



AGENDA

Planning Advisory Committee Meeting

Monday, February 10, 2020 at 4:30 p.m.

Lunenburg Town Hall, 2nd Floor, 120 Cumberland Street

1. Agenda - *motion to approve.*
2. Planning Advisory Committee January 13, 2020 meeting minutes - *motion to approve.*
3. Correspondence
 - a. Heritage Advisory Committee November 18, 2019 meeting minutes – *recommendations regarding ABCO and Amero planning applications;*
 - b. Letter from Rev. Oliver Osmond, Buena Vista Court, regarding ABCO planning application;
 - c. Letter from Mary Knickle, Broad Street, regarding Amero planning application; and
 - d. ABCO Industries Video of 3D rendering of proposed addition.
4. Public Hearings and Presentations
5. Unfinished Business
 - a. ABCO Industries Inc. request to remove 6 x properties from the Architectural Control Area on Tannery Road – *staff report/recommendations;* and
 - b. Amero request to remove Lot A1 from the Architectural Control Area on Dufferin Street – *staff report/recommendations.*
6. New Business
7. Next Meeting Date – *as required.*
8. Adjournment – *motion to adjourn.*

PLANNING ADVISORY COMMITTEE MEETING MINUTES

MONDAY, JULY 9, 2018 AT 4:30 P.M.

(LUNENBURG TOWN HALL)

PRESENT: Councillor John McGee, Chair
Will Brooks
Councillor Danny Croft
Peter Goforth
Derek Kinsmen
Susan Sanford

ALSO PRESENT: Bea Renton, CAO
Dawn Sutherland, Planning/Development Manager

ABSENT: Councillor Matt Risser

The Chair called the meeting to order at 4:30 p.m.

1.) Agenda

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

2.) Planning Advisory Committee May 14, 2018 meeting minutes

Motion: moved and seconded to approve the May 14, 2018 minutes. Motion carried.

3.) Public Hearings and Presentations

Nil.

4.) Unfinished Business

a. Review of height restrictions for new buildings and additions in the Marine Industrial (MI) and Commercial Zones

The PDM reviewed her report (**Schedule "A"**). Committee members discussed the current provisions and decided to take no action to amend at this time.

5.) New Business

6.) Next Meeting Dates – Monday, September 10 and November 5, 2018 at 4:30 p.m.

7.) Adjournment - motion.

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

The meeting was adjourned at 510 p.m.

Bea Renton, CAO

HERITAGE ADVISORY COMMITTEE MEETING RECOMMENDATIONS
MONDAY, NOVEMBER 18, 2019

1. (a) Recommend to the Planning Advisory Committee the refusal of ABCO's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove six (6) properties along Tannery Road from the Architectural Control Area as per the staff report (Schedule "D"); and

(b) Include the proviso that the use of metal cladding be permitted under the revised Heritage Conservation District Plan and Bylaw for commercial and industrial buildings in New Town Waterfront Buildings Area, where it is fitting with surrounding buildings.
2. to recommend to the Planning Advisory Committee the refusal of the owner's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove Lot A1 (PID# 60642741), Dufferin Street, a vacant lot, from the Architectural Control Area as per the staff report (Schedule "E").

HERITAGE ADVISORY COMMITTEE MEETING MINUTES

MONDAY, NOVEMBER 18, 2019 AT 5:15 P.M.

(LUNENBURG TOWN HALL)

PRESENT: Councillor Peter Mosher, Chair
Councillor Ronnie Bachman
Stephen Ernst
Nathalie Irving (departed 6:23 p.m.)
David John Lobb
Oliver Osmond
Mayor Rachel Bailey, ex officio

ALSO PRESENT: Arthur MacDonald, Heritage Manager
Heather McCallum, Assistant Municipal Clerk

The Chair called the special meeting to order at 5:15 p.m.

1. Agenda

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

2. September 16th, 2019 Heritage Advisory Committee meeting minutes

October 7th, 2019 Heritage Advisory Committee meeting minutes

October 15th, 2019 Heritage Advisory Committee meeting PPM minutes

October 21st, 2019 Heritage Advisory Committee meeting PPM minutes

October 21st, 2019 Heritage Advisory Committee meeting minutes

Motion: moved and seconded to approve the September 16, October 7, and 21, 2019 Heritage Advisory Committee meeting minutes and the September 15 and 21, 2019 Heritage Advisory Committee Public Participation Meeting minutes. Motion carried.

In response to a Committee question on matters arising from the October 7, 2019 minutes, the heat pump installed at 112-118 Lincoln Street is not yet screened. The Heritage Manager (HM) is aware of the status and confirmed the screen will be put in place.

3. Public Hearings and Presentations

Nil.

4. Unfinished Business

a. Heritage Conservation District Plan and By-law Review

The HM circulated the handout “Uses excluded from Heritage Conservation District (HCD) Plan and By-law” (Schedule “A”) and reviewed his report (Schedule “B”), including several public submissions for a potentially further expanded Heritage Conservation District (HCD) boundary.

In response to questions by the Committee, the HM explained that if boundaries are changed, a new Background Study would be required which would in turn have to be re-submitted to Council and the Province for approval.

The Committee agreed by consensus that they will proceed with the current Heritage Conservation District boundaries as envisioned in the Background Study approved by Council on March 27, 2018 (Schedule “C”). The Committee is open to considering expansion of the boundaries once the revised Heritage Conservation District Plan and Bylaw come into effect.

5. New Business

The Chair noted that while the Planning Advisory Committee has authority over amendments to the Municipal Planning Strategy and Generalized Future Land Use Map, the applications for removal from an Architectural Control Area were raised by members of the public in both HAC Public Participation Meetings (October 15 and 21). For this reason, and because changing the boundaries on Land Use Bylaw (LUB) Architectural Control Areas affects the boundaries for the proposed Heritage Conservation District, comments on the applications from a heritage perspective is considered relevant to this Committee. Possible feedback to PAC will therefore be considered by HAC at this meeting for these two agenda items.

a. 69 Tannery Road – ABCO’S Removal from LUB Architectural Control Area

The HM reviewed his report (Schedule “D”) to offer a heritage impact analysis of ABCO’s application for the purpose of manufacturing expansion. He advised that the revised Heritage Conservation District Bylaw, if passed, has provisions regarding buildings located in the Waterfront Buildings Area that are not as stringent at the current LUB Architectural Control Area provisions. A new commercial or industrial building would currently trigger a public hearing under the revised Heritage Conservation District Bylaw, but building expansions under a single roof form would not. Building expansions are not limited in size provided each component under a single roof form does not exceed 800 square metres.

The Committee discussed the historical relevance of former Camp Norway, as a Norwegian military training facility during WWII, which is located on ABCO’s property.

Motion: moved and seconded to:

- a) Recommend to the Planning Advisory Committee the refusal of ABCO’s request to amend the Generalized Future Land Use Map (GFLUM) of the Town’s

Municipal Planning Strategy (MPS) to remove six (6) properties along Tannery Road from the Architectural Control Area as per the staff report (Schedule "D"); and

- b) Include the proviso that the use of metal cladding be permitted under the revised Heritage Conservation District Plan and Bylaw for commercial and industrial buildings in New Town Waterfront Buildings Area, where it is fitting with surrounding buildings.

Motion carried. Councillor Bachman voted in the negative.

The Committee discussed the HM's suggestion that correspondence be sent to Parks Canada requesting their review and comments in keeping with the Operational Guidelines for the Implementation of the World Heritage Convention regarding the potential infilling of Lunenburg's Harbour and the potential development of the infilled lands' possible impact on the Outstanding Universal Value of the Old Town Lunenburg World Heritage Site.

The Committee decided by consensus that it was premature to correspond with Parks Canada regarding any potential future infill development, as there is no current application from ABCO regarding this.

b. Lot A1- Dufferin Street – Removal from LUB Architectural Control Area

The HM reviewed his report (Schedule "E").

Motion: motion moved and seconded to recommend to the Planning Advisory Committee the refusal of the owner's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove Lot A1 (PID# 60642741), Dufferin Street, a vacant lot, from the Architectural Control Area as per the staff report (Schedule "E"). Motion carried.

The HAC's recommendations on the two applications and HM's reports will be forwarded to the PAC for their possible consideration.

6. Adjournment

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

The meeting was adjourned at 7:27 p.m.

The next meeting is scheduled for Wednesday, January 20, 2020 at 5:15 p.m.

Heather McCallum, Assistant Municipal Clerk

Circulated: _____

Document No: 5(a)
Meeting: HAC – November 18, 2019
Circulate To: HAC, Council, BR,
File:

MEMORANDUM

TO: TOWN COUNCIL/HERITAGE ADVISORY COMMITTEE
FROM: ARTHUR MACDONALD, HERITAGE MANAGER
DATE: NOVEMBER 12, 2019
RE: 69 TANNERY ROAD – ABCO’S REMOVAL FROM ARCHITECTURAL CONTROL AREA

1. FACTS

A. Background

ABCO has made a request to amend the Generalized Future Land Use Map (GFLUM) of the Town’s Municipal Planning Strategy (MPS) to remove six (6) properties along Tannery Road from the Architectural Control Area. During a Council Meeting on October 22, 2019 Council referred the request to the Planning Advisory Committee for consideration. As one of the intents of the proposed Heritage Conservation District (HCD) Plan and By-law is to incorporate the Architectural Control Areas into the District this request has implications on the proposed HCD.

B. Proposal

The proposal is to remove six (6) of ABCO’s properties as shown on **Attachment A** from the Architectural Control Area of the GFLUM.

2. ISSUES AND OPTIONS

The Background Study for the Revised HDC Plan and By-law was approved in March, 2018. This document provided the rationale for the proposed heritage district boundaries which was based on MPS Policy 10.6. This Policy supported the inclusion of the Architectural Control Areas into the Heritage Conservation District. By removing lands from the Architectural Control Area by default the lands should then be removed from the proposed District. However, this may not necessarily be the case.

The owners have expressed an interest in expanding the ABCO building to facilitate an industrial expansion. Under the current requirements of the Architectural Control Area, such an expansion is limited by Part 26G.3 of the Land Use By-law. The Municipal Planning Strategy provisions respecting the Architectural Control Area are enclosed in **Attachment F** and the Land Use By-law Provisions respecting the Architectural Control Area are enclosed in **Attachment G**.

It should be noted that the proposed HCD By-law does not have the same limitation in the Waterfront Buildings Area as described on the proposed Waterfront Buildings Area Map. As drafted, the only limitation in size, other than the zone requirements of the Marine Industrial (MI) Zone pursuant to the Land Use By-law, is that the massing under a single roof form shall not exceed 800 sq. metres (8611 sq. ft.). There is no limitation to a maximum size provided the massing is broken into parts not exceeding 800 sq. metres (8611 sq. ft.).

The applicant has expressed an interest in expanding using non-traditional wooden materials. It is quite common to have industrial buildings with exterior metal cladding which is currently prohibited under the proposed HCD Plan and By-law. Council may wish to consider the option of creating two (2) Waterfront Buildings Areas – one associated with the Old Town Waterfront; and, the other associated with the New Town Waterfront. Such a proposal could keep the restriction on wooden materials in the Old Town Waterfront Area whereas modern contemporary materials could be used in the New Town Waterfront Area. If such a distinction is made in the proposed HDC ABCO could expand and remain part of the Heritage Conservation District provided the expansion's massing, scale and design is compatible with Lunenburg's vernacular waterfront building's design as shown in **Attachment H**.

The HCD Plan and By-law supports the conservation of the streetscape. The historic streetscape of Tannery Road should be maintained. In light of this the front portions of the residential properties located at 57 and 61 Tannery Road as well as the front portion of 69 Tannery Road and the vacant lot (PID# 60672839) should be re-designated Residential pursuant to the Generalized Future Land Use Map (GFLUM) of the Municipal Planning Strategy and rezoned to Residential (R) pursuant to the Zoning Map of the Land Use By-law, and be maintained in the proposed Heritage Conservation District.

