

TOWN OF LUNENBURG

COUNCIL MEETING AGENDA

Tuesday, September 08, 2026 | 6 pm

Lunenburg Town Hall – Council Chambers

120 Townsend Street



NOTICE: Council meetings are open to the public and held in Town Hall. **Please use the back entrance at 120 Townsend Street.** The public can also watch meetings through Zoom. To livestream this meeting starting at 6 pm, use this Zoom link:

<https://us06web.zoom.us/j/81475382430>

Please note that all Council meetings are livestreamed through Zoom and meeting recordings are archived on the Town's [YouTube](#) channel.

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

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

3. ADDITIONS/ DELETIONS TO AGENDA

4. APPROVAL OF AGENDA

4.1 September 08, 2026 Council Meeting Agenda

Recommendation: That Council approve the agenda for the September 08, 2026 meeting as presented.

5. APPROVAL OF MINUTES

5.1 August 04, 2026 Special Meeting Minutes

Recommendation: That Council approve the August 04, 2026 regular meeting minutes as presented.

5.2 August 11, 2026 Regular Meeting Minutes

Recommendation: That Council approve the August 11, 2026 regular meeting minutes as presented.

6. PRESENTATIONS

6.1 Presentation: Kent Field Request for Sanitary Lift Station

6.2 Presentation: ABCO

7. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

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

- **Virtual Participation:** Members of the public wishing to participate virtually in this agenda item must register in advance by 12:00 p.m. on the business day before the meeting by contacting adminsupport@townoflunenburg.ca or 902-634-4410 ext. 225. When registering, please include a brief description of the agenda item you wish to speak to.

8. CORRESPONDENCE

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

- 8.1 August 11th Council Meeting Motion Feedback - Paula Rennie
- 8.2 NSRAB Appeal – John Prentiss
- 8.3 SSODA Monthly Data Report
- 8.4 Support Request - Zwicker Marine Innovation Hub
- 8.5 Vehicle Noise By-Law Concerns
- 8.6 NS Fire Bulletin – August
- 8.7 Proclamation Request - International Day for the Eradication of Poverty

9. BUSINESS ARISING AND UNFINISHED BUSINESS

10. NEW BUSINESS

10.1 Municipal Fire Inspector Appointment

Recommendation: That Council appoint Nicole Kaulback as a Municipal Fire Inspector for the Town of Lunenburg pursuant to the Nova Scotia Fire Safety Act; and

That Council direct the Chief Administrative Officer to provide written notice of the appointment to the Nova Scotia Fire Marshal as required by legislation.

10.2 Solterre Inc. Information Report

Recommendation: That Council receive this report for information regarding the Solterre Inc. planning application, the appeal before the Nova Scotia Regulatory and Appeals Board (NSRAB), and Council's decision to pursue an appeal to the Nova Scotia Court of Appeal.

10.3 Report for Tender Award - Pelham Street Road Reconstruction Work

Recommendation: That Council award the Pelham Street Road Reconstruction Phase 2 Tender to Dexter Construction Co. Ltd. for the amount of \$326,800+ HST.

10.4 Motion Report for use of HAF Funding for RFP Awards Totaling \$55,650 + HST

Recommendation: That Council awards RFP #TOL2026017, Planning and Consultation Services for Municipal Planning Strategy and Land Use By-law Amendments, to FOTENN Consultants Inc., in the amount of \$42,500, excluding HST.

That Council awards RFP #TOL2026016, Surplus Land Analysis, to Fathom Studio, in the amount of \$13,000, excluding HST, plus disbursements of up to \$150, with the total contract amount not to exceed \$15,000 inclusive of taxes and disbursements.

10.5 Terry Fox Flag Raising and Proclamation

Recommendation: That Council approve the 2026 Terry Fox Run flag raising and proclamation.

and

That Council amend Appendix A: Approved Annual Proclamations and Flag Raisings of the Town of Lunenburg Public Statements Policy to include an annual Terry Fox Run flag raising and proclamation.

Council may choose to:

- Approve the recommendation as presented.
- Approve the 2026 flag raising and proclamation without adding the event to the list of pre-approved annual recognitions.
- Amend the request or provide alternative direction.
- Decline the request.

11. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS

12. ITEMS FOR CONSIDERATION AT COMMITTEE OF THE WHOLE

The next Committee of the Whole meeting is scheduled for October 06, 2026.

13. MOTION ACTION LIST

14. CLOSED SESSION

15. ADJOURNMENT

**COUNCIL MEETING MINUTES
TOWN OF LUNENBURG**

Tuesday, August 04, 2026 | 6 pm
Lunenburg Town Hall - Council Chamber



Present	Mayor Jamie Myra, Deputy Rachel Bailey, Councillors Alex Greek, Debbie Dauphinee, Renea Babineau, Gale Fullerton, and Alison Strachan
Also present	Paul Nopper, CAO Alan Howell, Senior Planner
Call to Order	The Chair called the meeting to order at 6:00 p.m.
Land Acknowledgment	The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.
Approval of Agenda	Moved and seconded that Council approve the agenda for the August 04, 2026, meeting as presented. Moved by Councillor Strachan, Seconded by Councillor Fullerton - Approved 7 - 0
Closed Session	Moved and seconded that Council move into closed session at 6:01 p.m. for agenda items 4.1 Legal advice, 4.2 Personnel matter and 4.3 Acquisition, sale, lease and security of municipal property. Moved by Councillor Fullerton, Seconded by Deputy Mayor Bailey - Approved 7 - 0
Return to Open Session	Council returned to open session at 9:01p.m. There was no report from the closed session. Moved by Councillor Babineau, Seconded by Councillor Fullerton - Approved 7 - 0
Adjournment	There being no further business, the Council meeting adjourned at 9:02pm p.m. Moved by Councillor Strachan, Seconded by Deputy Mayor Bailey

Minutes were read and approved.

COUNCIL MEETING MINUTES
TOWN OF LUNENBURG

Tuesday, August 11, 2026 | 6 p.m.

Lunenburg Town Hall - Council Chamber



Present	Mayor Jamie Myra, Deputy Rachel Bailey, Councillors Alex Greek, Debbie Dauphinee, Renea Babineau, Gale Fullerton, and Alison Strachan
Also present	Paul Nopper, CAO Alan Howell, Senior Planner Tyson Joyce, Director of Public Works Kristi Tibbo, Director of Recreation Jamie Deans, Communications and Events Coordinator
Call to Order	The Chair called the meeting to order at 6:01 p.m.
Land Acknowledgment	The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.
Approval of Agenda	Moved and seconded that Council approve the agenda for the August 11, 2026, meeting as presented. Moved by Councillor Strachan, Seconded by Councillor Babineau - Approved 7 - 0
Approval of Minutes	Moved and seconded that Council approve the July 14, 2026 regular meeting minutes with one correction to the voting tally on item 10.7. Moved by Councillor Strachan, Seconded by Councillor Fullerton - Approved 7 - 0
Presentations	There were no presentations
Public Input	There was no public input or questions
Correspondence	Council received correspondence from Gordon Fraser regarding the use of off-road vehicles in town. At this point the Town is not considering further action. Council received a thank you letter from Lunenburg County Wheels, for the sponsorship of their program in the amount of \$10,000.

Mayor Myra declared conflict of interest at 6:04p.m. regarding the request for golf tournament sponsorship from Fisherman's Memorial Hospital. Deputy Mayor Bailey chaired this item. The Town has traditionally sponsored this fundraising event. Staff confirmed there was \$3,000 remaining in the community grant fund. Councillor Babineau motioned to match the same donation as was provided last year in the amount of \$500, Councillor Strachan seconded the motion.

Motion carried unanimously

At 6:10p.m. Mayor Myra was called back to chair. Council reviewed an information letter regarding RCMP Municipal Billing Model. Council expects to learn more as new legislation is presented. The Department of Justice will be meeting with the Town, late August, to discuss the billing model and next steps

Business Arising
and Unfinished
Business

There was no business arising or unfinished business

Ice Allocation Policy

Staff presented Council with an Ice Allocation Policy package, including an ice allocation matrix, for approval. Council discussed the importance of creating spaces for marginalized and underrepresented groups.

Council considered the implications for including surrounding communities of the policy. Staff noted that MODL has contributed \$60,000 towards our operating costs and then another \$60,000 towards our plant upgrades, but that future support is not guaranteed; stronger funding partner agreements would be needed.

Council requested bold, clear and pronounced definitions to be updated. Council recommended that an updated policy will be presented at a future meeting, in September.

Councillor Strachan motioned to table the Ice Allocation Policy decision until the policy has been updated, based on feedback from Council. The motion was seconded by Councillor Fullerton.

Motion carried 5 - 2. Nay votes: Councillor Babineau and Mayor Myra.

Be the Peace
Institute
Community Grant
Request

Staff provided an update on the in-kind community grant request from Be the Peace for its 10th anniversary community event taking place at our Lunenburg Community Center on October 17th. The request was originally received at our June 23rd, 2026 regular council meeting. The organization is requesting a waiver of the five-hour facility rental fee, valued at \$300 tax included. The waiver would be recorded as an in-

kind community grant and funded through our existing 2026-2027 community grant fund.

Staff confirmed there was \$2,500 remaining in the community grant fund.

Councillor Fullerton moved that Council approve an in-kind Community Grant to Be the Peace Institute in the amount of \$300, representing the waiver of the Lunenburg Community Centre rental fee for its 10th Anniversary community event on Saturday, October 17, 2026, and that the in-kind contribution be funded through the 2026/2027 Community Grant Fund. Seconded by Councillor Greek.

**Moved by Councillor Fullerton, Seconded by Councillor Greek
Motion carried unanimously**

New Dump Truck –
RFP Award

Staff presented details about the new dump truck proposal award. The RFP closed July 22nd. Three proposal were received. Staff recommends the RFP be awarded to ACI in the amount of \$338,140.26 plus tax, coming in under budget.

The Town will continue to use the existing 2009 dump truck, without anticipated issues, until the new one arrives. Delivery time is approximately 11 months.

Councillor Greek moved that Council award the New Dump Truck Request for Proposals (RFP) to ECI Trucks for the amount of \$338,140.26 + HST. Seconded by Councillor Strachan

**Moved by Councillor Greek, Seconded by Councillor Strachan
Motion carried unanimously**

Pelham Street
Sidewalk Renewal –
Tender Award

Staff presented Council with two recommendations for the Pelham Street Sidewalk Renewal. The project will replace the existing sidewalk from town limit to Shipyard Hill Road that it in poor condition. The upgrade will include 375 metres of the concrete sidewalk plus curb and driveway, with curb and driveway openings, the road and landscape reinstatements on the abutting properties towards them and will create compliance with accessibility standards and include a flashing crosswalk beacon. Upgrades will be coordinated with work being conducted with NSPI in the same area. Two compliant bids were received, and staff recommend the lowest bid. The expected timeframe to completion, from the time of the award being announced with the work being completed, is by the end of October.

Councillor Strachan moved that Council increase the total budget for the Pelham Street Sidewalk Renewal Project to \$560,000 (including net

HST) with funding of \$200,000 from Deed Transfer Taxes and \$360,000 from Capital Reserves. Seconded by Councillor Babineau.

Moved by Councillor Strachan, Seconded by Councillor Babineau
Motion carried unanimously

Councillor Strachan moved that Council award the Pelham Street Sidewalk Renewal Tender to Dexter Construction Co. Ltd. for the amount of \$469,110+ HST. Seconded by Councillor Fullerton

Moved by Councillor Strachan, Seconded by Councillor Fullerton
Motion carried unanimously

Town of Lunenburg
Council
Accomplishments
and Forward
Strategic Priorities

Council received an informational report highlighting key accomplishments achieved between August 2025 and July 2026. The report summarized progress in areas including governance and leadership, infrastructure, electrical utility, housing, heritage preservation, tourism, accessibility, recreation, and major capital projects, while also outlining implementation of Council's strategic priorities.

Council members thanked staff, community volunteers, and residents for their contributions, noting that the Town's achievements were the result of strong collaboration across the organization and community. Particular recognition was given to Public Works and accessibility improvements, including enhancements to the bandstand, community centre, and opera house. Community support was highlighted including support for the daycare program and property tax relief.

Council also noted the importance of communicating municipal accomplishments to the public and acknowledged that a corporate communications and public engagement strategy is already included in the current strategic priorities.

The report was received for information, with **no action required**.

FCM Green
Municipal Fund
Application

Staff shared that the Town has been working with the Clean Foundation to get some grant funding for the study of town hall and the old fire hall building. The study would assess building envelope improvements, energy efficiency and emission reduction opportunities, potential pathways to net-zero performance, and future adaptive reuse options.

Council discussed the importance of preserving and improving two significant municipal heritage buildings, noting their role within the Town's UNESCO World Heritage Site designation and the value of

retrofitting existing buildings to support sustainability goals. Members also highlighted the potential for future funding opportunities that may result from completing the study.

Councillor Strachan moved that Council support the Town of Lunenburg's application to the Federation of Canadian Municipalities Green Municipal Fund, Sustainable Municipal Buildings program, for a feasibility study titled "Studying emission reduction opportunities targeting net zero performance in two municipal heritage buildings in Lunenburg, Nova Scotia."

AND THAT Council authorize the Town of Lunenburg to submit an application to the Federation of Canadian Municipalities Green Municipal Fund Sustainable Municipal Buildings program for a feasibility study examining emission reduction, energy performance, resilience, and adaptive reuse opportunities for Town Hall and the Old Fire Hall;

AND THAT Council confirm that funding for this project has been approved in the Town's 2026/2027 Capital Budget, including the required municipal contribution toward the total project cost of \$165,000 should the \$75,000 grant application be approved;

AND THAT Council direct that this resolution be submitted with the application as evidence of municipal support. Seconded by Deputy Mayor Bailey.

**Moved by Councillor Strachan, Seconded by Deputy Mayor Bailey
Motion carried unanimously**

Recreation Capital
& Operations
Updates

Council received an informational report on Recreation Department capital and operational projects completed and underway since the start of the fiscal year. Staff highlighted several completed initiatives, including the purchase of a departmental truck, accessibility upgrades at the Community Centre, exterior building repairs, and a new service agreement for arena refrigeration equipment that provides preferred service and cost savings.

Council was advised that work continues on ice plant upgrades and arena painting ahead of the upcoming season, while projects related to electrical meter replacements, panel upgrades, and energy-efficient lighting are in the early stages of development.

The report was received for information, with **no action required**

Electric Substation
Report

Staff presented a report related to the Town and overseeing the electric utility. Investigation of the issues causing an emergency power

outage on June 4th-5th found oil leaking from a transformer and the subsequent failure of a feeder recloser required immediate action to maintain reliable electrical service and prevent further damage to critical infrastructure.

Replacement equipment was procured and installed, with additional work underway to restore the substation to normal operating conditions. Staff noted that these upgrades were already identified within the utility's long-term capital planning but were expedited due to the emergency nature of the failures.

Councillor Babineau moved that Council formally approve the emergency capital expenditures for 2026/27 for the Electric Utility for 81W-231 Recloser for \$53,475 and Main Substation Transformer Bushing of \$15,000, with both items being funded from the electric utility depreciation reserves. Seconded by Councillor Fullerton

**Moved by Councillor Strachan, Seconded by Councillor Fullerton
Motion carried unanimously**

Notices of Motion,
Information
Requests and
Councillor Reports

Council discussed a previously submitted notice, given by Deputy Mayor Bailey, that Council direct staff to immediately amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to institute parking requirements for new development and amend height allowances in the Marine Industrial Zone.

Staff advised that these matters are already being addressed through an ongoing planning review process. Staff explained that the proposed amendments will undergo the required research, drafting, public consultation, and regulatory review processes, with a target completion date of January 2027. Council acknowledged the importance of public engagement and noted that any amendments must follow the legislated planning process before being considered for adoption.

Given that the requested work is already underway, the Deputy Mayor withdrew the Notice of Motion, and **no further action required**.

Council received a letter regarding the resignation of a resident representative on the board. A qualified local candidate was appointed to the Harborview Haven Board of Directors with a motion of support by Councillor Strachan. Seconded by Deputy Mayor Bailey

**Moved by Councillor Strachan, Seconded by Deputy Mayor Bailey
Motion carried unanimously**

Items for Consideration at COTW	The next Committee of the Whole meeting is scheduled for Tuesday, September 1, 2026.
Motion Action List	Council reviewed the Motion Action List.
Closed Session	Moved by Councillor Fullerton and seconded by Councillor Strachan that Council move into closed session at 7:57 p.m. for agenda item 14.1 Contract Negotiation and 14.2 Legal. Motion carried unanimously
Open Session	Council returned to open session at 8:42p.m. Councillor Fullerton moved that Council direct legal to submit to Nova Scotia Courts the appeal of the NSRAB (Nova Scotia Regulatory and Appeals Board) decision on the Solterre appeal. Seconded by Councillor Strachan. Moved by Councillor Strachan, Seconded by Deputy Mayor Bailey Motion carried unanimously
Adjournment	There being no further business, Councillor Fullerton moved that the meeting be adjourned at 8:45 p.m. Seconded by Deputy Mayor Bailey

Minutes were read and approved.

August 6, 2026

Subject: Request for Municipal Sanitary Lift Station to Support Proposed Multi-Unit Residential Development

Dear Mayor Jamie Myra,

We are writing to provide an update on the status of our proposed multi-unit residential development and to formally request that the Town provide a municipal sanitary sewer lift station to support this project.

We have completed the required development application and site plan submission. The only remaining item preventing issuance of the Development Permit is the consolidation of the subject properties, which is currently underway. Attached is the letter from Alan Howell stating that the submission meets the general requirements of the Land Use By-law and is waiting for the consolidation process to be completed.

With the planning process now substantially complete, we are requesting that the Town commits to providing a municipal sanitary sewer lift station required to service the proposed development.

The proposed development will include 32 additional dwelling units, with the potential for additional units in the future which supports continued residential growth within the Town. We appreciate the Town's cooperation throughout the review process and look forward to continuing to work collaboratively toward bringing this project to completion.

Should you require any additional information to assist in this request, we would be pleased to provide it or meet with staff to discuss the project further.

Sincerely,

A handwritten signature in blue ink, appearing to be 'T. Myra', is written below the text 'Sincerely,'.

SUBMISSION TO THE MAYOR AND COUNCIL, TOWN OF LUNENBURG

Centennial Avenue: A Town-Owned Wastewater Growth Asset

A request that the Town design, tender, construct, fund, own and permanently operate a sanitary pump station enabling purpose-built year-round rental housing – and a suggestion that it be sized for the Town's future growth.

PROPONENT	Kent Fields Estates Limited Kentville, Nova Scotia
SUBJECT LANDS	Centennial Avenue, Town of Lunenburg PIDs 60719739, 60719747, 60719721, 60388006, 60709482
DESIGN ENGINEER	Peter L. Snow, P.Eng. – DeWolfe & Morse Consulting Engineers
PROPOSED WORKS	Sanitary sewage pump station, forcemain, and connection to the Town's collection system
DELIVERED TO	Office of the Chief Administrative Officer, Town of Lunenburg
DATE	28 August 2026

Letter of transmittal

The Mayor and Members of Council
Town of Lunenburg
Lunenburg, Nova Scotia

Re: Sanitary pump station servicing proposed purpose-built rental housing on Centennial Avenue

Your Worship and Members of Council,

Kent Fields Estates Limited proposes to build purpose-built, year-round residential rental housing on Centennial Avenue. The site cannot be serviced by gravity alone; it requires a sanitary pump station, a forcemain, and a connection to the Town's collection system.

This submission asks the Town to deliver that station as a municipal capital project — designed, tendered and constructed by the Town, funded in full by the Town, owned by the Town from the outset, and operated and maintained by the Town for the life of the asset. Kent Fields is not proposing to build the station and hand it over. It is proposing that the Town build its own infrastructure, on land Kent Fields will convey to the Town at nominal cost before construction begins.

Council is entitled to ask why a private development's servicing should be a public expense. This submission answers that question directly, and the answer turns on an engineering constraint: because a forcemain must move enough flow to stay self-cleansing, the smallest lawful station that can be built at this location already carries several times the flow this development will ever produce. What the Town would be funding is, unavoidably, a piece of public growth infrastructure.

Two further points follow. First, only a municipality can access the federal and provincial wastewater funding for which this asset class is expressly eligible, and neighbouring municipalities are receiving that funding now; Town ownership is therefore the structure under which the Town's own net cost is lowest. Second, because the station's spare capacity exists whether or not anyone plans for it, we suggest — as a suggestion only, and not as a condition of our proposal — that the Town consider sizing the station for future development across the wider drainage basin. Kent Fields would gain nothing from that additional capacity, seeks no allocation of it, and will proceed on a minimum-sized station if Council prefers.

We have tried to put the difficulties in front of Council rather than leave them to be discovered. We put forward no capital cost figure at all — what the Town requires here, and what it costs, is the Town's to determine on its own engineering. Permanent ownership carries a permanent maintenance obligation, which we state and quantify. The federal program is an application, not an allocation. And this model places the engineering burden on the Town, for which we offer our engineer's cooperation and all work to date at no cost.

On timing, the development is ready to move. Kent Fields is prepared to **begin construction within six months of the Town's approval of the pump station**, and asks that the Town's schedule be set with that in mind.

We are not asking Council to commit funds today. We are asking Council to direct the five steps set out in Section 8, so that the Town can establish, on its own information, whether this is a sound municipal investment. We believe it is.

Respectfully submitted,

Kent Fields Estates Limited
Kentville, Nova Scotia · Established 1975

Contents

- 1 The request**
What Council is being asked to do, and what is only suggested
 - 2 The proponent**
Fifty years, 1,000-plus self-managed rental units, built and held for the long term
 - 3 Sizing for the Town's growth**
The velocity constraint, the free surplus, and the optional premium
 - 4 What the Town receives**
Uncapped assessment, sewer charges, and a documented housing need
 - 5 Cost and funding**
Cost left to the Town to determine, and the federal funding channel
 - 6 Why the full cost is properly a municipal cost**
Three reasons, and a funding path that avoids new debt
 - 7 Division of responsibility**
What the proponent provides; what sits in the Town's scope
 - 8 Requested Council action**
Five directions, none of which commit capital
-
- Notes on evidence**
Status of every figure in this submission
-
- A Site plan and concept engineering**
The plan set prepared by DeWolfe & Morse Surveying Limited, five sheets
-
- B Existing Kent Fields rental communities**
Aerial and ground photographs of comparable completed rental development

This is not a developer amenity. It is a permanent, Town-owned wastewater growth asset that immediately enables year-round rental homes, adds uncapped assessment to the tax roll, and — because of how pump stations must be sized — can unlock future high-density development across a defined service basin at little additional cost.

1 The request

Kent Fields Estates Limited proposes purpose-built, year-round residential rental housing on Centennial Avenue. The site requires a sanitary sewage pump station, forcemain and connection to the Town's existing system.

The proponent asks the Town to **design, tender and construct the station as a Town capital project from the outset**, to fund **100% of the capital cost**, to **own the asset from the beginning**, and to assume **all operation, maintenance, emergency response, renewal and lifecycle costs for the life of the asset**, with eligible federal and provincial infrastructure funding applied to reduce the Town's net cost.

The proponent is **not** proposing to build the station and transfer it. This is put forward as municipal infrastructure delivered by the Town, in the Town's name, under the Town's procurement, on land the Town owns before construction begins.

What is requested, and what is only suggested

	Status	Detail
Town designs, tenders and constructs the station	Requested	Delivered as a Town capital project under Town procurement
Town funds 100% of capital cost	Requested	Inclusive of design, contingency, escalation and net HST
Town owns the asset from the outset	Requested	Fee simple; land and easements conveyed before construction
Town operates, maintains and renews in perpetuity	Requested	Alongside the Town's nine existing lift stations
Station sized for future basin growth	<i>Suggested</i>	Optional. Proponent gains nothing and will proceed without it

The suggestion in the final row is made because the station must be built once, in one location, at one depth, and because the moment to build capacity into it is now rather than later. Section 3 sets out the reasoning and the numbers; the decision is entirely the Town's. Section 6 sets out why the full capital cost is properly a municipal cost, and why full Town funding is the structure under which the Town's own net cost is lowest.

2 The proponent

Kent Fields Estates Limited is a family-owned Nova Scotia rental housing company, in business since **1975**, with its head office in Kentville.¹ It owns and **self-manages more than 1,000 rental units** across the Annapolis Valley and the South Shore, with a property manager resident in each community.

Three of its communities are directly comparable to what is proposed here — purpose-built, multi-building, walk-up rental development delivered in phases and retained in ownership:

Community	Buildings	Units
Cobbs Ridge, Liverpool	Six eight-unit buildings and two sixteen-unit buildings	80
Victoria Grove and River Grove, Bridgewater	Eight eight-unit buildings	64
Blockhouse, Lunenburg County	Six eight-unit buildings	48

The Liverpool holding began with land purchased from Region of Queens Municipality in 2017² and has been expanded in phases as the market allowed — the same pattern of phased delivery proposed on Centennial Avenue. Blockhouse lies within Lunenburg County, a short distance from the Town. **Aerial photographs of all three communities are reproduced in Appendix B**, together with photographs of completed buildings. Building and unit counts in the table are proponent-supplied facts and can be verified by the Town against assessment records in each municipality.

Three consequences matter to the Town

- **These will remain rentals.** The company's model is to build, hold and self-manage for decades. It has no sell-and-exit incentive, and it is willing to register a long-term rental covenant to that effect, binding on successors in title.
- **The Town's operating cost is protected by who is on the other end of the pipe.** A pump station's operating cost is driven largely by inflow and infiltration from the buildings connected to it. A self-managing owner that intends to hold the asset for decades, with a property manager living on site, has a direct and permanent interest in keeping its own laterals tight — unlike an owner that sells and exits.
- **The Town can verify the revenue case against real buildings.** Rather than relying on the projections in Section 4, Town staff or Property Valuation Services Corporation can examine assessed values for comparable Kent Fields buildings that the Town and its neighbours already assess.

What this does not establish. An operating track record demonstrates capability and durability. It is not, by itself, a reason for the Town to fund infrastructure. The case for public funding rests on Sections 3 and 6, not on the proponent's history.

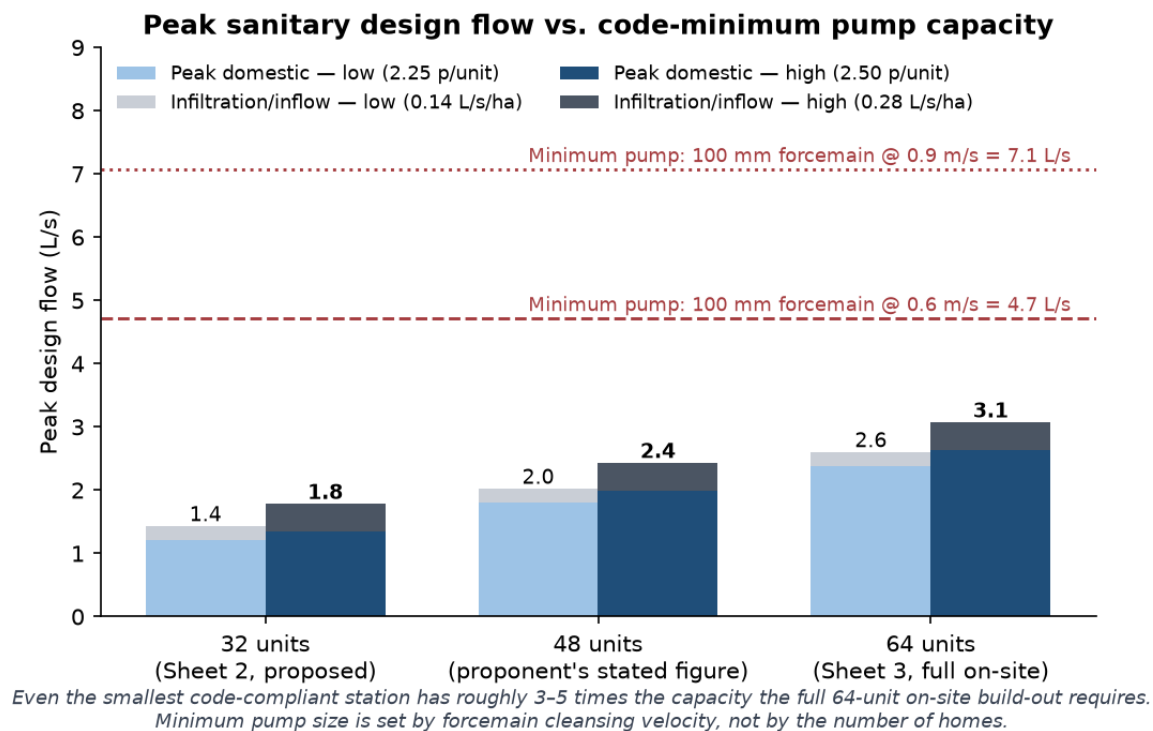
3 A suggestion: size it for the Town's growth, not just this project

The proponent raises this on the Town's behalf, not its own. Two distinct points are involved, and it is worth keeping them separate — the first is unavoidable, the second is optional and entirely at the Town's discretion.

