

TOWN OF LUNENBURG COUNCIL MEETING MINUTES

TUESDAY, MAY 10, 2022 AT 6:00 P.M.

COUNCIL CHAMBER

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

ALSO PRESENT: Devin Casario, Economic Development Manager
Ann Covey, Recording Secretary
Lisa Dagley, Finance Director
Arthur MacDonald, Heritage Manager and Acting Planning Manager
Kevin Malloy, Interim Chief Administrative Officer
Heather McCallum, Assistant Municipal Clerk

1. Call to Order

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

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

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

3. Agenda

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

4. April 26, 2022 Council Meeting Minutes

Motion: moved and seconded approval of the April 26, 2022 Council meeting minutes. Motion carried.

5. Public Hearings, Presentations and Questions

a. Public Hearing: Proposed New Street Encroachment Bylaw

Staff reviewed the presentation (Schedule A).

In response to a question the Acting Planning Manager (APM) said encroachments would be processed in the order they are received. They apply solely to the property that directly abuts

the street right-of-way so only that particular property may apply for an encroachment in front of them.

Shane Pittman, Ocean Gear/Smoke Pit Barbecue, 152 Bluenose Drive, said that pedestrian traffic on the South side of Bluenose Drive is a safety concern near Ocean Gear's loading and service parking area. The east end of the sidewalk patio is roped off to prevent pedestrians from walking into the loading and service area. He also feels there should be a crosswalk from the Zwicker Wharf to the sidewalk on the North side of Bluenose Drive.

Amy Funk, 103 Pelham Street, asked how many businesses could apply at a time and pointed out the impact this could have on parking.

With regards to pedestrian by-pass applications, the APM said there is no limit on how many businesses can apply at a time, but there is a 200-foot buffer planned between each pedestrian by-pass and the maximum length of a pedestrian by-pass is limited to four on-street parking spaces per pedestrian by-pass.

Ms. Funk asked what the duration of such an encroachment license would be.

The APM said Encroachment Licenses are valid for a period of ten years.

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

The public hearing closed at 6:17 p.m.

6. Correspondence, Petitions and Proclamations Consideration

- a. Department of Municipal Affairs 12 Months Notice – Information
- b. Victorian Order of Nurses (VON) 125th Anniversary – Flag Raising and Proclamation Request

Motion: moved and seconded to approve the VON Lunenburg request for a commemorative flag raising and proclamation for VON Week, May 22-28, 2022 (Schedule B). Motion carried.

7. Business Arising from the Minutes/Unfinished Business

- a. Proposed Street Encroachment Bylaw

Motion: moved and seconded to hereby rescind Bylaw 65 - A Bylaw Respecting Street Encroachment for Building Access and substitute therefore a new Bylaw 65 – Street Encroachment Bylaw as attached in the planning report as Attachment C (Schedule A).

In response to a question, the APM confirmed that the draft bylaw could be amended to indicate that seasonal encroachments are for one calendar year duration, as opposed to accessibility encroachments, which have a ten-year duration. This would not be considered a substantive change and a new public hearing would not be required.

Motion: moved and seconded to defer the above motion for the APM to present Council with an amended Street Encroachment Bylaw for consideration. Motion carried. Mayor Risser and Deputy Mayor Mosher voted in the negative.

b. Amy Funk Lunch Truck Proposal

Staff summarized the report (Schedule C).

Motion: moved and seconded to approve a lease agreement process for the 2022 season (May 1 to October 31) for food trucks on Town land within the appropriate zoning regulations at a rate of \$100 per season per number of days per week. Motion carried.

Motion: moved and seconded to further develop a Policy to handle similar requests for the use of Town owned lands relating to food truck vending. Motion carried.

Motion: moved and seconded to undertake a planning report in order to consider an amendment to the Land Use By-law, in particular, Schedule G, to enable the establishment of Mobile Canteens in the General Commercial Use Zone, the Waterfront Use Zone and the Park and Recreation Use Zone (Attachment D).

It was agreed by unanimous consent to amend the motion to direct staff to provide a report and draft Vending By-law, which would include a map showing permitted areas for vending. This will be a stand-alone By-law, deleting Schedule G, Vending, from the Land Use By-law.

Motion: moved and seconded to waive the Land Use By-law amendment fees related to this application. Motion carried. Mayor Risser, Deputy Mayor Mosher and Councillor Halverson voted in the negative.

The amended planning report motion was put as follows:

Motion: moved and seconded to undertake a planning report and draft Vending Bylaw, which would include a map showing permitted areas for vending, and amend the Land Use Bylaw to delete Schedule G, Vending. Motion carried.

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

a. Project Lunenburg Steering Team April 20, 2022 Meeting Notes

b. Heritage Advisory Committee April 25, 2022 Meeting Minutes

7:00 p.m. Councillor Sanford declared a conflict and withdrew from the Council meeting to sit in the gallery.

Motion: moved and seconded to approve the following nominations for the Town's 2022 Heritage Recognition Awards (Schedule D):

- 146 Bluenose Drive: Rehabilitating a building that contributes positively to the design of the original structure.

- 213 Montague Street: Rehabilitating a building that contributes positively to the design of the original structure.
- 94 Townsend Street: Preserving or restoring the original character of a building.

Motion carried.

7:01 p.m. Councillor Sanford returned to the meeting table.

9. New Business

a. Lunenburg Arts Fest July 16 and 17, 2022 – Special Event Permit Application

Motion: moved and seconded to approve the Lunenburg Arts Gallery's Special Event Permit for the Lunenburg Arts Fest on July 16 and 17, 2022 in accordance with all parameters in their application (Schedule E). Motion carried.

b. Golden Retriever Gathering and Walk July 23, 2022 – Special Event Permit Application

Motion: moved and seconded to approve the Special Event Permit for the Golden Retrievers Walk on July 23, 2022, waiving the requirement for event insurance. The event organizer is responsible for ensuring the necessary measures are taken to ensure the safety of all participants, spectators, staff, volunteers, and other users of the public roads impacted by the event (Schedule F). Motion carried.

c. Proposed Appointment of Building Official(s) pursuant to the NS Building Code Act

Motion: moved and seconded that Brent Haase, Graham Hopkins, Bruce Parks, Kyle Whynot, Ryan Whynot, and Earl Woodworth be appointed to act as Building Officials, Fire Inspectors, and Dangerous and Unightly Premises Inspectors for the Town of Lunenburg for the Regional Inspection Services agreement with the Municipality of the District of Lunenburg. Motion carried.

d. Community Grants: Late Application From Royal Canadian Legion Lunenburg

7:03 p.m. Councillor Sanford declared a conflict and withdrew from the Council meeting to sit in the gallery.

Motion: moved and seconded to approve the Royal Canadian Legion Lunenburg Branch grant in the amount of \$1,250 for fiscal 2022/23 (Schedule G). Motion carried.

7:04 p.m. Councillor Sanford returned to the meeting table.

e. Armouries Diesel Fuel Tank

Staff summarized the report (Schedule H).

Motion: moved and seconded that a Phase II Environmental Site Assessment be completed at the Armouries. Motion carried.

f. Potential Sale of Lands Upper King Street – PID 60057387, PID 60057379, PID 60057460, PID 60057395 and Upper King Street Extension Portion of PID 60579687

Staff summarized the report (Schedule I).

Motion: moved and seconded to authorize staff to proceed with a legal review for clear title and migration. Including the portion of PID 60579687, Upper King Street Extension;

to authorize staff to proceed with obtaining a Survey Plan to identify the width and location of any easements and the boundaries of the lots;

to authorize staff to notify Parks Canada of Council's intentions pursuant to their obligations under the Operational Guidelines for the Implementation of the World Heritage Convention that they wish to divest ownership of PID 60057387, PID 60057379, PID 60057460, PID 60057395 and Upper King Street Extension - portion of PID 60579687 for development purposes;

to authorize staff to issue an RFP for concept proposals as outlined in the draft RFP, Attachment B (Schedule I); and

to authorize staff to proceed with a public consultation meeting to review the concept proposals received pursuant to the RFP. Motion carried.

g. Upcoming Funding Programs

Staff summarized the report (Schedule J).

Motion: moved and seconded to approve a funding application to the Beautification and Streetscaping Program for the Resilient Roots tree planting project; and

to approve a funding application to the Provincial Capital Assistance Program for the Bluenose Drive Sewer Line Improvement project. Motion carried.

h. Washington Black – Parking Request

Motion: moved and seconded to approve a \$7,500 flat fee for use of the Town parking lot at the Community Centre and Arena by Washington Black Productions Canada Ltd. from May 1-31, 2022 (Schedule K).

In response to a question, the Finance Director explained that this fee would be considered Recreation revenue, but that it could be allocated to a particular project if Council wished.

Motion: moved and seconded to amend the motion to allocate this funding to Community Centre parking lot repair. Motion carried.

The original motion, as amended, was put as follows:

Motion: moved and seconded to approve a \$7,500 flat fee for use of the Town parking lot at the Community Centre and Arena by Washington Black Productions Canada Ltd. from May 1-31, 2022 (Schedule K). This revenue will be allocated to Community Centre parking lot repair. Motion carried.

10. Meet in camera

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

- Potential sale of municipal property; and
- Potential lease of municipal property

Motion carried.

Council recessed to meet in camera at 7:17 p.m.

11. Resumption of Council meeting in public session

The public portion of the Council meeting resumed at 8:26 p.m. The following Council in camera meeting recommendations were considered by Council:

- a. Potential Sale of Land – Portion of PID 60500006 (Upper Hall Street)

Motion: moved and seconded to proceed with Option 3 (Schedule L) and authorize the subdivision of lands in keeping with Option 3 and authorize the CAO to determine fair market value and the listing of the property on the real estate market for potential sale subject to final sale approval of Council. Motion carried.

12. Adjournment

The meeting was adjourned at 8:27 p.m. by the Mayor.

Ann Covey, Recording Secretary
for Kevin Malloy, Interim CAO



Schedule A

Town of Lunenburg

Public Hearing – May 10th, 2022
Proposed Street Encroachment By-law



Proposed Street Encroachment Bylaw

Process:

| | |
|---------------------------|----------------|
| First Reading of Council: | April 12, 2022 |
| First Advertisement: | April 20, 2022 |
| Second Advertisement: | April 27, 2022 |
| Public Hearing: | May 10, 2022 |
| Council Approval: | |
| Provincial Review: | |
| Approval Advertisement: | |

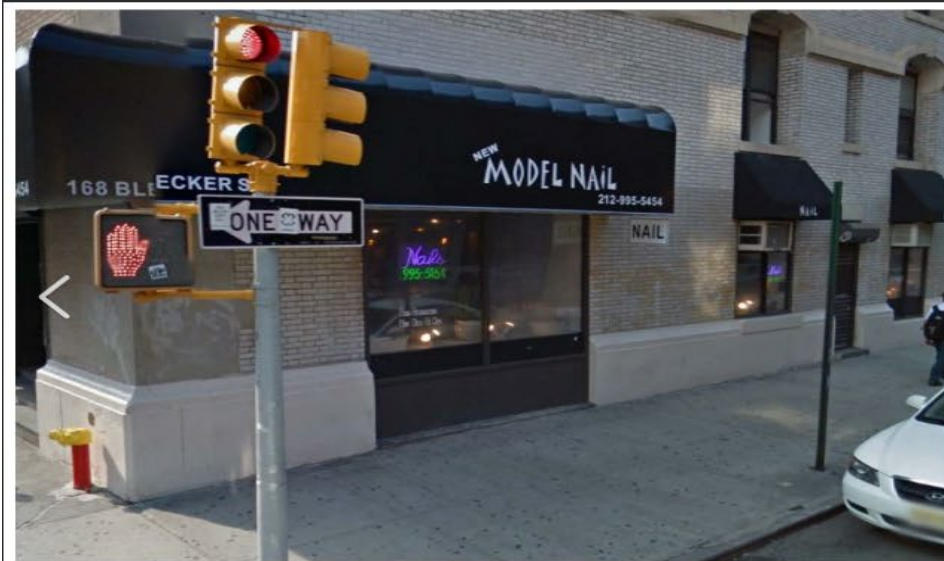


Intent of New Street Encroachment By-law

- Streamline the application and administration process;
- Provide for the ability to enable barrier-free ramp access to buildings;
- Provide for the ability to erect sidewalk cafes, sidewalk sales areas, street furniture and landscaping features;
- Provide for the ability to create pedestrian by-pass walkways over existing on-street parking areas;
- Provide the use of 100% of the sidewalk area for properties along the south side of Bluenose Drive between Rum Row and the end of Bluenose Drive to the east.



Provide for the ability to enable barrier-free ramp access to buildings:



EXISTING CONDITION AT SULLIVAN AND BLEECKER ST



RENDERED VIEW OF PROPOSED NEW ENTRANCE

To address new Building Code requirements for “change in use” applications.

To address new Eating Establishment License requirements for barrier free access.

To address the needs of the Accessibility Act and the Joint Lunenburg County Accessibility Plan.

To address the provincial goal of being accessible by 2030.

To address the Comprehensive Community Plan (CCP): Policies and other actions to improve accessibility throughout the Town.



Provide for the ability to erect sidewalk cafes, sidewalk sales areas, street furniture and landscaping features:



Provisions that were in our Land Use By-law (LUB) were not carried forward into the new LUB – these items are intended to be addressed under the proposed Street Encroachment By-law



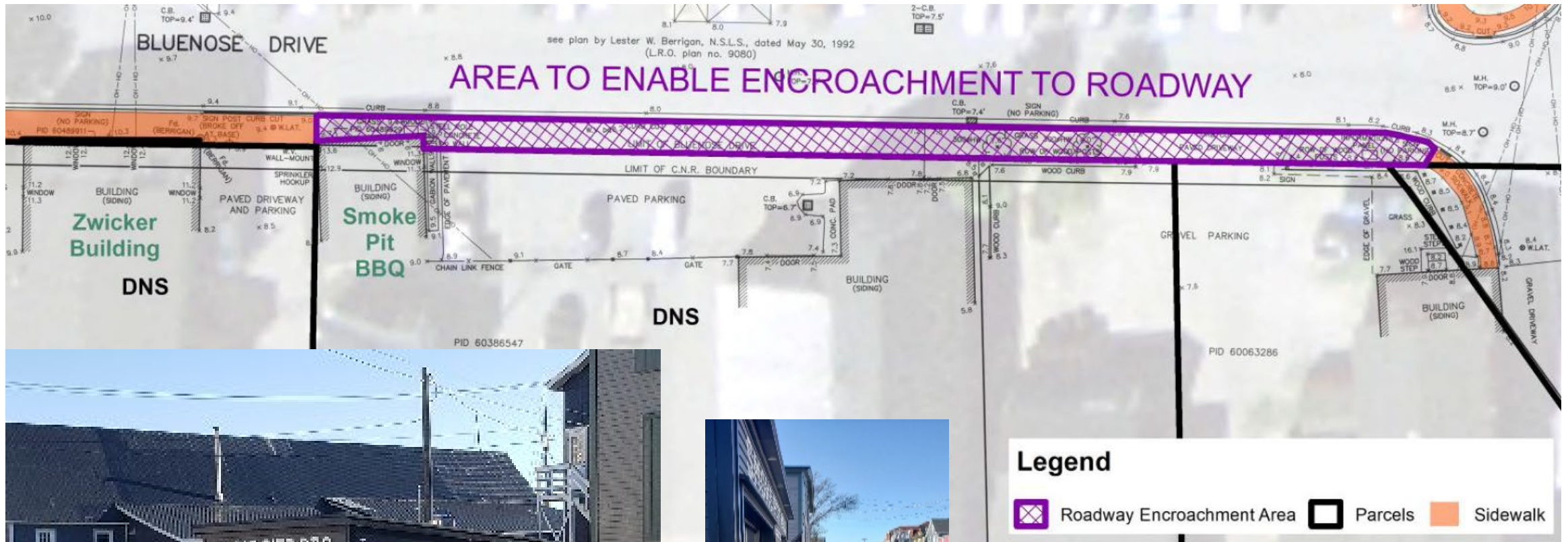
Provide for the ability to create pedestrian by-pass walkways over existing on-street parking areas:



Provides the ability to use on-street parking areas for a pedestrian route where the sidewalk does not have sufficient width for the encroachment and the pedestrian pathway of 1.2m. Maximum length of four (4) on-street parking spaces per by-pass with a separation distance of 61m (200 Ft.) between by-passes.



Provide the use of 100% of the sidewalk area for properties along the south side of Bluenose Drive between Rum Row and the end of Bluenose Drive to the east:



Proposed Street Encroachment By-law

QUESTIONS - COMMENTS



End

ARTS & ENTERTAINMENT



FILE PHOTO

Carroll Baker will host a series of fundraising concerts over the July 15-17 weekend at her Music & Mem'ries Centre.

Carroll Baker returns home to where it all began

Three concerts over three days are being held to raise funds for Mem'ries Centre

By KEVIN MCBAIN

kevin.mcbain@lighthouseNOW.ca

@LHNOWnews

PORT MEDWAY – Port Medway's own Carroll Baker will return home this July to sing, with many others, in three concerts over three days.

She will be joined on stage at the Carroll Baker's Music & Mem'ries Centre, by nine other singers, songwriters and musicians each day to help raise money to update the venue.

"It really isn't a concert hall, but this is just something we want to do every couple of years to raise money to do the things needed to restore the church. It needs a lot of work," said Baker in an interview from her home in Guelph, Ont.

The fundraising concerts will be held July 15, 16 and 17 and will begin at 2:30 p.m. each day and run through to 6 p.m.

There are just 80 seats available for each concert and tickets are available for a \$50 donation. With each ticket, fans will get a year's membership to the Friends of Carroll Baker Society and an autographed Carroll Baker collectors vinyl album.

Tickets can be purchased by contacting Joyce Seamone at joyceseamone@bwr.eastlink.ca.

Performers joining Baker on stage will be coming from across Eastern Canada, including a special guest coming all the way from Ireland, Lorraine McCauley.

Other performers include Lisa Logan, Linda Lee, Ed Ham, David Burbine, Lance Pratt, Dolly Dunn, Joyce Seamone, Rick Baker, Roy MacCaull and Kim Tuplin, Lisa Logan, Susie Lavers and Vladmir Antunovic and Jolee Patkai as Loretta Lynn and Dolly Parton.

Baker noted that the July 17 concert will also include a blessing by Rev. James Haughn who will bless the centre and "perform a few songs of inspiration. Sunday will be a day of thanksgiving and musical inspiration."

For those wishing to bring their campers, the Hank Snow Society has made its grounds available. Spots can be reserved by contacting the Hank Snow Home Town Museum in nearby Liverpool.

Baker had purchased the former Baptist church, the church she grew up in, in 2020 after it was put up for sale. She did so to preserve the church, which was built in 1872, for continued use by the community.

A Friends of Carroll Baker Society was established in 2019 with a mandate to promote and celebrate her career by operating and maintaining the centre.

Along with being open to host weddings, funerals, and church services, it also serves as a centre that contains several items of Baker's memorabilia from her long and storied career.

Baker, often referred to as Canada's first lady of country music said support for her centre "has been very good" worldwide. Noting that locals have also been very supportive and her musical friends "have been just unbelievable."

Liverpool's Astor Theatre hosts a day for Ukraine

Event will feature a day chocked full of entertainment and silent auction

By KEVIN MCBAIN

kevin.mcbain@lighthouseNOW.ca

@LHNOWnews

LIVERPOOL – Liverpool's Astor Theatre will host the Queens Care: A Day for Ukraine April 30 with all proceeds going to the Canadian Red Cross Ukraine Appeal.

"It started out as us, as a theatre group, thinking about how we can do our part and show our support for Ukraine," said Jean Robinson-Dexter, general manager of the Astor Theatre. "I think it particularly hit home a number of weeks ago with the bombing of a children's theatre. That really touched my heart."

The day's programming will be split

into two different shows featuring a good mix of music and dancing, featuring entertainers Amy Grant, Lauren Amirault, Ashley Rose Goodwin, Olivia Olsen and Malcolm Freeman to name a few.

Also, making a special appearance on stage will be the Yarmouth group, Bluegrass Windings, who will be making their Astor debut.

The first show will begin at 2 p.m. and continue throughout the afternoon. After a supper break, a second show will begin at 7 p.m.

Along with the entertainment, there will be a silent auction with arts, crafts and experiences available to be bid on. This will be held throughout the day. To get started early though, a Facebook group, Queens Care Day for Ukraine silent auction page, has been started.

In addition, artist Roger Savage has volunteered to create portraits for anyone interested. The cost will be \$40 each with the money going towards the cause.

"We're fortunate to have him come out. This is a cause that is near and dear to his heart," said Robinson-Dexter. "He also said if there are more people interested in having their portrait done than there is time on the 30th, he would come back the following Saturday and finish up that day."

There is no admission charge to take in the day's events, but donations are gladly accepted. It is a family-friendly event and attendees can come and go as they please.



KEVIN MCBAIN

Liverpool's Astor Theatre will host a fundraiser for Ukraine on April 30 with music, dance, silent auction and more.

The day's fundraising goal is \$10,000.

Robinson-Dexter said this event is their way of being a part of the South Queens Chamber of Commerce initiative, Queens Helps Ukraine, which encourages businesses to set up a donation container inside their location to collect funds.



TOWN OF LUNENBURG PUBLIC HEARING PROPOSED STREET ENCROACHMENT BY-LAW

Date/Time: **Tuesday, May 10, 2022 at 6:00 p.m.**

Location: **Council Chambers – Town Hall, 119 Cumberland Street, Lunenburg, N.S.**

On April 12, 2022 Lunenburg Town Council gave notice of its intention to repeal By-law #65 A By-law Respecting Street Encroachment for Building Access and replace it with a new Street Encroachment By-law. The intent of the new Street Encroachment By-law is to:

1. Streamline the application process;
2. Provide for the ability to enable barrier-free ramp access to buildings;
3. Provide for the ability to erect sidewalk cafes, sidewalk sales areas, street furniture and landscaping features;
4. Provide the ability to create pedestrian by-pass walkways over existing on-street parking areas; and
5. Provide the use of 100% of the sidewalk area for properties along the south side of Bluenose Drive between Rum Row and the end of Bluenose Drive to the East.

A PUBLIC HEARING will be held in the Council Chamber to consider these matters. Any interested persons who wish to speak are welcome to participate and make their opinions known to Council. Council will accept written submissions up to and including May 4th, 2022 so that they may be included in the Council package. Verbal as well as written presentations are welcome during the PUBLIC HEARING. Everyone is welcome to participate.

For further information, copies of staff reports, and questions about making a submission, please contact Arthur MacDonald, Heritage Manager at 902-634-4410 x 234, planning@explorelunenburg.ca.

Circulated: _____

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Meeting: Council – April 12, 2022

Circulate To: Council, KM, HM

File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: MARCH 15, 2022

RE: ADOPTION OF A NEW STREET ENCROACHMENT BY-LAW

1. FACTS

A. Background

Action 22 of the Comprehensive Community Plan (CCP) encourages the development of accessible policies. The Town's existing *By-law No. 65 – A By-law Respecting Street Encroachment for Building Access* is cumbersome and does not address the needs of property owners that require or wish to have an accessible entrance. For example, the current By-law does not permit the erection of "ramps" for building access (Part 2.1(i)).

The ability to address sidewalk café, sidewalk sale areas and seating areas in front of businesses was part of the previous Land Use By-law (LUB). These provisions were not carried forward into the new LUB. Staff agreed with UPLAND that street encroachment provisions should not be incorporated within an LUB and should rather be addressed under a separate By-law.

It is therefore recommended that the Town repeals *By-law No. 65 – A By-law Respecting Street Encroachment for Building Access* and substitute therefore a new *Street Encroachment By-law* attached. The proposed *Street Encroachment By-law* streamlines the process and incorporates provisions respecting sidewalk cafés, sidewalk sale areas, and seating areas. During this age of COVID, it is essential for businesses to have an open-air facility to sell their merchandise. The proposed *Street Encroachment By-law* enables them to develop these facilities through an Encroachment License and an Indemnity Agreement.

In addition, the Town has received an application from Ocean Gear to establish an outdoor sidewalk cafe for the Smoke Pit at 152 Bluenose Drive. They wish to use 100% of the area between their building and the roadway. "Roadway" is defined as that portion of a Town of Lunenburg street between the curb lines, or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes

a crosswalk. The applicant has installed pavers and has roped-off the area with tables and chairs as shown in **Attachment A**.

