

MINUTES



Town of Lunenburg Council Meeting

Tuesday, June 14, 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: Patrick Burke, Town Solicitor
Lisa Dagley, Finance Director/Acting CAO
Trevor Hume, Planning Technician
Tyson Joyce, Town Engineer
Lisa Kendall, Municipal Engineer/Project Manager
Arthur MacDonald, Heritage Manager
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 as presented. Motion carried.

4. Minutes

Motion: moved and seconded approval of the May 24, 2022 and June 7, 2022 Council meeting minutes as presented. Motion carried.

5. Public Hearings, Presentations and Questions

- a. Proposed Noise Bylaw Amendments – public hearing

The public hearing opened at 6:03 p.m.

The Assistant Municipal Clerk summarized the proposed amendments ([Schedule A](#)).

The following members of the public provided comments:

- Sue Rogers, Cornwallis Street ([Schedule B](#))
- Brian Arnott, Pelham Street ([Schedule B](#))
- Dale and Lynne Lohnes, Young Street ([Schedule B](#))
- Marie Hogan, Lincoln Street ([Schedule B](#))
- Faune Creaser, Young Street
- Cindy Dial, Falkland Street

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

The public hearing closed at 6:13 p.m.

- b. Heritage Application: King's Hotel – public hearing

The public hearing opened at 6:14 p.m.

The Heritage Manager summarized his report ([Schedule C](#)).

Brian MacKay-Lyons, Sweetapple Architects presented on behalf of the proponent Richburg Management ([Schedule D](#)).

The following members of the public provided comments:

- Robert Young, Dufferin Street
- James McCarrick, Oakland Road
- Oliver Osmond, Buenavista Court

Motion: moved and seconded to close the King's Hotel public hearing portion of the meeting.
Motion carried.

The public hearing closed at 6:35 p.m.

6. Correspondence, Petitions and Proclamations Consideration (Nil)

7. Business Arising from the Minutes/Unfinished Business

- a. Street Encroachment Bylaw – second reading

The Heritage Manager reviewed his presentation ([Schedule E](#)).

Motion: moved and seconded to rescind *Bylaw #65 – A Bylaw Respecting Street Encroachment for Building Access* and substitute therefore a new *Street Encroachment Bylaw* as outlined in Attachment A (Schedule E). Motion carried.

b. Noise Bylaw – second reading

Motion: moved and seconded to approve the amended *Bylaw #58 – Noise* as presented (Schedule A). Motion carried.

c. King's Hotel Permit Application

Motion: moved and seconded that Council approves the issuance of a Certificate of Appropriateness for the King's Hotel located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and PID 60061181 provided the design is as shown in Attachment B (Schedule C). Motion carried.

6:49 p.m. – 6:59 p.m. Council recessed.

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

a. Project Lunenburg Steering Team Meeting Notes of May 18, 2022

The meeting notes were received for information.

9. New Business

a. Capital Planning Committee Update – Municipal Engineer/Project Manager – for information

The Municipal Engineer/Project Manager summarized her report ([Schedule F](#)).

b. Bluenose Drive Sewer Line – Tender Award

The Municipal Engineer/Project Manager summarized her report ([Schedule G](#)).

Motion: moved and seconded to increase the capital budget amount for the Bluenose Drive Sewer Line Rehabilitation project to \$375,000 for fiscal 22-23 and that the Tender be awarded to Eastern Trenchless for the tendered price of \$298,499.63 plus HST ([Schedule G](#)). Motion carried.

c. Potential Sale of Lands – 17 Tannery Road

The Heritage Manager presented his report ([Schedule H](#)). It was clarified that the Schedules referenced in the following Draft Motions are part of Attachment C thereof (the Town Solicitor's report).

Council members were shown the full-sized Berrigan Surveys Limited plans associated with 17

Tannery Road prior to the meeting , and it was pointed out and understood that the motions below were with regards to the full sized plans. The plans included as part of Attachment C Town Solicitor's Report were reduced in size and scale.

Motion 1: moved and seconded that the Town take all necessary steps to obtain subdivision approval for Parcel A described in Schedule A attached hereto and shown on a Plan of Survey of Berrigan Surveys Limited attached hereto dated May 12, 2022 and bearing Plan # 20,153-A so that the lot can be added to Tannery Road.

Motion 2: moved and seconded that:

Whereas:

- a) The Town is the owner of property at civic # 17 Tannery Road in Lunenburg, and also the owner of the adjacent public street known as Tannery Road;
- b) Pursuant to Section 312 of the Municipal Government Act, Council may expand a street within the Town, but shall be required to file a survey plan in the Registry of Deeds; and
- c) The Town wishes to add a portion of the property at civic # 17 Tannery Road to the public street known as Tannery Road;

It is therefore moved that:

- 1) Parcel A shown on a Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan # 20,153-A attached to this Motion and described in Schedule A hereto shall, [effective immediately upon the approval of the subdivision of Parcel A (and prior to the filing of the Plan of Survey in the Registry of Deeds by or for the Development Officer)] henceforth be part of Tannery Road, a public street.

And:

- 2) The CAO/Manager/Clerk is authorized to swear a Statutory Declaration and file it and the Plan of Survey in the Registry of Deeds and complete such documentation as is reasonably required to have Parcel A become part of Tannery Road.

Motion 3: moved and seconded that the Town shall have the title to the remainder of civic #17 Tannery Road (after Parcel A, to be added to Tannery Road, is subdivided therefrom), migrated under the Land Registration Act and the Mayor and/or Manager / Clerk are authorized to execute all documentation in connection therewith, and to affix the Municipal Seal thereto if required or advisable.

Motion 4: moved and seconded that the Town take all steps to:

- a) Subdivide the remainder of 17 Tannery Road (after Parcel A is subdivided therefrom and added to Tannery Road and after the remainder is migrated under the Land Registration Act) in accordance with the Plan of Survey prepared by Berrigan Surveys Ltd. dated May 13, 2022 and bearing Plan # 20,153-B (attached hereto) to create Lots TOL3 and TOL4; and
- b) Thereafter to grant a sewer easement and an electrical utility easement to itself as a burden on Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys dated May

14, 2022 and bearing Plan # 20,153-C (attached hereto) in such form as the Mayor and CAO/Manager/Clerk deem appropriate, [the latter easement allowing the building to remain, notwithstanding the easement, unless the building is wholly destroyed or removed]; and

- c) And grant a sewer easement to itself as a burden on Parcel TOL-4 for the benefit of Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153-C in such form as the Mayor and CAO/Manager/Clerk deem appropriate.
- d) The Mayor and Manager/Clerk are authorized to execute all documentation in connection therewith on behalf of the Town, and to affix the Municipal Seal thereto.

Motion 5: moved and seconded that:

- a) Parcel TOL-3 shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153 - C (subject to the sewer line easement and electrical easement shown thereon, and together with the sewer easement for the building sewer lateral shown thereon) is no longer required for the purposes of the Town.
- b) The Town, after subdivision approval to create the said Parcel TOL -3 and after granting the aforesaid easements, shall list the said lot for sale at an asking price of \$399,000.00 and the Mayor and CAO/Manager/Clerk are authorized to execute and seal an Agreement of Purchase and Sale at a price and terms acceptable to them, but with a condition that it is subject to the approval of Town Council by motion in open session.

An amendment was proposed:

Motion: moved and seconded to defer Motion 5 (b) until community feedback can be obtained *and* schedule a public engagement opportunity. Motion defeated. Councillors Ernst, Halverson and Sanford voted in the affirmative.

Council resumed consideration of the original Motions 1-5:

Council agreed unanimously to vote on the motions in segments 1-4, 5 (a), and 5 (b).

Motions 1-4 were carried.

Motion 5 (a) was carried.

Motion 5 (b) was carried. Councillors Halverson and Sanford voted in the negative.

d. Lunenburg Board of Trade "StreetFest" Event

The Assistant Municipal Clerk reviewed the event permit application (Schedule I).

Council agreed unanimously to defer consideration of the application to the Council meeting of June 28, 2022. Further information will be requested of the Lunenburg Board of Trade regarding Town services requested.

e. Cardiac Cycle Society of Nova Scotia “Heartland Tour” Event

The Assistant Municipal Clerk reviewed the event permit application (Schedule J).

Motion: moved and seconded to approve the Cardiac Cycle Society of Nova Scotia “Heartland Tour” Event Application (Schedule J). Motion carried.

10. Meet in camera (Nil)

11. Resumption of Council meeting in public session (Nil)

12. Adjournment

The meeting adjourned at 7:23 p.m.

Lisa Dagley
Acting Clerk

Document No:
Meeting: Council June 14/22
Circulate: Council, CAO
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: HEATHER MCCALLUM, ASSISTANT MUNICIPAL CLERK

DATE: JUNE 6, 2022

RE: PROPOSED NOISE BYLAW AMENDMENTS – UPDATE

1. FACTS

At the Lunenburg Town Council meeting of May 24, 2022 a staff report was presented (**Attachment A**) recommending a few targeted amendments to the 2002 *Noise Bylaw*, in advance of the comprehensive Bylaw and Policy Review scheduled to begin in Fall 2022. The following motion was passed at that meeting:

Motion: moved and seconded to proceed with first reading to amend Bylaw #58 “Noise” (as revised) and advertise for a public hearing prior to holding second reading. Motion carried.

First reading was completed and a Public Hearing advertised for June 14, 2022.

2. ISSUES AND OPTIONS ANALYSIS

3. FINANCIAL IMPACT

Ticketing revenue is not anticipated to be significant.

4. STRATEGIC PLAN RELEVANCE

Strategic Goal

- **Governance:** A Town where positive relationships, communication, continual engagement, and shared vision are the foundation to municipal decision-making.
 - 11.1.b) Undertake a policy, procedure and bylaw review to enable implementation of the CCP.

5. RECOMMENDATION AND DRAFT MOTION

Staff recommend that the targeted amendments (**Attachment B**) receive second reading and approval.

Draft Motion: moved and seconded to approve the amended Bylaw #58 – Noise as presented.

Attachments - 2

Acknowledged only by:

Kevin Malloy
Interim CAO

MEMORANDUM

TO: TOWN COUNCIL

FROM: HEATHER MCCALLUM, ASSISTANT MUNICIPAL CLERK

DATE: MAY 17, 2022

RE: PROPOSED NOISE BYLAW AMENDMENTS

1. FACTS

The Town of Lunenburg's Bylaw #58 was enacted in November 2002 and has not been amended since that time. The Town has a full Bylaw and Policy Review scheduled for 2022/23. MC Advisory have been contracted to carry out this work, which will begin in Fall 2022.

In March 2022 the Town was notified that a request from the Town to amend the provincial Summary Offence Ticket Regulations to include offences under Bylaw #58 was approved by the Attorney General and Minister of Justice (**Schedule A**). This amendment amounted to a change in enforcement to allow ticketing of offences under the bylaw.

The public was notified of the change per direction of the Town Solicitor, and some public feedback was received that prompted a commitment by the Mayor to advance consideration of this bylaw. A draft amended bylaw is attached for consideration, with certain targeted changes only (**Schedule B**).

2. ISSUES AND OPTIONS ANALYSIS

Issues

Penalty

This section should be updated to indicate that a contravention is now a summary ticketing offence and state the enforcement body, i.e., local RCMP.

Schedule A

Part 1: *“Activities proscribed at all times:”*

Due to concerns expressed about noise and safety, Council may wish to consider adding fireworks to this list.

Part 2: *“Activities proscribed on any day of the week before 7:00 a.m. or after a half hour beyond sunset:”*

A half hour beyond sunset varies widely depending on time of year. Setting a specific time such as 11:00 p.m. may be more reasonable and may also remove the need for certain exemption applications.

Public Consultation

As part of the bylaw review process later in the year, staff recommend that public consultation in the form of an online survey be circulated soliciting feedback. Print copies can also be made available at the Finance counter.

3. FINANCIAL IMPACT

Other than the costs associated with advertising for a bylaw amendment process Public Hearing, there are no additional financial implications for the Town. Ticketing revenue is not anticipated to be significant.

4. STRATEGIC PLAN RELEVANCE

Strategic Goal

- **Governance:** A Town where positive relationships, communication, continual engagement, and shared vision are the foundation to municipal decision-making.
 - 11.1.b) Undertake a policy, procedure and bylaw review to enable implementation of the CCP.

5. RECOMMENDATION AND DRAFT MOTION

Draft Motion: moved and seconded to proceed with first reading to amend Bylaw #58 “Noise” as presented (Schedule B) and advertise for a public hearing prior to holding second reading.

Draft Motion: moved and seconded to instruct staff to conduct a public consultation survey to solicit feedback and report back for a more comprehensive review of the Noise Bylaw to follow later in the year.

Attachments - 2

Acknowledged only by:

Kevin Malloy
Interim CAO



8th Floor North, Maritime Centre
1505 Barrington St.
PO Box 216
Halifax, NS B3J 2M4

Ph: 902-424-4656
Fax: 902-424-0821
E-mail: Nick.Barr@novascotia.ca
File Number: 07-

Municipal Affairs and Housing

March 16, 2022

Patrick A. Burke, Q.C.
Burke, Macdonald & Luczak
Wolff House – 28 King Street
PO Box 549
Lunenburg, NS B0J 2C0

Dear Patrick A. Burke, Q.C.:

Re: Summary Offence Ticket Regulations, Town of Lunenburg, Schedule M-22 to the Summary Offence Ticket Regulations

I am pleased to advise that the Attorney General and Minister of Justice has approved your request to amend SOT Schedule M-22 to the *Summary Offence Ticket Regulations*. The amendments include the following:

Town of Lunenburg

- *Noise By-law*

I have attached a copy of the Minister's Order, dated March 10, 2022, and the accompanying Schedule showing the amendments. These were filed with the Registrar of Regulations on March 10, 2022. **As per clause 3(6)(a) of the *Regulations Act*, the effective date of the amendments is March 10, 2022.** The Minister's Order has been filed with the Registry of Regulations as N.S. Reg 36/2022 and will be published in the March 25, 2022, edition of the Royal Gazette Vol II.

I suggest that you take steps to inform the public that these regulations are in effect. Except for publication in the Royal Gazette and on the Registry of Regulations website, it is the Town's responsibility to provide this information to the public.

Finally, please be advised that changes to the regulations may be required if the Town amends or creates a new edition of any of the listed by-laws. The language used in the regulations is based on the versions of the by-laws that were submitted to the Department of Municipal Affairs and Housing in August 2021.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

A handwritten signature in blue ink that reads "Nicolas Barr". The signature is written in a cursive style.

Nick Barr
Director of Governance & Advisory Services

cc Genevieve Harvey, Solicitor, Department of Justice

N.S. Regulations 36/2022
FILED
Date March 10, 2022
RACHEL L. JONES
REGISTRAR OF REGULATIONS

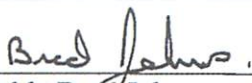
Order

**Made under Section 8 of Chapter 450
of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

I, Brad Johns, Attorney General and Minister of Justice for the Province of Nova Scotia, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, effective on and after the date of this order, hereby

- (a) amend Schedule M-22 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by order of the Attorney General and Minister of Justice dated October 4, 2011, to designate an offence under the Town of Lunenburg's Noise By-law – No. 58 as a summary offence ticket offence, in the manner set forth in the attached Schedule "A"; and
- (b) order and direct that the penalty to be entered on a summons in respect of the offence set out in amendments to the schedules to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, as set forth in the attached Schedule "A", is the out-of-court settlement amount listed in the out-of-court settlement column set out opposite the description for the offence, and includes the charge provided for in, and in accordance with, Sections 8 and 9 of the Act.

Dated and made March 10, 2022, at Halifax, Halifax Regional Municipality,
Province of Nova Scotia.



Honourable Brad Johns
Attorney General and Minister of Justice

Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*
made by the Attorney General and Minister of Justice pursuant to Section 8
of Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

Schedule M-22 to the *Summary Offence Tickets Regulations*, N.S. Reg. 281/2011, made by Order of the Attorney General and Minister of Justice dated October 4, 2011, is amended by adding the following heading and item immediately before the heading "Peace and Good Order By-Law – No. 15":

Noise By-law – No. 58:

- | | | | |
|---|---|---|----------|
| 1 | Engaging in activity likely to generate noise or sound that unreasonably disturbs peace and tranquillity of neighbourhood | 3 | \$237.50 |
|---|---|---|----------|

TOWN OF LUNENBURG BY-LAW #58

NOISE BY-LAW – DRAFT AMENDMENTS (REV)

Title

1. This By-Law is entitled the “Noise By-Law”.

Definitions

2. In this By-Law:
 - (1) “construction” includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any related work, but does not include blasting;
 - (2) “construction equipment” means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;
 - (3) “emergency response personnel” includes police, fire department or brigades, registered emergency services providers, search and rescue personnel, provincial, regional or municipal Emergency Measures Organizations, ambulance or emergency health services providers and includes volunteer or military personnel responding to an apparent condition of emergency;
 - (4) “motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power, [provided that it shall not include a motorized wheelchair, a vehicle running only upon rails, a farm tractor or a self-propelled implement of husbandry];
 - (5) “point of reception” means any point on premises where sound, originating from other premises, including other dwelling units, is received;

- (6) “public address system” means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, where such equipment is part of a system used to reproduce or amplify sound;

Prohibitions and Interpretations

3. No person shall engage in any activity which is likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood. For the purpose of this section, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.
4. Without limiting the generality of section 3, the activities or noises listed in **Schedule “A”** during the proscribed times as set out therein are deemed to be activities which are likely to generate noise or sound that unreasonably disturbs the peace and tranquility of a neighbourhood if the sound resulting from the activity is audible at a point of reception.

Fixed Exemptions

5. This By-Law does not apply to:
- (1) emergency response personnel engaged in the execution of their emergency response duties; or
 - (2) persons acting at the request of emergency response personnel during an actual or apparent emergency condition;
- and, without limiting the generality of the foregoing, noises caused by emergency response vehicles and air ambulances are specifically exempt from prosecution.
6. Notwithstanding any other provisions of this By-Law, this By-Law shall not apply to or proscribe:
- (1) the emission of sound in connection with any organized traditional, festive or religious activity celebrating:
 - (a) Canada Day;
 - (b) New Year’s Eve;
 - (c) religious holidays; or
 - (d) Remembrance Day;

- (2) the emission of sound in connection with calls to worship, ringing of bells at places of religious worship, or services of religious worship;
- (3) noise caused by the Municipality, the Government of Canada, the Province of Nova Scotia, the Nova Scotia Power Inc., and telecommunication companies, and the contractors engaged by the foregoing entities and employees of the foregoing entities, when acting in the reasonable execution of their duties;
- (4) noises in connection with organized athletic or recreational activities in municipal or public park areas, arenas or community centres and noises associated with maintenance or improvement of the property occupied or used by organized athletic or recreational or sporting clubs or municipal or public park areas, arenas or community centres, including without limiting the foregoing, the grooming, tilling, mowing, and contouring of grass and soil and other activities associated therewith.
- (5) noises from the organized and scheduled activities and events of festivals, parades, street dances, rallies, or other community activities approved by the Town;
- (6) noises emitted by audible pedestrian signals;
- (7) garbage trucks operating in the Town between 6:00 a.m. and 10:00 p.m.;
- (8) noises emitted from transport trucks, including refrigerated transport trucks, servicing the fishing firms on or near the waterfront in the Town of Lunenburg.

Grant of Exemptions By Council

7. Any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to the emission of noise from an industrial, institutional, commercial or community activity for which that person might otherwise be prosecuted. Council, by resolution, may refuse to grant the exemption, or may grant the exemption applied for, or may grant any exemption of lesser effect. Any exemption so granted shall:
 - (1) specify a time period of not greater than 5 years during which the exemption shall be effective;
 - (2) shall be confirmed in writing by the Town Manager/Clerk before becoming effective; and

- (3) shall include such terms and conditions as Council deems appropriate.
8. In deciding whether or not to grant an exemption under section 8 or in determining terms or conditions of the exemption, Council shall give consideration to:
 - (1) the social or economic benefit of the proposed activity to the municipality;
 - (2) the volume, nature, duration and consistency of noise emission from the proposed activity;
 - (3) the proximity and nature of abutting or adjacent land uses;
 - (4) the hours of operation of the proposed activity;
 - (5) any other factor relevant to balancing the interests of the applicant in the proposed activity against the interests of those persons who might be disturbed by the proposed activity.
9. Applications for an exemption for an activity of less than 14 days duration do not require a public hearing pursuant to this section or notice pursuant to section 11, but all other exemptions, renewals of exemptions, or amendments expanding the scope of an exemption shall only be granted after a public hearing at which Council shall give the applicant and any person interested in the application an opportunity to be heard.
10. Ten days' notice of the time, date and purpose of a public hearing pursuant to section 10, shall be mailed by the applicant to the assessed owner or owners, as shown in the records of the Assessment Office, of each property which contains a building located within 150 meters of the property which will be the subject of the hearing, except that where the exemption is sought for an outdoor event not conducted at a fixed location, notice may be given by advertisement, of not less than 25 square cm. in size, in a local newspaper of mass circulation.
11. Any contravention of the terms or conditions of an exemption pursuant to section 8 shall constitute a contravention of this By-Law. In addition to any other available remedies for such contravention, the Town Manager/Clerk may, on reasonable and probable grounds, and without a hearing, suspend an exemption for a period of up to 30 days pending Council's review of the exemption.
12. Any exemption pursuant to section 8 shall be reviewable by Council at any time upon 10 days' notice to the person exempted, and Council is free to revoke, suspend or restrict the exemption with or without cause having regard to the

criteria set forth in section 9, without giving notice to adjacent owners in accordance with section 10.

Penalty

13. ~~An offence under this By-law is a summary offence ticket offence. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$10,000.00 and to imprisonment of not more than 6 months in default of payment thereof.~~ Any person engaging in activity likely to generate noise or sound that unreasonably disturbs peace and tranquility of the neighbourhood according to the terms of this Bylaw is subject to a fine of \$237.20 (per Schedule M-22 to the Summary Offence Tickets Regulations, pursuant to Section 8 of Chapter 450 of the Summary Proceedings Act).

The enforcement body is the Town of Lunenburg's designated policing provider.

Repeal

14. By-Law No. 15, the By-Law Respecting Peace and Good Order, is hereby repealed.

Schedule "A"

Part 1: Activities proscribed at all times:

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
3. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices;
4. The discharge of firearms except when used as a signaling device in a sporting competition with blank ammunition;
5. The operation of any item of construction equipment in an area designated as a residential zone under the Land Use By-law without effective muffling devices in good working order and in constant operation;
6. **The release of private fireworks and similar aerial pyrotechnics.**

Part 2: Activities proscribed on any day of the week before 7:00 a.m. or after ~~a half hour beyond sunset~~ **11:00 p.m.:**

1. The operation in the outdoors of any power tool for domestic purposes (including, without limiting the foregoing, lawn mowers) but not including snow removal equipment;
2. Yelling, shouting, hooting, whistling, singing or playing musical instruments that can be heard from a distance of 200 feet;
3. The operation of any public address system, television set, disc player, tape deck, D.V.D., phonograph, or radio or any similar device in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted;
4. Construction or the use or operation of construction equipment, except where such equipment is used or operated on any highway.

Part 3: Activities proscribed on a Monday, Tuesday, Wednesday, Thursday, or Friday before 7:00 a.m. or after ~~a half hour beyond sunset~~ **11:00 p.m.**; on a Saturday before 8:00 a.m. or after ~~7:00~~ **11:00** p.m.; and on a Sunday, Statutory Holiday or Remembrance Day at all times during any such day:

1. All selling or advertising by shouting or outcry or amplified sound.

Clerk's Annotation for Official Bylaw Book regarding Amendments to Bylaw #58
A By-law Respecting Noise Town of Lunenburg

Date of first reading:

Date of proposed second reading advertisement:

Date of second reading:

Date of third and final reading:

Date of advertisement of passage of Bylaw:

Date of mailing to Provincial Minister a certified copy of the By-Law:

I certify that the above Bylaw amendments shown in were adopted by Council and published as indicated above.

Date

CAO/Clerk

PUBLIC HEARING: PROPOSED NOISE BYLAW AMENDMENTS

JUNE 14, 2022



PUBLIC HEARING



- A Public Hearing provides members of the public with an opportunity to learn about a proposal and make their views known to Council
- To adopt or amend a Bylaw, a Public Hearing is required under the Municipal Government Act, Part VII

PUBLIC HEARING PROCESS



1. A presentation will be made on the subject of the Hearing by staff and Council members may ask questions
2. There may or may not be a presentation by a proponent and Council members may ask questions
3. Advance submissions from the public, if received
4. The Mayor will open up the floor for public questions
5. Council will officially close the Public Hearing
6. Council may proceed with their decision later in the agenda or defer to a future meeting

PUBLIC HEARING RULES OF CONDUCT



- State your name and civic address
- Be respectful of others' opinions
- Speakers are limited to 1 presentation / 10 minutes
- Council members may question each speaker
- Comments and questions by the public are to be directed to the Mayor
- Once the public hearing is closed, no further questions or comments on the matter will be received



PUBLIC HEARING RULES OF CONDUCT



For Zoom attendees:

- To comment by **audio**, click on the “raise hand” icon and you will be entered into a queue; the ability to be heard will be activated as directed by the Mayor
- To comment by **text**, type into the Chat function and staff will relay to the Mayor
- The “raise hand” and Chat functions will only be enabled during the Hearing



PUBLIC HEARING: NOISE BYLAW



Background

- TOL Noise Bylaw enacted November 2002
- Comprehensive Bylaw and Policy Review scheduled for 2022/23
- Town notified in March by Attorney General/ Minister of Justice that summary offence ticketing approved
- Today's proposed amendments deals with short-term solutions to concerns raised by the community – certain targeted changes only

PROPOSED NOISE BYLAW AMENDMENT



■ Revised Penalty: Item 13 (p. 5)

Penalty

13. ~~An offence under this By-law is a summary offence ticket offence. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$10,000.00 and to imprisonment of not more than 6 months in default of payment thereof.~~ **Any person engaging in activity likely to generate noise or sound that unreasonably disturbs peace and tranquility of the neighbourhood according to the terms of this Bylaw is subject to a fine of \$237.20 (per Schedule M-22 to the Summary Offence Tickets Regulations, pursuant to Section 8 of Chapter 450 of the Summary Proceedings Act).**

The enforcement body is the Town of Lunenburg's designated policing provider.

PROPOSED NOISE BYLAW AMENDMENT



- New fireworks ban: Schedule “A” Part 1:
“Activities proscribed at all times” (p.6)

6. The release of private fireworks and similar aerial pyrotechnics.

PROPOSED NOISE BYLAW AMENDMENT



- Revised evening quiet hours: Schedule “A”
Part 2 (p. 6)

Activities proscribed on any day of the week before 7:00 a.m. or after ~~a half hour beyond sunset~~ **11:00 p.m.:**

- Schedule “A” Part 3 (p. 7)

Activities proscribed on a Monday, Tuesday, Wednesday, Thursday, or Friday before 7:00 a.m. or after ~~a half hour beyond sunset~~ **11:00 p.m.;** on a Saturday before 8:00 a.m. or after ~~7:00~~ **11:00 p.m.;** and on a Sunday, Statutory Holiday or Remembrance Day at all times during any such day:

PUBLIC HEARING: NOISE BYLAW



- Questions?

From: [S Rogers](#)
To: [Kelly Jardine](#)
Subject: Attempt to edit further for noise bylaw submission
Date: June 6, 2022 10:15:55 AM

I will be out of the province at the time of the Public Hearing. I have opted to send a brief letter.

Fire Works

My dog goes into a state of shaking which lasts hours and he cannot be calmed when fireworks are set off. There are so many dogs in Lunenburg my dog cannot be the only one traumatized by this noise. He cannot settle. He wanders the house shaking and turning in circles. This is not right.

We have all heard of the horse in Lunenburg Co. which had to be put down as it went into a frenzy and broke its leg. It was a loved animal.

There are noiseless fireworks on the market which would be much appreciated on stated holidays which ask for them.

Random Neighbourhood Fire Works

There is no need for random neighbourhood fireworks. It is disturbing for animals and people. Again, our dog, just cannot tolerate this sort of noise. They hear things much louder than we do and they are really traumatized by the noise. We can get to sleep or are woken up

Films

On the corner of York and Cornwallis, huge lights and noise go on until 10 pm at night when they are filming. I think this is asking too much of occupants to listen to this and be disturbed by it.

The contradiction is if we are on the street and are talking they "shush" us during the day. Is this right? We live here. We pay taxes. We are unable to go about our daily business having to take detours, being asked to park here or there; not able to use our backyards in any sensible way. It is extremely uncomfortable.

We were prisoners in our home for 9 days basically and longer and under a lot of stress because of these activities. Not to mention the dog who again was unable to settle with trucks running day and night and loud unexpected noises. Our neighbour's houses were full of the smell of diesel fuel from them.

The film people continue to minimize the impact on our lives.

I ask, what would you tolerate in your own home?

Loud Diesel Fueled Trucks

For two years we had to tolerate a diesel truck early morning and several times a day roaring up and down Cornwallis Street. The fellow lived a few houses away. He deliberately enjoyed disturbing the peace as often as he could. Thankfully he has moved on. Now another diesel-fuelled truck is doing much the same but only going to work and coming home from work. That is a relief of some sort.

Thank you for any relief you can give to residents to minimize these noise makers.

Su Rogers
■ Cornwallis Street
Lunenburg, NS
B0J 2C0

From: [Brian Arnott](#)
To: [Kelly Jardine](#)
Subject: Noise By-Law
Date: June 5, 2022 12:17:22 PM

Kelly

Some thoughts on the development of a new Noise By-Law from a resident of Old Town:

Definitions --

Noise is unwanted sound

Sound includes any and all frequencies

Standards to include --

Overnight time period extends from 9pm to 7am

Specify boundary as the property line

Set daytime levels at 55 dB(A) measured at property line

Set nighttime levels at 50 dB(A) measured at property line

Categories to include —

Amplified sound from any type of device

Construction activities of all kinds

Fixed power devices (air conditioners and heat pumps, generators, exhaust fans)

General — unreasonable and/or persistent noise

Loading/unloading (deliveries of all kinds, waste and recycling, paper shredding)

Portable power devices (lawn mowers, leaf blowers and trimmers, chain saws)

Vehicle noise (passenger cars, motorcycles, trucks and heavy equipment)

Verification ---

Recording using iPhone noise app is acceptable

Town identifies a By-law enforcement officer (not RCMP) with whom complaint may be registered

Exemptions (as of right) ---

Specified public events (e.g., Santa Claus Parade, Remembrance Day, etc)

Exemptions (by permit only) ---

Specified classes of events

Permit for one day only (or two separate consecutive days)

Permit is site specific (not across whole town or part)

Brian

Brian Arnott

Principal

Novita Interpares | Leaf + Branch

novitainterpares.ca

From: Dale Lohnes

Sent: June 8, 2022 2:35 PM

To: Matt Risser; Peter Mosher; Jenni Birtles; Melissa Duggan; Stephen Ernst; ED Halverson; Susan Sanford

Subject: Lunenburg's noise by-law

Members of Council

It is our understanding that on June 14th Council will consider several proposed amendments to the noise by-law.

One suggestion, we were told, is to amend the noise cut-off time from 1/2 hour after sunset to 11 pm.

We believe the existing by-law as it is written provides ample opportunity for business owners who want to provide musical outdoor entertainment to do so successfully. At the same time the by-law provides reasonable protection for residential property owners and renters, albeit enforcement is an issue.

The existing by-law allows businesses to hold outdoor performances until approximately 9:30 pm mid summer. Their audiences generally begin to quiet down about one hour after the performance ends. Extending the noise cut-off time to 11 pm would effectively allow businesses to generate noise until almost midnight.

All property owners and tenants are entitled to quiet and undisturbed enjoyment of the property they own or occupy.

As Lunenburg property owners who are affected by all the by-laws, the absence of adequate enforcement of some, changes that may occur and by the decisions you make, we are asking you to deny any and all requests to extend the noise cut-off time.

Respectfully yours,

Dale and Lynne Lohnes

■ Young St.

Kelly Jardine

From: Marie Hogan <mariebarry@ns.sympatico.ca>
Sent: June 9, 2022 9:16 AM
To: Kelly Jardine
Subject: Noise Bylaw Submission

Although the sound of loud and open combustion engines on vehicles is apparently banned by our present and future bylaws, these bylaws are not policed.

Especially on summer days single or groups of motorcycles speed along Lincoln Street through Town and gun the very loud engines to roar up Lincoln Street hill. Or turn and do the same up Kempt Street hill.

In the 30 years I have lived in this Lincoln Street home I have never seen these vehicles stopped or charged under a bylaw. Indeed Lunenburg seems to be on the list of "welcome to motorcyclists."

I would welcome the prohibition and policing of this particular disturbing noise in Lunenburg.

Marie Hogan Loker

█ Lincoln Street

Lunenburg

Circulated: _____

Document No:

Meeting: Council – June 14, 2022

Circulate To: Council, KM, HM

File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: MAY 13, 2022

**RE: LUNENBURG ARMS APPLICATION: KING'S HOTEL
PID 60061199 AND PID 60061181**

1. FACTS**A. Background**

The owners of the Lunenburg Arms Hotel located at 94 Pelham Street have made application to build a new hotel on their parking lot located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and PID 60061181. The development will be situated on two lots joined by a party wall in compliance with the Building Code. Pursuant to Policy 4.6.2 of the Heritage Conservation District (HCD) Plan and Part 4.8 of the HCD By-law Council shall consider a new commercial building through the Public Hearing process.