A forcemain must carry enough flow to maintain a self-cleansing velocity, or it accumulates solids and fails. Halifax Water specifies 0.9 m/s; the Atlantic Canada guidelines accept 0.6 m/s as a floor.^{3, 4} On a 100 mm forcemain, that means **4.7 to 7.1 L/s**. The development's own peak design flow is a small fraction of that.

Scenario	Peak design flow
Initial phase (32 units, as drawn)	1.4 – 1.8 L/s
48 units	2.0 – 2.4 L/s
Full on-site build-out (64 units)	2.6 – 3.1 L/s
Minimum required by forcemain velocity	4.7 – 7.1 L/s

Flows computed on the Atlantic Canada 2006 guidelines at 340 L per capita per day with Harmon peaking and an inflow/infiltration allowance. Planning-level only.



Point one — surplus capacity already exists, at no cost to anyone

The smallest station that can lawfully and reliably be built already carries roughly two to five times the capacity this development will ever generate. That is not a request and not an upgrade; it is a consequence of the Town's own design standards. Modelled at the Halifax Water velocity standard, the minimum compliant station could serve on the order of **140 units** within the basin.

So before any decision is made about oversizing, the Town is already acquiring substantial growth capacity for which it has not been asked to pay a premium. The question is only whether it chooses to plan around it.

Point two — the suggestion, which the Town is free to decline

A modestly upsized station — deeper wet well, larger forcemain diameter, higher-capacity pumps, electrical service sized ahead — could serve on the order of **200 units or more**. The proponent offers no cost figure for that upsizing, and does not ask Council to accept one. What can be said without an estimate is structural: the incremental cost of specifying a larger wet well, forcemain and pump set within a station that is being built anyway is a fraction of the cost of building a second station later, because the mobilisation, excavation, road opening, electrical service, controls and commissioning are paid for once instead of twice. **The Town's engineer should price both options and put the difference in front of Council.**

The proponent gains nothing from this. Its on-site build-out is capped by its own land at roughly 64 units, which the minimum station already serves comfortably. The additional capacity would serve third-party lands the proponent does not own or control. The proponent is not asking to be compensated for it, does not seek any allocation of it, and takes no position on which lands should receive it.

The reason to raise it now is timing. Retrofitting is the expensive path: deepening a wet well, upsizing a forcemain within an existing alignment, or extending an electrical service after commissioning all require taking the station out of service and reopening a road. **The cheapest moment to build capacity is the first one — and for this basin, that moment is this project.** If the Town declines, the project proceeds on the minimum station and the opportunity simply passes to whenever the next station is built.

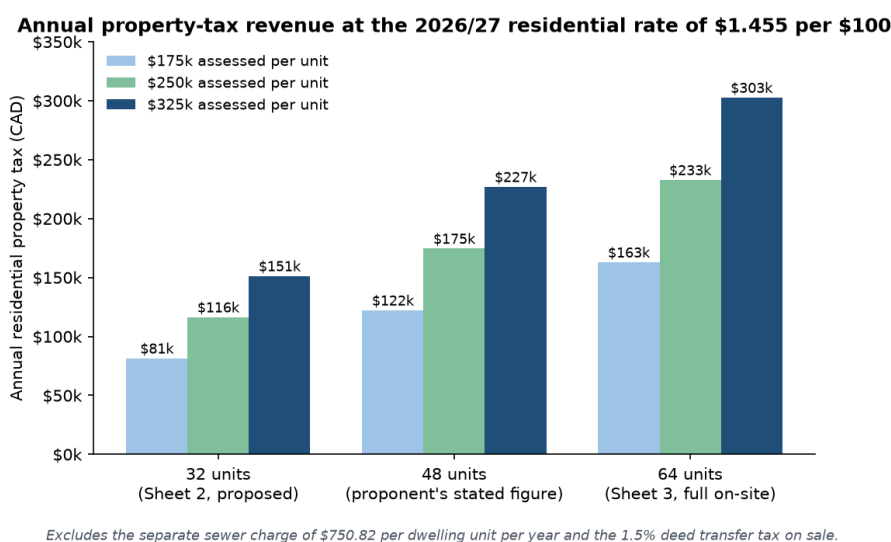
The basin unit counts above are illustrative planning figures, not a Town-adopted service area. Confirming them requires Town hydraulic modelling and a Council-defined basin boundary.

4 What the Town receives

Annual property-tax revenue at the 2026/27 residential rate of **\$1.455 per \$100** of assessment,⁵ across illustrative per-unit assessed values:

Units	\$175k per unit	\$250k per unit	\$325k per unit
32	\$81,480	\$116,400	\$151,320
48	\$122,220	\$174,600	\$226,980
64	\$162,960	\$232,800	\$302,640

Plus annual sewer charges of **\$750.82 per dwelling unit** — approximately \$36,039 per year at 48 units⁶ — and 1.5% deed transfer tax on any future sale.



The assessment is uncapped. Because the Capped Assessment Program does not apply to residential properties of more than three units, nor to new construction, this building's assessment tracks market value rather than being held down by the cap that suppresses growth across much of the existing residential roll.⁷ Over a 30-year horizon that difference compounds materially.

It also answers a documented local need. The Town's own Housing Needs Report identified a 65-unit shortage at the end of 2022, rising to 120 units by 2027 and 170 by 2032, against a construction rate of roughly 10 units per year; 37% of households rent; lone-parent households grew 58%; and approximately 52 units have been lost to short-term rental conversion.⁸

Two things this submission does not claim. These are long-term rentals for year-round residents — not tourist accommodation, not seasonal housing, and not units for individual sale. But the proponent makes no affordability claim, because no verified rent-to-income analysis has been prepared; and it does not claim that this project will resolve the Town's housing shortage, reduce market rents, or halt short-term rental conversion. It is a contribution, not a remedy.

5 Cost and funding

This submission deliberately puts forward no capital cost figure. The station is proposed as a Town capital project, so its scope, configuration, standard of construction and therefore its cost are properly the Town's to determine.

Cost is for the Town to determine

The proponent asks Council to have the Town Engineer establish what the Town requires at this location and what it costs, on the Town's own information and to the Town's own standards — wet well configuration and depth, pump selection, standby power, controls and telemetry integration, forcemain diameter and alignment, site works and access. A Class C estimate prepared by the Town's engineer, followed by a competitive tender under Town procurement, is the only figure Council should rely on.

The proponent will make its concept engineering, site survey, grading and elevation information available at no cost to support that work, and does not seek reimbursement for engineering already completed. It takes no position on the specification, and asks Council to build only to the Town's own standard.

Ongoing cost, stated plainly

Permanent Town ownership carries a permanent operating, maintenance and renewal obligation. Benchmarks for a small station cluster around **\$20,000 to \$45,000 per year**, with pump and control renewal at roughly 15-year intervals.^{9, 10} The Town already operates nine lift stations, so marginal cost is lower than standalone cost — existing operators, existing controls, existing on-call rotation.¹¹

Federal and provincial funding

Lift stations and forcemains are expressly eligible under the Canada Housing Infrastructure Fund and the Canada Community-Building Fund.^{12, 13}

The live channel is the **CHIF provincial-territorial stream** administered by Nova Scotia's Department of Municipal Affairs and Housing — \$170.9M over ten years, federal share up to **50%** for municipalities under 30,000 population, provincial minimum 33.33%, projects complete by 30 September 2031.¹⁴

Neighbouring municipalities are receiving this funding now for the same asset class: **Municipality of Chester, \$7M federal** (March 2026) and **Town of Antigonish, \$1.65M federal** (February 2026), both at approximately 40 / 33 / 27 federal / provincial / municipal.^{15, 16}

The Town's own Canada Community-Building Fund allocation is **\$238,284.69 annually**, may be banked or pooled, and expressly covers lift stations.¹⁷

The significance is proportional rather than absolute. At the cost share neighbouring municipalities have actually received, **the Town's residual capital share falls to roughly a quarter of whatever the project costs**, and less again at the maximum federal share available to small municipalities — whatever figure the Town's engineer arrives at.

Two cautions the proponent states plainly. CHIF is an **application, not an allocation**, and the provincial GRID program — through which the Town previously received \$1,046,500 toward its treatment plant upgrade — was removed from the 2026-27 provincial budget.¹⁸ Written eligibility confirmation from the Department of Municipal Affairs and Housing should precede any Town commitment.

6 Why the full cost is properly a municipal cost

The request is for 100% Town funding, permanent Town ownership, and permanent Town operation and maintenance. Three reasons support that structure, and the first is the one that matters most.

First — there is no smaller station to charge the proponent for

A “developer's share” presumes a code-compliant station sized only for this development. As Section 3 shows, no such station exists. Self-cleansing velocity requires 4.7 to 7.1 L/s on a 100 mm forcemain; the development generates 2.0 to 2.4 L/s at 48 units. **The minimum lawful station is already a basin station.** Apportioning cost by flow share would charge the proponent for public capacity it neither requested nor can use — capacity that exists because of the Town's own design standards, not because of this development.

Second — this is ordinary municipal servicing, not an exception

The Town already owns and operates **nine lift stations**.¹¹ Wastewater collection is a municipal utility function. A privately owned station embedded in the Town's collection system would be the anomaly — it would leave the Town dependent on a private party for public service continuity, unable to direct capacity, and without authority over who connects downstream.

Third — the operating obligation is covered many times over from year one

Annual operation, maintenance and renewal provision for a small station benchmarks at **\$20,000 to \$45,000**.⁹
¹⁰ Against **\$174,600** in annual property tax at 48 units and **\$36,039** in annual sewer charges, the asset covers its full lifetime operating cost **roughly five to ten times over**, every year, in perpetuity. Marginal cost is lower still, because the Town's operators, controls platform and on-call rotation already exist.

How the Town funds it without touching the debt ceiling

The proponent acknowledges the 2026/27 capital plan is fully committed, with planned debt of \$1,094,000 against a \$1,100,000 maximum.¹⁹ Full funding does not require new debt:

Source	Share of project cost
CHIF federal share, municipalities under 30,000 population	up to 50%
CHIF provincial share, agreement minimum	33.33%
Canada Community-Building Fund — Town allocation of \$238,284.69 per year, bankable and poolable, expressly covers lift stations	applied to the balance
Residual requiring Town own-source or new debt funding	Potentially nil

Because these are shares rather than fixed sums, the structure holds at whatever cost the Town's engineer establishes. Banked CCBF years can be directed at the Town's residual share. **The full ask is fundable from senior-government sources already flowing to the Town, without competing against the Town's other capital priorities and without new borrowing.**

Proposed terms

Element	Proposed
Delivery model	Town designs, tenders and constructs the station as a Town capital project, under Town procurement policy and CHIF requirements. The proponent does not build the station and does not transfer it
Capital cost	Town funds 100% , including design engineering, geotechnical, permitting, contract administration, electrical service and standby power, controls and telemetry, site works, contingency, escalation and net HST
Ownership	Town, in fee simple, from the outset. Proponent conveys the station parcel at nominal consideration and registers easements over the full forcemain alignment before construction commences , so the Town builds on land it already owns
Site access	Proponent provides construction access, laydown and staging on its lands at no cost to the Town for the duration of the work
Operation, maintenance, emergency response	Town, in perpetuity , alongside its existing nine stations
Renewal and lifecycle	Town, in perpetuity — pump and control renewal, wet-well rehabilitation, generator and SCADA replacement, and eventual station reconstruction
Cost overruns	Town, as owner and funder
Warranty and bonding	Held under the Town's own construction contract, in the usual way. The proponent carries no warranty, bonding or maintenance obligation for the station
Schedule	Proponent asks only that the Town's design and construction schedule be coordinated with the development's construction and occupancy sequence, and that a target commissioning date be agreed
Growth sizing	Offered as a suggestion, not a condition . Proponent will proceed on a minimum-sized station if Council prefers, and seeks no allocation of, or compensation for, any additional capacity
Capacity allocation	Town retains sole authority over connections, allocation and basin boundary
On-site works	Proponent designs, funds and builds the on-site gravity collection system and service connection to the Town's station at its own cost — fully separated, tested and certified before connection, with no stormwater, foundation drain or roof-leader connection to sanitary
Long-term rental covenant	Proponent will register a covenant binding on successors in title: minimum lease terms, no short-term rental operation, no condominium conversion, for a defined term
Local improvement charges	Proponent's position is that its lands should not bear a redevelopment charge under MGA s.81(2)(a), given that it is delivering the housing the asset is intended to enable and conveying land and easements at nominal cost
Funding condition	Council commitment may be made conditional on written CHIF eligibility and cost-share confirmation from the Department of Municipal Affairs and Housing

The \$15,000 check valve on Centennial Avenue identified in the Town's 2023 wastewater modelling²⁰ is a pre-existing Town system item and should be included in the Town's project scope.

7 Division of responsibility

Because the station is proposed as a Town-delivered capital project, the engineering, procurement and construction of the station sit with the Town. The proponent's role is to provide everything the Town needs to design it, to convey the land, and to build its own works to the Town's standard.

The proponent will provide, at no cost to the Town

1. The station parcel in fee simple and registered easements over the full forcemain alignment, conveyed at nominal consideration before construction
2. Construction access, laydown and staging on its lands
3. All concept engineering completed to date by DeWolfe & Morse, including proposed station location, forcemain alignment and connection point, with no claim for reimbursement
4. Site survey, existing and proposed grades, and invert elevations of the on-site gravity system serving the station
5. Design flow projections, unit counts, unit mix and anticipated occupancy for the Town's engineer to verify
6. A drawing set and unit schedule reconciling the phasing and final unit count
7. Stormwater pond and culvert sizing for its own development
8. A schedule of its existing rental portfolio by municipality, demonstrating capacity to build, hold and self-manage the completed development
9. Assessment and rent information for comparable Kent Fields buildings, so the Town can test the revenue case in Section 4 against local data
10. Cooperation with any Town-commissioned geotechnical, environmental, archaeological or survey work on the subject lands

Within the Town's project scope

1. Detailed design of the station, wet well, valve chamber, forcemain, controls and standby power
2. Class C and subsequent cost estimates with quantities
3. Geotechnical investigation, and environmental and archaeological screening for the station and forcemain
4. Total dynamic head calculation, pump and system curve selection
5. Electrical service arrangement with Nova Scotia Power
6. Controls and telemetry integration with the Town's existing SCADA platform
7. Tendering, contract administration, inspection and commissioning
8. The Centennial Avenue check valve identified in the Town's 2023 wastewater modelling

The proponent recognises that this places the engineering and procurement burden on the Town, and offers its consulting engineer's cooperation and existing work product to reduce that burden.

8 Requested Council action

The proponent asks Council to fund and own this asset in full. It does not ask Council to do so before the funding and capacity questions are answered. **None of the five directions below commits capital.**

1. **Direct staff to seek written confirmation** from the Department of Municipal Affairs and Housing on CHIF eligibility and cost share for a sanitary pump station and forcemain;
2. **Direct the Town Engineer** to issue a servicing-availability determination under Land Use By-law s.7.2.1, including capacity at the Starr Street facility following the sequencing batch reactor upgrade and hydraulic capacity of the receiving Centennial Avenue sewer;
3. **Direct staff to negotiate** a servicing agreement with the proponent on the basis set out in Section 6 – the station delivered as a Town capital project, Town funding of the full capital cost, Town ownership in fee simple from the outset, Town operation and maintenance in perpetuity, conveyance of the station parcel and easements at nominal consideration before construction, a registered long-term rental covenant, and a fully separated on-site collection system certified before connection;
4. **Direct the Town Engineer to commence conceptual design and estimating** for a Town-delivered station at this location, drawing on the proponent's existing concept engineering, so that a Class C estimate and a CHIF application can be prepared on the Town's own information; and
5. **Consider whether to size the station for basin capacity**, recognising that substantial surplus capacity is inherent in any compliant station and that the incremental cost of deliberate growth-sizing is far lower now than at any later date. The proponent offers this for the Town's consideration and will proceed on a minimum-sized station if Council prefers.

The proponent's request in one sentence: build it as the Town's own asset, fund it with the federal and provincial money only a municipality can receive, own and operate it permanently, and – if Council sees the value – build it once, big enough for what comes next.

Notes on evidence

Flow, lifecycle and revenue figures in this submission are **planning-level** and are not engineering design, a tender estimate, or an assessment determination. Flows follow the Atlantic Canada 2006 guidelines; capacity and configuration benchmarks follow Halifax Water specifications. No capital cost estimate is offered; cost is left to the Town's engineer. Basin unit counts are illustrative — the Town has not adopted a service basin, and the “areas of potential lift station connectivity” shown on the proponent's drawings are indicative only and carry no planning status. Tax figures apply the published 2026/27 residential rate to illustrative per-unit assessments and are not Property Valuation Services Corporation determinations. Corporate and portfolio facts in Section 2 are drawn from the proponent's own publications and independent public reporting and have not been independently audited. Unit count is subject to the drawing-set reconciliation described at item 6 of Section 7. All sources accessed 28 August 2026.

Source hierarchy used in this submission

Category	How it appears
Verified local facts	Town of Lunenburg by-laws, budgets, agendas, staff reports and provincial statute
Project facts supplied by the proponent	Unit counts, tenure, unit sizes, servicing requirement, land ownership
Evidence from the plan set	Station location, forcemain alignment, connection point, phasing, grades
External benchmarks	Halifax Water and Atlantic Canada design standards; Canadian small-station operating and lifecycle cost references
Assumptions	Per-unit assessed values, occupancy, absorption, inflation and discount rates
Modelled scenario results	Design flows, funding shares, tax projections

Complete list of sources

Numbering follows first appearance in the text. All sources accessed 28 August 2026. Every entry is a live hyperlink.

1. Kent Fields Rental Properties. <https://kentfields.ca/>
2. Region of Queens Municipality, "Region of Queens Municipality to sell land to developer of housing units" (10 May 2017). <https://www.regionofqueens.com/2017/05/10/region-of-queens-municipality-to-sell-land-to-developer-of-housing-units/>
3. Halifax Water, Design Specifications (2023). https://halifaxwater.ca/sites/default/files/2023-06/2023_design_specifications.pdf
4. Atlantic Canada Standards and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage (2006). <https://novascotia.ca/nse/water/docs/atlcansdguidesewage.pdf>
5. Town of Lunenburg, Town Budget and Tax Rates. <https://townoflunenburg.ca/town-budget-and-tax-rates.html>
6. Town of Lunenburg, Annual Sewer Charges By-law and Amendment. <https://townoflunenburg.ca/bylaws-2/bylaws/924-annual-sewer-charges-bylaw-and-amendment/file.html>
7. Property Valuation Services Corporation, Capped Assessment Program. <https://www.pvsc.ca/understand-your-assessment/capped-assessment-program>
8. Town of Lunenburg, Municipal Housing Needs Report. <https://townoflunenburg.ca/1490-town-of-lunenburg-municipal-housing-needs-report/file.html>
9. Indigenous Services Canada, wastewater asset operating and maintenance cost reference. <https://www.sac-isc.gc.ca/eng/1734037821474/1734037869905>
10. District of West Vancouver, Sanitary System Asset Management Plan. [https://westvancouver.ca/sites/default/files/media/document/s/DWV-%23552469-v1-Sanitary%20System%20Asset%20Management%20Plan%20\(SSAMP\)](https://westvancouver.ca/sites/default/files/media/document/s/DWV-%23552469-v1-Sanitary%20System%20Asset%20Management%20Plan%20(SSAMP))
11. CBCL Limited for the Town of Lunenburg, Wastewater Treatment Plant Long-Term Expansion Report. <https://townoflunenburg.ca/public-works/904-210803-01-re-04-rev0-tol-wwtp-long-term-expansion-report-final/file.html>
12. Housing, Infrastructure and Communities Canada, Canada Housing Infrastructure Fund — Applicant Guide. <https://housing-infrastructure.canada.ca/housing-logement/chif-fcil/chif-applicant-guide-demandeur-fcil-eng.html>
13. Canada Community-Building Fund, eligible project categories — wastewater. <https://www.buildingcommunities.ca/about-the-fund/agreements/eligible-categories/wastewater>
14. Canada–Nova Scotia Canada Housing Infrastructure Fund agreement. <https://housing-infrastructure.canada.ca/housing-logement/chif-fcil/pt/ns-eng.html>
15. Government of Canada, "Canada and Nova Scotia partner with the Municipality of Chester to invest in wastewater infrastructure" (March 2026). <https://www.canada.ca/en/housing-infrastructure-communities/news/2026/03/canada-and-nova-scotia-partner-with-the-municipality-of-chester-to-invest-in-wastewater-infrastructure-that-will-support-more-housing.html>
16. Government of Canada, "Canada and Nova Scotia partner with the Town of Antigonish to invest in water and wastewater infrastructure" (February 2026). <https://www.canada.ca/en/housing-infrastructure-communities/news/2026/02/canada-and-nova-scotia-partner-with-the-town-of-antigonish-to-invest-in-water-and-wastewater-infrastructure-that-will-support-more-housing.html>
17. Province of Nova Scotia, Canada Community-Building Fund 2025-26 municipal allocations. <https://beta.novascotia.ca/sites/default/files/documents/1-3794/canada-community-building-fund-2025-26-municipal-allocations-en.pdf>
18. CBC News, "More than \$17M in municipal infrastructure grants cut for N.S. budget". <https://www.cbc.ca/news/canada/nova-scotia/more-than-17m-in-municipal-infrastructure-grants-cut-for-n-s-budget-9.7113470>
19. Town of Lunenburg, 2026/27 General Capital Budget (approved). <https://townoflunenburg.ca/finance/2100-town-general-26-27-capital-budget-approved/file.html>
20. Town of Lunenburg, Council Agenda, 24 February 2026. <https://townoflunenburg.ca/council-2026/2026-council-and-cotw-agendas-minutes/2112-02-24-2026-council-agenda/file.html>

Appendices

The drawings and photographs that follow are reproduced from the plan set prepared for this submission by DeWolfe & Morse Surveying Limited, designed by Peter L. Snow, P.Eng., issued for review 28 August 2026. All sheets are reproduced here reduced to letter size so that the submission prints on a single paper size; the drawings are drawn at 24 inches by 36 inches and full-size copies are available to the Town on request.

Appendix A — Site plan and concept engineering

Sheet 1 of 5	Site plan showing existing conditions
Sheet 2 of 5	Site plan showing proposed conditions
Sheet 3 of 5	Site plan showing future conditions
Sheet 4 of 5	Site plan showing extents of connectivity
Sheet 5 of 5	Site plan showing lift station

A note on the cost breakdown shown on Sheet 5. The figures on that sheet are the proponent's consulting engineer's rough order-of-magnitude allowances, prepared for concept purposes only. They are not a tender price, a Class C estimate, or a figure Council should rely on. As set out in Section 5, the real cost of what the Town requires at this location must be established and confirmed by the Town's engineer.

Appendix B — Existing Kent Fields rental communities

Aerial photographs of the three existing rental communities described in Section 2 — Cobbs Ridge in Liverpool, Victoria Grove and River Grove in Bridgewater, and Blockhouse in Lunenburg County — followed by two photographs of completed buildings showing the form of construction and standard of finish proposed for Centennial Avenue.



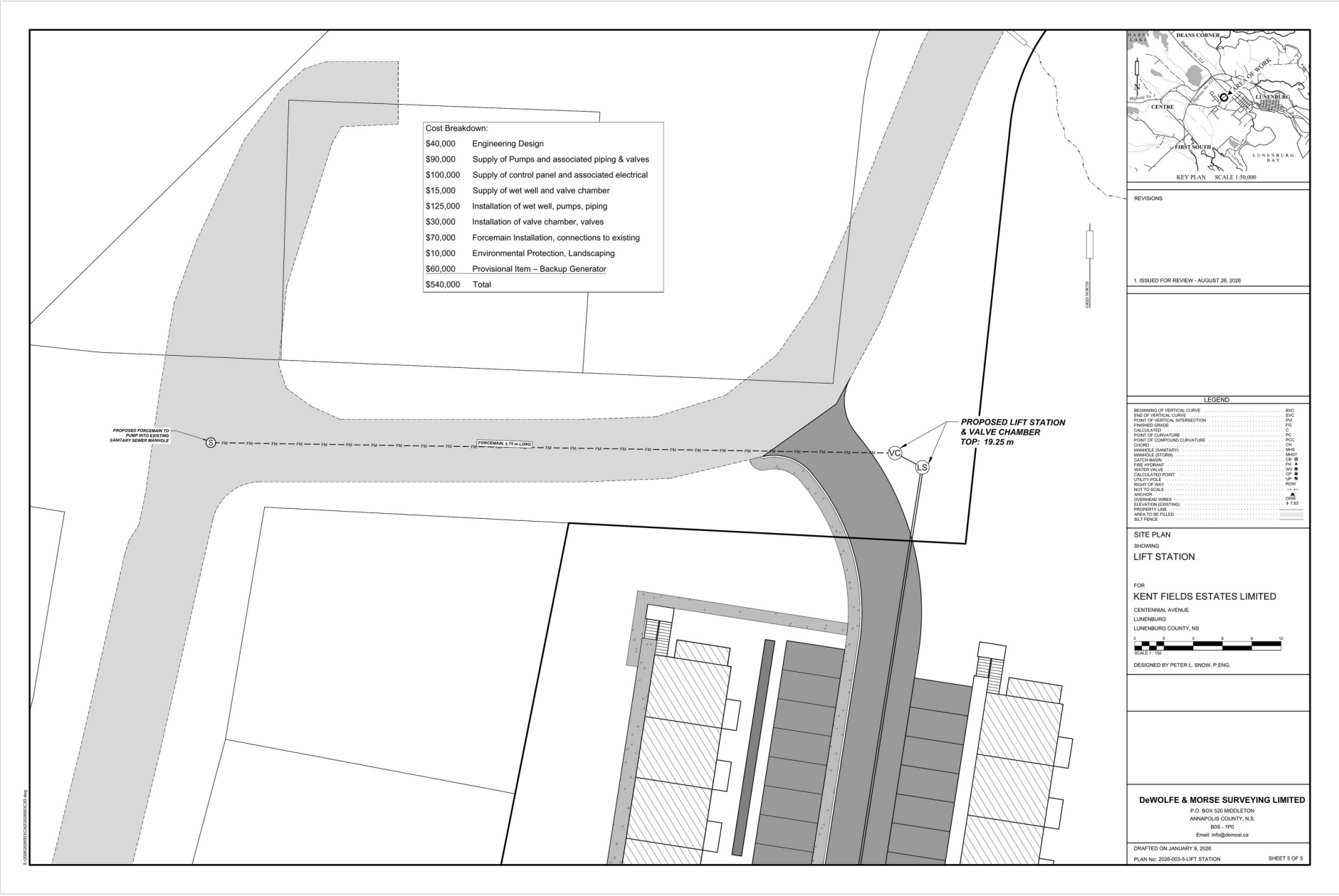
APPENDIX A • SHEET 1 OF 5 — Site plan showing existing conditions

APPENDIX A • SHEET 2 OF 5 — Site plan showing proposed conditions

APPENDIX A · SHEET 3 OF 5 — Site plan showing future conditions



APPENDIX A · SHEET 4 OF 5 — Site plan showing extents of connectivity



APPENDIX A • SHEET 5 OF 5 — Site plan showing lift station



APPENDIX B • PHOTOGRAPH 1 OF 5 — Cobbs Ridge, Liverpool — six eight-unit and two sixteen-unit buildings



APPENDIX B • PHOTOGRAPH 2 OF 5 — Victoria Grove and River Grove, Bridgewater — eight eight-unit buildings



APPENDIX B • PHOTOGRAPH 3 OF 5 — Blockhouse, Lunenburg County — six eight-unit buildings



APPENDIX B • PHOTOGRAPH 4 OF 5 — Completed Kent Fields Estates purpose-built rental building



APPENDIX B • PHOTOGRAPH 5 OF 5 — Completed Kent Fields Estates purpose-built rental building

ABCO Waterlot Purchase and Major Shipyard Enhancement

Discussion Materials

Canadian Strategy Underpinned by Historical Working Waterfront

- Canada is experiencing a geopolitical shift in its global allies and its importance in the world is rising as a stable voice
- As the arctic seaways open up, marine manufacturing and port infrastructure are becoming mission-critical strategic assets for our security
- Lunenburg Harbour and ABCO Industries Shipyard are well-positioned to deliver for Canada and become a world class technical marine manufacturing and sustainment centre

Working Waterfront

Tanyard 1936

- Fish curing flakes and fish stores line the shore
- Supporting Lunenburg's Fishery since the 1870's



Camp Norway 1940

- Photo courtesy of the Norwegian Naval Museum
- Title: "Whaleboats being converted into gunboats"



Working Waterfront

Camp Norway 1941

- Military training base for displaced Norwegian whalers
- Photo courtesy of the Norwegian Naval Museum