As the provisions that would normally deal with this situation were removed from the LUB, staff currently does not have the ability to address this application. The current By-law No. 65 - *A By-law Respecting Street Encroachment for Building Access* also does not have an avenue to address this application. From staff perspective, there is a liability concern if anyone gets injured as of a result of the sidewalk cafe. As there is no mechanism enabling an Encroachment License or Indemnity Agreement pursuant to the By-law No. 65 – *A By-law Respecting Street Encroachment for Building Access* and there is no avenue under the LUB, it is recommended that Council consider the request through a new *Street Encroachment By-law*. In addition, it should be noted that the previous LUB provisions required a minimum of 1.22 metres (4 feet) between the display and the curb and in this instance, there is no spatial separation between the café and the roadway (curb). The old LUB provisions are attached in **Attachment B**.

Therefore, if Council wishes to enable the Smoke Pit to continue with the encroachment it is recommended that an avenue be developed to enable the Town and the applicant to enter into an Encroachment License and an Indemnity Agreement. The proposal is to provide a notwithstanding clause in the proposed Street Encroachment By-law that enables those properties along the southern side of Bluenose Drive between Rum Row and the eastern end of Bluenose Drive (Part 3.17 of the proposed Street Encroachment By-law) to use 100 percent of the sidewalk area.

In addition to the above, the proposed *Street Encroachment By-law* enables businesses to use 100 percent of the sidewalk area by creating a pedestrian by-pass walkway utilizing existing on-street parking areas where they exist.

To summarize, the above may be broken down into the following questions:

| Questions: | |
|---|-----------|
| 1) Does Council wish to address the accessibility issues related to the <i>By-law Respecting Street Encroachment for Building Access</i> and allow for ramps accesses? | Yes or No |
| 2) Does Council wish to enable sidewalk cafés including tables and chairs and landscaping features (As was previously permitted under the old LUB)? | Yes or No |
| 3) Does Council wish to enable the option for retailers to use pedestrian by-pass walkways and use 100 percent of the sidewalk with a by-pass over on-street parking spaces? | Yes or No |
| Due to the width of our streets and the need for parking spaces, Council may wish not to enable this as part of the proposed <i>Street Encroachment By-law</i> . | |
| 4) Does Council wish to provide a “notwithstanding” clause to enable properties along the south side of Bluenose Drive between Rum Row and the end of Bluenose Drive to the East the ability to use 100 percent of the sidewalk area? | Yes or No |

| | |
|---|--|
| Council may not wish to provide this “notwithstanding” clause as it would prohibit the possibility of having a sidewalk along this section of Bluenose Drive. | |
|---|--|

B. Proposal

The proposal is to rescind By-law No. 65 – *A By-law Respecting Street Encroachment for Building Access* and substitute therefore a new *Street Encroachment By-law* as outlined in **Attachment C**.

2. ISSUES AND OPTIONS

The following options may be considered:

Option 1: To maintain the status quo.

Option 2: To advise staff of any changes to the draft *Street Encroachment By-law* to reconsider at a future meeting of Council. For example, Council may not wish to enable 100 percent of the sidewalk area to be used for a street encroachment along the south side of Bluenose Drive between Rum Row and the eastern end of Bluenose Drive as outlined in the Table above.

Option 3: To proceed with first reading to rescind By-law 65 – *A By-law Respecting Street Encroachment for Building Access* and substitute therefore a new *Street Encroachment By-law* (Attachment C) and advertise for a Public Hearing prior to holding second reading.

3. FINANCIAL IMPACT

Other than the costs associated with advertising for the Public Hearing there are no additional financial implications for the Town.

4. STRATEGIC PLAN RELEVANCE

The proposal is in-keeping with the Town’s CCP, in particularly:

Action 22: Policy to encourage accessibility.

Inclusion: We work to ensure a sense of belonging, acceptance and value for all in our community.

Strategic Direction Goal – A Town which continues to evolve as a living heritage site and recognizes a holistic view of its diverse history.

Economic Development: Direction to support economic development.

Urban Design: Direction to enhance residents’ and visitors’ experience of the built environment.

Placemaking - We will nurture a public realm that is attractive, enjoyable, accessible, efficient and safe.

5. RECOMMENDATION AND DRAFT MOTION

Motion: Moved and seconded to proceed with first reading to rescind By-law 65 – *A By-law Respecting Street Encroachment for Building Access* and substitute therefore a new *Street Encroachment By-law* (Attachment C) and advertise for a Public Hearing prior to holding second reading.

ATTACHMENTS:

- A.** Pictures of Smoke Pit Encroachment
- B.** Old Land Use By-law Provisions
- C.** Proposed Street Encroachment By-law
- D.** Existing By-law No. 65 – *A By-law Respecting Street Encroachment for Building Access*

ATTACHMENT A
Pictures of Smoke Pit Encroachment



Before Encroachment above – after below:



ATTACHMENT B
Old Land Use By-law Provisions

8.6 Special Requirements: Outdoor Display and Sales on Public Property

Outdoor display of retail goods and of street furniture on public property directly in front of a commercial use the owner of the commercial use is permitted subject to the following special provisions:

- (a) no development permit is required;
- (b) any goods which are displayed and offered for sale must be goods which are also displayed and offered for sale in the retail store by the same retailer;
- (c) any sale of goods shall occur only within the building;
- (d) any outdoor display or street furniture shall not be placed on a sidewalk in a way which leaves less than 1.22 metres (4 feet) between the display and the curb or that otherwise impedes the flow of pedestrian traffic or restricts the visibility of drivers;
- (e) no outdoor display or street furniture shall be placed on a sidewalk or other public property unless the owner provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town of Lunenburg, for the defense and indemnification of any claims arising out of or in any way related to the outdoor display or street furniture placed on public property;
- (f) no outdoor display or street furniture shall remain on the sidewalk at any time when it may interfere with winter maintenance;
- (g) any outdoor display or street furniture shall be a minimum of 17 inches in height and shall not pose a safety hazard to pedestrians by virtue of the materials from which it is made or the form of the display or furniture; and
- (h) no service of food shall occur on the sidewalk.

ATTACHMENT C

Town of Lunenburg
Street Encroachment By-Law

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- 1.3 Purpose
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PART 4: Application

PART 5: Administration

PART 6: Change in Ownership

PART 7: Revocation or Refusal

PART 8: Removal of Encroachments

PART 9: Appeal

PART 10: Offence

Schedule “A” - Example of Encroachment License Agreement

Schedule “B” - Example of an Indemnity Agreement

Schedule “C” - Example of a Comfort Letter

Schedule “D” - Map of South Side of Bluenose Drive Properties that may encroach 100% into the street right-of-way between their building and the roadway

PART 1: Title, Application, Purpose and Definitions

Title

1.1 This By-Law is entitled the “Town of Lunenburg Street Encroachment By-law”.

Application

1.2 This By-law applies only to streets, sidewalks and other property owned by the Town of Lunenburg and to activities or conditions affecting such Town of Lunenburg streets, sidewalks and property.

Purpose

1.3 Whereas:

- (a) Pursuant to S. 308(2) of the *Municipal Government Act* SNS 1998, c. 18 as amended, all streets are vested absolutely in the Town and the Town has full control over the streets “insofar as is consistent with their use by the public”;
- (a) S. 314(2) of the *Municipal Government Act* provides that a council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments; and
- (c) The Town is enacting this by-law to authorize the municipality to enter into a License Agreement with abutting property owners in relation to encroachments upon a street.

Definitions

1.4 In this By-law:

- (a) “abutter” means the owner of any premises or lot in the Town of Lunenburg which abuts a Town of Lunenburg street (and where the premises or lot has been registered as a condominium under the *Condominium Property Act* includes the condominium corporation which manages the premises or lot);

- (b) “building” means a roofed structure, whether permanent or temporary, used or capable of being used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches, verandahs, decks and trim attached thereto. Without limiting the foregoing, a building includes any projections such as a bay window as well as foundation walls and external stairs;
- (c) “Building Code” means the Building Code adopted pursuant to either or both of the Building Code Act, RSNS 1989, c. 46 and the Nova Scotia Building Code Regulations;
- (d) “Council” means the Council of the Town of Lunenburg;
- (e) “Development Officer” means the Town of Lunenburg Development Officer appointed to administer the Land Use By-Law and includes a person acting under the supervision and direction of the Development Officer;
- (f) “Engineer” means the Town of Lunenburg Engineer and includes a person acting under the supervision and direction of the Engineer;
- (g) “Encroachment” means an encroachment upon a public street which includes any structure on, over or under a public street;
- (h) “Existing” means an encroachment that existed prior to the coming into force of this By-law;
- (i) “Heritage Officer” means the person appointed to administer the Heritage Conservation District By-Law and includes a person acting under the supervision and direction of the Heritage Officer;
- (j) “License” means an Encroachment License issued pursuant to the terms of this By-Law;
- (k) “location certificate” means a graphic illustration showing the boundaries of the property in question, and the location of buildings and other elements of use thereon, which is prepared and certified by a Nova Scotia Land Surveyor;
- (l) “Lunenburg bump” means either a large extended dormer or a combination of extended dormer and entrance porch;
- (m) “Manager/Clerk” means the Manager/Clerk of the Town of Lunenburg and includes the Deputy Manager/Clerk;

- (n) “Municipal Government Act” means the Municipal Government Act, S.N.S. 1998, c. 18 as amended from time to time;
- (o) “Plan of Survey” means a survey plan prepared and certified by a Nova Scotia Land Surveyor;
- (p) “repair” means to put back into good condition after wear, decay or damage. Repair does not mean to replace or restore;
- (p) “replace” means the removal of essentially the entire thing, and reconstruction of the thing, involving placement of new structural members (whether in the same pattern, size, shape or materials or not);
- (q) “restore” and “restoration” mean to produce a structure which is the same or substantially the same as that which previously existed (whether or not a structure exists in that location at the date of application for a License);
- (r) “roadway” means that portion of a Town of Lunenburg street between the curb lines, or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;
- (s) “sidewalk” means that portion of a Town of Lunenburg street between the curb line and adjacent property line, or any part of the street especially set aside for pedestrian travel and separated from the roadway;
- (t) “site plan” means a site drawing undertaken by the applicant of the property in question shown the approximate location of the street encroachment and its proximity to the property, the building and the street right-of-way;
- (u) “stairs” unless the content otherwise dictates, shall include any landing associated therewith;
- (v) “street” means a Town of Lunenburg street, highway, road, roadway, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width. For clarity, “street” also includes an undeveloped declared street, such as Prince Street between Cumberland Street and Lincoln Street, as well as Duke Street between Montague Street and Bluenose Drive;
- (w) “structure” includes anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. Without restricting the foregoing, a structure shall include buildings, walls, fences, porches, landings, ramps, stairs, satellite

dishes, antennae, and any similar device attached to a structure. For the purposes of this By-law, the term “structure” shall not include signs or canopies/awnings attached to a structure that are permissible under the Land Use By-law;

- (x) “Town” means the Town of Lunenburg;

PART 2: General Provisions

- 2.1** The following types of encroachments may apply for a Street Encroachment License pursuant to this By-law:
- (a)** Abutters may apply for an Encroachment License in order to build within the Street right-of-way to provide access into their buildings including, but not limited to, barrier free accessible accesses, to the extent necessary to comply with the Building Code provided all requirements of this By-law are adhered to;
 - (b)** Abutters may apply for an Encroachment License in order to legitimize any existing encroachment within the Street right-of-way provided all requirements of this By-law are adhered to; and
 - (c)** Abutters with existing encroachments associated with their access into their building or abutters with existing Encroachment Agreement Licenses who may wish to make improvements to their building access to the extent necessary to comply with the Building Code may apply for an Encroachment License provided all other requirements of this By-law are adhered to.
- 2.2** The Town reserves the right to remove any encroachment that impedes or hinders in any fashion the safe operation of the Street for pedestrian and vehicular purposes.
- 2.3** Encroachment Licenses shall not be issued for any encroachment that provides building access to any floor other than the floor closest to street level.
- 2.4** Encroachment Licenses shall not be issued for any encroachment that, in the opinion of the Town Engineer, will affect the flow of pedestrian or vehicular traffic on the street right-of-way or snow plowing operations.
- 2.5** Encroachment Licenses shall not be issued for any encroachment that provides access of a motor vehicle into a building, other than assistive motor vehicles such as power/electrical wheelchairs and similar devices.

- 2.6** Encroachment Licenses shall not be issued for any encroachment where the encroachment would create less than a 1.2m width of pedestrian travel surface between the encroachment and the roadway.

Part 3: Sidewalk Café, Sidewalk Sales Area, Street Furniture and Landscaping Features

- 3.1** Notwithstanding Part 2 of this By-law, abutters may apply for an Encroachment License for sidewalk cafes, sidewalk sale area, sidewalk furniture or to install landscaping features provided all other requirements of this By-law are adhered to.
- 3.2** The Town reserves the right to remove any encroachment pursuant to this Part that impedes or hinders in any fashion the safe operation of the Street for pedestrian and vehicular purposes.
- 3.3** Encroachment Licenses shall not be issued for any encroachment pursuant to this Part that, in the opinion of the Town Engineer, will affect the flow of pedestrian or vehicular traffic on the street right-of-way or snow plowing operations.
- 3.4** A sidewalk café shall be operated for no longer than the operating hours of the principal use to which it is accessory, and in any event, must be closed not later than 2:00 am of any given day.
- 3.5** A sidewalk café shall not service food, drinks or any similar items on the sidewalk or encroachment areas. Any sale of food, drinks or any similar items shall occur only within the building.
- 3.6** Any goods which are displayed and offered for sale must be goods which are also displayed and offered for sale in the retail store and/or restaurant.
- 3.7** Any outdoor display, street furniture or landscaping features shall be a minimum of 0.43m (17 inches) in height and shall not pose a safety hazard to pedestrians by virtue of the materials which it is made or the form of the display, furniture, or landscaping. No outdoor display, street furniture or landscaping features shall impede upon the minimum 1.2m wide pedestrian travel surface.
- 3.8** No sidewalk café, sidewalk sale area, street furniture or landscaping features shall be placed on a sidewalk or other public property unless the abutter provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town, for the defense and indemnification of any claims arising out of or in any way related to the sidewalk café, sidewalk sale area, street furniture or landscaping

features placed on public property.

- 3.9** The encroachment shall not extend onto the frontage of an abutting property unless written permission is obtained from the abutting property owners.
- 3.10** All objects shall be contained within the approved encroachment area with the exception of temporary signs which may be placed outside the area but immediately abutting. No signage shall impede upon the minimum 1.2m wide pedestrian travel surface.
- 3.11** Lighting shall be temporary in nature and shall not project light onto adjacent properties or cause a nuisance with pedestrian and/or vehicular traffic flows. Lights that vary in intensity such as, but not limited to, flashing lights, or lights that change in colour shall be prohibited.
- 3.12** Landscaping shall be temporary, unless otherwise approved. Plant material shall be contained within the approved encroachment area or otherwise be immediately abutting. No landscaping shall impede upon the minimum 1.2m wide pedestrian travel surface.
- 3.13** All umbrellas shall be located entirely within the approved encroachment area and shall not extend beyond the extremities of the approved encroachment area.
- 3.14** The encroachment area as well as the immediate area adjacent shall be kept in a clean and safe condition at all times.
- 3.15** The Town retains the right of entry into the encroachment area for the installation, reinstatement, maintenance, and repair of pipes, cables, wires, poles, hydrants, and other elements as necessary. In the case of emergency, entry shall be made without notice. For scheduled work, a minimum notice of 24 hours will be given.
- 3.16** When access is required by the Town, the encroachment or part thereof as necessary to carry out said installation, reinstatement, maintenance, and/or repair, shall be removed and reinstated after the work has been carried out at the expense of the abutter(s) in which the Encroachment License is issued to.
- 3.17** Encroachment Licenses pursuant to this Part shall not be issued for any encroachment where the encroachment would create less than a 1.2m (4 feet) width of pedestrian travel surface between the encroachment and the roadway. Notwithstanding this section, those properties identify on Schedule D may encroach with a sidewalk café, sidewalk sale area, street furniture and/or landscaping features 100 percent between the building and the roadway subject to the approval of the Town Engineer.

3.18 Notwithstanding Article 3.17 of this By-law, an Encroachment License may be issued for any sidewalk café, sidewalk sale area, street furniture and/or landscaping features without providing the 1.2m (4 feet) width of pedestrian travel surface between the encroachment and the roadway subject to the approval of the Town Engineer provided a pedestrian by-pass walkway is constructed in compliance with the Building Code over on-street parking spaces in conformance with the following:

- (a) the abutter shall carry a minimum of \$2,000,000 liability insurance naming the Town as insured and must indemnify the Town and save it harmless from any and all claims of injury to persons, damage to property, or, any damage to any vehicles, attributes, in whole, or in part, to the existence, location and operation of the sidewalk café, sidewalk sale area, street furniture and/or landscaping;
- (b) the pedestrian by-pass walkway over on-street parking spaces shall be level with the existing sidewalk and constructed so as to allow drainage at curb without blockage or otherwise, where no existing sidewalk exists, the pedestrian by-pass walkway over on-street parking spaces shall be level with the abutting grade surface;
- (c) a rail guard shall be provided around the designated seating area to separate it from the pedestrian by-pass walkway. The rail guard shall be designed in compliance with the Building Code;
- (d) a rail guard shall be provided around the perimeter of the pedestrian by-pass walkway to separate it from the remaining roadway. The rail guard shall be designed in compliance with the Building Code;
- (e) no fixture or construction shall be affixed to the sidewalk, curb or roadway;
- (f) a pedestrian by-pass walkway shall not extend beyond a maximum of four on-street parking spaces per by-pass and a separation distance of 61m (200 feet) shall be provided between pedestrian by-pass walkways. Adjacent abutters may choose to operate jointly within one encroachment facility provided each abutter has an encroachment agreement and Indemnity Agreement separately; and
- (g) the width of any pedestrian by-pass walkway over on-street parking spaces shall be at a minimum 1.7m (5.58 feet) wide and otherwise shall not extend beyond the limits of the parking space width with any support structures.

Part 4: Application

- 4.1** An application for an Encroachment License Agreement shall be made in writing on a form as specified by the Town from time to time. An example of a proposed Encroachment License Agreement template is attached in Schedule “A”.
- 4.2** The application for an Encroachment License Agreement shall include the application fee of \$100.00 (HST included) or an amount as determined by Council by policy from time to time.
- 4.3** The application for an Encroachment License Agreement shall include an Indemnity Agreement. An example of a proposed Indemnity Agreement is attached in Schedule “B”.
- 4.4** Every Application for an Encroachment License Agreement shall:
- (a)** unless waived by the Development Officer be based upon a Plan of Survey or a location certificate showing the location of any sidewalk and the roadway or paved portion of the street, if applicable, as well as the street line, together with any features within five (5) feet of the street line, and the proposed boundary of the encroachment. In the case where the Development Officer waives the requirement for a Plan of Survey or a location certificate, the applicant shall supply the Development Officer with a site plan showing the location of any sidewalk and the roadway or paved portion of the street, if applicable, as well as the street line, together with any features within five (5) feet of the street line, and the proposed boundary of the encroachment;
 - (b)** include the street name, civic number, Parcel Identification Number (PID) and graphical illustration of the location of the proposed encroachment with dimensions, location of abutters, and all relevant features, such as, but not limited to, outbuildings, trees, walkways, walls, fences, gardens, and similar items based on a Survey Plan, Location Certificate or a Site Plan; and
 - (b)** any such other information as in the opinion of the Development Officer or Engineer feels is reasonably necessary to assess the application.

Part 5: Administration

- 5.1** This By-law shall be administered by the Development Officer of the Town.
- 5.2** The Development Officer may request and the applicant shall provide sufficient information to determine compliance with this By-law prior to the issuance of an

Encroachment License Agreement. The application shall be deemed incomplete until such time as the requested information is obtained by the Development Officer.

- 5.3** Prior to the issuance of an Encroachment License Agreement the Development Officer shall obtain written approval of the application from the Town Engineer.
- 5.4** In determining whether an Encroachment License Agreement should be approved, the Development Officer shall consider all relevant factors including, without limiting the foregoing, size, proportion, design, the use of the street (including, without limiting the foregoing, the use of any sidewalk) and the requirements of the provisions of the Building By-law, where applicable.
- 5.5** The Encroachment License Agreement shall take the form as outlined in Schedule "A" of this By-law with such modifications as may be deemed appropriate by the Development Officer in each case, or in such other form as may be adopted by Council by Resolution from time to time.
- 5.6** The Encroachment License Agreement shall be for a period not exceeding ten years. There shall be no right of renewal, although the abutter may make a new application for an Encroachment License Agreement. Notwithstanding this Part, sidewalk café, sidewalk sales areas, street furniture and landscaping features shall be for a period not exceeding five years.
- 5.7** Every Encroachment License Agreement authorized pursuant to this By-law shall indicate:
 - (a)** the type and dimensions of encroachment authorized;
 - (b)** the owner, civic address and Property Identification Number (PID) for which such encroachment is authorized;
 - (c)** the length of time for which such encroachment is authorized, termination date, and any other such terms and conditions to ensure compliance with this By-law; and
 - (d)** any other information, restrictions or conditions deemed relevant by the Development Officer.
- 5.8** For encroachments related to access to a building which are built in error and cannot qualify for an Encroachment License Agreement pursuant to this By-Law, the Town Engineer may at his discretion, issue a Comfort Letter.
- 5.9** Without restricting any of the provisions in this By-law, the Town Engineer may issue a comfort letter for an encroachment under the signature of the Engineer,

stating that the Town has no present intention to require the removal of an existing encroachment, but that the Town could require removal at any time in the future without notice or compensation to the property owner. The Engineer may require such information as in his or her opinion is reasonably necessary to determine the nature and extent of the encroachment before issuing a comfort letter. A draft comfort letter is attached to this By-Law as Schedule "C". The comfort letters shall be in this form, with such modifications in form as may be deemed appropriate by the Town Engineer in each case, or in such other form as may be adopted by Council by Resolution from time to time. There shall be a fee of \$100.00 for a Comfort letter or such other amount as may be determined by Council by policy from time to time.

Part 6: Change in Ownership

- 6.1 The License may be assigned by the Licensee to a new purchaser or owner. A new purchaser or owner shall, within 120 days of the change in ownership, notify the Development Officer of the name and postal address of the new purchasers or owners, and make a new application for an Encroachment License Agreement in-keeping with this By-law.

Part 7: Revocation or Refusal

- 7.1 The Development Officer may revoke a License for breach of this By-law or the Streets By-law or for not meeting or for ceasing to meet the terms of eligibility for the License, or may refuse to issue a License, upon written notice to the applicant or Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto.
- 7.2 The Town may, by resolution of Council, revoke a License, at any time during the term of a License by giving 120 days' notice if, in its sole discretion, Council determines that it has need of any portion of the street which is the subject of the License, and no compensation shall be paid in relation thereto.

Part 8: Removal of Encroachments

- 8.1 Any structure or other encroachment on a street that has:
- (i) heretofore been constructed or maintained; or
 - (ii) is hereafter constructed or maintained

upon, under or over any street in the Town, for which an Encroachment License

Agreement has not been issued or where such Agreement has expired or has been revoked and is unable to receive an Encroachment License Agreement under this By-law or the owner is unwilling to apply for an Encroachment License Agreement under this By-law shall be removed by the owner immediately upon the request of Council (or within such time period that the Council determines) and no compensation shall be paid therefor. Any such decision shall be communicated to the property owner or occupier by written notice from the Development Officer. Council's authority to require removal shall be in its sole and absolute discretion.

- 8.2** If any owner fails to remove such encroachment immediately (or within such period determined by Council as referred to in Section 8.1, as the case may be), the Town may remove such structure (or cause such structure to be removed) and the cost of such removal may be recovered as a debt from such owner by the Town by action in any Court of competent jurisdiction or may be collected in any manner provided by the Municipal Government Act of the Province of Nova Scotia. Nothing in this Section shall limit the authority of the Town to utilize any remedies contained in the Municipal Government Act, either with respect to removal of the encroachment or recovery of the costs of removal. Without limiting the foregoing, the cost of such removal shall be a lien on the property associated with the encroachment pursuant to the provisions of Section 507 of the Municipal Government Act.
- 8.3** Any failure by the Town to require the removal of an encroachment which has heretofore been constructed or maintained, or any letter from the Town or any official thereof indicating that the Town does not then require the removal of such encroachments, shall not restrict the Town from requiring the removal of the encroachment in the future or from subsequently requiring an application for an Encroachment License Agreement. The Town shall not be required to pay any compensation in relation to the removal of an encroachment or revocation of an Encroachment License Agreement or refusal to grant an Encroachment License Agreement.