During the Public Participation Meetings regarding the proposed HDC, many expressed their interest in expanding the District's boundaries along the shoreline of Lunenburg's harbour, including the Foundry lands, the Golf Course as well as an extension along Bruma Road. This is in keeping with one of the goals of the HCD Plan - *to conserve the historic waterfront*. The removal of ABCO's six (6) properties along with the Island, PID # 60386000, would effectively compromise the Plan's ability to accomplish this goal. In light of the above the HM is not in favour of such removals from the HCD Plan and the current Architectural Control Area of the MPS. Such removal would not only be considered to be contrary to MPS Policy 10.6 it would essentially compromise the wishes of the majority of those attending the Public Participation Meetings for the proposed HCD.

With regards to the design of Waterfront Buildings located in the Waterfront Buildings Area Map of the proposed HCD it is important to recognize that the proposed HCD Plan supports a working waterfront. The Plan goes as far as stating that, when need be, design function shall triumph over conservation design guidelines as outlined in Policy 2.3.3 below. The proposed HCD Policies related to waterfront development are provided in **Attachment I** for your review.

2.3.3 It shall be the intention of Council to recognize the unique nature of Lunenburg's waterfront as a working harbourfront and enable the ability to ensure that, when need be, design function shall triumph over conservation design guidelines provided that the development is compatible with Lunenburg's waterfront building vernacular in style, building form, size, materials, and height.

If Council wishes to approve the request, at a minimum the streetscape along Tannery Road should be protected. Staff has provided a sketch of what such may look like as an alternative option for the Planning Advisory Committee's consideration (**Attachment J and K**). The applicant has submitted correspondence enclosed as **Attachment L** for consideration on this alternative concept.

The draft Heritage Conservation District Plan has policy provisions related to the expansion as well as the reduction of the Heritage Conservation District. If the subject lands were currently part of the Heritage Conservation District, Policy 3.2.2 would be relevant for Council's consideration.

3.2.2 It shall be the intention of Council where application is made or on its own motion to consider the reduction of the Heritage Conservation District's boundaries where:

- the architectural character, landscape character, historical association, scenic quality or other characteristics of the property or area in terms of its value as part of the Heritage Conservation District is no longer apparent and relevant and its removal does not adversely affect the cohesiveness of the District or adversely affects the architectural built environment of the District or its setting;
- the continued inclusion of the property or area within the district places an undue and unreasonable hardship upon the property owner or owners; and
- Council has exhausted any other practical alternatives to the boundary amendment which may be available.

3. FINANCIAL IMPACT

There could be dire consequences if such a proposal goes forward. ABCO's future plans may include the filling in of the harbour to create a commercial/residential mixed use development that would impact the views of the UNESCO World Heritage Site from Tannery Road. This view is so iconic that it was placed on the \$100 bill as shown below:



The disruption in this iconic view of Old Town Lunenburg may place the Old Town's designation as a World Heritage Site in jeopardy. The costs associated with losing this designation could be very significant not only for the local economy and the Town but also for Nova Scotia. The monetary costs may be significant but the cultural costs may be just as significant if not more so. Dresden Germany lost its UNESCO Designation when they built a bridge that impacted the views and traffic patterns of their site. Further information may be obtained at <https://whc.unesco.org/en/soc/611>

Though the infilling of the Harbour is a separate issue requiring Federal and Provincial approvals, the removal of the lands from the Architectural Control Area and their subsequently removal from the proposed HCD Plan and By-law would enable development to proceed without any checks and balances associated with its design. With the potential of developing the infilled lands of the Harbour, if there are deemed to be substantial impacts to the Outstanding Universal Value (OUV) of a World Heritage Site, whether inadvertent, planned or potential, there is an obligation to inform the World Heritage Centre through Parks Canada. Under the Operational Guidelines for the Implementation of the World Heritage Convention there is a reporting obligation if the

managing authority (Council) believes there is a potential threat to the heritage value of the place as defined in the OUV statement. In light of the above, staff is recommending that the Town forward correspondence to Parks Canada with regards to the potential impacts the infilling and potential development of the infilled lands may have on the Old Town Lunenburg World Heritage Site.

It should be noted that the Town has not received any concept plans for the ABCO building's expansion. One could argue that such a decision on such a request to remove the lands from the Architectural Control Area is premature given that Council has no concept plans for the site.

4. STRATEGIC PLAN RELEVANCE

This project is deemed contrary to the Town's Strategic Plan with regards to:

Strategic Plan Goal #1A – Promote a high quality of life for residents by enhancing appreciation of Lunenburg's heritage;

Strategic Plan Goal #2B – Celebrate our community by cultivating a positive visitor experience;

Strategic Plan Goal #2D – Celebrate our community by promoting our UNESCO designation;

Strategic Plan Goal #4B – Foster an environment for business success by using assets like our historic significance and distinct waterfront to attract development;

This project is in keeping with:

Strategic Plan Goal #4 – Encouraging business development initiatives;

5. RECOMMENDATION - OPTIONS

A. It is recommended that the Heritage Advisory Committee review the following options:

1) Recommend to the Planning Advisory Committee (PAC) the refusal of the ABCO's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove six (6) properties along Tannery Road from the Architectural Control Area.

2) Recommend to the Planning Advisory Committee (PAC) the approval of the ABCO's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove six (6) properties along Tannery Road from the Architectural Control Area.

3) Recommend to the Planning Advisory Committee (PAC) that a portion of ABCO's properties be removed from the Architectural Control Area as defined on the GFLUM of the Town's Municipal Planning Strategy and maintain the front portion of the lots along Tannery Road as part of the Architectural Control Area as shown in **Attachment J**; and

Concurrently amend the GFLUM to re-designate the front portion of lands of ABCO from "Industrial" to "Residential" as shown in **Attachment J**; and

Concurrently amend the Zoning Map of the Land Use By-law to re-zone the front portion of lands of ABCO from Marine Industrial (MI) Zone to Residential (R) Zone as shown in **Attachment K**.

Note: Such recommendations will be subject to the review and recommendations of the Planning Advisory Committee who maintains the advisory role to Council on planning matters.

- B.** It is recommended that the Heritage Advisory Committee recommends to Council that correspondence be sent to Parks Canada requesting their review and comments in keeping with the Operational Guidelines for the Implementation of the World Heritage Convention regarding the potential infilling of Lunenburg's Harbour and the potential development of the infilled lands possible impacts on the Outstanding Universal Value (OUV) of the Old Town Lunenburg World Heritage Site.

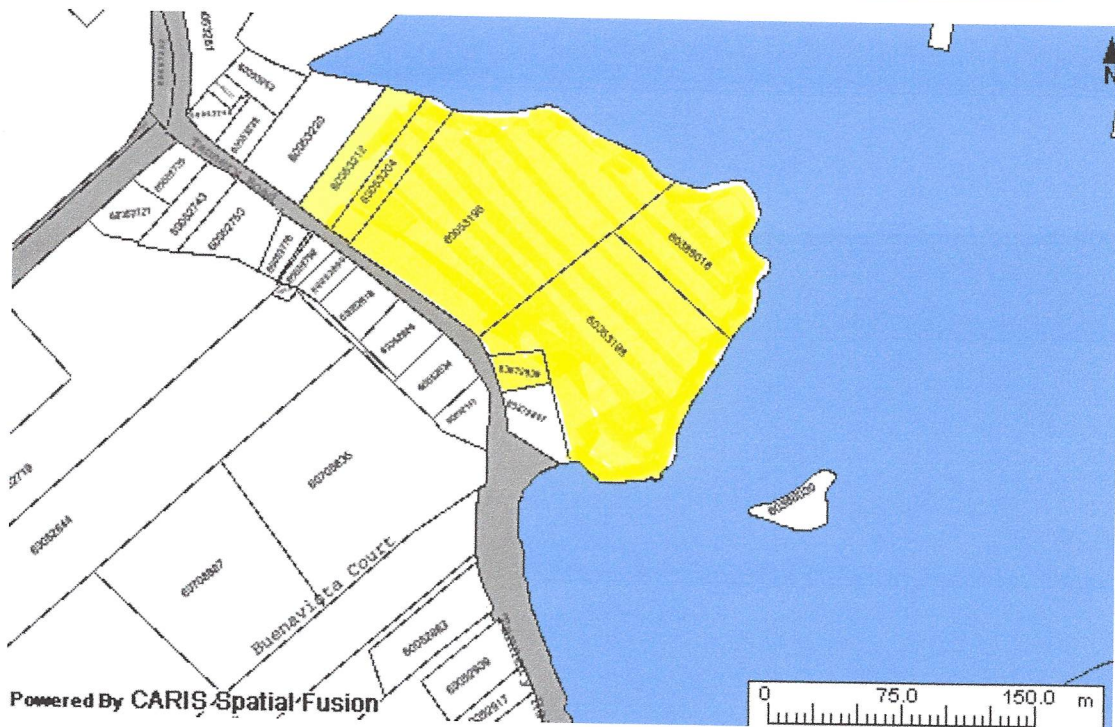
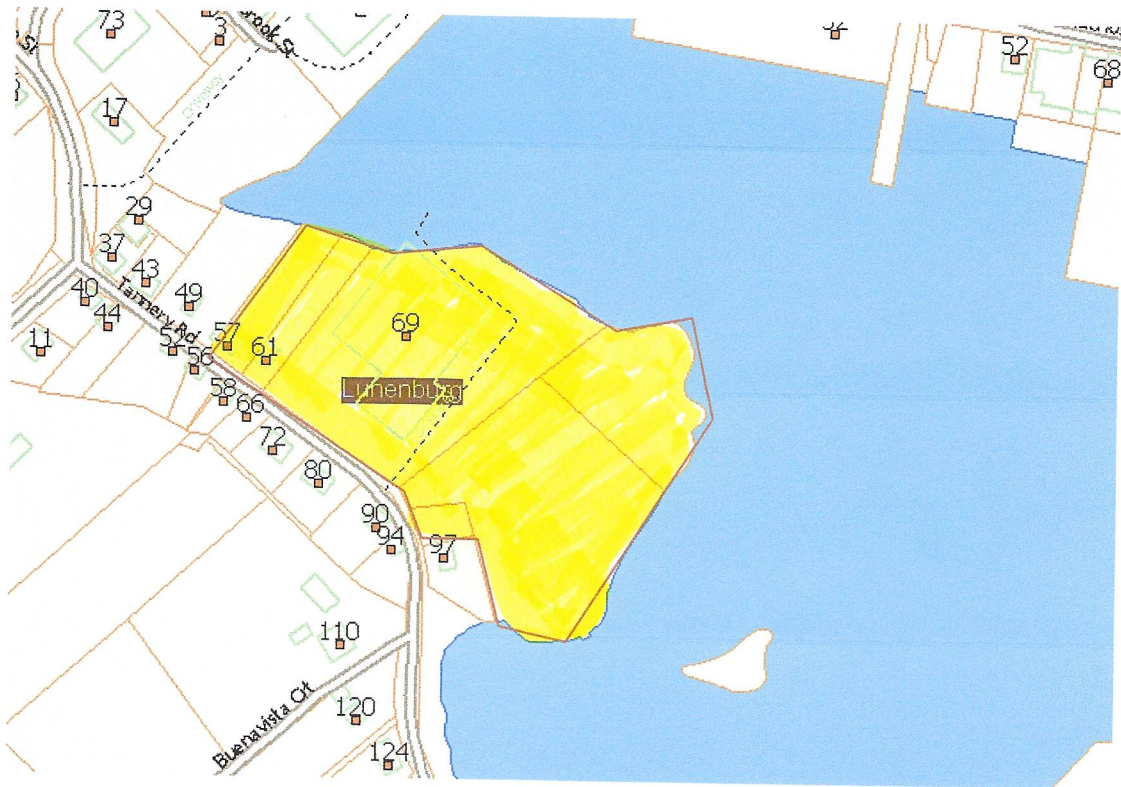
ATTACHMENTS:

- A.** ABCO's Six (6) Properties
- B.** Generalized Future Land Use Map (GFLUM)
- C.** Proposed Heritage Conservation District Map
- D.** Pre-1940's Buildings Map
- E.** Aerial Photos – Tannery Road
- F.** Municipal Planning Strategy Heritage Provisions
- G.** Land Use By-law Architectural Control Area Provisions
- H.** Lunenburg's Waterfront Buildings Form and Roof Shape
- I.** Excerpts from the Proposed HCD Plan
- J.** Alternative Concept GFLUM Proposal
- K.** Alternative Concept Zoning Map Proposal
- L.** ABCO's Response to Alternative Concept Proposal
- M.** Infill Area and Infill Development Concept Sketch
- O.** Blayne Collins Letter dated November 6, 2019
- P.** John Patriarche Letter dated November 6, 2019

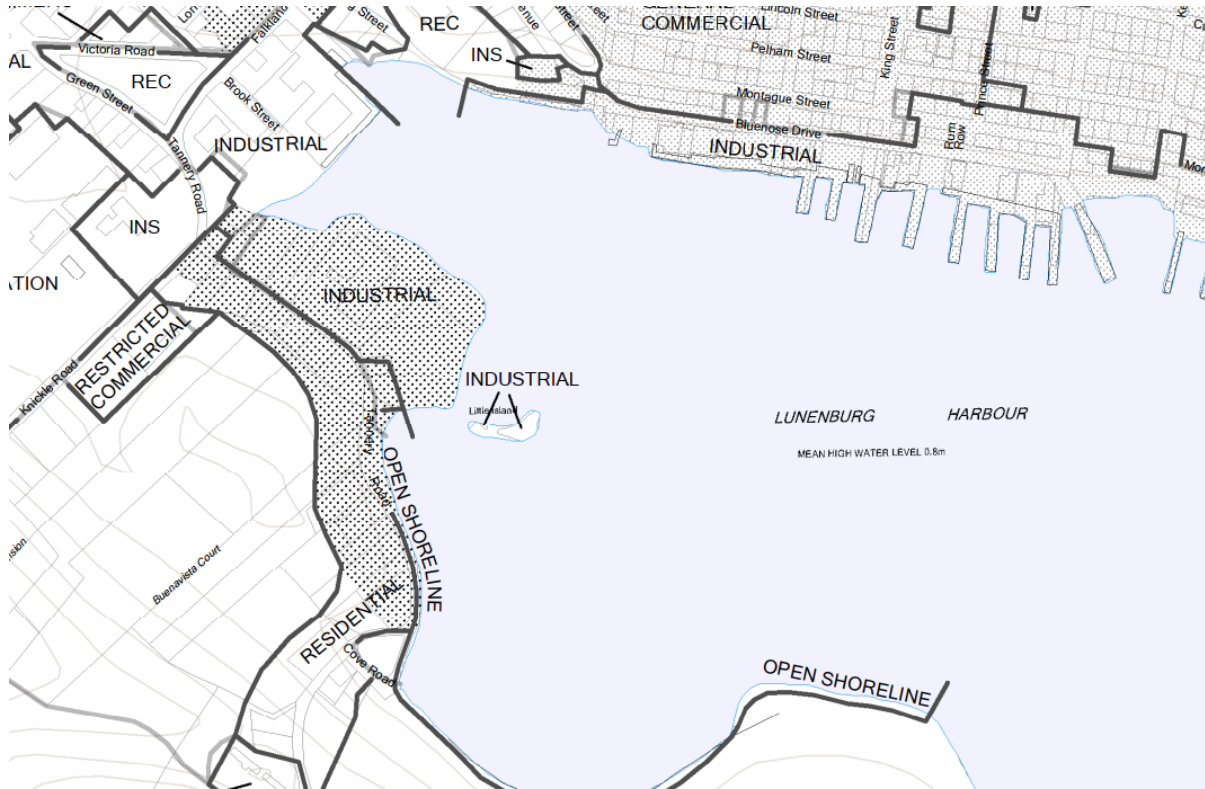
Acknowledged by:

Bea Renton
Town Manager/Clerk

**ATTACHMENT A
ABCO's Six (6) Properties**



ATTACHMENT B
Generalized Future Land Use Map (GFLUM)



ATTACHMENT C
Proposed Heritage Conservation District Map



ATTACHMENT D
Pre-1940's Buildings Map



ATTACHMENT E
Aerial Photos – Tannery Road



ATTACHMENT ‘F’

MUNICIPAL PLANNING STRATEGY HERITAGE PROVISIONS

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

10.1 regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

10.2 designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

10.3 incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:

(a) new buildings; and

(b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

10.4 designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

10.5 regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural

change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

10.6 consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

10.7 encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main Street Program.

10.8 maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.

10.9 ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

ATTACHMENT “G”
LAND USE BY-LAW ARCHITECTURAL CONTROL AREA PROVISIONS

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

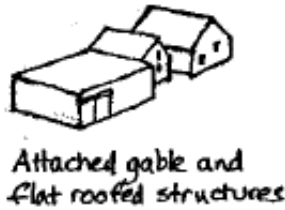
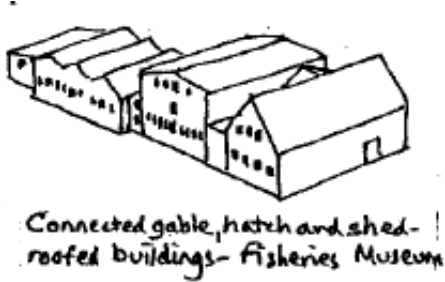
Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations set out in Section 26G.1.

ATTACHMENT 'H'

Lunenburg's Waterfront Buildings Form and Roof Shape

5.1 Form and Roof Shape

New Industrial buildings and/or Waterfront buildings shall have a form and roof shape similar to or adapted from one of the traditional waterfront building forms as shown below:



ATTACHMENT ‘P’

Excerpts from the Proposed HCD Plan

Area off of Tannery Road

The area off of Tannery Road was part of the Architectural Control Area of the Municipal Planning Strategy and Land Use By-law. In keeping with the intent of the Town’s Municipal Planning Strategy, the Architectural Control Area has been incorporated as part of the Heritage Conservation District. Lands along the waterfront, including the two (2) small islands (PID #60386000) are part of the waterfront area as shown on Schedule “B” Waterfront Buildings Area Map. This area is located across from the historic waterfront and any insensitive development would have an adverse effect on the aesthetics of Lunenburg’s waterfront. Any development along this area of Tannery Road should be compatible with the traditional waterfront vernacular to maintain Lunenburg’s traditional historic waterfront built form.

Policies related to the waterfront area as identified on Schedule “B” Waterfront Buildings Area Map are outlined below:

2.3.1 It shall be the intention of Council to include provisions in the Heritage Conservation District By-law which enhances the waterfront building vernacular in a sensitive fashion while enabling the working waterfront to continue as a vital economic marine industry in the area defined on Schedule “B”, Waterfront Buildings Area Map.

2.3.2 It shall be the intention of Council to ensure through their Land Use By-law that working waterfront uses and marine fisheries related uses are maintained as a permitted use within the area defined as Waterfront Building Area on Schedule “B”, Waterfront Buildings Area Map.

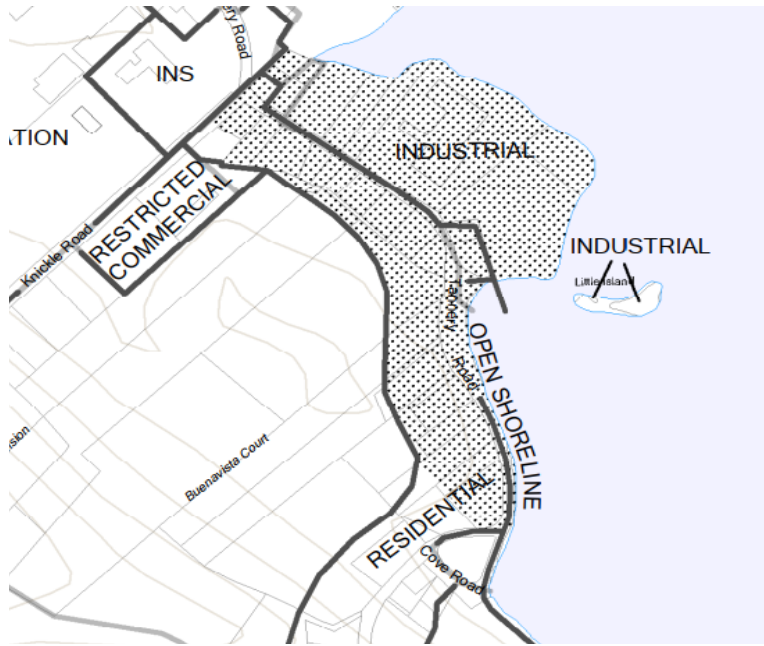
2.3.3 It shall be the intention of Council to recognize the unique nature of Lunenburg’s waterfront as a working harbourfront and enable the ability to ensure that, when need be, design function shall triumph over conservation design guidelines provided that the development is compatible with Lunenburg’s waterfront building vernacular in style, building form, size, materials, and height.

2.3.4 It shall be the intention of Town Council to establish design guidelines for new development and alterations that take into account the working waterfront character of the area and allow for reasonable change, while conserving its marine industrial historical character.

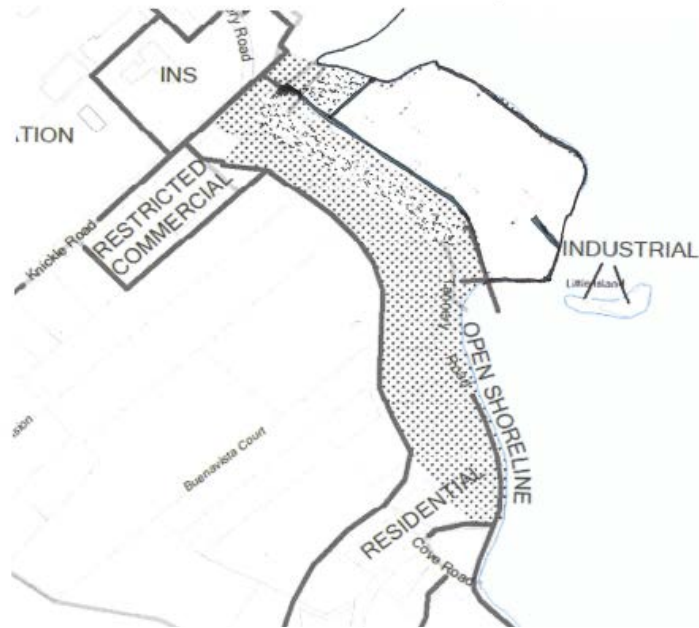
2.3.5 It shall be the intention of Town Council to work in co-operation with waterfront property owners, the fishing industry and the Lunenburg Heritage Society to find ways and means of maintaining historic waterfront buildings and wharves in active, traditional, marine industrial uses and to conserve to the greatest degree possible the authentic, working waterfront atmosphere that characterizes this area.

2.3.6 It shall be the intention of Town Council to encourage the Lunenburg Marine Museum Society to ensure that any tourism-related development on the museum site will be in keeping with the traditional marine industrial heritage character of the area.