Atlantic Bridge Co. 1960

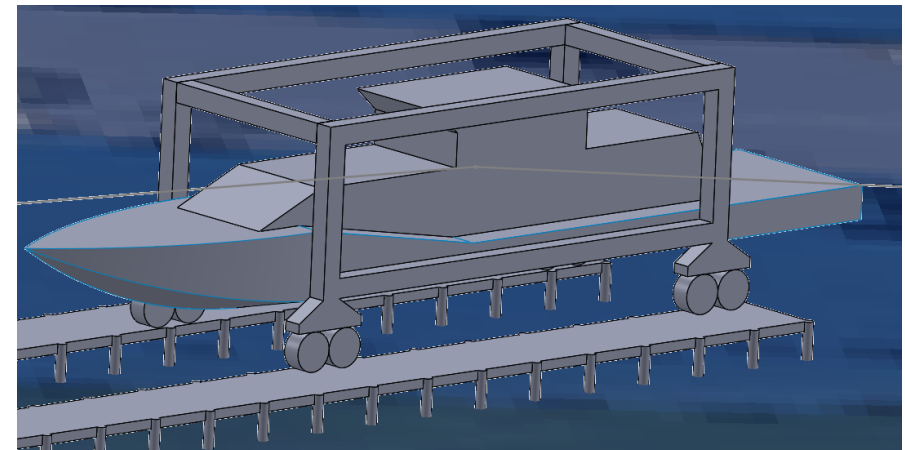
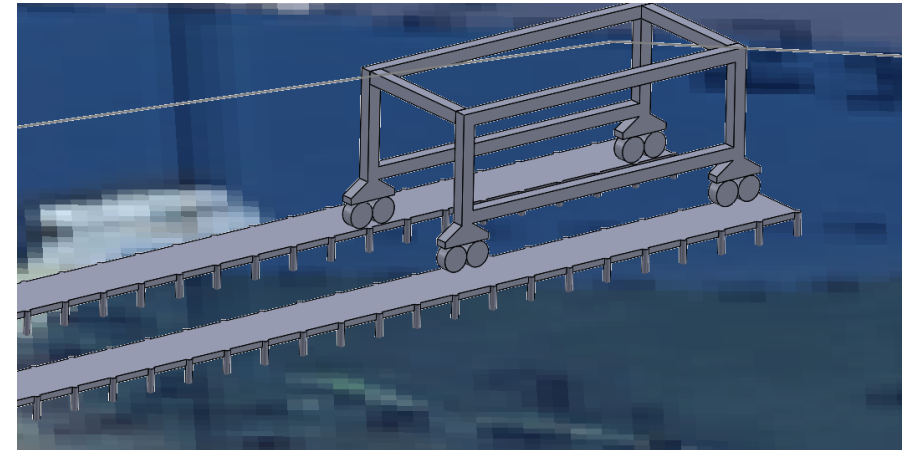
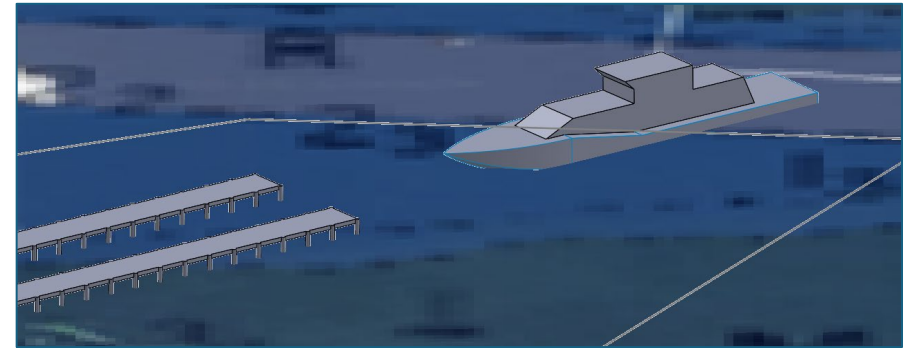
- Started in 1947 refurbishing make-and-break engines
- Started manufacturing fiberglass boats in 1960's
- Ships of all sizes are still manufactured at ABCO using aluminum



Expand, Build, Deliver

- ABCO is investing in its shipyard to meet the strategic infrastructure needs for Canada's military and security forces for vessels up to 160 ft in length
- Multi year plan to invest in:
 - Expanding the slipway
 - Travel lift (ie: mobile, non-permanent infrastructure)
 - Expanded manufacturing footprint
 - Automation equipment
 - Headcount – growing to over 120
 - Skills training
- Benefits to Lunenburg
 - Revitalizing and preserving the historic working waterfront
 - Attracting talented working age families
 - Year round, full time, highly skilled employment
 - Increasing strategic value of Nova Scotia to Canadian Security
 - Investment and employment in Lunenburg and economic benefits
 - Synergies with local businesses

Expanded Slipway



Building in Partnership with the Town of Lunenburg

- To deliver on this enhanced capability, ABCO must acquire the red-noted water lot
- Acquiring and using water lots has been common practice in Lunenburg
- Water lots allow the owner to best protect the shoreline from climate change impacts
- Infrastructure will be low profile or mobile in order to respect the historic views of the Town
- ABCO has no plans to infill, and will continue working with surrounding businesses to ensure adequate harbour navigation



Request to Council

- Time is of the essence for ABCO and Lunenburg to capitalize on funding opportunities and historic federal investments in defense procurement
- Purchasing a water lot in Lunenburg Harbour is a Transport Canada process, but they would feel more comfortable proceeding to a sale with Town Council support
- ABCO has engaged with marine engineers and shipyard designers. They require extensive harbour surveys to complete detailed designs for pricing. These surveys require Transport Canada approval and coordination
- ABCO requests:
 1. The Town of Lunenburg to hold a public engagement session around the acquisition of the water lot
 2. Subsequently, for the Town of Lunenburg to provide letter of support for evidence of said public engagement and confirming support for the acquisition
- ABCO will help facilitate any meetings or information Council requires of Transport Canada to help make the final decision



Letter for inclusion in agenda package for next regular council meeting.

From Paula Rennie <rennie.paula@gmail.com>

Date Thu 8/27/2026 1:11 PM

To Paul Nopper <pnopper@townoflunenburg.ca>

CAUTION: THIS IS AN EXTERNAL MAIL

Good afternoon.

I would like the text of my August 6 letter to council included in the agenda package for the next regular council meeting. If you no longer have it, here is the text of the letter as sent to council:

"Dear Mayor Myra, Deputy Mayor Bailey and Councillors,

With respect to Deputy Mayor Bailey's motion under item 11, I hereby ask that an amendment be made to the motion, as follows: "Council direct staff to immediately amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to institute parking requirements for new development and amend height allowances in the Marine Industrial Zone, to include protections for the Old Town Lunenburg World Heritage property, it's buffer zone and its immediate and wider setting and to require Heritage Impact Assessments for all future development proposals presented to the Town."

I assume that the motion is the result of a presentation at the July council meeting by resident Irma da Sie asking Council to make these amendments immediately and not wait for the LUB and MPS review process, which could take another two years. Waiting would obviously leave the Town open to unsympathetic development applications similar to Solterre's.

I applaud Ms. da Sie's actions, and the Mayor Myra's unqualified agreement with her. The time to act is now, for the reasons Irma gave in her presentation.

However, there is another amendment required to the LUB and MPS, perhaps more urgently: the inclusion of protection for Lunenburg's World Heritage property, its buffer zone and its wider setting, and the requirement for Heritage Impact Assessments for future development projects, the costs of which should be borne by the developer. One look at the Solterre plans would convince anyone that a six-storey behemoth that close to the waterfront will assuredly have an impact on the wider setting and the protected view planes of the WH property.

Had these protections been written into the 2021 MPS and LUB, the Solterre development, given its height, massing AND LOCATION adjacent to the WH property would have had to face far greater hurdles than rezoning. Unfortunately, it is too late for that project, which will go ahead whether or not we want it to. That means that now is the time to amend those two planning documents, as well as the Heritage Conservation District Plan and By-law, to avoid a similar scenario.

As you know, I recently corresponded with Councillor Strachan asking again about a management plan for our WH property. I was told, again, that the "management plan" *per se* does not exist, but I was assured that "management language" is built into the MPS, LUB and Heritage Conservation District Plan and Bylaw.

In practical terms, this means that the management language is buried somewhere in three planning documents totalling almost 400 pages. I have started reading them (again), against UNESCO guidance on management plans, looking for specific or even vague references fitting the actual management requirements for a WHS.

What I can tell you thus far is that none of them mention the wider setting of the WH property and thus, offer no protections in that respect. In terms of impact assessments, the MPS makes no mention, the LUB mentions traffic impact assessments once, and the HDCP&B requires heritage impacts assessments for demolitions only.

For these reasons, council must include in its motion Tuesday night actual protections for the wider setting of the Old Town Lunenburg WH property and a requirement for heritage impact assessments for all development proposals.

I realize that the screening report prepared by Town staff for the Solterre rezoning application found no impact on wider setting. I disagree with that assessment. I would like to draw your attention to the UNESCO Managing World Heritage Resource Manual.

"It is essential to recognize that management does not simply stop where the boundary of the WH property falls; rather, a series of additional, external protective layers are needed to ensure the interconnectedness of the property at a range of spatial scales. Such layers are essential in the case of WH properties as they reinforce an integrated approach to planning and management that includes the buffer zone as well as the wider setting."

"This (integrated) approach to management and the concept of the wider setting are crucial when assessing the positive and negative factors that originate beyond the property and its buffer zone. Regardless of their distance from the heritage place, a range of factors in the wider setting can impact the OUV of a World Heritage property. This may be the construction of high-rise buildings or wind turbines, which will disturb the spirit and feeling in a sacred site, or the construction of tourism facilities and transportation infrastructure that might bring increased tourist pressure to a historic town or protected area."

"Legal frameworks" (i.e., the Town's LUB, MPS and HDCP&B) "must offer legal status as heritage to the areas recognized as World Heritage and impose restrictions on their use and development, at varying levels of intensity, for the World Heritage property itself, its buffer zone(s) as well as the wider setting."

Council must ask: "Is the legal framework adequate to manage the buffer zone(s) and to address factors originating in the wider setting?"

I see the motion regarding parking requirements and height restrictions as reactive - they are made in reaction to the Solterre development. I do see the inclusion of protections for the wider setting specifically, and of a requirement for heritage impact assessments for all further development proposals as proactive. Council would do well to be proactive.

Sincerely,
Paula Rennie

I would appreciate confirmation of its inclusion.

Regards,
Paula Rennie
211 Cumberland Street.

August 26, 2016

To: Mayor and Council, Town of Lunenburg

Mayor, Jamie Myra

Deputy Mayor, Rachel Bailey

Councillors, Renea Babineau, Debbie Dauphinee, Gale Fullerton, Alex Greek, Alison Strachan

cc: CAO, Paul Nooper

Dear all,

Recently I have become aware of an issue that has given me pause. I have questions.

I understood that there had been a proposal to redevelop some of the under-utilized Foundry lands. I understood that the proposal had met with the existing planning criteria and was approved by staff but subsequently voted down by Council, whereupon the proponent challenged Council's decision by appealing to the Nova Scotia Utility and Review Board. The Board overturned Council's decision. I admit that I did not attend the Review Board hearing, and I have not read the actual decision. I don't know how much effort the Town expended at the hearing, or what the Town's objections/arguments actually were.

I understand that the main concerns seem to relate to the amount of space allocated for parking, and the proposed height of the building.

By way of general comment, and after residing in Lunenburg for the past thirteen years (I know, I'm still a CFA), I can only identify a small number of new housing units having been built, when on the other hand, I have experienced a steady increase in taxes and utility fees. We all know that EVERYTHING is getting more expensive, including the provision of these services, yet the Town of Lunenburg seems to be steadfast in the rejection of every opportunity to increase the tax base - which, of course, would somewhat alleviate the cost burden for us all. At the same time, Town infrastructure is woefully neglected - streets, sidewalks, storm water, signage, parking, parks, public spaces, access and other amenities are mostly either non-existent or in disrepair. I note that the sewer and electrical systems appear to be getting substantive upgrades which one assumes will eventually result in corresponding rate increases. So, my question are:

Is it true that the TOL is actively proposing to fund an appeal of the Review Board decision? And if so, what is the expected/projected cost, both in direct cost to the Town including staff cost? (any staff time expended on this would necessarily be taking that staff member away from their usual, and presumably important, duties).

Further to above, is there a contingency plan should the Town lose the appeal? Would we want to appeal to the higher courts? How much would that cost? Conversely, should the Town win the appeal, might the Town then be open to a legal action brought by the proponents of the project? Has there been any analysis, risk analysis or ROI for example, done on the appeal process and, if so, can the results be shared with the public, and if not, why not?

Why is the Town not working with the Proponent to try to resolve what, on the surface, seems like a solvable problem? A substantial increase in residences in a relatively easy to service area is one way to increase the revenues collected by the Town. This seems to me to be a desirable outcome instead of expending our scarce revenues to thwart the proposal. As an aside to all of this, it seems to me that should this project be stopped it certainly projects a town that does not want to grow or encourage development. This, of course, will leave fewer people to share the rapidly rising costs of Town operations and thus severely limit our options going forward.

Overall, I really wonder what the Town hopes to achieve with this appeal process. As Council appears to have voted unanimously to oppose the project I feel it is fair to ask, are you attempting to stall **any** large scale development now and in the future? Are you opposed to this particular developer? Or opposed to using this particular site for residential development? Do we hope that we will attract an industrial entity to the site (would that somehow be better)? Or do you see this as a way to negotiate a more appropriate design?

I look forward to hearing your thoughts on all of this, and remain open to discussion, but please don't simply say it is because we are a UNESCO heritage site and we can't risk losing that designation at all costs. The UNESCO designation IS a discussion that should be undertaken thoroughly at some point. I would love to see a true cost benefit/return on investment analysis of that designation as it appears to be hindering our ability to choose our own path.

Thank you,

Jon Prentiss - Prince Street

(902) 830-8486

1010 Unique intakes completed to date

34 New Intakes completed this month

8 Number of those intaked at risk of homelessness

114 Total number of those intaked that are currently **actively homeless**

44 Number of **individuals** currently experiencing **chronic homelessness**

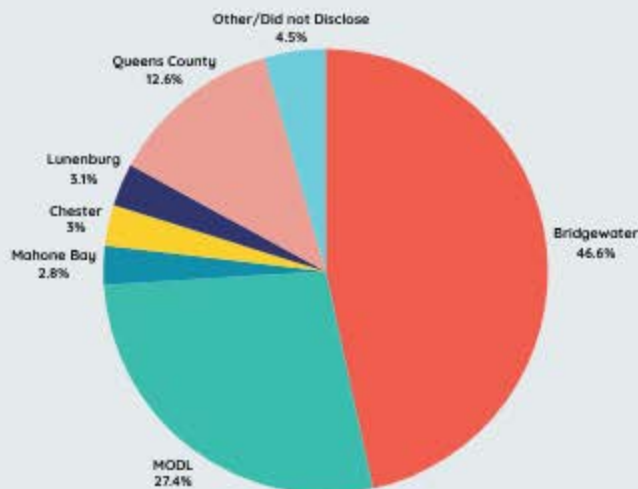
94 Number of **children** identified as currently experiencing homelessness/housing insecurity

13 Number of **seniors** currently experiencing homelessness

43 Number of **seniors** currently experiencing **housing insecurity** or at risk of homelessness

5 Average number of months experiencing homelessness

13 Number of individuals experiencing **unsheltered homelessness**



Household Breakdown

Families - **370**
 Seniors - **299**
 Youth (25 and under) - **96**
 Veterans - **17**
 African Nova Scotian - **20**
 Indigenous - **85**
 Latin/Hispanic - **4**
 Other/Undisclosed - **56**

166 Individuals/households matched to housing from the By-Name-List



Energy Poverty

SSDOA identified \$24,537 in energy poverty needs among new intakes. During the month, SSDOA was able to provide \$1177 in financial assistance, helping several families and individuals address their energy-related challenges



- Renting - Pending Eviction
- Couch Surfing - Safe
- Renting - Unsafe



Top reasons for housing loss

- Eviction due to relationship breakdown with partner or family
- Left due to domestic violence
- Eviction - Renoeviction

From: Lawrence Taylor <ltbiodiverse@gmail.com>

Sent: Wednesday, August 19, 2026 10:16 AM

To: Jamie Myra <jmyra@townoflunenburg.ca>

Subject: Letter of Support Request — Zwicker Marine Innovation Hub (BuildNS Submission)

Dear Mayor Myra,

I'm writing to ask for support as we submit a proposal to Build Nova Scotia for the 2nd and 3rd floors of the Zwicker & Co. Warehouse on Lunenburg's waterfront.

The short version: I'm proposing to turn those two floors into a year-round marine-biology and ocean-technology hub — office and workshop space where business founders, technical talent, and local industry can work on real problems in aquaculture, fisheries, and marine monitoring, right on the working waterfront. It's designed to complement what's already happening in Lunenburg, not duplicate it, and it's a direct continuation of the marine-business use ACOA originally intended for that space.

Given the history on this waterfront, I'd be grateful for a short letter of support confirming your interest in a relationship with the Hub and endorsing the project as a good fit for Lunenburg's marine sector.

The proposal is due to Build Nova Scotia on August 31, so if you're able to send something by August 27th, that gives us a comfortable buffer to include it. I'm happy to send more background or answer any questions (Phone or online) — whatever's easiest for you.

Thank you for considering this — it would mean a lot to have your support behind this venture.

Sincerely, Lawrence Taylor

902 580-0677

LTbiodiverse@gmail.com

Lawrence H. Taylor, MSc

20A Locks Road

Dartmouth, NS B2X 2J5

902-580-0677

LTbiodiverse@gmail.com

From: Daryl Gray <dgraycam@gmail.com>
Sent: August 18, 2026 12:18 PM
To: Jamie Myra <jmyra@townoflunenburg.ca>
Subject: Excessive vehicle noise



CAUTION: THIS IS AN EXTERNAL MAIL

Mayor Jamie Myra

Lunenburg, NS

Mr. Mayor,

We live at 25 Linden Ave. We have Linden Ave in front of the house and Lower St behind the house. We have noticed a marked increase in the number of excessively loud cars and motorcycles on those streets. Many are smaller cars with modified exhausts that “bark” when the accelerator is quickly increased or decreased. Many drivers constantly rev their engines trying to create that “bark”. The same goes for many motorcycles. I’m sure you’ve noticed the same issue. When a Honda Civic is louder than a transport truck, something is wrong.

This is becoming not just an annoyance but also a health issue. While it is annoying at any time, this behaviour can go on well into the night affecting sleep. When you can still hear a car or motorcycle accelerating more than a kilometre away at night, something isn’t right. It also affects the ambiance and reputation of our town. And it makes a mockery of the “Quiet Hospital Zone” signs around the hospital.

I understand that vehicle compliance is a provincial responsibility but I think municipalities can pressure the provincial government to take some action on this issue, an issue I'm sure many mayors are hearing about. There are several ways this can be done...

1. Stricter vehicle inspection rules about modifying exhaust systems.

2. Specific, acceptable traffic noise level legislation. This can be enforced with noise level or acoustic cameras. They are in use in many global jurisdictions. The province has indicated it will allow speed cameras, why not noise level cameras as well?

3. Speed bumps will often discourage these drivers from using a particular street. Their low slung or speeding vehicles may bottom out. I wouldn't advocate speed bumps for Lower St. It is a major route for transport trucks servicing businesses in the town and they are seldom an issue nor should they be subjected to speed bumps. But I would strongly encourage speed bumps or lower 'speed pillows' on Linden Ave to slow traffic on that street down and perhaps discourage some of these drivers. The speed pillows could be taken up for winter plowing. Without a proper sidewalk, and cars parked on both sides of the street, there is a lot of pedestrian traffic on the street in tourist season. I've also seen people in wheelchairs on the street because they have no other option. The congestion on Linden Ave doesn't need loud, fast drivers added to it.

This issue is only going to get worse. It also denigrates our reputation as a UNESCO world heritage site. We are careful about so much of the ambiance around Old Town but are willing to let that ambiance be shattered by excessively noisy vehicles. We really need to make an effort to deal with this issue.

I came across legislation in Scotland called the Anti-Social Behaviour Act. It is part of UK wide legislation. It mentions excessive noise from vehicles. I've seen footage of drivers having their cars seized by police for the same kind of driving we see in Lunenburg. The act is quoted as the reason for the seizure. I've copied a summary below. While I understand that getting similar legislation passed here would be time consuming and perhaps difficult, if we aren't prepared to acknowledge the problem and look at all possible remedies, then we are indirectly endorsing this behaviour.

I submit this letter as a concerned citizen and as a plea to acknowledge the issue and for the town to start some action to deal with this issue.

Sincerely,

Daryl Gray

25 Linden Ave

Lunenburg

902-277-2330

Under UK and Scottish laws, **vehicle noise is strictly regulated** to prevent public disturbance and environmental nuisance. If a vehicle is deemed a persistent nuisance or has been illegal modified, authorities hold clear powers to issue fines, seize the vehicle, or prosecute the owner. [[1](#), [2](#), [3](#), [4](#), [5](#)]

The Legal Noise Limits

The exact maximum noise limits for cars depend heavily on when the vehicle was manufactured, with rules tightening consistently over time: [[1](#), [2](#)]

- **Older Cars (Pre-2016):** Limits generally range between **70 and 74 decibels (dB)**.
- **Modern Cars:** Tighter [Vehicle Certification Agency](#) targets phase the standard down to **68 dB**.
- **Exceptions:** Larger engines, off-road vehicles (+1 dB), and wheelchair-accessible options (+2 dB) are legally permitted to run slightly louder. [[1](#), [2](#), [3](#)]

Illegal Vehicle Noise Practices

According to [GOV.UK guidelines](#), you are breaking the law if your vehicle creates excessive noise through the following actions: [[1](#), [2](#)]

- **Exhaust Modifications:** It is entirely illegal to modify an exhaust system to make it louder than it was when it passed its original factory safety checks. [[1](#)]

- **Defective Silencers:** Driving a vehicle with a broken, missing, or poorly maintained silencer is an offense. [[1](#), [2](#)]
- **Antisocial Driving:** Intentionally revving engines while stationary, screeching tyres, or blasting music can result in immediate law enforcement action. [[1](#), [2](#)]

Enforcement & Penalties

If a driver violates these rules, Police Scotland and local councils have several statutory mechanisms to penalize them: [[1](#), [2](#)]

1. **Fixed Penalty Notices (FPN):** Police can issue an immediate **£50 on-the-spot fine** to drivers utilizing modified or excessively loud exhausts. [[1](#)]
2. **Vehicle Seizure (Section 59):** Under the [Police Reform Act 2002](#), if a vehicle is being driven antisocially—causing alarm, distress, or annoyance—police can issue a warning. If the behaviour continues, they have the right to **seize and impound the vehicle**. [[1](#), [2](#)]
3. **Noise Cameras:** Police forces increasingly deploy automated acoustic cameras that instantly photograph and fine vehicles passing by if they exceed decibel limits. [[1](#), [2](#), [3](#), [4](#)]

Nova Scotia Fire Bulletin

August 2026



Minister's Message

Over the past year, we've made meaningful progress to strengthen Nova Scotia's fire service. As the first province in Canada to establish a dedicated Department of Emergency Management, we remain focused on enhancing public safety and building stronger, more resilient communities.

One of our key priorities is ensuring you have access to the training, resources, and support you need to do your job safely and effectively. That's why we've continued work and invest in:

- New Level 1 training grants that will be unveiled later this year.
- Deployment of the Mobile Burn Unit, including its first deployments across the province.
- Improved pathways for firefighters to obtain class 3 driving licenses
- Continued work with Dalhousie University to strengthen officer education.
- Updated training opportunities through the Office of the Fire Marshal.
- Development of draft guidelines to strengthen firefighter health and safety through the subcommittees of the Fire Training Advisory Committee.

We're also building regional training capacity, so firefighters have greater access to quality training closer to home.

Despite a challenging fiscal environment, our government maintained the enhanced funding levels for fire service programs that were increased significantly last year. We recognize the vital role volunteer fire departments play in communities across Nova Scotia and supporting them remains a priority.

As we continue to modernize and strengthen the fire service, we are committed to listening to firefighters, chiefs, and departments – as you know this work best. Your experience, expertise, and feedback are helping shape the future of fire service in Nova Scotia and the work ahead.

Thank you for your continued dedication, professionalism, and commitment to keeping Nova Scotians safe.

The Honourable Kim Masland
Minister of Emergency Management



Structure Protection Unit training in Barrington

Our Vision: Every Nova Scotian has access to reliable, evidence-based fire services, no matter where they live. Every firefighter has the training and equipment needed to stay safe while serving their communities.

Mobile Burn Unit Training Begins this Month

- In March 2026, the Province of Nova Scotia purchased two Mobile Burn Units (MBUs) to expand access to live fire training, bringing high-quality training closer to home and reducing travel requirements for fire departments across the province.
- The first MBU is expected to begin operations in the coming weeks. As part of the rollout, RelyOn, a Third Party Vendor, has engaged Fire Chiefs and Training Officers and completed site assessments with fire departments across the province.
- **To schedule training, please visit:** <https://www.nsmbu.ca/>

Resilience Spotlight: PSPNet

- Every day, firefighters and first responders respond to situations that most people are running from, placing the health and safety of others ahead of their own. They are regularly exposed to traumatic events, which can have lasting impacts on mental health and increase the risk of conditions such as PTSD, depression, and anxiety.
- As a firefighter in Nova Scotia, you can access PSPNet, a confidential online mental health service that provides flexible therapist-guided and self-guided cognitive behaviour therapy programs that can be completed on your own schedule from home.
- **Learn more at** www.pspnet.ca

Class 3 Licensing Update

- Nova Scotia is launching a pilot project in August in Digby and Colchester Counties to improve access to Class 3 driver licensing for firefighters, particularly in volunteer departments, with expansion to other regions planned for the fall.
- The pilot aims to reduce common barriers such as travel, scheduling, testing availability, and licensing costs while maintaining required safety and competency standards.
- The pilot will expand access to Class 3 examiners, test regional/fleet-based sign-off models, support consistent firefighter driver training, and explore ways to reduce out-of-pocket licensing expenses for volunteer firefighters.

Certification and Testing Update

- We have heard from many firefighters and fire service leaders about the importance of timely access to certification testing and the frustration caused by delays in receiving certifications.
- We are actively prioritizing this work and recognize that the current timelines have not met the expectations of the fire service community.
- To help address these challenges, additional resources have been dedicated to certification and testing activities which will reduce backlogs and ensure that certifications are issued as quickly as possible.



Clare Ground Search and Rescue

Where to Find Us

Check out our [website](#) for the latest updates.

Questions about the fire modernization process? [Contact us](#).

Follow the Department of Emergency Management on [Facebook](#) and [X](#)

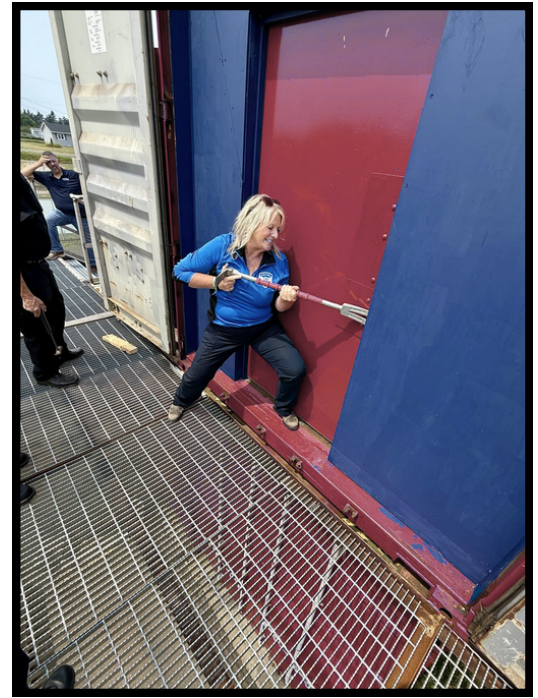
Find the Department of Natural Resources on [Facebook](#)



Fire Dispatch

- Our priority is to ensure dispatch services are safe, reliable, effective, and more consistent across the province, with the transition to Next Generation 911 which was mandated by Canada's Radio-Television and Telecommunications Commission (CRTC), informing future planning and decisions.
- No decisions have been made on the future of fire dispatch; work is underway to develop a clear, evidence-based path forward by reviewing FSANS recommendations, current system capabilities, and leading practices across Canada and internationally.

"Breaking down doors at the fire training facility in Meteghan! As Minister of Emergency Management, I feel it is so important to meet with our fire service in their communities to listen and learn from them."



Fire Service Standards

- We are working on a step-by-step plan to develop Fire Service Standards over the next year.
- The goal of these standards is to provide clear guidance and support to enhance firefighter safety and help fire departments and municipalities deliver consistent and reliable fire services.
- Standards will be gradually phased in and developed collaboratively. Once a standard is approved, there will be a 12-month notice period before it comes into effect.
- This year, we will focus on developing standards for:
 - Firefighter Training,
 - Fire Service Levels, and
 - Fire Service Review Criteria
- The new standards will reflect recognized national best practices while being practical for Nova Scotia's diverse fire departments and volunteers.
- In the fall, we will meet with fire chiefs, municipalities, training and fire service experts, and other partners as we design and validate the draft standards.

