centres of Truro NS for a 2023 Freightliner 1085D for a total price of \$193,600 + HST = \$222,640 (\$202,000 including net HST).

Acknowledged only by:

Kevin Malloy  
Interim CAO