B. Proposal

PID 60061199 AND PID 60061181 are located within the Old Town Heritage Conservation District (HCD) and the World Heritage Site (WHS). As such the lands are govern by the Old Town HCD Plan and By-law. The site was the former location of the King's Hotel. In the spirit of paying respect to the history of the site, the applicant intends to bring the historic use (the King's Hotel) back to the site. According to the "Inventory of Historic Buildings" (**Attachment A**) the Hotel was originally built prior to 1858 and undertook several renovations throughout 1879-1890 until it became the 4-5 storey building as shown in the Inventory booklet. The building was demolished in the late 1950's.

Pursuant to the HCD Plan and By-law, new commercial buildings are required to be approved by Council through the Public Hearing process. To help facilitate Council's review, staff has reviewed the Hotel's design (**Attachment B**) as outlined in **Attachment C**.

2. **ISSUES AND OPTIONS**

The municipality may grant the application either with or without conditions or may refuse it. Pursuant to Section 12(2) of the Heritage Conservation Districts Regulations, Council may only refuse the application if the proposal does not meet the requirements of the HCD By-law, including the Design Guidelines. The reason(s) for Council's refusal must be given.

In staff's opinion, the proposal is in-keeping with the intent of the HCD Plan and By-law and the applicable provisions of the design guidelines. The approval, imposition of conditions on or the denial of the application is appealable to the UARB.

Council has the following options following the required Public Hearing:

Option 1: To approve the issuance of a Certificate of Appropriateness for the King's Hotel located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and PID 60061181 provided the design is as shown in **Attachment B**.

Option 2: To refuse the issuance of a Certificate of Appropriateness for the King's Hotel located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and PID 60061181 for reasons as described by Council.

Option 3: To refer the matter back to the applicant to address any concerns Council may have with regards to the proposal.

3. **FINANCIAL IMPACT**

Costs may occur with regards to undertaking an appeal if one is filed.

4. **STRATEGIC PLAN RELEVANCE**

The approval of the request could be justified in-keeping with the Town's CCP, in particular:

Economic Development: Direction to support economic development.

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

5. **RECOMMENDATION AND DRAFT MOTION**

Motion: Moved and seconded that Council approves the issuance of a Certificate of Appropriateness for the King's Hotel located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and PID 60061181 provided the design is as shown in **Attachment B**.

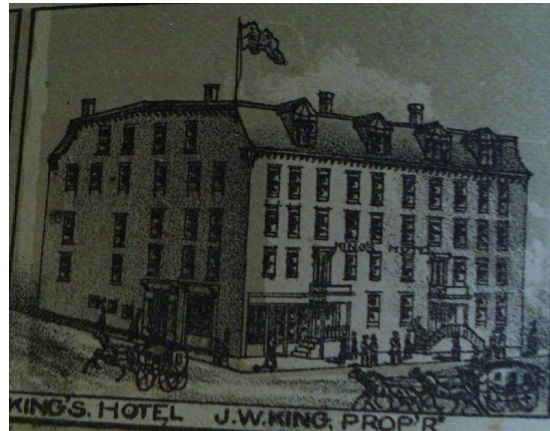
ATTACHMENTS:

- A.** Old Photos and Inventory of Historic Buildings caption for King's Hotel
- B.** King's Hotel Design
- C.** Review of King's Hotel Design
- D.** Application Process
- E.** Review of Policy 4.6.2 of the HCD Plan

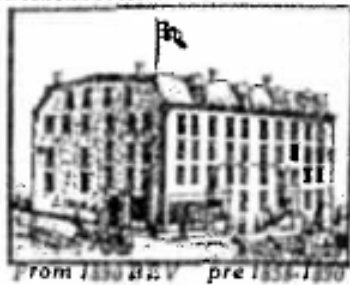
Acknowledged by

Kevin Malloy
Interim CAO/Clerk

ATTACHMENT A
Old Photos and Inventory of Historic Buildings caption for King's Hotel



The King's Hotel once stood at this corner and offered the finest in hotel accommodation to the traveller of the day. Built sometime prior to 1858, the hotel was centrally located near the post office, telegraph and telephone offices, and within three minutes walk of the train and steamboat. In 1865, Henry King purchased the hotel from Daniel S. MacDonald and in 1887 handed it over to his son James W. King. The building underwent a number of major renovations between 1879-90 (see BEV's) until it became the 4 storey building shown in the sketch below. According to W.A. Lelton there were: "28 spacious, airy bedrooms supplied with hot and cold water and heated by hot water... a large and handsomely furnished drawing room, one private and two public parlours, a writing room, an office and a large and commodious dining room where the tables were always bountifully supplied with the delicacies and substantial of the season." The hotel remained in the King family until 1928 when it sold to Lunenburg Hotels Ltd. and had its name changed to the "Ich Dien Hotel." It later became a merchant seaman's hostel and, after becoming neglected, was demolished in the late 1950's. The vacant site is presently used as a parking lot but portions of the old foundation can still be seen.





Original Historic Truncated Georgian King's Hotel

ATTACHMENT B - King's Hotel Design



Revised Roof Ridge - Truncated Roof - Aerial View



Revised Roof Ridge - Truncated Roof - Street View



KING'S
ARMS HOTEL

CAFE
96 P. WILLIAM STREET

KING'S ARMS HOTEL

LUNENBURG
ARMS HOTEL

BK-768-LI



KING'S
ARMS HOTEL

CAFE

LUNCHEON
ARMS

BK-768-LI

ALL MEASUREMENTS SHOWN G.C. TO CONFIRM ON SITE AND TO REPORT BACK TO THE ARCHITECT IF THERE ARE ANY DISCREPANCIES.

MacKay-Lyons
Sweetapple
Architects
Limited



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Halifax, Nova Scotia
Canada B3K 3B4



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fax: (902) 429 6276

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02	For Permitting	2022 03 16
01	Preliminary Working Set	2022 02 09
No.	Description	Date
Revision:		

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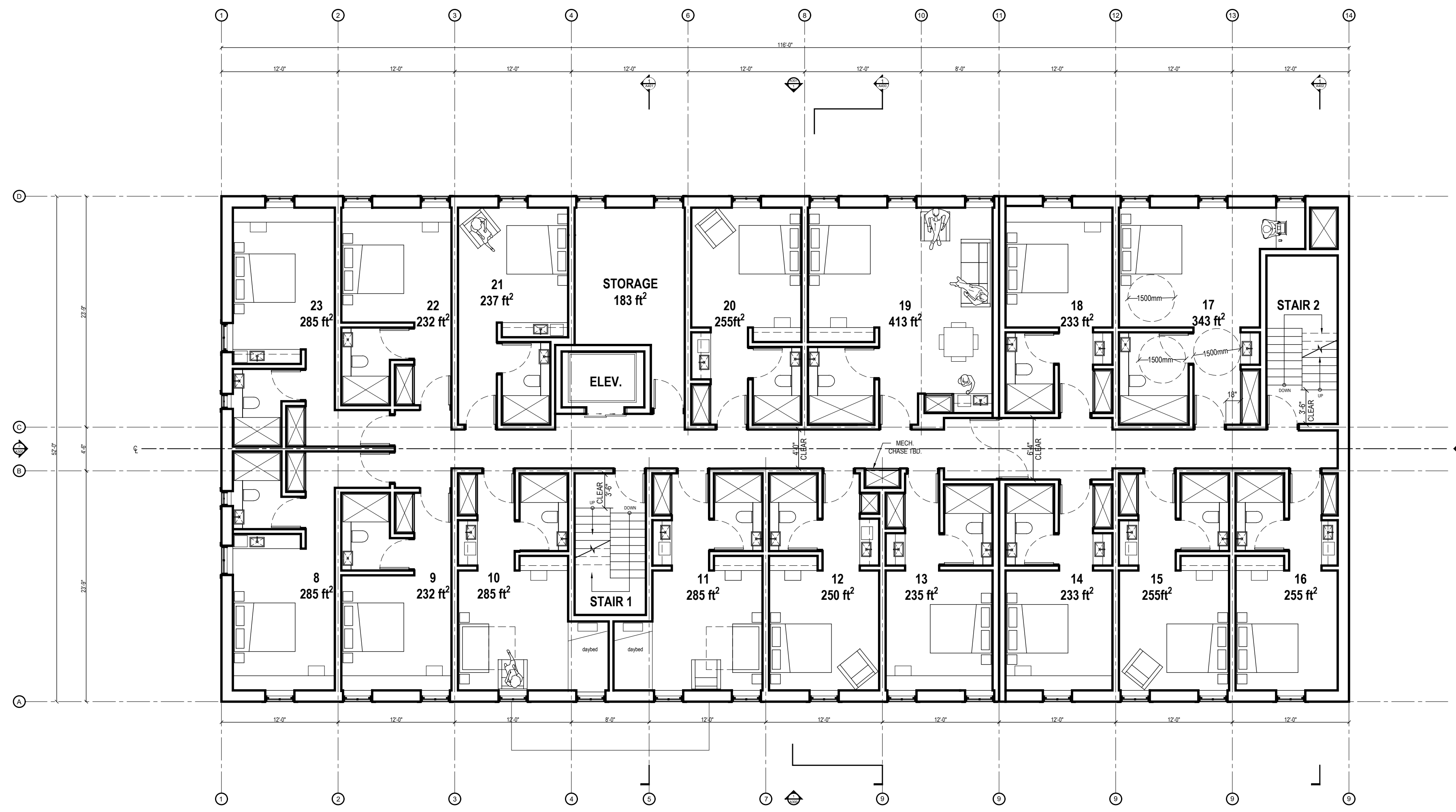
SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

Site Plan

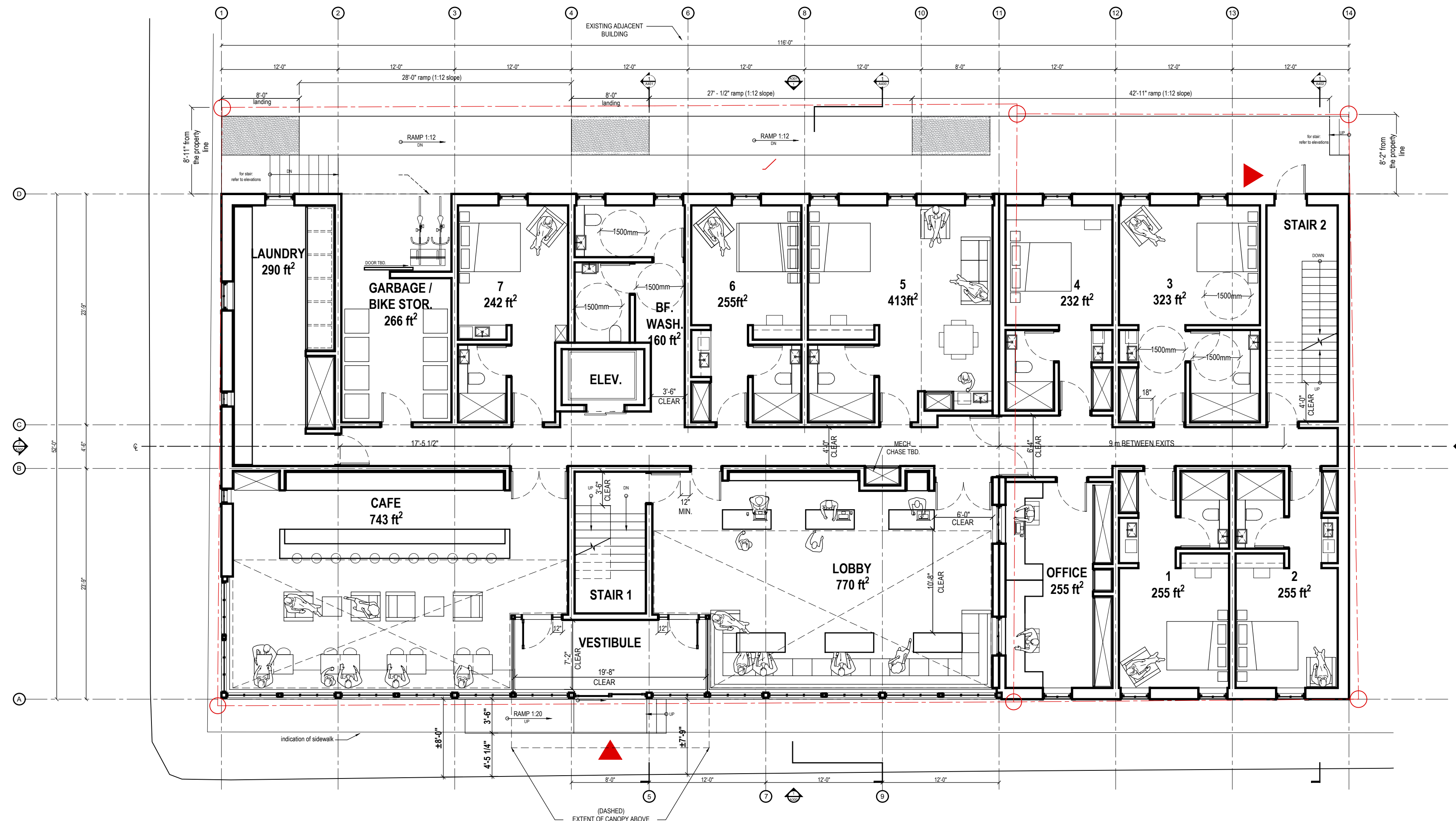
scale: 1/16" = 1'-0"
drawn: AR/CS

A200





2 Second Level Floor Plan
Scale 1/8" = 1'-0"



1 Ground Level Floor Plan
Scale 1/8" = 1'-0"

Lunenburg Arm's Hotel

MacKay-Lyons Sweetapple Architects Limited

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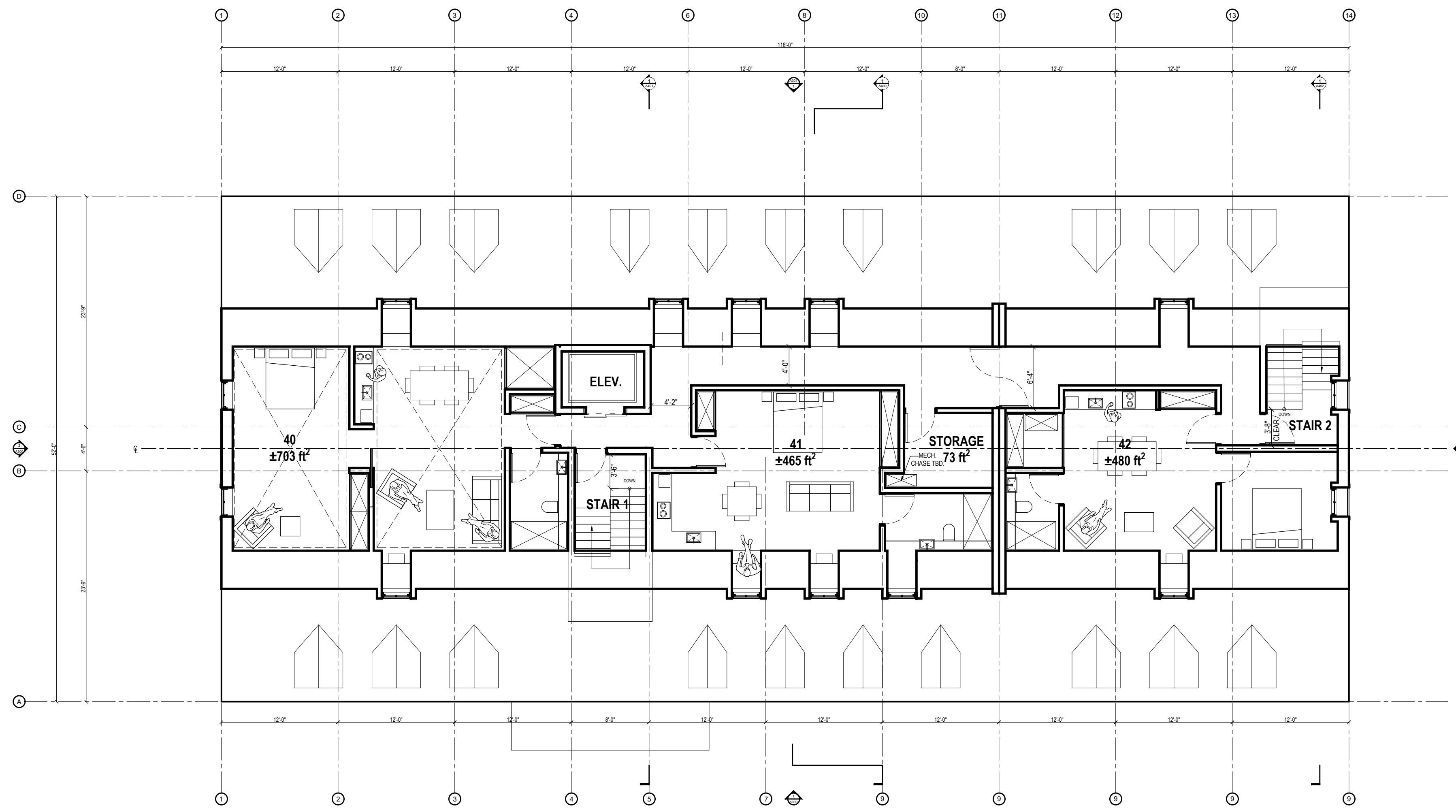
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Ground Level & Second Level Floor Plans

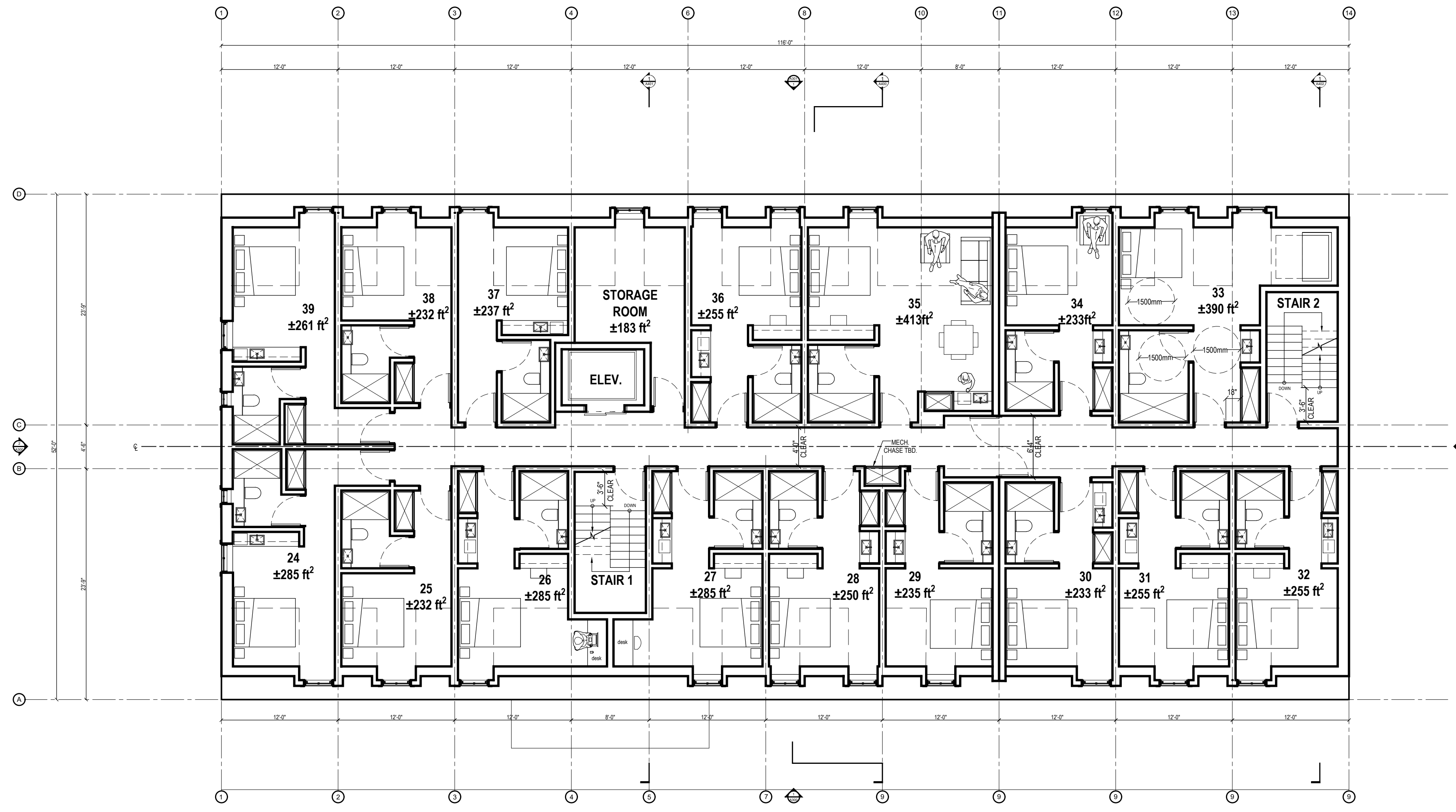
scale: 1/8" = 1'-0"

drawn: AR/CS
chk'd: BML

A202



2 Attic Floor Plan
Scale 1/8" = 1'-0"



1 Third Level Floor Plan
Scale 1/8" = 1'-0"

Lunenburg Arm's Hotel
 Project:
 Lunenburg NS
 Canada

MacKay-Lyons
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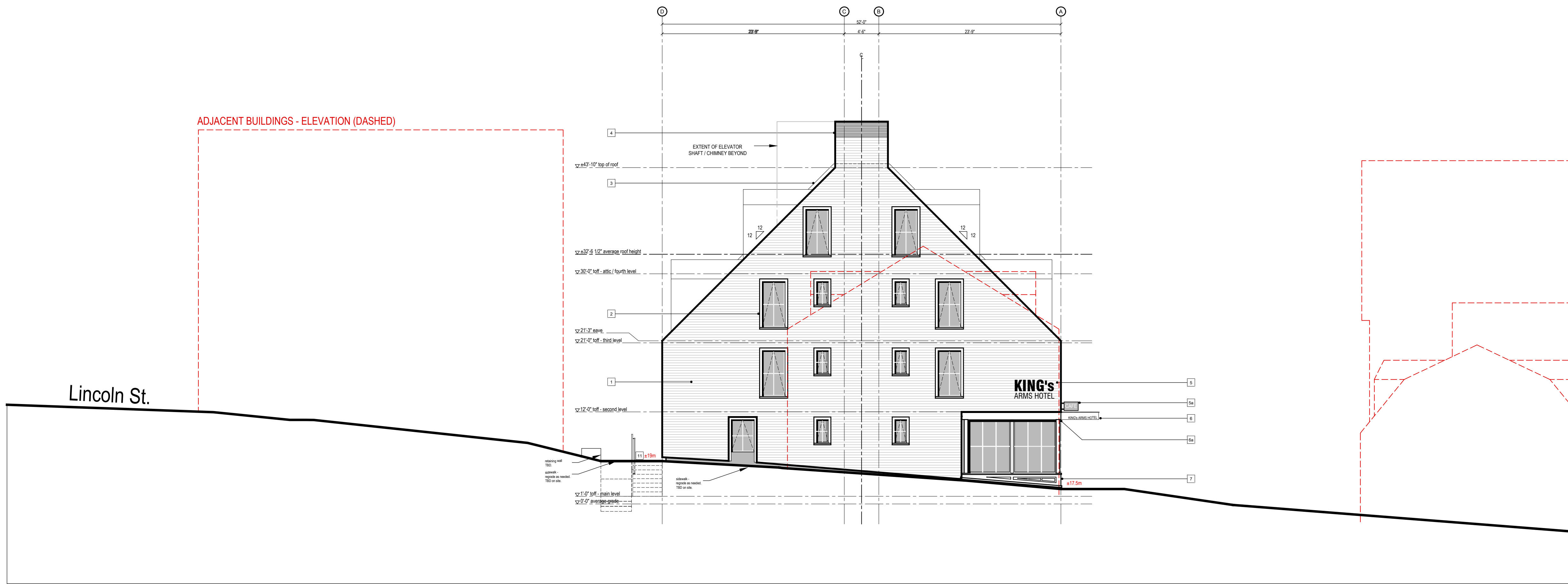
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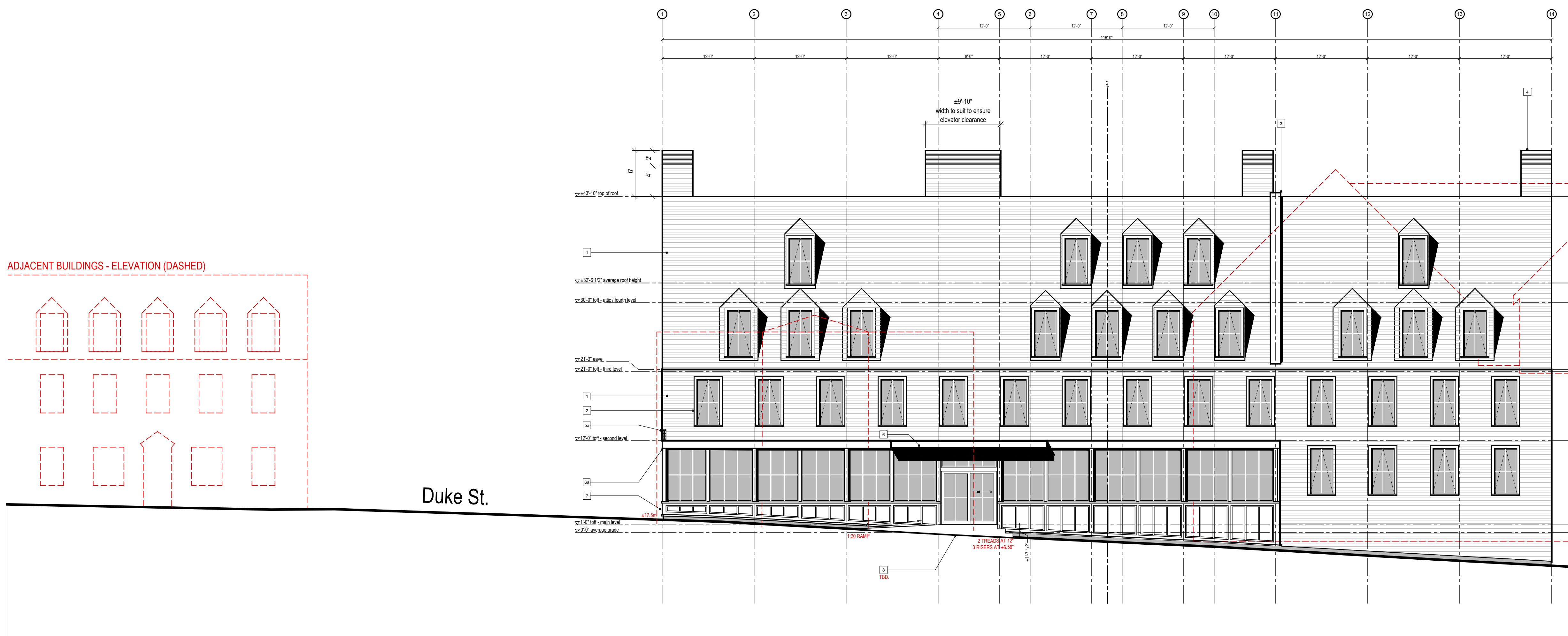
Third Level
 & Attic Floor
 Plan

scale: 1/8" = 1'-0"
 drawn: AR/CS
 ck'd: BML

A203



2
A300 West (Duke St.) Elevation
Scale 1/8" = 1'-0"



1
A300 South (Pelham St.) Elevation
Scale 1/8" = 1'-0"

- LEGEND
- 1 Eastern white cedar shingles with woven corners
 - 2 Black painted Azulex PVC windows with 4" trims and 2.5" trim at sill. Colour of trims to be black. (Refer to window schedule)
 - 3 Firewall TBD.
 - 4 Mechanical chimney TBD.
 - 5 Signage shown - intent only. Font size and spec TBD.
 - 6a Blade signage - intent only. Design and spec TBD.
 - 6b Canopy to align with 10' awsoverfront trim. Both sides to have blade signage.
 - 7 1" x 6" x 1" stonefront trim (colour TBD.)
 - 8 Panel board design (colour TBD.)
 - 9 Rgrade at Entry. To be coord. on site.
 - 9a Pre-engineered galvanized metal mesh railing and screen (colour to match window sash)
 - 10 Barn door to access Garbage Room spec TBD.
 - 11 Grade/Star/Ramp to be confirmed on site. Any discrepancy to report back to the Architect.

NOTES

A) Top of grade drawn diagrammatically only. G.S. to coordinate existing grade on site and to report back to the Architect.

B) Refer to A700 Window Door Schedule for Window Door Dimensions

C) Vent openings through exterior walls or roof cannot exceed 144 sq. ft.

D) Vent openings must be covered with a mesh that meets the requirements of MNUC 504.10.