How fire training standards are developed with firefighters





OFFICE OF THE
FIRE MARSHAL
— NOVA SCOTIA —

CAMPFIRE SAFETY

ENJOY THE OUTDOORS.
PROTECT OUR FORESTS.



1

BEFORE LIGHTING

A little preparation goes a long way.



CHECK LOCAL FIRE RESTRICTIONS.

- Burn bans and fire advisories can change quickly based on weather and wildfire conditions.
- Always follow current provincial and municipal restrictions.



CHOOSE A SAFE LOCATION.

- Use designated fire pits where available.
- Keep fires away from tents, trees, and overhanging branches.
- Never leave a campfire unattended.



HAVE WATER AND A SHOVEL NEARBY.

- Keep a bucket of water, a shovel, or other extinguishing equipment close at hand.



Check burn bans and fireworks advisories:

novascotia.ca/burnsafe

novascotia.ca/fireworks

2

WHILE THE FIRE IS BURNING

Stay attentive.
Keep it safe.



KEEP THE FIRE SMALL AND MANAGEABLE.

- A small fire is easier to control and puts off less heat, smoke, and sparks.



BURN ONLY CLEAN, DRY WOOD.

- Avoid burning garbage, food waste, or other materials that can create excessive sparks or toxic smoke.



NEVER LEAVE THE FIRE UNATTENDED.

- Always keep a responsible adult with the fire at all times.



USE CAMPING STOVES SAFELY.

- Set stoves on stable, non-combustible surfaces.
- Keep them clear of flammable materials.
- Never use fuel-burning appliances inside tents or enclosed shelters.

3

BEFORE LEAVING OR SLEEPING

Put it out.
Drown it cold.



DROWN THE FIRE WITH WATER.

- Pour water over the fire and all around the ashes.



STIR THE ASHES THOROUGHLY.

- Stir until all embers are out.



ENSURE EVERYTHING IS COOL TO THE TOUCH.

- If it's too hot to touch, it's too hot to leave.



When in doubt, soak it, stir it, and check it again.

4

EMERGENCY?

Act fast.
Protect lives
and our forests.



KNOW YOUR CAMPSITE LOCATION.

- Be able to explain your location to emergency responders.



MAINTAIN ACCESS FOR EMERGENCY VEHICLES.

- Keep roads and access routes clear at all times.



CALL 911 IMMEDIATELY

- If a fire escapes containment or is threatening people, property, or the forest.

Most outdoor fires are preventable.

A few minutes spent checking conditions and properly extinguishing a campfire can help protect lives, property, and Nova Scotia's forests.

From: [Hopper, Louise](#)
To: [Admin Support](#)
Subject: Council Proclamation
Date: August 18, 2026 10:42:01 AM
Attachments: [image001.png](#)

CAUTION: THIS IS AN EXTERNAL MAIL

Hello,

I'm hoping you can help me! I belong to a community group (Beyond Bandaid's Initiative) that is planning an event to be held on October 17th – the United Nations International Day for the Eradication of Poverty. We held an event in Bridgewater last year to mark the day, this year we are hoping to host the event in New Germany. As part of our planning for this year, we are hoping to explore the possibility of having our Lunenburg municipalities proclaim Oct 17th as the International Day for the Eradication of Poverty.

I am not sure what is involved in requesting that council make a proclamation – eg how to make the request, who drafts the proclamation, etc. I was told to email this address and that someone should be able to guide me in the right direction! We would be hoping that the proclamation could be made before October 17th so I'm not sure what date it would need to appear on the council agenda.

Any guidance on next steps would be greatly appreciated!

Thanks,
 Louise



Louise Hopper, BScHE, MScPH
 Health Promoter, Public Health Services (WZ)
 (902) 527-8983
louise.hopper@nshealth.ca
www.nshealth.ca

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Subject: Municipal Fire Inspector Appointment: Nicole Kaulback

From: Paul Nopper, H.BSc. Chief Administrative Officer

Date: September 8, 2026 Regular Council Meeting



Recommendation:

That Council appoint Nicole Kaulback as a Municipal Fire Inspector for the Town of Lunenburg pursuant to the Nova Scotia Fire Safety Act; and

That Council direct the Chief Administrative Officer to provide written notice of the appointment to the Nova Scotia Fire Marshal as required by legislation.

Background:

The Nova Scotia Fire Safety Act requires municipalities to establish a system of fire-safety inspections, appoint a municipal fire inspector to carry out inspections, and notify the Fire Marshal in writing of any appointment or revocation. Historically, the Town has utilized inter-municipal and shared-service arrangements to meet certain statutory inspection requirements. The Town currently has this arrangement with MODL for inspection services and fire inspection services.

Council may appoint a Municipal Fire Inspector pursuant to the provisions of the Fire Safety Act. If appointed, the Municipal Fire Inspector would have the powers, authorities, and responsibilities established under the Act, associated regulations, and the applicable Fire Code.

Discussion

Nicole Kaulback has been hired to fill the role of Municipal Fire Inspector. As such Council needs to appoint her as a Municipal Fire Inspector for the Town of Lunenburg. The appointment would provide the Town with a designated Municipal Fire Inspector to undertake inspections and related duties required under provincial legislation. The appointment itself does not establish or amend service levels, operational practices, policies, or budget allocations. Should Council proceed with the appointment, the Town would be required to notify the Fire Marshal in writing.

Strategic Plan Relevance

- Organizational Capacity: From Staffing to Sustainable Performance
- Governance and Planning: Turning Vision into Action

Relevant Legislation

Nova Scotia Fire Safety Act

- Section 19(1) requires municipalities to establish a system of fire-safety inspections, appoint a municipal fire inspector, and notify the Fire Marshal of the appointment.
- Section 19(2) establishes municipal responsibilities respecting inspection records.

- The Act defines a Municipal Fire Inspector as a person appointed by a municipality pursuant to the legislation

Financial

There are no direct financial implications arising from the appointment itself. Any costs associated with fire-inspection services would continue to be managed through existing operating budgets or applicable service agreements.

Communications

Should Council approve the appointment, staff would provide written notification to the Nova Scotia Fire Marshal in accordance with the Fire Safety Act.

Subject: Solterre Inc. Planning Appeal and Further Appeal to the Nova Scotia Court of Appeal

From: Paul Nopper, H.BSc. Chief Administrative Officer

Reviewed: Lisa Dagley, CPA, CGA, Director of Finance

Date: September 8, 2026, Regular Council Meeting



Recommendation:

That Council receive this report for information regarding the Solterre Inc. planning application, the appeal before the Nova Scotia Regulatory and Appeals Board (NSRAB), and Council's decision to pursue an appeal to the Nova Scotia Court of Appeal.

Background:

Solterre Inc. submitted a planning application for lands located at Brook Street and Falkland Street in Lunenburg. The proposal contemplated a multi-unit residential development and required amendments to the Town's planning framework. Because amendments to municipal planning documents were requested, the application required Council consideration and decision through the legislative planning process established under the Municipal Government Act, the Municipal Planning Strategy, and the Land Use By-Law. Applications that fully comply with existing planning requirements and do not require amendments may proceed through a different approval processes established under municipal planning documents.

The application proceeded through the municipal planning process, including staff review, Planning Advisory Committee consideration, public participation opportunities, and Council deliberation. Staff reviewed the proposal against the applicable Municipal Planning Strategy (MPS), Land Use By-law, and supporting technical information.

On November 25, 2025, Council unanimously voted to deny the requested planning amendments. Following Council's decision, Solterre Inc. exercised its statutory right of appeal to the Nova Scotia Regulatory and Appeals Board. The right of appeal is established through provincial legislation and forms part of Nova Scotia's municipal planning framework.

The Board conducted a hearing on March 23, 24, and 27, 2026, and received final submissions on May 15, 2026. On July 13, 2026, the Board issued Decision 2026 NSRAB 97 allowing the appeal and directing Council to approve the application. Following review of the Board's decision and legal advice, Council exercised its statutory right to appeal to the Nova Scotia Court of Appeal.

Discussion

Municipal Planning Process

Municipal planning applications involving amendments to planning documents include both an administrative review component and a Council decision-making component. Staff provide

technical analysis of applications against applicable legislation, planning policies, engineering information, planning considerations, and materials submitted through the planning process. Council serves as the statutory decision-making authority for amendments to municipal planning documents and is responsible for determining whether requested amendments should be approved or refused based on the applicable planning framework and information before it. Staff recommendations form one component of the information considered by Council. Council may accept or reject a staff recommendation as part of exercising its decision-making authority.

Appeal Before the Nova Scotia Regulatory and Appeals Board

The role of the Nova Scotia Regulatory and Appeals Board in planning matters is established by legislation. The Board's responsibility is to determine whether Council's decision reasonably carries out the intent of the Municipal Planning Strategy. The Board's review forms part of Nova Scotia's municipal planning appeal framework and provides an independent review mechanism for certain municipal planning decisions.

In its July 13, 2026 decision, the Board concluded that Council's refusal did not reasonably carry out the intent of the Municipal Planning Strategy and directed Council to approve the requested planning amendments. The appeal initiated by Solterre Inc. was undertaken through the statutory appeal process available under provincial legislation. The use of this appeal process should be viewed as part of the legislated planning framework rather than an exceptional process outside normal planning procedures.

Appeal to the Nova Scotia Court of Appeal

The Nova Scotia Court of Appeal serves a significantly different role than the Nova Scotia Regulatory and Appeals Board. The Court is not conducting a new planning review, public hearing, or reconsideration of the development application itself. Rather, the Court reviews the Board's decision to determine whether appealable legal issues exist relating to matters such as law, jurisdiction, procedural fairness, or the interpretation and application of legislation and planning policy.

The Court generally relies upon the evidentiary record established before the Board. Unlike the Board proceeding, the appeal is not normally an opportunity to introduce extensive new evidence, receive expert testimony, or undertake a new assessment of the planning merits of the proposal.

The Court is therefore generally not being asked to determine:

- Whether additional housing is required within the community;
- Whether the proposed development is desirable or undesirable;
- Whether residents support or oppose the proposal;
- Whether one planning outcome is preferable to another; or
- Whether broader growth, housing, economic development, or heritage policy objectives should prevail.

These matters formed part of the municipal planning and Board review processes. The Court's review is focused on the legal issues raised on appeal and the Board's application of the governing legislative framework. If the Court dismisses the appeal, the Board's decision would remain in effect. If the Court allows the appeal, it may provide a remedy authorized by law, including varying or setting aside the Board's decision or directing further proceedings consistent with the Court's reasons.

Considerations Raised Through Public Correspondence

The Town has received correspondence expressing a range of perspectives regarding the planning application, the appeal process, housing, growth, taxation, infrastructure, heritage conservation, and community development. The purpose of this report is not to assess the merits of those perspectives or advocate for any particular outcome. Rather, the report seeks to provide information regarding the legislative framework, the appeal processes, and the status of the matter before the Court.

Questions raised through public correspondence generally relate to:

- The statutory right of applicants to appeal planning decisions;
- Council's authority to appeal decisions of the Board;
- The distinction between the Board hearing process and the Court appeal process;
- Financial implications associated with the proceedings; and
- Potential outcomes available under the appeal process.

Questions have also been raised regarding housing supply, residential growth, economic development, infrastructure investment, taxation, heritage conservation, UNESCO considerations, and the Town's long-term planning direction. These are important public policy matters. However, they extend beyond the scope of the current Court of Appeal proceeding and are more appropriately considered through Council's strategic planning initiatives. The Court appeal should not be interpreted as a determination of Council's future position regarding development, housing, growth, economic development, heritage conservation, or future planning applications. Future applications will continue to be considered through the applicable legislative and policy framework and based on the facts specific to each proposal.

Potential Outcomes

The Court of Appeal may dismiss the appeal, allow the appeal, vary the Board's decision where authorized by law, or direct further proceedings. Any future actions available to any party would depend on the Court's decision, applicable legislation, and legal advice available at that time. As the matter remains before the Court, staff cannot speculate regarding potential future litigation, additional appeals, legal claims, or the likelihood of any particular outcome. Should additional decisions be required following the Court's determination, staff would return to Council with further information, available options, and any necessary recommendations.

Strategic Plan Relevance

- Governance and Planning: Turning Vision into Action

- Communications and Engagement: Building Trust and Moving to the Next Level
- Organizational Capacity: From Staffing to Sustainable Performance
- Emerging Priority: Strategic Economic Development Planning

Relevant Legislation

- Municipal Government Act, RSNS 1998, c.18.
- Town of Lunenburg Municipal Planning Strategy.
- Town of Lunenburg Land Use By-law.
- Nova Scotia Regulatory and Appeals Board Act and Board Rules.
- Nova Scotia Court of Appeal Rules and applicable appellate procedures.

Financial

The Town has incurred, and will continue to incur, based on Council's decision, legal and administrative costs associated with both the NSRAB proceeding and the subsequent appeal to the Nova Scotia Court of Appeal. The majority of legal, technical, expert, administrative, and staff-related costs associated with this matter were incurred during the NSRAB hearing process. The Board proceeding involved preparation of evidence, document production, legal submissions, hearing attendance, witness participation, planning analysis, and development of the evidentiary record considered by the Board.

By comparison, the Court of Appeal proceeding is generally narrower in scope and primarily relies upon the record already established through the Board process. While legal costs associated with the Court proceeding will continue to be incurred, the appeal does not typically involve the same degree of evidence gathering, hearing preparation, technical review, and witness participation associated with the earlier Board process. Staff involvement in the Court process is expected to primarily involve coordination with legal counsel, monitoring procedural requirements, and communications support.

Expenditures will continue to be monitored through the Town's normal financial reporting processes. Any additional budget implications will be reported to Council as appropriate. Provided below is a chart outlining the current costs to date. These costs do not represent Town staff costs associated with the processes of the appeals. The Nova Scotia Court of Appeals process has been estimated at a cost of \$30,000 - \$35,000 in addition to the expenses to date.

01-2-61-1300 - Planning Appeal Costs	Description	Expense Net of Municipal HST Rebate
McInness Cooper	Legal -Solterre RAB Appeal	\$ 75,025.84
Brighter Community	Expert Witness Solterre Appeal	\$ 7,841.98
EC Atlantic Ltd.	Expert Witness Solterre Appeal	\$ 9,269.27
Total		\$ 92,137.09

Communications

Public communications should remain factual, procedural, and neutral.

Communications should focus on:

- The history of the planning application;
- The Board's decision;
- Council's decision to appeal;
- The status of the court process; and
- Any publicly available procedural updates.

Communications should avoid discussion of litigation strategy, legal advice, or speculation regarding the potential outcome of the appeal.

Attachment

- NSRAB Decision on Solterre Inc. July 13, 2026

Form 90.07B

2026

C.A No.

Nova Scotia Court of Appeal

Between:

THE TOWN OF LUNENBERG

Appellant

-and-

**THE ATTORNEY GENERAL OF NOVA SCOTIA, NOVA SCOTIA REGULATORY AND
APPEALS BOARD, HEATHER SMITH LANGILLE, and SOLTERRE INC., a body corporate**

Respondents

Notice of Appeal (Tribunal)

To: **Attorney General of Nova Scotia**
Nova Scotia Department of Justice
Legal Services Division
1690 Hollis Street,
Halifax, NS B3J 2L6

And to: **Nova Scotia Regulatory and Appeals Board**
3rd Floor, Summit Place
1601 Lower Water Street
Halifax, NS B3J 3PS

And to: **Heather Smith Langille**
27 Green Street
Lunenburg, NS B0J 2C0

And to: **Solterre Inc. a body Corporate**
c/o Kevin Latimer KC and Sarah Dobson
Nova Centre - South Tower
1500 - 1625 Grafton Street
Halifax, NS B3J 0E8

Appellant appeals

The Appellant appeals from the decision and order in the proceedings before a panel of the Nova Scotia Regulatory and Appeals Board bearing tribunal number M12612.

Order or decision appealed from

The decision and order were issued on July 13, 2026 in Halifax, Nova Scotia.

Grounds of appeal

The grounds of appeal are as follows:

- (1) The Board erred at law by treating the Municipal Planning Strategy (“**MPS**”) intent to separate “use” and “form” zoning as paramount to all other language in the MPS. The Board’s water-tight separation of “use” and “form” zoning had the effect of entirely negating MPS Policy 6-13(a).
- (2) The Board erred at law in its interpretation of, and in its failure to accord deference to Council’s assessment of, the criteria under MPS Policy 6-13(a) (b) and (c) and failed to respect to Council’s role as steward of the Town’s UNESCO World Heritage Site.
- (3) The Board erred at law in its interpretation and application of Policy 6-13(d) and the parts of Policy 6-19(c) regarding traffic and pedestrian safety, flooding and drainage and climate change risks and by treating concerns about those issues as able to be cured at future development permitting and subdivision approval stages, contrary to the applicable legislation and subordinate legislation.
- (4) The Board erred at law by assessing Solterre Inc.’s rezoning application against applicable MPS criteria as though Solterre would be bound to its development proposal as if the proposal were an enforceable development agreement. Council was entitled to consider, and should have been accorded deference in its consideration of the impacts of any potential development enabled by the rezoning, particularly in circumstances when the development proposal underwent a repeated, bewildering set of changes while it was before Council.

Authority for appeal

The *Energy and Regulatory Boards Act*, SNS 2024, c. 2 Sch. A, s. 16 and the *Municipal Government Act*, SNS 1988, c. 18 ss. 251-252.

Order requested

The Appellant submits the Court should allow the appeal, reversing the Board’s decision and quashing its order issued on July 13, 2026.

Respondent's Notice of Intention to Participate

A respondent may participate in this tribunal appeal as a respondent only if the respondent files a notice of intention to participate no more than ten days after this notice of appeal is delivered to the respondent.

Motion for date and directions

The appeal will be heard on a time and date to be set by a judge of the Court of Appeal. The Appellant must, not more than eighty days after the date this notice is filed, make a motion to a judge of the Court of Appeal to set that time and date and give directions. You will be notified of this motion.

Contact Information

The Appellant designates the following address:

Peter Rogers K.C and Raylene Langor
McInnes Cooper
1969 Upper Water Street
Suite 1300
McInnes Cooper Tower – Purdy's Wharf
Halifax, NS B3J 2V1
E: peter.rogers@mcinnescooper.com
Raylene.langor@mcinnescooper.com
T: 1(902)-425-6500

Documents delivered to this address will be considered received by the Appellant on delivery. Further contact information is available to each party through the prothonotary.

Signature

Signed August 12, 2026.

A handwritten signature in black ink, appearing to read 'Raylene Langor', written over a horizontal line.

FOR: **Peter Rogers, K.C and Raylene Langor**

Counsel for the Appellant, Town of Lunenburg

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **SOLTERRE INC.** from a decision of Lunenburg Town Council to refuse a rezoning application for property located at 9 and 13 Brook Street, Lunenburg, Nova Scotia (PID 60703899 and 60703881)

BEFORE: Jennifer L. Nicholson, CPA, CA, Panel Chair
Darlene Willcott, LL.B., Member
Marc L. Dunning, P.Eng., LL.B., Member

APPELLANT: **SOLTERRE INC.**
Kevin Latimer, K.C.
Sarah Dobson, Counsel

RESPONDENT: **TOWN OF LUNENBURG**
Peter M. Rogers, K.C.
Raylene Langor, Counsel

INTERVENOR: **HEATHER SMITH LANGILLE**

HEARING DATES: March 23, 24 and 27, 2026

FINAL SUBMISSIONS: May 15, 2026

DECISION DATE: **July 13, 2026**

DECISION: **The appeal is allowed. The Board directs Council to approve the Appellant's application.**

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1.0 INTRODUCTION

[1] On November 25, 2025, the Town of Lunenburg Council (Council) rejected a rezoning application by Solterre Inc. (Solterre or Appellant) to change the use zone of a lot at 9 Brook Street (PID 60703899) and the use and form zones of an adjacent lot at 13 Brook Street (PID 60703881) to allow for a multi-unit housing development in the Town of Lunenburg (Town or Lunenburg), Nova Scotia.

[2] Planning staff reviewed Solterre's application, found that it met the requirements of the Town's Municipal Planning Strategy (MPS) and recommended approval. Council denied the application providing no reasons except that it "did not satisfy the applicable evaluation criteria under the Municipal Planning Strategy."

[3] On December 5, 2025, Solterre appealed Council's decision to the Nova Scotia Regulatory and Appeals Board (Board). The Board received and accepted one request to intervene from Heather Smith Langille.

[4] Solterre argues that its application meets the criteria for approval, and that Council's refusal of the application did not carry out the intent of several key policies of the MPS. The Appellant asks the Board to grant the appeal and order that Solterre's rezoning application be approved.

[5] For the reasons outlined below, the Board finds the evidence demonstrates, on a balance of probabilities, that Council's refusal to rezone the properties does not reasonably carry out the intent of the MPS. The Board allows the appeal and orders that the zone changes be approved.

2.0 BACKGROUND

[6] Lunenburg is a historic oceanfront town on Nova Scotia's South Shore with a population of approximately 2,500. Lunenburg was known for its marine industries including fishing and shipbuilding. Decline in these traditional industries has been offset by new industries such as aerospace and video game development. These have provided new employment opportunities and population growth. In addition, tourism has become a major contributor to Lunenburg's economy. The architectural and planning history on which Lunenburg was built has contributed to the Town's success as a tourist destination. A UNESCO World Heritage Site, Old Town Lunenburg draws thousands of visitors each year. This is integral to the economic success of the Town. Tourism has increased demand for Town services like parking and has created large amounts of congestion in the summer months. The increased use of short-term rentals has threatened the already limited housing supply.

[7] This decision relates to Solterre's application to change the use zone of two parcels of land and change the form zone of one of those parcels to enable development of a multi-unit residential building in Lunenburg, Nova Scotia. Lunenburg regulates use and form separately for planning purposes.

[8] Lunenburg's MPS was enacted concurrently with the LUB. Both came into effect on September 22, 2021. Prior to the MPS, the Town prepared a Comprehensive Community Plan (CCP) dated September 18, 2020. The CCP establishes a set of strategic directions and possible mechanisms to achieve them, which are implemented through the MPS, the Town's Land Use By-law (LUB) and its Subdivision Bylaw [Exhibit S-4, PDF pp. 13 and 272].

[9] The Town's approach to planning is somewhat unique. Land use bylaws typically create a single set of zones with each zone having specific requirements for subdivision, land use and building form. The Town does not follow this approach. Instead of having a single set of zones, it has three sets of zones: subdivision (lot zone), land use (use zone) and building form (form zone). By doing so, it regulates subdivision, land use and building form separately rather than together. As explained in the MPS:

Traditionally in Nova Scotia, standards for subdivision, land use, and building form have been tightly tied together through a single set of "zones" that contain standards for each of these aspects of planning. However, the history of Lunenburg has shown that these factors can independently define the character of the community.

...

Addressing the Key Issues in Lunenburg must be based on the community's strengths. This Municipal Planning Strategy and its associated Land Use By-law recognize the community's historic adaptability and help support Lunenburg's continued evolution by adopting a somewhat unique approach to planning in which lots, uses, and form are regulated separately from each other. [Emphasis added]

[Exhibit S-4, PDF p. 275]

[10] Lot zones govern the subdivision of land and the creation of new streets. Use zones govern the uses that are permitted on land within the Town, and form zones govern the forms of buildings [Exhibit S-4, PDF, pp. 337, 340 and 358]. Only the use zones and form zones are relevant in this matter.

[11] The subject parcels are located at 9 and 13 Brook Street, Lunenburg. Both lots currently are in the Commercial Mixed Use (CM) zone (CM use zone). Solterre applied to have both lots rezoned to General Commercial Use (CG) zone (CG use zone). This change is required to allow ground floor residential use. The current form zone for 13 Brook Street is Old Town/New Town 1 (ONT1) (ONT 1 form zone). Solterre applied to have the form zone changed to Marine form zone (MA form zone). This would remove

certain setback requirements. The lot at 9 Brook Street is already in the MA form zone and does not require a form change.

[12] After considerable communication between Solterre and Town planning staff, public meetings, presentations to Council and design changes, a Staff Report was presented to Council recommending approval of the application. At a Council meeting on November 25, 2025, Council unanimously denied the application contrary to the recommendations in the Staff Report. No reasons were provided at the time.

[13] On December 15, 2025, after the Appellant requested a formal letter, the Town provided a refusal letter. The letter stated:

Subject: Notice of Council's Refusal – Rezoning Request for PIDs 60703881 and 60703899

Dear Ms. Corson,

This letter is to advise that at its meeting held on November 25, 2025, the Council of the Town of Lunenburg considered your application to amend the Land Use By-law to rezone the properties identified as PIDs 60703881 and 60703899.

Following discussion, Council passed the following motion:

“Moved and seconded that Council deny the rezoning request for PIDs 60703881 and 60703899, as the request fails to meet the requirements of the Municipal Planning Strategy (MPS) policy intent.”

Accordingly, your application to amend the Land Use By-law has been refused.

Council's decision reflects its determination that the proposed amendments did not satisfy the applicable evaluation criteria under the Municipal Planning Strategy.

[Exhibit S-3, PDF p. 374]

[14] Solterre appealed Council's decision to the Board, setting out several grounds in its Notice of Appeal:

Policy 4-1 Intent of the General Commercial (CG) Zone

Failure: Council incorrectly asserted that land zoned “General Commercial” must contain a commercial use. Policy 4-1 explicitly states the opposite: the CG Zone is intended to permit a wide mix of commercial, institutional, and residential uses—including **multi-unit residential buildings with no limit on the number of dwelling units**.

Policy 4-2 Consistency with the Future Land Use Map

Failure: The subject property lies within the Downtown Commercial designation of the Future Land Use Map, which specifically enables the General Commercial (CG) Zone.

Policy 4-4 Requirements for Approving a Rezoning

Failure: Policy 4-4 states that Council shall consider a rezoning when the proposed zone is consistent with the Future Land Use Map and the proposal meets Policy 6-19.

Policy 5-1 Intent of the Marine Form Zone

Failure: Council incorrectly interpreted the Marine Form Zone as requiring marine-related uses and as limiting non-marine development. Policy 5-1 states only that the Marine Form Zone is intended to maintain the character of a working waterfront—not that permitted uses must be marine-based, nor that non-marine projects are prohibited.

Policy 6-10 When Rezoning May Be Considered

Failure: The proposed CG Zone is specifically enabled within the Downtown Commercial designation under Policy 6-10(a) Future Land Use Map. Staff confirmed this condition was satisfied. Council failed to apply this and instead refused a rezoning the MPS explicitly allows.

Policy 6-11 Criteria for Placing a Use Zone

Failure: Policy 6-11 requires Council to evaluate whether a proposal (a) fits the description of the intended Use Zone and (b) meets the general criteria of Policy 6-19. Staff confirmed both conditions were met. Council did not identify any inconsistency with these criteria.

Policy 6-13 Criteria for Amending the Form Zoning Map

Failure: Staff concluded the Form Zone amendment met all required criteria under Policy 6-13, including compatibility with surrounding permitted form. Council failed to identify how any portion of Policy 6-13 was not met and provided no evidence contradicting staff's policy findings.

Policy 6-19 General Criteria for LUB Amendments

Failure: Staff explicitly stated that the proposal met all criteria of Policy 6-19. Council did not provide any substantive or policy-based evidence showing the proposal was premature, inappropriate, or non-compliant. Denial fails to carry out the intent of Policy 6-19. [Emphasis in original]

[Exhibit S-2, PDF pp. 1-4]

[15] Solterre stated that despite a comprehensive Staff Report, which assessed its proposal against all relevant MPS policies and determined that the rezoning fully met the requirements for approval, Council denied the application based on concerns that are not supported by the MPS, LUB or evidence provided.

[16] Although Council's only stated reason for the refusal was that the "proposed amendments did not satisfy the applicable evaluation criteria under the Municipal Planning Strategy" correspondence with the Appellant and witness questioning at the oral hearing highlighted several areas of concern. These included parking, flooding and climate change, traffic, sidewalk infrastructure, issues with the "working waterfront" and UNESCO World Heritage Site zones, and the relevance of available infrastructure funding.

3.0 SCOPE OF BOARD'S REVIEW

[17] The burden of proof is on the Appellant to show, on the balance of probabilities, that Council's decision to refuse its application for the rezoning of both the Form and Use zones of PIDs 60703881 and 60703899 was not consistent with the intent of the MPS.

[18] Under s. 247 (1)(b) of the *Municipal Government Act*, SNS 1998, c 18 (*MGA*), an applicant can appeal council's refusal to amend a land-use bylaw:

Appeals to the Board

247 (1) The approval or refusal by a council to amend a land-use bylaw may be appealed to the Board by

...

(b) the applicant;

[19] This provision applies to Solterre's appeal because its application to rezone the lots requires amendments to the LUB.

[20] An applicant can only appeal a refusal to amend a land-use by-law on grounds that the decision does not reasonably carry out the intent of the municipal planning strategy:

Restrictions on appeals

250 (1) An aggrieved person or an applicant may only appeal

(a) an amendment or refusal to amend a land-use by-law, on the grounds that the decision of the council does not reasonably carry out the intent of the municipal planning strategy;

[21] The powers of the Board are similarly limited on such an appeal. Under s. 251(2) of the MGA, the Board can only allow an appeal if it finds that council's decision does not reasonably carry out the intent of the municipal planning strategy.