ATTACHMENT "J"
Alternative Concept GFLUM Proposal

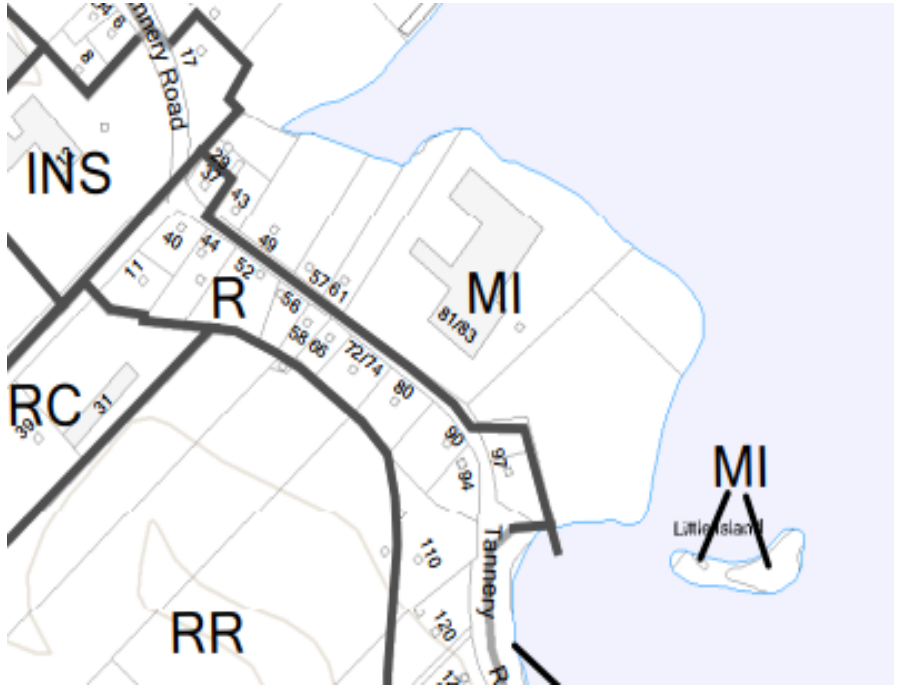


Existing GFLUM

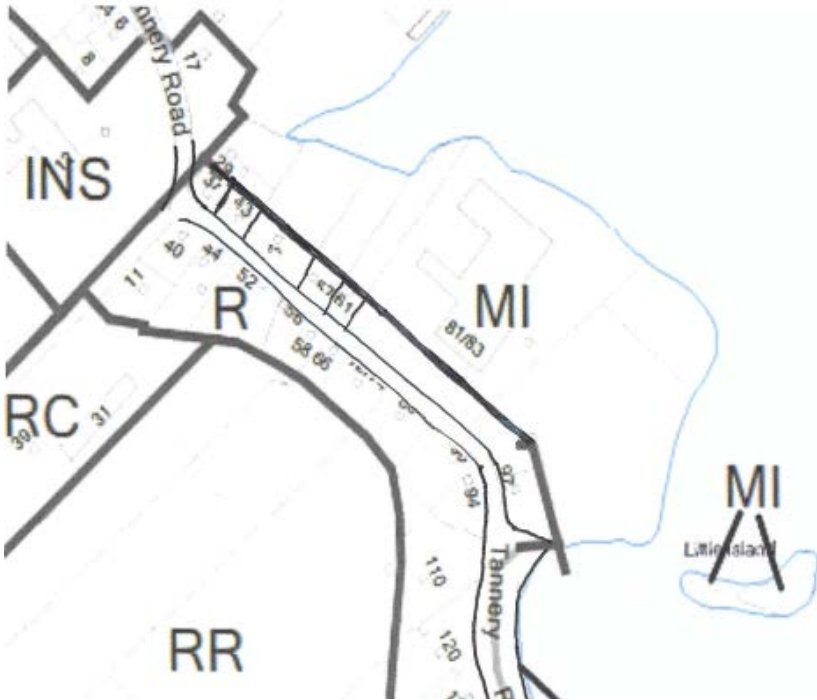


Proposed GFLUM

ATTACHMENT "K"
Alternative Concept Zoning Map Proposal



Existing Zoning Map



Proposed Zoning Map

ATTACHMENT L

To Whom it may concern,

After a brief conversation with an official at Town Hall, I understand that there is some interest in applying a Residential zoning to selected areas of the properties owned by 3-H ABCO Holdings. I was shown a sketch of ABCO properties that depicted a Residential zoning to be applied 100 ft back from the road frontage with the remainder of the property to be placed under Marine Industrial conditions only.

Ownership and Management of ABCO discussed the item and have an alternative proposal: We would be agreeable to submitting the areas 100 feet back from the road as Residential where the 2 houses currently sit. The area in front of ABCO will continue to be used as a parking lot but we are not interested in putting Residential regulations on that space. Instead, we would offer to grant an easement onto the lawn of ABCO for a side walk (only) that would allow the trees to be left standing and allow for safe passage along that section of the road.

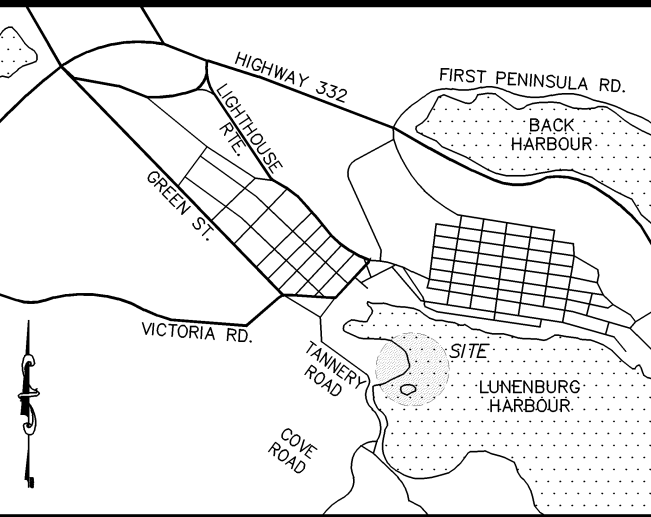
Travelling down Tannery Road, past ABCO operations, we would still ask that the greenfield lands be left unaffected by a Residential tag and be left in the Marine Industrial zoning.

I have submitted my application for removal from the Architectural Control zones today, so I submit this letter as a discussion piece only as I understand those involved have some concerns. The actions outlined here are in response to a passing conversation and are not to be taken as official offers.

Thank you,

Jason Huskison

Attachment M



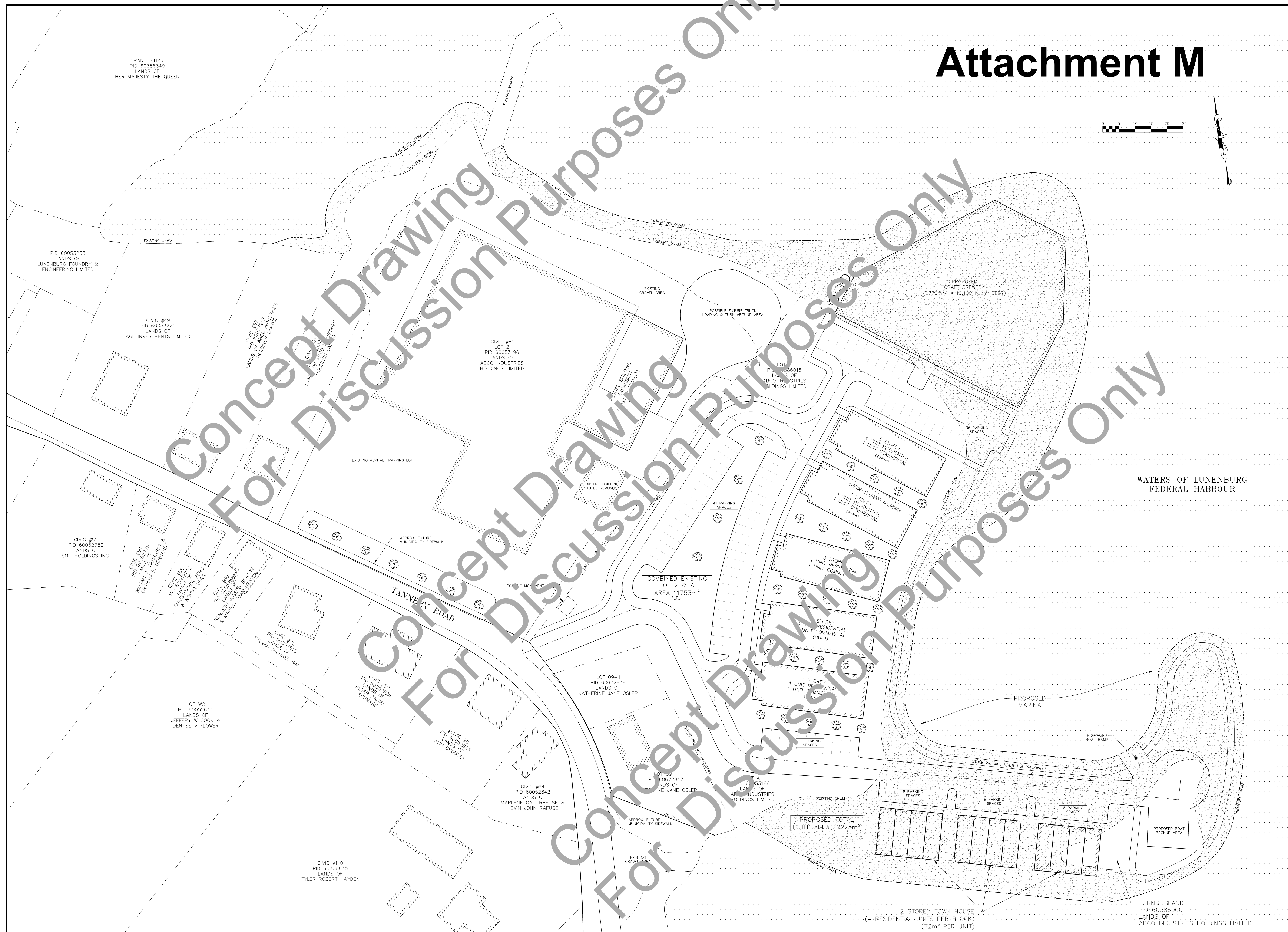
Key Plan NOT TO SCALE

LEGEND

- STREET TREE
- CONCRETE CURB & GUTTER
- SIDEWALK
- DRIVEWAY
- PEDESTRIAN RAMP
- PROPOSED C & ALIGNMENT
- PROPERTY LINE
- EXISTING PROPERTY LINE
- PARKING STALL PAINT
- PROPOSED BUILDING OUTLINE
- EXISTING BUILDING OUTLINE
- PROPOSED OHWM
- EXISTING OHWM

NOTES:

1. EXISTING ORDINARY HIGH WATER MARK IS BASED ON PUBLIC WORKS AND GOVERNMENT SERVICES CANADA REAL ESTATE SECTOR, PLAN S-5918 SHEET 7 OF 11, LIMIT OF FEDERAL HARBOUR DATED JANUARY 6, 2016.
2. THIS PLAN SHALL NOT BE USED FOR BOUNDARY DEFINITION OR AS A REFERENCE DOCUMENT FOR THE PREPARATION OF LEGAL DESCRIPTIONS.
3. INFORMATION SHOWN AS TO EXISTING WORKS IS APPROXIMATE. EXACT LOCATION, IF REQUIRED, SHALL BE DETERMINED IN THE FIELD BY CONTRACTOR.
4. NO WORK TO BE COMPLETED BELOW THE EXISTING ORDINARY HIGH WATER MARK WITHOUT PROPER PERMITS AND APPROVALS.