Lunenburg Arm's Hotel

Palmer St.
Lunenburg NS
Canada

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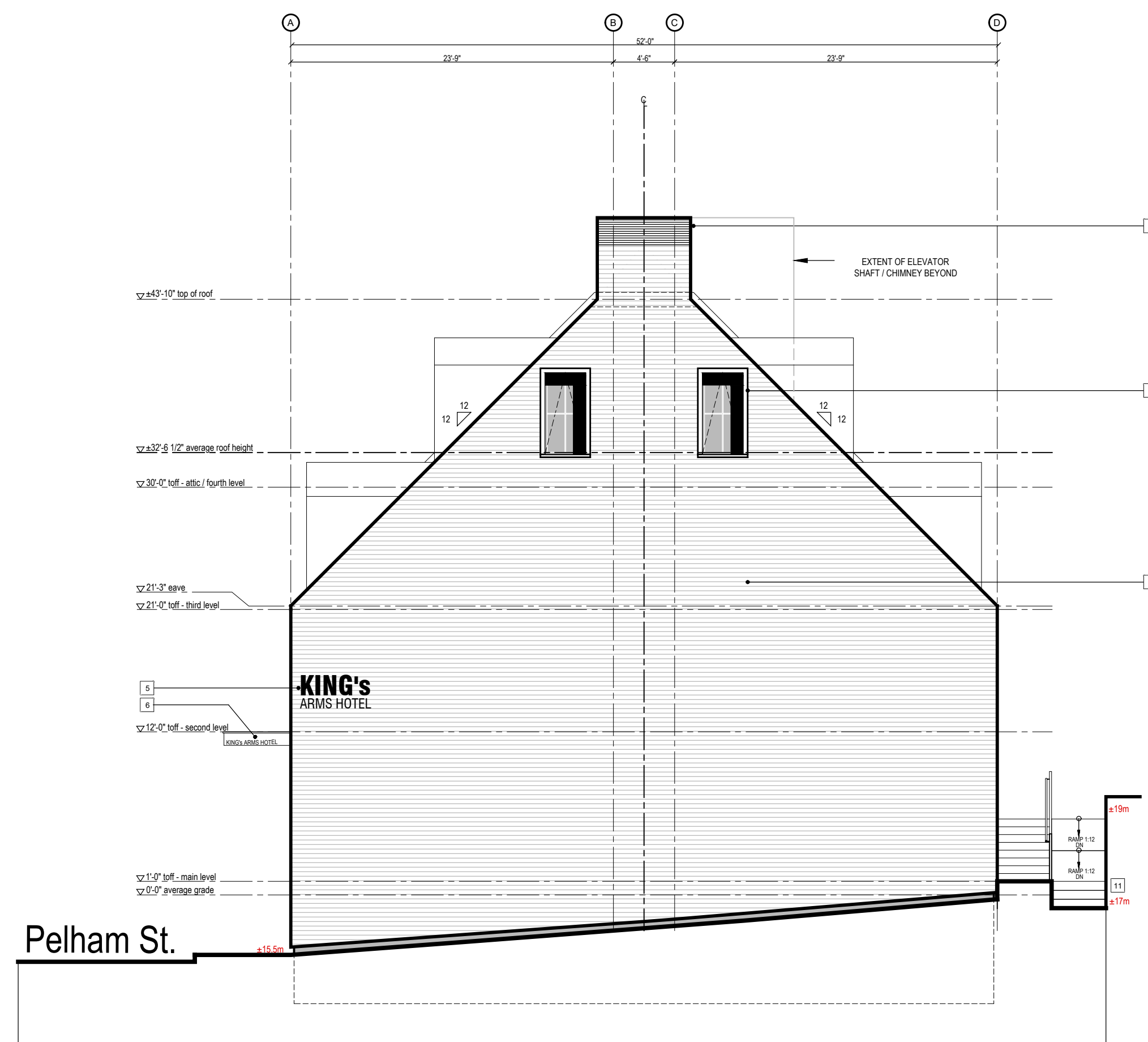
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Exterior Elevations

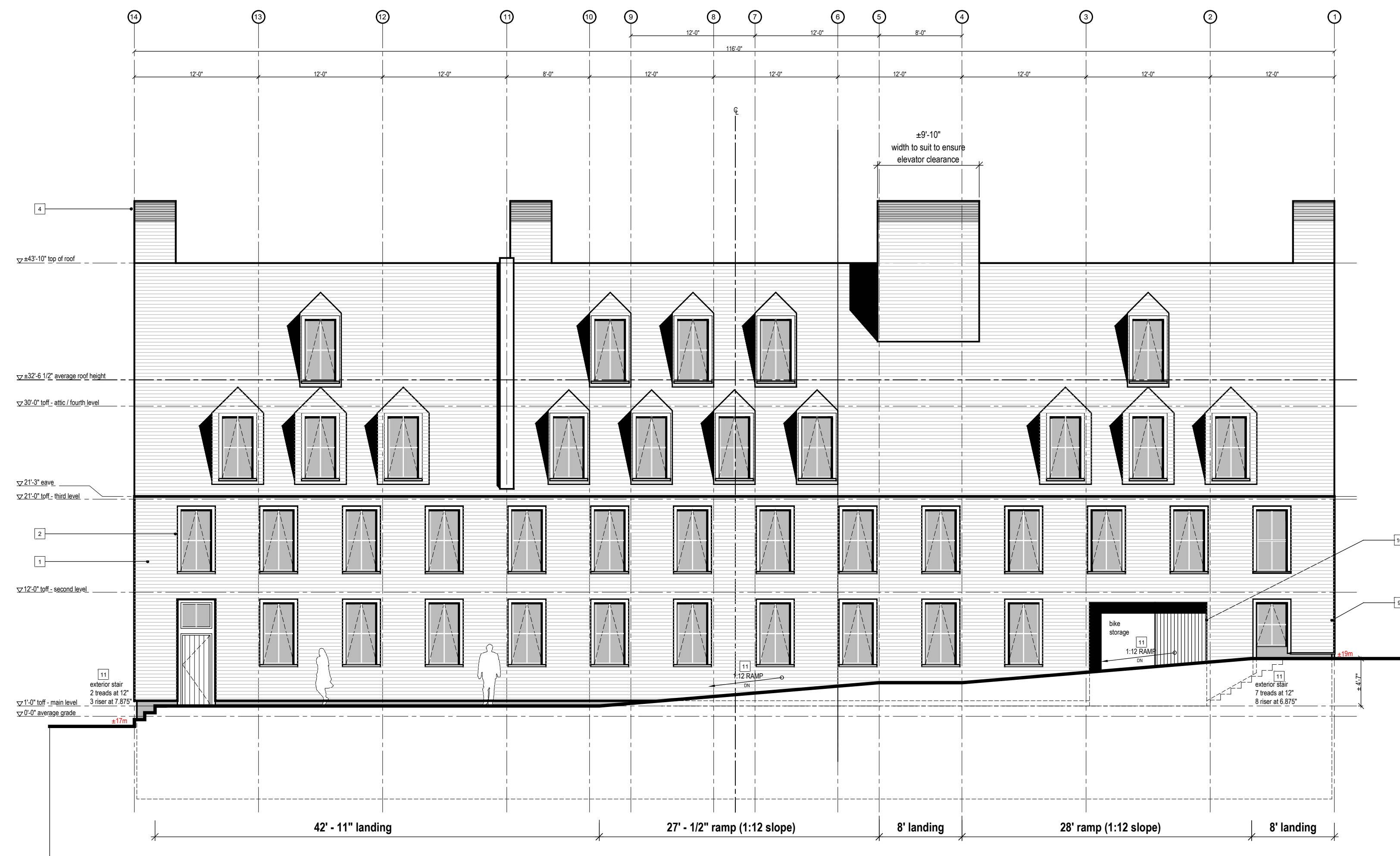
scale: 1/8" = 1'-0"

drawn: AR/CS
chk'd: BML

A300



2 East Elevation
Scale 1/8" = 1'-0"



1 North Elevation
Scale 1/8" = 1'-0"

LEGEND

- 1 Eastern white cedar shingles with woven corners
- 2 Black painted Azura/PVC windows with 4" trim and 2.5" trim at sill. Colour of trim to be black. (refer to window schedule)
- 3 Firewall TBD.
- 4 Mechanical chimney TBD.
- 5 Signage shown - intent only. Font style and size TBD.
- 6a Blade signage - intent only. Design and spec. TBD.
- 6b Canopy to align with 10" storefront trim. Both ends to have building signage.
- 7 1" storefront trim (colour TBD)
- 8 Panel board design (colour TBD)
- 9 Rebrake at Entry. To be coord. on site.
- 9a Fire-engineered galvanized metal mesh canopy and screen (colour to match window sash)
- 10a Barn door to access Garbage Room spec. TBD.

NOTES

- A) Top of grade drawn diagrammatically only.
- B) G.C. to coordinate existing grade on site and to report back to the Architect.
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Exterior
Elevations

scale: 1/8" = 1'-0"
drawn: AR/CS
chk'd: BML

A301

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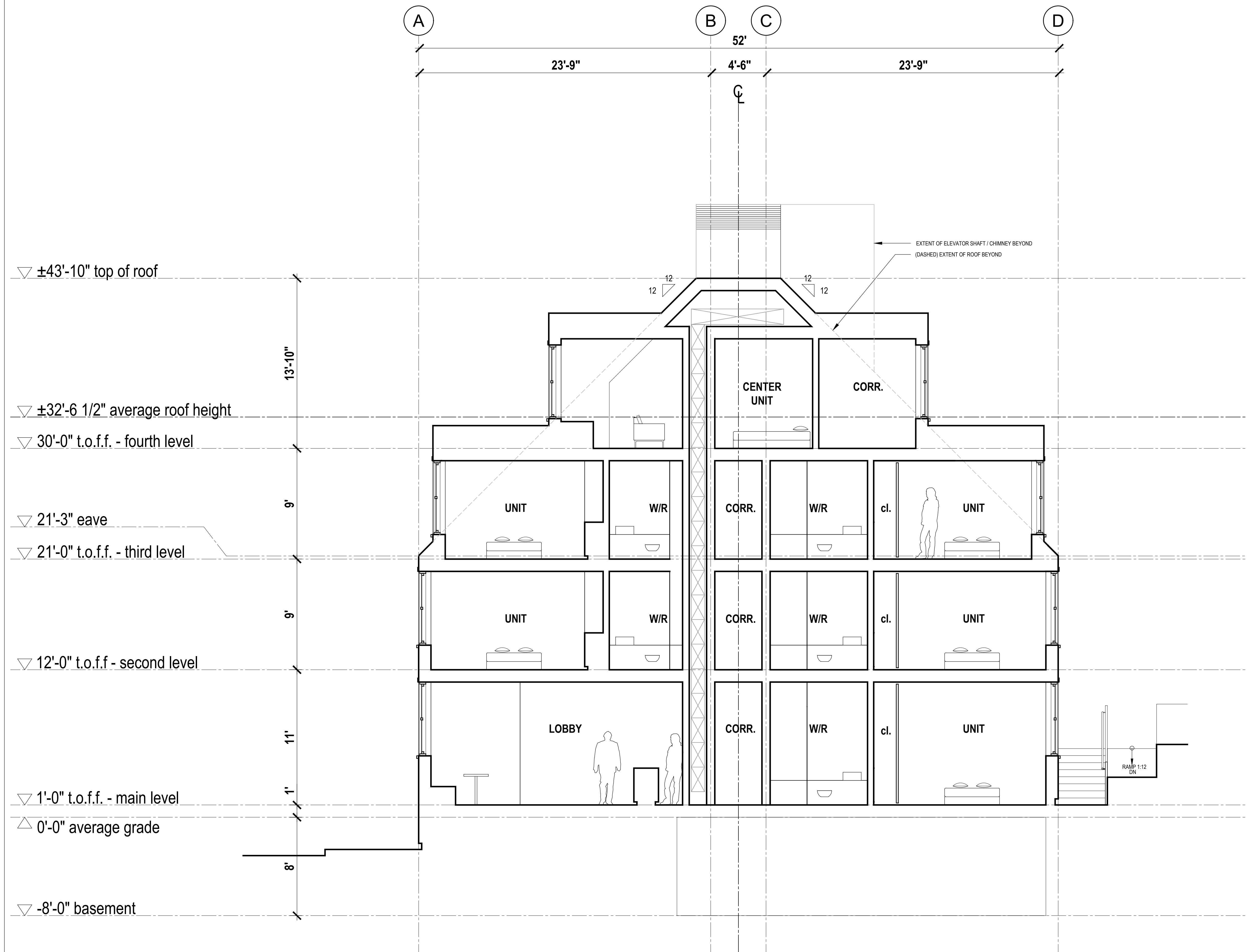
DIMENSIONS:
All dimensions must be verified on site. Do not scale off drawings. Plans take precedence over elevations. In the absence of dimensions, or if discrepancies exist, consult Architect. All minimum dimensions are to comply with the National Building Code of Canada.

SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

Building
Section

scale: 1/4" = 1'-0"
drawn: AR/CS
chk'd: BML

A400



1 Typ. Building Section
Scale 1/4" = 1'-0"

**NOT FOR
CONSTRUCTION**

02	For Permitting	2022 03 16
01	Preliminary Working Set	2022 02 09
No.	Description	Date

NOTES:

COPYRIGHT RELATED TO USE OF THIS DRAWING:
The use of this drawing shall be governed by standard copyright law as generally accepted in architectural practice.

ARCHITECT'S REQUIREMENTS AND APPROVALS:
It is the Builder's responsibility to notify MacKay-Lyons Sweetapple Architects Ltd. and to seek prior written approval for materials and workmanship which deviates from instructions provided by the Architect.

ENGINEER'S REQUIREMENTS AND APPROVALS:
It is the Builder's responsibility to notify MacKay-Lyons Sweetapple Architects Ltd. and to seek prior written approval for materials and workmanship which deviates from instructions provided by the Engineer.

AUTHORITIES' REQUIREMENTS AND APPROVALS:
All materials and workmanship must comply with the requirements of all authorities having jurisdiction over the work. It is the Builder's responsibility to gain necessary approval from all relevant Authorities.

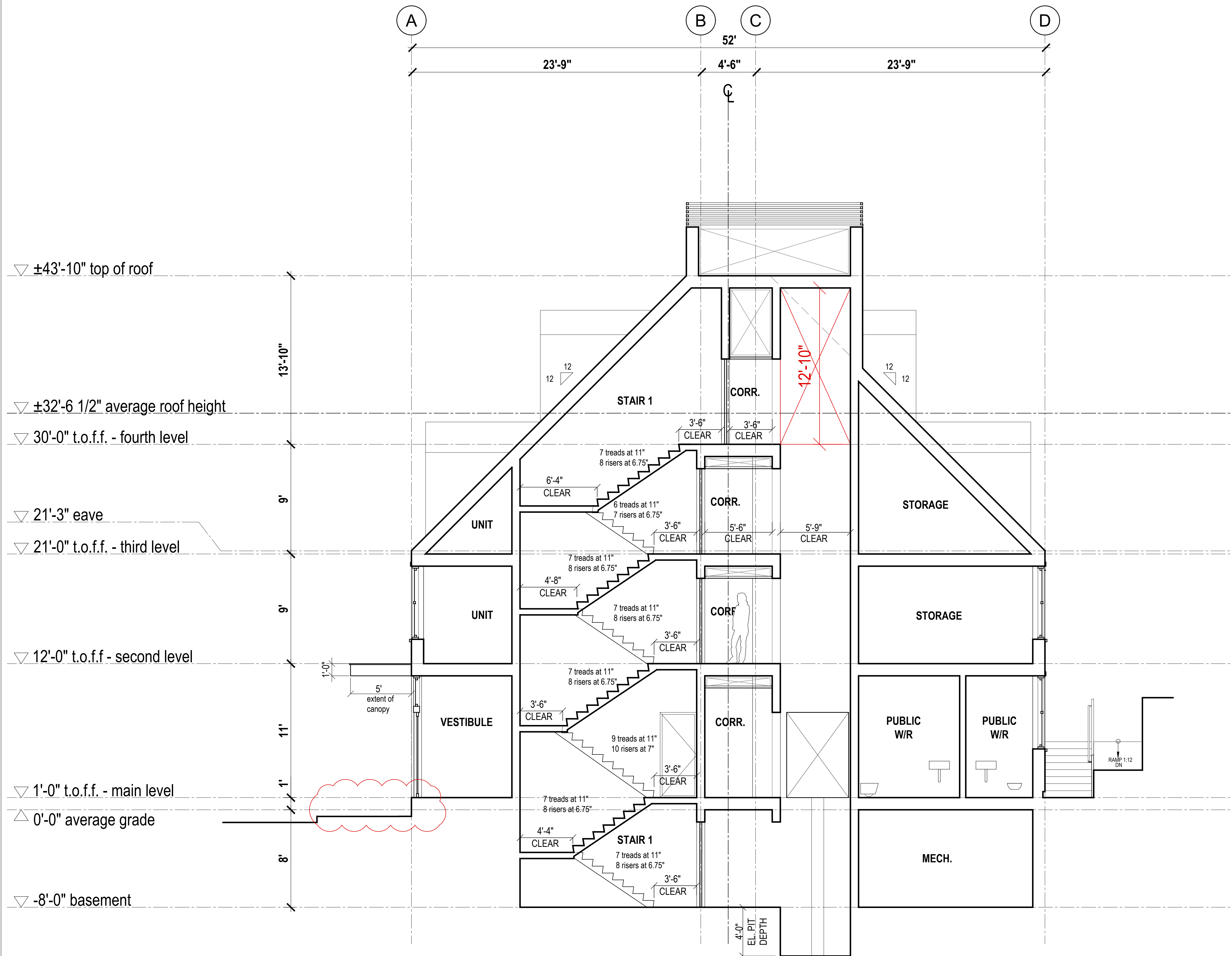
DIMENSIONS:
All dimensions must be verified on site. Do not scale off drawings. Plans take precedent over elevations. In the absence of dimensions, or if discrepancies exist, consult Architect. All minimum dimensions are to comply with the National Building Code of Canada.

SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

Building
Section

scale: 1/4" = 1'-0"
drawn: AR/CS
chk'd: BML

A401



1 Egress Stair 1 Building Section
Scale 1/4" = 1'-0"

A401

**NOT FOR
CONSTRUCTION**

No.	Description	Date
02	For Permitting	2022 03 16
01	Preliminary Working Set	2022 02 09

NOTES:

COPYRIGHT RELATED TO USE OF THIS DRAWING:
The use of this drawing shall be governed by standard copyright law as generally accepted in architectural practice.

ARCHITECT'S REQUIREMENTS AND APPROVALS:
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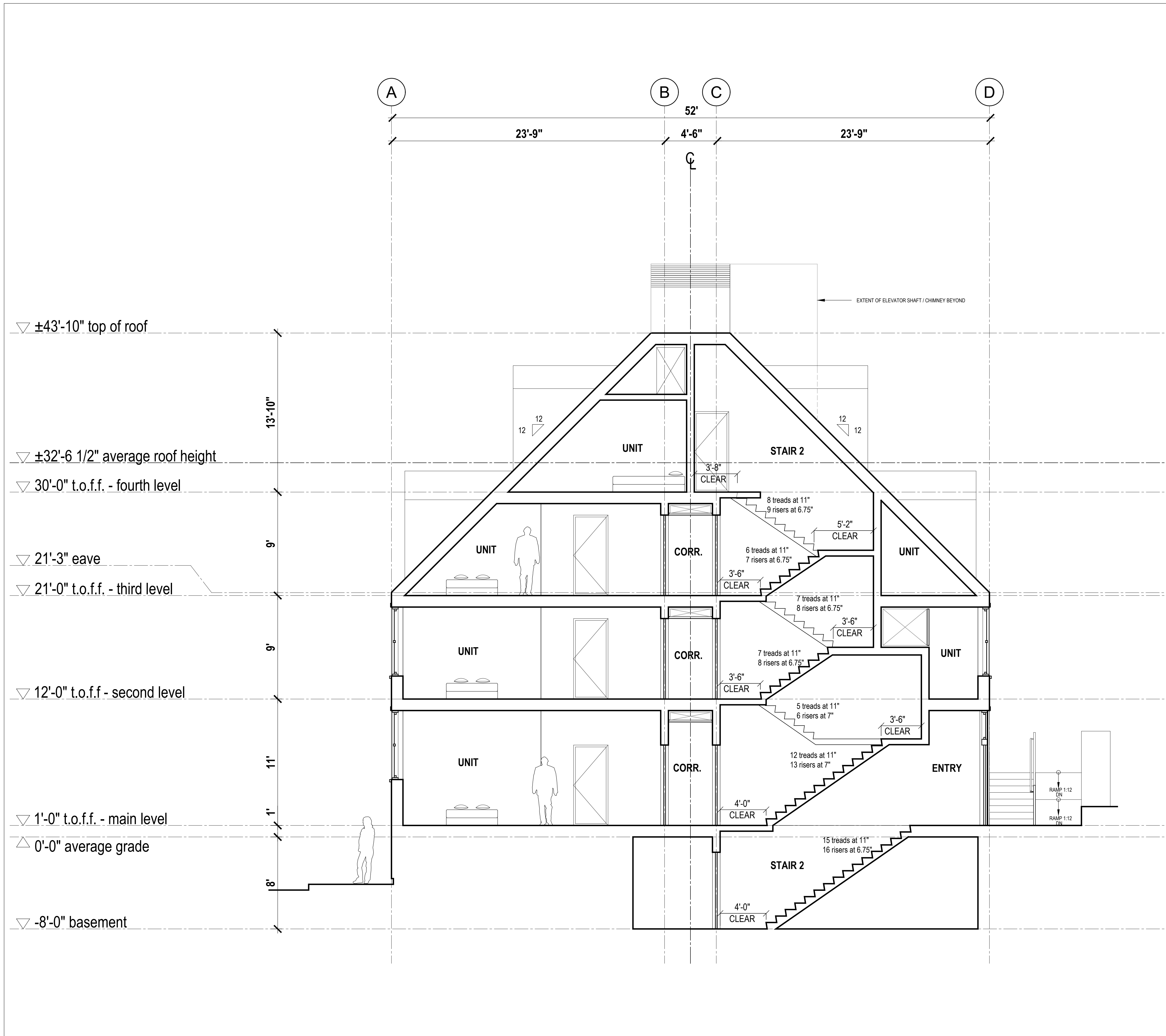
DIMENSIONS:
All dimensions must be verified on site. Do not scale off drawings. Plans take precedent over elevations. In the absence of dimensions, or if discrepancies exist, consult Architect. All minimum dimensions are to comply with the National Building Code of Canada.

SHOP DRAWINGS:
Submit shop drawings to the Architect and Engineer for approval prior to manufacture of prefabricated elements of the building.

Building
Section

scale: 1/4" = 1'-0"
drawn: AR/CS
chk'd: BML

A402



1 Egress Stair 2 Building Section
Scale 1/4" = 1'-0"

A402

ATTACHMENT C
Review of King's Hotel Design


Old Town Heritage Conservation District By-law Review:

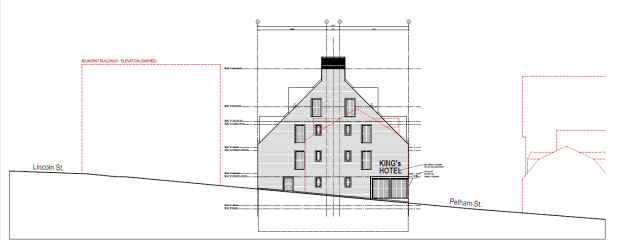
Pursuant to Part 3.3, where a proposed commercial building has a ground floor area greater than 2100 square feet, it shall be required to have an additive form with varied rooflines and/or a façade subdivided into small storefront units. Commercial buildings over 2100 square feet shall have varied massing up to a maximum ground floor area of 4200 square feet.

Developments are reviewed on a lot-by-lot basis. In this case there are two (2) existing lots, PID 60061199 and PID 60061181. The buildings are attached by means of a fire separation along the property line in a similar fashion as the historic built form of Lincoln Street where buildings are placed side by side, directly abutting one another along the street. This historic built form helps to frame the commercial streetscape.

PID 60061199 has a ground floor area of 4145 square feet. Whereas the ground floor area of PID 60061181 is 1850 square feet. The Georgian Style with its placement of dormers on the Gable roof provides three (3) visual breaks in the overall combined mass. This, coupled with the roof top fire break along the property line, provides a visual breakage of the over all mass intended by Part 3.3, where PID 60061199 is broken into two visual masses with the third mass to the eastern side of the fire wall.

King's Hotel	
Ground Floor Area of PID 60061199:	4145 square feet
Ground Floor Area of PID 60061181:	1850 square feet

Review of Design Guidelines (Part 3):	
Design Guidelines:	Comments:
Part 3.1 Form:	<p>The form is in-keeping with the Georgian style gable roof form as shown in the sample below:</p> <div style="text-align: center;">  <p>Georgian style with corner storefront.</p> </div> <p>Proposed design is in-keeping with Part 3.1.</p>
Part 3.2 Height and Roof Pitch:	<p>The building is greater than 2 storeys and has a steep pitched roof (12/12). The height of the structure (34 feet-31/4 inches - 34.27 feet) is less than 10.5 m (34.4 feet), the maximum height permitted by the Land Use By-law in the Old Town 1 Form Zone. Proposed design is in-keeping with Part 3.2.</p>
Part 3.3 Size, massing, and proportions:	<p>Justification is outlined above. Proposed design is in-keeping with Part 3.3.</p>

<p>Part 3.3 Size, massing, and proportions: More than 2,100 Sq. Ft. – shall provide additive form with varied roof lines. Maximum Ground Floor Area – 4,200 Sq. Ft. for new commercial buildings.</p>	<p>Justification is outlined above. Proposed design is in-keeping with Part 3.3.</p>
<p>Part 3.4 Setbacks:</p>	<p>The siting of the proposed development reinforces the existing zero setbacks along Pelham Street as well as Duke Street. The placement of the development follows the historic development pattern. Proposed design is in-keeping with Part 3.4.</p>
<p>Part 3.5 Spaces between buildings:</p>	<p>The proposed development follows the historic development pattern by directly abutting the two buildings with a fire wall. The outside wall to the eastern side also abuts the eastern side lot line and there is a zero set-back from Duke Street along its western side lot line. The zero spacing between buildings is in-keeping with the historic commercial development, in particularly those commercial shops on Lincoln Street. Proposed design is in-keeping with Part 3.5.</p>
<p>Part 3.6 Orientation to public street:</p>	<p>The main lobby area and café face directly onto Pelham Street. The design orients the building towards Pelham Street that reinforces the historic development pattern of the street. Proposed design is in-keeping with Part 3.6.</p>
<p>Part 3.7 Façade design: The façade design of the new commercial building should respond to the design of adjacent buildings.</p>	<p>The new commercial development attempts to compliment the Lunenburg Arms hotel renovations like two book ends that belong together. The new commercial building also echoes some of the architectural features of the Georgian style building on the corner of Duke and Pelham (79 Pelham Street) such as window placements, steep roof pitch and the use of dormers.</p>  <p>The rhythm of the storefront is reinforced using the storefront windows, placement of the windows and dormers and finally through the use of the chimneys. Three articulated bays become visible which helps to reinforce the historic pattern of the rhythm of the commercial street. The façade design incorporates elements of the traditional storefront design such as vertically proportioned windows on upper floors, regularly spaced in the façade, wooden cladding,</p>

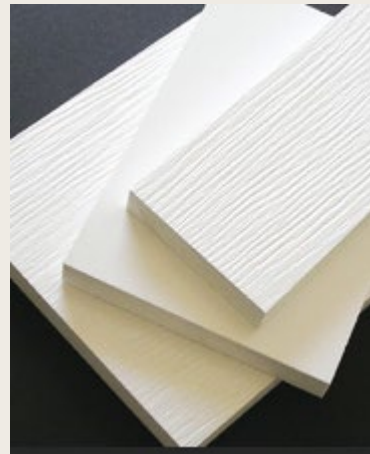
and trims, square or vertically proportioned display windows, and a strong baseline defined by moldings or panels.



Proposed design is in-keeping with Part 3.7.

Part 3.8 Materials:

The building will be clad in wooden shingles. Window and door trims will be a minimum of 4 inches wide made with materials to look like wood - Azek trims as shown below:



The roof materials will be eastern white cedar shingles. The building, rather than using wooden cornerboards, will directly abut the shingles for a clean visual appearance around the corners of the building – like the craftsmen’s style homes. Proposed design is in-keeping with Part 3.8.

**ATTACHMENT D
- APPLICATION PROCESS -**

Application Process – King’s Hotel	
Stage:	Date:
Application to Council – First Reading	April 12, 2022
Advertise 21 clear days for Public Hearing	May 11 and May 18, 2022
Public Hearing	June 14, 2022
Council’s Decision	TBA
Public Notice outlining rights to appeal (21-day appeal period)	TBA
Appeal period elapses	TBA
Issuance of Certificate of Appropriateness (if approved)	TBA

Relevant Section of the Heritage Property Act and Regulations

Public hearing for certificate

11 (1) The council shall cause notice to be given of a proposed development and of its intention to consider the application for a certificate by a notice to be published at least once a week for two successive weeks in a newspaper circulating in the area of the district, the first of such notices to be published at least twenty-one clear days before the date fixed for the public hearing.

(2) The notice required by subsection (1) shall

(a) describe the location of the proposed development by civic number, by a plan, map or sketch or other description adequate to identify the location;

(b) give a description of the proposed development; and

(c) state the date, time and place fixed for the public hearing and the place where and hours during which information pertaining to the proposed development may be inspected by the public.

Council decision on certificate

12 (1) Subject to subsection (2) and subsection (2) of Section 19F of the Act, the decision of the council to approve or deny the application for a certificate shall be made, by resolution, after consideration of any submissions received and shall be by a majority vote of those councillors present when the vote is taken, but only those councillors present at the public hearing may vote upon the application.

(2) Where the council considers an application for a certificate other than one for demolition or removal of a building or structure, the council shall approve the application if it meets the requirements of the conservation by-law, including applicable portions of any design guidelines.

(3) Where the council denies the application for a certificate or approves the granting of the certificate with conditions imposed, the council shall include in the resolution the reasons for the denial or imposition of conditions, as the case may be.

(4) The council, by resolution, may specify conditions that shall attach to the granting of the certificate and the reasons for the conditions, and subsection (2) of Section 14 applies to those conditions.

(5) Upon the making of a decision to approve, approve with conditions or deny the granting of a certificate,

(a) the council shall cause notice to be published in a newspaper circulating in the district stating its decision and setting out the right of appeal; and

(b) the clerk of the municipality shall serve on the applicant, by personal service or registered mail, a copy of the resolution containing council's decision and reasons therefore, where required.

Conditions on certificate

14 (1) A certificate may be granted unconditionally or with conditions.

(2) Where a certificate is granted with conditions, the conditions shall

(a) relate to the development permitted by the certificate;

(b) be for a heritage conservation purpose; and

(c) be in accordance with the design guidelines.

(3) Without limiting the generality of subsections (1) and (2), the conditions subject to which a certificate may be granted include conditions with respect to

(a) the use of specific materials on or in a building or structure;

(b) the filing with the heritage officer of acceptable photographic or other documentation of a building or structure before its demolition or restoration, rehabilitation or alteration;

(c) the making good, after work is completed, of any damage caused to the building or structure by the work;

(d) restoration, rehabilitation or alteration of a building or structure or any part of it following the execution of work, with the use of original materials or acceptable alternatives;

(e) the preservation of or alteration in the design of buildings and structures;

(f) the site plan;

(g) the graphic representation of the proposed buildings and structures;

(h) type, species and placement of vegetation;

(i) the placement and design of signage; and

(j) the exterior colour of buildings and structures.

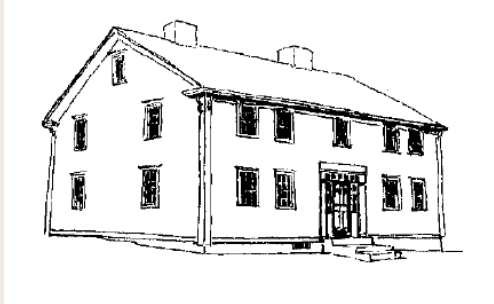
Appeal period

15 An appeal concerning the refusal of a certificate or the granting of a certificate with or without conditions by either the heritage officer or council shall be served on the Board within twenty-one days of the date of the publication of the notice of the refusal or granting in the newspaper.

4.6.2 Public hearing required for certain new buildings.

Where application is made for a Certificate of Appropriateness for a new commercial, industrial or institutional building, including any new public building, or for a new residential building containing more than two dwelling units, it shall be the intention of Council that the application shall be reviewed at a public hearing. Before approving the application, Council shall be satisfied that the proposed new building:

- .1 conforms with the intent of this conservation plan and with the requirements of the conservation bylaw and design guidelines.
- .2 is in keeping with the architectural character of the surrounding neighbourhood.
- .3 will not negatively affect public views of adjacent heritage buildings.
- .4 where applicable, will not negatively affect public views as identified on Map 6.

Review of Policy 4.6.2	
Sections:	Comments:
4.6.2.1	<p>The intent of the HCD Plan is to consider new commercial development through the Public Hearing Process in-keeping with Policy 4.6.2. The requirements of the HCD By-law and design guidelines have been reviewed in Attachment C. Upon consideration of the intent of the HCD Plan and HCD By-law and design guidelines, staff's opinion is that the proposal is in compliance with this provision.</p>
4.6.2.2	<p>The architectural character of the proposal is a Classical Revival (Georgian) style design. The design is fitting not only for residential developments but also commercial developments which is consistent with the built environment of Pelham Street and the Downtown area. The Georgian style of the Hotel echoes the Georgian building on the opposite side of Duke and Pelham located at 79 Pelham Street and elements of the design will incorporate fabric of the redesign of the Lunenburg Arms Hotel at 94 Pelham Street.</p> <p>The adaption of the Classical Revival (Georgian) style with a storefront appearance helps the building fit-in with the commercial fabric of the neighbourhood. Many of the attributes of the Hotel design can be seen in the Classica Revival (Georgian) style as outlined in Appendix 2 of the HCD Plan outlined below as well as the Georgian style storefront design from Section 3 of the HCD By-law Design Guidelines outlined below.</p> <div style="text-align: center;">  </div> <p style="text-align: center;">Classical Revival (Georgian) from Appendix 2 of the HCD Plan</p>



Georgian style
with corner
storefront.

Georgian style storefront design from Section 3 of the HCD By-law Design Guidelines

Upon consideration of the intent of the HCD Plan and HCD By-law and Design Guidelines, staff's opinion is that the proposal is in compliance with this provision.

4.6.2.3

In staff opinion, the proposed King's Hotel will not affect public views of adjacent heritage buildings. It will block the public views of the rear walls of the properties along Lincoln Street. However, their primary character-defining elements face Lincoln Street and these will not be affected. The proposed hotel will help frame the historic streetscape of Pelham Street and replace the vacant parking lot with a hotel with a similar roof line and bulk as the original King's Hotel built prior to 1858. Upon consideration of the intent of the HCD Plan and HCD By-law and Design Guidelines, staff's opinion is that the proposal is in compliance with this provision

4.6.2.4

The public views as identified on Map 6 will not be negatively affected. The views as identified on Map 6 do not cover over the lots in question as shown below. Upon consideration of the intent of the HCD Plan and HCD By-law and Design Guidelines, staff's opinion is that the proposal is in compliance with this provision



KEY

- | | |
|---------------------------------------|----------------------------------|
| 1 Gallows Hill panorama | 6 Foot of Kaulback to harbour |
| 2 Blockhouse Hill panorama | 7 Foot of Duke & King to harbour |
| 3 Parade Square | 8 Government wharf to harbour |
| 4 King Street: town centre to harbour | 9 Foot of Kempt to harbour |
| 5 North-south streets: harbour view | 10 Shipyards |

↓ Views to harbour along north-south streets



MAP 6

OLD TOWN

HERITAGE CONSERVATION DISTRICT

MAJOR PUBLIC VIEWS

Scale 1: 5700 (1 inch = 475') January 2000



Town of Lunenburg

Public Hearing – June 14th, 2022
King's Hotel



**Public Hearing Process Outline for the King's Hotel, June 14th, 2022, pursuant to
the Heritage Conservation District Plan and By-law**

1. Opening of the Public Hearing

A Public Hearing provides members of the public with an opportunity to learn about a proposal and make their views known to Council. A Public Hearing is required under the Town's Heritage Conservation District Plan for any new commercial building located within the Heritage Commercial District.

In terms of process, after the Public Hearing is held, Council may approve Second Reading (approving the proposal) or defer the decision to a later date. Please note that time for questions from the gallery is during the Public Hearing. Once the Public Hearing is closed, discussion is to be between Council members only.

2. Review of General Rules of Conduct

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

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

3. Public Hearing Outline

- (i) Presentation by Arthur MacDonald, Heritage Manager.*
- (ii) Presentation by the proponent.*
- (iii) Public input.*


4. Closing of the Public Hearing

Motion: moved and seconded to close the Public Hearing.

King's Hotel Public Hearing

Process:


First Reading of Council:	April 12, 2022
First Advertisement:	May 11, 2022
Second Advertisement:	May 18, 2022
Public Hearing:	June 14, 2022
Council Approval:	
Provincial Review:	
Approval Advertisement:	

 **TOWN OF LUNENBURG**
PUBLIC HEARING – LUNENBURG ARMS – KING’S HOTEL

Date/Time: Tuesday, June 14, 2022 at 6:00 p.m.