Part 9: Appeal

- 9.1** A person aggrieved by a decision of the Development Officer pursuant to this By-law may appeal that decision to Council within 14 days from the date of mailing of the decision to the owner's address of record, by written notice of appeal to the Manager/Clerk. Council may make any decision that the Development Officer could have made pursuant to this By-law.
- 9.2** Notwithstanding anything else contained herein in this By-law Council has, on appeal, the power to approve an Encroachment License Agreement for an encroachment authorized under this By-law, which is wider than an

encroachment otherwise authorized to be granted under this By-law.

- 9.3** After the hearing of an appeal, Council may confirm, rescind or vary the decision of the Development Officer at their sole and absolute discretion.

Part 10: Offence

- 10.1** Any person who violates any provision of this By-law, is guilty of an offence and subject to a penalty as provided in Section 505(2) of the Municipal Government Act SNS 1998, Chapter 18 as amended from time to time and the provisions of Section 505(3) of the said Act shall be applicable.

SCHEDULE A

License: _____

ENCROACHMENT LICENSE

THIS GRANT OF ENCROACHMENT LICENSE made this _____ day of _____, 20__,

BETWEEN:

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter called the "Licensor"
OF THE FIRST PART

- and -

_____ of Lunenburg, in the County of Lunenburg,
Province of Nova Scotia,

Hereinafter called the "Licensee"
OF THE SECOND PART

WHEREAS the Licensor is the owner of a public street in the Town of Lunenburg, known as _____;

AND WHEREAS the Licensee is the owner of property located at _____, Lunenburg, PID _____;

AND WHEREAS the Licensee wishes to construct and/or maintain stairs and railings, in accordance with an encroachment of which is _____ onto the _____ right-of-way.

As per the attached sketch, Attachment "A", and hereinafter referred to herein as "the encroachment", all of which is shown on the sketch attached hereto;

THE LICENSOR hereby grants to the Licensee a License to construct and/or maintain the encroachment. The License shall expire on the _____ day of _____, 20__ (not to exceed ten years) and shall not be subject to renewal. The Licensee may make application for a new License upon expiry of this License.

THE LICENSEE shall pay the Licensor the sum of \$100 for the License fee.

It is agreed that the Licensee has no claim to the street or other Town lands and may only maintain the encroachment in accordance with the terms of this License.

It is agreed by the Licensee that the encroachment will be maintained by the Licensee in a clean, safe and tidy condition.

The Licensee shall comply with all of the provisions of the by-laws of the Town of Lunenburg as well as all applicable Federal and Provincial legislation and regulations. Without restricting the foregoing, the Licensee shall comply with the provisions of the Streets By-law as well as the Street Encroachment By-law of the Town of Lunenburg.

The following terms, conditions and restrictions are applicable to this License:

The Town shall not be liable for any damage to the encroachment (whether caused by the Town, its agents, servants, employees or workmen or otherwise), including without limiting the foregoing, damage caused by sidewalk snow removal equipment.

Any one or more of the Heritage Officer, Development Officer and Engineer may revoke a License for breach of the Streets By-Law, the Street Encroachment By-law or for not meeting or for ceasing to meet the terms of eligibility for the License upon written notice to the Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto. The mailing address of the Licensee for the purposes of this notice is

In addition, the Council of the Town of Lunenburg may at any time revoke any Encroachment License or any renewal thereof by giving 120 days' notice, if in its sole discretion, Council determines that it has need of any portion of the street which is the subject of the License, and no compensation shall be paid in relation thereto.

Note: Section 6.1 of the Street Encroachment By -Law states:

“The License may be assigned by the Licensee to a new purchaser or owner. A new purchaser or owner shall, within 120 days of the change in ownership, notify the Development Officer of the name and postal address of the new purchasers or owners, and make a new application for an Encroachment License Agreement in-keeping with this By-law.”

DATED at Lunenburg, Nova Scotia, this _____ day of _____, 20__.

TOWN OF LUNENBURG - per:

HERITAGE OFFICER

Witness

DEVELOPMENT OFFICER

TOWN ENGINEER

LICENSEE

Witness

(Affix Seal)

ATTACHMENT "A"
Sketch/Location Certificate

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

ON THIS _____ day of _____, 2022, before me, the subscriber personally came and appeared _____, a subscribing witness to the annexed Grant of Encroachment License, who having been by me duly sworn, made oath and said that THE Town of Lunenburg by its Town Engineer, Heritage Office, and Development Officer one of the parties thereto, signed, sealed and delivered the same in their presence.

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

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

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

SCHEDULE B

INDEMNITY

THIS Indemnity Agreement dated this _____ day of _____, 2022.

BETWEEN:

_____ of Lunenburg, in the County of Lunenburg,
Province of Nova Scotia,

- and -

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter referred to as the "TOWN"

WHEREAS the undersigned are the owners of a structure located at _____, in the Town of Lunenburg and, subject to the execution of this Indemnity and the Encroachment License, has received permission to place or retain an encroachment within the street right-of-way adjacent to this structure as follows: Encroachment (herein referred to as the "Encroachment"); The encroachment of which is _____ onto the _____ right-of-way.

AND WHEREAS an Encroachment License may not be issued without the execution of an Indemnity pursuant to the provisions of the Street Encroachment By-law;

NOW THIS INDEMNITY WITNESSETH that in consideration of the Town allowing the Encroachment subject to the provisions of the Street Encroachment By-Law and the terms of the Encroachment License, and this indemnity being under seal, the Undersigned hereby for himself, his heirs, executors, administrators, successors and assigns agrees to indemnify (and does hereby indemnify) the Town, its agents, servants, workers, councillors, mayor and employees and their, and each of their heirs, executors, administrators, successors and assigns from and against all claims, suits, demands, causes of action, losses, costs (including legal costs) and damages resulting from or in any way related to the Encroachment.

The Undersigned acknowledges that the Town may require the removal of the Encroachment pursuant to the enabling provisions of the Street Encroachment By-Law and no compensation shall be paid therefor.

This Indemnity shall be read with all changes of number and gender required of the context.

IN WITNESS WHEREOF the Undersigned has hereunto set their hand and affixed their seal.

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness

Owners

(Affix Seal)

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

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

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

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

A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA

B. Photo of Existing Encroachment

Schedule "C"
Example of a Comfort Letter

Applicant's Mailing Address

Dear _____:

RE: Encroachment on Town Property at (civic location) Street, Lunenburg

Thank you for your letter of ***** respecting the above noted matter. I have examined the location certificate (Site Plan) and observed the encroachment as depicted (see copy attached). This encroachment is a ***** encroaching on Town property. Given that this is only a location certificate, there could be other encroachments that would be apparent on further examination which we reserve the right to object to should this become necessary. Any unknown encroachment shall not form any part of this comfort letter.

At the present time, the Town of Lunenburg does not object to this encroachment and has no present intention to require the removal of the encroachment, but the Town could require removal at any time in the future without notice or compensation to you. The Town may also at its discretion in the future require you to make an application for an Encroachment License Agreement.

Please note that permission for this encroachment pursuant to this comfort letter may be revoked at any time. No possessory title may be claimed as a result of this encroachment. Further, please be advised that you remain responsible for any property damage, personal injury, other damages or loss that may arise as a result of this encroachment and are required to hold the Town harmless from same. It is your responsibility to maintain these encroachments in a safe, clean and tidy condition while so occupied, unless otherwise directed by the Town.

Thank you for your inquiry. Please contact me at your convenience if additional information is required.

Yours very truly,

Town Engineer

cc: Town Manager/ Clerk
Development Officer

Date

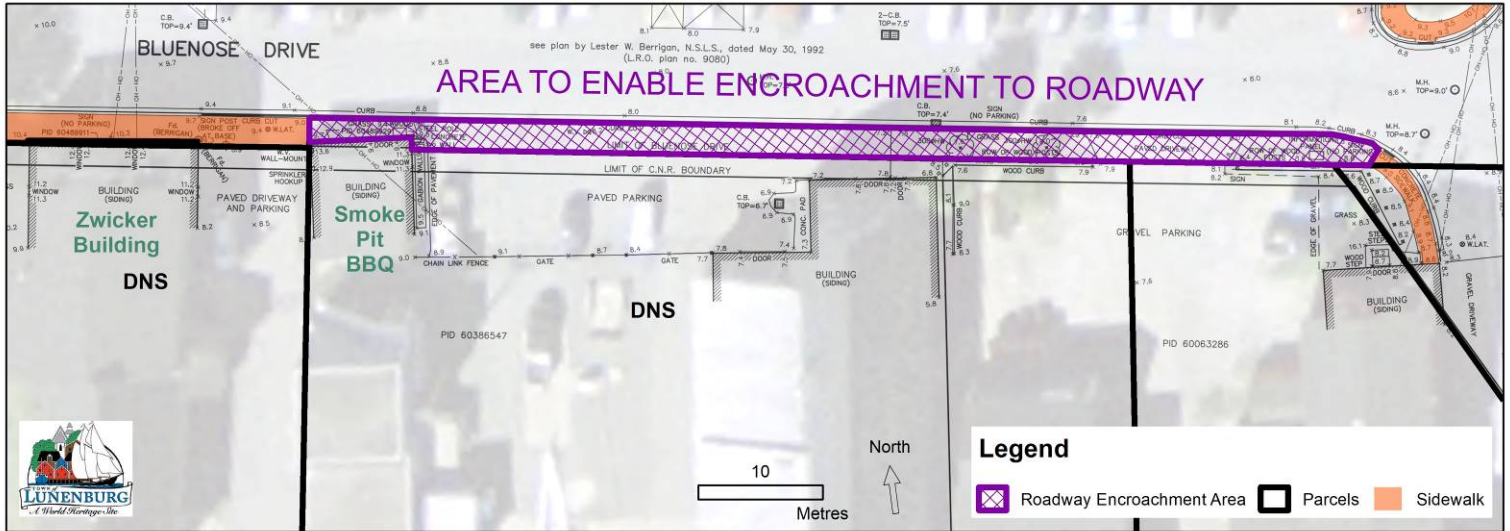
BEA RENTON
Manager/Clerk

I, **Bea Renton**, Manager/ Clerk for the Town of Lunenburg, do certify that the attached is a true and current copy of the Town of Lunenburg's Street Encroachment By-law, duly approved by the Town of Lunenburg Council on _____ with first reading having been given on _____ and second and third readings on _____ and effective on _____, the date of advertisement in the Lunenburg County Progress Bulletin, a local newspaper.

Schedule D

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**Map of South Side of Bluenose Drive
Properties that may encroach 100% into the street right-of-way
between their building and the roadway**



Town of Lunenburg
Street Encroachment For Building Access
By-Law

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PART 1

Title, Subject Matter, Local Act and Definitions

Title

- 1.0 This By-Law is entitled the “Town of Lunenburg Street Encroachment For Building Access By-law”.

Subject Matter

- 1.1 This By-Law applies only to streets owned by the Town of Lunenburg.

Local Act

- 1.2 This By-law shall be subject to the provisions of Chapter 107 of the Statutes of Nova Scotia, 1899 entitled “An Act Respecting the Streets of the Town of Lunenburg”.

Purpose

- 1.3 Whereas:
- (a) Pursuant to S. 308(2) of the *Municipal Government Act* SNS 1998, c. 18 as amended, all streets are vested absolutely in the Town and the Town has full control over the streets “insofar as is consistent with their use by the public”;
 - (b) S. 314(2) of the *Municipal Government Act* provides that a council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments; and
 - (c) The Town is enacting this by-law to authorize the municipality to enter into a License agreement with abutting property owners in relation to encroachments upon a street which are not part of the main building on property abutting the street, but which provide access to the building.

Definitions

- 1.4 In this By-law:
- (a) “abutter” means the owner of any premises or lot in the Town of Lunenburg which abuts a Town of Lunenburg street (and where the premises or lot has been registered as a condominium under the *Condominium Property Act* includes the condominium corporation which manages the premises or lot);

- (b) “building” means a roofed structure, whether permanent or temporary, used or capable of being used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches, verandahs, decks and trim attached thereto. Without limiting the foregoing, a building includes any projections such as a bay window as well as foundation walls and external stairs utilized as access to the building;
- (c) “Building Code” means the Building Code adopted pursuant to either or both of the Building Code Act, RSNS 1989, c. 46 and the Nova Scotia Building Code Regulations;
- (d) “Council” means the Council of the Town of Lunenburg;
- (e) “Development Officer” means the Town of Lunenburg Development Officer appointed to administer the Land Use By-Law and includes a person acting under the supervision and direction of the Development Officer;
- (f) “Engineer” means the Town of Lunenburg Engineer and includes a person acting under the supervision and direction of the Engineer;
- (g) “Encroachment” means an encroachment upon a public street which includes any structure on, over or under a public street;
- (h) “Heritage Officer” means the person appointed to administer the Heritage Conservation District By-Law and includes a person acting under the supervision and direction of the Heritage Officer;
- (i) “License” means an Encroachment License issued pursuant to the terms of this By-Law;
- (j) “location certificate” means a graphic illustration showing the boundaries of the property in question, and the location of buildings and other elements of use thereon, which is prepared and certified by a Nova Scotia Land Surveyor;
- (k) “Lunenburg bump” means either a large extended dormer or a combination of extended dormer and entrance porch;
- (l) “Manager/Clerk” means the Manager/Clerk of the Town of Lunenburg and includes the Deputy Manager/Clerk;
- (m) “Municipal Government Act” means the Municipal Government Act, S.N.S. 1998, c. 18 as amended from time to time;

- (n) "Plan of Survey" means a survey plan prepared and certified by a Nova Scotia Land Surveyor;
- (o) "repair" means to put back into good condition after wear, decay or damage. Repair does not mean to replace or restore;
- (p) "replace" means the removal of essentially the entire thing, and reconstruction of the thing, involving placement of new structural members (whether in the same pattern, size, shape or materials or not);
- (p) "restore" and "restoration" mean to produce a structure which is the same or substantially the same as that which previously existed (whether or not a structure exists in that location at the date of application for a License);
- (q) "roadway" means that portion of a Town of Lunenburg street between the curb lines, or the traveled portion of a street designed for vehicular traffic and, except where the context indicates otherwise, includes a crosswalk;
- (r) "sidewalk" means that portion of a Town of Lunenburg street between the curb line and adjacent property line, or any part of the street especially set aside for pedestrian travel and separated from the roadway;
- (s) "stairs" unless the content otherwise dictates, shall include any landing associated therewith;
- (t) "street" means a Town of Lunenburg street, highway, road, roadway, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width. For clarity, "street" also includes an undeveloped declared street, such as Prince Street between Cumberland Street and Lincoln Street, as well as Duke Street between Montague Street and Bluenose Drive;
- (u) "structure" includes anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure. Without restricting the foregoing, a structure shall include buildings, walls, fences, porches, landings, ramps, stairs, satellite dishes, antennae, and any awning attached to a structure. For the purposes of this By-law, the term "structure" shall not include signs;
- (v) "Town" means the Town of Lunenburg;

PART 2

General Provisions Concerning Street Encroachments

Types of Permitted Encroachments:

- 2.1 (a) **Existing stairs and ramps - (no change)**
This By-law authorizes an Encroachment License for a street encroachment by ramps and stairs which provide access to a building, and any railings or hand guards associated therewith, existing as of March 1, 2012.
- (b) **Existing or pre-existing stairs and ramps (work being conducted)**
An Encroachment License may also be issued if one is repairing, replacing, or restoring stairs or ramps existing as of March 1, 2012 (or which previously existed) and which provide access to a building where there is (or was) an encroachment upon a street. The encroachment must comply with any applicable criteria under the Heritage Conservation District By-law, the Architectural Control Provisions in the Land-Use By-law, and the Heritage Property Act.
- (c) **Existing or pre-existing porch, verandah or Lunenburg bump**
An Encroachment License may be issued for a porch or verandah or Lunenburg bump where the porch, verandah or Lunenburg bump provides access to a building and it is an existing encroachment on the street as of March 1, 2012 or previously existed as an encroachment on the street.
- (d) A landing may only be added to stairs where no landing previously existed, if the Building Code so requires.
- (e) **Limitation on encroachment**
Subject to Section 2.11 (Minor Increases) and Section 2.1 (f) (Allowable increase) and Section 5.0, (Appeal) although the design of the stairs, landing, ramp, porch, verandah or Lunenburg bump may be different than that which previously existed, in no case shall the encroachment increase in size or projection into the street beyond the present or previously existing encroachment.
- (f) **Allowable increase**
In addition to Section 2.11 (Minor increases), an encroachment for a ramp, verandah, Lunenburg bump, porch or stairs and any landing associated therewith:

- (i) may be increased in width to accommodate a different configuration but only to the extent of the minimum requirements under the Building Code and, except as provided in Section 2.1 (f)(ii), the encroachment shall not project further into the street; and
 - (b) may project further into the street right-of-way, but only to the extent of the minimum requirements under the Building Code; and
 - (c) may be increased in height.
- (g) **Only as access to floor closest to street level**
 There shall be no Encroachment License issued for stairs, porches, verandahs or Lunenburg bumps or ramps providing access to any floor other than the floor closest to street level of the facade on which the encroachment is located, where no such encroachment existed prior to March 1, 2012.
- (h) **Existing doorway**
 Subject to Section 2.1 (i) an Encroachment License may only be issued for stairs, landings, ramps, porches, verandahs or Lunenburg bumps leading to or including a doorway on a street facade where the doorway existed as of March 1, 2012.
- (i) **Stairs to access new doorway**
 Notwithstanding Section 2.1 (h), if a new doorway is being constructed in the street facade to access the floor closest to street level, an Encroachment License may be issued for stairs, (but not a porch, verandah, Lunenburg bump or ramp) encroaching upon a street right-of-way where:
- (i) a new doorway can be approved under any applicable provisions of the Heritage Conservation District By-law, the Architectural Control Provisions in the Land-Use By-law, and the Heritage Property Act and the encroachment is no larger than is required to meet the applicable Building Code; and
 - (ii) there is at least one other stair encroachment on the same side of the street in the block on which the building is located; and
 - (iii) notwithstanding Section 2.1(f) and Section 2.11 of this By-law, the encroachment projects no further into the street right-of-way than any other stair encroachment on the same side of the street in the block on which the building is located; and

- (iv) in the opinion of the Town Engineer, the encroachment will not materially affect pedestrian traffic on the street right-of-way or snow plowing operations.

This subsection is subject to any restrictions contained in the Heritage Conservation District By-law of the Town of Lunenburg.

(j) **Limitation on new ramps**

Notwithstanding the foregoing, new ramps which encroach on the street and are not a restoration or replacement of a previously existing ramp, may only be installed at the discretion of the Heritage Officer, Development Officer and Engineer in exceptional circumstances where it is medically necessary for the occupant of the building and where it is clearly intended as a temporary access for the occupant. The Encroachment License may be issued by the Heritage Officer, Development Officer and Town Engineer for a period up to ten years.

(k) **Unbuilt street rights-of-way**

Notwithstanding anything contained in this By-law, this By-law is subject to the provisions of Section 5.2.2 of the Heritage Conservation District By-law which states:

“5.2.2 Structures prohibited in unbuilt street rights-of-way.

It shall be the intention of Council that no structures shall be built within unbuilt street rights-of-way in the heritage conservation district, except for historical markers, public monuments, interpretive signage displays, street furniture, and other pedestrian amenities.”

which relates to unbuilt street rights-of-way (as opposed to unbuilt portions of street rights-of-way where streets have been constructed).

- (l) Notwithstanding anything contained in this By-Law, this By-Law does not authorize the issuance of an Encroachment License for access by a motor vehicle to a building.

- 2.2 (a) Upon application to the Development Officer, and subject to any other applicable provisions in this By-law, an Encroachment License may be issued for street encroachments referred to in, and authorized under, this By-law under the joint signatures of the Heritage Officer, Development Officer and Engineer. Any of the Heritage Officer, Development Officer and Engineer may require the Applicant to provide sufficient information to assess the Application, including without limiting the foregoing, surveys and photographs.

- (b) For all purposes of this By-law, an Encroachment License shall constitute a license and a permit as referred to in Section 49(1)(d) of the Municipal Government Act which addresses the delegation of authority.
 - (c) When addressing the restoration of a pre-existing encroachment, the Heritage Officer, Development Officer and Engineer may use such evidence as they deem appropriate to determine the existence of, dimensions and details of any such encroachment.
 - (d) No Encroachment License shall be issued until the owner has executed and delivered to the Town an Indemnity in the form attached as part of Schedule "A" with such modifications in form as may be deemed appropriate by the Heritage Officer, Development Officer and Engineer in each case, or in such other form as may be adopted by Council by Resolution from time to time.
 - (e) Notwithstanding anything in this By-law, no Encroachment License shall be issued except upon an approved Application pursuant to the provisions of this By-law, and the latitude provided in Sections 2.1(d) and 2.1(e) and 2.1(f) and 2.11 apply only in relation to an Application for the issuance of an Encroachment License.
- 2.3 The fees to be paid for an Encroachment License shall be an application fee of \$100.00 (HST included) or as determined by Council by Policy from time to time.
- 2.4 Every Application for an Encroachment License shall:
- (a) unless waived by the Heritage Officer, Development Officer and Engineer, be based upon a Plan of Survey showing the location of any sidewalk and the roadway or paved portion of the street, if applicable, as well as the street line, together with any features within five (5) feet of the street line, and the proposed boundary of the encroachment;
 - (b) include the street name, civic number, Parcel Identification Number (PID) and graphically illustrate the location of the proposed encroachment with dimensions, location of abutters, and all relevant features, such as outbuildings, trees, walkways, walls, fences and gardens; and
 - (c) such other information as in the opinion of the Heritage Officer, Development Officer or Engineer is reasonably necessary to assess the application.
- 2.5 (a) Subject to any more stringent provisions in this By-law, in determining whether an Encroachment License should be issued, the Heritage Officer, Development Officer and Engineer shall consider all relevant factors including, without limiting the foregoing, size, proportion, design, the use

of the street (including, without limiting the foregoing, the use of any sidewalk), the requirements of the provisions of the Building By-law, the requirements of the provisions of the Heritage Property Act, and the provisions of the Heritage Conservation District By-law or Architectural Control provisions under the Land Use By-law, where applicable.

- (b) Notwithstanding the foregoing, (but subject to an appeal to Council pursuant to the provisions of this By-law) no Encroachment License shall be granted if in the opinion of the Engineer, the encroachment applied for is detrimental to the public use of the street.

- 2.6 Any person granting a License pursuant to this Part shall endeavour to minimize the impact of the encroachment on the public street and the use thereof.
- 2.7 Subject to section 3.1 hereof, an Encroachment License shall be for a period not exceeding ten years. There shall be no right of renewal, although the abutter may make a new application for an Encroachment License.
- 2.8 The Encroachment License shall be in the form attached hereto as Schedule "A" with such modifications in form as may be deemed appropriate by the Heritage Officer, Development Officer and Town Engineer in each case, or in such other form as may be adopted by Council by Resolution from time to time.
- 2.9 Every Encroachment License authorized pursuant to this By-law shall indicate:
 - (a) the type and dimensions of encroachment authorized;
 - (b) the owner, civic address and Property Identification Number (PID) for which such encroachment is authorized;
 - (c) the length of time for which such encroachment is authorized, termination date, and such terms and conditions as may attach to the License; and
 - (d) any other information, restrictions or conditions deemed relevant by the issuing authority.
- 2.10 Notwithstanding section 314 of the Municipal Government Act, S.N.S. 1998 c. 18, and for greater certainty, Encroachment Licenses shall **not** be granted for encroachment of structures built in error on the street unless the abutter makes application for an Encroachment License and such License is authorized and issued following construction in accordance with the provisions of this By-law. For such encroachments of structures related to access to a building (which is the subject matter of this By-Law), and which are built in error and cannot qualify for an Encroachment License pursuant to this By-Law, the Town Engineer may at his discretion, issue a Comfort Letter as referred to under Section 2.12 of this By-Law.