No.	Description	Date	By
1.	CLIENT COMMENTS	01-29-2019	NS
0.	ISSUED FOR REVIEW	12-19-2018	NS

Revision or Issue



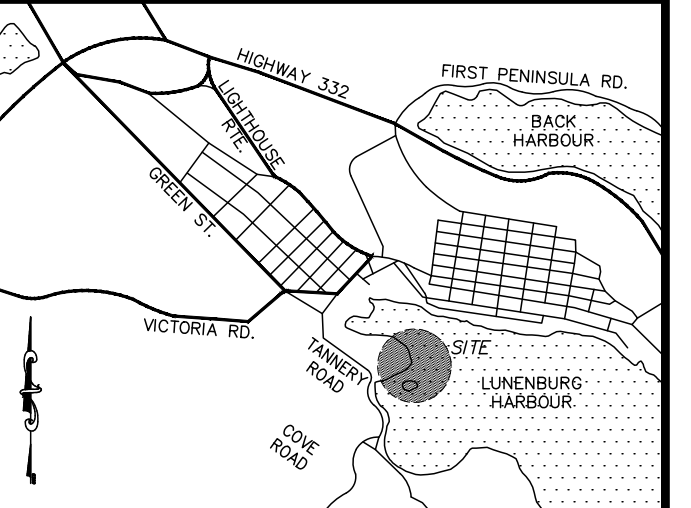
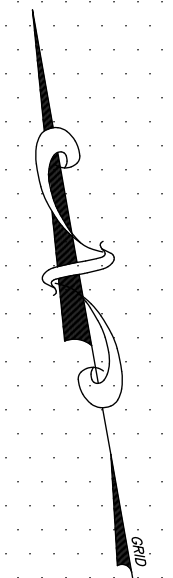
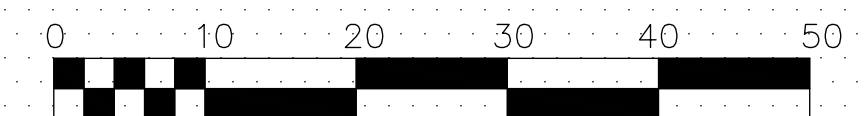
Project
LUNENBURG HARBOUR DEVELOPMENT

Drawing
CONCEPT PLAN

Scale 1:500

Date	Design	Check	Drawn
Dec 19, 2018	NS	NS	MMH
Project No.	18-6580	Sheet	1 Of 1
Drawing No.	C01	Rev.	1

ATTACHMENT M

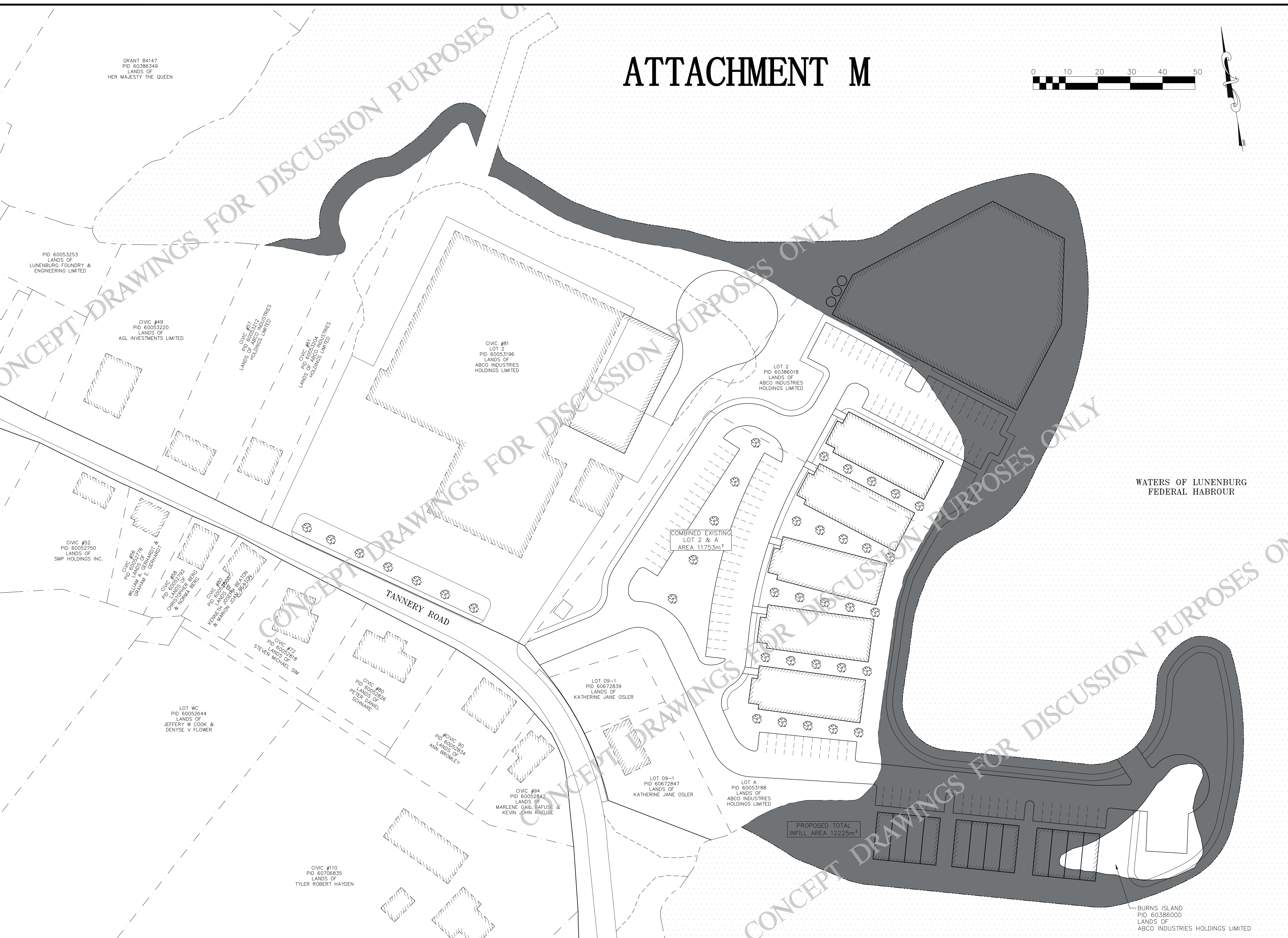


Key Plan NOT TO SCALE

LEGEND

- STREET TREE
- CONCRETE CURB & GUTTER
- SIDEWALK
- DRIVEWAY
- PEDESTRIAN RAMP
- PROPOSED & ALIGNMENT
- PROPERTY LINE
- EXISTING PROPERTY LINE
- PARKING STALL LINE
- PROPOSED BUILDING OUTLINE
- EXISTING BUILDING OUTLINE
- PROPOSED OHWM
- EXISTING OHWM

- NOTES:**
1. EXISTING ORDINARY HIGH WATER MARK IS BASED ON PUBLIC WORKS AND GOVERNMENT SERVICES CANADA REAL ESTATE SECTOR, PLAN S-5918 SHEET 7 OF 11, LIMIT OF FEDERAL HARBOUR DATED JANUARY 6, 2016.
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Strum CONSULTING

Project
LUNENBURG HARBOUR
DEVELOPMENT

Drawing
DISCUSSION PLAN

Scale 1:500

Date	Drawn
Mar 22, 2019	MMH

Design	Check	Approv.
NS	NS	NS

Project No.
18-6580
Sheet
1 Of 1

Drawing No.	Rev.
SK01	2 of 100

ATTACHMENT O

Forgotten Corner
267 Pelham Street
LUNENBURG
B0J 2C0

06 November 2019

Lunenburg Town Council
119 Cumberland Street
Lunenburg

FAO Mayor Bailey
(By email) rbailey@explorelunenburg.ca

Dear Mayor Bailey

Re: Request to remove ABCO Industries Tannery Road properties from Municipal Planning Strategy (MPS) Architectural Control Area

I am writing to you to express my concern and alarm that the Town Council have over the last several months been considering a number of strategic requests and proposals from ABCO Industries in relation to their business and property on Tannery Road.

01 - ABCO request to be excluded from the MPS Architectural Control Area

I attended the Town of Lunenburg Council Meeting held on Tuesday, October 22 and refer to the agenda item 7a. and 'Schedule B' under New Business: '*Request to remove ABCO Tannery Road properties from MPS Architectural Control Area*'. I understand Jason Huskilson, Director of ABCO Industries Holdings Ltd has written to the Town Council '*to request that the lands owned by ABCO Industries Holdings Ltd and ABCO Industries Inc., be removed from the Architectural Control Areas as outlined in the Existing Land Use Bylaw of the Town of Lunenburg*'.

Item 7a refers to Schedule A 'Public Presentation' by The Development and Planning Manager, Dawn Sutherland that explained the request, the process for an MPS (Municipal Planning Strategy) amendment, and the options available to Council at this stage. The summary states:

In this case, the Town has received a letter requesting to remove certain properties from the MPS's Architectural Control Area map to allow for manufacturing expansion. ABCO would like to expand their current manufacturing footprint, and the Architectural Control Area puts limits on the size of expansion.

This is not a request to change planning policy to allow mixed use residential and commercial use in the Marine Industrial Zone, change zoning, nor is it about the harbour seabed.

Based on the agenda and motions at this Council meeting, and that of previous meetings held on 26 March, 09 April, 28 May and 10 Sept it is extremely hard to imagine that this specific request is not connected to other ABCO proposals that I have highlighted below.

It was noted by attendees in the public gallery and subsequently confirmed in the minutes of the meeting that the first motion by Councillor Risser '*that consideration of the ABCO Industries request be referred to the Project Lunenburg plan review process*' was a 'Failed motion in the absence of a seconder.' This was immediately followed by the Motion moved by Councillor

Mosher, seconded by Councillor Croft ‘to invite ABCO Industries to apply to amend Map 2, the Future Land Use Map in the Municipal Planning Strategy, to remove the six identified properties (Schedule “A”) from the Architectural Control Area along Tannery Road, and refer the application to the Planning Advisory Committee.’ This Motion was carried.

However, it should be noted that Councillor Croft as ‘seconded’ failed to declare an interest in the motion as an employee of ABCO Industries, as he has done at previous meetings (26 March and 09 April – see 03 below). As a point of order this motion should not have been carried and should now be rescinded for consideration at the next Town Council meeting. Of the three options (Schedule A) presented to the Town Council by The Development and Planning Manager further consideration should be given to submitting this ABCO request to Project Lunenburg for their plan review. The plan review should also extend to include other requests and proposals made by ABCO as noted below.

02 - ABCO concept proposals for development

At the Town Council meeting held on 26 March ABCO concept proposals were presented 'For Discussion Purposes Only'. The concept drawings (Schedule C) included the following development proposals:

- 32 No. residential units
- 4 No. commercial units
- 101 car parking spaces
- Proposed Craft Brewery (2770 sqm)
- Proposed Marina (Waters of Lunenburg Federal Harbour)
- Future building expansion to ABCO Industries (741 sqm)
- Possible Future Truck Loading & Turn Around Area

The letter from Jason Huskison, Director of ABCO Industries Holdings Ltd states:

The law, as written, demands that any new buildings conform to the style of any structure built pre-1940 within 300 feet. Many of our properties have no buildings that were built before 1940 within 300 feet. This rule will unjustly cause our land ownership rights to be diminished. The current by-law changes the conditions that our waterfront properties currently face. We have planned an expansion to our factory, and we feel that this by-law is detrimental to our growth within the Town of Lunenburg. We understand that another property in Lunenburg is currently in process of having their application to be removed from the same by-law and we ask that we be considered at the same time.