[22] In municipal planning appeals, the Board follows statutory requirements and guiding principles identified in various Nova Scotia Court of Appeal decisions. The Court summarized the principles in *Archibald v Nova Scotia (Utility and Review Board)*, 2010 NSCA 27, and more recently, in *Heritage Trust of Nova Scotia v AMK Barrett Investments Inc.*, 2021 NSCA 42:

[23] I will start by summarizing the roles of Council, in assessing a prospective development agreement, and the Board on a planning appeal.

[24] In *Heritage Trust of Nova Scotia v. Nova Scotia (Utility and Review Board)*, [1994] N.S.J. No. 50, 1994 NSCA 11 [*"Heritage Trust, 1994"*], Justice Hallett set out the governing principles:

[99] A plan is the framework within which municipal councils make decisions. The Board is reviewing a particular decision; it does not interpret the relevant policies or by-laws in a vacuum. In my opinion the proper approach of the Board to the interpretation of planning policies is to ascertain if the municipal council interpreted and applied the policies in a manner that the language of the policies can reasonably bear. ...There may be more than one meaning that a policy is reasonably capable of bearing. This is such a case. In my opinion the *Planning Act* dictates that a pragmatic approach, rather than a strict literal approach to interpretation, is the correct approach. The Board should not be confined to looking at the words of the Policy in isolation but should consider the scheme of the relevant legislation and policies that impact on the decision. ...This approach to interpretation is consistent with the intent of the *Planning Act* to make municipalities primarily responsible for planning; that purpose could be frustrated if the municipalities are not accorded the necessary latitude in planning decisions.

...

[100] Ascertaining the intent of a municipal planning strategy is inherently a very difficult task. Presumably that is why the Legislature limited the scope of the Board's review.... The various policies set out in

the Plan must be interpreted as part of the whole Plan. The Board, in its interpretation of various policies, must be guided, of course, by the words used in the policies. The words ought to be given a liberal and purposive interpretation rather than a restrictive literal interpretation because the policies are intended to provide a framework in which development decisions are made. ...

...

[163] Planning decisions often involve compromises and choices between competing policies. Such decisions are best left to elected representatives who have the responsibility to weigh the competing interests and factors that impact on such decisions. ... Neither the Board nor this Court should embark on their review duties in a narrow legalistic manner as that would be contrary to the intent of the planning legislation. Policies are to be interpreted reasonably so as to give effect to their intent; there is not necessarily one correct interpretation. This is implicit in the scheme of the *Planning Act* and in particular in the limitation on the Board's power to interfere with a decision of a municipal council to enter into development agreements.

[25] These principles, enunciated under the former *Planning Act*, continue with the planning scheme under the *HRM Charter*. *Archibald v. Nova Scotia (Utility and Review Board)*, 2010 NSCA 27, para. 24, summarized a series of planning rulings by this Court since *Heritage Trust*, 1994:

[24] I will summarize my view of the applicable principles:

- (1) The Board should undertake a thorough factual analysis to determine the nature of the proposal in the context of the MPS and any applicable land use by-law.
- (2) The appellant to the Board bears the onus to prove facts that establish, on a balance of probabilities, that the Council's decision does not reasonably carry out the intent of the MPS.
- (3) The premise, stated in s. 190(b) of the *MGA*, [*Municipal Government Act*] for the formulation and application of planning policies is that the municipality be the primary steward of planning, through municipal planning strategies and land use by-laws.
- (4) The Board's role is to decide an appeal from the Council's decision. So the Board should not just launch its own detached planning analysis that disregards the Council's view. Rather, the Board should address the Council's conclusion and reasons and ask whether the Council's decision does or does not reasonably carry out the intent of the MPS.
- (5) There may be more than one conclusion that reasonably carries out the intent of the MPS. If so, the consistency of the proposed development with the MPS does not automatically establish the converse proposition, that the Council's refusal is inconsistent with the MPS.
- (6) The Board should not interpret the MPS formalistically, but pragmatically and purposively, to make the MPS work as a whole. From this vantage, the Board should gather the MPS' intent on the relevant

issue, then determine whether the Council's decision reasonably carries out that intent.

(7) When planning perspectives in the MPS intersect, the elected and democratically accountable Council may be expected to make a value judgment. Accordingly, barring an error of fact or principle, the Board should defer to the Council's compromises of conflicting intentions in the MPS and to the Council's choices on question begging terms such as "appropriate" development or "undue" impact. ...

(8) The intent of the MPS is ascertained primarily from the wording of the written strategy.

[23] As noted above, the Board has no jurisdiction to allow the Appellant's appeal if Council "interpreted and applied the [MPS] policies in a manner that the language of the policies can reasonably bear."

[24] Additionally, the Board must address Council's conclusion and reasons in this appeal. Written reasons are required from Council, under s. 210(5) of the *MGA* when it refuses to amend the LUB:

210 (5) Within seven days after a decision to refuse to amend a land-use by-law referred to in subsection (1), the clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.

[25] On this point, Justice Fichaud, writing for the Court of Appeal in *Archibald* (para. 30), notes the requirement for a municipality to state its reasons indicates an intention "...that the municipality's stated reasons be pivotal to the appeal." However, the Court went on to state that the Board is not confined to those reasons in deciding an appeal. Instead, the Court says the "ultimate question" for the Board is whether the decision by Council "...reasonably carried out the intent of the MPS..." This is the test stated in s. 250(1) of the *MGA* and is the one which the Board must apply.

[26] In this matter, Council's written reasons for its refusal stated only that the Appellant's application did not "satisfy the applicable evaluation criteria under the

Municipal Planning Strategy.” Council did not set out which evaluation criteria it was referring to.

[27] The Court of Appeal in *Archibald* emphasized that Council’s written reasons for refusing the application establish the framework for the Board’s review in the exercise of its appellate jurisdiction. However, where Council approves an application for a development agreement or land-use bylaw amendment, it is not required to give reasons and often does not. In the end, whether or not there are written reasons, the Board’s task is succinctly summarized in *Barrett*, at para. 29:

[29] The Board’s job is to hear evidence, find the facts and determine whether the outcome - *i.e.*, the Council’s approval of the development agreement - was reasonably consistent with the municipal planning strategy as a whole. It is not to micro-manage a *de novo* planning assessment.

[28] While *Barrett* and *Archibald* involved development agreements, the same general principles apply to rezoning appeals. That is, the Board must not interfere with the decision of council unless the Board determines that the decision does not reasonably carry out the intent of the MPS.

[29] The materials before Council, and planning staff’s recommendation, can provide the initial framework. The Board also has some limited guidance on Council’s single comment on the reasons for its refusal, *i.e.*, that the proposal “did not satisfy the evaluation criteria.” Ultimately, even without more specific reasons to focus the Board’s review, it is the outcome which the Board must ultimately address based on the Appeal Record and the additional evidence and materials put before the Board.

[30] Counsel for the Appellant also suggested that Council’s deliberations may assist in providing context for Council’s reasoning. They referred to the minutes, and the recordings of the comments made at First Reading, including comments made by the

Deputy Mayor. The Appellant states: “The minutes capture discussions. The video reflects concerns. Neither disclose or crystalize “reasons” that can be attributed to (or that were adopted by) Council in this case.”

[31] The Board reviewed the minutes, watched the video, and listened to comments made by councillors on November 25, 2025. The Appellant suggests in its submissions that the minutes and recordings of the comments made at First Reading (including the video and the handwritten notes from the Deputy Mayor included in the Appeal Record at page 222) are the only evidence of Council’s thinking.

[32] The Appellant in its post-hearing submissions noted that the video taken at First Reading reveals some of Council’s concerns. For example, there were comments by some Councillors that the Downtown Commercial zone was intended for commercial use, not residential. There were comments that Solterre’s proposal for a multi-unit building does not align with the use zone. There were also comments that the form zone doesn’t speak to the uses being proposed by Solterre. Councillors said that the MA form zone is intended for a working waterfront as well as fishing, shipbuilding and tourism.

[33] While the Board agrees that this evidence may provide some context, the Board’s role remains focussed on determining whether Council’s decision reasonably carries out the intent of the MPS. This was recently discussed in *Cresco Holdings Limited (Re)*, 2021 NSUARB 34:

[58] In *Hatchet Lake*, a planning expert included references to several comments made by Council members in her report to illustrate the rationale behind Council’s decision. She used these comments to support her contention that members of Council were influenced by irrelevant factors. The Board made the following comments, at para. [57], in relation to the use which could be made of this type of evidence:

[57] The Board has accepted in other decisions that it need not confine itself to the stated reasons of Council. (See for example, *Re FH Construction Limited*, 2017 NSUARB 153) The Board finds that, having viewed and heard the video recording, which is linked in the Appeal

Record, Ms. Tsang accurately reported comments made by members of Council at the September 24, 2020 meeting. However, the Board's role is to determine whether Council's decision reasonably complies with the intent of the MPS. The decision-making process of Council is not a matter for the Board. Any issues regarding the process are for the courts. Individual councillors may make comments during public hearings, but ultimately Council speaks with one voice, i.e., its vote. The Board affords no weight to the comments which were recorded on the video and reported in the minutes. In any event, in this appeal, public support or opposition to a proposed development is not a provision in the MPS policies.

[59] The Board continues to be of the view that, as a general proposition, the comments of individual members of a council are of limited assistance in the task of applying the statutory test to the written reasons provided by a municipal council. Council meetings are not courtrooms, and while councils perform a type of adjudicative role when determining applications, they are not courts. As *Archibald* stresses, the written reasons are important in framing the issues before the Board so that it respects its appellate role. That said, council members do not sit as a panel to formulate written reasons. They may disagree with one another and may have different reasons for approving or rejecting a particular application. Therefore, as discussed in *Hatchet Lake*, the Board considers that a council speaks with one voice and generally does not parse the comments of individual members of council.

[60] Despite the foregoing, some of the comments made during these deliberations, in the particular circumstances of this case, provide some insight into the concerns expressed in HRM's decision letter. They provide context for the ultimate reasons provided in the written decision under appeal. The overall impression left with the Board is that those opposed to the amendments were generally opposed to the type of development already authorized, by the MPS and the development agreement, in Sub Area 9. This was then reflected in the written reasons, which were primarily expressed as broad concerns which shed no light on how the proposed narrow amendments would provide cause for the concerns raised.

[34] In this matter, the Town's planning staff recommended that Council approve the Appellant's application. The Board's predecessor, the Nova Scotia Utility and Review Board commented in *Armco (Re)* 2021 NSUARB 147, about guiding principles for its review when council has not followed the recommendations of its planning staff. Generally, council must have "good planning reasons" for going against staff's recommendation that "must be rooted in the municipality's planning strategy":

[41] The Board recognizes that municipal councils are not bound by the recommendations of planning staff when considering planning applications and has repeatedly confirmed this in past decisions. The Board also recognizes the fact that a development is consistent with a municipal planning strategy does not automatically mean that a municipal council's refusal to approve the development is inconsistent with the strategy. As discussed above, the principles derived from Court of Appeal decisions confirm that there may be more than one conclusion that reasonably carries out the intent of a municipality's planning strategy.

[42] However, a municipal council should not arbitrarily dismiss the recommendations of its planning staff. When a municipal council disagrees with its professional planners, there should be good planning reasons to do so and these reasons must be rooted in the municipality's planning strategy (see *Re Bona Investments Limited*, 2009 NSUARB 58 at para. 75; *Re Griff Construction Limited*, 2011 NSUARB 51 at para. 146; *Re Rodgers*, 2013 NSUARB 131 at para. 109; *Re Abruzzi Properties Incorporated*, 2017 NSUARB 111 at para. 116; and *Re MacNeil*, 2021 NSUARB 78 at para. 59).

[35] The Board in *Liberty Lane Power and Logistics Inc. (Re)*, 2025 NSRAB 106,

also dealt with a matter where Council did not follow staff's recommendations and stated:

[63] The Board recognizes that municipal councils are not bound by the recommendations of planning staff when considering applications. Additionally, the fact that a planner has determined that a development is consistent with a municipal planning strategy does not mean that a refusal to approve the development must be "inconsistent." Sometimes, either outcome could be within the scope of the reasonable outcomes available under a planning framework.

[64] There are many policies within the MPS. Depending on how a council weighs the relative importance of one policy goal over another, it could be reasonable for it to approve the same application it may have refused in another circumstance where another policy goal was prioritized. Archibald recognizes that planning decisions often involve compromises between competing policies, and Council must weigh those factors to decide whether to allow a certain development that is not enabled as of right in the planning documents. If that discretion is exercised in a manner reasonably consistent with the overall intent of the MPS, Courts have said that the Board should defer to the authority of the elected officials in weighing their own policies.

[65] Despite this direction for deference, a municipal council must not arbitrarily overlook the recommendations of its planning staff and other responsible authorities. It is required to make evidence-based decisions that are grounded in the municipal planning documents, which are developed in a transparent process with public input and provincial oversight.

[36] In determining the intent of the MPS, the Board also applies the principles of statutory interpretation which have been adopted by the Court of Appeal, as well as the provisions of s. 9(1) and s. 9(5) of the *Interpretation Act*, RSNS 1989, c 235.

4.0 ISSUE

[37] There is one issue in this appeal. Does Council's decision to refuse Solterre's application to amend the LUB to change the use and form zones reasonably carry out the intent of the MPS?

5.0 WITNESSES AND EVIDENCE

[38] The Board can consider new evidence introduced by the parties during the appeal that was not before Council when it made its decision on Solterre's rezoning application. The factual context is important for the Board to carry out its review, as noted by the Nova Scotia Court of Appeal in *Midtown Tavern & Grill Ltd. v Nova Scotia (Utility and Review Board)*, 2006 NSCA 115:

[50] ... the fundamental question therefore becomes: Can it be said that Council's decision does "not reasonably carry out the intent of the MPS"?

[51] To answer this question, the Board must embark upon a thorough fact finding mission to determine the exact nature of the proposal in the context of the applicable MPS and corresponding by-laws. As in this case, this may include the reception of evidence as to the intent of the MPS.

[39] Under s. 27 of the *Energy and Regulatory Boards Act*, SNS 2024, c 2, the Board operates under relaxed rules of evidence (as did the former Nova Scotia Utility and Review Board under the *Utility and Review Board Act*, SNS 1992, c 11). To the extent any witnesses relied on hearsay or testified on matters beyond their expertise or personal knowledge, the Board weighed the evidentiary value in the normal course.

5.1 Witnesses

[40] The Appellant called three witnesses: Jennifer Corson, Neil Fougere, and Christopher Markides.

[41] Jennifer Corson, M.Arch., NSAA, is a registered architect with the Nova Scotia Association of Architects and is the co-founder and managing partner of Solterre, the Appellant in this matter. She is also a co-founder of Solterre Design Inc. She testified that with Solterre, she has purchased, rehabilitated, renovated and created green businesses and housing projects. She has also taken existing buildings that needed care and rehabilitation and restored them into a more current and energy efficient state. She

was directly involved in the application to the Town to rezone 9 and 13 Brook Street, which are owned by Solterre.

[42] Neil Fougere is a professional engineer and principal with DesignPoint Engineering & Surveying Ltd. He was qualified, without objection, as an expert witness to give opinion evidence on municipal engineering and servicing.

[43] Christopher Markides, MCIP, LPP, RPP is a senior urban planner with ZZap Consulting Inc. He was qualified as an expert witness to give opinion evidence on land use planning matters including the interpretation and application of municipal planning strategies and land-use bylaws and requirements for planning applications. There were no objections to his qualifications.

[44] The Respondent called three witnesses: Matthew Delorme, Tyson Joyce and Chrystal Fuller.

[45] Matthew Delorme, P.Eng., is a professional engineer with EC Atlantic Ltd. He was qualified, without objection, to give opinion evidence on civil engineering matters including coastal engineering and hydrodynamics, coastal flood hazards, extreme sea-level assessment, urban stormwater management analysis, infrastructure risk management and climate change adaptation for land development and coastal infrastructure.

[46] Chrystal Fuller, MCIP, LPP, a licensed professional planner in Nova Scotia, is the owner and principal planner of Brighter Community Planning and Consulting. She was qualified, without objection, as an expert witness to give opinion evidence on the interpretation and application of the Town's planning documents and whether the decision of Council refusing the LUB amendments reasonably carries out the intent of the MPS.

[47] Tyson Joyce, P.Eng., is a professional engineer. He is the Town Engineer, Director of Public Works and the traffic authority for the Town. He testified that he has been employed with the Town since 2022 and gave evidence with respect to the responsibility of developers as it relates to infrastructure, including sidewalks on Brook Street. He also testified about his observations of flooding in the Town.

5.2 Intervenor

[48] Heather Smith Langille testified on her own behalf, offering her perspective as a property owner in the Town. She testified that she, along with her parents, reside at 27 Green Street, which is approximately 500 feet from the proposed development. Ms. Langille stated that overturning Council's decision would adversely affect her property and reasonable enjoyment of her home. She stated she did not believe the units in the proposed building would be affordable or low cost. Based on the cost value reported by Solterre, Ms. Langille believes the average rent per month would be at least \$2,900. She also stated that given the lack of parking, these units would likely be used as seasonal vacation homes and short-term rentals. Further, it is her view that allowing Solterre's appeal would likely "open a Pandora's box of similar applications", which would alter the character of the Town. Ms. Langille expressed concerns about the lack of parking and the height of the proposed development. She felt that the residents who live in the building would have to park their vehicles in the surrounding neighbourhood and in front of recreational facilities, which would alter the character of the neighbourhood in a negative way. She also expressed how important the working waterfront is to the Town and that Council took that into consideration when they made their decision to deny the request to change the form zone to MA. In closing, she referred to the fact that the Town has a UNESCO World Heritage Site designation, and that the Town is a "national treasure."

5.3 Supplementary Information

5.3.1 Letters of Comment

[49] The Board received letters of comment from residents in Lunenburg who both supported and opposed Solterre's proposed development.

[50] Joel Westin, C. Colin Whitcomb, and Mitch Dicky supported Solterre's application and stated that Lunenburg needs housing and the tax revenue, and the location on Brook Street is an ideal location for a six-floor building.

[51] Adam and Cindy Dial, Kerry Riley, Vicky Mossman, Philip Conrad, Corrina Peveling, Wendy MacKenzie, Gary and Jean Jackson, and Ryan McCarthy opposed the development. The writers' concerns primarily related to:

- a. parking and traffic congestion;
- b. Lunenburg being a UNESCO World Heritage Site;
- c. the importance of maintaining a working waterfront; and
- d. impact on personal enjoyment of properties.

5.3.2 Public Speakers

[52] There were two public speakers, Wendy Rofihe and Irma Da Sie.

[53] Wendy Rofihe resides in Lunenburg. She has a master's degree in heritage conservation. She spoke in support of the proposed development. She addressed the proposal and zoning change request in a heritage context. She stated that Council denied the zoning change to maintain the working waterfront essential to the UNESCO World Heritage Site designation. However, it is her view that the location of the proposed development would not pose a threat to the designation because it is not being built within the heritage conservation district. She also stated that there seems to be a misunderstanding about the parcel of land in question in that it never had a marine-

oriented building on it. She also commented on Lunenburg's need for housing. In her view, it doesn't make sense to mandate a ground floor commercial rental space that is not in demand when housing, conversely, is in demand.

[54] Irma Da Sie is a registered architect and has been a resident of Lunenburg for 21 years. She stated that she supports housing on the proposed site, provided it is well designed, appropriately scaled and compatible with the surrounding neighbourhood. She noted that the Appellant's rezoning request involves many complicated issues: competing land use designations, future land use mapping, flood zone conditions, setback allowances, parking and traffic impacts, the need for housing and the Town's broader responsibility as a steward of a UNESCO World Heritage Site. She supports Council's decision to reject the Appellant's request for rezoning. She stated that when interpreting the MPS, every word matters. She said fishing, shipbuilding and interpretative tourism are the operations the MA form zone exists to protect, and residential development at any scale or height is not among them. She went on to state that the 63-foot height allowance in the MA form zone is meant to accommodate structures associated with marine activity. She said the fact that development is restricted to 34 feet elsewhere in the Town is not accidental. It reflects the deliberate planning objective to maintain Lunenburg's traditional scale, form and skyline. She further stated that the site of the proposed development appears to involve a planning conflict, namely a discrepancy between residential use being permitted and the MA zone applied to it. She referred to Section 3.4.2 of the LUB which states where provisions conflict, the higher or more stringent provision prevails. Therefore, if the two parcels were consolidated, the stricter provision would apply, namely the 34-foot height limit of the ONT1 form zone. Ms.

Da Sie referred to the fact that Lunenburg is a UNESCO World Heritage Site, and that planning decisions should not erode the identity that designation exists to protect. She also commented on parking and stated that “Council acted within its discretion to ensure that this development meets its own parking needs, rather than put additional pressure on the surrounding neighbourhood, which has little capacity to absorb it.”

6.0 SITE VISIT

[55] The Board members conducted a site visit at the end of the oral hearing on March 27, 2026. We observed an empty lot that was being used for parking. This lot is next door to a large, renovated building that contains several commercial businesses. The lot is across the street from a park that is bordered by residential properties on the other three sides.

7.0 WHAT CAN BE BUILT AS-OF-RIGHT?

[56] In order to put Solterre’s proposal in perspective, it is useful to consider its proposed development compared to what can be built as-of-right. An as-of-right development is one that is allowed under the LUB and does not require Council approval or a public process.

[57] Solterre’s proposal is for a consolidated three and six storey, approximately 50-unit residential building. The three-storey portion would be located on 13 Brook Street which faces Falkland Street. The six-storey part would begin toward the end of that lot and extend through the abutting lot at 9 Brook Street. The building would have a total

area (including all storeys) of approximately 40,000 ft² and a total footprint of approximately 10,000 ft².

[58] As-of-right, Solterre can build one building on each lot. A three-storey building, covering up to 40% of the property, can be built on 13 Brook Street. A six-storey building covering the entire property can be built on the abutting lot. The Staff Report provides the following explanation of what can be built as-of-right:

What the Current Zoning Already Allows: For clarity, under the existing zoning, a development of the same height and overall scale as the proposed building could already be constructed as-of-right on PID 60703899, meaning it would not require Council approval or any public process.

On the adjoining parcel fronting Falkland Street (PID 60703881), the current zoning would also permit a building of similar height (up to 34 ft), though with larger required setbacks: at least 2.4 m (8 ft) on the sides and 6 m (20 ft) at the rear). This would result in a somewhat smaller building footprint compared to the proposal.

The current use zone also restricts residential units on the ground floor within 15 m (50 ft) of the front lot line, though accessory uses such as lobbies or amenity spaces are allowed in that area.

In summary, a building of comparable height and massing could already be built under the existing zoning without Council's approval or public input, but it would have less ground-floor residential space and a different footprint on the Falkland Street lot. [Emphasis added.]

[Exhibit S-3, PDF p. 174]

[59] Solterre's proposal is for approximately 50 residential units, all accessible by elevator and with no requirement for commercial space. Ms. Corson testified that Solterre does not want to build an as-of-right building because doing so would result in fewer residential units, some units would not be accessible by elevator, and ground-floor commercial space would be required. She stated that these constraints would make the project financially unviable and prevent it from qualifying for funding through the Canada Mortgage and Housing Corporation [Exhibit S-3, PDF p. 383].

[60] The purpose of applying to change the use zone for both properties from the CM zone to the CG zone is to allow residential units on the ground floor. The reason

for applying to change the form zone on 13 Brook Street from ONT1 to MA is to remove the setback requirements. The proposed building would not take up the entirety of either lot. There would be an L-shaped area along the southeast and southwest boundaries for parking and access.

8.0 PROPOSED CHANGES TO USE ZONE

[61] The Board will consider Solterre's proposed use zone changes by describing and then applying the applicable policies.

8.1 Policies

[62] Section 4.2.4 of the MPS states that amendments to the use zone map are typically done at the request of a property owner who has a specific plan:

4.2.4 Amendments to the Use Zoning Map

From time-to-time it may be appropriate to amend the Use Zoning Map of the Land Use By-law to modify the uses permitted on a property. This is typically done at the request of a property owner who has a specific plan in mind for their land. Such an amendment is a public process and includes a Public Hearing.

[Exhibit S-4, PDF p. 286]

[63] Similarly, s. 6.3.3 of the MPS refers to amendments to use zones to accommodate a particular development proposal:

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

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

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

[Exhibit S-4, PDF p. 305]

[64] As a pre-condition to Council determining whether to allow a use zone amendment, the requirements of Policy 6-10 must be met:

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

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

[Exhibit S-4, PDF p. 306]

[65] The Town does not dispute that this policy is satisfied, however, as Ms. Fuller states in her expert report:

... Meeting Policy 6-10 does not determine the outcome. It confirms the amendment is eligible for consideration, after which the decision turns on the separate satisfaction test in Policy 6-11, including whether the proposal meets the general evaluation criteria in Policy 6-19.

[Exhibit S-7, Tab 14, PDF p. 81]

[66] Policy 6-11 requires that Council be satisfied that the proposal is consistent with the description of the use zone in Policy 4-1 as well as any policies directing where it is appropriate to place the proposed use zone, and that the criteria in Policy 6-19 are met:

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

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

[Exhibit S-4, PDF p. 306]

[67] Policy 4-1 requires that use zones generally conform to certain schemes (only those relevant to this appeal are included below):

Policy 4-1: Council shall, through the Land Use By-law, establish Use Zones, shown on the Use Zoning Map of the Land Use By-law, to establish the uses permitted in different areas of Lunenburg. The Use Zones shall generally conform to the following scheme:

...

- (d) The Commercial Mixed Use (CM) Zone is intended to enable a wide range of commercial and institutional uses, as well as larger residential uses located on the upper floors of buildings or to the rear of the lot. Auto-oriented commercial uses, with the exception of body shops, shall be permitted.
- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.

...

- (h) The Marine Industrial (MM) Zone is intended to protect and support the “working waterfront” by permitting a range of industrial uses, government and emergency services uses, craft food and beverage production, and waterfront recreational uses, while limiting other uses.

[Exhibit S-4, PDF pp. 283-284]

[68] Policy 6-19 sets out additional criteria including that Council be satisfied that the proposal is consistent with the intent of the MPS, does not conflict with any applicable programs, bylaws or regulations, and is not premature or inappropriate based on various factors:

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;
- (b) 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;
 - ii. impacts on existing drinking water supplies, both private and public;

- 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;
- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
- v. the adequacy of fire protection services and equipment;
- vi. the adequacy and proximity of schools and other community facilities;
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;
- 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;
- ix. site-specific climate change risks;
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- xi. impacts on known habitat for species at risk;
- xii. impacts on the navigability and environment of Lunenburg 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
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.

[Exhibit S-4, PDF p. 311]

[69] Policy 4-4 is also relevant. It states that Council shall not approve a use zone amendment unless the proposed use zone is consistent with Policy 4-2 and the Future Land Use Map, and Council is satisfied that the criteria of Policy 6-19 are met:

Policy 4-4: Council shall consider proposals to amend the Use Zoning Map of the Land Use Bylaw. Council shall not approve such an amendment unless:

- (a) the proposed Use Zone is consistent with Policy 4-2 and Schedule 'A', the Future Land Use Map of this Plan; and
- (b) Council is satisfied the proposal meets the general criteria for Land Use By-law map amendments, outlined in Policy 6-19.

[Exhibit S-4, PDF p. 286]

[70] Policy 4-2 designates the various use zones, including the CM and CG zones that are relevant to this appeal:

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

...

(b) The Main Street Land Use Designation permits:

- i. Commercial Mixed Use (CM) Zone
- ii. Institutional Use (INS) Zone Parks and
- iii. Recreation Use (PR) Zone

(c) Downtown Commercial Land Use Designation permits:

- i. General Commercial Use (CG) Zone
- ii. Institutional Use (INS) Zone
- iii. Parks and Recreation Use (PR) Zone

[Exhibit S-4, PDF p. 285]

[71] All parties agree that Solterre's proposal is consistent with the description of the CG use zone. The proposed development is residential and Policy 4-1(e) states that the CG use zone "is intended to accommodate ... a wide range of ... residential uses." [Exhibit S-4, PDF p. 283]

[72] Based on these policies, the Board finds that Council must approach an application to amend a use zone as follows.

[73] First, in order to determine whether Council can even consider the application, the requirements of Policy 6-10 must be met, that is:

1. The proposed amendment cannot be prohibited by the MPS; and
2. At least one of the following conditions is true:
 - a) the proposed use zone is enabled by the MPS for use within the same Future Land Use Map designation;

- b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the MPS and LUB preparation process, resulting in a property being zoned inconsistent with the MPS policies; or
- c) notwithstanding the use zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed use zone.

[74] Provided the above pre-conditions are met, Council can proceed to determine whether to allow the application. In doing so, it must answer all of the following questions:

1. Is the proposed use zone consistent with Policy 4-2 and the Future Land Use Map (Policy 4-4)?
2. Is the proposal consistent with the description of the use zone in Policy 4-1 and any specific policies directing where it is appropriate to place the proposed use zone (Policy 6-11(a))?
3. Does the proposed use zone and the uses it permits meet the general criteria for amending the LUB set out in Policy 6-19 as set out earlier in this decision (Policies 4-4(b) and 6-11(b))?