Location: Council Chambers – Town Hall, 120 Townsend Street, Lunenburg, N.S.

On April 12, 2022 Lunenburg Town Council gave notice of its intention to proceed to a Public Hearing in order to consider a proposed development of a new commercial building, the proposed King’s Hotel, on lands known as PID 60061199 and PID 60061181 as shown on the map below:



Pursuant to the Town’s Heritage Conservation District (HCD) Plan and By-law, new commercial buildings in the district are required to be considered through the PUBLIC HEARING process. The proposed King’s Hotel will create 42 hotel suites with a commercial café at street level.

A PUBLIC HEARING will be held in the Council Chamber to consider this proposal. 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 June 8th, 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@townoflunenburg.ca.

201291



King's Hotel Public Hearing

- The owners of the Lunenburg Arms Hotel located at 94 Pelham Street have made an application to Lunenburg Town Council to build a new King's Hotel on the site of the original King's Hotel, which was demolished in the 1950s.
- The site currently functions as the Lunenburg Arms' parking lot, located at the corner of Duke Street and Pelham Street on lands known as PID 60061199 and 60061181.
- The site is located within the Old Town Lunenburg Heritage Conservation District and is therefore subject to the Heritage Conservation District Plan and Bylaw.
- Pursuant to Policy 4.6.2 of the Heritage Conservation District (HCD) Plan and Part 4.8 of the HCD By-law Council shall consider a new commercial building through the Public Hearing process.



King's Hotel Public Hearing

Historic Photos of the King's Hotel:







KING'S
ARMS HOTEL

CAFE

100 PELHAM STREET

KING'S ARMS HOTEL

KING'S HOTEL

QUESTIONS - COMMENTS



End

Submission For Heritage Review and Public Hearing for the King's Arms Hotel

- Richburg Management: Developer
- MacKay-Lyons Sweetapple Architects: Design Architects
- Root Architecture: Prime Consultant

It is an honour for us to be engaged in this urban infill project for old town Lunenburg. It is an opportunity to contribute to the fabric of this UNESCO World Heritage Town.

The **site** is currently a vacant parking lot at the intersection of Pelham and Duke Street; and on the site of the original historic (now demolished) King's Hotel. The property consists of three original 18th century town lots. It is located across the street from the existing King's Arms Hotel at 94 Pelham. The renovation and addition (not part of this submission) to the existing hotel will be integrated with the design of the new hotel, and streetscape.

The project meets all of the **development** standards in the new Lunenburg Town Plan including: building height, setbacks, uses, lot coverage, lot sizes, and bicycle parking.

The **program** for the new hotel consists of 41 hotel rooms, a streetfront café, and hotel lobby. Parking has been removed from the proposal, and will be provided outside of the old town, with shuttle service for guests.

Pelham Street was once known as **Lunenburg's Georgian Streetscape**. It is characterized as 1 ½ storey building on the south (downhill) side of the street, such as 80 Pelham, and 2 ½ storey building on the north (uphill) side, such as 79 Pelham. This now vacant lot interrupts the historic building pattern, as well as the pedestrian experience. We looked to existing historic buildings in the immediate context, and the original, historic King's Hotel for inspiration. The new south facing café and lobby bring pedestrian life back to Pelham Street.

For example, the new hotel eaveline follows the 2 storey scale of the Georgian House across at 79 Pelham Street to the west, and the 2 storey eaveline of the original, Historic King's Hotel. Two rows of Georgian dormers reflect those of the neighbour. A 12:12 roof pitch echoes the neighbour. Generous 2 over 2 vertical, punched windows with 4" casings follow Lunenburg's fenestration tradition. Four mechanical 'chimneys' break up the massing, and refer to the rhythm of the three original town lots. The 6 pane storefront windows for the café and hotel lobby follow Lunenburg's classic mercantile facades.

The whole project, roof and walls, will be clad in 4" to-the-weather Eastern Cedar Shingles. The building corners composed of 4 layers of 'woven' shingles creates an understated appearance which is both ancient and contemporary.

We have been guided by UNESCO's Venice Charter, which argues that new buildings in UNESCO towns should be subservient to their historic neighbours, but also be of their own time. Our architectural goal is to make Lunenberg more like itself.



VIEW FROM PELHAM ST.

Richburg Management LP INC (Developer)
MacKay-Lyons-Sweetapple Architects Ltd. (Design Architect)
Root Architecture (Architect of Record)

King's Arms Hotel
Lunenburg, Nova Scotia

2022.06.14

KING'S ARMS HOTEL
PUBLIC HEARING | TOWN OF LUNENBURG

Maximum Lot Size: 5,005sqft (5.2.1)

Separation of Lots:

Big lot = 4996 sqft.
Small lot = 2100 sqft.

Maximum Ground Fl. Area (commercial building) in the Heritage Conversation District: 4200 sqft. (p.116 of the HCD By-law)

Big lot building footprint = 4062 sqft.

Maximum Lot Coverage: 100% allowed (7.6.1)

Big lot building footprint = 4062 sqft. 81.3% coverage
Small lot building footprint = 1906 sqft. 90.7% coverage

Maximum Average Height: 10.5 m / 34.4 ft (7.7.2)

New Building Average Height: 34.2 ft.

Minimum Setbacks: 0ft Front/Flankage, 0 ft Side.

2 bike parking required (6.13.1):

2 provided

No parking

*References:
TOWN OF LUNENBURG LAND USE BY-LAW, 2021
HCD BY-LAW*

PROJECT STATISTICS



EXISTING SITE



PRECEDENTS
IMMEDIATE NEIGHBOURS, LUNENBURG



PRECEDENTS
MORRIS STREET GEORGIAN TOWNHOMES, HALIFAX



SITE HISTORY

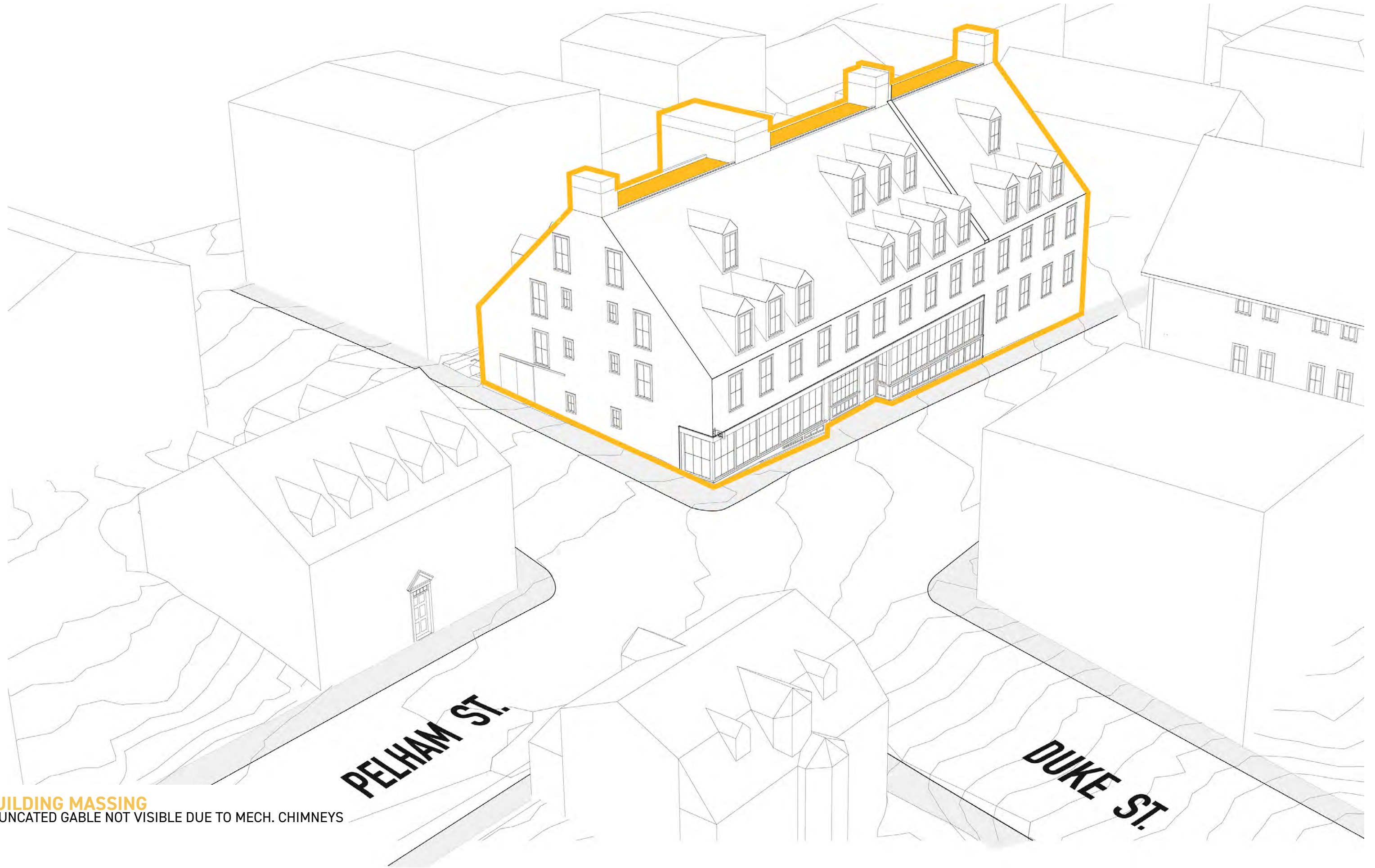
RENOVATED 4 STORY HISTORIC KING'S HOTEL



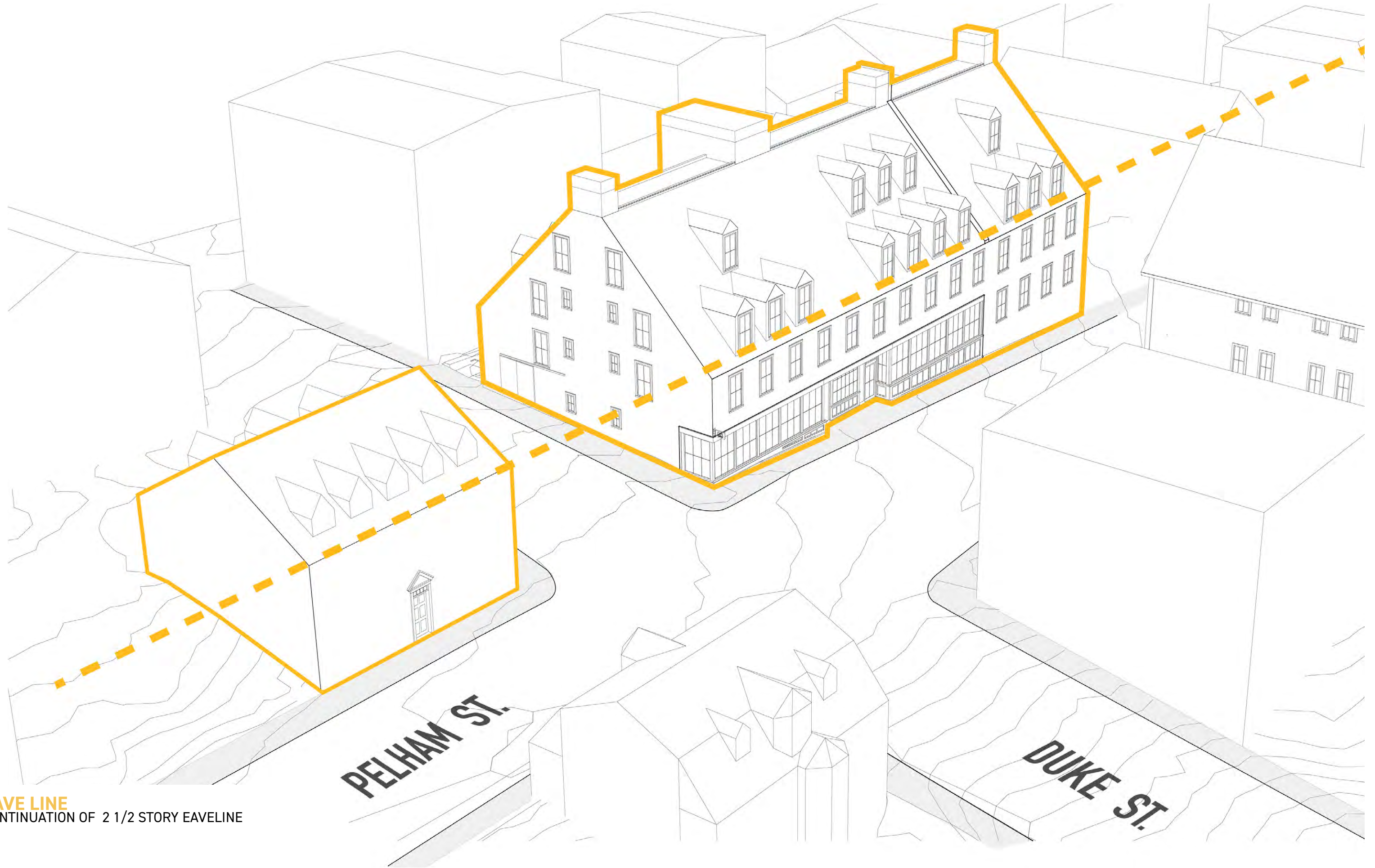
SITE HISTORY
2 1/2 STORY HISTORIC KING'S HOTEL



NEW KING'S ARMS HOTEL
THE NEW TRUNCATED GABLE RECREATES THE ROOF LINE OF
THE HISTORIC GEORGIAN KING'S HOTEL.



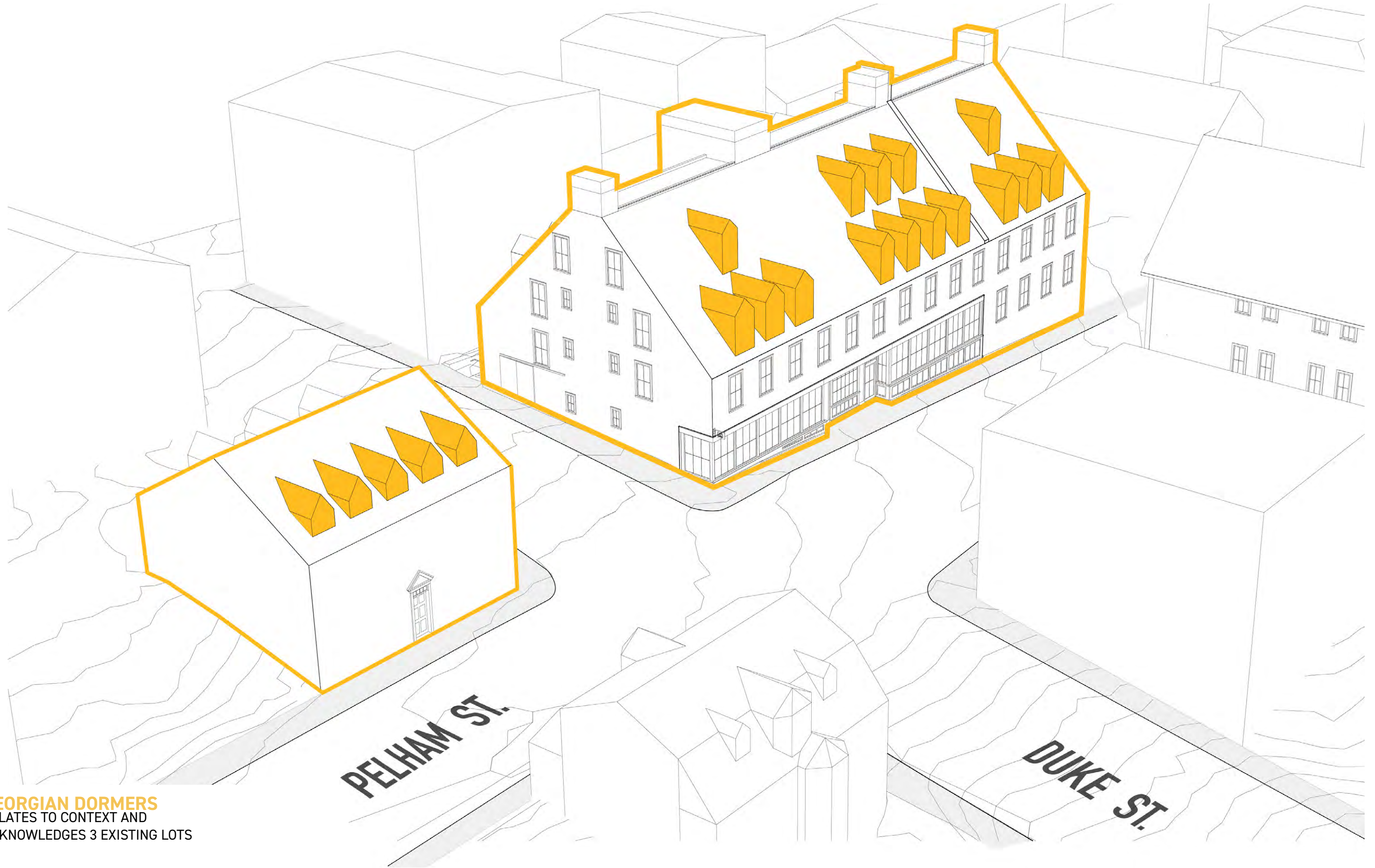
BUILDING MASSING
TRUNCATED GABLE NOT VISIBLE DUE TO MECH. CHIMNEYS



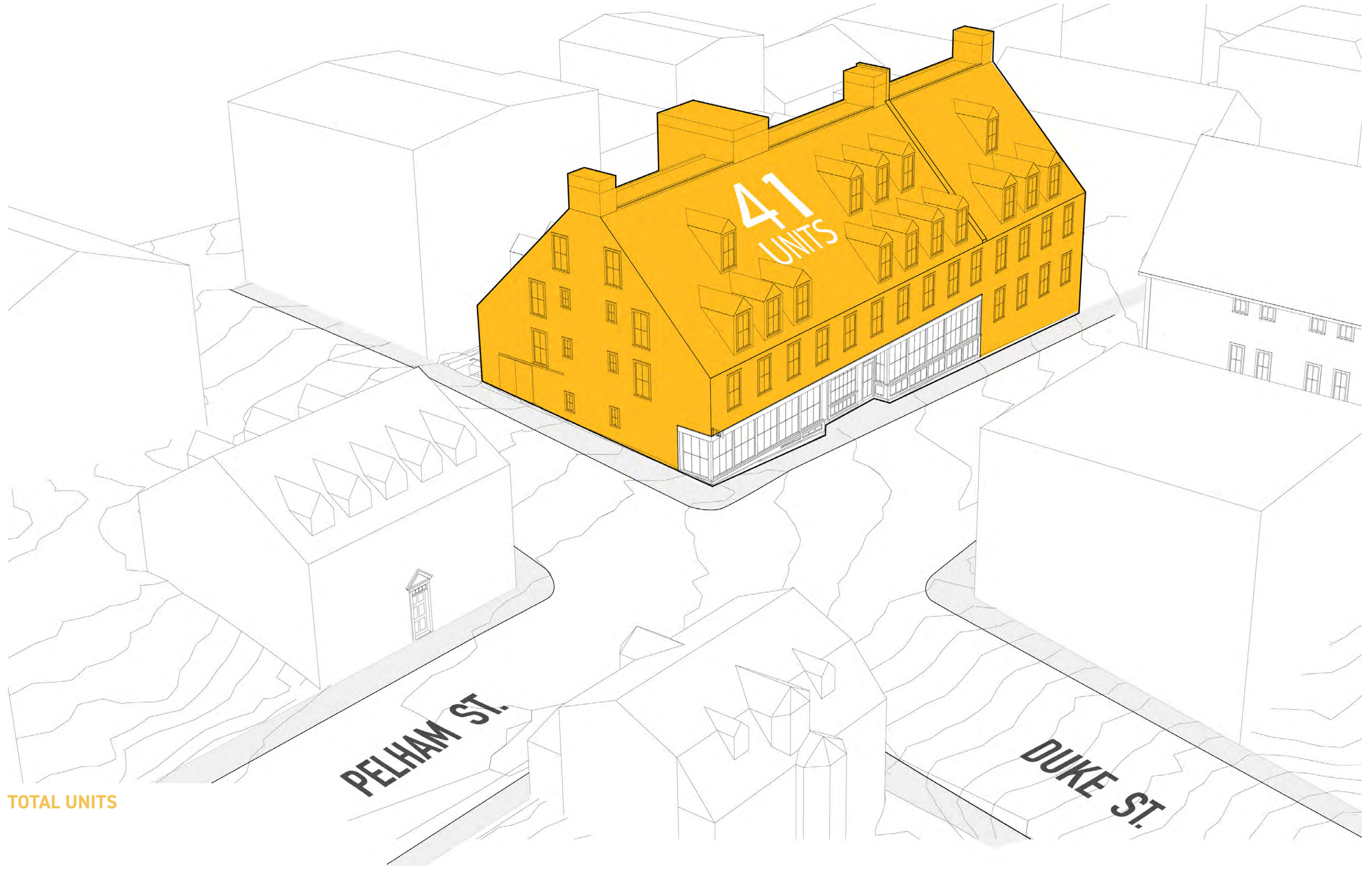
EAVE LINE
CONTINUATION OF 2 1/2 STORY EAVELINE

PELHAM ST.

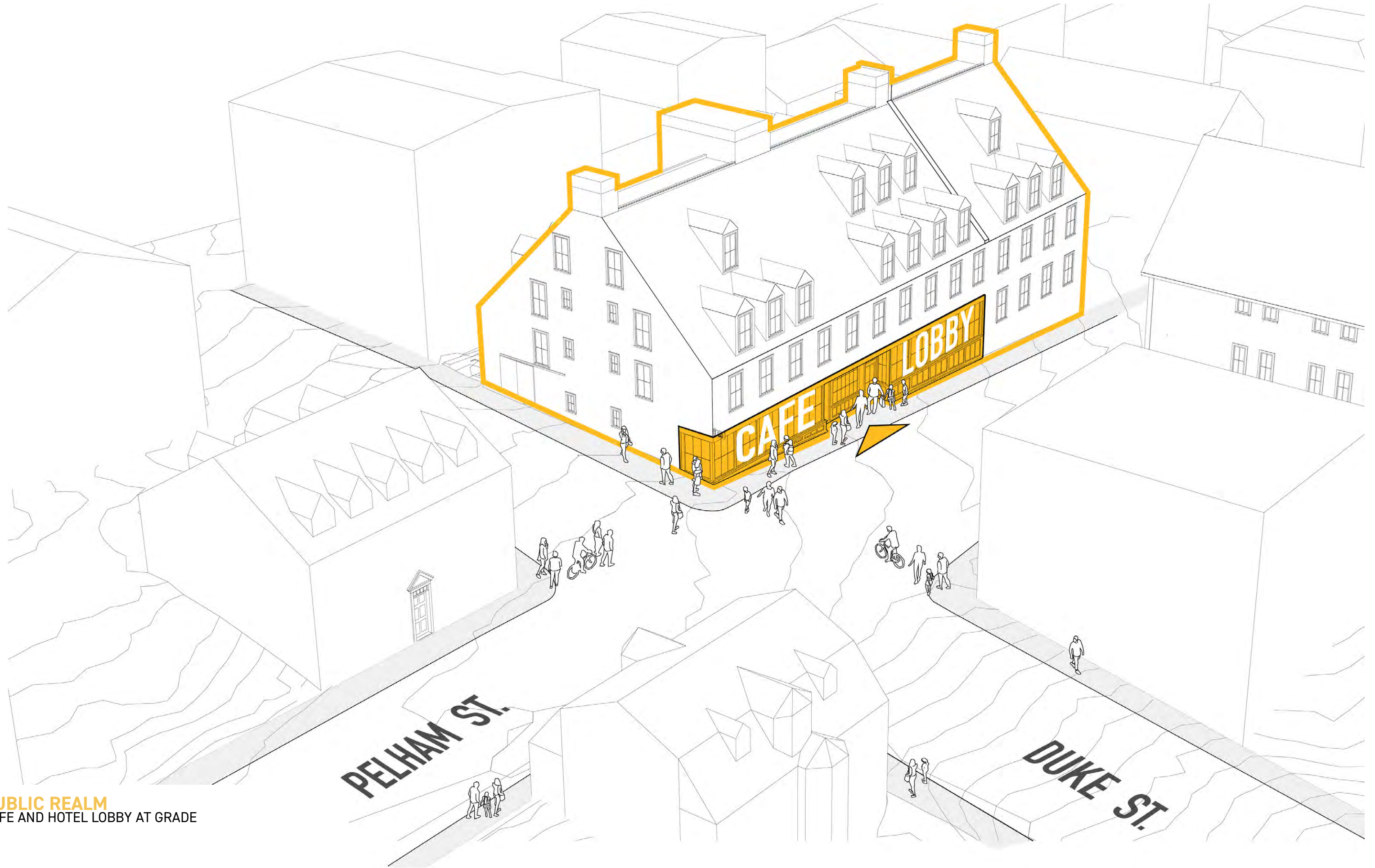
DUKE ST.



GEORGIAN DORMERS
RELATES TO CONTEXT AND
ACKNOWLEDGES 3 EXISTING LOTS



41 TOTAL UNITS

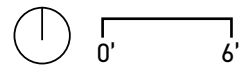


PUBLIC REALM
CAFE AND HOTEL LOBBY AT GRADE

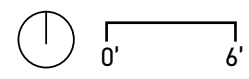
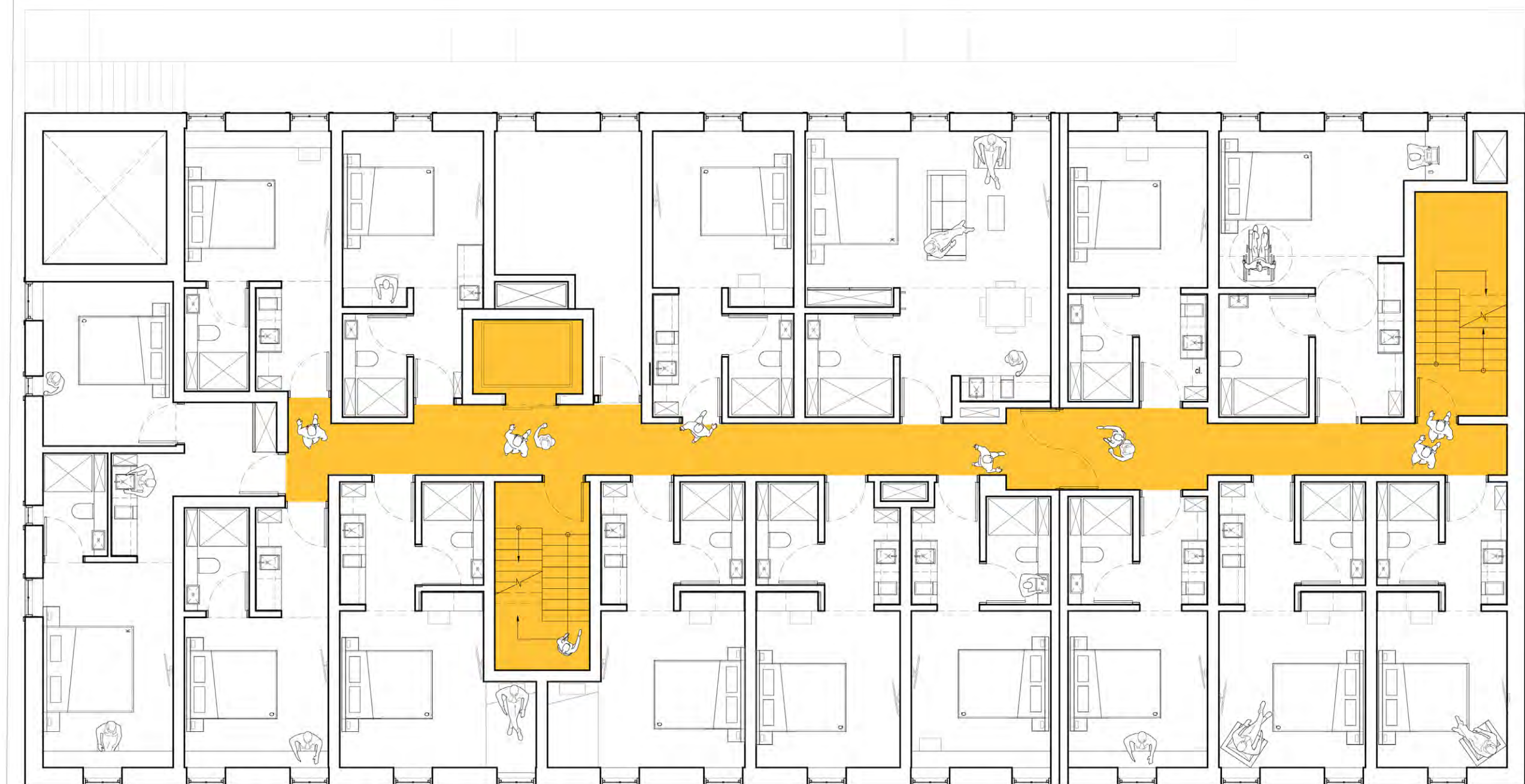
Duke St.



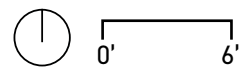
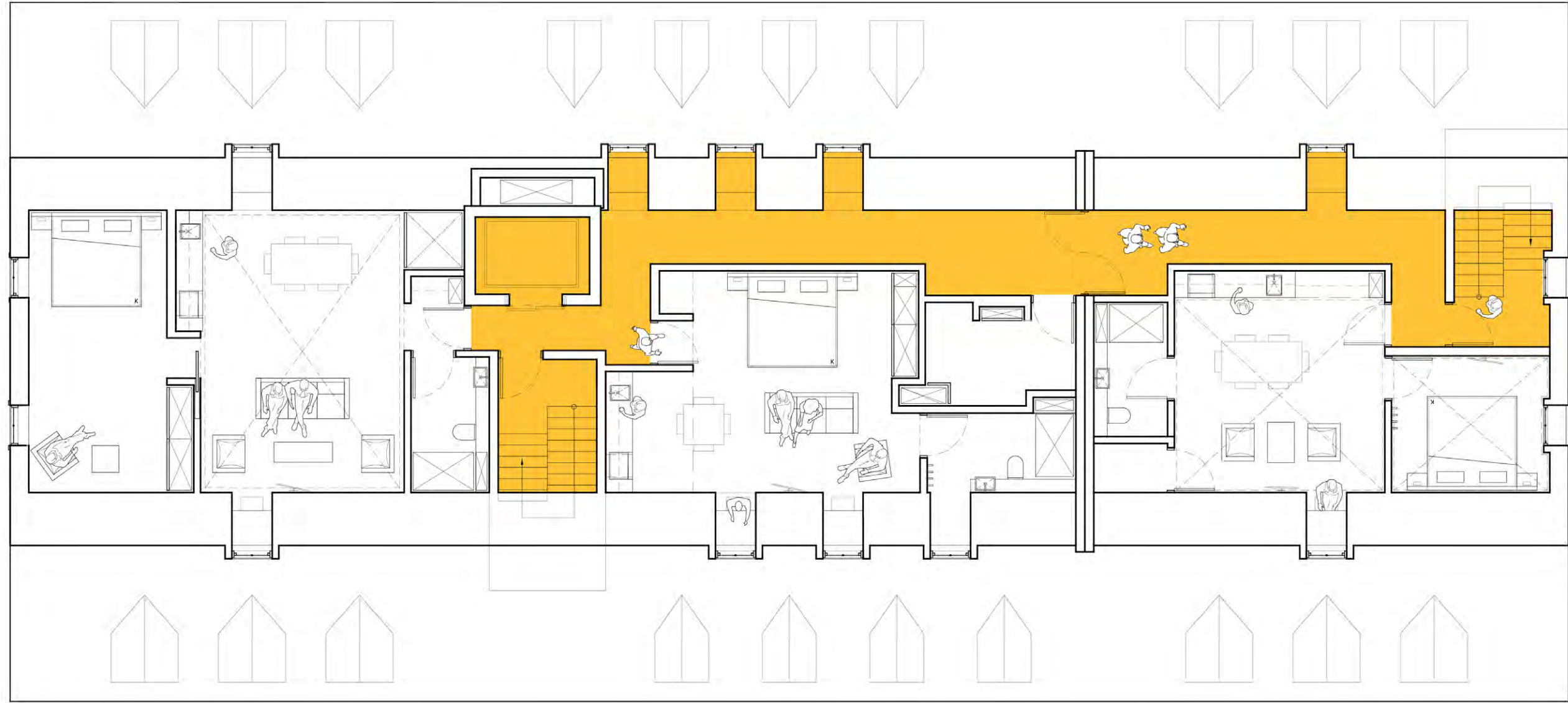
Pelham St.