It is clear from the above that the MPS Architectural Control Area and by-law is not detrimental to the growth of ABCO and their planned factory expansion but it is very much a barrier to their future development intentions and ambitions. If the ABCO concept/proposal does not conform to the intent of the MPS and there is no 'development agreement' in place then Lunenburg Town Council should not be considering the ABCO's request to alter the MPS.

03 - ABCO request for letter of Non-Objection on behalf of the Town

I also understand that ABCO Industries Holdings Ltd have previously asked the Town Council ‘to sign the ABCO Letter of Non-Objection on behalf of the Town’ to their proposed development concept and the acquisition of the Federal Harbour seabed. This is clearly to facilitate the ABCO concept proposals for the future residential development on their land including the shoreline and a proposed ‘marina’. A number of motions for this have been passed and rescinded at the 26 March, 09 April, 28 May and 10 Sept Town Council meetings. NB: Councillor Croft during the 26 March and 09 April Town Council meetings declared an interest in the matter because of his employment with ABCO and left his Council seat and sat in

the public gallery. Based on subsequent letters from the Province and Transport Canada (reference LTC meeting 10 Sept-Schedule F) rejecting the above I understand Lunenburg Town Council is unable 'to sign the ABCO Letter of Non-Objection on behalf of the Town'.

Paragraph 19.9.1 of the MPS outlines 'Criteria For Development Agreements and Land Use By-law Amendments'. The above requests and concept proposals by ABCO do not comply with these criteria and should therefore be rejected by the Town Council.

04 – ABCO expansion plans and heritage

'Our Heritage: ABCO was founded in 1947 and occupies the site of 'Camp Norway', a training facility built during WWII. We respect and protect the historical significance of the buildings, which now house our offices. Numerous expansions and modernizations have taken place since our founding.' <http://www.abco.ca/>

ABCO have expressed their concerns about their ability to future expand within the current Marine Industrial Zone. Rather than seek to amend the rules they should be encouraged to focus on how best to do this in accordance with the established design guidelines. Given the great tradition and precedents of marine industrial architecture and vernacular buildings they should instead be encouraged to embrace the architectural controls and guidelines. This would be an opportunity to develop their proposals to reflect the context and respect the setting of the historical harbour and townscape.

Notwithstanding the environmental and ecological impact on the shoreline any 'exclusions' granted to the current MPS Architectural Control Area would set a dangerous precedent, undermine planning legislation and make way for uncontrolled future development.

I would therefore implore the Town Council to wait until the new architectural bylaws are in place before considering the ABCO factory expansion proposals and any other proposals that may impact the designated Architectural Control Area. The architectural committee has estimated that the new bylaws would be in effect by sometime in April 2020. In the meantime there is nothing to stop ABCO from submitting their feasibility proposals 'for discussion purposes' showing their future factory expansion plans within the current Marine Industrial zone.

In summary I would like to appeal to the Town Council that new development proposals of this nature should be appropriate and sustainable for the future of Lunenburg and be subject to community consultation. The Heritage Committee's bylaws and designated district zoning is essential to ensure the high standards of townscape design and the built environment within this UNESCO Town is maintained.

Yours sincerely,

Blayne Collins

Email: blaynelcollins@aol.com

CC (by email)

Chief Administrative Officer/Town Clerk Bea Renton brenton@explorelunenburg.ca

Development/Planning Manager Dawn Sutherland dsutherland@explorelunenburg.ca

Heritage Officer Arthur MacDonald amacdonald@explorelunenburg.ca

Sheila Gallagher saveourlunenburg@gmail.com

P.O. Box 1600
136 Tannery Rd.,
Lunenburg, NS
B0J 2C0

John & Gail Patriarche

ATTACHMENT P

crown@eastlink.ca
Ph: (902) 634-3020

Arthur MacDonald,
Heritage Manager
Town of Lunenburg, NS

Nov. 6, 2019

Dear Arthur MacDonald

I am writing this letter as a result of the letter I received from Parks Canada, Nov. 1, 2019, in response to my original letter to UNESCO. Their letter explains their position on our matter, and in relation to UNESCO.

I bring to your attention para. 3, where they bring to our attention that Tannery Rd. is not in the UNESCO designated area. This is well known, however, I wish to impress on you as Heritage Manager, and the Town Council, that it is not only the boundaries of the Designated Area, that must be considered when planning future development, but also the surrounding area that is affected by 'Line of Sight' towards the Designated Area.

I gave as an example, Dresden, Germany. They were initially designated a UNESCO site, but then a few years later upon building a bridge that offended the Line of Site to their Designated Area, they lost their UNESCO designation.

The proposed Development Plan by ABCO does exactly that.

As para. 3 also explains, it is the Town of Lunenburg who are actually the 'Site Managers' for our World Heritage Site, and therefore I would ask that you and members of Town Council be very careful about endorsing any such Development Plan.

Once again we are not against future development, but just not anything that might affect our UNESCO designation. Surely there are other locations within the Town that could be considered for Commercial/Residential Development. Infilling the harbour is also not desirable.

Sincerely,



John Patriarche
encl: Letter Parks Canada
cc. Town Council



November 1, 2019

John and Gail Patriarche
136 Tannery Road
P.O. Box 1600
Lunenburg, NS B0J 2C0
Email: saveourlunenburg@gmail.com

Dear Mrs. and Mr. Patriarche,

I am writing in response to your correspondence of 23 July 2019, regarding your concerns about a proposed commercial and residential development on Tannery Road in Lunenburg. Your letter was forwarded to Parks Canada by the Canadian Commission for UNESCO (150 Elgin Street, Ottawa, ON) to whom you sent your letter. We apologize for the delay in responding.

Your letter was forwarded to our office because Parks Canada is the agency responsible for the implementation of the World Heritage Convention in Canada, therefore we receive correspondence from citizens regarding UNESCO World Heritage sites in Canada.

While Parks Canada ensures implementation of the World Heritage Convention in Canada, responsibility for management of each World Heritage site falls under the relevant site manager's jurisdiction, which in this case is the Town of Lunenburg. I would also like to note that Tannery Road is not within the World Heritage site boundaries.

I recommend you contact Mr. Arthur MacDonald, who is the Heritage Manager at the Town of Lunenburg. He may be of assistance with responding to your concerns or directing you to the appropriate authorities.

Arthur MacDonald, MCIP, LPP, Heritage Manager, Town of Lunenburg
119 Cumberland Street, PO Box 129, Lunenburg, NS B0J 2C0
Email: amacdonald@explorelunenburg.ca, Tel: 902-634-4410, ext 234

Thank you for taking the time to share your concerns and I trust this information is helpful.

Sincerely,



Heather MacDonald
Advisor, International and Intergovernmental Affairs
Indigenous Affairs and Cultural Heritage, Parks Canada Agency
30 rue Victoria (PC-03-M), 3-19, Gatineau, QC J8X 0B3
heather.macdonald2@canada.ca / Tel: 819-420-9796

Cc: Arthur MacDonald, MCIP, LPP, Heritage Manager, Town of Lunenburg



DUPLICATE

Circulated: _____

Document No: 5(b)
Meeting: HAC – November 18, 2019
Circulate To: HAC, Council, BR,
File:

MEMORANDUM

TO: TOWN COUNCIL/HERITAGE ADVISORY COMMITTEE
FROM: ARTHUR MACDONALD, HERITAGE MANAGER
DATE: NOVEMBER 12, 2019
RE: LOT A1 DUFFERIN STREET - REMOVAL FROM ARCHITECTURAL CONTROL AREA

1. FACTS

A. Background

The owner of Lot A1 (PID# 60642741), Dufferin Street, a vacant lot, has made a request to amend the Generalized Future Land Use Map (GFLUM) of the Town’s Municipal Planning Strategy (MPS) to remove his lot from the Architectural Control Area. During a Council Meeting on August 27, 2019 Council referred the request to the Planning Advisory Committee for consideration. As one of the intents of the proposed Heritage Conservation District (HCD) Plan and By-law is to incorporate the Architectural Control Areas into the District this request has implications on the proposed HCD.

B. Proposal

The proposal is to remove Lot A1 (PID# 60642741), Dufferin Street, as shown on **Attachment A** from the Architectural Control Area of the GFLUM.

2. ISSUES AND OPTIONS

The Background Study for the Revised HDC Plan and By-law was approved in March, 2018. This document provided the rationale for the proposed heritage district boundaries which was based on MPS Policy 10.6. This Policy supported the inclusion of the Architectural Control Areas into the Heritage Conservation District. By removing lands from the Architectural Control Area by default the lands should then be removed from the proposed District. However, this may not necessarily be the case.

The Municipal Planning Strategy provisions respecting the Architectural Control Area are enclosed in **Attachment F** and the Land Use By-law Provisions respecting the Architectural Control Area are enclosed in **Attachment G**.

The subject property, PID 60642741, was originally part-in-parcel of 95 Dufferin Street and is a vacant lot. According to the Subdivision of former School Lands, 95 Dufferin Street, a Georgian Style home reminiscing of the Georgian style of the late 18th and early 19th century was actually built sometime after 1946. Homes located across the street in the Architectural Control Area were built in 1888-1890 (90 Dufferin Street), 1891-1893 (96 Dufferin Street), and 1910 (102 Dufferin Street) all built during the *BLUENOSE* era. When the Town created the Architectural Control Area it attempted to encompass homes that best represented the built environment up to the end of the *BLUENOSE* era (1940's) and delineated the boundaries by following the property boundary lines. The subject lands were included as they were part of 95 Dufferin Street at the time, and its eastern boundary followed in line with the boundaries of the 3 homes located across the street. Any modern developments could have an impact on these historic homes and could change the appearance of the streetscape in a similar fashion as 107 Dufferin Street. The subject property is located directly across the street from 102 Dufferin Street built in 1910.

Policy 10.6 of the Municipal Planning Strategy (MPS) outlines Council's intension to expand the Heritage Conservation District to include other historically and architecturally significant areas including portions of Dufferin Street located within the Architectural Control Area. The Draft Heritage Conservation District Plan and By-law proposes incorporating the subject lands within the Heritage Conservation District. The intent of the Plan is not only to provide conservation provisions regulating the built assets themselves but also their settings. The potential of decreasing the Architectural Control Area, and subsequently the proposed Heritage Conservation District, will create a precedent that may impact the cohesiveness of the Heritage Conservation District. The draft Heritage Conservation District Plan has policy provisions related to the expansion as well as the reduction of the Heritage Conservation District. If the subject lands were currently part of the Heritage Conservation District, Policy 3.2.2 would be relevant for Council's consideration.

3.2.2 It shall be the intention of Council where application is made or on its own motion to consider the reduction of the Heritage Conservation District's boundaries where:

- the architectural character, landscape character, historical association, scenic quality or other characteristics of the property or area in terms of its value as part of the Heritage Conservation District is no longer apparent and relevant and its removal does not adversely affect the cohesiveness of the District or adversely affects the architectural built environment of the District or its setting;
- the continued inclusion of the property or area within the district places an undue and unreasonable hardship upon the property owner or owners; and
- Council has exhausted any other practical alternatives to the boundary amendment which may be available.

The owners have expressed hardship in their attempt to sell the vacant property.

Though the provisions of the proposed Policy 3.2.2 are for Council's deliberations in considering the request, Staff is of an opinion, at this time, that such approval would set a dangerous precedent and has the potential of adversely affecting the cohesiveness of the District. Once the subject property is removed from the Architectural Control Area and subsequently the proposed Heritage Conservation District a new modern contemporary development would be permitted as-of-right. In light of the above, staff is not in favour of removing the subject property from the Architecturally Control Area at this time.