2.11 **Minor Increases:**

Notwithstanding any other provisions of this By-law, in any application for an Encroachment License, there may be minor increases in the encroachment not exceeding 10% in any dimension and not exceeding 10% in total area, where:

EITHER

- (a) there is an existing encroachment which is being replaced or restored, or
- (b) where there is a restoration of a pre-existing encroachment,

AND EITHER

- (i) the requirements of the Building Code cannot reasonably be met in any other fashion without significant expense or significant alteration, or
- (ii) it would otherwise not be consistent with the Heritage Conservation District By-law or Architectural Control Provisions in the Land Use By-law where applicable, or
- (iii) the Heritage Officer in his or her discretion determines that the design of the proposed encroachment is more consistent with the objects of the Heritage Conservation District By-law or the Architectural Control Provisions in the Land Use By-law, where applicable, than the previous encroachment.

2.12 **Comfort Letter:**

Without restricting any of the provisions in this By-law, the Town Engineer may issue a comfort letter for:

- (a) an encroachment existing on the street as of March 1, 2012, or
- (b) an encroachment authorized in Section 2.10 of this By-Law.

under the signature of the Engineer, stating that the Town has no present intention to require the removal of an existing encroachment, but that the Town could require removal at any time in the future without notice or compensation to the property owner. The Engineer may require such information as in his or her opinion is reasonably necessary to determine the nature and extent of the encroachment before issuing a comfort letter. A draft comfort letter is attached to this By-Law as Schedule "B". The comfort letters shall be in this form, with such modifications in form as may be deemed appropriate by the Town Engineer in each case, or in such other form as may be adopted by Council by Resolution from time to time. There shall be a fee of \$100.00 for a Comfort letter or such other amount as may be determined by Council by policy from time to time.

PART 3

General

Provisions Applicable to Encroachment Licenses

3.0 Change in Ownership:

The License may be assigned by the Licensee to a new purchaser or owner of the abutting property referred to in the License. A new purchaser or owner of the abutting property shall, within 120 days of the change in ownership, notify the Heritage Officer, Development Officer and Town Engineer of the name and postal address of the new purchasers or owners, and provide to the Town a copy of the assignment and an executed indemnity in the form contained in Schedule A - if the new purchaser or owner fails to do so, the License shall be void.

3.1 Revocation or Refusal:

- (a) Any one or more of the Heritage Officer, Development Officer and Engineer, may revoke a License for breach of this By-law or the Streets By-law or for not meeting or for ceasing to meet the terms of eligibility for the License, or may refuse to issue a License, upon written notice to the applicant or Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto.
- (b) The Town may, by resolution of Council, revoke a License, at any time during the term of a License by giving 120 days notice if, in its sole discretion, Council determines that it has need of any portion of the street which is the subject of the License, and no compensation shall be paid in relation thereto.

PART 4

REMOVAL OF ENCROACHMENTS

- 4.0 (a) Any structure or other encroachment on a street that has:
- (i) heretofore been constructed or maintained; or
 - (ii) is hereafter constructed or maintained

upon, under or over any street in the Town, for which an Encroachment License has not been issued or where such License has expired or has been revoked (and where the structure or other encroachment does not fall within the exempting provisions of the Statutes of 1899 entitled " An Act Respecting the

Streets of the Town of Lunenburg”), shall be removed by the owner immediately upon the request of Council (or within such time period that the Council determines) and no compensation shall be paid therefor. Any such decision shall be communicated to the property owner or occupier by written notice from the Town Engineer. Council’s authority to require removal shall, subject to Section 3.1(b), be in its sole and absolute discretion. **Nothing in this By-law shall require Council to request removal of encroachments existing at the date of adoption of this By-law.**

- (b) If any owner fails to remove such encroachment immediately (or within such period determined by Council as referred to in Section 4.0(a), as the case may be), the Engineer may remove such structure (or cause such structure to be removed) and the cost of such removal may be recovered as a debt from such owner by the Town by action in any Court of competent jurisdiction or may be collected in any manner provided by the Municipal Government Act of the Province of Nova Scotia. Nothing in this Section shall limit the authority of the Town to utilize any remedies contained in the Municipal Government Act, either with respect to removal of the encroachment or recovery of the costs of removal. Without limiting the foregoing, the cost of such removal shall be a lien on the abutting property associated with the encroachment pursuant to the provisions of section 507 of the Municipal Government Act.
- (c) Any failure by the Town to require the removal of an encroachment which has heretofore been constructed or maintained, or any letter from the Town or any official thereof indicating that the Town does not then require the removal of such encroachments, shall not restrict the Town from requiring the removal of the encroachment in the future or from subsequently requiring an application for an Encroachment License. The Town shall not be required to pay any compensation in relation to the removal of an encroachment or revocation of an Encroachment License or refusal to grant an Encroachment License.

PART 5

Appeal

5.0 Appeal:

A person aggrieved by a decision of any or all of the Heritage Officer, Development Officer and Engineer pursuant to this By-law may appeal that decision to Council within 14 days from the date of mailing of the decision to the abutting owner’s address of record, by written notice of appeal to the Manager/Clerk. Council may make any decision that the officials appealed from could make pursuant to this By-law.

The Council also has, on appeal, the power to approve an Encroachment License for an encroachment authorized under this By-law, which is wider than an encroachment otherwise authorized to be granted under this By-law, provided that the encroachment does not, except as authorized by Section 2.11 (Minor Increases), and Section 2.1 (f) (Allowable increase) project further into the street.

After the hearing of an appeal, Council may confirm, rescind or vary the decision of the Heritage Officer, Development Officer and/or Engineer, as the case may be.

PART 6

Offence

Any person who violates any provision of this By-law, is guilty of an offence and subject to a penalty as provided in Section 505(2) of the Municipal Government Act SNS 1998, Chapter 18 as amended from time to time and the provisions of Section 505(3) of the said Act shall be applicable.

June 13, 2012
Date



[Signature]
BEA RENTON
Town CAO and Manager/Clerk

I, Bea Renton, CAO and Manager/Clerk for the Town of Lunenburg, do certify that the attached is a true and current copy of the Town of Lunenburg's Street Encroachment for Building Access By-law, duly approved by the Town of Lunenburg Council on May 1, 2012 with first reading having been given on March 27, 2012 and second and third readings on May 1, 2012 and effective on May 16, 2012, the date of advertisement in the Lunenburg County Progress Bulletin, a local newspaper.

SCHEDULE "A"

THIS GRANT OF ENCROACHMENT LICENSE made this ____ day of _____, 20____,

BETWEEN:

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter called the "Licensor"
OF THE FIRST PART

- and -

of Lunenburg, in the County of Lunenburg, Province of Nova Scotia,

Hereinafter called the "Licensee"
OF THE SECOND PART

WHEREAS the Licensor is the owner of a public street in the Town of Lunenburg, known as _____;

AND WHEREAS the Licensee is the owner of property - describe _____ Located at civic address and PID _____.

AND WHEREAS the Licensee wishes to construct and/or maintain a _____ which encroaches on _____ Street in accordance with the following specifications:

hereinafter referred to herein as "the encroachment", all of which is shown on the sketch attached hereto and dated _____;

THE LICENSOR hereby grants to the Licensee a License to construct and/or maintain the encroachment. The License shall expire on the ____ day of _____, 20____ (not to exceed ten years) and shall not be subject to renewal. The Licensee may make application for a new License upon expiry of this License.

THE LICENSEE shall pay the Licensor the sum of _____ for the License fee.

It is agreed that the Licensee has no claim to the street or other Town lands and may only maintain the encroachment in accordance with the terms of this License.

It is agreed by the Licensee that the encroachment will be maintained by the Licensee in a clean, safe and tidy condition.

The Licensee shall comply with all of the provisions of the by-laws of the Town of Lunenburg as well as all applicable Federal and Provincial legislation and regulations. Without restricting the foregoing, the Licensee shall comply with the provisions of the Streets By-law of the Town of Lunenburg.

The following terms, conditions and restrictions are applicable to this License:

The Town shall not be liable for any damage to the encroachment (whether caused by the Town, its agents, servants, employees or workmen or otherwise), including without limiting the foregoing, damage caused by sidewalk snow removal equipment.

Any one or more of the Heritage Officer, Development Officer and Engineer may revoke a License for breach of the Streets By-Law or for not meeting or for ceasing to meet the terms of eligibility for the License upon written notice to the Licensee mailed to the address of record of the Licensee and no compensation shall be paid in relation thereto. The mailing address of the Licensee for the purposes of this notice is _____

In addition, the Council of the Town of Lunenburg may at any time revoke any Encroachment License or any renewal thereof by giving 120 days notice, if in its sole discretion, Council determines that it has need of any portion of the street which is the subject of the License, and no compensation shall be paid in relation thereto.

Note: Section 3.0 of the Street Encroachment For Building Access By -Law states:

“The License may be assigned by the Licensee to a new purchaser or owner of the abutting property referred to in the License. A new purchaser or owner of the abutting property shall, within 120 days of the change in ownership, notify the Heritage Officer, Development Officer and Town Engineer of the name and postal address of the new purchasers or owners, and provide to the Town a copy of the assignment and an executed indemnity in the form contained in Schedule A - if the new purchaser or owner fails to do so, the License shall be void.”

DATED at Lunenburg, Nova Scotia, this _____ day of _____, 20__.

TOWN OF LUNENBURG - per:

HERITAGE OFFICER

DEVELOPMENT OFFICER

TOWN ENGINEER

Witness

Witness

LICENSEE

(Affix Seal)

INDEMNITY

THIS Indemnity Agreement dated this _____ day of _____, 2011.
BETWEEN:

_____ of _____, in the County of _____
and Province / State of _____,

- and -

THE TOWN OF LUNENBURG, a municipal body corporate,

Hereinafter referred to as the “TOWN”

WHEREAS the undersigned is the owner of a structure located at _____ Street, in the Town of Lunenburg and, subject to the execution of this Indemnity and the Encroachment License, has received permission to place or retain an encroachment within the street right-of-way adjacent to this structure as follows: _____

(herein referred to as the "Encroachment");
AND WHEREAS the Undersigned is the _____ ;

AND WHEREAS an Encroachment License may not be issued without the execution of an Indemnity pursuant to the provisions of the Street Encroachment For Building Access By-law;

NOW THIS INDEMNITY WITNESSETH that in consideration of the Town allowing the Encroachment subject to the provisions of the Street Encroachment For Building Access By-Law and the terms of the Encroachment License, and this indemnity being under seal, the Undersigned hereby for himself, his heirs, executors, administrators, successors and assigns agrees to indemnify (and does hereby indemnify) the Town, its agents, servants, workers, councillors, mayor and employees and their, and each of their heirs, executors, administrators, successors and assigns from and against all claims, suits, demands, causes of action, losses, costs (including legal costs) and damages resulting from or in any way related to the Encroachment.

The Undersigned acknowledges that the Town may require the removal of the Encroachment pursuant to the enabling provisions of the Street Encroachment For Building Access By-Law and no compensation shall be paid therefor.

This Indemnity shall be read with all changes of number and gender required of the context.

IN WITNESS WHEREOF the Undersigned has hereunto set h___ hand and affixed h___ seal.

SIGNED, SEALED AND DELIVERED
in the presence of:

WITNESS Owner (Affix Seal)

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

ON THIS _____ day of _____, 2011, before me, the subscriber personally came and appeared _____, a subscribing witness to the annexed Indemnity, who having been by me duly sworn, made oath and said that _____ one of the parties thereto, signed, sealed and delivered the same in h presence.

A COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG**

I CERTIFY that on this _____ day of _____, 2011, one of the parties mentioned in the foregoing and annexed Indemnity, signed, and executed the said Indemnity in my presence and I have signed as witness to such execution..

A COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

SCHEDULE "B"

BY FACSIMILE AND MAIL

Dear *****:

RE: Encroachment on Town Property at ***** Street, Lunenburg

Thank you for your letter of ***** respecting the above noted matter. I have examined the location certificate you faxed and observed the encroachment as depicted (see copy attached). This encroachment is a ***** encroaching on Town property. Given that this is only a location certificate, there could be other encroachments that would be apparent on further examination which we reserve the right to object to should this become necessary.

At the present time, the Town of Lunenburg does not object to this encroachment and has no present intention to require the removal of the encroachment, but the Town could require removal at any time in the future without notice or compensation to you. The Town may also at its discretion in the future require you to make an application for an Encroachment License. Please note though, that permission for this encroachment may be revoked at any time. No possessory title may be claimed as a result of the encroachment. Further, please advise your client that they are responsible for any property damage, personal injury, other damages or loss that may arise as a result of the encroachment and are required to hold the Town harmless from same. Your client is also required to maintain these encroachments in a safe, clean and tidy condition while so occupied, unless otherwise directed by the Town.

Thank you for your inquiry. Please contact me at your convenience if additional information is required.

Yours very truly,

Town Engineer

MB/kj

Encl(1)

cc: Town Manager/Clerk
Heritage Officer

**TOWN OF LUNENBURG APPLICATION:
COMMEMORATIVE FLAG RAISING/PROCLAMATION REQUEST**

Applications are to be submitted four (4) weeks in advance of the requested date(s).
Requests will be considered by Council at regular, open meetings of Council.
Completed applications can be submitted to: hmccallum@townoflunenburg.ca

| | | |
|---|---|--|
| 1 | Type of commemoration requested | <input checked="" type="checkbox"/> Flag <input checked="" type="checkbox"/> Proclamation |
| 2 | Name of Organization | VON Canada |
| 3 | Contact Name Email Phone | Kathy Thomas kathy.thomas@von.ca (902) 624-0318 |
| 4 | Name of Flag/Proclamation - If flag, please include description or image of flag and background information - If proclamation, please include text and background information | - attached pic flag. - attached |
| 5 | Requested Date and/or Alternate Date - If flag, what is requested duration for it to fly | between May 23 - 27th |
| 7 | Relevance of the Flag/Proclamation to the Town of Lunenburg | Declare VON week / proclamation |

Applications can request for the flag/proclamation to be repeated annually for up to five years. Please indicate below yearly dates, if desired:

Year 1: May 23-27 / 2022

Year 2: May 22-26 / 2023

Year 3: May 20-24 / 2024

Year 4: May 19-23 / 2025

Year 5: May 18-22 / 2026

Please note: Applications will be considered on a first-come, first-served basis. You will be advised by staff of Council's decision regarding your request. Flags and necessary hardware to hang a special purpose flag must be provided by the requesting organization.



April, 2022

Mayor Matthew Risser
Mayor of Lunenburg
119 Cumberland St.
Lunenburg, NS B0J 2C0

Dear Mayor Risser,

Every year, VON Canada marks a special week to thank our dedicated staff and volunteers, and celebrate the caring home and community support they deliver. As this week approaches, we ask you to officially declare VON Week and celebrate VON's contribution and commitment to the home and community care sector in Lunenburg.

VON Week this year is May 22-28, and our theme is *VON125* as we celebrate VON's long history and bright future of leading home and community care in Canada's health care system, and the outstanding VON employees and volunteers who contribute to life-changing moments every day.

We would be honoured if you would participate in a short and socially-distanced gathering with a very small number of VON staff in Lunenburg and support us in celebrating VON Week in our community, by:

- Proclaiming the opening of VON Week
- Raising the VON Flag at Town Hall
- Light up a municipal landmark/building/area "blue" in celebration of VON Week
- Share our social media posts to demonstrate your support

I will follow up with your office to discuss your interest and availability in declaring VON Week and joining us in our celebrations.

VON Week is an opportunity to recognize the resilience, courage and strength of VON staff and volunteers who work tirelessly to provide caring support to those who need it most in the face of diverse challenges. We are very proud to be part of an organization that has been making a difference in people's lives for 125 years – in fact, VON is Canada's longest-serving charitable organization offering home and community care. We are proud to be supporting the health and safety of Lunenburg.

We look forward to safely celebrating our incredible home support workers, nurses, community support services and other support staff, along with our volunteers, who all make a lasting difference in our community every day. Thank you in advance for considering our invitation and please don't hesitate to contact us if you have any questions.

Sincerely,

Kathy Thomas
Program Coordinator, Community Support Services

Sample Proclamation for your Mayor/City Council

VON Proclamation

Whereas, The Victorian Order of Nurses for Canada is a charitable community-based health care organization that has addressed community health and social needs for 125 years.

Whereas, VON Lunenburg nurses, home support workers, community service coordinators and many other staff and volunteers have been caring for the lives and well-being of residents of Lunenburg since 1928 and VON's nursing, health promotion and support services make a contribution to the health care system in Nova Scotia.

THEREFORE BE IT RESOLVED that I, Mayor Matt Risser, Mayor of the Town of Lunenburg, hereby proclaim May 22-28, 2022 as VON Week here in the Town of Lunenburg.

I would like to encourage all residents of the Town of Lunenburg to support VON and our community by sharing positive virtual messages and financially supporting VON Lunenburg's charitable programs.

In witness whereof, I herewith set my signature and cause the great seal of the Town of Lunenburg be affixed.

Dated at the Town of Lunenburg, Nova Scotia



Circulated: _____

Document No:

Meeting: Council, May 10, 2022

Circulate To: Council, KM

File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: APRIL 29, 2022

RE: AMY FUNK – LUNCH TRUCK PROPOSAL

1. FACTS

During the Council meeting of April 12, 2022 Council passed the following motion:

Motion: moved and seconded to direct staff to prepare a report concerning the mobile vending items raised in Shore Lunch Food Truck's presentation (Schedule "A"). Motion carried.

Amy Funk made a presentation to Council at the April 12, 2022 meeting which is attached as **Attachment "A"**. She has two (2) requests:

- 1) Permission to use 87 Victoria Road (the blue building) as a location to place and operate the Lunch Truck; and
- 2) To have Council undertake an amendment to the Land Use By-law Schedule "G"- Vending to expand the list of permitted Mobile Canteen Use Zones to include the General Commercial Use Zone, the Waterfront Use Zone and the Park and Recreation Use Zone, and for Council to cover the associated advertisement fees and amendment application fee.

2. ISSUES AND OPTIONS**Request #1:**

87 Victoria Road is located in the Commercial Mixed Use Zone that enables the establishment of Mobile Canteen operations pursuant to Schedule "G" of the Land Use By-law. No amendment to the Land Use By-law is required in order to enable a lunch truck to operate in the Commercial Mixed Use Zone. As the property is owned by the Town, Town permission is necessary. Amy wishes to establish a Lunch Truck at this location on Thursdays and Fridays, twice a week.

The operation of the Lunch Truck is not anticipated to affect the operations of the Farmer's Market at the Recreational Complex in the context of land use impacts. There will be little, if any, land use conflicts related to parking, obnoxious impacts, or visual impacts. The location is on the western side of the blue building and not visible from the Farmer Market site.

Currently, lunch trucks are restricted to the Commercial Mixed Use Zone as shown on the Use Zone Map, **Attachment B**. Note the Recreational Centre lands are zoned Institutional (INS) and as such, lunch trucks would not be permitted on the same lot as the Farmer's Market site. The Lunch Truck could also for example locate at the Bowling Alleys or Mike's Pit Stop, as of right under the Land Use By-law as those properties are located within the Commercial Mixed Us Zone.

A lease agreement is required to lease the land at 87 Victoria Road from the Town, as the Town is the landowner. In comparing Town rental rates for other uses, the rental of 87 Victoria Road for the purposes of a lunch truck (mobile canteen) should be limited to the periods between May 1 and October 31 and be charged based on the number of operational days per week times \$100.00. For example, a two-day week period would result in a \$200.00 per season (from May 1 to October 31) rental rate and a lease agreement will be prepared for same. Staff propose this be for the 2022 season only as a trial season. In addition, if there are additional requests for the 2022 season regarding food trucks on Town lands the same process will be followed. Leases for one year or less can be executed by the CAO.

There are two (2) options:

- 1) To refuse the request; or
- 2) To enable the CAO to undertake a lease agreement with Shore Lunch Food Truck for the 2022 season for two days a week between May 1st and October 31st for the season rental rate of \$200.00.

Note, in addition to the rental of the lands, a vending permit is required to operate the lunch truck pursuant to the Town's Vending By-law with the cost of \$546.00 for the vending license.

Request #2:

The second request is with regards to an amendment to the Land Use By-law (LUB) Schedule "G" to add the "General Commercial Use Zone, the Waterfront Use Zone and the Park and Recreation Use Zone to the list of permitted vending use zones and a waiver of the advertisement fees and amendment application fees. The Town currently charges \$1450.00 (application fee of \$750.00 plus a deposit of \$700.00 deposit to go towards the costs associated with advertisements). Amy has requested that these costs be covered by the Town as she feels that others, following her footsteps, will benefit from this amendment.

The amendment to the Town's LUB will be undertaken under a separate report. Note, the amendment process takes roughly 5-6 months and requires input from the Planning Advisory Committee, a Public Information Meeting (PIM), first reading, a Public Hearing, and second reading. The process is outlined below:

LUB AMENDMENT

When does it apply? When a development is not enabled as-of-right under the provisions of the LUB. If a proposed LUB amendment is in compliance with the MPS, an amendment to the MPS is not required. If it is not in compliance, see above.

Planner > PAC > Public Participation Meeting > Council 1st Reading > Public Hearing > Council 2nd Reading > Council Decision > Applicant may appeal to UARB > Public Notice
Est. duration 6 months

3. **FINANCIAL IMPACT**

First Request:

There will be a positive financial impact to the Town as of a direct result of the proposed request and subsequent approval.

Second Request:

There will be a financial impact to the Town as of a direct result of the proposed request to waive the advertisement costs associated with the LUB amendment. The costs associated with the advertisements will be roughly \$750.00 for the Land Use By-law amendment.

4. **STRATEGIC PLAN RELEVANCE**

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

Economic Development: Direction to support economic development.

5. **RECOMMENDATION AND DRAFT MOTION**

The following three (3) motions are recommended:

Motion: To approve a lease agreement process for the 2022 season (May 1 to October 31) for food trucks on Town land within the appropriate zoning regulations at a rate of \$100 per season per number of days per week.

Motion: To further develop a Policy to handle similar requests for the use of Town owned lands relating to food truck vending.

Motion: To undertake a planning report in order to consider an amendment to the Land Use By-law, in particular, Schedule "G", to enable the establishment of Mobile Canteens in the General Commercial Use Zone, the Waterfront Use Zone and the Park and Recreation Use Zone.

ATTACHMENTS:

- A.** Amy Funk's April 12, 2022 Presentation
- B.** Use Zoning Map
- C.** Proposed Lunch Truck Site Location – 87 Victoria Road
- D.** Schedule "G"- Vending of the Land Use By-law

Acknowledged by:

Kevin Malloy
Interim CAO

ATTACHMENT A

SHORE LUNCH FOOD TRUCK Town of Lunenburg Vending Permit, 2022



1. Permission to operate at 94 Victoria Road (town property)
2. Propose amendment for vending bylaw to include Parks & Recreation





Server Extraordinaire - Amy Funk (Lincoln Street Food)





- all compostable packaging
- entirely green operation
- low impact footprint
- zero emissions
- 80% of ingredients from within 100 mile radius



Renewable Resource
- Disposable -
Compostable - Eco
Friendly

32 oz. Classic Natural
Plant Fiber Bowl

Biodegradable Tableware Bowl
/ 500 Bowls Per Case

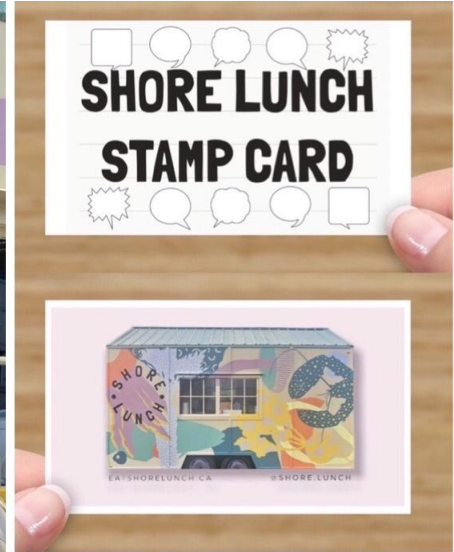
Opaque Design - DURABLE
degradable bowls are made
from Eco Friendly and renewable
Unbleached Plant Fiber.