STREET LEVEL PLAN

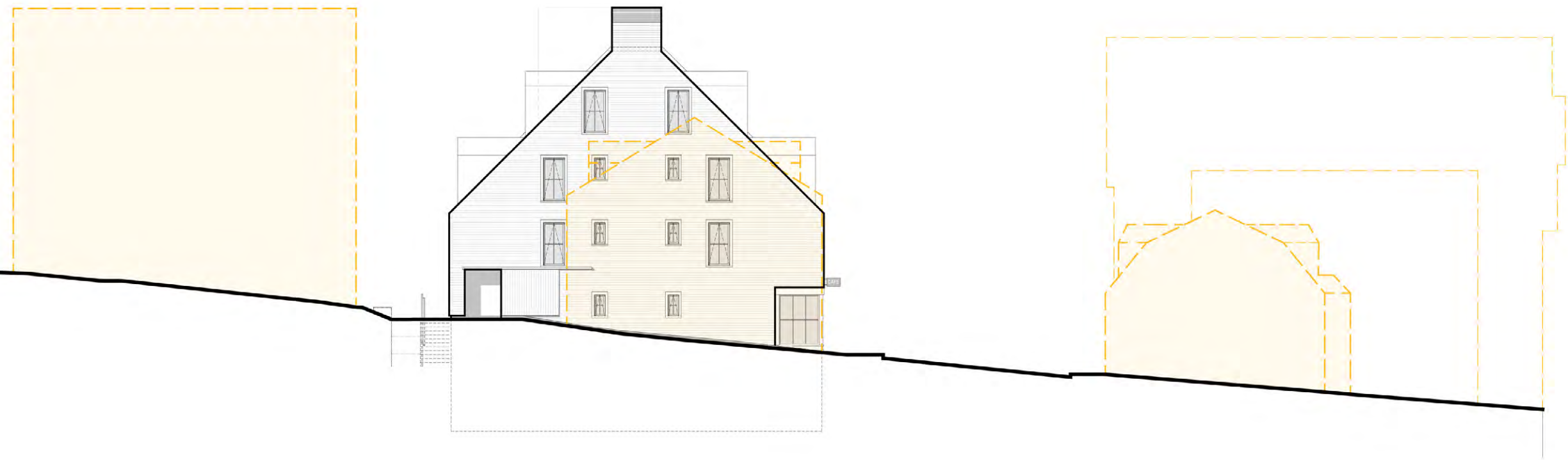


2ND & 3RD LEVEL PLANS



ATTIC PLAN

DUKE ST.



PELHAM ST.



CONTEXT
+ / - ELEVATIONS OF ADJACENT BUILDINGS



PRECEDENTS
TRADITIONAL STOREFRONT WINDOWS, LUNENBURG



PRECEDENTS
SHINGLED CAPE COD HOUSE, UPPER KINGSBURG



VIEW FROM PELHAM ST.
LOOKING EAST - GEORGIAN DORMERS



CAFE

KING'S
HOTEL

VIEW ACROSS THE STREET
TRADITIONAL STOREFRONT AS PUBLIC REALM



VIEW INSIDE THE CAFE
PANELING ON BENCH TO MATCH EXTERIOR



VIEW INSIDE THE LOBBY
LOOKING EAST



VIEW INSIDE THE LOBBY
LOOKING WEST



SIDE BY SIDE COMPARISON
NEW TRUNCATED GABLE RECREATES HISTORIC GEORGIAN KING'S HOTEL



DUKE STREET

NEW KING'S
ARMS HOTEL

PELHAM STREET

LUNENBURG
ARMS

SPA NINETY 4
94 PELHAM STREET

ARMS HOTEL
94 PELHAM STREET

CAFE

VIEW FROM PELHAM ST.
LOOKING WEST - ACTIVATED CORNERS

CORNER AT B2 LOFTS





VIEW FROM PUBLIC CORNER
LOOKING AT LUNENBURG ARMS

CORNER AT B2 LOFTS





VIEW FROM PELHAM ST.
LOOKING EAST - ACTIVATED CORNERS

CAFE
45 PELHAM ST.

ARMIS HOTEL

RBC

APPENDIX

Not preferred scheme.



PRECEDENTS
GAMBREL BUILDINGS, LUNENBURG



PRECEDENTS
B2 LOFTS, LUNENBURG

X

67
UNITS



41
UNITS



EARLY DESIGN EXPLORATIONS

X

67
UNITS



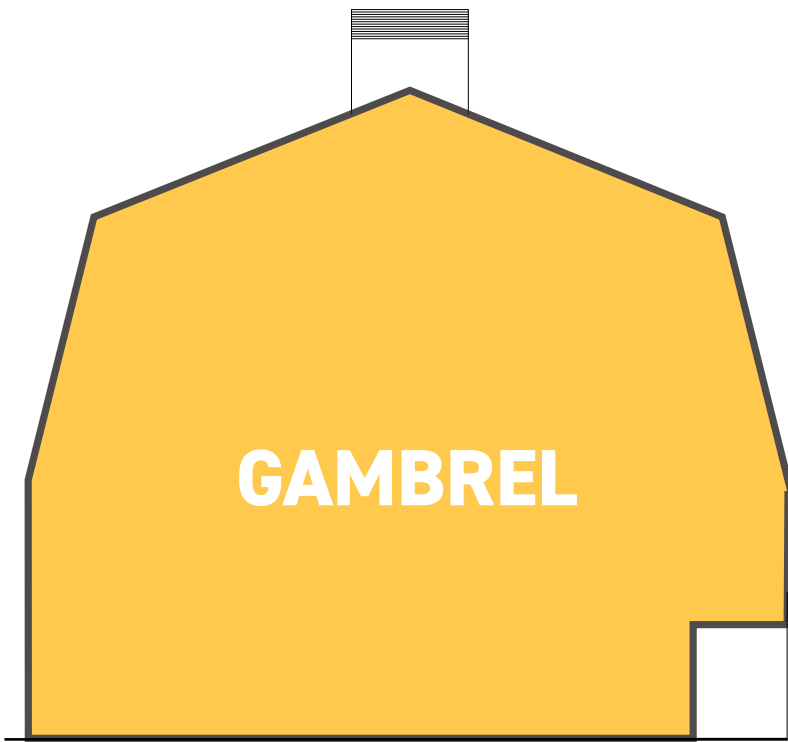
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UNITS



EARLY DESIGN EXPLORATIONS

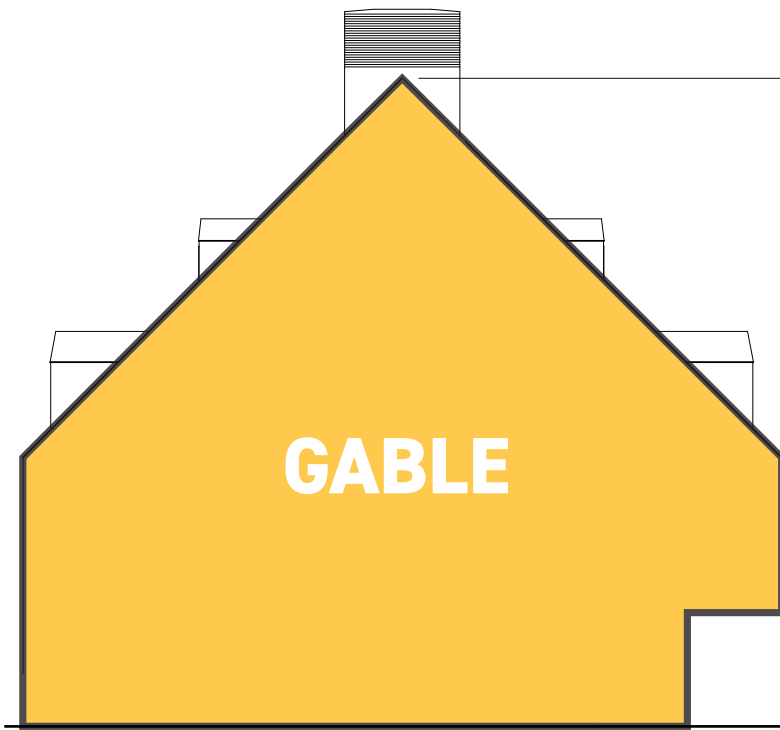
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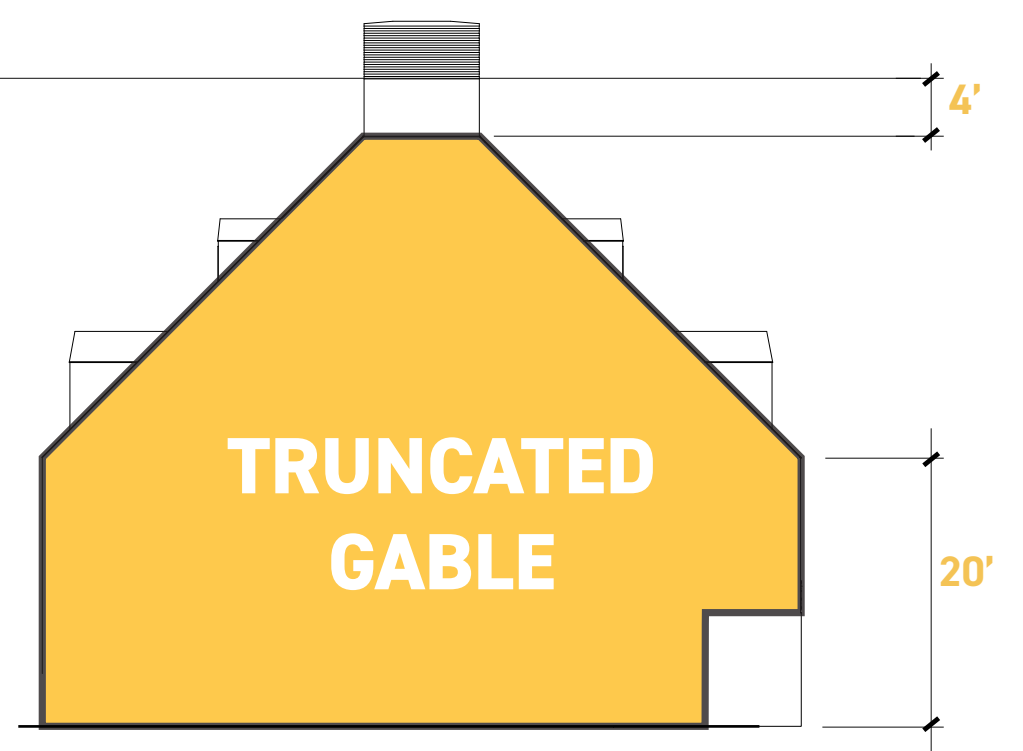
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UNITS



✓

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UNITS



ROOF DESIGN EVOLUTION
EFFORTS TO MATCH THE HISTORIC KING'S HOTEL

HISTORIC KING'S HOTEL



END OF PRESENTATION.
THANK YOU.



AERIAL VIEW

Richburg Management LP INC (Developer)
MacKay-Lyons-Sweetapple Architects Ltd. (Design Architect)
Root Architecture (Architect of Record)

King's Arms Hotel
Lunenburg, Nova Scotia

2022.06.14

KING'S ARMS HOTEL
PUBLIC HEARING | TOWN OF LUNENBURG

Circulated: _____

Document No:

Meeting: Council – June 14, 2022

Circulate To: Council, KM, HM

File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: May 12, 2022

RE: ADOPTION OF A NEW STREET ENCROACHMENT BY-LAW

1. FACTS**A. Background**

Council held a Public Hearing on May 10th, 2022 to consider a new Street Encroachment By-law. Concerns were raised regarding the length of time an encroachment may occur and the issue pertaining to who might have first rights for an encroachment license, particularly with regards to a pedestrian by-pass encroachment.

The encroachments are related directly to the abutting property owner. The abutting property owner may, under the by-law, apply for an encroachment upon the Town's streets directly in front of their property. They have no rights to any portion of the Town's rights-of-way which directly abut an adjacent property owner. Considering this, each property owner maintains their own rights with regards to their ability to apply for the public realm space directly in front of their property. The original proposed By-law as presented during the Public Hearing of May 10th, enabled applicants to expand beyond their frontage provided they had written permission from the abutting property owner. However, upon further review, this may prove problematic as owners may change during the lifespan of the encroachment agreement. In light of this, this provision has been deleted in the attached draft. This is considered a non-substantial change and would not necessitate another Public Hearing.

An issue does occur under the proposed provisions of the pedestrian by-pass encroachment. To limit the impacts on the pedestrian sidewalk as well as the impacts associated with the loss of on-street parking, the previous by-law required a separation distance of 61m (200 ft) between pedestrian by-passes. This provision leaves out the possibility for those properties along this 61m (200 ft.) stretch to have the same rights to develop a similar pedestrian by-pass. Staff is unable to suggest an alternative solution that would be fair to all users. Due to these concerns, coupled with the built environment of Lunenburg's narrow streets and the impact on on-street parking spaces, it is recommended that this section (Part 3.18) dealing with pedestrian by-passes be deleted

from the proposed By-law at this time as outlined in the revised Street Encroachment By-law as shown in **Attachment A**. Staff would like to revisit pedestrian by-passes at a later date when further information becomes available such as the proposed parking strategy study. Staff feel that this would also be classified as a non-substantial change and would not necessitate another Public Hearing.

The proposed Street Encroachment By-law submitted during the Public Hearing of May 10th, provided for building access encroachments to be valid for not more than ten (10) years and sidewalk cafes, sidewalk sale area, sidewalk furniture and landscaping features encroachment licenses to be valid for a period not exceeding five (5) years (Part 5.6 of the proposed By-law submitted on May 10th). The ten (10) year limitation for building access encroachments is consistent with the existing By-law 65 – A By-law Respecting Street Encroachments for Building Access. Sidewalk cafes, sidewalk sale area, sidewalk furniture and landscaping features were regulated pursuant to the Land Use By-law without a timeline limitation. However, it is reasonable to require these types of licenses to be renewable after five (5) years. It is recommended that there be no change in this regard.

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 A**.

2. ISSUES AND OPTIONS

The implementation of pedestrian by-pass encroachments is a real concern. For the reasons as stated above, it is recommended to delete the pedestrian by-pass provisions (Part 3.18) from the proposed By-law as they are difficult to manage, administer and maintain. They may also pose a parking issue due to the removal of much needed on-street parking and may also cause safety concerns with regards to pedestrian and vehicle traffic on the Town's narrow streets.

Council has the following options:

Option 1: To proceed with the adoption of a motion rescinding 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 A**.

Option 2: To proceed with the adoption of a motion to refer the matter back to staff for further consideration.

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.

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 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 A**.

ATTACHMENTS:

A. Revised Street Encroachment By-law

Acknowledged by

Kevin Malloy
Interim CAO/Clerk

ATTACHMENT A

Town of Lunenburg
Street Encroachment By-Law

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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”;
- (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.

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;
- (q)** “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);
- (r)** “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);
- (s)** “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;
- (t)** “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;
- (u)** “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;
- (v)** “stairs” unless the content otherwise dictates, shall include any landing associated therewith;
- (w)** “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;
- (x)** “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;

- (y) "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.
- 2.7 The encroachment shall not extend onto the frontage or flankage of an abutting property.
- 2.8 Encroachment Licenses pursuant to this Part shall not exceed ten (10) years in duration.
- 2.9 No Encroachment License shall be issued pursuant to this Part 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 encroachment area on public property.

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 **or flanking** 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** Encroachment Licenses pursuant to this Part shall not exceed five (5) years in duration.

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
- (c) 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 (10) 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 (5) 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 or five years as the case maybe by the by-law) 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

Kevin Malloy
Manager/Clerk

I, **Kevin Malloy**, 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.

Document No:
Meeting:
Circulate
File:

MEMORANDUM

TO: TOWN COUNCIL
FROM: LISA KENDALL, MUNICIPAL ENGINEER/PROJECT MANAGER
DATE: JUNE 2, 2022
RE: CAPITAL PLANNING COMMITTEE - UPDATE

1. FACTS

The Capital Planning Committee (the Committee) held their first meeting on March 14, 2022 and continues to meet biweekly. The purpose of the Committee is to provide support to the Capital and Operating Budgets by ensuring that the approved projects are being attained. This report is provided for Council information only. No decision is required.

2. ISSUES AND OPTIONS ANALYSIS

As of June 2, 2022, Staff have identified and subdivided the substantial 2022-23 projects into the following categories:

	<i># Projects</i>	<i># In-Progress</i>	<i># Completed</i>
Capital Construction	21	13	0
Substantial Operating	13	6	0
Procurement	14	7	2
Studies/Assessments	10	3	0
Wastewater Upgrades	8	7	0

Thus, of the 66 2022-23 projects identified by Staff, 36 are currently in-progress, and 2 are completed.

A breakdown of each category is detailed in the following tables. Orange indicates that the project is in progress, and green indicates that the project is completed.

Budget	Project Name	Project Lead	Procurement Status	Purchase Order(s)	Execution Date(s)	Status/General Comments
CAPITAL CONSTRUCTION						
\$115,000	Green St Sidewalk Renewal	Lisa K.	RFP Complete			RFP for Engineering Services Tender to come
\$300,000	Duke St (Lincoln to Townsend) & Prince St (Cumberland to Fox) Reconstruction	Lisa K.	RFP Complete			RFP for Engineering Services Tender to come
\$145,000	Tannery Rd Sidewalk Construction	Lisa K.	RFP Complete	ABLE: \$22,100 +HST		RFP for Engineering Services Tender to come
\$215,500	Tannery Rd Watermain Replacement	Tyson, Lisa K.	Complete	CBCL: \$19,000 +HST	Jul-22	Construction: Public Works In-House Project
\$40,000	Water Line Loop Connection at Harbourview and Morash	Lisa K.				RFP required for engineering and legal survey
\$60,000	Chlorinator (Building Improvements)	Lisa K.	Tender Complete			
\$160,000	Repair Spillway Dares Lake	Lisa K.				
\$15,000	Raw Water Pumphouse Waterproof Foundation	Lisa K.				
\$30,000	Armouries - New Roof	Lisa K.	Drafting RFP			
\$60,000	Fire Hall Vehicle Exhaust Extraction System	Lisa K.	RFP Closed on June 2			
\$35,000	Arena Ice Resurfacer Room Renos	Lisa K., Kelly C.	RFP Advertised, Closing June 17			
\$70,000	Arena Bathroom Upgrades	Lisa K., Kelly C.				Complete work mid August to end of September
\$26,000	Arena Entrance Upgrades	Lisa K., Kelly C.				Complete work mid August to end of September
\$335,000	Bluenose Drive Sewer Lining	Ian	Tender Advertised, Closing May 31			
\$60,000	CSK-05 (Storm Diversion) Tannery/Knickle/Green	Tyson, Lisa K.			Jul-22	Public Works In-House Project To be done in coordination with watermain replacement
\$20,000	Catch Basin Repair - West Nova Parking Lot	Lisa K.	Preparing Req for Materials		May/June 2022	Public Works In-House Project
\$31,500	Manhole Cover Upgrades	Lisa K.	Complete	IMP Foundry Group: \$9,282 +HST		Manhole covers delivered. Public Works to install
\$44,000	Skate Park Upgrades	Lisa K., Kelly C.				Gazebo: Public Works In-House Project
\$25,000	Tree Planting	Heather, Lisa K.			Sep-22	Trees the Please Committee
\$30,000	Hwy 103 Community Identity Signs	Heather				
\$14,000	Cricket Modifications to Baseball Field	Kelly C.	Waiting for Grant			

Budget	Project Name	Project Lead	Procurement Status	Purchase Order(s)	Execution Date(s)	Status/General Comments
SUBSTANTIAL OPERATING						
\$10,000	Crack Sealing - Streets	Lisa K.				
\$3,000	Crack Sealing - Recreation Parking Lot	Lisa K.				
\$50,000	Sidewalk Maintenance (Labour & Materials)	Lisa K.	Complete	South Shore Ready Mix: \$173.55/cu yard		Public Works In-House Work
\$50,000	Asphalt Patching	Lisa K.	Complete	Dexter: max \$50,000	Started patching on June 1, 2022	Public Works In-House Work
\$6,000	Water Leak Study	Lisa K.				
\$5,500	Water Fire Flow Study	Lisa K.				Flow meter has been ordered.
	Fire Hall Heat Pump Shelters	Lisa K.				
	Meter Upgrades to Lift Stations	Cali, Lisa K.				Rous Brook, Tannery Rd, Young St NSPI site investigations coordinated by Cali
\$6,800	Line Painting	Lisa K.	Complete	NSBS: \$3,648 +HST		Public Works In-House Work
	Fire System Annual Tests/Inspections	Lisa K.				Fire Alarm Testing - Complete Fire Extinguisher Inspection - Complete Sprinkler Testing
\$3,000	Arena Parking Lot Maintenance	Lisa K.				Public Works In-House Work
\$5,500	Bandstand Retaining wall	Lisa K.				Public Works In-House Work
\$5,000	Pneumatic Cleaning System on Intake System WTP	John M., Lisa K.				

Budget	Project Name	Project Lead	Procurement Status	Purchase Order(s)	Execution Date(s)	Status/General Comments
PROCUREMENT						
\$115,000	Tannery Rd Sidewalk - Land Purchases	Kevin, Lisa D.				
\$202,000	Replacement of Chev 02 Salt Truck & Plow	Lisa D.	Complete	Silver's Garage: \$188,954 +HST	Expected delivery: Spring 2023	Truck is ordered Extended warranty: 60 months/160,000km at an additional \$2,503 +HST
\$36,350	Replacement of 2002 F150 1/2 ton	Lisa D.	PW Staff Working on Purchasing			
\$694,600	Fire Freightliner Rescue (02) #4 Replacement	Lisa D.	Complete	PO Issued		Truck is ordered
\$141,500	Fire Utility (99) #7 Replacement	Gary				
\$40,000	Replacement of 2008 Van	Lisa D.	Complete	Steele Chev: \$28,576 +HST	Delivered	Vehicle Received
\$225,000	Dresser Loader (86) Replacement	Lisa D.	Complete	Wilson Equip: \$219,000 +HST	Delivered	Vehicle Received
\$14,000	Snow Push Blade for Backhoe	Lisa K.	RFP Advertised, Closing June 14			Estimated to be \$22,000
\$16,000	Trackless Flair Mower/Wheels	Lisa K.				Estimated to be \$50,000
\$20,000	EDI - Interpretive Panels	Heather				
\$5,500	Spare Industrial Hot Water Tank	John M., Lisa K.	Complete			Ordered
\$6,500	Spare Sigma Pump for Soda Ash System	John M., Lisa K.	Complete			Ordered
\$3,500	Spare Siemens Free Chlorine Online Probe	John M., Lisa K.				
\$9,500	Replacement Chlorinator	John M., Lisa K.				For emergency only

Budget	Project Name	Project Lead	Procurement Status	Purchase Order(s)	Execution Date(s)	Status/General Comments
STUDIES/ASSESSMENTS						
\$95,000	Town Hall Exterior Restoration Tender Package	Lisa K.	Complete	Fishburn Sharidan: \$81,319 +HST		
\$110,000	Studies for the Planning of Improved Utilization of Assets and the Disposition of Assets, includes 1. Recreation 2. Upper King Street 3. Blockhouse Hill					
\$20,000	Civic Square Plan		Bandstand BCA RFQ Closed - Evaluating			Condition Assessment on Bandstand is required.
\$45,000	Parking Strategy Study & Upgrades					
N/A	Cemetery					
\$20,000	Affordable Housing Study (operating)					
\$200,000	GIS Underground Infrastructure Master Plan	Ian, Lisa K., Lisa D., Tyson	Drafting RFP			
N/A	Public Works Vehicle Replacement Plan	Public Works				10 year cycle
\$10,000	Membrane Replacement (Engineering & Tender) WTP	Lisa K.				
	Phase II ESA Armouries	Lisa K.				

Budget	Project Name	Project Lead	Procurement Status	Purchase Order(s)	Execution Date(s)	Status/General Comments
WASTEWATER UPGRADES						
\$67,000	WWTP Blower Room HVAC Improvements	Ian, Lisa D.				
\$20,000	Flow Meter Install Pump Station #7	Lisa K., Lisa D.			July/August	Public Works In-House Project. We have the meters. Coordinate with John Lohnes. Will need a PO for Kevin Cook.
\$71,500	WWTP Upgrade Pre-design	Ian, Lisa D.	Complete	CBCL		
\$252,500	WWTP Flood Control	Ian, Lisa D.	Tender Closed, Evaluating			
\$40,000	Chemical Feed Pumps (2)	Lisa K., Lisa D.				Pumps ordered, 12 week delivery anticipated in May 2022
\$102,200	Communication Systems to Lift Stations	Ian, John L.	Complete	KRC: \$92,200	Upgrades are currently underway	
\$9,982,000	WWTP Upgrade with SBR	Ian, Lisa K., Lisa D., Kathleen				Funding application submitted in March 2022
\$55,000	Saltwater Infrusion - Check Valve Install	Lisa K.			Spring 2022	PCAP funding CF request required Material: Delivery expected May 2022 Install: Public Works In-House Project

3. FINANCIAL IMPACT

Actual costs vs budget on capital projects will be provided through the financial variance reports that will begin for the year after we have completed the first fiscal quarter. This report is a progress report only.

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

For Council's information only.

Acknowledged only by:

Kevin Malloy
Interim CAO

Document No:
Meeting:
Circulate
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA KENDALL, MUNICIPAL ENGINEER/PROJECT MANAGER

DATE: JUNE 2, 2022

RE: TENDER AWARD – BLUENOSE DRIVE SEWER LINE REHABILITATION

1. FACTS

The Bluenose Drive Sewer Line Rehabilitation Tender closed on May 31, 2022. This report includes a recommendation for Town Council to approve this Tender. All tender awards over \$100,000 must be approved by Council.

2. ISSUES AND OPTIONS ANALYSIS

The Bluenose Drive Sewer Line Rehabilitation Tender includes the design, supply, and installation of Cured-In-Place Pipe (CIPP) to successfully rehabilitate the sewer main. The amount approved in the 2022/23 Capital Budget for this project is \$335,000.

Tender Results

The following is a summary of the Tender prices submitted for the new Bluenose Drive Sewer Line Rehabilitation Tender, excluding HST.

Company	Tender Price (excluding HST)
Eastern Trenchless	\$ 298,499.63

The Evaluation Process considered both technical and financial criteria. Eastern Trenchless scored a 90 out of a possible 100 points, thus exceeding the evaluation requirements in the Tender. Staff have checked Eastern's references, and they have experience on several similar projects with adequate experience to complete this work.

3. FINANCIAL IMPACT

The amount approved in the 2022/23 Capital budget for the Bluenose Drive Sewer Line is \$335,000 funded with capital borrowing including the net HST. The sewer line rehabilitation will cost \$311,293.32 including net HST.

Revised project budget:

Project Management	\$2,500
Design	\$15,300
Tender & Construction Supervision	\$14,200
Construction	\$311,300
Contingency	\$31,700
Revised budget	\$375,000

As noted above this project is to be funded by a capital borrowing the amount of which will need to be increased by \$40,000.

Staff have submitted a PCAP application for this project to the Province but have not yet received a response. Any funding received will directly reduce the amount of capital borrowing required.

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 to increase the capital budget amount for the Bluenose Drive Sewer Line Rehabilitation project to \$375,000 for fiscal 22-23 and that the Tender be awarded to Eastern Trenchless for the tendered price of \$298,499.63 plus HST.

Acknowledged only by:

Kevin Malloy
Interim CAO

Circulated: _____

Document No:
Meeting: Council June 14, 2022
Circulate To: Council, KM, HM
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: MAY 18, 2022

RE: POTENTIAL SALE OF LANDS – 17 TANNERY ROAD – PID 60053261

1. **FACTS**

A. Background

The Town is investigating the possibility of divesting ownership of PID 60053261 known as 17 Tannery Road, the Old New Town School referred to as the Annex. The Property On-line Map is attached in **Attachment “A”**. The lease with NSCC in-keeping with a resolution of Council on March 8th, 2022 has been terminated.

B. Proposal

The Town has obtained clear title to the land through a private members bill. As there are public services along the front of the property, it is recommended that these services, including the entire width of the electrical infrastructure, be added to and form part of Tannery Road (Parcel A as shown on Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan #20,153-A) **Subdivision Plan A**). A resolution of Council is required to incorporate these lands as part of the public street. Please see Town Solicitor’s Report – **Attachment C**.

The process will begin with the transference of these front lands to Tannery Road. Once this step is completed, the remaining lands will then be migrated. After migration, the subdivision of the remaining lands will be approved creating two lots with frontage on Tannery Road (Lot TOL3 and Lot TOL4) as shown on Plan of Survey prepared by Berrigan Surveys Ltd., dated May 13, 2022 and being Plan #20,153-B **Subdivision Plan B**. One lot will include the Annex Building (Lot TOL3), and the other lot will include the Town’s services (Lot TOL4).

A sewer main along the western side of the Annex building will be incorporated within an easement in favour of the Town as shown on Plan of Survey prepared by Berrigan Surveys Ltd., dated May 14, 2022 and being Plan #20,153-C **Subdivision Plan C**.

There is also a power line running along the rear of the Annex building which will be incorporated within an easement in favour of the Town as shown on **Subdivision Plan C**.

Current Zoning:

PID 60053261

- Located in the General Commercial (CG) Use Zone;
- Located in the Marine (MA) Form Zone; and
- Located in Lot Zone 4 (LZ4).

Process:	
Migration	Clear title has been obtained. Migration will occur after Parcel A gets added to Tannery Road.
Survey	The lot has been surveyed and the easements have been identified as shown on Subdivision Plan A, B and C.
Subdivision	Once Parcel A is subdivided and is added to Tannery Road, the remaining lands will be migrated and then subdivided into two lots as shown on Subdivision Plan B. The Town will then grant themselves easements over Lot TOL3 (the Annex Lot) and an easement for the sewer lateral on Lot TOL4 for the benefit of TOL3. Once the subdivision has been approved a legal description for Lot TOL3 (the Annex lot) could then be prepared for the sale of the property.
Appraisal	The Town may wish to undertake an appraisal to determine fair market value. Stephanie deVries of Viewpoint Realty has provided her opinion of value based on the current market conditions, comparable sales and her experience. In her experience a fair market asking price would be \$399,000 for the Annex building (Lot TOL3).
Nova Scotia Power scoping for easements.	A scoping exercise has been completed and the proposed easements have been identified as shown on Subdivision Plan C.
Sewer and water services.	Annex Building is currently served with sewer and water services.
Termination of Lease with NSCC	The lease with NSCC has been terminated.

Heritage:

The property is not located in the Heritage Conservation District (HCD) or World Heritage Site (WHS) or the WHS Buffer. The property is however a registered municipal heritage property as shown in **Attachment B**. This designation runs with the title of the property and will continue to apply to any future owner of the Annex until otherwise deregistered by Council.

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 approve the resolutions as outlined in the Town’s Solicitor’s Report (**Attachment C**).

Option 3: To proceed with a Public Meeting to obtain and consider public feedback on the potential sale of 17 Tannery Road (Annex Building).

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 revenues from the site following the sale of Lot TOL3.

4. STRATEGIC PLAN RELEVANCE

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

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 MOTIONS

The Schedules referenced in the following Draft Motions are part of Attachment C to this report:

Draft Motion No. 1: moved and seconded that the Town take all necessary steps to obtain subdivision approval for Parcel A described in Schedule A attached hereto and shown on a Plan of Survey of Berrigan Surveys Limited attached hereto dated May 12, 2022 and bearing Plan # 20,153-A so that the lot can be added to Tannery Road.

Draft Motion No. 2: moved and seconded that:

Whereas:

- a) The Town is the owner of property at civic # 17 Tannery Road in Lunenburg, and also the owner of the adjacent public street known as Tannery Road;
- b) Pursuant to Section 312 of the Municipal Government Act, Council may expand a street within the Town, but shall be required to file a survey plan in the Registry of Deeds; and
- c) The Town wishes to add a portion of the property at civic # 17 Tannery Road to the public street known as Tannery Road;

It is therefore moved that:

1. Parcel A shown on a Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan # 20,153-A attached to this Motion and described in Schedule A hereto shall, [effective immediately upon the approval of the subdivision of Parcel A (and prior to the filing of the Plan of Survey in the Registry of Deeds by or for the Development Officer)] henceforth be part of Tannery Road, a public street.

and

2. The CAO/Manager/Clerk is authorized to swear a Statutory Declaration and file it and the Plan of Survey in the Registry of Deeds and complete such documentation as is reasonably required to have Parcel A become part of Tannery Road.

Draft Motion No. 3: moved and seconded that the Town shall have the title to the remainder of civic # 17 Tannery Road (after Parcel A, to be added to Tannery Road, is subdivided therefrom), migrated under the Land Registration Act and the Mayor and/or Manager / Clerk are authorized to execute all documentation in connection therewith, and to affix the Municipal Seal thereto if required or advisable.

Draft Motion No. 4: moved and seconded that the Town take all steps to:

- a. Subdivide the remainder of 17 Tannery Road (after Parcel A is subdivided therefrom and added to Tannery Road and after the remainder is migrated under the Land Registration Act) in accordance with the Plan of Survey prepared by Berrigan Surveys Ltd. dated May 13, 2022 and bearing Plan # 20,153-B (attached hereto) to create Lots TOL3 and TOL4; and
- b. Thereafter to grant a sewer easement and an electrical utility easement to itself as a burden on Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153-C (attached hereto) in such form as the Mayor and CAO/Manager/Clerk deem appropriate, [the latter easement allowing the building to remain, notwithstanding the easement, unless the building is wholly destroyed or removed]; and
- c. And grant a sewer easement to itself as a burden on Parcel TOL-4 for the benefit of Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys

dated May 14, 2022 and bearing Plan # 20,153-C in such form as the Mayor and CAO/Manager/Clerk deem appropriate.