However, the subject property is a vacant lot on the fringe of the Area as well as on the fringe of the proposed Heritage Conservation District and not in the middle. The movement of the boundary line to exclude the subject property should not affect the integrity of the Area or the proposed District as a whole. Also, the home located at 107 Dufferin Street built in 2003 is a modern contemporary home and is located directly to the west of the subject lands. In light of the above, Council may determine that the exclusion of the subject lands will not have a significant impact on the cohesiveness of the Architectural Control Area and approve the request. Such a decision, in staff's opinion, could also be supported in light of the proposed Policy 3.2.2 intent.

3. **FINANCIAL IMPACT**

There are no financial costs directly attributed to the Town other than the waiving of the advertising fees for the Public Participation Meeting and the Public Hearing.

As the property is not part of the Old Town UNESCO World Heritage Site its removal from the Architectural Control Area of the Municipal Planning Strategy and by default, its removal from the proposed Heritage Conservation District will not, in staff's opinion, have a significant impact on the UNESCO designation and, as of a result not have a significant impact on the local economy or the local cultural attributes of Lunenburg.

4. **STRATEGIC PLAN RELEVANCE**

This project is deemed contrary to the Town's Strategic Plan with regards to:

Strategic Plan Goal #1A – Promote a high quality of life for residents by enhancing appreciation of Lunenburg's heritage;

This project is in keeping with:

Strategic Plan Goal #4 – Encouraging business development initiatives;

5. **RECOMMENDATION - OPTIONS**

It is recommended that the Heritage Advisory Committee review the following options:

- 1) Recommend to the Planning Advisory Committee the refusal of the owner's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to remove Lot A1 (PID# 60642741), Dufferin Street, a vacant lot, from the Architectural Control Area.
- 2) Recommend to the Planning Advisory Committee the approval of the owner's request to amend the Generalized Future Land Use Map (GFLUM) of the Town's Municipal Planning Strategy (MPS) to Lot A1 (PID# 60642741), Dufferin Street, a vacant lot, from the Architectural Control Area.

Note: Such recommendations will be subject to the review and recommendations of the Planning Advisory Committee who maintains the advisory role to Council on planning matters.

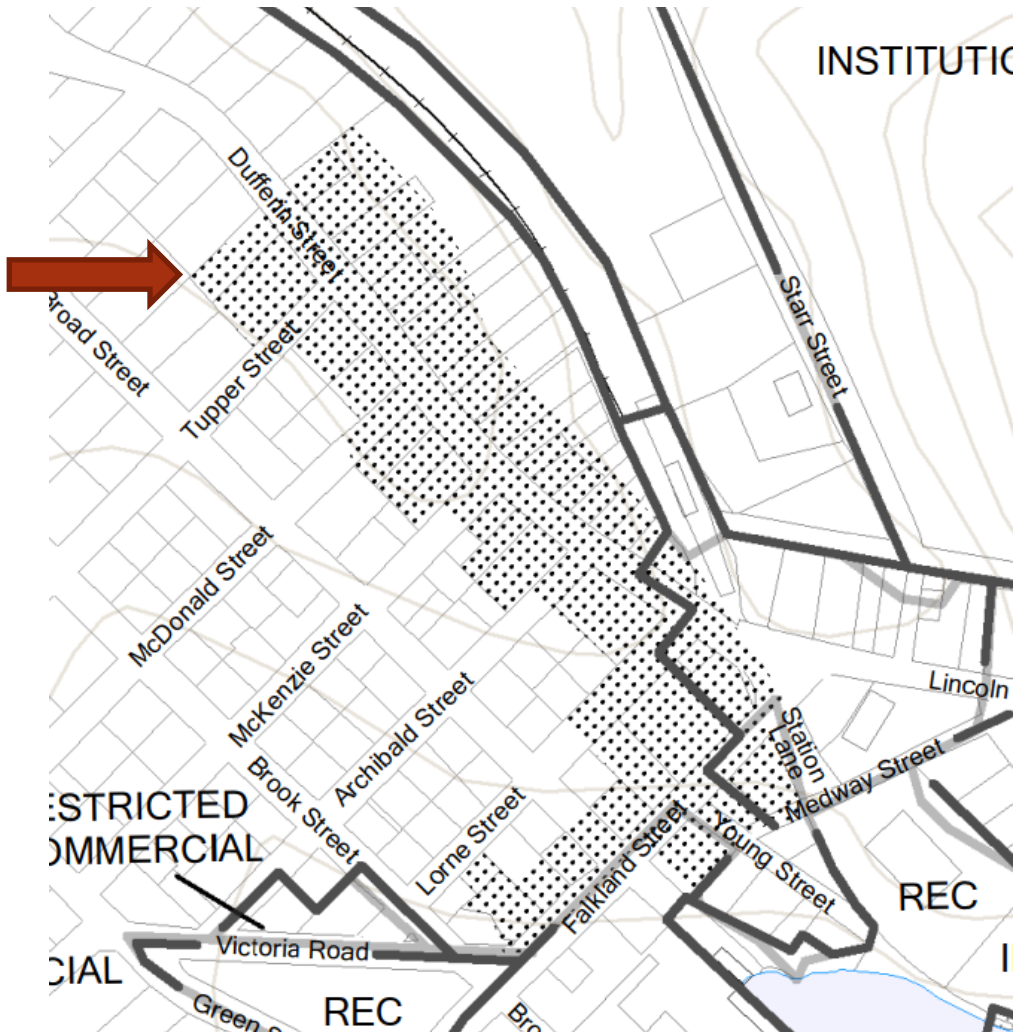
ATTACHMENTS:

- A.** Lot A1 (PID# 60642741), Dufferin Street – Survey Plan
- B.** Generalized Future Land Use Map (GFLUM)
- C.** Proposed Heritage Conservation District Map
- D.** Pre-1940's Buildings Map
- E.** Aerial Photos – Lot A1, Dufferin Street
- F.** Municipal Planning Strategy Heritage Provisions
- G.** Land Use By-law Architectural Control Area Provisions

Acknowledged by:

Bea Renton
Town Manager/Clerk

ATTACHMENT B
Generalized Future Land Use Map (GFLUM)

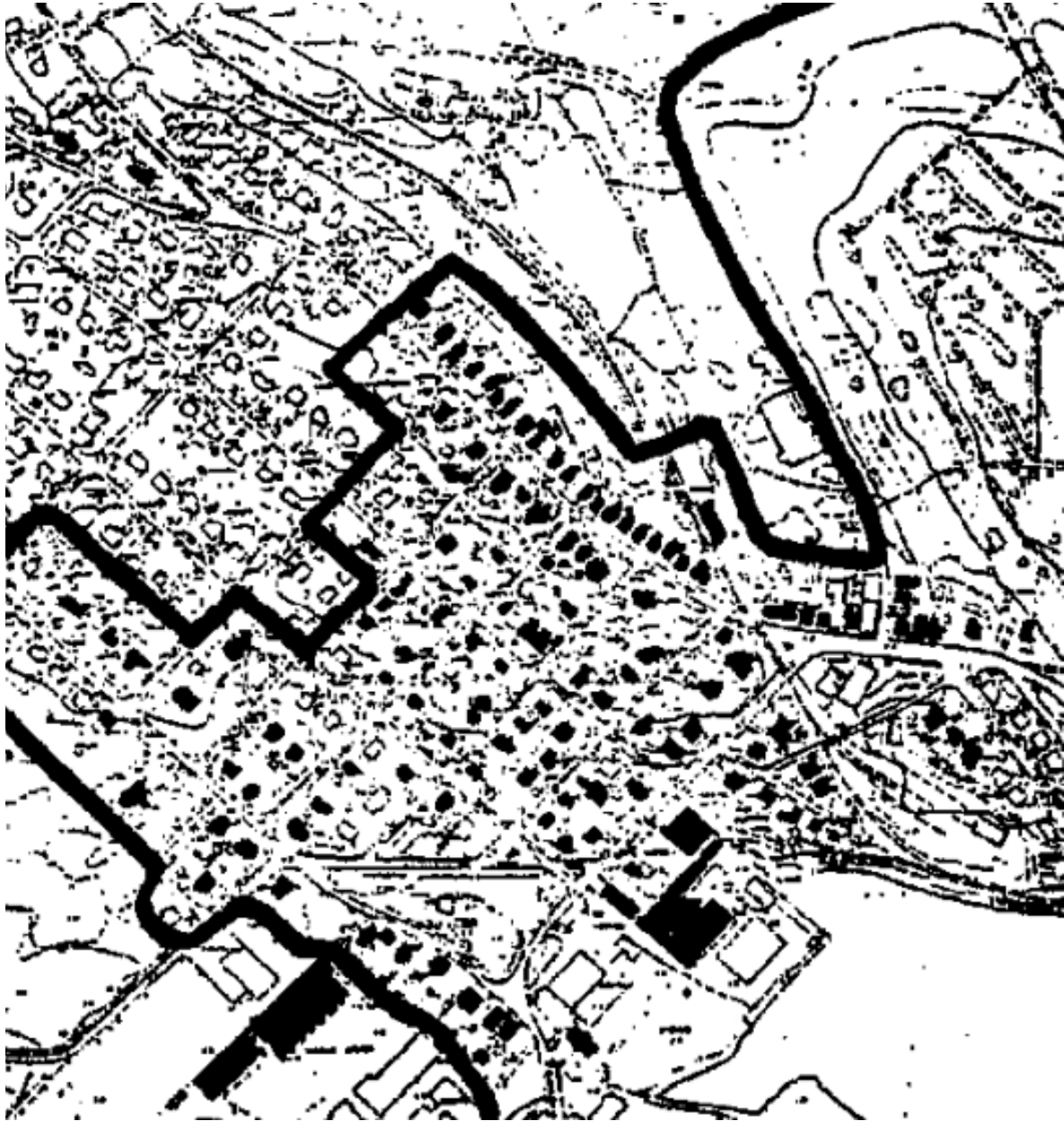


ATTACHMENT C
Proposed Heritage Conservation District Map



Proposed Heritage Conservation District Map highlighting the subject property.

ATTACHMENT D
Pre-1940's Buildings Map



ATTACHMENT E
Aerial Photos – Lot A1 Dufferin Street



ATTACHMENT ‘F’

MUNICIPAL PLANNING STRATEGY HERITAGE PROVISIONS

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

10.1 regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

10.2 designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

10.3 incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:

(a) new buildings; and

(b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

10.4 designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

10.5 regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural

change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

10.6 consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

10.7 encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main Street Program.

10.8 maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.

10.9 ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

ATTACHMENT “G”
LAND USE BY-LAW ARCHITECTURAL CONTROL AREA PROVISIONS

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3
- (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
 - (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
 - (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations set out in Section 26G.1.

93 Buena Vista Court
P.O. Box 211
Lunenburg, NS B0J 2C0

3 February 2020

The Mayor and Councillors
Members of the Planning Advisory Committee
Town of Lunenburg

I am writing to you in a double capacity, as a member of the Town's Heritage Advisory Committee and as a local resident, the entry to whose property is just a few metres from that of ABCO on Tannery Road. And I write because, unfortunately, I shall be away from Lunenburg when the Planning Advisory Committee meets next week and, very possibly, when the matter is placed before Council.

The requests of Mr Amero and of ABCO to have their properties removed from the Architectural Control Area regrettably involve a direct clash of two important principles. The difficulty the PAC and Council face in arriving at a decision on these applications stems from this clash.

The first principle is that the removal of individual properties from controlled or zoned areas should only be permitted in most exceptional circumstances. This is true anywhere, but especially true in a very special and historic town whose livelihood depends to a substantial degree on its unique history and character. Once a few properties are allowed to be removed from a controlled area, pressure will surely mount for others to be allowed to do so and pretty soon rather than having a coherent and logical controlled area one will have, as one contributor at the PAC's public information evening pointed out, something more like a "gerrymandered" Congressional District to the south of us.