- Petroleum Free
- Microwave Safe
- Biodegradable
- Compostable
- Can be Refrigerated and
Frozen!

Classic opaque design is perfect
for the needs and requirements
of the food service industry as
well as the individual consumer
who is concerned about the
environment.



- **New residents = demand for diverse flavours**
- **Expand culinary scene**
- **Quick, fresh & affordable**
- **Great option for families**
- **Handle lunchtime overflow**
- **Over 2000 social media followers + local regulars**
- **Suits the UNESCO aesthetic**



**SHORE LUNCH
FOOD TRUCK**

PRE ORDER LUNCH PICK UP
THURSDAY MARCH 24TH, & FRIDAY APRIL 1ST
THEN THURSDAY APRIL 7TH, 14TH, 21ST & 28TH
TIME SLOTS AVAILABLE BETWEEN 11:30AM-2:30PM

ORDER ON OUR WEBSITE: EATSHORELUNCH.CA

CHOOSE YOUR LUNCH, PAY ONLINE, PICK IT UP @
S.S. SURF SHOP, 714 BLUEROCKS RD, GARDENLOTS





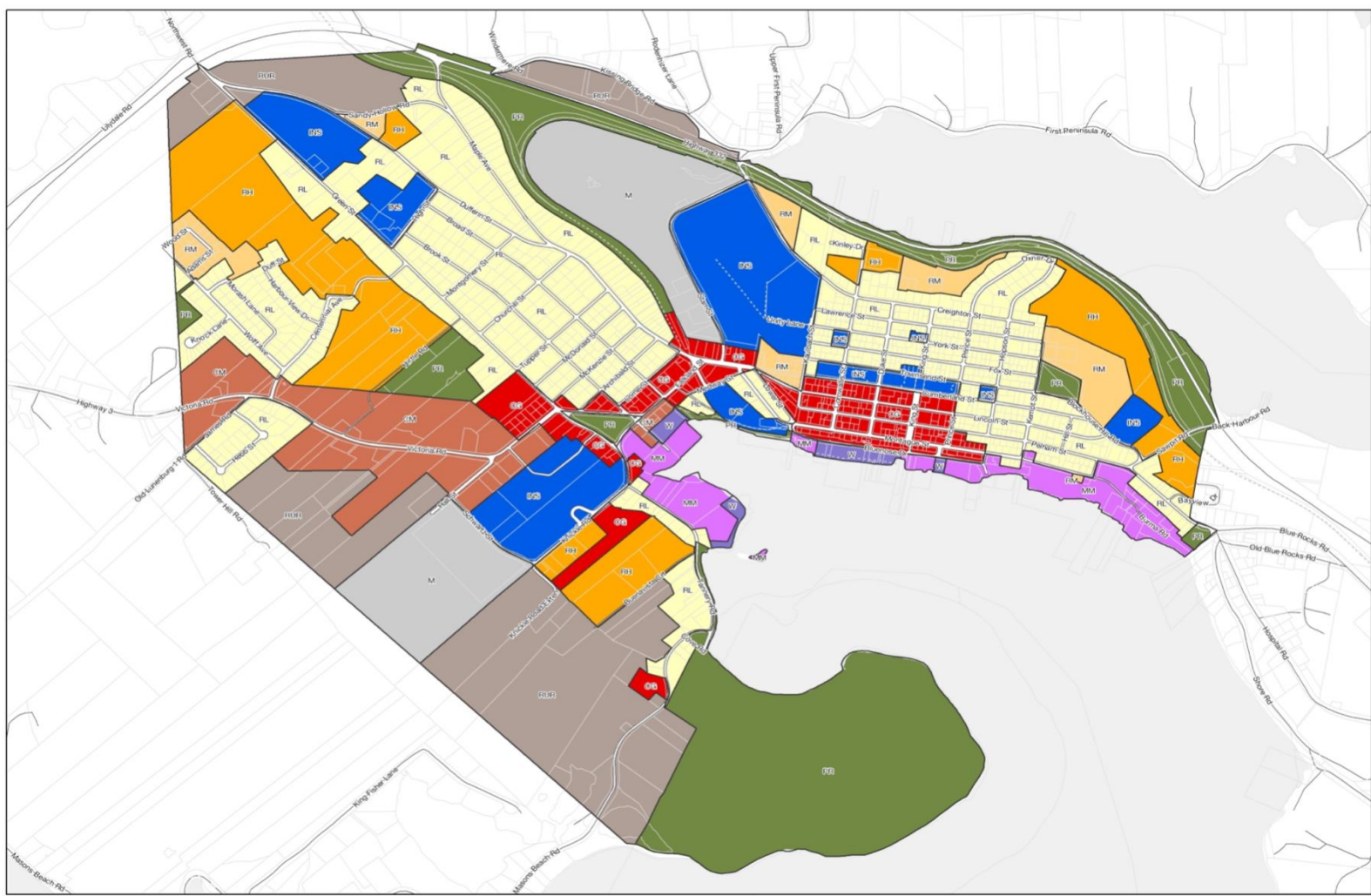


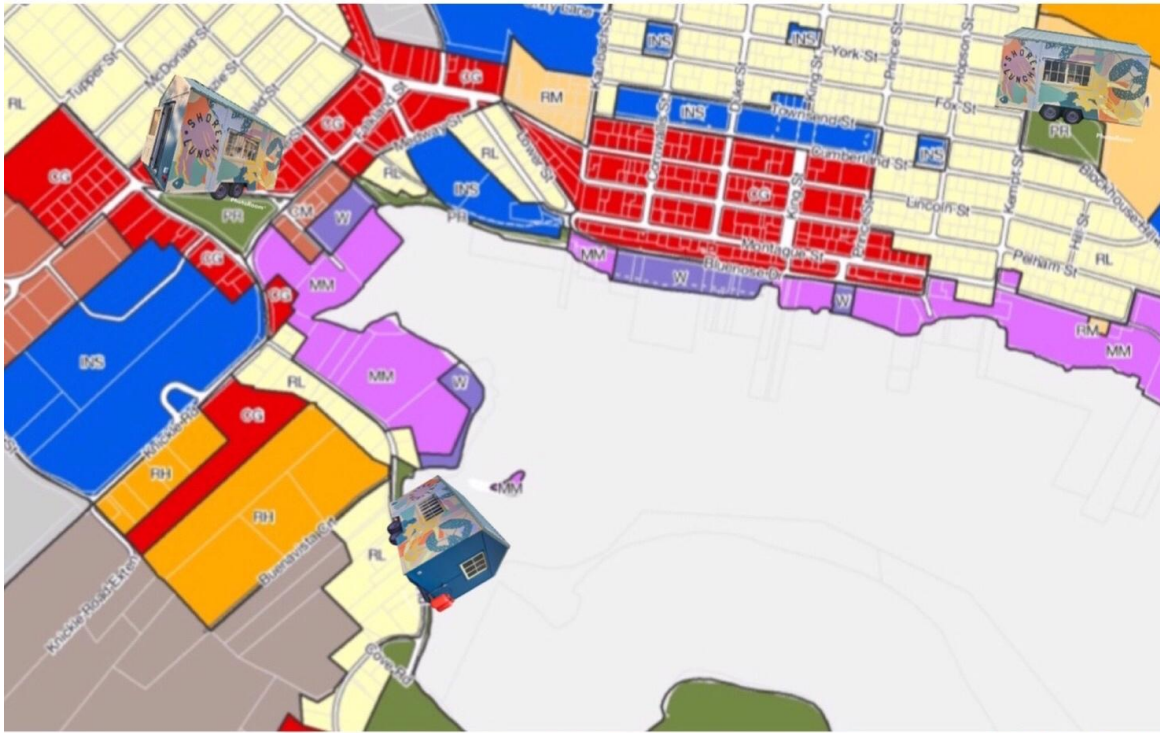
MAP
Use Zoning Map

SCHEDULE C
LAST UPDATED 2021/07/27

NORTH
SCALE 1:10,000

- LEGEND
- RL Lower Density Residential
 - RM Medium Density Residential
 - RH Higher Density Residential
 - CM Commercial Mixed Use
 - CG General Commercial
 - W Waterfront
 - M Industrial
 - MM Marine Industrial
 - RUR Rural
 - INS Institutional
 - PR Parks and Recreation





- RL Lower Density Residential
- RM Medium Density Residential
- RH Higher Density Residential
- CM Commercial Mixed Use
- CG General Commercial
- W Waterfront
- M Industrial
- MM Marine Industrial
- RUR Rural
- INS Institutional
- PR Parks and Recreation





eatshorelunch.ca

[@shore.lunch](https://www.instagram.com/shore.lunch)

shore lunch food truck



ATTACHMENT B



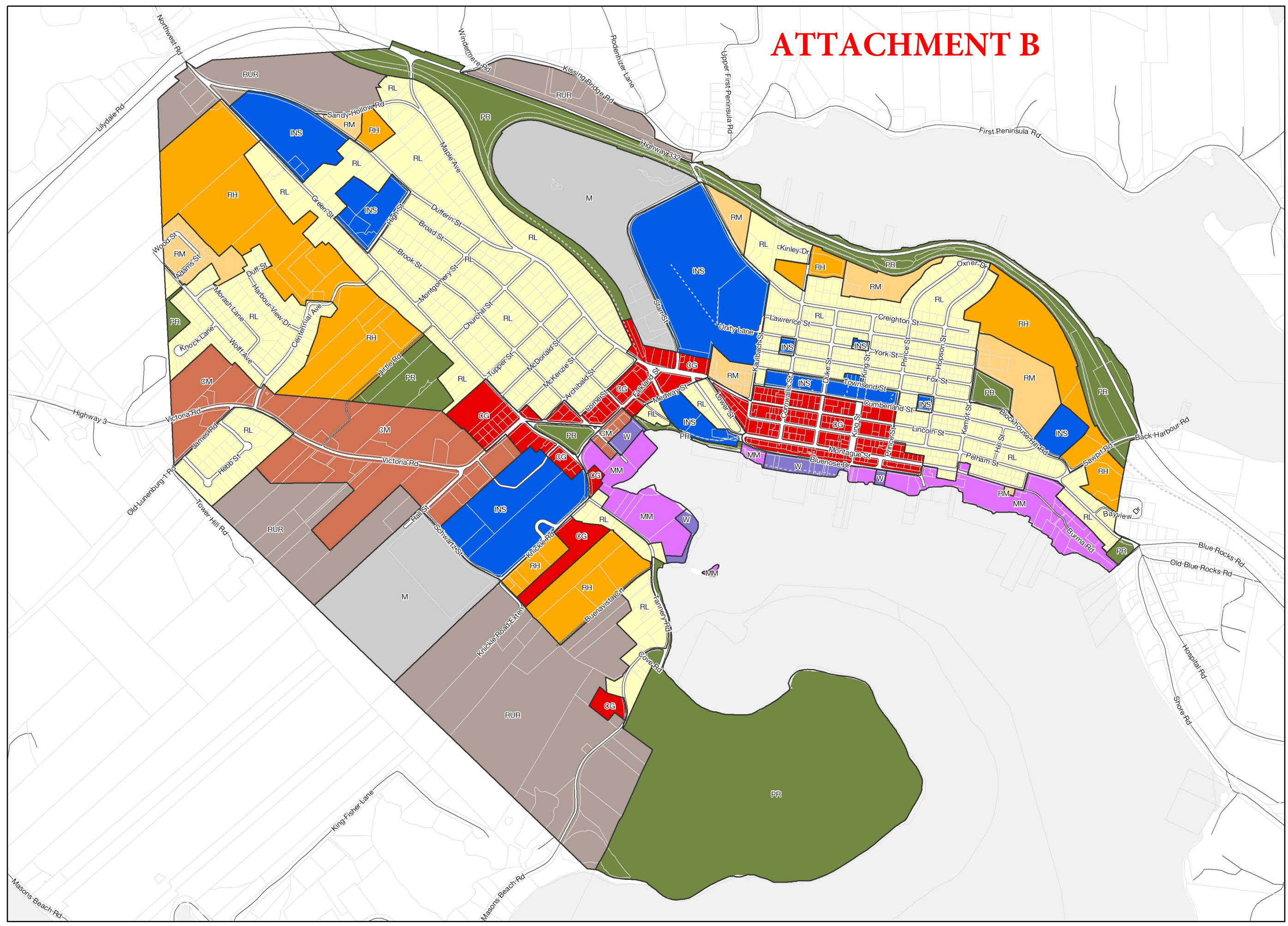
MAP
Use Zoning Map

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| C | 2021/07/27 |

| NORTH | SCALE |
|-------|----------|
| | 1:10,000 |

LEGEND

| | | |
|--|-----|----------------------------|
| | RL | Lower Density Residential |
| | RM | Medium Density Residential |
| | RH | Higher Density Residential |
| | CM | Commercial Mixed Use |
| | CG | General Commercial |
| | W | Waterfront |
| | M | Industrial |
| | MM | Marine Industrial |
| | RUR | Rural |
| | INS | Institutional |
| | PR | Parks and Recreation |



Legend ATTACHMENT C

- Civic Addresses
- ▭ Parcels
- ▭ Road Right-of-Way

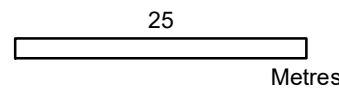


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Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume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

TOWN OF LUNENBURG

Shore Lunch Food Trailer Site Plan



Attachment D
Schedule “G”- Vending of the Land Use By-law

Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*.

- (a) Commercial Mixed Use Zone

Excerpts from the Vending By-law:

- M. “mobile canteen” means a vehicle or mobile stand used for the display, storage, transportation or sale of food or beverages to the public by a vendor;



Lunenburg Farmers' Market Association

www.lunenburgfarmersmarketns.ca

lfm@lunenburgfarmersmarketns.ca
PO Box 448 Lunenburg NS B0J 2C0

Honourable Town Council

Town of Lunenburg

119 Cumberland St

Lunenburg NS B0J 2C0

Re: Support Letter for Shore Lunch Food Truck

To the Honourable Town Council Members:

Our Lunenburg Farmers' Market fully supports The Shore Lunch Food Truck operating on the municipal grounds by our Farmers' Market. Ms. Funk sources many of her ingredients from our vendors and market. Her operating hours will not conflict with ours.

We hope this letter will aid council in adding this wonderful food truck to our Town of Lunenburg local businesses.

Sincerely,

Ashley Marlin

Market Manager

Lunenburg Farmers' Market

Circulated: _____

Document No:

Meeting: HAC – April 25, 2021

Circulate To: HAC, Council, BR

File:

MEMORANDUM

TO: HERITAGE ADVISORY COMMITTEE

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: APRIL 12, 2022

RE: HERITAGE RECOGNITION AWARDS

1. FACTS**A. Background**

In keeping with the Town's Heritage Recognition Awards Program, the Town advertised for nominations on February 23rd and March 2nd, 2022. The nomination period closed on March 28th. Staff has identified two (2) projects that were deemed worthy of consideration. One nomination was received.

| Civic Address: | Owner: | Nominator: |
|---------------------|---|---------------|
| 146 Bluenose Drive | Develop Nova Scotia | Staff |
| 213 Montague Street | Susan Sanford and Brian Richardson | Staff |
| 94 Townsend Street | Rector Warden St. John's Anglican Church | Stephen Ernst |

The committee may wish to nominate additional projects for consideration. The categories as well as the criteria are enclosed in the Heritage Recognition Awards Program attached in **Attachment "A"**.

B. Proposal

The Heritage Recognition Awards is intended to recognize the fine work of property owners, craftsmen, and developers in enhancing Lunenburg as a UNESCO World Heritage Site and to heighten public awareness of Lunenburg's rich built heritage.

The owners of the nominations approved by Council will be invited to the Town's 269th Birthday Ceremony on June 7th, 2022, where they will be presented with their Heritage Recognition Certificates.

This year the Town is organizing a joint Birthday and Grand Opening of the Lunenburg Academy Heritage Classroom on June 7th on the grounds of the Lunenburg Academy. All are invited to attend.

2. ISSUES AND OPTIONS ANALYSIS

- Council may approve the nominations as presented.
- Council may approve an alternative list of nominations.
- Council may refer the matter back to the HAC for further discussions.

3. FINANCIAL IMPACT

There is sufficient funding in the 2022/23 fiscal budget to cover the costs associated with manufacturing the certificates as well as holding the event.

4. STRATEGIC PLAN RELEVANCE

CCP Strategic Direction:

6. Heritage: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

CCP Guiding Principal:

5. Living Heritage: We interpret heritage with a holistic view, ensuring it is relevant and living within the community.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approves the following nominations for the Town's 2022 Heritage Recognition Award.

Motion: Moved by seconded by that the following nominations for the Town's 2022 Heritage Recognition Award be approved.

| Civic Address: | Category: |
|-----------------------|--|
| 146 Bluenose Drive | Rehabilitating a building that contributes positively to the design of the original structure. |
| 213 Montague Street | Rehabilitating a building that contributes positively to the design of the original structure. |
| 94 Townsend Street | Preserving or restoring the original character of a building. |

ATTACHMENTS:

- A.** Heritage Recognition Awards Program Complete with Criteria and Rating System.
- B.** Nominations for the 2022 Heritage Recognition Awards Review.

Acknowledged by:

Kevin Malloy
Interim CAO

ATTACHMENT “A”

Town of Lunenburg

Heritage Recognition Awards Program

Purpose:

To recognize property owners and developers for a “job well done” in outstanding restoration and/or rehabilitation work as well as well-designed infill developments that contribute positively to the streetscape in which they are located. It is intended the Program recognize small as well as large projects and consider nominations from throughout the Town.

Recognition Categories:

The Heritage Advisory Committee will accept nominations or will nominate from information provided by the Town’s Heritage Manager that fall under the following categories:

- preserving or restoring the original character of a building;
- rehabilitating a building, including successfully integrating modern elements that contribute positively to the design of the original structure;
- successfully blending an addition and/or adaptive reuse of a building that contributes positively to the design of the original structure;
- new infill developments that successfully blend into and contribute positively to the streetscape in which it is located; and
- the long term preservation stewardship of a building.

Review:

Nominations will be reviewed by Staff and forwarded to the Heritage Advisory Committee (HAC) for consideration. The HAC will provide their recommendations for Council’s consideration. Upon considering the HAC’s review, Council will approve those nominations they deem appropriate.

Heritage Recognition Awards Program

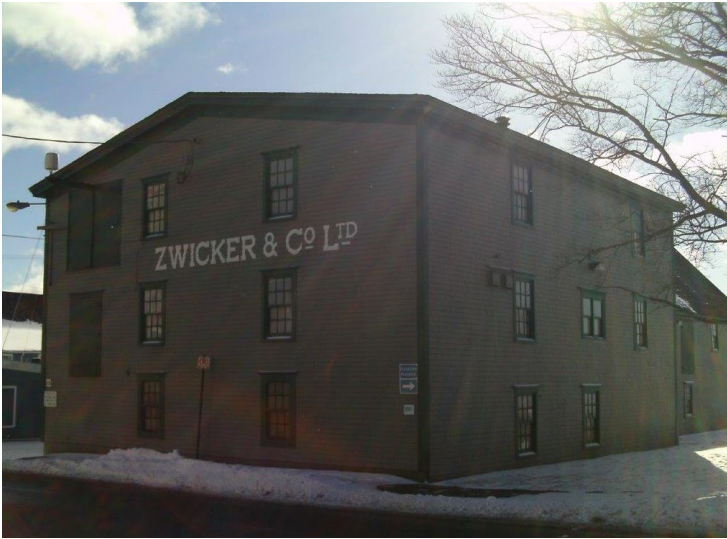
Criteria – Ranking System

| Criterion: | Score: High - 2 Points; Low - 1 Point: |
|--|--|
| Registered Federal, Provincial or Municipal Heritage Property/Site: (Maximum 1 point) | |
| Located in Heritage Conservation District or the Architectural Control Area: (Maximum 1 point) | |
| Works contribute positively to Lunenburg's Architectural Traditions: | |
| Works contribute positively to the streetscape: | |
| Works enhances building's architectural style: | |
| Rating Score: | ____ / 8 |
| | Nominations should receive a score value of 4/8 or better to be considered for a Heritage Recognition Awards unless there is compelling evidence to consider otherwise. |

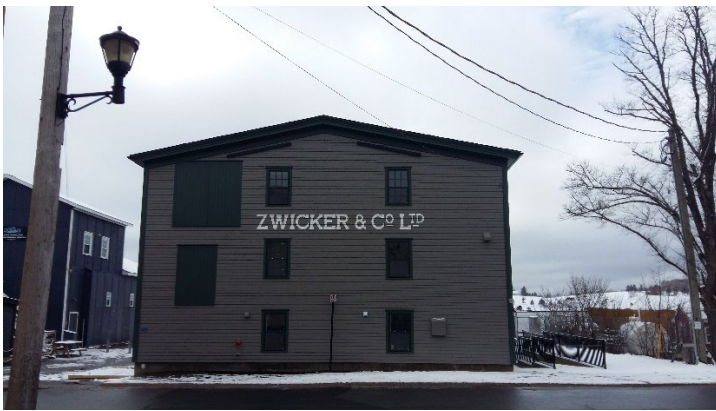
ATTACHMENT "B"
Nominations for the 2022 Heritage Recognition Awards

146 Bluenose Drive

Before Photo:



After Photos:



Heritage Recognition Awards Program Criteria – Ranking System

| Criterion: | Score: High - 2 Points; Low - 1 Point: |
|--|---|
| Registered Federal, Provincial or Municipal Heritage Property/Site: (Maximum 1 point) | 0 |
| Located in Heritage Conservation District or the Architectural Control Area: (Maximum 1 point) | 1 |
| Works contribute positively to Lunenburg’s Architectural Traditions: | 2 |
| Works contribute positively to the streetscape: | 1 |
| Works enhances building’s architectural style: | 1 |
| Rating Score: | 5/8 |
| 146 Bluenose Drive | Nominations should receive a score value of 4/8 or better to be considered for a Heritage Recognition Awards unless there is compelling evidence to consider otherwise. |

213 Montague Street

Before Photo:



After Photos:



Heritage Recognition Awards Program Criteria – Ranking System

| Criterion: | Score: High - 2 Points; Low - 1 Point: |
|--|--|
| Registered Federal, Provincial or Municipal Heritage Property/Site: (Maximum 1 point) | 0 |
| Located in Heritage Conservation District or the Architectural Control Area: (Maximum 1 point) | 1 |
| Works contribute positively to Lunenburg's Architectural Traditions: | 1 |
| Works contribute positively to the streetscape: | 1 |
| Works enhances building's architectural style: | 2 |
| Rating Score: | 5/8 |
| 213 Montague Street | Nominations should receive a score value of 4/8 or better to be considered for a Heritage Recognition Awards unless there is compelling evidence to consider otherwise. |

94 Townsend Street

Before Photo:



After Photos:



Heritage Recognition Awards Program Criteria – Ranking System

| Criterion: | Score: High - 2 Points; Low - 1 Point: |
|--|---|
| Registered Federal, Provincial or Municipal Heritage Property/Site: (Maximum 1 point) | 1 |
| Located in Heritage Conservation District or the Architectural Control Area: (Maximum 1 point) | 1 |
| Works contribute positively to Lunenburg's Architectural Traditions: | 2 |
| Works contribute positively to the streetscape: | 2 |
| Works enhances building's architectural style: | 2 |
| Rating Score: | 8/8 |
| 94 Townsend Street | Nominations should receive a score value of 4/8 or better to be considered for a Heritage Recognition Awards unless there is compelling evidence to consider otherwise. |

**TOWN OF LUNENBURG
SPECIAL EVENT/FESTIVAL/PARADE APPLICATION FORM**

Please complete all sections of this Application and return to:

Town of Lunenburg
119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia B0J 2C0

1. Name of Special Event/Race/Festival/Parade/etc. ("Event"):
Lunenburg Arts Fest

2. Name of organization hosting/planning event:
Lunenburg Art Gallery Society

3. Type of organization: (please give tax number if applicable)

- Athletic _____
- Special Interest Group _____
- Community Non-profit non-profit _____
- Commercial (private sector) _____
- Religious _____
- Political _____
- Charitable _____
- Incorporated Society _____
- Other _____ Please Specify _____

4. Key contact for event:

Name: Sharon Wadsworth-Smith
 Address: 228 Homestead Estates Drive, Italy Cross, Nova Scotia
 Postal Code: B4V 0S6
 Phone No. 902 530 2623 (H) (O) (F)

Secondary contact for event:

Name: Wendy Muise
 Address: 220 Hirtle Beach Road, Kingsburg, Nova Scotia
 Postal Code: B0J 2X0
 Phone No. 902 529 0893 (H) (O) (F)

5. Name and main theme of event:

The Lunenburg Arts Fest (formerly Paint Sea on Site) features live artists in the town/area of Lunenburg.
Art is then displayed and sold in a large tent and smaller tents on the fisherman's Museum wharf.