- d. The Mayor and Manager/Clerk are authorized to execute all documentation in connection therewith on behalf of the Town, and to affix the Municipal Seal thereto.

Draft Motion No. 5: moved and seconded that:

- a. Parcel TOL-3 shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153 - C (subject to the sewer line easement and electrical easement shown thereon, and together with the sewer easement for the building sewer lateral shown thereon) is no longer required for the purposes of the Town.
- b. The Town, after subdivision approval to create the said Parcel TOL -3 and after granting the aforesaid easements, shall list the said lot for sale at an asking price of \$399,000.00 and the Mayor and CAO/Manager/Clerk are authorized to execute and seal an Agreement of Purchase and Sale at a price and terms acceptable to them, but with a condition that it is subject to the approval of Town Council by motion in open session.

ATTACHMENTS:

- A. Property On-line Map of PID 60053261
- B. Registered Municipal Heritage Property - Statement of Significance
- C. Town Solicitor's Report.

SUBDIVISION PLANS:

Subdivision Plan A - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan # 20,153-A

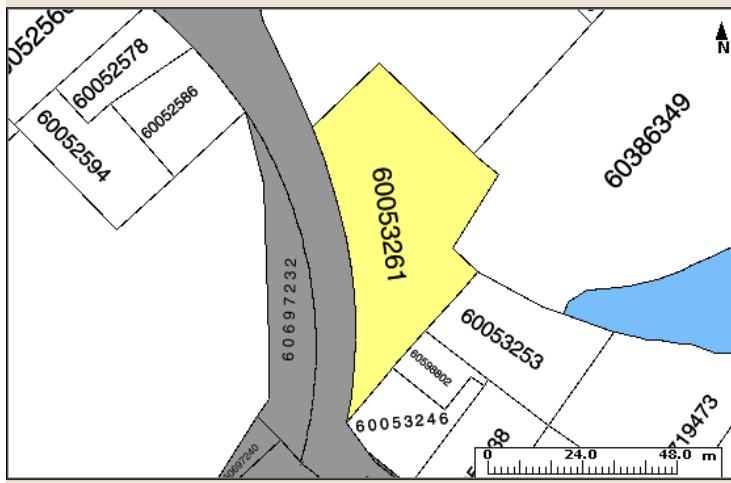
Subdivision Plan B - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 13, 2022 and being Plan # 20,153-B

Subdivision Plan C - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 14, 2022 and being Plan # 20,153-C)

Acknowledged by

Kevin Malloy
Interim CAO/Clerk

ATTACHMENT A
Property On-line Map of PID 60053261



1 Property found	
PID:	60053261 Details
AAN:	04646835
Value:	\$168,700 (2021 COMMERCIAL EXEMPT)
Address:	17 TANNERY ROAD LUNENBURG LOT 2
County:	LUNENBURG COUNTY
Owner:	TOWN OF LUNENBURG
LR:	NOT LAND REGISTRATION

ATTACHMENT B
Registered Municipal Heritage Property - Statement of Significance

Old New Town School

17 Tannery Road, Lunenburg, Nova Scotia, B0J, Canada

Formally Recognized: 2000/07/13



Front and North West Facades

OTHER NAME(S)

Old New Town School

School Annex

Arts and Crafts Building

LINKS AND DOCUMENTS

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

CONSTRUCTION DATE(S)

1883/01/01 to 1883/12/31

LISTED ON THE CANADIAN REGISTER: 2004/03/22

STATEMENT OF SIGNIFICANCE

DESCRIPTION OF HISTORIC PLACE

The Old New Town School is a one-and-a-half storey wooden structure, simple in design and rectangular in form with a protruding enclosed porch. The building is located in the New Town area of Lunenburg, NS, with substantial green space surrounding the building. Designation covers both the building and the surrounding land.

HERITAGE VALUE

The Old New Town School is valued as a reminder of the era of one-room school houses in Nova Scotia. These schools were eventually supplanted by the Academy system, a new academic system implemented province-wide, and consequently the Lunenburg Academy replaced this building. The building was built in 1883 and

remains in excellent condition. It retains many original features, including the windows and entrance. The school remains in use by the modern Lunenburg High School located across the road as extra classroom space, making it a rare example of continuous use of a one-room school building from the nineteenth century to the present day.

Source: Heritage Designation File 66400-40-53, Town of Lunenburg.

CHARACTER-DEFINING ELEMENTS

Character-defining elements of the Old New Town School relate to its architecture and use as an educational facility, and include:

- original enclosed porch, with transom and sidelight windows, and original six-over-six windows;
- simple, symmetrical design, augmented by a steeply pitched gable roof, cornerboards, and simply detailed fascia and eaves;
- location at a central junction in New Town with green space surrounding the building on all sides;
- interior layout of the building into two classrooms reflecting its continued use as an education facility.

RECOGNITION

JURISDICTION

Nova Scotia

RECOGNITION AUTHORITY

Local Governments (NS)

RECOGNITION STATUTE

Heritage Property Act

RECOGNITION TYPE

Municipally Registered Property

RECOGNITION DATE

2000/07/13

HISTORICAL INFORMATION

SIGNIFICANT DATE(S)

n/a

THEME - CATEGORY AND TYPE

Building Social and Community Life

Education and Social Well-Being

FUNCTION - CATEGORY AND TYPE

CURRENT

Education

Special or Training School

HISTORIC

Education

One-Room School

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, FILE 66400-40-53

CROSS-REFERENCE TO COLLECTION

FED/PROV/TERR IDENTIFIER

37MNS0053

STATUS

Published

RELATED PLACES

n/a

ATTACHMENT C - Town Solicitor's Report

Report to Council

Town of Lunenburg

Re: 17 Tannery Road (School Annex)

Dated May 17, 2022

- A. In the fall of 2021, a Local Act of the Nova Scotia Legislature was passed, which vested title of 17 Tannery Road (the School Annex property) in the Town.
- B. The southeastern portion of this property contains a sewer line which extends from Tannery Road in a north-easterly direction across this property (and other properties) to the pumping station on the Brook Street extension.

It is recommended that the Town retain the southeast side of the School Annex property which (when Parcel 2016-3 is received from Her Majesty the Queen) will provide an infrastructure corridor leading from Tannery Road to the pumping station, which should be of future benefit to the Town.

- C. The Town wishes to sell the building at 17 Tannery Road.
- D. It has been determined that a portion of this property should be added to Tannery Road (so that certain electric poles, guy, wires) would be within the street limits.
- E. There is a lease to the Nova Scotia Community College (NSCC) of the building and a portion of the property – this expires on October 14, 2022. The lease has been terminated by Agreement.
- F. We will still need to retain a sewer easement for the sewer line crossing the northwest side of the School Annex property, and an electrical easement for the existing power line which crosses the northwest boundary of the property and leads behind the building to a pole on that portion of the property to be retained.

As the above sewer line then crosses AGL Group Holdings Ltd. property (to which Her Majesty the Queen may be asserting title) and the power line also crosses the AGL property, in the future the Town should confirm the easements to that portion of the sewer line and power line which cross the AGL Group Holdings Ltd. / Her Majesty the Queen property.

G. The Town will have to grant an easement for the sewer lateral leading from the School Annex to the sewer line on what will be Parcel TOL-4.

The proposed sequence of events is as follows:

1. A Subdivision Application will be made for the addition to Tannery Road of a portion of the property containing existing infrastructure (Parcel A).
2. The Town will pass a Motion declaring the addition to be part of Tannery Road [effective after the subdivision approval, but prior to the subdivision plan being filed in the Registry of Deeds (which is the time when the subdivision becomes effective – section 287(1) of the Municipal Government Act)].
3. The property will then be migrated into the Land Registration System.
4. The remainder will be subdivided to create Parcels TOL-3 and TOL-4 so that the Town can retain the property on the southeast side – Parcel TOL-4.
5. The Town will grant itself 2 easements (sewer and electric as referred to above) over that portion of the Annex property to be sold by the Town and grant an easement over TOL-4 for the School Annex building sewer lateral.
6. The property will then be able to be sold. [An appraisal of the property is advised].

Attached are draft motions.

Respectfully Yours

Patrick A. Burke, Q.C
Town Solicitor

Motion # 1

Town of Lunenburg

Re: 17 Tannery Road (School Annex)

Moved by _____ and Seconded by _____.

That the Town take all necessary steps to obtain subdivision approval for Parcel A described in Schedule A attached hereto and shown on a Plan of Survey of Berrigan Surveys Limited attached hereto dated May 12, 2022 and bearing Plan # 20,153-A so that the lot can be added to Tannery Road.

“A”

ALL and singular that certain parcel or tract of land, situated, lying and being at the Town of Lunenburg, Lunenburg County, Nova Scotia, being designated Parcel A, property of Town of Lunenburg, and being more particularly shown on Plan of Subdivision No. 20,153-A, prepared by Berrigan Surveys Limited, Nova Scotia Land Surveyors, dated May 12, 2022, which said lot may be more particularly described as follows:

BEGINNING at a point marked by a survey marker, marking the most western corner of the herein described lot, which said point marks the northeastern side line of the Tannery Road, a southern corner of property of AGL Group Holdings Limited and is being located at a bearing of South 23 degrees 32 minutes 20.4 seconds East (grid bearings) for a distance of 4,024.200 metres from Nova Scotia High Precision Network Coordinate Monument No. 216725.

THENCE from said point so located North 44 degrees 16 minutes 26 seconds East along a southeastern side line of said AGL Group Holdings Limited property, 4.473 metres to a survey marker, marking the most northern corner of the herein described lot and the most western corner of Remainder Lot TOL2, property of Town of Lunenburg.

THENCE South 28 degrees 21 minutes 18 seconds East along the southwestern side line of Remainder Lot TOL2, 19.583 metres to a survey marker.

THENCE South 09 degrees 12 minutes 34 seconds East along the southwestern side line of Remainder Lot TOL2, 9.046 metres to a survey marker, marking the most eastern corner of the herein described lot.

THENCE South 75 degrees 34 minutes 54 seconds West along a northwestern side line of Remainder Lot TOL2, 5.920 metres to a survey marker, marking the most southern corner of the herein described lot and the eastern side line of the Tannery Road.

THENCE northwesterly along the northeastern side line of the Tannery Road, along the

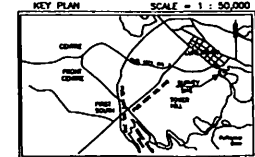
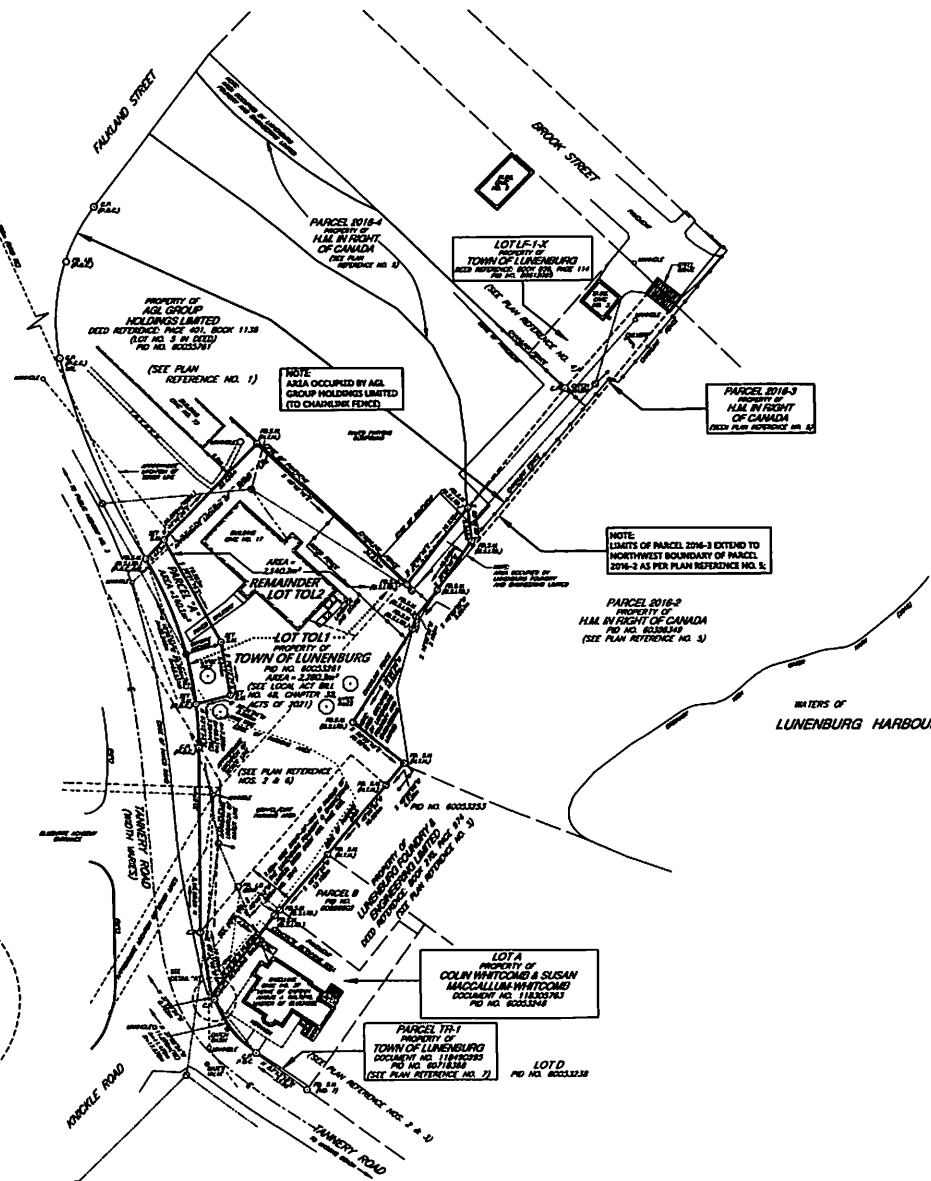
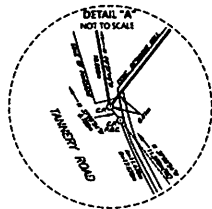
-2-

arc of a curve to the left, having a radius of 62.531 metres, an arc distance of 25.940 metres to a survey marker, marking the place of beginning, tie line between the last two mentioned survey markers described as North 18 degrees 25 minutes 07 seconds West for a distance of 25.754 metres.

The herein described lot of land contains an area of 140.1 square metres.

STAMPING AREA

ALIAS OF THE
PROPERTY
AND SURVEY
AND PLAN

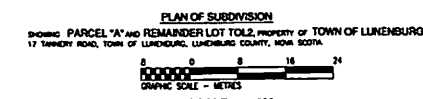


- LEGEND**
- ANS.S.P.A.L. NOVA SCOTIA HIGH FREQUENCY NETWORK
 - ⊙ S.M. SURVEY MARKER
 - I.B./A.P. IRON BOLT/IRON PIPE
 - ⊙ "C" CUT IN ROCK
 - ⊙ WOODEN POST
 - — — — — WIRE FENCE
 - — — — — STONE WALL
 - FDL FOUND
 - (C) CALCULATED
 - ⊙ C.P. CALCULATED POINT
 - ⊙ UTILITY POLE
 - ⊙ R.P. ROCK POST
 - — — — — LINES DEAL WITH OTHER LANDS
 - — — — — OVERHEAD UTILITY LINES
 - (P.C.) POINT OF CURVATURE
 - (P.C.C) POINT OF COMPOUND CURVATURE
 - (P.R.C.) POINT OF REVERSE CURVATURE
 - M.L. NONANGULAR
 - CL.M.M. ORDINARY HIGH WATER MARK
 - (NO. 7) ERROR 8 MEMO, H.S.L.S.
 - (N.S.L.S.) NEW FURNER HANDELMAN LAND SURVEYORS LIMITED
 - (S.S.L.S.) BERTRIGAN SURVEYS LIMITED
 - — — — — UNDER GROUND SEWER LINES

BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 7th EDITION, 2011, ZONE 3, C.M. 847376 AND WERE DERIVED FROM G.L.S.S. OCCUPANCY DATA FROM NOVA SCOTIA ACTING COORDINATOR STATION NO. 218723. THE HORIZONTAL REFERENTIAL FRAME USED HEREIN IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 2010.0 (G.L.S.S. OPERATIONAL).

- PLAN REFERENCES:**
- 1) PLAN BY G. H. MANUEL, P.L.S. SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS BRICK LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1982 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-607.
 - 2) PLAN OF SURVEY BY DONALD B. WEBB & ASSOCIATES SHOWING PROPERTY OF LUNENBURG FACTORY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 12, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3184.
 - 3) PLAN OF SUBDIVISION NO. L-232 BY NEW FURNER HANDELMAN LAND SURVEYORS LIMITED SHOWING LOTS 17, 17-1, 17-2, AND PARCEL 7, PROPERTY OF LUNENBURG FACTORY & ENGINEERING LIMITED, AND 25 FOOT RIGHT OF WAY AND EASTMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, LOCATED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 831.
 - 4) PLAN OF SUBDIVISION NO. 070199 BY ROBERT G. BECKER, H.S.L.S. NO. 351, SHOWING CONSOLIDATION OF PARCELS 70, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.
 - 5) PLAN OF SURVEY NO. 17206 BY BERTRIGAN SURVEYS LIMITED FOR PUBLIC WORKS AND GOVERNMENT SERVICES, PLOT NO. S-4003-W) SHOWING PARCELS 2016-1, 2016-2, 2016-3, 2016-4 & 2016-5, LAYED OUT IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 11983008.
 - 6) PLAN OF SURVEY NO. 20133 BY BERTRIGAN SURVEYS LIMITED SHOWING LOT TOL 1, PROPERTY OF TOWN OF LUNENBURG, 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2001 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 11979298.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL 2016-1, LAYED OUT IN THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 10, 2021.

- NOTES:**
- 1) VALUES SHOWN, NOT ADJUSTED. DISTANCES SHOWN, HORIZONTAL ORIGIN DISTANCES.
 - 2) 4.572m (15.00') WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF P.O. NO. 60032448 AS DESCRIBED IN DOCUMENT NO. 11877008.
 - 3) LOT IDENTIFIERS PARCEL "A" AND REMAINDER TOL 2 ORIGINATE WITH THIS PLAN.
 - 4) RESULTING LOT COMPARISON: REMAINDER PARCEL "A" BEING A SUBDIVISION OF LOT TOL 1, AS AN ADDITION TO TANNERY ROAD TO CREATE RESULTING REMAINDER LOT TOL 2.
 - 5) LOT TOL 2 SERVICED BY CENTRAL SEWER AND WATER.
 - 6) SUBDIVISION APPROVAL REQUESTED FOR LOT REMAINDER TOL 2.



FIELD SKETCH DATED OF
 2021 BY PETER A. D. DATE OF SURVEY: MAY 11, 2022

Surveyor's Certificate
 I, Peter A. D., being a Nova Scotia Land Surveyor, hereby certify that I have personally examined the plan and the accompanying field notes and that the plan and notes comply with the provisions of the Land Surveyors Act, Regulations and Standards thereunder.

DATE OF PLAN: MAY 11, 2022

Dated this 11th day of MAY, 2022

Peter A. D. H.S.L.S. #629



BERTRIGAN SURVEYS LIMITED
 NOVA SCOTIA LAND SURVEYORS
 BROOKVIEW LUN. CO. NOVA SCOTIA

PLAN NO. 20,153-A

HORIZONTAL DATUM	NAD 83 (CGRS)	EPOCH	2010.0
VERTICAL DATUM	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION	3 WITH	ZONE	5
DEED SURVEY TYPE	WITH	SOURCE	BERTRIGAN
CORRECTED SCALE FACTOR AT SITE 0.99992040			

Motion # 2

Town of Lunenburg

Re: 17 Tannery Road (School Annex)

Moved by _____ and Seconded by _____.

Whereas:

- a) The Town is the owner of property at civic # 17 Tannery Road in Lunenburg, and also the owner of the adjacent public street known as Tannery Road;
- b) Pursuant to Section 312 of the Municipal Government Act, Council may expand a street within the Town, but shall be required to file a survey plan in the Registry of Deeds; and
- c) The Town wishes to add a portion of the property at civic # 17 Tannery Road to the public street known as Tannery Road;

It is therefore moved that:

1. Parcel A shown on a Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan # 20,153-A attached to this Motion and described in Schedule A hereto shall, [effective immediately upon the approval of the subdivision of Parcel A (and prior to the filing of the Plan of Survey in the Registry of Deeds by or for the Development Officer)] henceforth be part of Tannery Road, a public street.

and

2. The CAO/Manager/Clerk is authorized to swear a Statutory Declaration and file it and the Plan of Survey in the Registry of Deeds and complete such documentation as is reasonably required to have Parcel A become part of Tannery Road.

“A”

ALL and singular that certain parcel or tract of land, situated, lying and being at the Town of Lunenburg, Lunenburg County, Nova Scotia, being designated Parcel A, property of Town of Lunenburg, and being more particularly shown on Plan of Subdivision No. 20,153-A, prepared by Berrigan Surveys Limited, Nova Scotia Land Surveyors, dated May 12, 2022, which said lot may be more particularly described as follows:

BEGINNING at a point marked by a survey marker, marking the most western corner of the herein described lot, which said point marks the northeastern side line of the Tannery Road, a southern corner of property of AGL Group Holdings Limited and is being located at a bearing of South 23 degrees 32 minutes 20.4 seconds East (grid bearings) for a distance of 4,024.200 metres from Nova Scotia High Precision Network Coordinate Monument No. 216725.

THENCE from said point so located North 44 degrees 16 minutes 26 seconds East along a southeastern side line of said AGL Group Holdings Limited property, 4.473 metres to a survey marker, marking the most northern corner of the herein described lot and the most western corner of Remainder Lot TOL2, property of Town of Lunenburg.

THENCE South 28 degrees 21 minutes 18 seconds East along the southwestern side line of Remainder Lot TOL2, 19.583 metres to a survey marker.

THENCE South 09 degrees 12 minutes 34 seconds East along the southwestern side line of Remainder Lot TOL2, 9.046 metres to a survey marker, marking the most eastern corner of the herein described lot.

THENCE South 75 degrees 34 minutes 54 seconds West along a northwestern side line of Remainder Lot TOL2, 5.920 metres to a survey marker, marking the most southern corner of the herein described lot and the eastern side line of the Tannery Road.

THENCE northwesterly along the northeastern side line of the Tannery Road, along the

-2-

arc of a curve to the left, having a radius of 62.531 metres, an arc distance of 25.940 metres to a survey marker, marking the place of beginning, tie line between the last two mentioned survey markers described as North 18 degrees 25 minutes 07 seconds West for a distance of 25.754 metres.

The herein described lot of land contains an area of 140.1 square metres.

Motion # 3

Town of Lunenburg

Re: 17 Tannery Road (School Annex)

Moved by _____ and Seconded by _____.

The Town shall have the title to the remainder of civic # 17 Tannery Road (after Parcel A, to be added to Tannery Road, is subdivided therefrom), migrated under the Land Registration Act and the Mayor and/or Manager / Clerk are authorized to execute all documentation in connection therewith, and to affix the Municipal Seal thereto if required or advisable.

Motion # 4

Town of Lunenburg

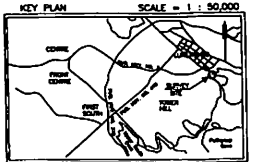
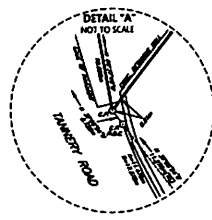
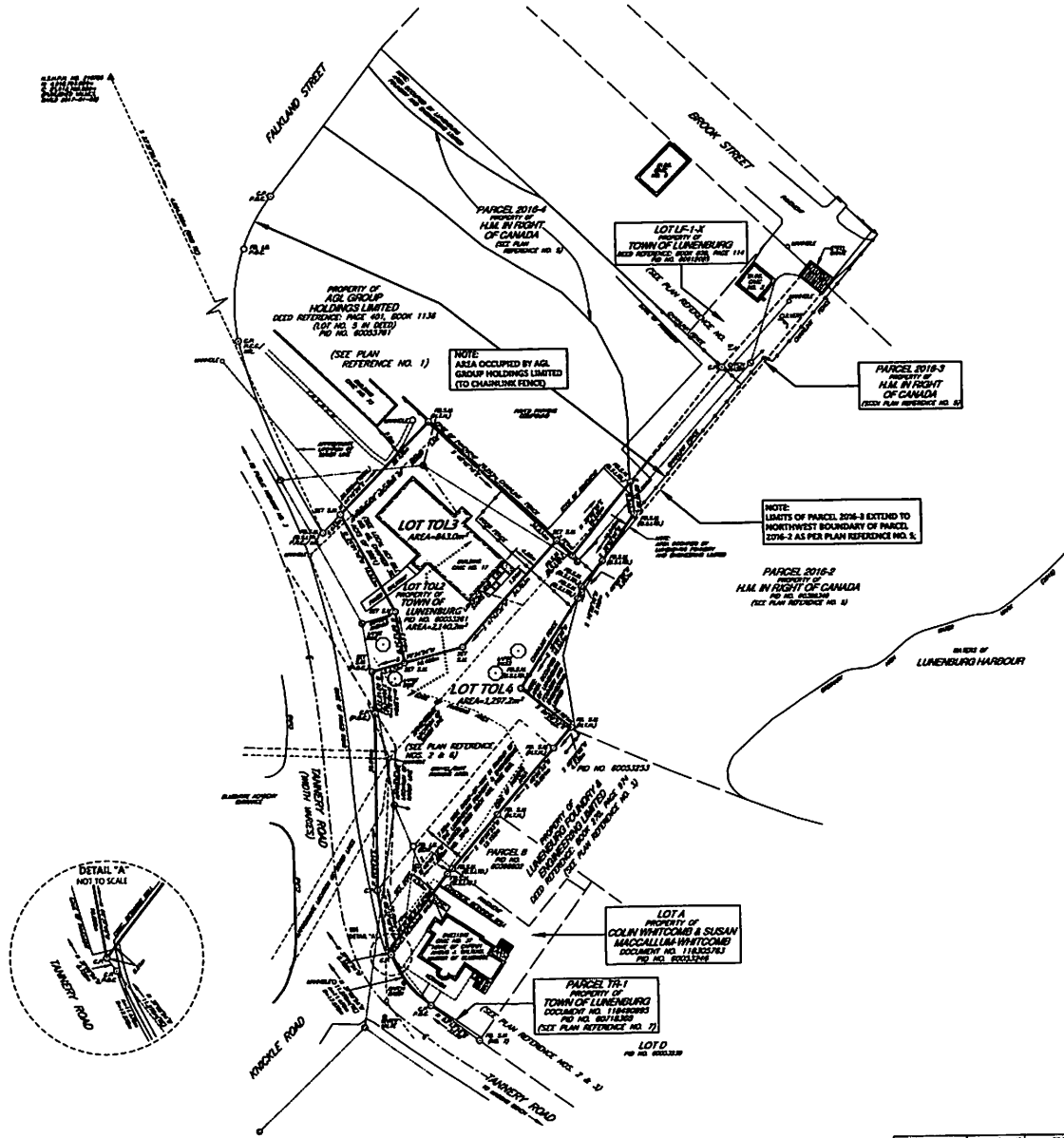
Re: 17 Tannery Road (School Annex)

Moved by _____ and Seconded by _____.

That the Town take all steps to:

- a. Subdivide the remainder of 17 Tannery Road (after Parcel A is subdivided therefrom and added to Tannery Road and after the remainder is migrated under the Land Registration Act) in accordance with the Plan of Survey prepared by Berrigan Surveys Ltd. dated May 13, 2022 and bearing Plan # 20,153-B (attached hereto) to create Lots TOL3 and TOL4; and
- b. Thereafter to grant a sewer easement and an electrical utility easement to itself as a burden on Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153-C (attached hereto) in such form as the Mayor and CAO/Manager/Clerk deem appropriate, [the latter easement allowing the building to remain, notwithstanding the easement, unless the building is wholly destroyed or removed]; and
- c. And grant a sewer easement to itself as a burden on Parcel TOL-4 for the benefit of Parcel TOL-3 as shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153-C in such form as the Mayor and CAO/Manager/Clerk deem appropriate.
- d. The Mayor and Manager/Clerk are authorized to execute all documentation in connection therewith on behalf of the Town, and to affix the Municipal Seal thereto.

STAMPING AREA

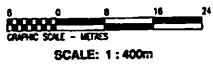


- LEGEND**
- ANSA/P.A. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - L.S./A.P. IRON BOLT/IRON PIPE
 - ⊙ 7" CUT IN ROCK
 - ⊞ WOODEN POST
 - — — — — WIRE FENCE
 - ⊞ — — — — — STONE WALL
 - ⊞ — — — — — FOUND
 - (C) CALCULATED
 - C.P. CALCULATED POINT
 - UTILITY POLE
 - ⊙ R.P. ROCK POST
 - — — — — LAMES SCALE WITH OTHER LAMES
 - — — — — OVERHEAD UTILITY LINES
 - (P.O.C.) POINT OF CURVATURE
 - N.T.L. NORTHINGS/TANGENTALS
 - S.H.W.M. ORDINARY HIGH WATER MARK
 - (S.S.A.T.D.) BERGIAN SURVEYS LIMITED
 - — — — — UNDER GROUND SEWER LINES

- SEARCHES ARE OF THE NOVA SCOTIA CADASTRAL SYSTEM, ZONE 5, C.M.S.F. 2076 AND WERE CONDUCTED FROM C.A.S.S. OBSERVATIONS UNDER NOVA SCOTIA ACTIVE COORDINATE STATION NO. 218725. THE HORIZONTAL REFERENCE FRAMES USED HEREON (I) BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), (II) ON 2011.0 (C.A.S.S. OBSERVATIONS)
- 1) PLAN BY G. H. MARVEL, P.L.S. SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO FORDS BRUCE LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1983 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-607.
 - 2) PLAN OF SURVEY BY ERNEST B. HEED & ASSOCIATES SHOWING PROPERTY OF LUNENBURG FORESTRY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 18, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-2384.
 - 3) PLAN OF SUBDIVISION NO. L-232 BY HEER TURNER HOMELAN LAND SURVEYORS LIMITED SHOWING LOTS "T", "U", "V", "W", "X", "Y", "Z", AND PARCELS "P1", "P2", "P3", "P4", "P5", "P6", "P7", "P8", "P9", "P10", "P11", "P12", "P13", "P14", "P15", "P16", "P17", "P18", "P19", "P20", "P21", "P22", "P23", "P24", "P25", "P26", "P27", "P28", "P29", "P30", "P31", "P32", "P33", "P34", "P35", "P36", "P37", "P38", "P39", "P40", "P41", "P42", "P43", "P44", "P45", "P46", "P47", "P48", "P49", "P50", "P51", "P52", "P53", "P54", "P55", "P56", "P57", "P58", "P59", "P60", "P61", "P62", "P63", "P64", "P65", "P66", "P67", "P68", "P69", "P70", "P71", "P72", "P73", "P74", "P75", "P76", "P77", "P78", "P79", "P80", "P81", "P82", "P83", "P84", "P85", "P86", "P87", "P88", "P89", "P90", "P91", "P92", "P93", "P94", "P95", "P96", "P97", "P98", "P99", "P100", "P101", "P102", "P103", "P104", "P105", "P106", "P107", "P108", "P109", "P110", "P111", "P112", "P113", "P114", "P115", "P116", "P117", "P118", "P119", "P120", "P121", "P122", "P123", "P124", 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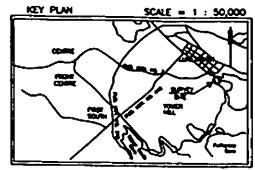
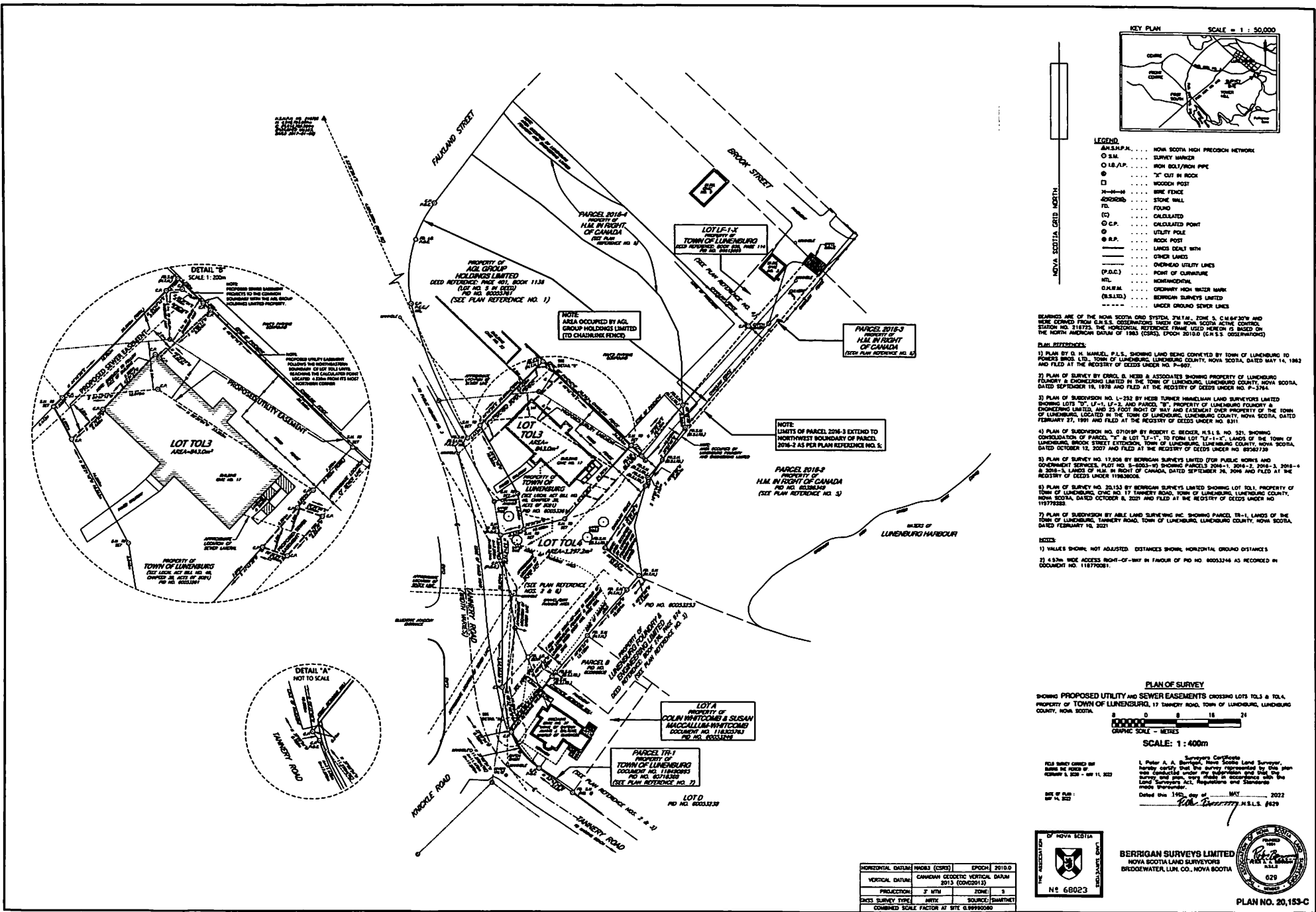
- NOTES:**
- 1) VALUES SHOWN NOT ADJUSTED. DISTANCES SHOWN HORIZONTAL GROUND DISTANCES.
 - 2) 15.00' WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF P.D. NO. 8003244 AS RECORDED IN DOCUMENT NO. 118770081.
 - 3) REPAIR AND LOT CONSOLIDATION. EVIDENCE: SUBDIVISION OF LOT TOL 1 TO CREATE NEARBY LOTS TOL 3 AND TOL 4.
 - 4) LOTS TOL 3 AND TOL 4 SERVED BY CENTRAL SEWER AND WATER.
 - 5) SUBDIVISION APPROVAL REQUESTED FOR LOTS TOL 3 AND TOL 4.