8.1.1 Application of Policies

[75] Town planning staff, as well as Ms. Fuller and Mr. Markides, are of the view that the necessary preconditions set out in Policy 6-10 for Council to consider a use zone amendment have been satisfied. As required by Policy 6-10, the proposed CG use zone is not prohibited by the MPS, the Future Land Use Map designates the lands “Downtown Commercial”, and Policy 4-2(c) indicates that this designation permits the CG use zone. [Exhibit S-3, PDF p. 181 and 264; Exhibit S-6, PDF p. 32; Exhibit S-7, PDF p. 81]

[76] The next step is to consider Policy 6-11. Town planning staff, Mr. Markides and Ms. Fuller are of the view that Policy 6-11(a), which requires that the proposal be consistent with the description of the use zones in Policy 4-1 and any specific policies directing where it is appropriate to place the proposed use zone, is met. The proposed

use is a multi-unit residential building, and Policy 4-1 specifically states that the CG use zone is intended to accommodate residential uses. [Exhibit S-3, PDF, p. 181-183 and 264-265; Exhibit S-6, PDF, p. 6-8; Exhibit S-7, PDF, p. 81-82]

[77] The final step involves considering Policy 6-19, which the Board will do for both the use and form zone changes as set out elsewhere in this decision.

9.0 PROPOSED CHANGES TO FORM ZONE

[78] The Board will consider Solterre's proposed form zone change by describing and then applying the applicable policies.

9.1 Policies

[79] Section 6.3.5 of the MPS contemplates two types of form zone amendments – wholesale changes, which the MPS says, “should only be considered through a review of the Comprehensive Community Plan”, and minor changes, for example, where a change in use dictates the need for a different but compatible form:

6.3.5 Amending the Form Zone Map of the Land Use By-law

The initial placement of the Form Zones on the Form Zoning Map was conducted with much thought and as a reflection of the desired community structure identified in the Comprehensive Community Plan. Any wholesale changes to this structure should only be considered through a review of the Comprehensive Community Plan and, by extension, the Municipal Planning Strategy. However, it may be reasonable at times to consider minor adjustments to the Form Zoning Map as the community evolves or if a significant change in use dictates the need for a different—but compatible—form for buildings and the site.

[Exhibit S-4, PDF p. 307]

[80] Council can only change a form zone if it is satisfied that the application meets the requirements of Policy 6-13:

Policy 6-13: Council may consider amendments to the Form Zoning Map of the Land Use By-law. Council shall not adopt such amendments unless Council is satisfied:

- (a) the proposal is consistent with the description of the Form Zones in Policy 5-1;

- (b) there is a clear need for the amendment to accommodate a proposed use for the land that is both acceptable for the location and that could not be accommodated within the confines of the existing Form Zone;
- (c) the proposed Form Zone enables a form for the site that is compatible with (though not necessarily identical to) the surrounding form; and
- (d) the proposal meets the general evaluation criteria for amending the Land Use By-law, set out in Policy 6-19.

[Exhibit S-4, PDF p. 307]

[81] Policy 5-1(c) and (g) explain the intent of the current form zone (ONT1) and the proposed form zone (MA) for 13 Brook Street as follows:

Policy 5-1: Council shall, through the Land Use By-law, establish Form Zones, shown on the Form Zoning Map, to establish standards for building form, building placement, site design, and signage. The Form Zones shall generally conform to the following scheme:

- ...
(c) The Old Town/New Town 1 Form Zone is intended to maintain the residential development pattern of the parts of Lunenburg that were subdivided from the Common in 1862 & 1878 and enable new subdivisions to emulate said development pattern.
- ...
(g) The Marine Form Zone is intended to maintain the distinct character of a working waterfront with its fishing, shipbuilding, and interpretive tourism operations.

[Exhibit S-4, PDF p. 296]

9.2 Application of Policies

9.2.1 “Wholesale” and “Minor” Changes

[82] As highlighted above, s. 6.3.5 of the MPS states that the placement of form zones reflects the desired community structure set out in the CCP and that any “wholesale” changes should only be considered through a review of the CCP and MPS, although it may be reasonable to consider “minor” adjustments to form zones as the community evolves or if a significant change in use dictates the need for a different, but compatible, form. The Board notes that s. 6.3.5 is preamble to Policy 6-13 which helps provide context and inform that policy, although it is not a policy itself.

[83] Ms. Fuller testified that s. 6.3.5 requires a “review” of the CCP as a whole to understand the history of the form zone that is proposed to be changed. [Transcript, March 27, 2026, pp. 150-153]

[84] Solterre applied to change the form zone of 13 Brook Street from ONT1 to MA. MPS Policy 5-1 states the ONT1 form zone is intended to maintain the residential development pattern of the parts of the Town that were subdivided from the Common in 1862 and 1878.

[85] The CCP states that “... in 1878, a third division of New Town lots was added between Brook Street and Green Street” [Exhibit S-4, PDF p. 32]. Ms. Fuller relies on this in providing her opinion that “This narrative supports that Brook Street is part of the historic pattern that ONT1 is intended to maintain.” [Exhibit S-7, Tab 14, PDF p. 83]

[86] Mr. Markides disagrees with Ms. Fuller’s opinion. He carried out a comprehensive review of the CCP and the foundational documents underpinning the CCP and says that the 1878 subdivision intended for the ONT1 form zone to apply to land west of Falkland Street and not to the subject property which lies east of Falkland Street [Exhibit S-8, Tab 1, PDF pp. 6-9]. He says that because there is no future form zone map, s. 6.3.5 of the MPS implies that the “Community Structure Tomorrow” map in the CCP be used for this purpose. That map shows the subject property in the “Main Street Mixed Use” area which he says “translates directly” to the Main Street Form Zone (MST), which is the form zone intended by the CCP for the property:

- 4.6. It is critical to highlight that there is no explicit future land use map designated specifically for Form Zones within the MPS. Because traditional future land use maps are absent for this specific regulatory layer, the MPS, through the preamble in section 6.3.5, implies that the Community Structure Tomorrow map (Figure 2.2 of the CCP) should act as the guiding future land use map for Form Zones. In the regulatory framework of the Land Use By-law, this “Main Street Mixed Use” designation translates directly to the “Main Street Form Zone.” This contradicts Ms.

Fuller's assertion that the ONT1 Form Zone is the intended Form Zone for these parcels.

[Exhibit S-8, Tab 1, PDF pp. 8-9]

[87] Ms. Fuller testified that she did not perform a detailed review of the CCP and its related documents and deferred to Mr. Markides opinions on these issues [Transcript, April 27, 2026, pp. 123, 128 and 199].

[88] Because the property was never intended to be in the ONT1 form zone, Mr. Markides says that the form zone change from ONT1 to MA is not a "wholesale" change:

4.2. However, I disagree with Ms. Fuller's assertion that the requested Form Zone change represents a "wholesale change." Transitioning these parcels out of the Old Town/New Town 1 (ONT1) Form Zone is not a wholesale dismantling of the Town's heritage fabric. As discussed below, the foundational documents underpinning the CCP reveal that these properties were never intended to be included in that specific historical preservation boundary in the first place. The requested rezoning is a minor mapping correction to align the site with its actual historical and structural context, and its future intent under the CCP. Furthermore, even if I were to agree with Ms. Fuller's assessment that this request constitutes a wholesale change, her subsequent assessment of that change within Ms. Fuller's report remains factually and methodologically incorrect.

[Exhibit S-8, PDF, p. 9-10]

[89] Mr. Markides goes on to say that although Solterre is applying to change the form zone from ONT1 to MA rather than MST as the CCP intended, the proposed change carries out the intent of the MPS because it recognizes the MPS as a flexible tool to implement the physical vision of the CCP, the built form controls of the MST and MA form zones are similar, and the surrounding area is already heavily influenced by the MA zone:

4.10. The CCP contemplates the Main Street Form Zone, while the applicant applied for the Marine Form Zone. However, the difference in built form controls between the two is minimal. Furthermore, from a planning perspective, it is prudent to match the adjacent Marine Form Zone that is already applied to the rear lot, which is also subject to the Use Zone rezoning. Given that the other property subject to the Use Zone Change already possesses the Marine Form Zone, applying the Marine Form Zone to the entirety of the site makes sense from a practical design, and compatibility perspective.

4.11. The refusal of the Marine Form Zone simply because the Main Street Form Zone is the more technically appropriate designation under the CCP, fails to reasonably carry out the intent of the MPS. The MPS is designed as a flexible tool to implement

the physical vision of the CCP. As demonstrated, the built form regulations of the Marine Form Zone are functionally equivalent to the Main Street Form Zone. Refusing an application that achieves a nearly identical physical outcome intended by the CCP prioritizes administrative labels over functional reality. Such a rigid interpretation violates the foundational principles of the MPS, especially given that the surrounding context is already heavily defined by the Marine Form Zone. Furthermore, this stance directly contradicts the Town's own professional planning advice at the time of First Reading, as Town Staff reviewed the application and explicitly supported the requested Marine Form Zone change as being functionally appropriate.

- 4.12. It cannot be in line with the intention of the MPS to refuse a physical form that is so similar to the form intended by the CCP. Such a refusal elevates a minor administrative distinction over functional reality, frustrating the overall development goals of the MPS.

[Exhibit S-8, Tab 1, PDF pp. 11-12]

[90] Mr. Markides compared the built form controls for the MST and MA form zones, including lot coverage, maximum height, maximum building footprint and setbacks, and described the differences as “minimal” [Exhibit S-8, PDF, p. 12-14].

[91] In its closing submissions, the Town took the position that the MPS “denounces” wholesale changes.

9.2.1.1 Findings

[92] The Board finds that 13 Brook Street is not part of the historical pattern that the ONT1 form zone is intended to maintain and that the CCP intended the form zone of the property to be MST. This was demonstrated through the comprehensive review undertaken by Mr. Markides of the documents underpinning the CCP and Ms. Fuller deferred to his findings on this issue.

[93] The Board finds that changing the form zone to MA rather than MST reasonably carries out the intent of the MPS for the reasons set out by Mr. Markides and referred to above, in particular because the rear property is already zoned MA and the built form requirements of the MA and MST form zones are functionally equivalent. The Board finds that Ms. Fuller’s opinion is based on the misunderstanding that the ONT1

form zone was the intended form zone for the property when, as Mr. Markides' review of the CCP proves, the intended form zone for the property was MST. The Board finds that the MA form zone is a different but compatible form to the MST form zone as directed by s. 6.3.5. The Board also finds that the differences between the form of the proposed development and the requirements of the MST form zone are minimal. The proposed development: will be approximately one metre shorter in height than the MST zone allows; is set back from the east and south property boundaries in a similar manner to the setbacks required in the MST zone; and its building footprint is less than half of what the MST zone allows.

[94] The Board finds that it is not necessary to determine whether the proposed form zone change is a "wholesale" or "minor" change. Even if it is a "wholesale" change, the direction from s. 6.3.5 to review the CCP has been carried out and establishes that the change to the MA form zone reasonably carries out the intent of the MPS and, as addressed elsewhere in this decision, the form zone change has been evaluated considering the relevant policies of the MPS.

[95] The Board finds that interpreting the MPS as "denouncing" wholesale changes as the Town submits is not an interpretation the MPS can reasonably bear. The Town provided no evidence or specific MPS policies to support its position. The Board finds the clear language of the MPS means what it says – a wholesale change requires a "review" of the MPS. The Town's expert, Ms. Fuller, agreed with this interpretation and the Board finds that there is nothing in the language of s. 6.3.5 or elsewhere in the MPS to support the Town's position.

9.2.2 Policy 6-13(a)

[96] Policy 6-13(a) requires that Council be satisfied that “the proposal is consistent with the description of the Form Zones in Policy 5-1.”

[97] Ms. Fuller says this requirement is not met because the MA form zone is based on maintaining the character of a “working waterfront” but the proposed building is residential and not organized around marine operations:

6.8.4 In my opinion, if the proposed development is the justification for the form based change, then the proposed development is not within the description of the Marine Form Zone. While the Marine Form Zone description is centred on maintaining the distinct character of a working waterfront, the form and program proposed is primarily residential in function and massing, with marine and marine-supportive activity being mostly ancillary rather than defining. The proposed form does not read as a building or site organised around marine operations or direct marine access, nor does it clearly protect or reinforce the operational character-defining elements associated with fishing and shipbuilding, such as functional yard space, loading and servicing areas, and the tolerance for working waterfront operating conditions.

[Exhibit S-7, Tab 14, PDF p. 85]

[98] Mr. Markides disagrees and says, among other things, that Ms. Fuller improperly imports considerations of “use” into a form zone analysis when the MPS requires that “use” and “form” be regulated separately:

4.14. First, regarding Policy 6-13(a) and consistency with the Form Zone descriptions, Ms. Fuller’s assessment in Sections 6.8.1 through 6.8.4 relies on a flawed approach that evaluates built form using heritage and land use criteria. In Sections 6.8.2 and 6.8.3, Ms. Fuller attempts to assess “typical form” by relying on Canada’s Standards and Guidelines and the Town’s Heritage Conservation District (HCD) Plan, arguing that a Marine Form building must be defined by its “operational function” and have “direct marine access.” This approach is deeply flawed for two reasons. First, Ms. Fuller explicitly acknowledges in Section 6.8.3 that the subject lands are physically located outside the Heritage Conservation District, making the application of HCD guidelines inappropriate. Second, Ms. Fuller’s reliance on marine related uses as “character-defining elements” to assess a Form Zone change is a clear conflation of the Town’s distinct Use and Form regulatory pillars. These parcels of land do not currently allow for Marine Industrial Uses, nor are they permitted in the requested Use Zone (CG). By concluding in Section 6.8.4 that the proposal fails because it is “primarily residential in function” and lacks “marine operations,” Ms. Fuller evaluates a Form Zone application strictly against Use Zone criteria. The Marine Form Zone dictates physical parameters like massing, height, and setbacks; it does not mandate marine industrial functioning. Furthermore, Ms. Fuller’s assumption about the property’s intended physical structure within the community is incorrect. As illustrated in the Community Structure Tomorrow map, the CCP explicitly designates the subject properties as “Main Street Mixed Use”, deliberately locating them outside of the intended working waterfront area and the restrictions placed on the working waterfront area in Section 2.6 of

the CCP. Applying a compatible physical massing to an adjacent transitional site does not violate the high-level descriptions of the Form Zones.

[Exhibit S-8, Tab 1, PDF p. 16]

[99] The Staff Report reinforces the important distinction between “use” and “form” when considering an application to change a form zone. It states that “... the Marine Form zone governs the forms and appearance of buildings – such as setbacks, height, and massing – rather than prescribing land uses”, and “... the form zone system was established to achieve architectural coherence and compatible design outcomes rather than to restrict land use types.” [Exhibit S-3, p. 175]

9.2.2.1 Findings

[100] The Board finds that the MPS clearly intends that “use” and “form” be regulated separately [Exhibit S-4, PDF p. 275].

[101] Policy 5-1 explicitly refers to establishing standards for “building form, building placement, site design and signage.” Although the description of the MA form zone in Policy 5-1 refers to the intention to “maintain the distinct character of a working waterfront with its fishing, shipping, and interpretative tourism operations”, the Board finds that is in the context of form not use. The Board finds that considering use in a Policy 6-13(a) analysis about a form zone change does not reasonably carry out the intent of the MPS.

[102] The Board also finds that the proposed development is consistent with the description of the MA form zone in Policy 5-1(g). The form of the proposed building – three to six storey height, its massing and layout on the lots, aligns with the form associated with the working waterfront and fishing, shipping and tourism operations. This interpretation reasonably carries out the intent of the MPS.

9.2.3 Policy 6-13(b) - Clear Need for Amendment

[103] Policy 6.13(b) directs Council to determine whether “there is a clear need for the amendment to accommodate a proposed use for the land that is both acceptable for the location and could not be accommodated within the confines of the existing Form Zone”. Both experts addressed this in their reports.

[104] Ms. Fuller in her report stated:

Council also needs to evaluate, “if there is a clear need for the amendments to accommodate a proposed use for the land that is acceptable for the location and could not be accommodated within the confines of the existing Form Zone.” For this the question, it is not whether additional height or density is desirable. The test is whether there is a clear need. One way of assessing need is based on the data provided by the developer and the generally accepted fact there is additional housing needed in Nova Scotia. There seems little doubt of the need for more housing. However, the site can be developed without the form-based change, which would likely provide less housing units.

[Exhibit S-7, PDF p. 85]

[105] At the hearing, Ms. Fuller was cross examined about Policy 6.13(b):

Q. And so, your evidence, it ... And - and again, we're talking about Policy 6-13(b), and - and we're skipping ahead a bit. We will loop back to A, as well. But your evidence is that your reading of sub (b) allows Council to consider the need for the - the suggested form zone. So, that would be Marine Industrial form zone, as opposed to the accommodation of the proposed use and whether the proposal can be accommodated within the confines of the existing form zone?

A. Well, I think there's a - there's some interpretation that can be brought to that. They - they could interpret it narrowly, like you're talking about. But I do feel that there's an opportunity to be more expansive in their analysis if they so wish to be. And perhaps, just to add to that, no ... And - and - these policies have to work together. They're not meant to be a checklist, but ... And that's why we talk about intent in the Municipal Planning Strategy, as opposed to the regulatory, you know, six-metre setback, 30-metre height, or whatever it is. Those are easy to check off. The challenge is the balance that Council wants to bring. So, we can talk about B, but it's hard to separate these from each other, because they ... it's about the general intent and the reasonableness of that intent interpretation, if that makes sense to the Board. (page 88)

[106] It is Ms. Fuller's opinion that there is no clear need for the MA form zone change and that the more relevant question is whether the MA form zone is needed to accommodate a use that is acceptable in this location. She also opines that the form zone has to be meaningfully connected to marine operations in a way that cannot be

accommodated under the ONT1 form zone. She stated that evidence would be needed to show that a marine-form regime is necessary for an acceptable use on this site, as opposed to it being used to access a larger envelope. Based on this, she states that Council could reasonably interpret that this criterion is not met.

[107] Mr. Markides disagreed with Ms. Fuller. He stated in his report that she failed to properly apply the test:

... In these sections, she suggests the application fails because a residential development could theoretically be accommodated within the existing ONT1 Form Zone. This interprets the policy too restrictively. The policy asks if the proposed use can be accommodated, not a hypothetical alternative. As detailed in the application, the ONT1 regulations (specifically the 40 percent maximum lot coverage and 6 metre maximum front yard setback requirement) render the applicant's proposed development physically impossible on the front portion of the site. Therefore, there is a clear need for the amendment because the proposed use is acceptable for the location but practically cannot be accommodated within the confines of the existing ONT1 Form Zone. Furthermore, a clear practical need exists to standardize the built form across the newly consolidated lot, as the rear portion is already zoned Marine Form. The Marine Form Zone serves as an ideal transitional built form that bridges the "Main Street Mixed Use" community structure with the aesthetic of the adjacent working waterfront area without forcing the property to adopt restrictive marine uses.

[Exhibit S-8, PDF pp. 13-14]

[108] The Town submits that Ms. Fuller correctly explained that the "need" referred to in Policy 6-13(b) relates to the need for the requested form rather than the developer's economic needs. In its written closing submission, it states:

The need contemplated by the MPS for this Form Zone amendment, when considered in context of the MPS as a whole, is in reality a need for additional height and no setbacks to fulfill the waterfront character purposes of that zone – not apartment building densification to satisfy the developer's proposed financing and its views of the economics or profitability of its project.

[109] The Appellant submits that based on Ms. Fuller's interpretation, any form zone rezoning could be refused because it is not "strictly required" despite the fact that what could be built on a property is impractical, unreasonable, and not economically feasible.

9.2.3.1 Findings

[110] Mr. Markides interprets the “proposed use” in Policy 6.13(b) as the specific proposal for residential development put forward by Solterre in this case. He states that the policy does not ask whether the “proposed use zone” can be accommodated but rather whether the “proposed use” can be accommodated. Ms. Fuller opines that Council could reasonably interpret that the criterion in Policy 6.13(b) was not met because Solterre can develop their property within the existing ONT1 form zone, so no form-based change is required.

[111] As discussed in *Archibald*, the Board is mindful when looking at MPS language that there can be more than one interpretation that the wording can reasonably bear. However, the Board does not accept the Town’s interpretation on this point, i.e. that because Solterre can develop their property within the existing ONT1 form zone, rezoning is not required. Not only is it not apparent this is how Council interpreted Policy 6-13(b), but it is not an interpretation that the words themselves can reasonably bear.

[112] The Board finds there is a clear need for the amendment to accommodate a proposed use, namely the multi-unit residential building, for the land and not a proposed use zone. If it was the intention of the MPS for there to be a clear need for the proposed use zone, the Board finds that s. 6.13(b) would have explicitly used those words. Instead, it used “proposed use.” In this case, the Board finds that an interpretation of the policy that focuses on “proposed use” and not “proposed use zone” is one that the policy can reasonably bear. The proposed use is both acceptable for the location and due to the requested setbacks, it cannot be accommodated within the confines of the existing form zone. As was determined by the findings in this decision, the MPS regulates use zones and form zones separately, and the Board finds rezoning is needed to allow Solterre’s

proposal to be accommodated. Without the change, Solterre could not develop its property as set out in its application.

9.2.4 Policy 6-13(c) - Compatibility

[113] MPS Policy 6-13(c) requires council to be satisfied that the proposed form zone “enables a form for the site that is compatible with (though not necessarily identical to) the surrounding form.”

[114] Ms. Fuller says that the form zone amendment raises a material compatibility issue because it expands the development envelope and introduces working waterfront yard permission into an area where the ONT1 form zone signals a different intended form outcome:

6.8.9. This is not a minor calibration. The Marine zone enables substantially greater height and lot coverage and allows outdoor storage and display. Taken together, these permissions can change how the site reads and functions at the street and at the lot edge. In a Brook Street context, that is a potential shift in the experienced pattern of development, not just a technical change on a map.

6.8.10. Compatibility here is not only visual. It also includes day-to-day operational interface. Marine permissions increase the likelihood of yard-style servicing and activity patterns that can create friction with nearby residential or mixed-use expectations, and they can also affect reverse-sensitivity dynamics at the working waterfront edge. In my opinion, it is reasonable to determine that the proposed change does not meet the compatibility requirement outlined in 6-13(c).

6.8.11. For these reasons, my conclusion that Council can reasonably conclude that the Form Zone amendment request is not compatible with surrounding form.

[Exhibit S-7, Tab 14, PDF p. 87]

[115] Mr. Markides says that Ms. Fuller’s analysis improperly incorporates considerations of “use” contrary to the MPS which requires “use” and “form” be regulated separately. He says that considering the proposed development and the surrounding form zones, Solterre’s proposal is compatible because the majority of the surrounding area is already zoned MA zone:

4.16. Third, regarding the "compatibility" test established in Policy 6-13(c), Ms. Fuller concludes in Sections 6.8.7 and 9.3 of her report that applying the Marine Form

Zone to a non-marine development fails this criterion. However, Policy 6-13(c) specifically dictates that the proposed Form Zone must enable "a form for the site that is compatible with (though not necessarily identical to) the surrounding form." Compatibility in this context refers strictly to the physical relationship between the requested Form Zone and the physical Form Zones applied to the surrounding area. The majority of the surrounding area, including the rear portion of the subject site itself, is already zoned Marine Form. Evaluating compatibility under Policy 6-13(c) requires analysing how the physical massing of the requested Form Zone fits with neighbouring Form Zones, rather than scrutinizing whether the interior uses match. Town staff recognized and agreed with this approach to separating Use from Form as indicated in the Staff Report prepared on November 25, 2025 (Appeal Record page 175-176). Because the proposal matches the adjacent Marine Form Zones, it demonstrably satisfies the compatibility requirement of Policy 6-13(c).

- 4.17. [...] By insisting that the development must involve marine activities to be compatible, Ms. Fuller is improperly evaluating a Form request using Use-based criteria, completely ignoring the Town's trifurcated regulatory structure outlined in Section 2.4 of this report. Ms. Fuller's interpretation of Policy 6-13(a), (b), and (c) is flawed because it conflates Use and Form.

[Exhibit S-8, Tab 1, PDF p. 14]

[116] In its closing submissions, the Town does not refer to Ms. Fuller's opinion on this issue and advances a new argument. It says that Policy 6-13(c) primarily requires consideration of the existing surrounding forms, not (as Mr. Markides opines) the existing surrounding form zones. It says that approach could reasonably lead to the conclusion that the proposed form zone is not compatible with the existing surrounding forms because it will "stick out like a sore thumb from its surroundings" based on its height and "large scale."

[117] The proposed development is three storeys on the part of the property closest to Falkland Street and six storeys on the remainder of the property. It is rectangular in shape and covers roughly half the property. A building of comparable height and massing can currently be built on the property as-of-right. The main difference between what can be built as-of-right and what is proposed is that the as-of-right development on the property adjacent to Falkland Street would have larger setbacks

resulting in a somewhat smaller building footprint. A development of the same height and scale as proposed for the rear lot can already be built as-of-right.

[118] The property is currently surrounded by structures of various sizes. To the east there is a shed and the Lunenburg Shipyard with buildings of varying sizes, up to three storeys. Across Falkland Street to the west, there is a tennis court and two-storey residential buildings. To the south, there is a single storey commercial/industrial building that has a larger ground footprint than the proposed development. To the north, there is a two-storey commercial building owned by Solterre as well as other one to two storey buildings across Brook Street [Exhibit S-3, PDF pp. 10, 116, 118, 124, 126-127, 151 and 231].

9.2.4.1 Findings

[119] The Board repeats its earlier findings in this decision that the MPS intends for “use” and “form” to be regulated independently of one another.

[120] Further, Policy 6-13(c) specifically requires a comparison between the “proposed form zone” and the “surrounding form.” The Board finds that Ms. Fuller’s opinion on compatibility is based on incorporating considerations of “use” into a policy that specifically requires consideration of “form.” Based on the clear language of the MPS, the Board finds Ms. Fuller’s interpretation is not one that the MPS can reasonably bear.

[121] On the issue of whether “surrounding form” means the surrounding form zones or the existing surrounding forms, the Board finds that considering only the latter or making that the dominant consideration in the policy analysis, is not an interpretation that the MPS can reasonably bear.

[122] By its very nature, a municipal planning strategy is a forward-looking document whose purpose is to “guide development” for “the future use, management and

development of lands within the municipality” (*MGA*, ss. 213-214). The MPS states that it helps, “... support Lunenburg’s continued evolution ...” and specifically refers to the “need for different forms of housing” [Exhibit S-4, PDF pp. 273 and 275]. Limiting the comparison to existing surrounding forms or allowing that to dominate the analysis over surrounding form zones is contrary to these goals. Rather than encouraging development it risks stagnating or limiting development based on existing, surrounding forms.

[123] The Town’s suggested approach could also lead to absurd results. For example, it could justify council rejecting an application to rezone a property to align with the form zones of surrounding properties just because those properties are not yet developed and have no current, as-built form.

[124] In addition, the Town’s approach would prevent Solterre from building something of comparable height and massing to what can already be built as-of-right. The Board finds that is not the intent of the MPS.

[125] For these reasons, the Board finds that “surrounding form” in Policy 6-13(c) is primarily intended to refer to the surrounding form zones. Although existing built forms may be considered, the dominant consideration must be the surrounding form zones.

[126] Taking this approach, the Board also finds that rejecting the application on the basis that Council is not satisfied that the proposed form zone is compatible with the existing, surrounding form does not reasonably carry out the intent of the MPS. The majority of the surrounding area, including the rear portion of the subject site, is already zoned MA. The three-storey part of the development proposed for the property adjacent to Falkland Street is similar in height to Solterre’s two-storey commercial building across Brook Street and the two-storey residential development on the other side of Falkland

Street that will also provide a transition to the larger six-storey part of the development in the rear of the property. For these reasons, the Board finds that rejecting the application because the proposed form zone is not compatible with the surrounding form does not reasonably carry out the intent of the MPS.

9.2.5 Policy 6-13(d) - Consideration of Policy 6-19

[127] Policy 6-13(d) requires consideration of Policy 6-19 and is discussed below.

10.0 POLICY 6-19

[128] Policy 6-19 contains the general evaluation criteria which must be met for both a use and form zone change. Council must be satisfied that the proposal is not premature or inappropriate due to many factors. Many of these factors are not relevant to the proposed rezoning, and the parties agree some criteria have been satisfied. The Board will address the sections of this policy that have been raised as issues.

10.1 Policy 6-19(c)(i) - Ability of the Town to Absorb Public Costs Related to the Proposal

[129] The Town says that the Solterre's traffic expert asserts that the Town will have to make upgrades to sidewalks and crosswalks to ensure the safety of vulnerable users of the site; that this work is not in the Town's capital budget; and that the development plan shows a sidewalk partially on Town property, which is a concern for ownership, maintenance and repairs. The Town appears to suggest that these issues could justify refusing the application under Policy 6-19(c)(i) which requires council to be satisfied that the proposal is not premature or inappropriate due to "the ability of the Town to absorb public costs related to the proposal."