6. Main activities of event:

Live painting and artist demos with completed works displayed for sale in a large tent.
Artist market place tents also for artists to display and sell 2 and 3 dimensional art and artisan work.

7. Objectives of event in order of priority:

To allow the public the opportunity to watch artists working live on paintings, drawings and other mediums.
To give artists a venue to display and sell their artwork to the community and visitors to Lunenburg.
Fundraiser for the Lunenburg Art Gallery Society to support gallery operation and outreach to the community.

8. Date(s) and times to held:

July 16th and July 17th, 2022 10 am to 5pm each day
High wind or named storm alternate date July 30, 31st 10am - 5pm each day

9. Please identify the frequency of this event:

Annual Yes _____ One time only _____
Biennial _____ Other (Please specify) _____

10. Locations/Route of event (please include site maps or route plan):

The Fisheries' Museum of the Atlantic Wharf in tents set up and provided by the Museum
Painting locations in and around the town determined at random by each artist during the event
Private homes and Galleries as highlighted on a Studio Tour map

11. Insurance requirements: The Town of Lunenburg requires that event organizers, whether all or part of the event takes place on or passes over the Town of Lunenburg public property, during setup, the event, and/or break-down, carry third party liability insurance at a level of not less than \$2,000,000.00 per incident. The Town of Lunenburg shall be named as "Additional Insured", and where liquor shall be served as part of the event, additional liquor liability insurance shall be obtained. A certificate of all insurance concerning this coverage shall be forwarded to the Town Manager/Clerk of the Town of Lunenburg, at least 7 working days before the event start date. Please describe your insurance coverage and attach relevant documents.

\$2,000,000 general liability with Intact Insurance through Huestis, Bridgewater

12. Will you require Town Services? If so, please describe:

No

13. Are you requesting that these Town services be donated free of charge? If so, please detail:

14. Please note any additional information below you feel would be helpful.
We would like to place professionally printed signs on poles etc prior to the event.

We will remove all signs after the event

(Please Note: Your request for approval of this event and/or a donation will be considered by the Lunenburg Town Council at their next meeting.)

FOR OFFICE USE ONLY

Application received by: _____

Date application received: _____

Date Council considered application: _____

Decision of Council:

Special Event Permit Approved

Special Event Permit Denied

Conditions of Special Event Permit:

Term of Special Event Permit:

Fees or Service Charges for Town Work:

SATURDAY JULY 16 &
SUNDAY JULY 17, 2022
10am - 5pm both days

LUNENBURG

Arts Fest

ON THE LUNENBURG WATERFRONT

Featuring:

- Artist Demos
- Plein Air Painting
- Outdoor Art Market
- Studio Tour



In the Big Tent outside
The Fisheries Museum
of The Atlantic
FREE ADMISSION!

Hosted by The Lunenburg Art Gallery Society
www.lunenburgartsfest.com



Certificate of Insurance



This certificate is issued as a matter of information only and confers no rights upon the certificate holder and imposes no liability on the insurer. This certificate does not amend, extend or alter the coverage afforded by the policies below.

| | |
|---|--|
| 1. CERTIFICATE HOLDER – NAME AND MAILING ADDRESS Town of Lunenburg 19 Pelham St Lunenburg NS POSTAL CODE: B0J 2C0 | 2. INSURED'S FULL NAME AND MAILING ADDRESS Lunenburg Art Gallery Society Attn: Wendy Muise PO BOX 1418, 194 B Lincoln St Lunenburg, NS POSTAL CODE: B0J 2C0 |
|---|--|

| |
|--|
| 3. DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS TO WHICH THIS CERTIFICATE APPLIES (but only with respect to the operations of the Named Insured) Outdoor art show at various locations in Lunenburg, NS |
|--|

4. COVERAGES
 This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated notwithstanding any requirements, terms or conditions of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies.

LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

| TYPE OF INSURANCE | POLICY NO. | EFFECTIVE DATE (YYYY/MM/DD) | EXPIRY DATE (YYYY/MM/DD) | LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise) | |
|---|------------|--------------------------------|-----------------------------|--|---------------------|
| | | | | COVERAGE | AMOUNT OF INSURANCE |
| COMMERCIAL GENERAL LIABILITY MAX: Form No.: LR20 Including: <input checked="" type="checkbox"/> PRODUCTS AND/OR COMPLETED OPERATIONS <input type="checkbox"/> CROSS LIABILITY (Form No: G011) <input checked="" type="checkbox"/> TENANTS LEGAL LIABILITY | 501259181 | 2022/3/17 | 2023/3/17 | BODILY INJURY AND PROPERTY DAMAGE LIABILITY EACH OCCURRENCE | 2,000,000 |
| | | | | <input checked="" type="checkbox"/> GENERAL AGGREGATE (Form No. L321) | 2,000,000 |
| | | | | PRODUCTS - COMPLETED OPERATIONS AGGREGATE | 2,000,000 |
| | | | | ABUSE AGGREGATE | 2,000,000 |
| | | | | <input checked="" type="checkbox"/> PERSONAL INJURY AND ADVERTISING INJURY LIABILITY - Any one person or organization, and in the Aggregate | 2,000,000 |
| | | | | MEDICAL PAYMENTS – Any one person | 50,000 |
| <input checked="" type="checkbox"/> NON-OWNED AUTOMOBILES | 501259181 | 2022/3/17 | 2023/3/17 | NON- OWNED AUTOMOBILE - Any One Accident Limit: | 2,000,000 |
| <input type="checkbox"/> Pollution Liability Exclusion Standard <input type="checkbox"/> Limited – 120 hours <input type="checkbox"/> Other | | | | | |
| OTHER COVERAGES (SPECIFY) | | | | | |

5. CANCELLATION
 Should any of the above described policies be cancelled before the expiration date thereof, the insurer will endeavor to mail 30 days written notice to the certificate holder named above, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

| | |
|--|--|
| BROKERAGE/AGENCY FULL NAME AND MAILING ADDRESS Huestis Insurance Group - BW 60 Logan Rd., Bridgewater, NS POSTAL CODE: B4V3J8 BROKER CLIENT ID: | 7. ADDITIONAL INSURED NAME AND MAILING ADDRESS (Commercial General Liability – but only with respect to the operations of the Named Insured) Town of Lunenburg 19 Pelham St Lunenburg NS POSTAL CODE: B0J 2C0 |
|--|--|

If Section 7 is completed, the Additional Insured status shall only apply to the extent indicated in the policy.

| | | | |
|--|---|--|------------------------------|
| 8. CERTIFICATE AUTHORIZATION | | | |
| ISSUER: Scott Horton CAIB | | CONTACT NUMBER(S) | |
| AUTHORIZED REPRESENTATIVE: Scott Horton CAIB | | TYPE | NO. |
| | | TYPE | NO. |
| SIGNATURE OF AUTHORIZED REPRESENTATIVE: | E-SIGNED by Scott Horton on 2022-04-27 15:18:33 ADT | EMAIL ADDRESS: scott.horton@huestis.ca | DATE (YYYY/MM/DD) 2022-04-27 |

TOWN OF LUNENBURG
SPECIAL EVENT/FESTIVAL/PARADE APPLICATION FORM

Please complete all sections of this Application and return to:

Town of Lunenburg
119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia B0J 2C0

1. Name of Special Event/Race/Festival/Parade/etc. ("Event"):

Golden Retriever Gathering and walk

2. Name of organization hosting/planning event:

Golden Retrievers of the South Shore

3. Type of organization: (please give tax number if applicable)

- Athletic
- Special Interest Group
- Community Non-profit
- Commercial (private sector)
- Religious
- Political
- Charitable
- Incorporated Society
- Other _____ Please Specify

The Golden Retrievers of the South Shore are a fairly loose organization. We meet once a year at the Salter's (pre COVID) and have no resources except for donations which we give to local charities. It is a happy, silly event and gives everyone so much joy which we could use, about now.

4. Key contact for event:

Name: Maureen Moffatt
 Address: 59 Duke Street Box 835 Lunenburg
 Postal Code: B0J 2C0
 Phone No. 902 (H) 634-4428 (O) 553-0497 (F)

Secondary contact for event:

Name: Susan MacMillan
 Address: South Cove Rd Lunenburg
 Postal Code: B0J 2C0
 Phone No. 902 (H) 634-3019 (O) (F)

5. Name and main theme of event:

Golden Retriever Gatherings - a gathering of Golden Retrievers and owners, sharing information and support

6. Main activities of event:

Gatherings with Golden Retriever owners; sharing information; Walk to Academy for picture; raise funds for Cancer Research, SHAID and for ELDERDOG!

7. Objectives of event in order of priority:

To share info & resources; social interaction for dogs; raise funds for research and support; to have fun and make people smile.

8. Date(s) and times to held:

Saturday, July 23, 2022.

9. Please identify the frequency of this event:

| | | | |
|----------|----------|------------------------|-------|
| Annual | <u>✓</u> | One time only | _____ |
| Biennial | _____ | Other (Please specify) | _____ |

10. Locations/Route of event (please include site maps or route plan):

Start at Blockhouse / Visitor Centre / Camp Ground. Parade down Townsend to Kauback to Academy (see attached map)

11. Insurance requirements: The Town of Lunenburg requires that event organizers, whether all or part of the event takes place on or passes over the Town of Lunenburg public property, during setup, the event, and/or break-down, carry third party liability insurance at a level of not less than \$2,000,000.00 per incident. The Town of Lunenburg shall be named as "Additional Insured", and where liquor shall be served as part of the event, additional liquor liability insurance shall be obtained. A certificate of all insurance concerning this coverage shall be forwarded to the Town Manager/Clerk of the Town of Lunenburg, at least 7 working days before the event start date. Please describe your insurance coverage and attach relevant documents.

In previous years this requirement has been waived and we are making a similar request this year. We are an informal group without resources of our own - all donations go to charitable causes

12. Will you require Town Services? If so, please describe:

no it is a very short event 1 1/2 and begins and ends early. We rarely meet anyone.

13. Are you requesting that these Town services be donated free of charge? If so, please detail:

14. Please note any additional information below you feel would be helpful.

Whether the event will take place will depend upon COVID restrictions, federal, provincial, local.

(Please Note: Your request for approval of this event and/or a donation will be considered by the Lunenburg Town Council at their next meeting.)

FOR OFFICE USE ONLY

Application received by: _____

Date application received: _____

Date Council considered application: _____

Decision of Council:

Special Event Permit Approved

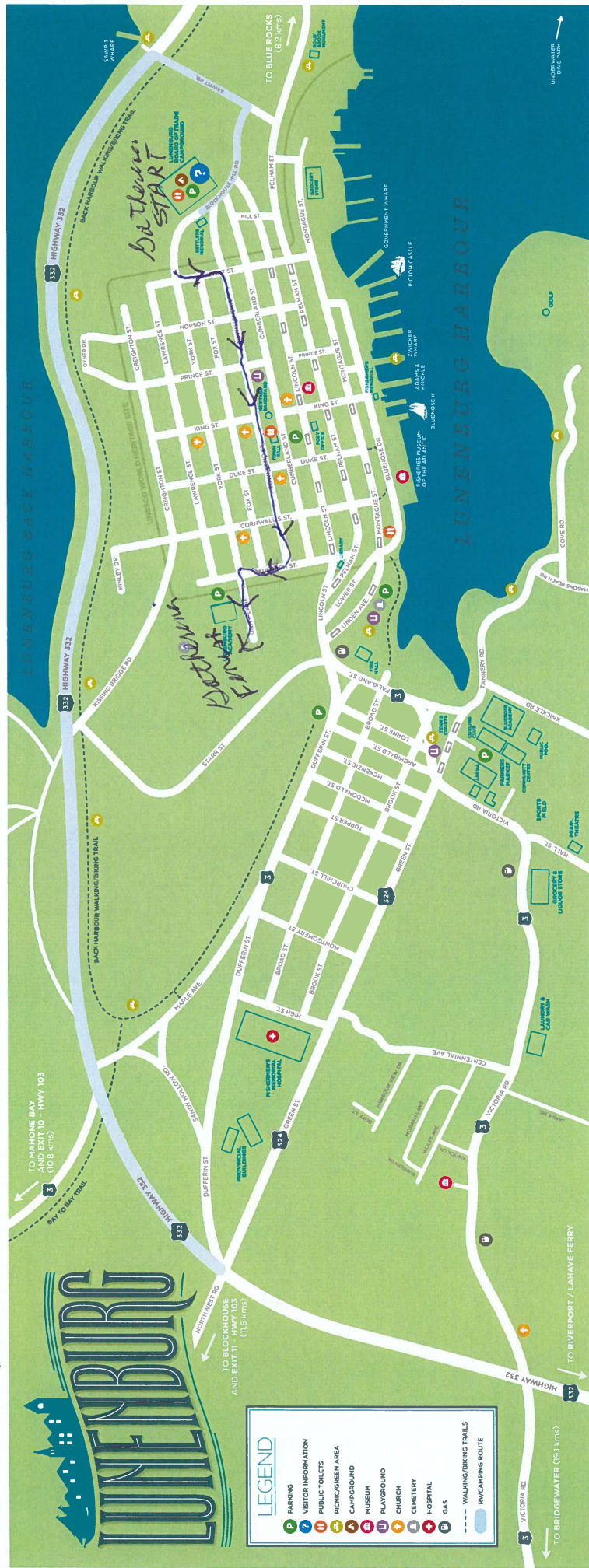
Special Event Permit Denied

Conditions of Special Event Permit:

Term of Special Event Permit:

Fees or Service Charges for Town Work:

Golden Retriever Gathering July 23, 2022 1000-1200



Document No:
Meeting: Committee of the
Whole – April 19, 2022
Circulate: Council
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: KELLY CUNNINGHAM, RECREATION DIRECTOR

DATE: APRIL 27, 2022

**RE: COMMUNITY GRANTS: LATE APPLICATION FROM ROYAL
CANADIAN LEGION LUNENBURG**

1. FACTS

The Town of Lunenburg accepts applications for the Community Grants Program annually with the deadline of March 31. At the April 26, 2022 Council meeting, Council approved the following motion:

Motion: moved and seconded that Town Council approve the 2022-23 Community Grants in the amount of \$14,921 and to reduce the Grants budget for fiscal 2022-23 by \$2,500 and move the \$2,500 to Operating Reserves.

The budget was originally \$20,000 before the motion above, now it is \$17,500. There is currently \$2,579 unexpended in the grant budget.

2. ISSUES AND OPTIONS ANALYSIS

The Royal Canadian Legion in Lunenburg submitted an application received on April 20, 2022 for a grant in the amount of \$1,250. The Legion qualifies under the Policy and was supported in the amount of \$750 in fiscal 21/22. The grant would be used towards the Remembrance Day service on November 11, 2022 which would include: parade insurance cost, rental of sound system, and helping with the food for the Meet and Greet following the parade.

Staff inquired with the Legion President to determine why their application was received past the application deadline (March 31). They advised they were out of the country and had technical issues with the internet that did not allow them to submit on time.

3. FINANCIAL IMPACT

As previously noted, there is currently \$2,579 unexpended in the Grants Budget. If the Legion's grant is approved, the remaining balance will be \$1,329.

4. STRATEGIC PLAN RELEVANCE

Guiding Principles:

- We facilitate strong social connections and citizen engagement, locally and beyond.
- We work to ensure a sense of belonging, acceptance and value for all in our community.

5. RECOMMENDATION AND DRAFT MOTION

To approve the following draft motions:

Draft Motions:

Moved and seconded to recommend to Council to approve the Royal Canadian Legion Lunenburg Branch grant in the amount of \$1,250 for fiscal 22/23.

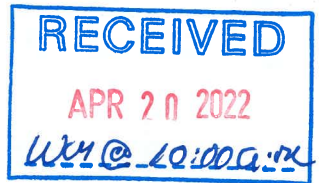
Attachments –

Schedule A – Royal Canadian Legion Lunenburg Grant Application Form

Schedule B – Community Grants Policy

Acknowledged only by:

Kevin Malloy
Interim CAO



TOWN OF LUNENBURG
COMMUNITY GRANTS PROGRAM APPLICATION FORM

Please review the attached Town of Lunenburg Procedural Policy: Community Grants Program before completing this Application. Attach all the additional information requested before submitting your application. Applications must be received by **March 31st**.

Name of Non-Profit Organization: ROYAL CANADIAN LEGION LUNENBURG

Primary Contact Person: PRESIDENT ARLEIGH ROBAR

Daytime phone number Work Cell Home): 902 521-4777

Mailing Address: RCL LEGION BRANCH 23 LUNENBURG PO Box 275 BOJSCO

Fax Number: _____ E-mail Address: 08-053@legion.ca

Organization Website: RCLlunenburgbranch23

1. Amount of funding requested: \$ 1250.00

In-kind Town of Lunenburg services requested: /

2. The organization is a: GRANTED A CHARTER UNDER THE ROYAL CANADIAN LEGION CANADA

NS registered society name _____

Registered National Charity name/# _____

Other (please describe) NOT FOR PROFIT

3. The geographic area serviced by the organization is: TOWN OF LUNENBURG AND SURROUNDING AREA

4. Please describe, in detail, the specific use of the funds requested. Attach additional sheet if needed.

PLEASE SEE ATTACHED

5. How will the community benefit from the funds received?

PLEASE SEE ATTACHED

Please include the following information with your completed application:

- Financial Statements from your last fiscal year.
- Budget for the current fiscal year.
- Project budget and funding sources summary.
- Previous post grant report confirming use of earlier approved grant monies (if applicable).

I/we, the undersigned, hereby state that, to the best of our knowledge, all information contained in this application form and any attachments are a true representation of our proposed project and I/we will comply with the terms and conditions of an approved Town grant.

| Printed Name of Authorized Representative | Signature of Authorized Representative | Position Held in Organization | Date MM / DD / YY |
|---|--|-------------------------------|-------------------|
| BRIAN RICHARDSON | <i>B. Richardson</i> | 1ST VICE PRESIDENT | APR 20, 2022 |
| | | 902-523-5590 | |
| | | | |

Please return this form and all requested information by mail, fax, email or in person to:

Community Grant Program
 Town of Lunenburg - Finance Director
 PO Box 129
 119 Cumberland Street
 Lunenburg, NS B0J 2C0
 (Fax): 902-634-4416, ldagley@explorelunenburg.ca

TOWN OF LUNENBURG COMMUNITY GRANT APPLICATION

REMEMBRANCE DAY NOVEMBER 11th, 2022

Specifically, to support and fund the November 11th, Remembrance Day program. The Royal Canadian Legion throughout the Town's history has taken the lead in conducting the November 11th program.

Funding is used in support of insurance for the parade, rental of the sound system as well as the food and refreshments provided at the 'Meet and Greet, following the Parade.

The residents of Lunenburg and surrounding area, throughout the years, have turned out in superior numbers, to remember our fallen comrades and veterans of two World Wars, Korea, Afghanistan as well as other United Nations engagements. The support and numbers gathering to pay their respect for the fallen, on this significant occasion, permits family, friends, loved ones and still serving comrades to come together to reflect on what their contribution in life, has meant for their families and our communities today.

Estimated Budget

Expenses

| | |
|-------------------|-----------|
| Parade Insurance | \$100.00 |
| Wreaths | \$8000.00 |
| Meet & Greet Food | \$700.00 |
| Flag Replacement | \$200.00 |
| Poppy Regalia | \$250.00 |
| Total | \$9250 |

Revenue

| | |
|--------------------------------------|-------------|
| Wreath Sales | \$9200.00 |
| Poppy Regalia | \$325.00 |
| Nationally Controlled Poppy Campaign | \$3000. |
| Total | \$12,525.00 |
| Veteran's Fund | \$3000.00 |

#74. TOWN OF LUNENBURG PROCEDURAL POLICY:

COMMUNITY GRANTS PROGRAM

1.) Purpose

The Municipal Government Act [section 65 (au)] states: council may expend money required by the municipality for a grant or contribution to a:

- society within the meaning of the Children and Families Services Act,
- mental health clinic in receipt of financial assistance from the Province,
- exhibition held by an educational institution in the municipality,
- club, association or exhibition within the meaning of the Agriculture and Marketing Act,
- charitable, nursing, medical, athletic, educational, environmental, cultural, community, fraternal, recreational, religious, sporting or social organization within the Province,
- day care licensed under the Day Care Act,
- registered charitable organization,
- village,

and the municipality shall publish annually a list of the organizations and grants or contributions made pursuant to this clause in a newspaper circulating in the municipality.

The Town of Lunenburg ("Town") has created this Policy to identify the process, terms and criteria which will be used to consider grants to non-profit organizations for community development.

2.) Objectives

- (a) To identify on an annual basis the total amount that the Town will provide in grants.
- (b) To establish a process for applying for grant money which is fair and consistently applied, as well as process by which the Town will consider grant requests.
- (c) To identify criteria upon which grant applications will be evaluated.

3.) Budget Amount

On an annual basis, the Town will identify an amount to be allocated for grants. Council will set the budget during the budget process. As a guide this amount could be 0.5% of total Town operating revenue for the preceding fiscal year.

4.) Application Process

- (a) All grant applications will be considered as part of Council's annual budget process.

- (b) The deadline for grant applications for the April 1 - March 31 fiscal year will be March 31 of the preceding fiscal year. Applications received after this date will only be considered if there are still grant budget funds unallocated after the Town's Budget is approved.
- (c) All grant applications (**Schedule "A"**) must include a financial statement of the last fiscal period, which indicates revenue sources for the organization, a budget for the current fiscal year and proposed funding project.
- (d) Council will consider the outcome of a previous year's grants to an organizations re-applying in subsequent years to assist in determining the likelihood of future success.

5.) Criteria

- (a) Only non-profit organizations, or individual Town residents under exceptional circumstances for non-profit activities, e.g., participation in a Provincial, national, etc. athletic competition, are eligible to apply for a grant. Preference will be given to such organizations in the Town of Lunenburg.
- (b) The non-profit organization must be either an incorporated body or a registered charity.
- (c) When considering grant applications, priority will be given to organizations which provide programs or services on a Town-wide basis, or to a significant portions of the Town's population.
- (d) All non-profit organizations will have to show financial need to receive funding.
- (e) Requests for in-kind grants for Town of Lunenburg services will be considered by Council and are subject to staff and equipment availability.

6.) Post Grant Reporting

- (a) Successful grant applicants will provide Council with a brief report confirming that the grant monies were used for the requested purpose and describe the outcomes achieved.

| | |
|--|-------|
| Clerk's Annotation For Official Policy Book | |
| Date of Notice to Council Members of Intent to Consider (7 days minimum): <u>February 3, 2015</u> | |
| Date of Passage of Current Policy: <u>February 10, 2015</u> | |
| I certify that this Policy was adopted by Council as indicated above. | |
| _____ | _____ |
| Municipal Clerk | Date |

Schedule "A"

TOWN OF LUNENBURG
COMMUNITY GRANTS PROGRAM APPLICATION FORM

Please review the attached Town of Lunenburg Procedural Policy: Community Grants Program before completing this Application. Attach all the additional information requested before submitting your application. Applications must be received by **March 31st**.

Name of Non-Profit Organization: _____

Primary Contact Person: _____

Daytime phone number (Work Cell Home): _____

Mailing Address: _____

Fax Number: _____ E-mail Address: _____

Organization Website: _____

1. Amount of funding requested: \$ _____

In-kind Town of Lunenburg services requested: _____

2. The organization is a:

NS registered society name _____

Registered National Charity name/# _____

Other (please describe) _____

3. The geographic area serviced by the organization is: _____

4. Please describe, in detail, the specific use of the funds requested. Attach additional sheet if needed.

5. How will the community benefit from the funds received?

Please include the following information with your completed application:

- Financial Statements from your last fiscal year.
- Budget for the current fiscal year.
- Project budget and funding sources summary.
- Previous post grant report confirming use of earlier approved grant monies (if applicable).