PLAN OF SUBDIVISION
SHOWING LOTS TOL 3 & TOL 4, PROPERTY OF TOWN OF LUNENBURG, 17 TAMMANY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.



SCALE: 1 : 400m

FIELD BOOKS CARRIED BY NAME OF FIELD OF SURVEY SURVEYED BY DATE OF SURVEY
NO. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866

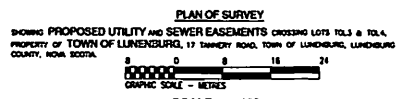


- LEGEND**
- NSNS/NSP... NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - ⊙ WOODEN POST
 - 3" CUT IN ROCK
 - W—W WIRE FENCE
 - G—G—G STONE WALL
 - F—F—F FOUND
 - (C) CALCULATED
 - C.P. CALCULATED POINT
 - U.P. UTILITY POLE
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 - LANDS DEALT WITH
 - OTHER LANDS
 - OVERHEAD UTILITY LINES
 - (P.D.C.) POINT OF CURVATURE
 - H.L. HOME/INDUSTRIAL
 - D.S.E.M. CROWNERY HIGH RISE MARK
 - (B.S.L.S.) BERRIGAN SURVEYS LIMITED
 - UNDER GROUND SEWER LINES

BOUNDARIES ARE OF THE NOVA SCOTIA GRID SYSTEM, ZONE 5, C.M. 8437'W AND WERE DERIVED FROM G.A.S.'S OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 118725. THE HORIZONTAL REFERENCE FRAME USED HEREIN IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 2010.0 (G.A.S.'S OBSERVATIONS).

- PLAN REFERENCES:**
- 1) PLAN BY G. H. MANUEL, P.L.S., SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS BRICK LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1982 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-807.
 - 2) PLAN OF SURVEY BY ENOCH B. HERR & ASSOCIATES SHOWING PROPERTY OF LUNENBURG TANNERY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 19, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3764.
 - 3) PLAN OF SUBDIVISION NO. L-232 BY HERR TURNER HERRMANN LAND SURVEYORS LIMITED SHOWING LOTS 707, 17-1, 17-2, AND PARCEL 707 PROPERTY OF LUNENBURG TANNERY & ENGINEERING LIMITED, AND 25 FOOT FRONT OF WAY AND EASEMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8311.
 - 4) PLAN OF SUBDIVISION NO. 07109P BY ROBERT C. BECKER, A.S.L.S. NO. 521, SHOWING CONSOLIDATION OF PARCELS 707 & LOT 17-1, TO FORM LOT 17-1-C, LANDS OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8928730.
 - 5) PLAN OF SURVEY NO. 17,808 BY BERRIGAN SURVEYS LIMITED (FOR PUBLIC WORKS AND GOVERNMENT SERVICES, PLOT NO. 16-2003-15) SHOWING PARCELS 2004-1, 2004-2, 2004-3, 2004-4 & 2004-5, LANDS OF H.M. IN FRONT OF CANADA, DATED SEPTEMBER 26, 2006 AND FILED AT THE REGISTRY OF DEEDS UNDER NUMBER 8311.
 - 6) PLAN OF SURVEY NO. 20,153 BY BERRIGAN SURVEYS LIMITED SHOWING LOT 302, PROPERTY OF TOWN OF LUNENBURG, ONE NO. 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2021 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 11979222.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL 19-1, LANDS OF THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 16, 2021.

- NOTES:**
- 1) VALUES SHOWN NOT ADJUSTED. DISTANCES SHOWN HORIZONTAL GROUND DISTANCES.
 - 2) 4.53m WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF PD NO. 80033246 AS RECORDED IN DOCUMENT NO. 118770081.



Surveyors Certificate

I, Peter A. A. Berrigan, Land Surveyor, hereby certify that the survey represented by this plan was made by me or under my direct supervision and that the survey and plan were made in accordance with the standards of the Nova Scotia Surveyors Act, R.S.N.S. 1989:1, Chapter 120, and the Regulations of the Standards and Practices Committee.

DATE OF PLAN: MAY 14, 2022

Dated this 14th day of MAY, 2022

Peter A. A. Berrigan A.S.L.S. #629



BERRIGAN SURVEYS LIMITED
NOVA SCOTIA LAND SURVEYORS
BRIDGEWATER, LUN. CO., NOVA SCOTIA



HORIZONTAL DATUM	NAD83 (CSRS)	EPOCH	2010.0
VERTICAL DATUM	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION	3° NAD	ZONE	5
DECS SURVEY TYPE	6876	SOURCE	SMARTNET
COMBINED SCALE FACTOR AT SITE G: 0.9999990			

PLAN NO. 20,153-C

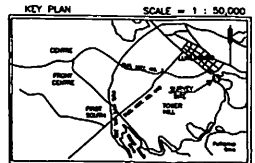
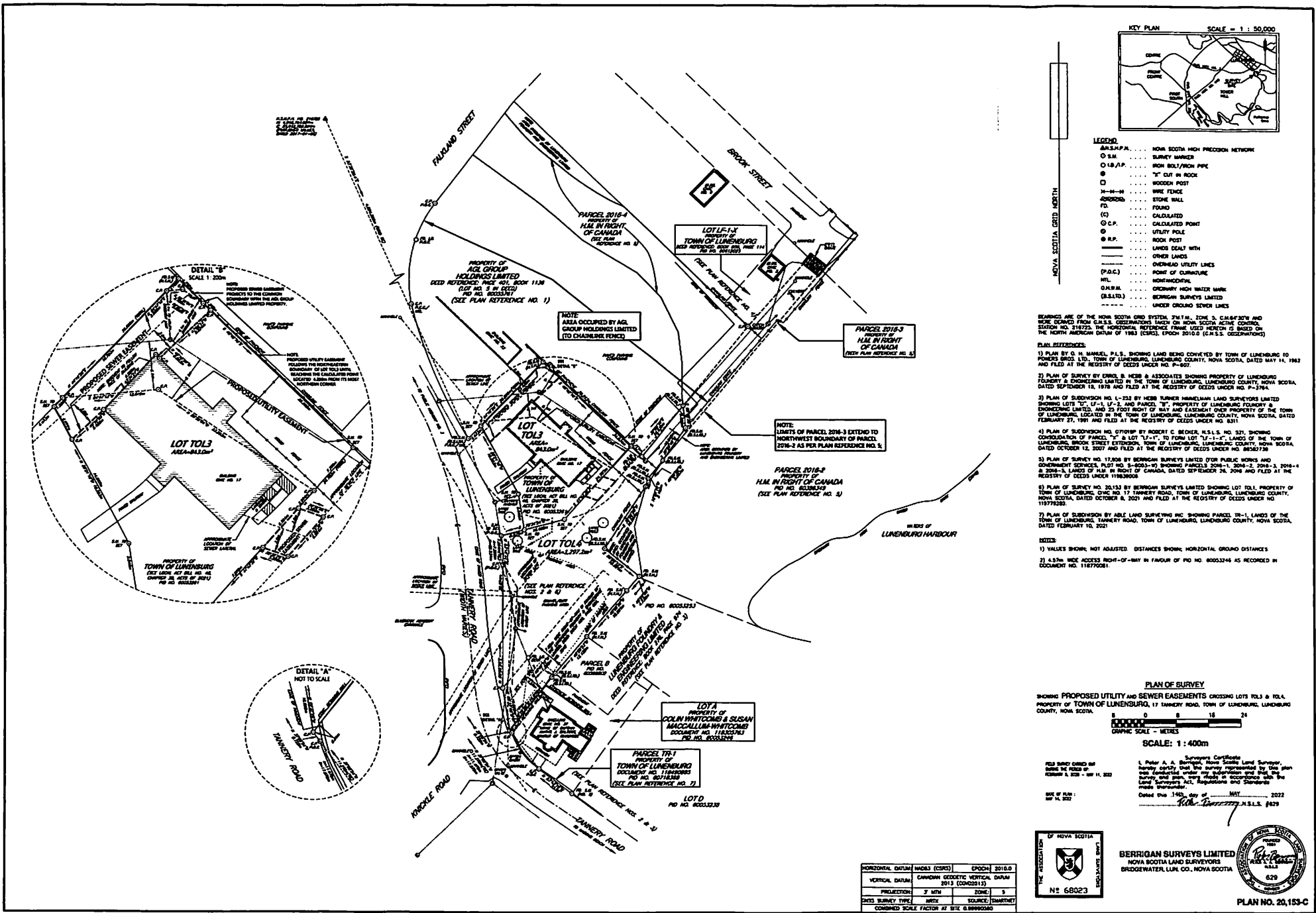
Motion # 5

Town of Lunenburg

Re: 17 Tannery Road (School Annex)

Moved and seconded that:

- a. Parcel TOL-3 shown on the Plan of Survey prepared by Berrigan Surveys dated May 14, 2022 and bearing Plan # 20,153 - C (subject to the sewer line easement and electrical easement shown thereon, and together with the sewer easement for the building sewer lateral shown thereon) is no longer required for the purposes of the Town.
- b. The Town, after subdivision approval to create the said Parcel TOL -3 and after granting the aforesaid easements, shall list the said lot for sale at an asking price of \$399,000.00 with Stephanie de Vries of Viewpoint and the Mayor and CAO/Manager/Clerk are authorized to execute and seal an Agreement of Purchase and Sale at a price and terms acceptable to them, but with a condition that it is subject to the approval of Town Council by motion in open session.



- LEGEND**
- ▲ S.A.P.A. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - ⊙ "T" CUT IN ROCK
 - ⊙ WOODEN POST
 - WIRE FENCE
 - H—H—H WIRE FENCE
 - WOODEN POST
 - STONE WALL
 - FOUND
 - (C) CALCULATED
 - ⊙ C.P. CALCULATED POINT
 - ⊙ U.P. UTILITY POLE
 - ⊙ R.P. ROCK POST
 - LAPID DEALT WITH
 - OTHER LANDS
 - OVERHEAD UTILITY LINES
 - (P.O.C.) POINT OF CURVATURE
 - H.W. HOMEWATER
 - O.H.W. OVERHEAD HIGH WATER MARK
 - (S.S.L.) BERRIGAN SURVEYS LIMITED UNDER GROUND SEWER LINES

BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 37M.14N, ZONE 3, CL-64737N AND WERE OBTAINED FROM G.A.S.'S OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 187223. THE HORIZONTAL REFERENCE FRAME, LOCAL MEASUREMENT IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 2010.0 (C.A.S.S. OBSERVATIONS)

- PLAN REFERENCES:**
- 1) PLAN BY G. H. MARTEL, P.L.S. SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS GROUP, LTD. TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1982 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-707.
 - 2) PLAN OF SURVEY BY FAYOL & HESE & ASSOCIATES SHOWING PROPERTY OF LUNENBURG TOWNERY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 18, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3764.
 - 3) PLAN OF SUBDIVISION NO. L-252 BY HEBB TURNER HIRSHLEMAN LAND SURVEYORS LIMITED SHOWING LOTS 707, 71-1, 71-2, 71-3 AND PARCEL 207, PROPERTY OF LUNENBURG TOWNERY & ENGINEERING LIMITED, AND 25 FOOT RIGHT OF WAY AND EASEMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8311.
 - 4) PLAN OF SUBDIVISION NO. 07701P BY ROBERT C. BECKER, R.L.S., K.S.L.S. NO. 521, SHOWING CONSOLIDATION OF PARCELS 707 & LOT 71-1, TO FORM LOT 71-1-1, LANDS OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8628730.
 - 5) PLAN OF SURVEY NO. 173008 BY BERRIGAN SURVEYS LIMITED (FOR PUBLIC WORKS AND CONCRETE SERVICES, PLOT NO. 34-000-10) SHOWING PARCELS 208-1, 208-2, 208-3, 208-4 & 208-5, LANDS OF PALM IN FRONT OF CANADA, DATED SEPTEMBER 24, 2016 AND FILED AT THE REGISTRY OF DEEDS UNDER 11683008.
 - 6) PLAN OF SURVEY NO. 20153 BY BERRIGAN SURVEYS LIMITED SHOWING LOT 201, PROPERTY OF TOWN OF LUNENBURG, CHIC NO. 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2021 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 11978282.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL 19-1, LANDS OF THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 10, 2021.

- NOTES:**
- 1) VALUES SHOWN NOT ADJUSTED. DISTANCES SHOWN HORIZONTAL GROUND DISTANCES.
 - 2) 4.57M WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF PID NO. 60003246 AS RECORDED IN DOCUMENT NO. 116770081.

PLAN OF SURVEY
 SHOWING PROPOSED UTILITY AND SEWER EASEMENTS CROSSING LOTS 703 & 704, PROPERTY OF TOWN OF LUNENBURG, 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.

SCALE: 1:400m

Surveyors Certificate
 I, Peter A. A. Berrigan, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted in accordance with the provisions of the Survey Act, R.S.N.S. 1989, Chapter 120, and that the survey and plan were made in accordance with the provisions of the Regulations under the Survey Act, R.S.N.S. 1989, Chapter 120, and that the plan is a true and correct copy of the original plan as shown to me by the surveyor.

DATE OF PLAN: 14th day of May, 2022
 DATED THE 14th day of May, 2022



BERRIGAN SURVEYS LIMITED
 NOVA SCOTIA LAND SURVEYORS
 BRIDGEWATER, LUNenburg CO., NOVA SCOTIA

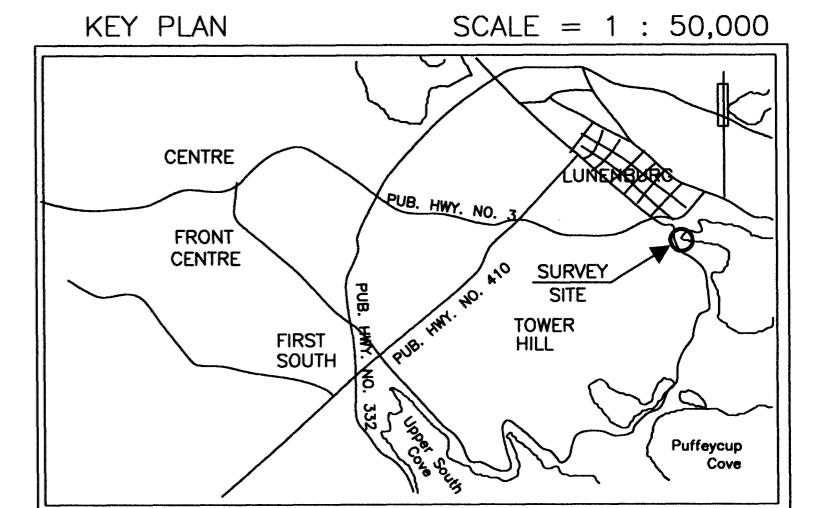


PLAN NO. 20,153-C

HORIZONTAL DATUM	NAD83 (CSRS)	EPOCH	2010.0
VERTICAL DATUM	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION	3° NAD	ZONE	3
DEED SURVEY TYPE	METS	SOURCE	SMARTMET
CONVERSION SCALE FACTOR AT SITE & BERRIGAN			

STAMPING AREA

Subdivision Plan A - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 12, 2022 and being Plan #20,153-A



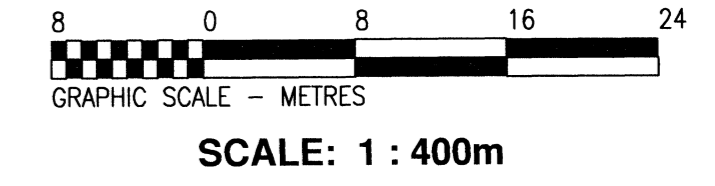
- LEGEND**
- Δ N.S.H.P.N. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - ⊗ "X" CUT IN ROCK
 - WOODEN POST
 - X—X— WIRE FENCE
 - ⊘ STONE WALL
 - FD. FOUND
 - (C) CALCULATED
 - C.P. CALCULATED POINT
 - UTILITY POLE
 - R.P. ROCK POST
 - LANDS DEALT WITH
 - OTHER LANDS
 - OVERHEAD UTILITY LINES
 - (P.O.C.) POINT OF CURVATURE
 - (P.C.C.) POINT OF COMPOUND CURVATURE
 - (P.R.C.) POINT OF REVERSE CURVATURE
 - N.T.L. NONTANGENTIAL
 - O.H.W.M. ORDINARY HIGH WATER MARK
 - (NO. 7) ERROL B. HEBB, N.S.L.S.
 - (H.T.H.) HEBB TURNER HIMMELMAN LAND SURVEYORS LIMITED
 - (B.S.LTD.) BERRIGAN SURVEYS LIMITED
 - UNDER GROUND SEWER LINES

BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 3°M.T.M., ZONE 5, C.M.64°20'W AND WERE DERIVED FROM G.N.S.S. OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 216725. THE HORIZONTAL REFERENCE FRAME USED HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (CSRS), EPOCH 2010.0 (G.N.S.S. OBSERVATIONS)

- PLAN REFERENCES:**
- 1) PLAN BY O. H. MANUEL, P.L.S., SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS BROS. LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1962 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-607.
 - 2) PLAN OF SURVEY BY ERROL B. HEBB & ASSOCIATES SHOWING PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 19, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3764.
 - 3) PLAN OF SUBDIVISION NO. L-252 BY HEBB TURNER HIMMELMAN LAND SURVEYORS LIMITED SHOWING LOTS "D", LF-1, LF-2, AND PARCEL "B", PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED, AND 25 FOOT RIGHT OF WAY AND EASEMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, LOCATED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8311.
 - 4) PLAN OF SUBDIVISION NO. 071019P BY ROBERT C. BECKER, N.S.L.S. NO. 521, SHOWING CONSOLIDATION OF PARCEL "X" & LOT "LF-1" TO FORM LOT "LF-1-X", LANDS OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 89582739.
 - 5) PLAN OF SURVEY NO. 17,956 BY BERRIGAN SURVEYS LIMITED (FOR PUBLIC WORKS AND GOVERNMENT SERVICES, PLOT NO. 5-6003-W) SHOWING PARCELS 2016-1, 2016-2, 2016-3, 2016-4 & 2016-5, LANDS OF H.M. IN RIGHT OF CANADA, DATED SEPTEMBER 26, 2016 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 119836006.
 - 6) PLAN OF SURVEY NO. 20,153 BY BERRIGAN SURVEYS LIMITED SHOWING LOT TOL1, PROPERTY OF TOWN OF LUNENBURG, CIVIC NO. 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2021 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 119779289.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL TR-1, LANDS OF THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 10, 2021

- NOTES:**
- 1) VALUES SHOWN; NOT ADJUSTED. DISTANCES SHOWN; HORIZONTAL GROUND DISTANCES.
 - 2) 4.572m (15.00') WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF PID NO. 60053246 AS DESCRIBED IN DOCUMENT NO. 118770081.
 - 3) LOT IDENTIFIERS PARCEL "A" AND REMAINDER LOT TOL2 ORIGINATE WITH THIS PLAN.
 - 4) RESULTING LOT CONFIGURATION SEQUENCE; REMAINDER PARCEL "A", BEING A SUBDIVISION OF LOT TOL1, AS AN ADDITION TO TANNERY ROAD TO CREATE RESULTING REMAINDER LOT TOL2.
 - 5) LOT TOL2 SERVICED BY CENTRAL SEWER AND WATER.
 - 6) SUBDIVISION APPROVAL REQUESTED FOR LOT REMAINDER TOL2.

PLAN OF SUBDIVISION
 SHOWING PARCEL "A" AND REMAINDER LOT TOL2, PROPERTY OF TOWN OF LUNENBURG, 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.



FIELD SURVEY CARRIED OUT DURING THE PERIOD OF: FEBRUARY 5, 2020 - MAY 11, 2022

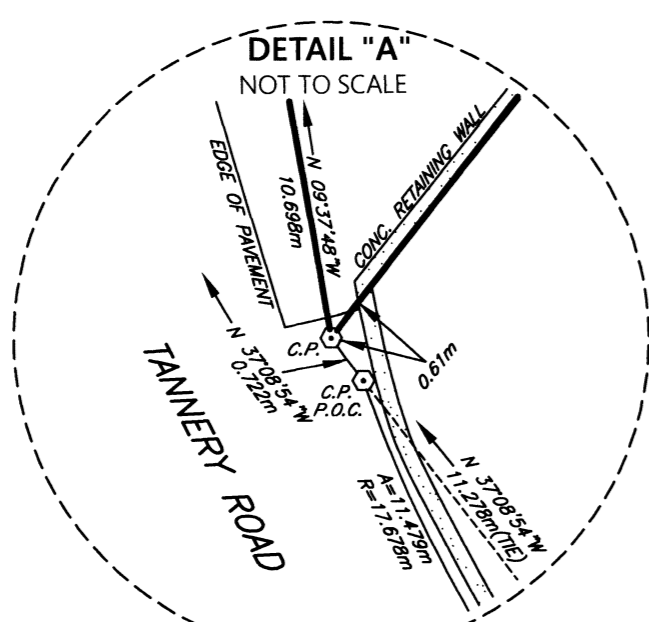
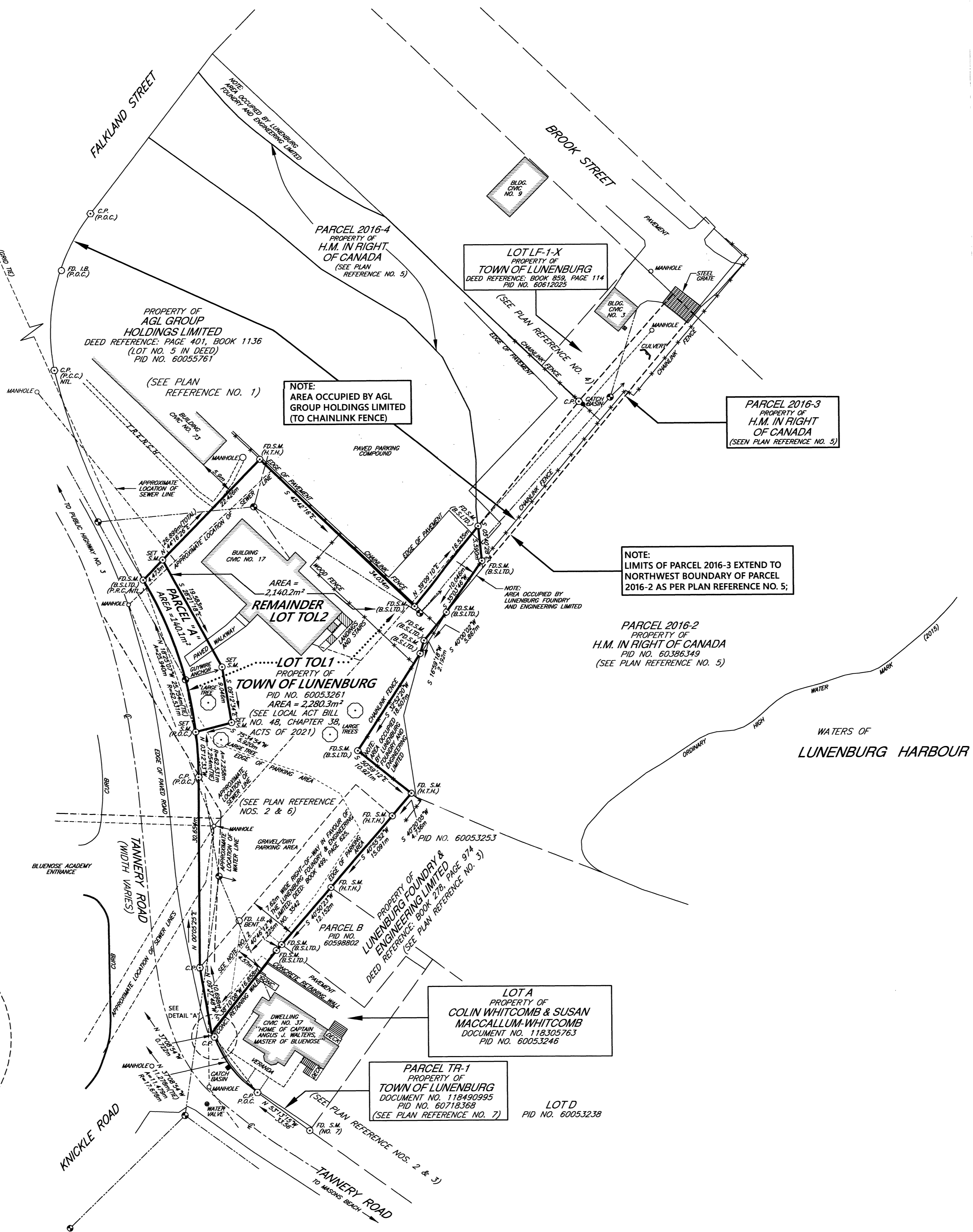
DATE OF PLAN: MAY 12, 2022

Surveyors Certificate I, Peter A. A. Berrigan, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the survey and plan, were made in accordance with the Land Surveyors Act, Regulations and Standards made thereunder.

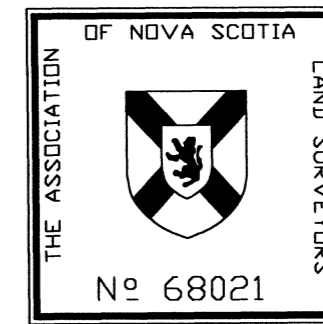
Dated this 12th day of MAY 2022

..... N.S.L.S. #629

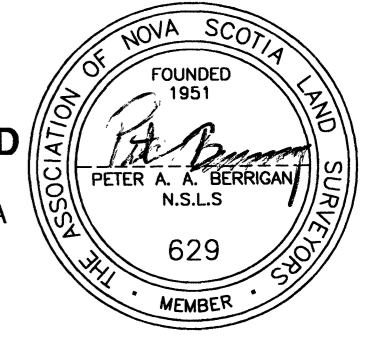
N.S.H.P.N. NO. 216725
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 E: 25312.792 556m
 (PROBABLE VALUES, DATED 2017-01-08)



HORIZONTAL DATUM:	NAD83 (CSRS)	EPOCH:	2010.0
VERTICAL DATUM:	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION:	3° MTM	ZONE:	5
GNSS SURVEY TYPE:	NRTK	SOURCE:	SMARTNET
COMBINED SCALE FACTOR AT SITE 0.99990560			



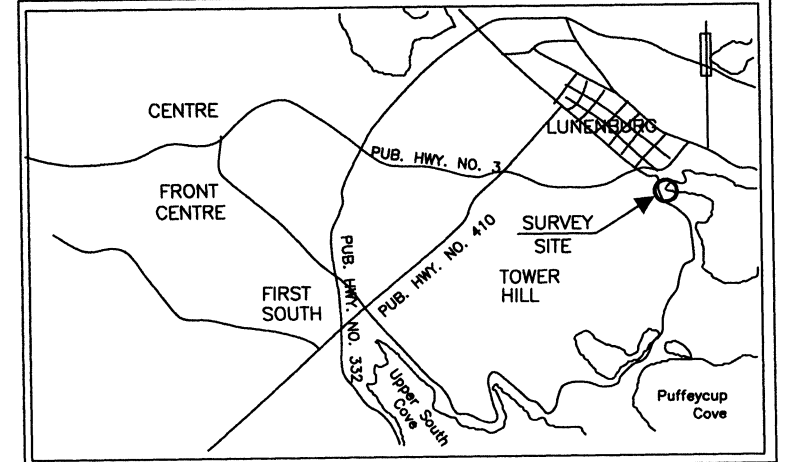
BERRIGAN SURVEYS LIMITED
 NOVA SCOTIA LAND SURVEYORS
 BRIDGEWATER, LUN. CO., NOVA SCOTIA



PLAN NO. 20,153-A

Subdivision Plan B - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 13, 2022 and being Plan #20,153-B

KEY PLAN SCALE = 1 : 50,000



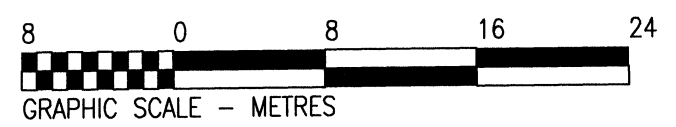
- LEGEND**
- Δ N.S.H.P.N. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - ⊗ "X" CUT IN ROCK
 - WOODEN POST
 - X — X — WIRE FENCE
 - — — — — STONE WALL
 - FD. FOUND
 - (C) CALCULATED
 - C.P. CALCULATED POINT
 - UTILITY POLE
 - R.P. ROCK POST
 - LANDS DEALT WITH
 - OTHER LANDS
 - — — — — OVERHEAD UTILITY LINES
 - (P.O.C.) POINT OF CURVATURE
 - N.T.L. NONTANGENTIAL
 - O.H.W.M. ORDINARY HIGH WATER MARK
 - (B.S.LTD.) BERRIGAN SURVEYS LIMITED
 - — — — — UNDER GROUND SEWER LINES

- BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 3°M.T.M., ZONE 5, C.M.64°30'W AND WERE DERIVED FROM G.N.S.S. OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 216725. THE HORIZONTAL REFERENCE FRAME USED HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (CSRS), EPOCH 2010.0 (G.N.S.S. OBSERVATIONS)
- 1) PLAN BY O. H. MANUEL, P.L.S., SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS BROS. LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1962 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-607.
 - 2) PLAN OF SURVEY BY ERROL B. HEBB & ASSOCIATES SHOWING PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 19, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3764.
 - 3) PLAN OF SUBDIVISION NO. L-252 BY HEBB TURNER HIMMELMAN LAND SURVEYORS LIMITED SHOWING LOTS "D", "LF-1", "LF-2" AND PARCEL "B", PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED, AND 25 FOOT RIGHT OF WAY AND EASEMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, LOCATED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8311.
 - 4) PLAN OF SUBDIVISION NO. 071019P BY ROBERT C. BECKER, N.S.L.S. NO. 521, SHOWING CONSOLIDATION OF PARCEL "X" & LOT "LF-1", TO FORM LOT "LF-1-X", LANDS OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 89582739.
 - 5) PLAN OF SURVEY NO. 17,956 BY BERRIGAN SURVEYS LIMITED (FOR PUBLIC WORKS AND GOVERNMENT SERVICES, PLOT NO. S-6003-W) SHOWING PARCELS 2016-1, 2016-2, 2016-3, 2016-4 & 2016-5, LANDS OF H.M. IN RIGHT OF CANADA, DATED SEPTEMBER 26, 2016 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 119836008.
 - 6) PLAN OF SURVEY NO. 20,153 BY BERRIGAN SURVEYS LIMITED SHOWING LOT TOL1, PROPERTY OF TOWN OF LUNENBURG, CIVIC NO. 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2021 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 119779289.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL TR-1, LANDS OF THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 10, 2021.