[130] As part of its application, Solterre provided a Transportation Impact Statement from GRIFFIN transportation group inc. dated February 27, 2025 (Traffic Study). The Traffic Study refers to “new and improved sidewalks” and installing “proper raised curb and gutters ... and bulb-outs” in the area of the proposed development:

... To improve connectivity for active transportation users a continuous sidewalk connection should be provided along the north side of the building to link the building entrances to a new and improved system of sidewalks and/or multi-use pathway(s) (MUP) along the Falkland Street corridor. To improve vulnerable road user safety – and reduce liability for the Town – proper raised curb and gutters with defined corner radii and bulb-outs should be installed at the study area intersection. This work should be part of a broader effort by the Town to implement a safe, secure, well-connected, and clearly marked active transportation route from the school/community centre area to the downtown/waterfront area.

[Exhibit S-3, PDF p. 30]

[131] Town staff advised Solterre that any upgrades to Town infrastructure were the developer’s responsibility with the potential opportunity to cost-share with the Town under its *Streets and Services Extension Policy*. To be eligible for funding under that policy, a developer must have a formal agreement in place with the Town, and, at a minimum, a development permit must be in place before entering into an agreement with the Town. Solterre advised Town staff that improvements on Town lands would be subject to future discussions which it assumed was not part of its rezoning application. There was no further correspondence from the Town to Solterre on this issue [Exhibit S-3, PDF pp. 49-50, 52; Exhibit S-12, PDF, p. 3].

[132] Mr. Joyce in his email to staff states:

- Assertions within the documents relating to it being the Town’s responsibility to upgrade existing street infrastructure immediately surrounding the Development does not conform with the provisions included in the Town’s Subdivision Specifications and are the Developer’s responsibility.
- It appears that the sidewalks shown along the Brook Street facing section of the building are on both private and public property, which is a concern for ownership, maintenance (such as snow removal) and repairs.

[Exhibit S-3, PDF p. 58]

[133] Mr. Joyce testified that there is nothing in the Town's capital budget for the next five years for street infrastructure or sidewalk work in the area of the proposed development, although he acknowledged that the budget was prepared after Council rejected Solterre's application.

[134] The Staff Report specifically states that the proposal does not obligate municipal expenditures and that any future costs can be addressed through subsequent permitting:

... the proposed zoning does not obligate municipal expenditures. Any future servicing or infrastructure impacts would be identified and addressed through subsequent permit reviews.

[Exhibit S-3, PDF p. 177]

[135] Approving the rezoning application does not approve the proposed development. Further permits will be required, including a development permit. In order for a development permit to be issued, a proposed development must meet the requirements of the LUB. Among other things, this requires a scaled plan of the proposed development showing the location and dimensions of all work to be carried out and any rights-of-way and easements. In addition, there are specific requirements for pedestrian access [Exhibit S-4, PDF pp. 332-333 and 383].

10.1.1 Findings

[136] The references in the Traffic Study to "new and improved sidewalks" and installing "proper raised curb and gutters ... and bulb-outs" are in the context of upgrades to "improve connectivity" and "improve vulnerable road user safety" [Emphasis added]. There is nothing in the Traffic Study or in Solterre's application indicating these are mandatory requirements or pre-conditions of the rezoning application or the proposed development, or that the Town must carry out this work and incur the cost. The Board

finds that any suggestions to the contrary are speculative and not supported by the evidence.

[137] Policy 6-19(c)(i) requires Council to be satisfied that the proposal is not premature or inappropriate “due to the ability of the Town to absorb public costs related to the proposal.” This language indicates that the policy is not engaged simply because a proposal may require the Town to spend money. It applies only if there is an impact on the Town’s ability to “absorb” those costs. There is nothing to suggest that the rezoning application will require the Town to spend money. This is supported by the Staff Report. For that reason, the Board finds that refusing the application on this basis would not reasonably carry out the intent of the MPS. Whether the proposed development will require the Town to spend public money is not clear at this stage. Although the Traffic Study provides comments about certain infrastructure upgrades, there is nothing to suggest that the proposed development is conditional on that work being carried out. For that reason, the Board finds that refusing the application on this basis would not reasonably carry out the intent of the MPS.

[138] On the issue of the sidewalks appearing to be on both private and public property, the Board finds that this type of issue is intended to be addressed at the development permit stage. An application for a development permit requires the submission of a scaled plan showing the location and dimensions of all work to be carried out and all rights-of-way and easements. The Town will be able to determine if there is any infrastructure proposed to be on Town property and whether or not to allow it, for example through an easement or right-of-way, cost sharing arrangement addressing responsibility for ownership, maintenance and repair, etc. Approving a rezoning

application does not approve the location of sidewalks. That is part of the development permit process.

[139] There are several decisions from the Board and its predecessor, the Nova Scotia Utility and Review Board, finding that rejecting a planning application because of concerns that are intended to be addressed at a later stage in the development process does not reasonably carry out the intent of a municipal planning strategy; see *Harvie (Re)*, 2025 NSRAB 68, at para. 83; *Brison Developments Ltd. (Re)*, 2024 NSUARB 81, at paras. 68-69; and *Armco Capital Inc. (Re)*, 2021 NSUARB 147, at paras. 72-72. The Board finds that the same principle applies here.

[140] For these reasons, the Board finds that denying the application on the basis of Policy 6-19(c)(i) does not reasonably carry out the intent of the MPS.

10.2 Policy 6-19(c)(iv) - Traffic hazards, congestion and pedestrian networks

[141] Policy 6-19(c)(iv) requires that council be satisfied that the proposal is not premature or inappropriate due to the creation of excessive traffic hazards or congestion on roads, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.

[142] The potential for increased traffic and insufficient parking was addressed at length throughout this appeal, in the oral hearing and submissions.

[143] The Traffic Study first provides an overview of the road layout surrounding the subject properties:

2.1 - Roadway Layout Overview

The subject lands have direct frontage along two of the Town's public streets. To the west the property is bounded by Falkland Street. This two-lane, two-way street is generally aligned in a north-south direction and provides a key road connection to/from the Town's downtown and waterfront areas.

Brook Street forms the north property boundary. It is generally aligned in an east-west direction and also has a two-lane, two-way cross-section. This street terminates

immediately east of Falkland Street and is only about 90m long. There is no formal cul-de-sac at the terminus and there is no concrete curb-and-gutter to delineate the vehicle lanes.

Brook Street intersects with Falkland Street as a four-leg, two-way stop-controlled intersection. Stop-control is on the Brook-Victoria Street legs, while Falkland Street is free-flow. Again, there is no raised concrete curb-and-gutter to delineate the corner radii and no protection for pedestrians and active users. This represents a significant road safety risk for vulnerable road users traversing this intersection.

[Exhibit S-3, PDF pp. 22-23]

[144] This report highlighted a 2024 traffic study that was commissioned by the Town. This study determined that two-way peak travel demand is about 600 vehicles per hour at the Falkland/Dufferin/Lincoln Street intersection, well below the capacity of this intersection.

[145] The Traffic Study found that the increase in vehicle traffic related to the proposed development was not significant and no infrastructure or traffic control upgrades are expected to be required.

- *New Vehicle Trips:* GRIFFIN has examined the future site-generated person trips moving to/from the proposed development via walking, biking, and vehicle modes. Trip rates contained in ITE's *11th Edition Trip Generation Manual* were used to estimate the weekday morning and afternoon site-generated trips. In summary, the proposed new residential development is expected to generate up to **27 new vehicle trips/hour** (3 inbound and 24 outbound) during the weekday morning peak period, and **19 new vehicle trips/hour** (17 inbound and 2 outbound) during the weekday afternoon peak period.

If we examine all person trips, the ITE empirical data suggests that approximately 65-75% of all new site-generated person-trips will travel by vehicle and the remaining 25-35% will move via the walk and bike modes. The relatively low number of vehicle trips generated by the proposed development is expected to only have a minor and acceptable traffic operational impact on the study area streets and adjacent intersections. Thus, no infrastructure or traffic control upgrades are expected to be required within the planning horizon of this study. [Emphasis in original]

[Exhibit S-3, PDF p. 30]

[146] The Town did not submit a traffic report or provide expert evidence that refuted the Appellant's traffic study. Ms. Fuller did not express any concerns about traffic in relation to this policy. She was cross examined by Ms. Dobson in the hearing and stated that she accepted the Town Staff Report that stated the proposal would not create excessive traffic or congestion issues.

Q. (Dobson) And in your review, I guess, of the Appeal Record and the evidence on this appeal, did you review anything that suggested or concluded that there was a risk of excessive traffic hazard arising from this proposal?

A. (Fuller) I ... If ... Again, doing *de novo*, taking my sort of municipal planner hat on, I would depend on the traffic authority, traffic studies, to make those determinations, and I think staff captured and summarized those issues. So, I don't think I have anything I can offer particularly on it besides, you know, it was identified by staff, and those came from reports or from the traffic authority. And I have no reason to doubt it.

Q. Understood. And - and to be clear, staff concludes here, in the last sentence, "Staff do not feel the proposal would create excessive traffic hazards or conges - congestion."

A. Yeah. And if that - that's the determination of the traffic authority, I would not be ... you know, I'm prepared to accept that. I think the traffic study, you know, again, they - they identify, you know, that there could be, but they're not worried enough about it to suggest that - that it shouldn't proceed. But it has been raised, and that ... and it's ... Again, I keep coming back to it's a fair thing to look at.

[Transcript March 27, 2026, pp. 170-171]

[147] Town staff determined that the proposal is not premature or inappropriate due to the creation of excessive traffic hazards. The Staff Report noted that there may be a need to mitigate potential parking or traffic concerns, but at this stage of the process and based on the documentation provided by Solterre, including the traffic study, staff do not believe there are issues at this point.

10.2.1 Findings

[148] In its written closing submission, under the heading "Traffic Hazards", the Town wrote several pages suggesting Ms. Corson had decided not to include a sidewalk in her most recent development plans based on it not being shown on select PowerPoint slides in her presentation to Council. Ms. Corson testified that this was not the case and that some slides were included to show specific aspects of the development only and the sidewalk was not a focus of those slides. The Board finds Ms. Corson's evidence to be credible and is not convinced that a sidewalk will not be included in the final plans.

[149] The Town also submitted that there are pre-existing traffic issues in the area. A building of the same size and scale can be built as-of-right on the properties

requiring commercial use on the bottom floor. The Appellant argues that its proposal will actually reduce traffic with residential use instead of commercial businesses on the bottom floor. The Board finds that the Town has provided no evidence for its argument.

[150] Based on the evidence provided, the Board finds that Solterre's proposal is not premature or inappropriate due to the creation of excessive traffic hazards.

10.3 Policy 6-19(c)(vii) - Impacts on UNESCO World Heritage Site

[151] Old Town Lunenburg has been designated a UNESCO heritage district. The CCP addresses the importance of this designation [Exhibit S-8, PDF p. 37]. It notes that Lunenburg is world-renowned for its original colonial architecture, the colourful streetscapes and its working waterfront, and that Lunenburg is one of only two urban communities in North America designated as a UNESCO World Heritage site. Section 3.2 of the Old Town Lunenburg Heritage Conservation District Plan, 2024, entitled "Boundaries", states:

Policy 6: It is Council's policy that the Old Town Lunenburg Heritage Conservation District Plan and By-law apply to all lands within the boundary identified on Map 1 Old Town Lunenburg Heritage Conservation District Boundary in Appendix B.

If Old Town Lunenburg Heritage Conservation District's heritage value is to be conserved, the character defining elements necessary to maintain its integrity must fall within the district's boundaries. The boundaries in this Plan and By-law include all the features and processes that convey the district's significance. It corresponds to Charles Morris' plan, with the addition of a transition or buffer area rearranged, in part, to capture the archaeological remains of the original fortifications. The boundary of the Heritage Conservation District has also been amended to better reflect the UNESCO boundary and size of the UNESCO buffer zone.

[Exhibit S-7, PDF pp. 154]

[152] Concerns were raised by the Intervenor and residents that the proposed project may erode or threaten Lunenburg's UNESCO World Heritage Site designation, and therefore they support Council's decision to reject Solterre's re-zoning application.

[153] Whether or not the proposed project would have an impact on the UNESCO World Heritage Site designation was considered by the Town.

[154] The criteria outlined in Policy 6-19(c)(vii) is whether the proposal is premature or inappropriate due to “impacts on UNESCO World Heritage Site statements of outstanding value” (SOUV).

[155] In the Old Town Lunenburg Heritage Conservation District Plan, “outstanding universal value” (OUV) is defined as “cultural significance, as recognized by UNESCO’s World Heritage Committee, which is so exceptional as to transcend national boundaries and to be of common importance to present and future generations of all humanity.”

[156] The Staff Report states:

Staff have done a screening exercise to map any expected impacts to the WHS and its Statement of OUV, and staff are satisfied that the development would be expected to have minimal and no direct negative impacts to the WHS, with consideration given to the WHS buffer zone and wider setting.

[Exhibit S-8, PDF p. 474]

[157] The Preliminary UNESCO WHS Heritage Impact Screening dated November 25, 2025, was prepared by Marc Kiely, the Town’s Director of Community Development [Exhibit S-3, p. 214]. Mr. Kiely stated that the purpose of the screening was to determine whether there is a “reasonable expectation of negative consequences to the Old Town Lunenburg WHS Outstanding Universal Value (OUV)” from Solterre’s proposed project. The intent of the screening was to determine if a heritage impact assessment was required.

[158] Mr. Kiely noted that that the location of the proposed project is outside the boundaries of the World Heritage Site and is not located within the buffer zone. He further stated that staff determined that the proposed project was unlikely to negatively impact

the OUV of the Old Town Lunenburg World Heritage Site because the scope of the project, including its siting and use, would have little interaction with the World Heritage Site. Staff also concluded that indirect impacts due to any increased use or wear and tear from increased visitation would be minimal.

[159] The attributes of the Old Town Lunenburg World Heritage Site OUV were considered as part of the screening process. A brief synthesis of the OUV is as follows:

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.

[Exhibit S-3, PDF p. 219]

[160] Based on this summary, as Mr. Kiely pointed out, the criteria for key descriptors include:

- ...it has retained its original layout and overall appearance
- ...based on a rectangular grid pattern
- ...wooden architecture of the houses and public buildings...sustained vernacular architectural tradition
- ...economic basis has traditionally been the offshore Atlantic fishery

[Exhibit S-3, PDF p. 219]

[161] Mr. Kiely in his report stated that all attributes were specific to the Old Town Lunenburg World Heritage Site location itself. Because the proposed development would be located outside the World Heritage Site, there would be no impact to those attributes. He also stated that the subject properties are on vacant lands, they are not a part of the working waterfront within the Town's planning framework and would not be considered to have negative impact to the offshore Atlantic fishery.

[162] With respect to “Integrity” he concludes:

The project is highly unlikely to compromise the integrity of Old Town Lunenburg with the construction of a new residential building on Brook Street for the following reasons:

- the site’s physical separation from the WHS;
- the scale of the development would conceivably result in more people residing within the Town; however, not on a scale that would negatively impact the heritage value.

[Exhibit S-3, PDF p. 216]

[163] Based on the above, Town staff did not recommend pursuing a Heritage Impact Assessment.

[164] Mr. Markides, in his report, evaluated the criteria set out in Policy 6-19 [Exhibit S-6, PDF pp. 14-15]. With respect to 6-19(c)(vii), namely the impacts on UNESCO World Heritage Site statements of outstanding value, he, too, concluded that the proposed development is located outside the UNESCO World Heritage Site and buffer area.

10.3.1 Findings

[165] There was no dispute among the parties that Lunenburg has cultural heritage significance, and that it is a UNESCO World Heritage Site. As noted above, the Town conducted a screening exercise and determined the proposed project would not negatively impact the designation. The Board heard no evidence at the hearing to contradict the findings of Town staff.

[166] While the Board acknowledges the concerns raised by the Intervenor and other residents, it heard no evidence to support their argument that this proposed project will erode or threaten Lunenburg’s UNESCO World Heritage Site designation. The Board accepts the evidence submitted by the Town that because the proposed project is located

outside the boundaries of the World Heritage Site, is unlikely to compromise the heritage value of Old Town Lunenburg.

[167] Therefore, the Board finds that rejecting the proposal on the basis that it would have a negative impact on the OUV of the Old Town Lunenburg World Heritage Site does not reasonably carry out the intent of the MPS.

10.4 Policies 6-19(c)(ix) and (x) - Flooding, Climate Change and Drainage Issues

[168] Policies 6-19(ix) and (x) require that Council be satisfied that that the proposal is not premature or inappropriate due to “site-specific climate change risks” and “the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas”.

[169] The witnesses at the hearing agreed that a portion of the subject properties fall within the Flood Risk Area of the Flood Risk Area Map in the LUB. This map shows areas of Lunenburg with an elevation lower than 3.2 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), which are areas that modelling show are at risk from coastal flooding due to sea level rise and storm surge to the year 2100.

[170] MPS Policy 5.3 requires the following:

Policy 5-3: Developers of new development within areas identified on the Flood Risk Area Map shall be required to acknowledge the risks of coastal flooding to development and to reduce the potential impacts of coastal flooding on the development by:

- (a) Locating habitable areas above the 3.2 metre (GCVD2013) elevation;
- (b) Providing safe containment for potential water pollutants (oils, etc) in the case of a flood; and
- (c) Locating vulnerable infrastructure (such as electrical and mechanical systems) above the 3.2 metres (CGVD 2013) elevation.

[Exhibit S-4, PDF p. 298]

[171] The LUB has specific provisions dealing with the mandatory requirements of Policy 5-3. In particular, s. 7.2.10. states:

Flood Risk Development Standards

7.2.10. New development within the Flood Risk Areas as shown on Schedule “E”, the Flood Risk Area Map, are required to sign a “Flood Risk Area Development Plan Undertaking Form” of risks and responsibility for damages in the event of a flood and confirming that:

- (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CVGD2013.
- (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
- (c) Consideration has given to the placement of floor-vulnerable mechanical and electrical equipment.

[Exhibit S-4, PDF p. 361]

[172] Section 4.7.4 provides additional information that is required at a development permit application stage. This is not relevant to the rezoning stage at issue in this appeal.

[173] Although not required at the rezoning stage, Council requested additional information from Solterre. In response, Solterre provided a Theoretical Servicing Review from DesignPoint dated February 27, 2025. The review included a portion on stormwater flows. DesignPoint produced a preliminary hydrologic/hydraulic stormwater model to determine approximate storage volumes required to balance pre-and post-development stormwater flows. On this basis, DesignPoint concluded that “preliminary storm calculations have indicated that storage will likely not be required to balance pre-and post-development runoff flows.”

[174] In his expert report, Mr. Fougere, DesignPoint’s principal, stated the following:

Detailed stormwater design, including confirmation of storm sewer capacity, grading design, and overland flow routing, is typically completed at the detailed design stage following rezoning approval.

... The detailed engineering analysis required to fully evaluate drainage conditions, overland flow routing, and flood mitigation measures are normally completed during the detailed design stage of development.

[Exhibit S-8, PDF p. 22]

[175] Mr. Fougere also confirmed that the final site plans for the development would comply with the CGVD2013 requirements:

The Town's Land Use By-law also includes provisions related to flood protection, including Clause 7.2.10, which applies to development within the Flood Risk Areas identified on Schedule E of the By-law. This clause requires that the finished floor elevation of habitable areas be no lower than 3.2 metres CGVD2013. In practice, this requirement is applied through the development permit and building permit review process, when detailed site plans and building elevations are submitted to the Town. At that stage, the finished floor elevation of the building must be demonstrated to meet or exceed the 3.2 m CGVD2013 flood protection elevation. Establishing finished floor elevations above this level is the primary mechanism used by the Town to ensure that new development remains resilient to projected coastal flood conditions. Because final building elevations and site grading are only established during detailed design, compliance with this requirement is normally confirmed during the development permit stage rather than during the rezoning process.

The architectural drawings forming part of the appeal record (pages 258–259) illustrate that the proposed building has been conceptually designed with finished floor elevations established above surrounding site grades. The site section drawings illustrate the relationship between the proposed building floor elevations, existing ground elevations, and coastal reference levels, including natural high tide. As illustrated in the site sections, the main floor elevation of the building has been intentionally established above the adjacent grade and incorporates grading and drainage measures along the property boundary. While the final building elevations will ultimately be confirmed through the detailed design and development permit review process using the municipal geodetic datum, the drawings included in the appeal record demonstrate that the building concept has been developed with consideration of the Town's flood protection elevation requirements.

[Exhibit S-8, PDF p. 23]

[176] The Town argued that, although pipe sizing and location of storm water infrastructure are issues for later in the development process, issues of coastal flooding and overland stormwater flows are appropriate matters of concern for Council.

[177] In its written closing submissions, the Town refers to Solterre's most recent concept design. It said that in order to attempt to gain Council's approval of the project, Solterre had removed parts of the building structure in its rear corners such that the

vehicles in the parking area, under a part of the building supported by posts, are directly exposed to ocean waves or overland run-off waters during flooding events. The Town said this risks creating a “fleet of floating vehicles, bobbing around like pool toys, to ram into those building posts during flood events.”

[178] Mr. Delorme, a professional engineer with EC Atlantic Ltd testified on behalf of the Town. He was engaged to provide an expert technical screening risk assessment about the coastal flooding hazard and stormwater risk at the subject properties. Mr. Delorme testified that overland flooding cannot be ruled out in a development with the footprint of that proposed by Solterre.

[179] He stated in his expert report:

- 28.1 In my professional opinion, the zero-setback Marine Form requirement, combined with an at grade building face and the site's position at the low point of a continuous urban overland path, creates a configuration that is materially more vulnerable to overland flood damage than a setback development with threshold protection. The application materials do not demonstrate that this configuration has been or can reasonably be designed to manage that vulnerability.

[Exhibit S-7, PDF p. 13]

[180] In cross examination, Ms. Dobson confirmed with Mr. Delorme that he was engaged to provide a screening risk assessment only.

Q. (Dobson) And as part of you - your review, you agree you were not asked to express an opinion on whether Solterre's application met the requirements of the Town of Lunenburg's MPS?

A. (Delorme) That's correct.

Q. And you were not asked to opine sort of whether the application met any specific requirements of the LUB?

A. That's correct.

Q. So, it's fair to say you don't express an opinion on whether, for example, the applicant supplied sufficient information on flooding to meet Policy 6-19(x) of the MPS?

A. I - I do not and excluded that in my report.

Q. And you don't express an opinion as to sort of what engineering information is required at a rezoning application?

A. I do not.

Q. And Council did not have your report when they were making their decision in November 2025?

A. That's correct. And you did not visit the site in forming the opinions you express in your report?

A. That's correct.

[Transcript March 27, 2026, p. 19-20]

[181] Ms. Fuller deferred to Mr. Delorme's expert opinion in her report and states that evaluating flood risk and serious drainage issues is outside her area of expertise:

(x) "the potential to create flooding or serious drainage issues..." MPS (PDF p.52)	Evaluation criterion	This is outside my area of expertise. Delorme opinion indicates potential increase in flooding and drainage risk associated with increase lot coverage and density.
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[Exhibit S-7, PDF p. 89]

[182] Based on her assessment of Mr. Delorme's report, she states in her conclusion that Council's refusal falls within a range of outcomes that can reasonably be supported by the MPS when the MPS is read as a whole:

- 8.10. In my view, this supports Council's determination that the rezoning application was not reasonably [sic] consistent with the Municipal Planning Strategy. While detailed floodproofing and stormwater controls can be required and enforced at the development permit stage, Council was not obliged to treat those matters as resolved at the amendment stage where the application did not demonstrate how the proposal would address the Policy 6-19 flooding and drainage criteria on this specific site, particularly given that this site is in a known area of flood risk.

[Exhibit S-7, PDF p. 91]

[183] Under cross-examination by Ms. Dobson, Ms. Fuller said that the only criteria listed in Section 6-19 that she is concerned about is climate change risk but did not provide any evidence to support her concern. She said that at this stage the MPS requires that Council be satisfied that the proposal is not premature or inappropriate and that Council has the right to ask for more information if it has concerns. Ms. Fuller

concedes that Council did not ask for additional information or state flooding or climate change risk as a reason for its refusal of Solterre's application.

[184] In the Staff Report, Mr. Joyce said the proposed rezoning will not cause or increase any known site-specific climate change risks and will not cause any known flooding or drainage issues. Mr. Joyce acknowledges that the site is located inside of the Flood Risk Area shown on the Flood Risk Area Map, Schedule E of the LUB. He also states that all development will be required to comply with the LUB provisions regarding the Flood Risk area, particularly the requirement to place possible pollutants and sensitive infrastructure above 3.2 m CGVD2013.

10.4.1 Findings

[185] Although the Town's witnesses all expressed theoretical concerns about flooding risk, none of them provided evidence, expert or otherwise to support these concerns for this specific project. The Appellant's expert witness testified that the final development plan, which is not required at this rezoning stage will meet all flood protection elevation provisions in the LUB. Therefore, the Board finds that rejecting the proposal at the rezoning stage due to potential site-specific climate change risks and the potential to create flooding or serious drainage issues, does not reasonably carry out the intent of the MPS.

11.0 PARKING

[186] Solterre says there is no reasonable basis upon which Council can refuse the application based on parking concerns because there is no MPS requirement for parking. The Town acknowledges that parking is not a MPS policy consideration but that

it is a significant issue because of its consequences for traffic (as a result of pedestrian safety concerns) and flooding.

[187] The MPS confirms that Council decided not to establish minimum parking requirements for automobiles:

For this variety of reasons, Council has elected to not establish minimum automobile parking requirements in the Land Use By-law.

[Exhibit S-4, PDF p. 294]

[188] The LUB does not establish minimum parking requirements for automobiles. This reflects the intent of the MPS. The Board finds that automobile parking is not an MPS policy criterion for Solterre's application. None of the applicable policies refer to automobile parking. The Board finds that refusing the application because of automobile parking concerns does not reasonably carry out the intent of the MPS.

[189] The Board notes that although there are no MPS policies for automobile parking, there is a policy addressing minimum requirements for bicycle parking (Policy 4-26). No party suggested that the proposal could be rejected for this reason and the proposal provides for this type of parking [Exhibit S-3, PDF pp. 111 and 125]. The Board finds that rejecting the proposal based on concerns about bicycle parking does not reasonably carry out the intent of the MPS.

[190] The Board has considered the Town's position that parking may have some bearing on traffic and flooding and addresses those issues elsewhere in this decision.

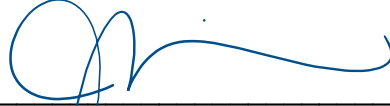
12.0 CONCLUSION

[191] The Board has addressed the issues raised by the Town throughout this decision and finds that the rezoning application meets the requirements of the MPS. This is the first step of a structured process which will likely take some time to complete.

[192] For the reasons set out in this decision, the Board finds that Council's decision to reject the application does not reasonably carry out the intent of the MPS. The Board directs Council to approve the application.

[193] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 13th day of July 2026.



Jennifer L. Nicholson



Marc L. Dunning



Darlene Willcott

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPEAL by **SOLTERRE INC.** from a decision of Lunenburg Town Council to refuse a rezoning application for property located at 9 and 13 Brook Street, Lunenburg, Nova Scotia (PID 60703899 and 60703881)

BEFORE:



Jennifer L. Nicholson, CPA, CA, Panel Chair

Darlene Willcott, LL.B., Member

Marc L. Dunning, P.Eng., LL.B., Member

ORDER

The Board issued its decision on **July 13, 2026**.

The Board allows the appeal and orders that Council approve the Appellant's application.

DATED at Halifax, Nova Scotia, this 13th day of July 2026.



Chief Clerk of the Board

Subject: Pelham Street Road Reconstruction Phase 2 - Tender Award

From: Tyson Joyce, P.Eng., PMP, Town Engineer

Reviewed by: Lisa Dagley, CPA, CGA, Director of Finance
Paul Nopper, H.BSc. Chief Administrative Officer

Date: August 27, 2026



Recommendation

That Council award the Pelham Street Road Reconstruction Phase 2 Tender to Dexter Construction Co. Ltd. for the amount of \$326,800+ HST.

Background

The Pelham Street Road Reconstruction Project included in the 2026/27 Town Capital Budget is the second phase of the upgrades to a key transit artery through Lunenburg. Phase 2 runs from Prince Street up to Hopson Street, continuing on from Phase 1 (King to Prince) completed last year and it also ties into the upgrades completed along Pelham to the east of Hopson performed in recent years.

The scope of work includes the following work:

- Removal of the existing road structure and replacement with gravels – approximately 587 m² or 85 lineal m of roadway.
- Removal of the existing combined sewer system and replacement with a new 200mm diameter main and manholes – approximately 74m of pipe and 1 manhole.
- Minor upgrades to the storm system.

It is a requirement of the Tender that work is completed by October 31, 2026, with this schedule intended to mitigate the risk of encountering significant enough winter conditions that would impact Public Works Operations.

Discussion

The Tender for the civil work associated with the Pelham Street Road Reconstruction Phase 2 Project closed on August 21, 2026, and has validity for 90 days.