I/we, the undersigned, hereby state that, to the best of our knowledge, all information contained in this application form and any attachments are a true representation of our proposed project and I/we will comply with the terms and conditions of an approved Town grant.

| Printed Name of Authorized Representative | Signature of Authorized Representative | Position Held in Organization | Date MM / DD / YY |
|--|---|--------------------------------------|------------------------------|
| | | | |
| | | | |
| | | | |

Please return this form and all requested information by mail, fax, email or in person to:

Community Grant Program
Town of Lunenburg - Chief Administrative Officer
PO Box 129
119 Cumberland Street
Lunenburg, NS B0J 2C0
(Fax): 902-634-4416, brenton@explorelunenburg.ca

Document No:
Meeting:
Circulate
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA KENDALL, ACTING TOWN ENGINEER

DATE: APRIL 27, 2022

RE: ARMOURIES DIESEL FUEL TANK

1. FACTS

Land & Sea Contracting Ltd removed the underground diesel fuel tank at the Armouries on October 21, 2019. This tank was replaced with a new above ground fuel storage tank. In September 2021, a Phase I Environmental Site Assessment (ESA) was completed at the Armouries at the request of our insurers. The results of the Phase I ESA was forwarded to our insurers however now a Phase II ESA is required for the Town's insurance company to offer coverage of the new fuel tank.

2. ISSUES AND OPTIONS ANALYSIS

When the underground diesel fuel tank was removed in October 2019, a clean closure report was not completed. This would have sufficed to confirm there was no contamination or leak upon tank removal. Thus, a Phase I ESA was then required.

The Phase I ESA was completed in September 2021 and recommends that a Phase II ESA should be conducted to determine the presence or absence of contaminations at the site. Upon receiving the Phase I ESA report, the Town's insurance company has requested that a Phase II be complete before they can offer coverage. Thus, both fuel storage tanks at the Armouries, diesel and furnace oil, are not currently covered by the environmental insurance coverage due to having removed the underground tank at this location in 2019, without completing a clean closure or an ESA report. They will not be covered without a Phase II ESA being completed. The environmental insurance policy renews in June.

3. FINANCIAL IMPACT

The estimated amount to complete a Phase II ESA is approximately \$30,000. It is important to note that the Phase II ESA may recommend that remediation is required. If

this is the case, there will be additional costs for this project. The Armouries property is owned by the Town's Water Utility and these expenditures will impact that budget.

4. STRATEGIC PLAN RELEVANCE

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

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

Draft Motion:

Moved and seconded that a Phase II Environmental Site Assessment be completed at the Armouries.

Acknowledged only by:

Kevin Malloy
Interim CAO

Circulated: _____

Document No:

Meeting: Council in Camera

February 22, 2022

Circulate To: Council, KM, HM

File:

MEMORANDUM

TO: TOWN COUNCIL**FROM: ARTHUR MACDONALD, HERITAGE MANAGER****DATE: FEBRUARY 2, 2022****RE: POTENTIAL SALE OF LANDS – UPPER KING STREET – PID 60057387, PID 60057379, PID 60057460, PID 60057395 AND UPPER KING STREET EXTENSION PORTION OF PID 60579687****1. FACTS****A. Background**

The Town is investigating the possibility of divesting ownership of PID 60057387, PID 60057379, PID 60057460 and PID 60057395 into private ownership for private uses. A map outlining the lots is attached in **Attachment "A"**. It is intended to initiate the process with an RFP to obtain potential development schemes for the lands.

B. Proposal

The Town will have to undertake a legal review to ensure clear title and to migrate the properties into the Land Registration System. None of the lots have been migrated.

PID 60057460 is considered land locked and is only feasible to be sold to directly abutting landowners if no public street access complete with services are available. The proposed RFP will consider the feasibility of creating a street network or alternatively undertake a group dwelling development. After reviewing the RFP submissions, it may be appropriate to approach the owners of PID 60057494, PID 60385895 and PID 60638707 to see if they may be interested in purchasing the property known as PID 60057460.

Due to the costs of making public roads and due to the configuration of the existing lots and the location of the power easements, it is recommended that the Town consider including Upper King Street extension right-of-way to be added to PID 60057387, PID 60057379 and PID 60057395 to create one larger lot for a residential group dwelling development. The proposed RFP seeks development schemes that include two (2) street network schemes as well as two (2) group dwelling proposals for Council's consideration.

All the properties are in the Residential Designation pursuant to the Future Land Use Map and their zoning is outlined below:

Current Zoning:

PID 60057387

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60057379

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60057395

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60579687 (Upper King Street Extension)

- Located in the Medium Density Residential (RM) Use Zone and the Lower Density Residential (RL) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone and the OLD Town New Town 1 Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60057460 (Land locked parcel)

- Located in the Lower Density Residential (RL) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

The Old Town New Town 2 (ONT2) Form Zone enables multiple main buildings on the lot (group dwellings). However, the Medium Density Residential (RM) Use Zone only permits four (4) residential dwellings plus one accessory dwelling for a maximum of five (5) dwelling units on the lot. It is recommended to draft an RFP to consider two (2) proposals under the current Medium Density Residential (RM) Use Zone as well as two (2) proposals under the High Density Residential (RH) Use Zone to permit more dwelling units per lot under a group dwelling proposal.

| Process: | |
|-----------------|---|
| Migration | Needs to be review for clear title and migration into the Land Registration System. |
| Survey | Needs to be surveyed and easements identified and located on survey plan. |

| | |
|--|--|
| Subdivision | Either a public street is required to facilitate the creation of additional lots through a plan of subdivision that can accommodate more units in the Medium Density Residential (RM) zone or otherwise rezone the lands to Higher Density Residential (RH) to enable a group dwelling proposal. |
| Appraisal | It is recommended that the Town undertake an appraisal to determine fair market value. |
| Nova Scotia Power scoping for easements. | A request has been submitting through the Town to undertake a scoping exercise to determine the location and width of power easements. |
| Sewer and water services. | There is a 10-inch sewer main along Creighton Street and a 10-inch sewer main at the bottom of the hill. There is a 6-inch water main along Creighton Street. |

The draft RFP for the submission of development schemes is attached in **Attachment B**. The RFP requests proponents to submit design schemes based on the current Medium Density Residential (RM) Use Zone as well as the High Density Residential (RH) Use Zone for Council's consideration.

World Heritage Site (WHS)

The Town of Lunenburg as Manager of the Old Town World Heritage Site is obligated to comply with the Operational Guidelines for the Implementation of the World Heritage Convention. This includes the requirement to notify Parks Canada when any threats to the WHS Outstanding Universal Values (OUV's) may occur. The lands are in the WHS Buffer. It is recommended that we advise Parks Canada of the Town's intentions to sell the properties for development purposes.

2. ISSUES AND OPTIONS

The following options may be considered:

Option 1: To maintain the status quo and keep the property under the Town's ownership.

Option 2: To proceed with:

- Legal Review for clear title and migration. Including the portion of PID 60579687, Upper King Street Extension;
- Survey Plan to identify the width and location of any easements and the boundaries of the lots;
- NSP Scoping exercise (underway);

- To notify Parks Canada of Council's intentions pursuant to their obligations under the Operational Guidelines for the Implementation of the World Heritage Convention that they wish to divest ownership of PID 60057387, PID 60057379, PID 60057460, PID 60057395 and Upper King Street Extension - portion of PID 60579687 for development purposes.

Following Steps may be considered following the review of the RFP submissions:

- If Council concurs with Upper King Street Extension becoming part of the lot, it is recommended to pass a motion acknowledging that the lands are declared surplus and are no longer required as a road reserve. Note, this should wait until the submissions have been reviewed pursuant to the RFP;
- An appraisal of the property (may wish to decide on this after a rezoning to Higher Density Residential (RH) as this may impact the value of the lot). Note, this should wait until the submissions have been reviewed pursuant to the RFP;
- Depending upon the results of the RFP the Town may wish to consider approaching the owners of PID 60057494, PID 60385895 and PID 60638707 to see if they may have any interest in purchasing the property known as PID 60057460. Note, this should wait until the submissions have been reviewed pursuant to the RFP.

Option 3: To proceed with a Public Meeting to obtain and consider public feedback on the potential sale of the lands as shown in **Attachment A**.

The Town's Comprehensive Community Plan (CCP) references the concept of holding a Public Meeting prior to the sale of any Town property as outlined on Page 203 - "Plan for long-term of all municipal facilities, including renovation, sale or lease". Under steps to implementation it notes, "Establish a participatory process to engage community representatives in undertaking a comprehensive facilities recapitalization strategy, including public engagement, for renewal and sale of surplus municipal buildings."

3. FINANCIAL IMPACT

The Town has an opportunity to obtain yearly tax assessments from the proposed development.

If Council decides to keep the current zoning of Medium Residential (RM) it is most likely be required to extend the street network to accommodate the highest and best use of the property. The Town will have a financial impact associated with paving any new public streets associated with the proposal in-keeping with the Town's Subdivision By-law.

It is not recommended to have the Town undertake the costs associate with extending the street network to service the development other than the associated paving of the newly created public streets.

4. STRATEGIC PLAN RELEVANCE

The proposed sale of the subject lands is in-keeping with the Town's CCP, in particularly:

Servicing and Facilities: Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.

Economic Development: Direction to support economic development.

5. RECOMMENDATION AND DRAFT MOTION

Staff is looking for Council's direction.

It is recommended that Council consider Option 2 above and the following motions:

Motion: Moved and seconded that Council authorizes staff to proceed with a legal review for clear title and migration. Including the portion of PID 60579687, Upper King Street Extension.

Motion: Moved and seconded that Council authorizes staff to proceed with obtaining a Survey Plan to identify the width and location of any easements and the boundaries of the lots;

Motion: Moved and seconded that Council authorizes staff to notify Parks Canada of Council's intentions pursuant to their obligations under the Operational Guidelines for the Implementation of the World Heritage Convention that they wish to divest ownership of PID 60057387, PID 60057379, PID 60057460, PID 60057395 and Upper King Street Extension - portion of PID 60579687 for development purposes.

Motion: Moved and seconded that Council authorizes staff to issue an RFP for concept proposals as outlined in the draft RFP (Attachment B);

Motion: Moved and seconded that Council authorizes staff to proceed with a public consultation meeting to review the concept proposals received pursuant to the RFP.

ATTACHMENTS:

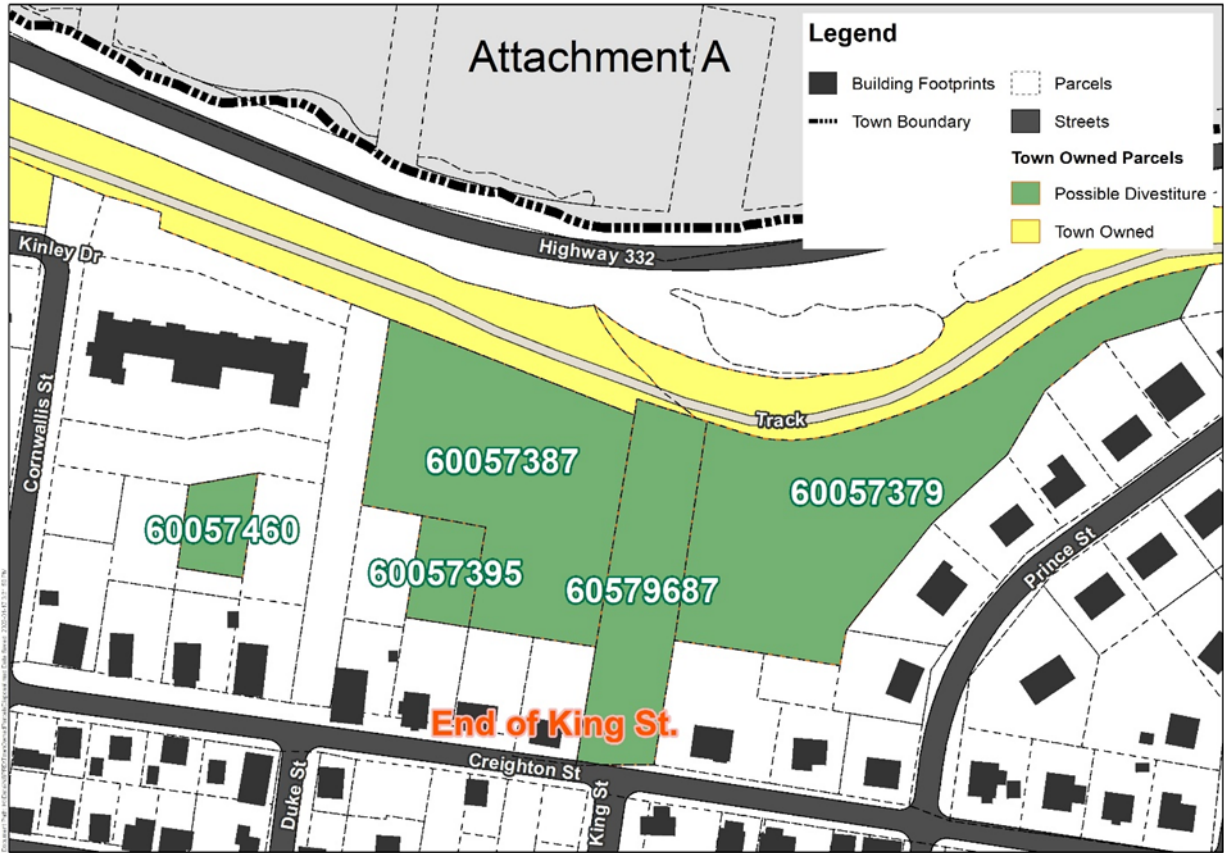
A. Map of PID 60057387, PID 60057379, PID 60057460, PID 60057395 and Upper King Street Extension - portion of PID 60579687

B. Draft RFP - Upper King Street Extension

Acknowledged by

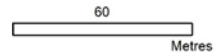
Kevin Malloy, COA

ATTACHMENT A
Map of PID 60057387, PID 60057379, PID 60057460, PID 60057395
and Upper King Street Extension - portion of PID 60579687



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TOWN OF LUNENBURG
Town Owned Land - Possible Divestiture



ATTACHMENT B
Draft RFP – Upper King Street Extension

1.1 Purpose

The Town is seeking proposals regarding the development of lands at Upper King Street Extension in the Town of Lunenburg. This area of land is known as PID 60057387, PID 60057379, PID 60057395 and Upper King Street Extension - portion of PID 60579687 and consists of roughly 4 acres located on the north side of Old Town sloping towards Lunenburg's Back Harbour. The properties are shown on a map attached as **Appendix "A"**. The Town is in the process of migrating the lots into the Land Registry system.

The purpose of this RFP is to receive residential concept proposals for development of the land in-keeping with the Town's Comprehensive Community Plan (CCP), Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law. The Town is looking for a mixed-use residential development with a good mixture of affordable and accessible units.

2.1 Background and Overview

The Town is seeking proposals regarding the development of lands at Upper King Street Extension in the Town of Lunenburg. This area of land is known as PID 60057387, PID 60057379, PID 60057395 and Upper King Street Extension - portion of PID 60579687 and consists of roughly 4 acres located on the north side of Old Town sloping towards Lunenburg's Back Harbour. This RFP is to receive residential concept proposals for development of the land in-keeping with the Town's Comprehensive Community Plan (CCP), Municipal Planning Strategy (MPS), Land Use By-law (LUB) and Subdivision By-law. The Town is looking for a mixed-use residential development with a good mixture of affordable and accessible units.

Connectivity with the existing streets, walkways, open space (parks and playgrounds) and trails systems in support of a pedestrian-friendly streetscape and active transportation system are important aspects of any development proposal. Any development proposal should demonstrate the use of "complete" streets that are built in such a fashion for all users, no matter of age or ability. Barrier-free design of streets and other public areas should be demonstrated in the proposal. In addition, the Town will be requesting as part of the subdivision process a land dedication equal to 10% of the land mass to be transferred back to the Town as open space pursuant to Part 9.1 of the Town's Subdivision By-law.

The lands are located within the WHS Buffer area as shown on the map in **Appendix "B"**. The WHS Outstanding Universal Values (OUV's) are attached in **Appendix "C"**. The National Historic Site's Statement of Significance is attached in

Appendix “D”. Any development proposal should be complimentary to the OUV’s of the WHS as well as the Statement of Significance for the National Historic Site.

The proposed development scheme shall demonstrate the density and number of dwellings, the type of dwellings and the percentage and number of affordable and accessible dwelling units. 10 percent of the dwelling units shall be affordable units. Affordable housing development is defined here as housing which costs no more than 30% of the median household income within the applicable census dissemination area. The number of accessible units will be based upon the national building code based on the complete developed site scheme as presented by the proponent (not on individual aspects of the development).

Proponents should note that the properties are known to be archaeological hot spots and if any artifacts are found they must contact the Provincial Department of Communities, Culture and Heritage. Developers are encouraged to undertake a Resource Impact Assessment Report prior to any development.

Zoning Information:

Current Zoning:

PID 60057387

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60057379

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60057395

- Located in the Medium Density Residential (RM) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone; and
- Located in Lot Zone 3 (LZ3).

PID 60579687 (Upper King Street Extension)

- Located in the Medium Density Residential (RM) Use Zone and the Lower Density Residential (RL) Use Zone;
- Located in the Old Town New Town 2 (ONT2) Form Zone and the OLD Town New Town 1 Form Zone; and
- Located in Lot Zone 3 (LZ3).

The Old Town New Town 2 (ONT2) Form Zone enables multiple main buildings on the lot. However, the Medium Density Residential (RM) Use Zone only permits four (4) residential dwellings plus one accessory dwelling for a maximum of five (5) dwelling units on the lot. The Town is looking for two (2) development schemes associated with the Old Town New Town 2 (ONT2) Form Zone; the Medium Density

Residential (RM) Use Zone; and Lot Zone 3. To obtain the highest and best use of the property, a public street system needs to be implemented. The scheme may incorporate other existing rights-of-way, such as the extension of Duke Street and the perpendicular right-of-way from Cornwallis Street to accommodate the proposed street network.

The public street layout shall demonstrate the feasibility of a sustainable and practical means of extending the street network and the extension of services including, but not limited to, storm, sewer and water services, curb and gutters, sidewalks, fire hydrants, pumping stations, and other services such as telephone, internet, electrical services and cable. Views down King Street extension through the development to the Back Harbour should be maintained if feasible.

The Town is also looking for two (2) development schemes associated with the Old Town New Town 2 (ONT2) Form Zone; the High Density Residential (RH) Use Zone; and Lot Zone 3. This would require a rezoning to the High Density Residential (RH) Use Zone where group dwellings are permitted without a restriction on the potential number of residential units per lot. In this fashion, no new public streets would be required. A driveway with sewer and water laterals could be developed from Creighton Street, along King Street extension to service the development. Views down King Street extension through the development to the Back Harbour should be maintained if feasible.

2.2 Scope of Work

The scope of work shall include two (2) development schemes for a mixed use residential development that is consistent with the Town's CCP, MPS, LUB and Subdivision By-law (Existing zoning of Old Town New Town 2 (ONT2) Form Zone; the Medium Density Residential (RM) Use Zone; and Lot Zone 3) as well as two (2) development schemes for a mixed use residential development that is consistent with the Town's CCP, MPS, LUB and Subdivision By-law (with the proposed zoning of Old Town New Town 2 (ONT2) Form Zone; the High Density Residential (RH) Use Zone; and Lot Zone 3).

The four (4) development schemes will provide four (4) subdivision layouts or alternatively four (4) site plan layouts including as the case may be, but not limited to, the street layout, proposed servicing plan, proposed lot configurations, proposed use (number of dwelling units) of each lot configuration including the height and massing of the developments.

Each of the four (4) development schemes shall demonstrate how the proposals comply with the CCP, MPS, LUB and Subdivision By-law; how each demonstrates a good mixture of affordable and accessible units; how each provides a connectivity to the existing streets, walkways, open space (parks and playgrounds) and trails systems in support of a pedestrian-friendly streetscape and active transportation system consistent

with the “complete street” concept and barrier-free design; how each provides the 10% land dedication pursuant to the Town’s Subdivision By-law including but not limited to the location, grade analysis, type of open space uses and proposed infrastructure keeping in mind the concept of barrier free design and age friendly facilities (if indeed a subdivision scheme is considered); how each development scheme is complimentary to the WHS; and how each development scheme is respectful of the views overlooking Back Harbour.

The scope of work shall include a general financial cost analysis for the four (4) development schemes.

The scope of work shall include a draft restrictive covenant or other means, such as, but not restricted to, an Agreement for each of the four (4) development schemes as a means of ensuring any prospective purchaser will be legally required to fulfill the development scheme as presented.

2.3 Deliverables

RFP Project Deliverables

The RFP Project deliverables shall include the following:

- a)** A cover letter signed by an officer of the company authorized to execute a contract with the Town.
- b)** Detailed project work plan description including a statement of understanding, research, analysis, detailed work approach and methodology purposed to be used in the development of the four (4) development schemes. The work plan should list specific tasks and any options or alternatives. A Gantt chart containing the key tasks, milestones, meetings, presentations, sequence and duration of each task as well as the personnel assigned to each task and their anticipated number of hours devoted to each task.
- c)** Demonstrated experience working with municipalities or companies on similar projects. A list of these relevant projects completed, sample documents and the names and contact information of three references who can speak to the quality of the work performed.
- d)** Identify the key contacts for the project and all personnel and sub-contractors who will be assigned to work on this project, including a description of their relevant qualifications and experience.
- e)** Identify any Town staff or other resource support and/or additional information the Proponent will seek to complete the RFP components.
- f)** Proposed budget and breakdown of costs and expenses related to the project. A charge out rate list for all Proponent staff and relevant sub-contractors is required complete with their assigned tasks and hours devoted as per b) above.

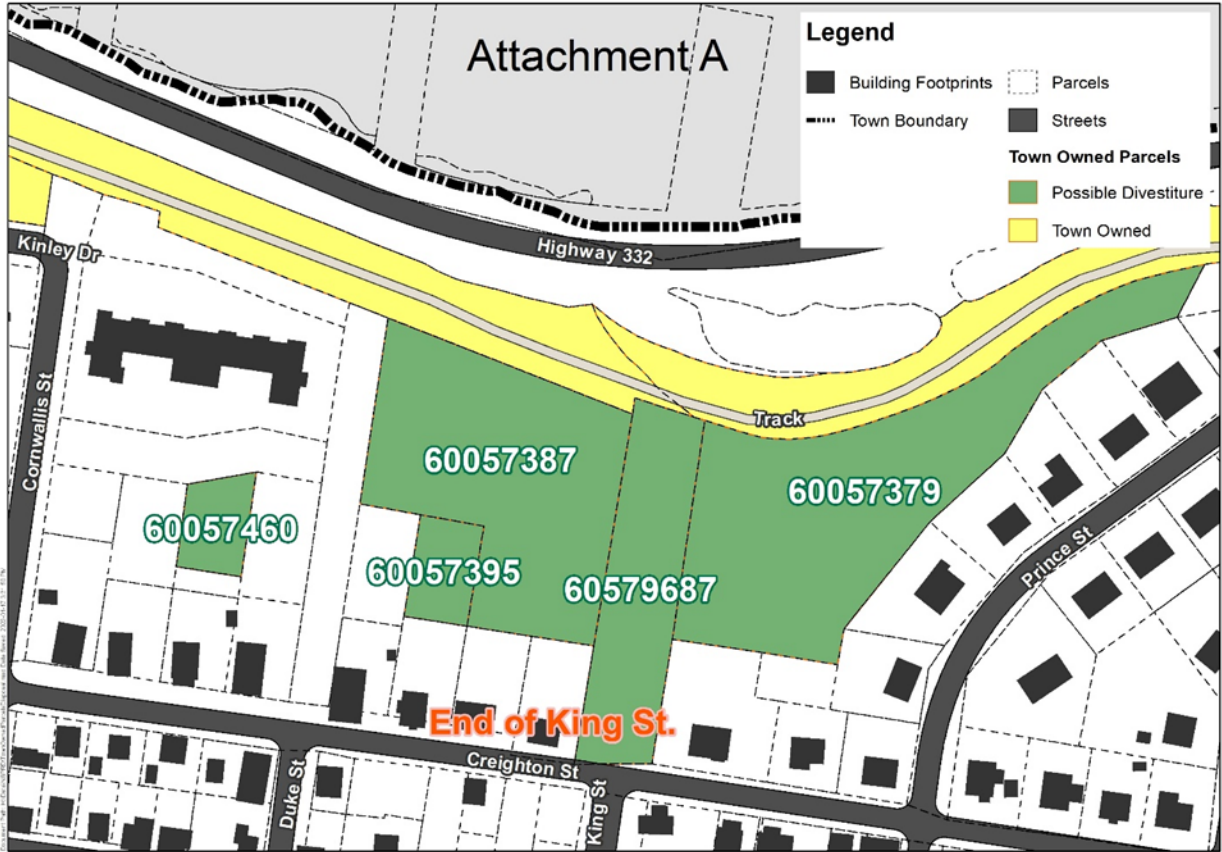
Project Deliverables

The winning proponent shall be responsible for submitting the Project deliverables including the following:

- a)** The submission of the four (4) development schemes in-keeping with this RFP and its Scope of Work with an Adobe PDF (300dpi) electronic copy as well as a Word Document if required or otherwise deemed appropriate by the proponent.
- b)** All designs, drawings, illustrations, and plans must be submitted in the original software that they were created as well as JPEG or GIF format and all maps submitted in an ArcGIS format.
- c)** All pictures and photographs must be dated and captioned with the location and brief description of the activity being documented. Electronic data for all pictures and photographs must be submitted in JPEG or GIF format.
- d)** A draft restrictive covenant or other means, such as, but not restricted to, an Agreement for each of the four (4) development schemes as a means of ensuring any prospective purchaser will be legally required to fulfill the development scheme as presented.