- NOTES:**
- 1) VALUES SHOWN; NOT ADJUSTED. DISTANCES SHOWN; HORIZONTAL GROUND DISTANCES.
 - 2) 15.00' WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF PID NO. 60053246 AS RECORDED IN DOCUMENT NO. 118770081.
 - 3) RESULTING LOT CONFIGURATION SEQUENCE; SUBDIVISION OF LOT TOL2 TO CREATE RESULTING LOTS TOL3 AND TOL4.
 - 4) LOTS TOL3 AND TOL4 SERVICED BY CENTRAL SEWER AND WATER.
 - 5) SUBDIVISION APPROVAL REQUESTED FOR LOTS TOL3 AND TOL4.

PLAN OF SUBDIVISION

SHOWING LOTS TOL3 & TOL4, PROPERTY OF TOWN OF LUNENBURG, 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.



SCALE: 1 : 400m

FIELD SURVEY CARRIED OUT DURING THE PERIOD OF FEBRUARY 5, 2020 - MAY 11, 2022

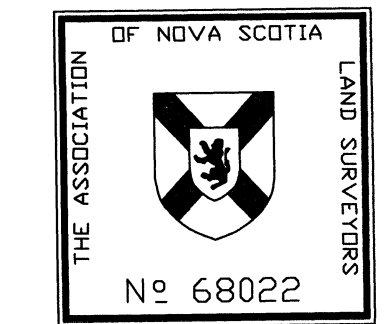
DATE OF PLAN: MAY 13, 2022

Surveyors Certificate

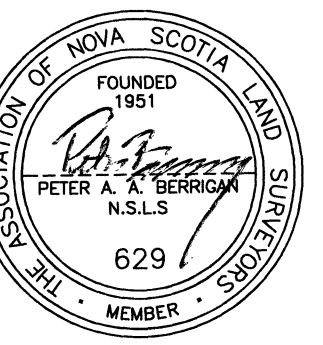
I, Peter A. A. Berrigan, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the survey and plan, were made in accordance with the Land Surveyors Act, Regulations and Standards made thereunder.

Dated this 13th day of MAY, 2022

Peter A. A. Berrigan
N.S.L.S. #629

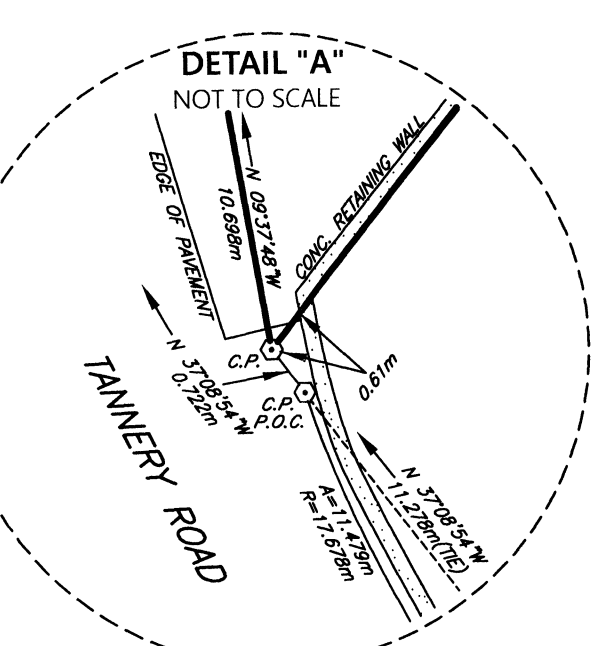
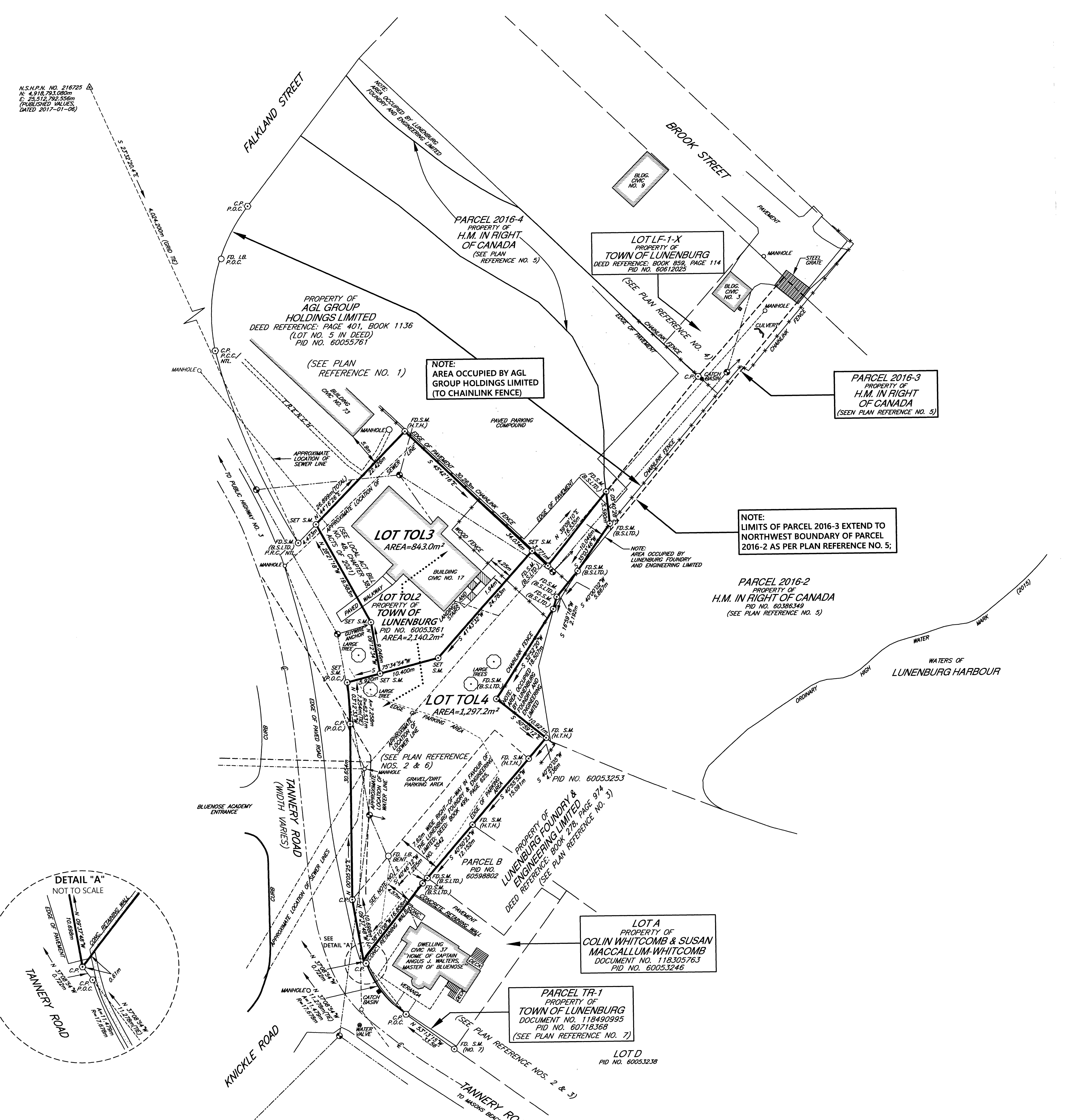


BERRIGAN SURVEYS LIMITED
NOVA SCOTIA LAND SURVEYORS
BRIDGEWATER, LUN. CO., NOVA SCOTIA



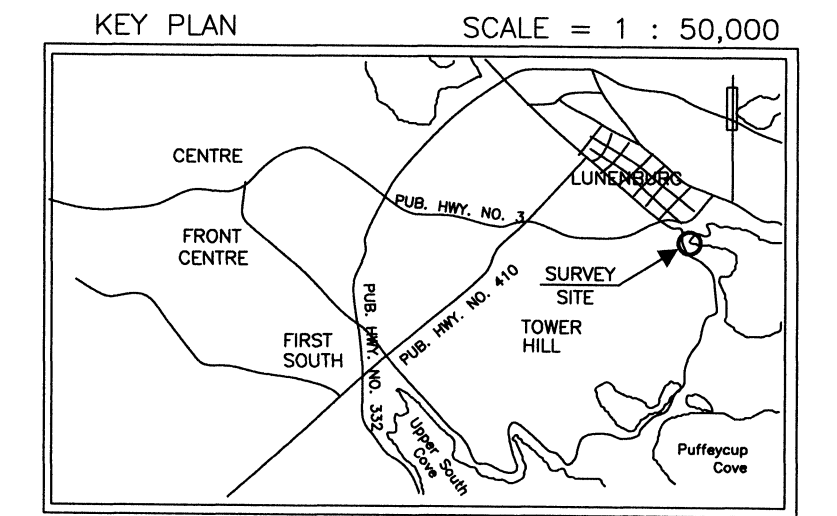
PLAN NO. 20,153-B

HORIZONTAL DATUM:	NAD83 (CSRS)	EPOCH:	2010.0
VERTICAL DATUM:	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION:	3° MTM	ZONE:	5
GNSS SURVEY TYPE:	NRTK	SOURCE:	SMARTNET
COMBINED SCALE FACTOR AT SITE 0.99990560			



N.S.H.P.N. NO. 216725
N 4,918,793.080m
E 28,512,792.258m
PUBLISHED VALUES
DATED 2017-01-06

Subdivision Plan C - Plan of Survey prepared by Berrigan Surveys Ltd., dated May 14, 2022 and being Plan #20,153-C

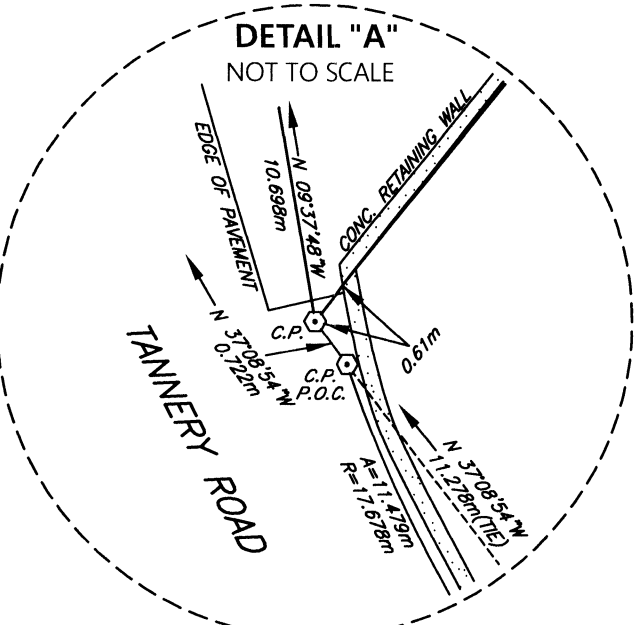
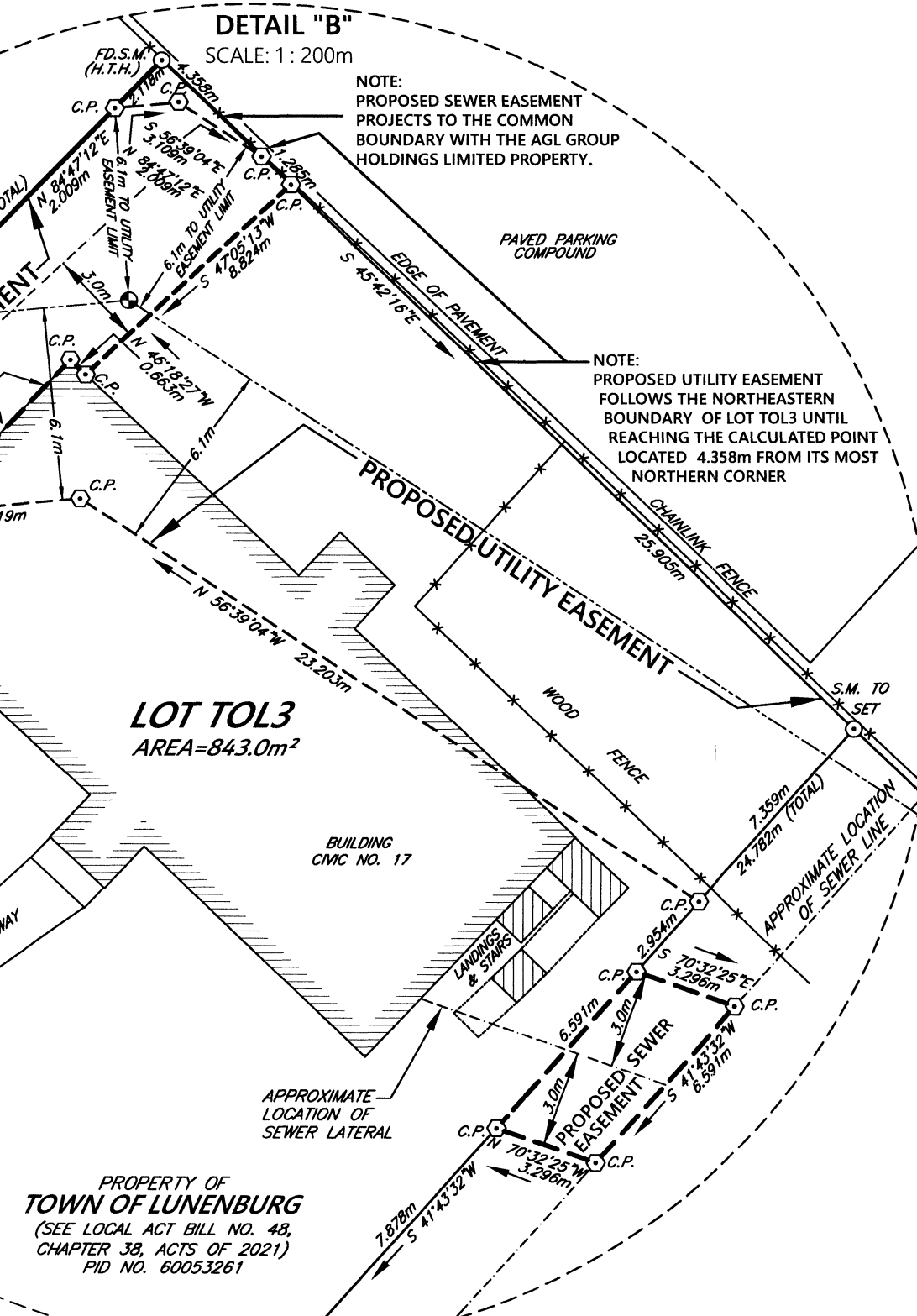
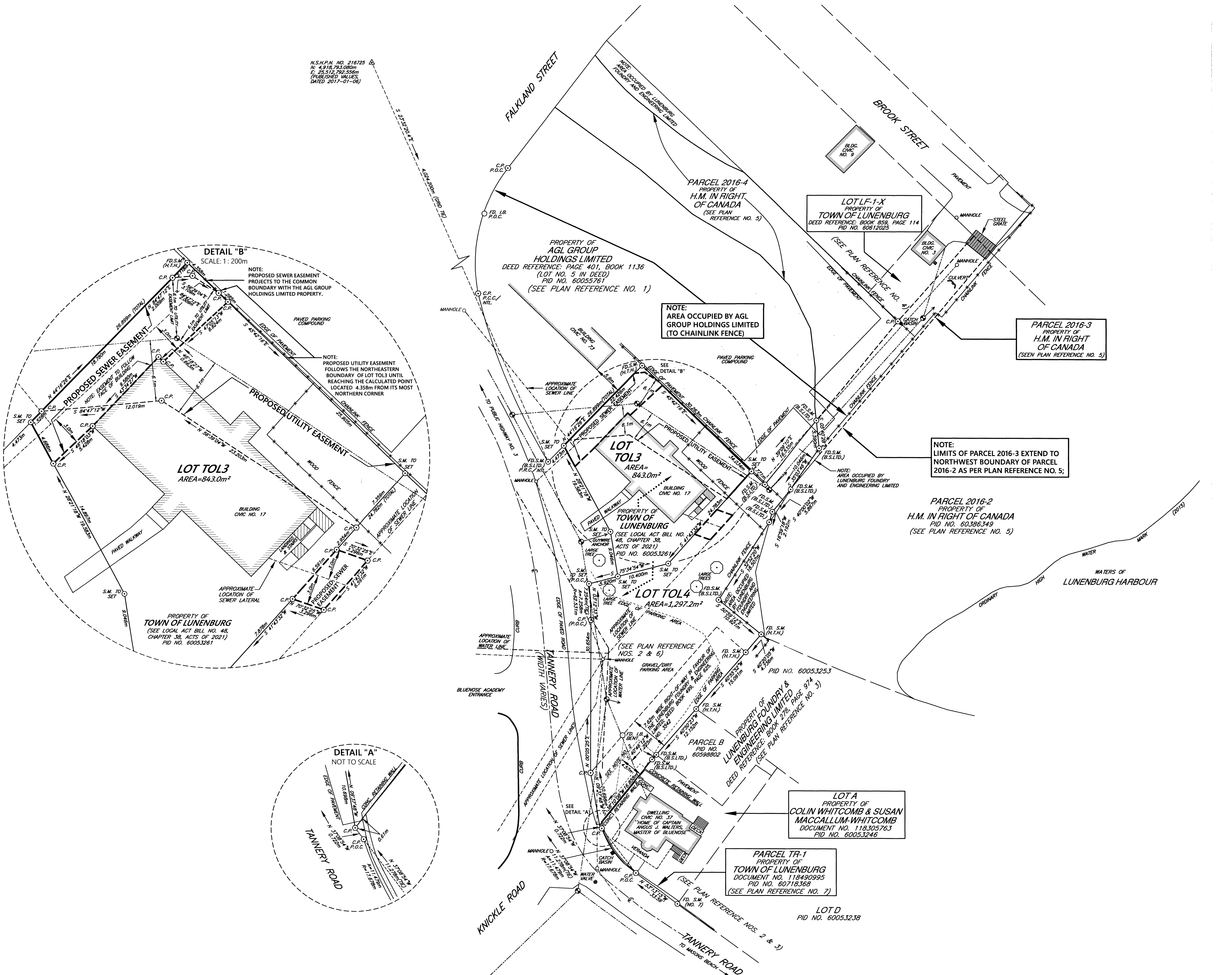


- LEGEND**
- △ N.S.H.P.N. NOVA SCOTIA HIGH PRECISION NETWORK
 - S.M. SURVEY MARKER
 - I.B./I.P. IRON BOLT/IRON PIPE
 - ⊗ "X" CUT IN ROCK
 - WOODEN POST
 - X—X— WIRE FENCE
 - — — — — STONE WALL
 - FD. FOUND
 - (C) CALCULATED
 - C.P. CALCULATED POINT
 - UTILITY POLE
 - R.P. ROCK POST
 - — — — — LANDS DEALT WITH
 - — — — — OTHER LANDS
 - — — — — OVERHEAD UTILITY LINES
 - (P.O.C.) POINT OF CURVATURE
 - N.T.L. NON-TANGENTIAL
 - O.H.W.M. ORDINARY HIGH WATER MARK
 - (B.S.LTD.) BERRIGAN SURVEYS LIMITED
 - — — — — UNDER GROUND SEWER LINES

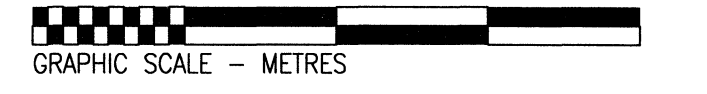
BEARINGS ARE OF THE NOVA SCOTIA GRID SYSTEM, 3°M.T.M., ZONE 5, C.M.64°30'W AND WERE DERIVED FROM G.N.S.S. OBSERVATIONS TAKEN ON NOVA SCOTIA ACTIVE CONTROL STATION NO. 216725. THE HORIZONTAL REFERENCE FRAME USED HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (G.SRS), EPOCH 2010.0 (G.N.S.S. OBSERVATIONS)

- PLAN REFERENCES:**
- 1) PLAN BY O. H. MANUEL, P.L.S., SHOWING LAND BEING CONVEYED BY TOWN OF LUNENBURG TO POWERS BROS. LTD., TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED MAY 14, 1962 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-607.
 - 2) PLAN OF SURVEY BY ERROL B. HEBB & ASSOCIATES SHOWING PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED SEPTEMBER 19, 1978 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. P-3764.
 - 3) PLAN OF SUBDIVISION NO. L-252 BY HEBB TURNER HIMMELMAN LAND SURVEYORS LIMITED SHOWING LOTS "D", LF-1, LF-2, AND PARCEL "B", PROPERTY OF LUNENBURG FOUNDRY & ENGINEERING LIMITED, AND 25 FOOT RIGHT OF WAY AND EASEMENT OVER PROPERTY OF THE TOWN OF LUNENBURG, LOCATED IN THE TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 27, 1991 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 8311.
 - 4) PLAN OF SUBDIVISION NO. 071019P BY ROBERT C. BECKER, N.S.L.S. NO. 521, SHOWING CONSOLIDATION OF PARCEL "X" & LOT "LF-1", TO FORM LOT "LF-1-X", LANDS OF THE TOWN OF LUNENBURG, BROOK STREET EXTENSION, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 12, 2007 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 89582739.
 - 5) PLAN OF SURVEY NO. 17,956 BY BERRIGAN SURVEYS LIMITED (FOR PUBLIC WORKS AND GOVERNMENT SERVICES, PLOT NO. S-6003-W) SHOWING PARCELS 2016-1, 2016-2, 2016-3, 2016-4 & 2016-5, LANDS OF H.M. IN RIGHT OF CANADA, DATED SEPTEMBER 26, 2016 AND FILED AT THE REGISTRY OF DEEDS UNDER 119836006.
 - 6) PLAN OF SURVEY NO. 20,153 BY BERRIGAN SURVEYS LIMITED SHOWING LOT TOL1, PROPERTY OF TOWN OF LUNENBURG, CIVIC NO. 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED OCTOBER 8, 2021 AND FILED AT THE REGISTRY OF DEEDS UNDER NO. 119779289.
 - 7) PLAN OF SUBDIVISION BY ABLE LAND SURVEYING INC. SHOWING PARCEL TR-1, LANDS OF THE TOWN OF LUNENBURG, TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA, DATED FEBRUARY 10, 2021

- NOTES:**
- 1) VALUES SHOWN; NOT ADJUSTED. DISTANCES SHOWN; HORIZONTAL GROUND DISTANCES.
 - 2) 4.57m WIDE ACCESS RIGHT-OF-WAY IN FAVOUR OF PID NO. 60053246 AS RECORDED IN DOCUMENT NO. 118770081.



PLAN OF SURVEY
SHOWING PROPOSED UTILITY AND SEWER EASEMENTS CROSSING LOTS TOL3 & TOL4, PROPERTY OF TOWN OF LUNENBURG, 17 TANNERY ROAD, TOWN OF LUNENBURG, LUNENBURG COUNTY, NOVA SCOTIA.

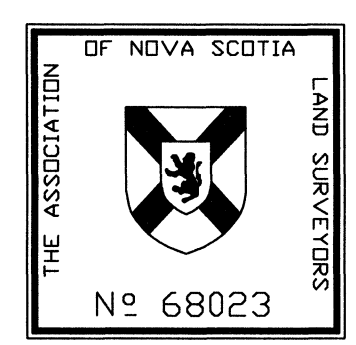


SCALE: 1 : 400m

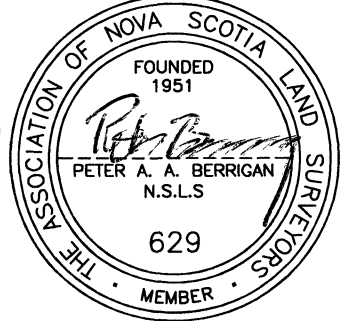
FIELD SURVEY CARRIED OUT DURING THE PERIOD OF: FEBRUARY 5, 2020 - MAY 11, 2022
DATE OF PLAN: MAY 14, 2022

Surveyors Certificate
I, Peter A. A. Berrigan, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the survey and plan, were made in accordance with the Land Surveyors Act, Regulations and Standards made thereunder.
Dated this 14th day of MAY, 2022
Peter A. A. Berrigan, N.S.L.S. #629

HORIZONTAL DATUM:	NAD83 (CSRS)	EPOCH:	2010.0
VERTICAL DATUM:	CANADIAN GEODETIC VERTICAL DATUM 2013 (CGVD2013)		
PROJECTION:	3° MTM	ZONE:	5
GNSS SURVEY TYPE:	NRTK	SOURCE:	SMARTNET
COMBINED SCALE FACTOR AT SITE 0.99990560			



BERRIGAN SURVEYS LIMITED
NOVA SCOTIA LAND SURVEYORS
BRIDGEWATER, LUN. CO., NOVA SCOTIA



PLAN NO. 20,153-C

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"):
StreetFest 2022

2. Name of organization hosting/planning event:
Lunenburg Board of Trade

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

4. Key contact for event:

Name: Renea Babineau
Address: 11 Blockhouse Hill Rd
Postal Code: b0j 2c0
Phone No. (H) 902 634 3170 (O) (F)

Secondary contact for event:

Name: Jamie Myra
Address: 11 Blockhouse Hill Rd
Postal Code:
Phone No. (H) 902 634 3170 (O) (F)

5. Name and main theme of event:

StreetFest 2022 - Summer Street Fair

6. (A) Main activities of event:

Live Music, Sidewalk Sales, Food and Beverage, Kids Activities

(B) For parade approval please review, complete and return the attached Parade Safety Requirements document:

- Yes this is for parade approval and we have attached the completed Parade Safety Requirements document; or
- No parade.

7. Objectives of event in order of priority:

Increased sales for local business, increased tourism

8. Date(s) and times to held:

July 9th, 10am-4pm Rain Date July 10th

9. Please identify the frequency of this event:

Annual	<input checked="" type="checkbox"/>	One time only	<input type="checkbox"/>
Biennial	<input type="checkbox"/>	Other (Please specify)	<input type="text"/>

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

Lincoln St, from Kaulbach to King - Including parking lot on Lincoln St. across from the Post Office. Garbage cans in parking lot and in park next to Dollar store. Live music in the green space next to Dollar Store. Site Map attached.

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.

COI attached.

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

1. Closure of the three blocks of Lincoln St, including parking lot from Friday evening until Saturday at 4pm. 2. Extra garbage/recycling bins placed in the closure area 3. Turn on electrical box located in parking lot on Friday evening 4. Electrical next to Dollar Store to

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

Yes. As in previous years, the town's support would help ensure this event draws many visitors and showcases Lunenburg's unique draw.

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

(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:

StreetFest



 Garbage Cans

 Street/Parking Closures

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 PO Box 129, Lunenburg NS POSTAL CODE: B0J 2C0		2. INSURED'S FULL NAME AND MAILING ADDRESS Lunenburg Board of Trade PO Box 1300, 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) Proof of insurance to the Town of Lunenburg for Streetfest 2022 taking place on July 9th						
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 <input type="checkbox"/> NON-OWNED AUTOMOBILES <input type="checkbox"/> Pollution Liability Exclusion Standard <input type="checkbox"/> Limited – 120 hours <input type="checkbox"/> Other	501596446	2022/06/01	2023/06/01	BODILY INJURY AND PROPERTY DAMAGE LIABILITY		
				EACH OCCURRENCE	5,000,000	
				<input checked="" type="checkbox"/> GENERAL AGGREGATE (Form No. L321)	5,000,000	
				PRODUCTS - COMPLETED OPERATIONS AGGREGATE		5,000,000
				ABUSE AGGREGATE		
				<input checked="" type="checkbox"/> PERSONAL INJURY AND ADVERTISING INJURY LIABILITY - Any one person or organization, and in the Aggregate	5,000,000	
				MEDICAL PAYMENTS – Any one person		50,000
				TENANTS' LEGAL LIABILITY – Any one premises		500,000
				NON- OWNED AUTOMOBILE - Any One Accident Limit:		
				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 PO Box 129, 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.	
		TYPE	NO.	TYPE	NO.	
SIGNATURE OF AUTHORIZED REPRESENTATIVE:		E-SIGNED by Scott Horton on 2022-05-13 10:09:17 ADT		EMAIL ADDRESS: scott.horton@huestis.ca		
				DATE (YYYY/MM/DD) 2022-05-13		



**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"):

Heartland Tour 2022

2. Name of organization hosting/planning event:

Cardiac Cycle Society of Nova Scotia

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 3229 145

4. Key contact for event:

Name: Kimble Meagher

Address: [Redacted]

Postal Code: Mahone Bay B0J 2E0

Phone No. [Redacted] (H) _____ (O) _____ (F) _____

Secondary contact for event:

Name: Dr Nicholas Giacomantonio

Address: [Redacted]

Postal Code: Halifax

Phone No. [Redacted] (H) _____ (O) _____ (F) _____

5. Name and main theme of event:

Heartland Tour . Promotion/Benefits of
an Active lifestyle

6. Main activities of event:

Walking / Hiking / Road Cycling / Trail Cycling

7. Objectives of event in order of priority:

- Promote Benefits of Active lifestyle
- Health & wellness
- Active participation

8. Date(s) and times to held:

Thursday July 14. IN Lunenburg
11:30am 1:00pm

9. Please identify the frequency of this event:

Annual

One time only

Biennial

Other (Please specify)

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

Enter Lunenburg via Maple Ave / Falkland St / Lincoln St /
Linden Ave / Blue base Dr / Lunenburg wharf for lunch @
Old Fish Factory / Leave via Lincoln St / Falkland St / Tan Yard Rd
Mason Beach Road.

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.

We can include Town of Lunenburg as additional
INSURED.

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:

N/A

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

There will be 500+ people and many from outside of the area. RCMP and volunteer marshalls to manage cyclist

(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:



EVENT SAFETY CHECKLIST

(tick box as required)

General Events

- Have the following key personnel been identified? Event organiser, safety manager, chief steward, stewards?
- Do you have permission from the landowner?
- Is the site suitable for your event? (Is there a more suitable site?)
- Have you carried out a risk assessment to make sure you have all the necessary health and safety measures in place?
- Have you decided who should be responsible for health and safety at your event?
- Have you provided necessary information for example, maps and site plans details of gas/electricity installations and an outline programme of events?
- Do you know how many people you are expecting? *500 +*
- Do you know where the entrances and exits on your site are?
- NA* Are the entrances and exits controlled, stewarded, suitable for baby buggies and wheelchairs and appropriately signed?
- Do you have trained, briefed and clearly identifiable volunteers?
- Have you met the needs of people with disabilities?
- Have you set up a reliable system of communication between key people?
- Have you set up a reliable system of communication with the audience/crowd?
- Has a control point been identified, call signs predetermined and announcements prepared?
- Are crowd control barriers necessary? *NO*
- Are emergency procedures in place and have these been agreed with the emergency services?
- Can emergency vehicles get on and off the site easily?
- Do you have effective fire control measures in place? *NA*
- Do you have adequate first aid facilities? *(Doctors on site)*
- Do you need any other special arrangements for example, for lost children, lost property, drinking water, toilets, noise control or parking? *NO*



CERTIFICATE OF INSURANCE

RECREATION NOVA SCOTIA A/O MEMBER CLUBS, ASSOCIATIONS & GROUPS (AS ENDORSED HEREON)

This is to certify that the policy of insurance as herein described has been issued to the above insured and the group/association named below is added as a "Named Insured" and the policy is in force as of the date stated hereunder:

Named Insured: Cardiac Cycling Society of Nova Scotia

Policy Number: CAS630428-05

Term: April 1, 2022 to April 1, 2023

Description of Operations: Sport, Recreation & Leisure Activities
(As per application on file with insurer)

Limit of Liability: \$2,000,000 inclusive limit

Deductible: \$1,000 for Bodily Injury, Property Damage, Personal and Advertising Injury & Tenants Legal Liability

E & O Liability: \$1,000,000 (Directors & Officers/Wrongful Acts); \$1,000 deductible

Insurer: Certain Underwriters at Lloyd's, Under Agreement No. MKL2022001

The insurance afforded is subject to the terms, conditions and exclusions of the applicable policy.

Policy Endorsements, Exclusions, Amendments:

- Commercial General Liability-Occurrence Form - WCGE102101
- SPF # 6 Non-Owned Auto - CGE1392012
- SEF#96 Contractual Liability Endorsement - CGE1412012
- SEF#99 Excluding Long-Term Leased Vehicle - CGE1422012
- Watercraft Exclusion Amendment - CGE2512104
- Sports Activities Exclusion - CGE2282103
- Amending Limits of Insurance - Schedule of Named Insureds - CGE2112103
- Additional Insured - CGE1172012
- Virus, Bacteria, Disease and Contagion Exclusion - CGE1272012
- Errors And Omissions Liability (with coverage for Directors and Officers) Occurrence, Defense Expenses Included in Limit - CGE3212111
- only applicable if noted above
- Schedule of Named Insureds - CGE2312103

Countersigned by:
Brokerlink Insurance
Dana Smith
Authorized Representative