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

Company	Tender Price (excluding HST)
Atlantic Snow and Ice Management	\$399,136.82
Dexter Construction Co. Ltd.	\$326,800.00

Staff and the Consultant have reviewed the Tender submissions, and the two are compliant and competitive. Both Proponents can complete the work this construction season. Thus, it is recommended that Council Award the Tender to the low bid, Dexter Construction Co. Ltd.

Strategic Plan Relevance

Capital Construction Projects are part of the Infrastructure and Asset Management: Planning for Long Term Sustainability, of the Town of Lunenburg Strategic Priorities – 2026/27.

Financial

The total amount approved in the 2026/27 Capital Budget for Phase 2 of the Pelham Street Reconstruction is \$420,000 including Net HST. The breakdown of the \$420,000 budget is as follows:

- Street Reconstruction/Resurfacing: \$275,000
- Storm System: \$30,000
- Sanitary System: \$115,000

Incorporating the results of the Civil Work Tendering, the Revised Budget Estimate (including net HST) for the Project is:

Item	Cost including Net HST
Engineering (Tender and Construction Support Service)	\$13,000
Tender for Civil Work	\$340,000
Contingency (10%)	\$35,300
Revised Budget	\$388,300

The original funding for this project was \$125,000 from Deed Transfer Tax and \$295,000 from Gas Tax, and the above fits inside the total of these details that were previously passed by Council within the Budgeting process.



Subject: RFP Awarding of RFP #TOL2026016 Surplus Land Analysis and RFP # TOL2026017 Planning Consultation for Municipal Planning Strategy and Land Use By-Law Amendments

From: Paul Nopper, H.BSc. Chief Administrative Officer

Reviewed By: Lisa Dagley, CPA, CGA, Director of Finance

Date: September 8, 2026, Regular Council Meeting

Recommendation:

That Council awards RFP #TOL2026017, Planning and Consultation Services for Municipal Planning Strategy and Land Use By-law Amendments, to FOTENN Consultants Inc., in the amount of \$42,500, excluding HST.

That Council awards RFP #TOL2026016, Surplus Land Analysis, to Fathom Studio, in the amount of \$13,000, excluding HST, plus disbursements of up to \$150, with the total contract amount not to exceed \$15,000 inclusive of taxes and disbursements.

Background:

At the May 5, 2026, Committee of the Whole meeting, Council considered a staff report regarding potential amendments to the Municipal Planning Strategy (MPS), Land Use By-law (LUB), Subdivision By-law, Heritage Conservation District Plan, Housing Accelerator Fund policies, and related planning documents. The report outlined three implementation options, identified consultant support as necessary to complete the work within the desired timelines, and noted the Housing Accelerator Fund (HAF) as a potential funding source.

Following discussion, Council directed staff to proceed with Option 2, consisting of Council-directed amendments together with administrative and housekeeping amendments supported through a process review by consultants. Council also directed staff to advance work associated with discretionary planning tools, including development agreements and site plan approval, parking provisions and cash-in-lieu options, and short-term rental regulations. These motions established the scope of work for the planning review.

Following Council direction, staff initiated the procurement process for planning and consultation services through RFP #TOL2026017. The RFP closed on July 28, 2026, established a project budget not exceeding \$50,000, and identified January 2027 as the target date for submission of amendments to the Nova Scotia Department of Municipal Affairs.

The planning review will also consider the Town's UNESCO World Heritage management framework. The process provides an opportunity to examine how the MPS, LUB, Heritage Conservation District Plan and By-law, and related municipal policies collectively support the protection of Old Town Lunenburg, its Outstanding Universal Value, and the management of the

World Heritage property and buffer zone. This work is intended to strengthen coordination between planning and heritage objectives while recognizing that planning documents and UNESCO management instruments remain subject to separate approval processes.

Separately, the Town-owned Land Divestiture with Agreements for Housing initiative remains an approved Housing Accelerator Fund commitment. To support this work, staff issued RFP #TOL2026016 to evaluate three Town-owned properties for potential housing development opportunities. The RFP closed on July 27, 2026, established a budget not exceeding \$15,000 inclusive of taxes, and required presentation of results to Council by October 10, 2026. This timeline may be adjusted based on RFP approval.

Both procurements were conducted as non-binding Requests for Proposals. The RFP documents provide the Town with discretion to award, negotiate, cancel, or otherwise proceed in accordance with the terms of the procurement. This report presents the procurement outcomes and recommended proponents for Council's consideration.

Discussion

The review committees evaluated the submissions using the criteria established in the respective RFPs. This report presents the procurement results and the review committees' recommended proponents for Council's consideration. Council retains the authorities available under each procurement process, including the authority to approve an award, decline an award, seek further information, or provide alternate direction within the terms of the applicable RFP.

RFP #TOL2026017: MPS and LUB Amendments

Five submissions were recorded. The review committee recommends FOTENN for Council's consideration. FOTENN received the highest combined score among the compliant proposals. The committee's supporting note refers to professional experience, direct experience in Lunenburg, and proposed in-person services. The scoring file records proposed in-person Council workshops, staff workshops, public meetings, open houses, and stakeholder meetings, together with a survey.

RFP scope of work included:

- Review draft amendments for coherence and conformity with the Municipal Government Act and related regulations.
- Review housing-delivery and infrastructure implications, including environmental, social, and fiscal considerations.
- Consider the UNESCO World Heritage management framework alongside the MPS, LUB, and Heritage Conservation District instruments to identify opportunities for clearer coordination, protection, and stewardship of Old Town Lunenburg's Outstanding Universal Value.
- Advise on development application processing, enforcement, heritage alignment, and potential effects on the Outstanding Universal Value of the UNESCO World Heritage designation.

- Prepare consultation materials and conduct the Council, staff, public, stakeholder, and hearing activities specified in the RFP.
- Adjust draft amendments in response to consultation and feedback and provide planning-policy support.

High-Level Planning Amendment Areas

The following matters provide context for analysis, consultation, drafting, and future Council direction. Inclusion does not constitute approval. Final wording, thresholds, geographic application, legal authority, implementation, and transition provisions remain to be determined.

Parking, Mobility, and Electric Vehicles

- Create parking minimums and allowances for new development.
- Revise electric-vehicle charging requirements for structured parking.
- Use site plan approval where surface parking beyond required minimums is proposed.

Development-Control Tools and Public Benefits

- Require development agreements for structures exceeding four storeys or 13.2 metres, in addition to existing provisions.
- Enable site plan approval for complex applications on a single lot.
- Add density-bonusing provisions and associated public goods.
- Address circumstances where LUB requirements may encumber public infrastructure or services.

Short-Term Rentals and Accessory Dwelling Units

- Clarify short-term rental provisions to allow one per lot with owner-occupancy provisions.
- Clarify accessory dwelling units within new development.
- Consider whether accessory dwelling units should count toward overall dwelling-unit limits.

Height, Built Form, Heritage, and UNESCO

- Remove the Main Street Form Zone height minimum.
- Revisit lot-coverage maximums for built form, heritage, and on-site stormwater management.
- Align height allowances and definitions with the Heritage Conservation By-law and UNESCO buffer-zone area.
- Revise Marine Form Zone height allowances.
- Reduce or remove form-zoning change options in the Heritage Conservation District, waterfront, and UNESCO buffer-zone areas.

- Establish view-plane and height controls in the Heritage Conservation District and Old Town.

Environmental and Site Development

- Expand renewable-energy options, including ground-mounted solar for community or institutional uses in appropriate zones.
- Enable additional studies and plans, including grading and stormwater plans.
- Require stormwater and site-grading plans where appropriate for new construction and additions.
- Require permits for retaining walls above a defined height.
- Clarify whether swimming pools require development permits.

Administrative and Regulatory Clarification

- Clarify shipping containers as a possible main use under section 7.2.14.
- Refer section 7.8.22 more directly to the Street Encroachment By-law.
- Align temporary-use provisions under section 6.8.4 with applicable policies and by-laws.
- Add relevant Town by-law and policy references.
- Remove Comprehensive Community Plan references and connections to non-regulatory policies where appropriate.

Infrastructure and Subdivision Standards

- Apply municipal infrastructure and servicing standards to all development.
- Clarify secondary-egress requirements for subdivisions above a defined size.
- Remove section 6.5.12 concerning Town payment for asphalt paving.

Council may retain, modify, defer, or remove individual amendment areas. Further evidence, legal review, technical study, engagement, or Council direction may be required before draft amendments advance.

RFP #TOL2026016: Surplus Land Analysis

Five submissions were recorded. The review committee recommends Fathom Studio for Council's consideration. Fathom Studio received the highest combined score. The committee's note refers to experience and preferred aspects of the submission. The scoring record notes in-person site visits, a Council meeting, and a proposed timeline assessed by the committee as being in line with the RFP. These statements summarize the committee's evaluation record and do not replace Council's consideration of the procurement result.

RFP scope of work included:

- Review three pre-identified Town-owned properties for possible surplus designation and affordable-housing feasibility.
- Apply the Land Divestiture Policy and Land Profile Evaluation Tool.

- Review the properties under the existing MPS and LUB without requiring planning-document amendments.
- Consider access and servicing, heritage and UNESCO importance, and potential financial viability.
- Score the properties, provide an evaluation matrix, identify one property for Council's consideration, and present the analysis to Council.

The evaluation records will be retained with the procurement files. Public disclosure will be managed in accordance with applicable access, privacy, and procurement requirements. Neither award would itself amend the Town's planning documents, designate land as surplus, dispose of Town-owned property, approve a development, or commit Council to a specific land-use or housing outcome. Those matters would return to Council for review and approval.

Strategic Plan Relevance

- Governance and Planning: Turning Vision into Action
- Infrastructure and Asset Management: Planning for Long-Term Sustainability
- Communications and Engagement: Building Trust and Moving to the Next Level
- Organizational Capacity: From Staffing to Sustainable Performance
- Emerging Priority: Strategic Economic Development Planning

Relevant Legislation

- Municipal Government Act
- Town of Lunenburg Land Divestiture Policy, Municipal Planning Strategy, Land Use By-Law, Heritage Conservation District Plan, Subdivision By-Law, and other applicable town legislation.
- UNESCO World Heritage Management Planning

Financial

RFP #TOL2026017: FOTENN submitted \$42,500 excluding HST. HST is \$5,950, producing a total of \$48,450. The total is within the \$50,000 RFP budget.

RFP #TOL2026016: Fathom Studio submitted \$13,000 excluding HST. HST is \$1,820, producing \$14,820 before disbursements. The scoring file records \$150 in disbursements, producing a potential total of \$14,970. The total is within the \$15,000 budget inclusive of taxes.

Finance staff have confirmed the applicable funding source of the Housing Accelerator Fund to support the approval of the RFPs. Additional services would remain subject to the approved contract limits.

Communications

Following Council's decision, proponents would be notified, and any required procurement information would be released in accordance with Town practices and applicable access and privacy requirements. Planning consultation would follow the RFPs and final agreements.

Information and participation opportunities may be delivered in accessible formats and through multiple channels where practicable. The consultation record should present the range of views received without treating participation volume alone as representative of the entire community.

Consultation materials for the MPS and LUB processes should explain how the Town's planning and heritage instruments relate to UNESCO World Heritage site management and invite input on stewardship, protection, sustainable development, and community understanding of the designation. The consultation process would not predetermine the form or content of any future management plan or planning document amendments.

The surplus-land findings would be presented to Council. Communications should distinguish consultant analysis and recommendations from any later Council decision regarding surplus designation or disposition.

Subject: Terry Fox Flag Raising and Proclamation

From: Jamie Deans, Communications & Events Coordinator

Reviewed: Paul Nopper, H. BSc. Chief Administrative Officer

Date: September 8, 2026, Regular Council Meeting



Recommendation

That Council approve the 2026 Terry Fox Run flag raising and proclamation.

and

That Council amend Appendix A: Approved Annual Proclamations and Flag Raisings of the Town of Lunenburg Public Statements Policy to include an annual Terry Fox Run flag raising and proclamation.

Alternatives

Council may choose to:

- Approve the recommendation as presented.
- Approve the 2026 flag raising and proclamation without adding the event to the list of pre-approved annual recognitions.
- Amend the request or provide alternative direction.
- Decline the request.

Background

The organizers of the Lunenburg Terry Fox Run have requested that the Town raise the Terry Fox Foundation flag during the week preceding the 2026 Terry Fox Run, scheduled for September 20, 2026. The organizers have also inquired whether the Town would issue a proclamation recognizing the event.

The Town's Public Statements Policy establishes the process for considering proclamations and flag raisings. Requests that are not currently included in Appendix A: Approved Annual Proclamations and Flag Raisings require Council consideration.

The request before Council includes two components:

- Approval of a Terry Fox Foundation flag raising and proclamation for 2026; and
- Consideration of adding the Terry Fox Run to Appendix A as a pre-approved annual flag raising and proclamation.

Discussion

The Terry Fox Run is an annual community event connected to a national initiative supporting cancer research through the Terry Fox Foundation. The Lunenburg event involves local organizers, volunteers, participants, and community supporters.

Council may consider whether recognizing the Terry Fox Run through a flag-raising and proclamation is consistent with the purpose and criteria of the Town's Public Statements Policy. Council may also consider whether the recurring nature of the event supports its inclusion in Appendix A as a pre-approved annual recognition. Adding the event to Appendix A would establish an ongoing authorization under the policy and would allow future annual requests to be administered without returning to Council each year, provided that the nature and purpose of the recognition remain consistent with the policy. Alternatively, Council may approve the request for 2026 only. This would allow Council to consider future requests individually without establishing the event as a pre-approved annual recognition.

Strategic Relevance

- Governance and Planning: Turning Vision into Action
- Communications and Engagement: Building Trust and Moving to the Next Level

Financial Implications

No significant direct financial implications have been identified. Administrative work associated with preparing the proclamation, coordinating the flag raising, and communicating the recognition would be accommodated within existing operational resources. If a suitable flag is not supplied by the event organizers, there may be a minor cost associated with obtaining one. Any such cost would be managed within an approved operating budget, subject to available funds.

Communications

If approved, staff would coordinate with the local Terry Fox Run organizers regarding the timing of the flag raising and preparation of the proclamation. Information regarding the recognition and the Terry Fox Run may be communicated through the Town's established communication channels in accordance with the Public Statements Policy and applicable communications practices.

Resource Relevance

- Town of Lunenburg Public Statements Policy

Attachments

- Town of Lunenburg Public Statements Policy
- Terry Fox Proclamation for the Town of Lunenburg

Town of Lunenburg Proclamation

Terry Fox Run Day

September 20, 2026

WHEREAS Terry Fox began his Marathon of Hope on April 12, 1980, with the objective of increasing awareness of cancer and raising funds for cancer research; and

WHEREAS Terry's determination, perseverance, and commitment to helping others continue to inspire Canadians and people around the world more than four decades later; and

WHEREAS the Terry Fox Foundation continues Terry Fox's legacy by supporting innovative cancer research and promoting opportunities for communities to unite in support of a common cause; and

WHEREAS the annual Terry Fox Run is one of Canada's most recognized volunteer-driven community events, bringing together participants of all ages in support of cancer research and the spirit of giving back; and

WHEREAS residents, volunteers, organizers, families, schools, community groups, and businesses in Lunenburg have supported and participated in Terry Fox Run activities over many years, contributing to a tradition of community involvement and civic participation; and

WHEREAS the Town of Lunenburg recognizes the positive contributions of community initiatives that foster volunteerism, community engagement, wellness, and support for causes that benefit Canadians and communities across the country;

NOW THEREFORE, I, Jamie Myra, Mayor of the Town of Lunenburg, on behalf of Town Council, do hereby proclaim September 20, 2026, as "Terry Fox Day" in the Town of Lunenburg and encourage residents to recognize the lasting legacy of Terry Fox and the contributions of those who continue to support cancer research through the Terry Fox Run.

DATED at Lunenburg, Nova Scotia, this ____ day of September 2026.

Mayor Jamie Myra

Town of Lunenburg

Public Statements Policy

Date adopted by Council: August 14, 2024

Date amended: May 27, 2025



1. POLICY STATEMENT

The Town of Lunenburg is committed to fostering a cohesive, inclusive community by recognizing important causes and celebrating diversity. Through public statements, the Town aims to support meaningful initiatives, promote awareness, and strengthen a sense of belonging and civic pride. All public statements will be processed consistently, advancing dignity, respect, and inclusion throughout the community.

2. PURPOSE

This policy is intended to provide consistency and equity in how requests for public statements are handled.

3. SCOPE

This policy applies to requests for proclamations, letters of support, and flag raisings at Town of Lunenburg facilities.

4. ELIGIBILITY AND STANDARDS

Council may authorize requests for proclamations, letters of support, and flag raisings at Town facilities.

Requests must be submitted by:

- A not-for-profit organization located in or having a presence in the Town of Lunenburg;
- A citizen of the Town of Lunenburg; or
- A Council member or Town of Lunenburg representative

To be considered, requests must meet at least one of the following criteria:

- Be of local, provincial, national, or international significance;
- Be of benefit to the community; or
- Be an initiative of the Town of Lunenburg.

Any public statement request may be denied for any reason deemed sufficient by Council. Requests that are deemed contrary to the Canadian Charter of Rights and Freedoms or the Nova Scotia Human Rights Act will not be considered.

5. PROCESS

Requests for public statements must be made in writing and may be approved by motion at a Regular Council meeting. The following guidelines apply:

- **Presentations:** Requesters may indicate whether they wish to present to Council. Presentations are limited to 10 minutes, exclusive of questions, unless otherwise permitted by Council.
- **Letters of Support:** Requests must include a draft letter, details about the project or grant, funding amount (if applicable), intended recipient, and background on the organization. The Town may revise the draft as needed.
- **Proclamations:** Requests must contain a draft copy of the wording of the proclamation. The Town may revise the draft as needed.
- **Flag Raisings:** For flags not included in Appendix A, the requesting organization must supply the flag along with appropriate attachments unless otherwise approved. If multiple requests are received for the same day or timeframe, priority will be given to the first received.
- **Time-Sensitive Requests:** When a public statement, per this policy, is needed before the next Regular Council meeting, staff will attempt to consult all Council Members by email to reach consensus. If consensus cannot be reached in time, and the request aligns with the intent of this policy, the Mayor may authorize the statement in consultation with the CAO. These instances will be reported to Council.

6. HALF-MASTING OF THE CANADIAN FLAG

The Town of Lunenburg will lower the Canadian flag at the Lunenburg Cenotaph to half-mast in accordance with national protocols, such as commemorative events or the passing of significant public figures, as directed by the Government of Canada.

In addition, the CAO may authorize the half-masting of any flag flown at Town facilities to recognize national or provincial tragedies or to honour individuals of local significance, such as a current or former councillor, staff member, or community leader. When a flag is lowered to half-mast, an explanation will be posted on the Town's website, social media, and other appropriate communication channels.

7. LIGHTING REQUESTS

The Town of Lunenburg will not consider or process any requests to light up municipal facilities.

8. PERMANENT AND SPECIAL EVENT FLAG PROTOCOLS

At the UNESCO World Heritage Monument site, the Town of Lunenburg will permanently fly the following flags, in accordance with applicable flag order protocols:

- The Canadian flag,
- The Nova Scotia provincial flag,
- The Town of Lunenburg municipal flag
- The Mi'kmaq Grand Council flag
- The United Nations flag (in recognition of Lunenburg's designation as a UNESCO World Heritage Site)

The sixth flagpole will be designated as the Special Events Flagpole and reserved for the raising of special-purpose flags approved by Council.

9. ANNUAL FLAG RAISINGS & PROCLAMATIONS: APPENDIX A

The Town of Lunenburg will maintain a list of approved annual proclamations and flag raisings in Appendix A of this policy. Items listed in Appendix A will be issued or raised each year without requiring a new Council motion.

Organizations whose public statements or flags are listed in Appendix A do not need to submit a new request annually. The Town will be responsible for supplying and maintaining the flags listed, and staff will coordinate the scheduling and logistics of any related flag raisings.

Each year, staff will connect with the relevant organizing groups, where applicable, to confirm whether the annual proclamation or flag raising remains appropriate and desired, to verify the correct dates, and to determine whether any ceremonies or additional logistics should accompany the event.

Organizations may also request to be added to Appendix A at the time they bring a request forward to Council. Inclusion in Appendix A is at Council's discretion and must be approved by motion at a Regular Council meeting.

Council may add or remove items from Appendix A at any time. If Council removes an item, staff will notify any relevant group and provide an explanation for the change.

Appendix A will be reviewed following each regular municipal election to ensure that the annual proclamations and flag raisings align with the direction and priorities of the current Council.

10. COMMUNICATIONS

Once a public statement under this policy has been approved, the Town will publish the statement on its website, social media channels, and any other unpaid communication

platforms deemed appropriate by Council or the CAO. The Town is not responsible for paid advertising or media coverage related to the statement; this remains the responsibility of the requesting organization unless otherwise directed by Council.

Version Log

Amendment(s) Description	Council Approval Date
Added: • Time-sensitive requests • Appendix A • Section 10: Communications • Minor housekeeping edits	May 27, 2025

Public Statements Policy

Appendix A: Approved Annual Proclamations and Flag Raisings

This appendix lists proclamations and flag raisings that have been approved by Council for automatic annual recognition. These public statements do not require a new Council motion each year and will be coordinated by staff in consultation with the relevant organizing groups. Appendix A may be amended by Council at any time and will be reviewed following each regular municipal election to ensure continued alignment with the priorities of the current Council.

Annual Flag Raisings

Occasion/ Event	Timing
African Heritage Month	Month of February
International Transgender Day of Visibility	March 31
Battle of the Atlantic (Cenotaph Flags)	First Sunday in May
Access Awareness Week	Typically last week in May
Pride	Month of June
Treaty Day / Mi'kmaq History Month	Month of October
Remembrance Day (Cenotaph Flags)	November 11
Transgender Awareness Week	November 13–20

Annual Proclamations

Proclamation	Timing
Access Awareness Week	Typically last week in May

ADMINISTRATIVE PROCEDURES

Public Statements Policy

Date approved by the CAO: August 14, 2024



1. PROCLAMATIONS AND LETTERS OF SUPPORT

Requests for proclamations and letters of support should, whenever possible, be made in writing to the Municipal Clerk or designate and received at least eight days before the applicable Regular Council meeting, and at least 14 days before the requested date of the proclamation or letter. For deadlines in July or August, requests should be submitted at least 31 days in advance.

For letters of support, once approved by Council, the Municipal Clerk or designated delegate will coordinate with the Mayor or Deputy Mayor to review and sign the letter. The signed letter will then be provided to the requesting organization, which is responsible for forwarding it to the appropriate organization(s).

2. REQUESTS TO RAISE FLAGS AT MUNICIPAL FACILITIES

Requests to raise flags at municipal facilities must be made in writing to the Municipal Clerk or designate and received at least eight days before the applicable Regular Council meeting and at least 14 days before the date the flag is scheduled to be raised. Requests for July and August deadlines must be received 31 days in advance.

Flags will be raised at the UNESCO World Heritage Monument flagpoles unless otherwise requested and approved by Council. If a flag listed in Appendix A is designated for an alternate location, such as the Lunenburg Cenotaph, that location will be noted in Appendix A.

Flags will typically be raised for up to seven days unless otherwise approved by Council or where a longer duration is appropriate based on the occasion.

3. TIME SENSITIVE REQUESTS

Provisions for time-sensitive requests are outlined in Section 5 of this policy.

Town of Lunenburg Motion Action List

PRIORITY A = Action within 3 months (Jan. 2026 – March 2026)

PRIORITY B = Action within 6 months (April 2026 – Sept. 2026)

PRIORITY C = Longer-term (Beyond Sept. 2026)

MOTION ACTION LIST					
TITLE	REQUESTED DATE	COUNCIL MOTION OR DESCRIPTION	RESPONSIBLE	TARGET DATE	STATUS & UPDATES
PRIORITY A					
Comprehensive MPS/LUB Review and Amendments	Original directions 2024–2025; updated May 5, 2026 COTW	Committee of the Whole directed staff to proceed with a comprehensive review and potential amendments to the Municipal Planning Strategy and Land Use By-law, including: discretionary planning tools such as development agreements and site plan approval; parking provisions including parking requirements and cash-in-lieu options; short-term rental regulations including consideration of primary residence restrictions and licensing approaches; Main Street Form Zone considerations; and staff-identified housekeeping amendments outlined in Schedule B of May 5 Staff report, inclusive of additional amendments identified by staff. Committee of the Whole further directed staff to proceed with Option 2 as outlined in Schedule C of May 5 staff report, consisting of housekeeping and Council motion amendments.	Community Development	This is an ongoing long-term project: Estimated end date July 2027	
Reducing Speed Limits	April 15, 2025	Prepare a report on reducing speed limits from 50 km/h to 40 km/h on Linden Avenue, Pelham Street, and Creighton Street, based on available traffic study data and exploring the	Public Works	PRIORITY A (in progress)	Feb 2026 update: Staff have learned the new Traffic

		possibility of including adjoining streets, in an application to the Province for a speed limit reduction; and that a recommendation of a town-wide reduction may result if appropriate and cost-effective. Bring back a report exploring the installation of four-way stop signs at the intersections of Creighton Street with Prince Street and Creighton Street with Cornwallis Street.			Safety Act is yet to be proclaimed by the Province, so the new regulations do not yet apply. Considered best to wait to see if this progresses as it is expected in early 2026.
Community Grants Policy Amendment	Aug. 19, 2025	Review and propose any possible edits to the policy. Sept. 2, 2025: Council indicated a desire to have a Grants Committee. March 17, 2026 update: It was noted that the current Community Grants Policy (Policy #74) should be used for this year's grant cycle and that staff proceed with the 2026 intake process while policy updates are developed.	Communications & Events Coordinator	PRIORITY A	
PRIORITY B					
Cornwallis Street Renaming	Dec. 10, 2024	Cease work on the renaming of Cornwallis Street subject to Council re-evaluation.	Community Development	PRIORITY B	
Banner Installation and possible program	July 15, 2025	Explore options for banner installation, taking into consideration the current requests, including potential logistics, responsibilities, and costs, and how similar requests may be accommodated in the future.	Public Works Municipal Clerk	PRIORITY B	

Traffic and Parking Budget Considerations	March 4, 2025 COTW	Staff to bring forward cost estimates for the following initiatives as part of the 2025/26 budget deliberations: • Reconfiguration of the Community Centre parking lot • Accessible parking considerations • Paid parking options <i>*if this is too much perhaps this considered in a different year per Council discussion</i> • Consistent signage improvements	Public Works Community Development Finance	PRIORITY B Early in 2026; align with the budget cycle)	First two items addressed in July 15, 2025 staff report. Other items to come at a future meeting
Cemetery Review	Dec. 9, 2025	Council received an information report on Hillcrest Cemetery operations and reached consensus to schedule a future Committee of the Whole discussion to undertake a comprehensive review of cemetery care, rates, and future needs.	Multiple Departments	PRIORITY B	
Vending By-law	March 10, 2026	Direct staff to review the current vending rules and bring forward options for increased flexibility and modernization, and that this report be presented at a future COTW Meeting. March 17, 2026 COTW: Members noted the need for comprehensive consultation and agreed the work should not be rushed, particularly given seasonal considerations and engagement with the business community.	Municipal Clerk/ Community Development	PRIORITY B	
Property Tax Relief Policy	March 9, 2026	Develop a policy to guide Council consideration of property tax relief and exemptions under Section 71 of the Municipal Government Act. Direction arose during Council discussion respecting the Lunenburg Curling Club tax relief request.	Finance / CAO / Municipal Clerk	PRIORITY B	

PRIORITY C					
NSUARB application to amend Regulation 5.14	April 23, 2024	Amend Electric Utility Regulations to include energy storage alongside renewable low-impact generators, limited to devices with a capacity of 27kW or less.	Finance	PRIORITY C Requires ABCO to follow-up with Town	This was a request from ABCO contingent on ABCO paying for the amendments, but no follow-up has been received yet.
Parking & Traffic Study Recommendation	Jan. 28, 2025	Work towards collaborating with the Municipality of the District of Lunenburg and the local MLA to work towards the recommendation identified in the Parking and Traffic Study regarding safety improvements at the intersection of Route 332 and Trunk 3.	CAO Public Works	PRIORITY C	
Laurie Fisher Art Project	April 22, 2025	Explore how the town could work with Eric Croft to explore options for maintaining and restoring the Laurie Fisher Fish Rehabilitation Project.	Staff TBD	PRIORITY C	
Election signs on public lands	May 13, 2025	Prepare a local rule governing the placement of election signs on public lands, specifically parklands, within the Town of Lunenburg.	Municipal Clerk	PRIORITY C Prior to next election cycle	
Washrooms at Lunenburg Academy	Initial Direction: March 4, 2025 COTW Moved to Priority C on March 3, 2026	Staff presented an information report on this on June 24, 2025. No motion was made, but a general consensus to revisit the idea of portable washrooms in the Spring of 2026. Council voted to remove the preparation site from the 2026/27 Capital Budget, and possibly re-consider it the following year.	Public Works	PRIORITY C In consideration of next budget cycle	