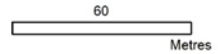
The successful proponent will be responsible for providing all necessary materials including drafts and other materials for review. All materials to be provided to Staff in electronic format. All documents become the property of the Town.

Appendix "A"
Map of PID 60057387, PID 60057379, PID 60057460, PID 60057395
and Upper King Street Extension - portion of PID 60579687

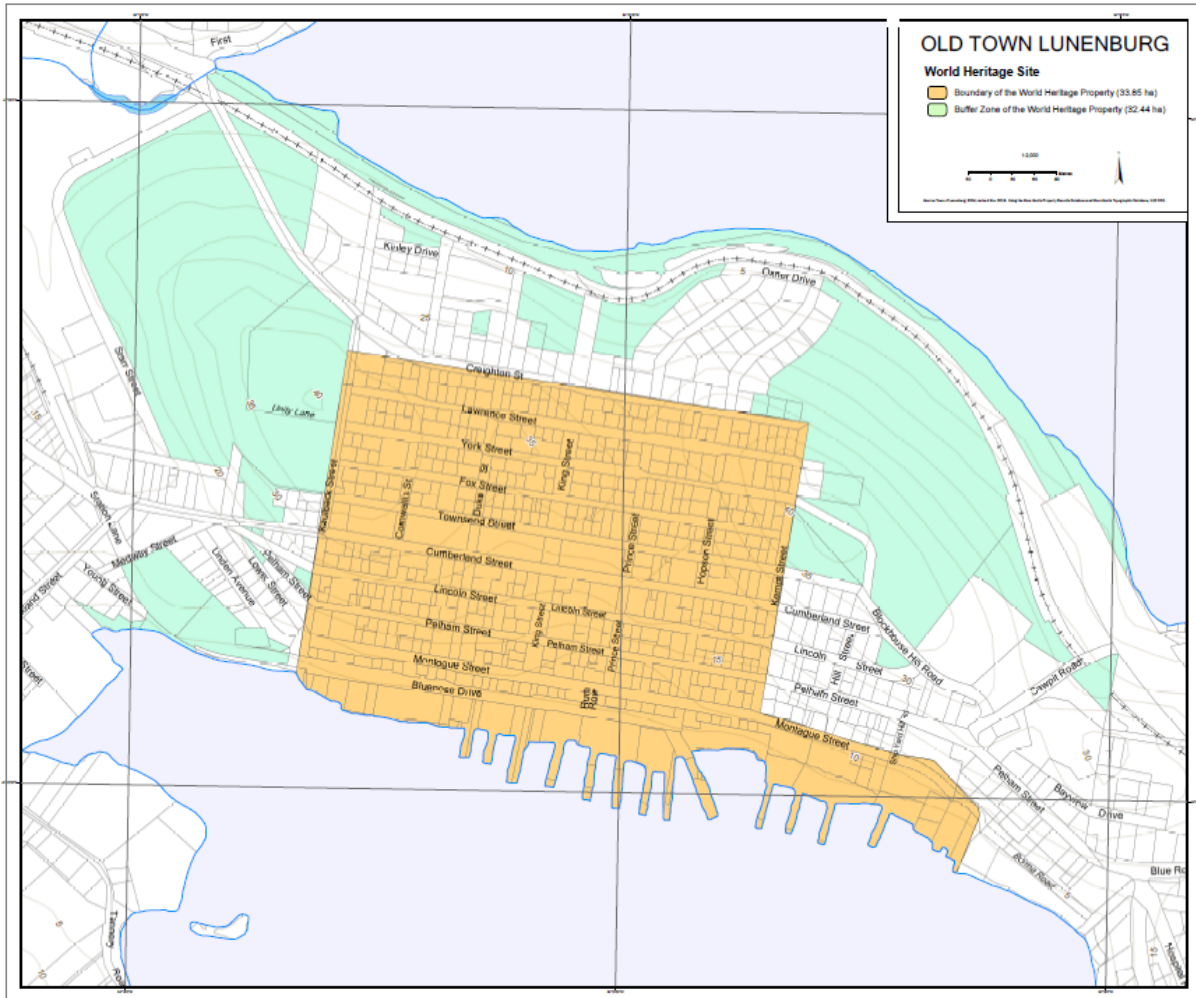


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TOWN OF LUNENBURG
Town Owned Land - Possible Divestiture



Appendix "B" World Heritage Site Map with Buffer



Appendix “C” World Heritage Site – Outstanding Universal Value’s

Old Town Lunenburg

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

Outstanding Universal Value

Brief synthesis

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

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

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

Integrity

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

Authenticity

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

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

Protection and management requirements

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

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

ATTACHMENT "D"
National Historic Site – Statement of Significance

Lunenburg Old Town Heritage Conservation District

Old Town, Lunenburg, Nova Scotia, B0J, Canada

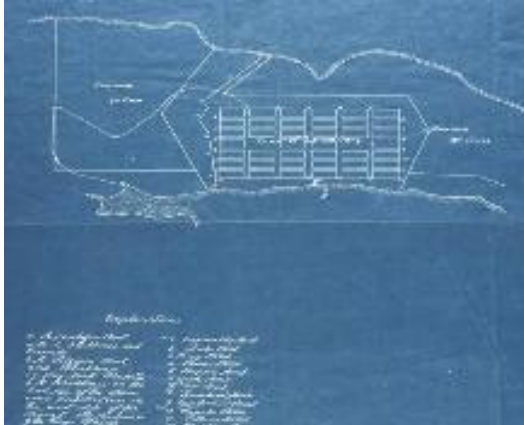
Formally Recognized: 2000/05/11



Lunenburg from Haulback Head



Aerial view of Lunenburg



Plan of Lunenburg

OTHER NAME(S)

Lunenburg Old Town Heritage Conservation District

Old Town Lunenburg

LINKS AND DOCUMENTS

[Nova Scotia Archives and Records Management virtual exhibit on the history of Lunenburg.](#)

[Details on the World Heritage Centre's site list; Old Town Lunenburg was designated a UNESCO site in 1995.](#)

[National Historic Sites of Canada](#)

[Overview of Lunenburg, including architectural tour and town history provided by the Town of Lunenburg.](#)

CONSTRUCTION DATE(S)

LISTED ON THE CANADIAN REGISTER: 2005/02/04

STATEMENT OF SIGNIFICANCE

DESCRIPTION OF HISTORIC PLACE

Lunenburg is located on the southwest coast of Nova Scotia. The Old Town Heritage Conservation District is located on a hilly peninsula between Lunenburg (Front) Harbour and the Back Harbour. The Heritage Conservation District includes waterfront and shipyard buildings, and continues north up the slope of the peninsula's hills, encompassing the downtown commercial district; the institutional area of the town, with a parade square, town hall, Anglican church, former courthouse and rectory; and the private wood-construction homes to the north of the town centre. All streets in the Old Town run north-south and east-west on a grid.

HERITAGE VALUE

Lunenburg Old Town Heritage Conservation District is valued for its historical origins as a planned colonial town, for its well-preserved vernacular architecture, and as a longstanding centre for marine-related industries and the culture that surrounds them. Established in 1753 by the British as a colonial town for over 1,400 mostly German-speaking Protestant German, Swiss and Montbéliardian French colonists, Old Town Lunenburg has retained its original layout and overall appearance, based on the rectangular grid pattern commonly used in colonial planning of its era. The townsite, true to then-current convention, consisted of seven north-south streets, 48 feet wide (with the exception of King Street, which is 80 feet), intersected at right angles by nine east-west streets, each 40 feet wide, creating blocks that were further divided into 14 lots of 40 by 60 feet each. As well, different sections of the town were set aside for industrial use (the blocks closest to the harbour); commercial use (to the north of the waterfront); and institutional use, such as the parade square, the courthouse and Anglican Church (the central blocks in the Old Town). Each immigrating family received one town lot, drawn from playing cards. The London-based Board of Trade and Plantations developed the plans without regard to local topography, resulting in Lunenburg's unusually straight but very steep streets. There are approximately 400 major buildings within the old town, most of them dating from the 18th and 19th centuries, almost all of them wood, and many with colourfully painted exteriors and trims.

The Old Town Heritage Conservation District also includes many waterfront warehouses and outbuildings, reflecting Lunenburg's long tradition of economic dependence on both the shipbuilding and fishing industries.

While these industries have grown smaller in Lunenburg, they are still of vital importance, and the industrial area has many shops specializing in marine-related crafts. Lunenburg is also home to the iconic schooners “Bluenose” and the “Bluenose II,” both built in a shipyard within the Old Town Heritage Conservation District.

Lunenburg is the best surviving example of a planned British colonial settlement in North America. The inhabitants have managed to safeguard the town's identity and their German heritage throughout the centuries by preserving the wooden architecture of their homes and commercial buildings. One unique regional architectural feature is the "Lunenburg Bump:" a projection traditionally located on the centre of the front façade, and comprised of a large, extended, overhanging dormer, usually of the five-sided Scottish style, and seen throughout the Heritage Conservation District on many homes. By the end of the nineteenth century the local architectural tradition, including Bumps, had reached a level of complexity and variation that reflected the social cohesion and growing prosperity of Lunenburg society. Eventually this growth also resulted in new development, mainly to the west, in an area given the name 'New Town'.

Source: Heritage Conservation District Plan and By-law with Design Guidelines, 2001, found in Town of Lunenburg Heritage Files, no. 62.

CHARACTER-DEFINING ELEMENTS

The Lunenburg Old Town Heritage Conservation District has many defining elements that relate to its value as a well-preserved planned colonial town, an area of architectural interest and an important centre for marine-related industries, including:

- the dense concentration of historic architecture, seen in the 403 buildings of the Old Town, ranging in age from the eighteenth to early twentieth century, and creating cohesive streetscapes. The main types of buildings include waterfront industrial buildings in the Maritime Vernacular warehouse style, commercial buildings in the late Victorian and Edwardian styles, and a variety of homes in Georgian, Cape Cod, Gothic Revival, Classical Revival and Second Empire styles, accentuated with vernacular architectural elements;
- all elements that are typical of a longstanding building tradition particular to the Lunenburg area, including the sturdy wooden construction of the majority of the buildings, with clapboard or shingle cladding and wooden trim elements. The most noticeable vernacular building element in Lunenburg is the "Lunenburg Bump:" an enlarged dormer extended out over the eaves, either five-sided or rectangular. Most are situated in the centre of the front façade over the entrance, which may be in an attached storm porch. Decorative elements include complex dormer roofs (from bellcast to triple-tiered varieties), bracketry, panelling and fretwork, gablets on the dormers, cornices and window ornamentation;
- all elements of the town's still preserved original form, which is based on eighteenth century colonial planning theory: using a very specific rectangular grid form layout of seven north-south streets, 48 feet wide (with the exception of King Street, which is 80 feet), intersected at right angles by nine east-west streets, each 40 feet

wide, and with each block divided into 40 foot by 60 foot lots. The geometrically regular streets have most buildings close to the streetline, public spaces in the centre of town and a well-defined distinction between urban and non-urban areas;

- the distinction between the industrial, commercial, institutional and residential areas of the Old Town, reflecting the original town plans. In particular, the layout and use of the institutional area of the Old Town, in its geographic centre. The buildings in this area include (from west to east) Saint John's Anglican Church building and open space surrounding the building, the old fire hall and electric lights building, town hall with park space to either side, the open park space to the east of town hall including war memorials, a heritage bandstand and the King Street right-of-way, and the Armouries site (now the Town of Lunenburg Public Works Department) at the far eastern end. The land between the Armouries and Prince Street were sold in 1894 and are now private lots with houses;

- all original elements reflecting the fishing and shipbuilding industries, especially the inter-related warehouses and wharves, the marine railway, outbuildings, parking and loading areas, all located on or close to the waterfront. Also, all elements contributing to the visual character and related harbour views of the area, without constricting its function;

- elements used by the town in the protection of the district such as former cannons put in place at corners to slow carriage traffic, significant trees located in public areas, monuments, and outbuildings considered to add value to the surrounding streetscape.

RECOGNITION

JURISDICTION

Nova Scotia

RECOGNITION AUTHORITY

Local Governments (NS)

RECOGNITION STATUTE

Heritage Property Act

RECOGNITION TYPE

Heritage Conservation District

RECOGNITION DATE

2000/05/11

HISTORICAL INFORMATION

SIGNIFICANT DATE(S)

1753/01/01 to 1940/01/01

THEME - CATEGORY AND TYPE

Developing Economies

Trade and Commerce

Expressing Intellectual and Cultural Life

Architecture and Design

Peopling the Land

Settlement

FUNCTION - CATEGORY AND TYPE

CURRENT

HISTORIC

Residence

Single Dwelling

Commerce / Commercial Services

Office or Office Building

ARCHITECT / DESIGNER

n/a

BUILDER

n/a

 **ADDITIONAL INFORMATION**

LOCATION OF SUPPORTING DOCUMENTATION

Town of Lunenburg, 119 Cumberland Street, P.O. Box 129, Lunenburg, Nova Scotia, B0J 2C0

Document No:
Meeting: Council May 10, 2022
Circulate: Council, CAO
File:

MEMORANDUM

TO: Town Council
FROM: Devin Casario, Economic Development and Funding Manager
DATE: April 29, 2022
RE: COUNCIL RESOLUTION FOR FUNDING OPPORTUNITIES

1. FACTS

The Town has the opportunity to apply to the following provincial funding programs:

a. Beautification and Streetscaping Program (BSP)

The BSP will invest in projects that improve appearances with a specific focus on attracting tourists. Projects can include landscaping, installing interpretive and entrance signs, enhancing lighting, and building public restrooms. The Beautification and Streetscaping Program may fund up to 50% of eligible costs to a maximum of \$25,000. The applicant or other sources need to fund the remaining balance of the project.

The Town can apply for funding for the Resilient Roots tree planting initiative. The Town has currently budgeted \$25,000 for this initiative in the 2022/23 Capital Budget.

b. Provincial Capital Assistance Program (PCAP)

The PCAP is available to help municipalities invest in high priority infrastructure projects and prioritizes projects that will eliminate actual or potential environmental and health problems. The program will fund up to 50% of eligible project costs. Eligible projects typically are related to water, wastewater, stormwater, and solid waste management.

The Town can apply for funding towards Bluenose Drive Sewer Line improvement, specifically saltwater intrusion. The Town currently has \$335,000 allocated for this project in the 2022/23 Capital Budget.

2. ISSUES AND OPTIONS ANALYSIS

The Economic Development and Funding Manager requires signed Council resolutions to accompany the proposed applications. Both applications must be submitted by May 12, 2022.

3. FINANCIAL IMPACT

Both programs will fund up to 50% of eligible project costs, with a maximum of \$25,000 for the Beautification and Streetscaping Program. There is no stated maximum funding allowance for the Provincial Capital Assistance Program.

4. STRATEGIC PLAN RELEVANCE

CCP Action Item #1 - Upgrades to Wastewater Treatment Plant (Bluenose Drive Sewer Line)

CCP Action Item #19 - Activate Streetscapes through Design and Planning

CCP Action Item #28 - Policies and Programs for Street Trees and Urban Forest

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve by signed resolution(s) both funding applications to proceed.

Draft motion(s):

Motion: moved and seconded that Council approve a funding application to the Beautification and Streetscaping Program for the Resilient Roots tree planting project.

Motion: moved and seconded that Council approve a funding application to the Provincial Capital Assistance Program for the Bluenose Drive Sewer Line Improvement project.

Acknowledged only by:

Kevin Malloy
Interim CAO

From: Chris Poole
Sent: April 28, 2022 8:02 PM
To: Devin Casario; Jason Vanhouten; Chris Laing
Subject: Washington Black

Hey Devin

Great meeting with you and the team today!!

So as per our conversation... I'll start out with a little history. Normally on productions that come through Nova Scotia pre-covid.. Everything is worked out well in advance of arrival in Lunenburg for filming, which I am sure has been the towns experience as well as our experience in the locations dept. The council and team have always been incredibly supportive and accommodating with film. On previous shows, someone like myself would have been up here for 3 or 4 weeks working out all of the logistics that surround a film crew, like locations, parking, lunch halls, background holding, permits for technical trucks, etc,etc...

Washington Black is the largest productions to run through Nova Scotia in it's filming History, it's massive.... You guys will see when we get here this weekend.

During Covid, film production has been able to work because of incredibly high standards around covid. The problem productions have been running into lately, is the mandates have been lifted across the province... So as you can imagine, no matter how hard we try, covid gets into production... because we are out in the public filming and working. Hence the delays caused by covid, weather, travel, actor availability, etc... there are a number of factors that play with our filming schedule. This has been causing our filming schedule to be in constant flux and constantly adjusting back in HRM where we have been filming for the last few weeks.

All that being said, it explains why a representative from the locations dept was not able to get up to Lunenburg full time until this week. So I completely understand the situation that it puts the town in and production in. We certainly understand your frustration.

We are currently renting The Lunenburg Curling Club and also the Arena across the parking lot on our larger background days... as discussed during our meeting today. Our normally filming days will have anywhere from 10 to 50 background and the larger days will have in access of 100 background. On top of the crew park up by our basecamp which is at the Lunenburg RV and Campground for the month of may, there are few places to park background in the numbers that we have. The Curling Club will house wardrobe and background every day we are here from May 1 to May 25. It just makes logical sense to have background and wardrobe crew parking there.

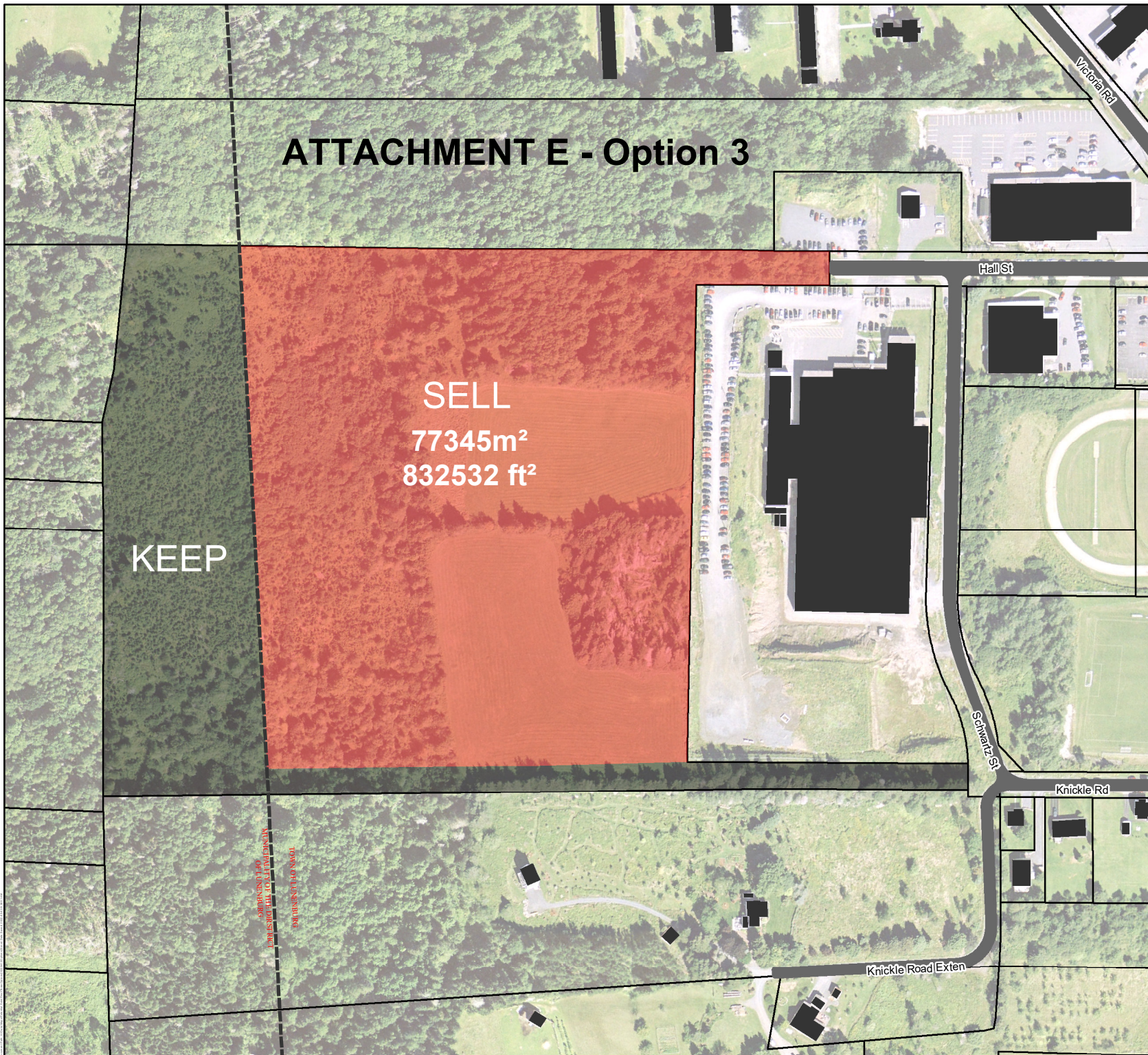
My proposal is \$7500 flat fee for parking during our time spent over at the Curling Club and Arena. I have reached out to Bluenose Academy about working with them to ensure that they have designated parking spots that they have arranged with the town. I would like to group

them a little better, and mark them to ensure nobody from our crew or background accidentally park in their spots. We also have a plan worked out with Kelly Cunningham on the days we have 100plus background to ensure designated spots for Bluenose Academy and city staff don't lose their spots.

On behalf of Washington Black Productions, the local service producers, cast, crew... We thank you for allowing us to come and film in this beautiful town! I truly believe that Lunenburg is the perfect backdrop for this period 9 part mini-series and will showcase the beauty that the great town of Lunenburg, NS has to offer.

The location department looks forward to working with you in lock step while we are here.

Chris Poole - 902-489-4964
Assistant Locations Manager - Washington Black
Directors Guild of Canada - Atlantic Region
Locations Manager / ALM
Chris@chrispoole.ca



MAP

Concept Lot Plan PID 60500006

| SCHEDULE | LAST UPDATED |
|----------|--------------|
| N/A | 2022-05-03 |

| NORTH | SCALE |
|-------|---------|
| | 1:3,000 |

LEGEND

Zone Information
 Use Zone: Industrial - M
 Form Zone: Industry - IN
 Lot Zone: 3

Form Zone IN
 Min. Front /Flankage
 Setback: 12 m (40ft)
 Min. Side
 Setback: 6 m (20 ft)
 Min. Rear
 Setback: 12 m (40ft)

Lot Zone 3 Requirements
 Minimum Area: 330 m² (3,553 ft²)
 Minimum Frontage: 12 m (40 ft)