The second principle is that Lunenburg needs to continue to be much more than a tourist destination and a retirement community. It is essential that it have a strong economic life of its own. Many have heard me say that Lunenburg must not become Venice, also an UNESCO World Heritage Site. That city, which I love and have visited many times, no longer has a genuine economic life aside from catering to huge numbers of visitors. When I first visited it sixty years ago, the historic city had more than three times the resident population that it has now. That sort of decline must not be allowed to happen here. To prevent it, local businesses must be encouraged to thrive.

ABCO has applied for removal of its six properties along Tannery Road from the ACA because it has good reason to believe that it can gain new contracts and expand its current business if it can construct additional facilities in which to do so. The HAC has devoted considerable time to a careful discussion of both these applications before passing motions that recommend to the PAC that the applications should be denied. But that does not mean that the members of the HAC are insensitive to ABCO's future needs. The irony is that ABCO's problem is its timing. As members of Council and the PAC will be aware, the HAC has spent an immense amount of time developing a proposed substantial

revision of the Town's Heritage By-Law. One of the very significant elements of this revision is that it is proposed that the existing Heritage Conservation District and the Architectural Control Area should in future be subject to identical controls and permits. At the present time additions to existing buildings in the ACA are limited to an expansion of 25% of the existing building footprint. If and when the proposed new Heritage By-Law comes into effect there would no longer be such a restriction in the marine industrial zone, as is also the case with waterfront buildings in the Heritage Conservation District. If ABCO could wait until the new By-Law is in effect (which I am assured they cannot) their problem would be solved.

Because the HAC is anxious to preserve the basic principle of the integrity of the ACA while being sensitive to ABCO's need for significant expansion, the motion to recommend the denial of their application included "the proviso that the use of metal cladding be permitted under the revised Heritage Conservation District Plan and Bylaw for industrial buildings in New Town Waterfront Buildings Area, where it is fitting with surrounding buildings." At its January 20th meeting the HAC agreed to the following additions to the proposed new Heritage By-Law, specifically designed to meet ABCO's present and possible future needs:

“4.13 Metal Cladding in the Tannery Road Waterfront Buildings Area

Notwithstanding anything contained in Schedule “D” Design Guidelines of this By-law, metal cladding may be used on industrial buildings located in the Tannery Road Waterfront Buildings Area located in New Town as shown on the Waterfront Buildings Area Map provided the metal cladding materials have a matte dark or medium-toned colour. Exposed bare metal cladding, bright reflective shiny metal, and light coloured metal cladding materials shall be prohibited. For the sake of clarity, this provision does not apply to those buildings located in the Bluenose Drive Waterfront Buildings Area located in Old Town as shown on the Waterfront Buildings Area Map.”

“4.14 New Industrial Buildings in the Tannery Road Waterfront Buildings Area : (New Provision)

Notwithstanding anything contained in Part 4.3 of this By-law new industrial buildings located in the Tannery Road Waterfront Buildings Area located in New Town as shown on the Waterfront Buildings Area Map may receive a Certificate of Appropriateness by the Heritage Officer without a Public Hearing process provided the development conforms with all other provisions of this By-law. For the sake of clarity, this provision does not apply to those buildings located in the Bluenose Drive Waterfront Buildings Area located in Old Town as shown on the Waterfront Buildings Area Map.”

ABCO has asked that all six of its adjoining properties should be removed from the ACA. There is no possible justification for this request; retaining several of them within the ACA does not inhibit in any way the company's intended expansion of its manufacturing facility. The two houses, 57 and 61 Tannery Road, should remain within the ACA. The purpose of the HCD and ACA is as much about total streetscape as it is about the character and preservation of the defining features of individual buildings. Tannery Road has some of the oldest houses and barns within the town and it is important that all the properties directly abutting this road should be retained within the ACA.

ABCO has revealed recently that it has plans for the construction of a craft brewery and pub on the point of land, lot 5 on the map at schedule B of the PAC's agenda package for the January 13th meeting, PID no. 60386018. The drawings and plans for this

development were on display at ABCO's recent open day and have been printed, in part, in the local paper. It is very evident (confirmed in a conversation with the architect) that the design is intended to conform to the Heritage By-Law guidelines. This one of ABCO's properties is the most prominent in the view across the harbour from the Old Town waterfront and in the view (enjoyed by many visitors, often by the coach load) from further along Tannery Road. It is important that this particular property remain within the ACA and the very fact that the proposed development of it is intended to conform to the Heritage guidelines reinforces this point. The adjoining property between this and Tannery Road (lot 1, PID no. 60053188) should also remain within the ACA. It is almost as prominent in the view as the one on which the brewery is planned. ABCO's current desire to enlarge its existing manufacturing building does not involve this property. And there will be nothing to prevent ABCO making a new use of this entirely vacant property once the new By-Law is in effect; they just have to conform to the usual application process. Similarly I do not believe there is a case for removing the very small lot 6, PID no. 60672839) from the ACA.

This leaves the much more difficult question of the remaining larger property, lot 2, PID no. 60053196. Here some suitable compromise needs to be found. Ideally the proposed new Heritage By-Law should now be approved and put into effect as quickly as possible, and that would solve ABCO's difficulty. But I am aware that the company wants the freedom to expand its manufacturing facility more quickly than that. I have wondered about the possibility of allowing the *temporary* removal of this property from the ACA, bringing it back into the controlled area when the new By-Law becomes effective, but I am advised that there are legal barriers to this possibility. It was also suggested, when this was being discussed at the HAC, that a new separate building could be constructed very close to the existing facility (more square feet could be permitted in a stand-alone building than in an addition), with the intention that this and the existing manufacturing facility could be joined together once the new By-Law is in effect. There is a stronger case for allowing this one property to be removed from the ACA than there is for any of the others. But this property does also include Camp Norway, which has considerable historical significance, and is an important part of the Tannery Road streetscape. A suggestion has been made that only the portion of this property nearest to the harbour should be removed from the ACA, while keeping Camp Norway within it. Is this a possible compromise?

Some way needs to be found of enabling ABCO to expand its current facility that stops well short of allowing all six properties to be removed from the ACA. ABCO's problem is a purely temporary one; they cannot wait for the new Heritage By-law to come into effect. But if even one of their six properties is removed from the ACA, this will be for all time. It makes little sense to try to solve a temporary problem with a solution that will stand for ever. To remove well over seven acres of land adjoining the harbour from the ACA would be to undermine the whole concept of the ACA and HCD.

Oliver R. Osmond

Dear members of Council and the Planning Committee

My Name is Mary Knickle. I am here today representing my husband Craig Ferguson and our neighbours Sharon Morash and Jay Morash as well as Deborah and Marc Glassman.

We are strongly opposed to changing the designation of this particular lot from the Architectural control zone to a regular zone.

First of all, that particular lot was originally a part of a significant and impressive Georgian Revival property at 95 Dufferin - a house that was built in 1936 - close to 85 years ago and was the home of many prominent Lunenburgers. The lot was severed from what many consider to be a heritage home to be sold separately but he Ameros.

Our primary concern is that once the town lifts the heritage designation on this particular lot, it sets a dangerous precedent that could lead to other lots in similar situations being severed and released, permitting development that could be aesthetically and structurally incompatible with Lunenburg's most important asset: the incredible built heritage that makes this town so special. Lunenburg as a town relies on these designations to preserve the heritage that so many people are attracted to. It is not just the UNESCO part of town that attracts people but the town as a whole and there are many beautifully preserved houses and parts of Lunenburg in all of Lunenburg which contribute to the town as a major tourism attraction.

I understand that the main argument for this property being released is because it will not sell due to this designation but that is not entirely true. In fact one of the main reasons is that there are serious water issues on that property that I think most of the town is aware of. I know Jo Amero has emphasized his hardships associated with trying to sell that lot but at the time the Glassman's bought the house, according to the Glassman, they offered to buy the lot for a sum and he refused (this offer was the same amount he later accepted from a buyer that walked away due to the water issues).

This is such a huge issue that if development is permitted without an obligation to mitigate the water situation, all three adjacent properties owned by the Glassmans, the Morashes and ourselves will be negatively affect. All three properties now have swamps in their backyards and have lost foliage as a result. Jay Morash has attempted to build a moat around his property. At the driest part of the summer when thousands of wells are dry in Lunenburg County and Nova Scotia and there are water restrictions issued, just come to our yards, or the above lot and you will find it wet or as one town person said.....squishy.

As far as water issues go I know this does not concern the town as the issue at hand is regarding the architectural control area. However perhaps the town should start caring. The town could put up environmental stipulations especially if there are concerns surrounding a lot instead of leaving it up to individuals who would rather not battle with neighbours.

You will always have a modern and historical mix at the edges of the architectural control area. If you change this designation on this lot, then later along you may have another application with a property on the edge of the map for another request deregulate and another and another. As I mentioned earlier this sets a dangerous precedent. Isn't this also a disservice to the town committee that took great pains in choosing which parts of the town should be architectural control and which parts should not?

I point to two of your six main objectives:

It shall be the intention of Town Council to:

1. Encourage preservation of the architectural and cultural heritage of the Town and minimize any negative impact that may result from new development or redevelopment.
2. Control land use and development in a manner that will preserve, enhance and protect both the natural and built environments of the town.

Sincerely,

Mary Knickle and Craig Ferguson

Jay and Sharon Morash

Marc and Deborah Glassman

ABCO Industries: Video of 3D rendering of proposed addition. Link is <https://vimeo.com/389072057>

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: FEBRUARY 6, 2020

**RE: PLANNING ADVISORY REPORT (ABCO)
 Proposed amendments to the Municipal Planning Strategy's Map 2
 Future Land Use Map to remove 6 properties (PIDs 60053188,
 60053196, 60053204, 60053212, 60386018, 606072839) from the
 Architectural Control Area along Tannery Road.
 (ABCO Industries Inc. application)**

Applicant	ABCO Industrial Holdings Limited, Jason Huskilson
Land Owner	ABCO Industrial Holdings Limited
Proposal	Application for MPS map amendments to remove 6 properties from the architectural control area along Tannery Road
Lot Area	Combined: ≈7.3748 acres/321 247 sq ft./ 29 844.8229 sq. metres
Designation	Industrial, Residential
Zone	Marine Industrial (MI), Residential (R)
Surrounding uses	residential, marine industrial, institutional
Architectural Control Area	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal) -NOT within the designated UNESCO World Heritage Site or buffer zone -Location of Camp Norway Monument

1. FACTS

A. Process

Jason Huskilson, on behalf of ABCO Industries Inc., has submitted his application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove 6 properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area along Tannery Road. Mr. Huskilson appeared before

Council on 22 October 2019 to seek permission to apply. Council invited Mr. Huskilson to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying letter are attached as **Schedule A**.

This application is for the removal of 6 properties from the architectural control area along Tannery Road only. This application does not contain any request related to acquisition of the sea bed or allowance for mixed residential/commercial development.

The applicant wishes to enlarge the current industrial space by adding to the current metal clad manufacturing area, which is located behind the barracks portion of the ABCO building at 81 Tannery Road. Where the properties are located in the Architectural Control Area on Map 2 Future Land Use Map, Part 26 G of the Land Use By-law applies. Part 26 G places restrictions design and cladding as well as limits the size of additions. Part 26 G can be found in **Schedule B**.

Please find below a rendering of the proposed addition:



A public information meeting was required under the Town of Lunenburg's Public Participation Program. This meeting was held on 13 January 2020 to provide members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC).

The purpose of this meeting is for PAC to consider the application, public comments, and staff report and then make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

Detailed information on the process is below.

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	-Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, - Applicant notified -PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	-PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	-Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	-Approved advert sent to paper -Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation
8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

B. Property Information

The six (6) properties shown in Figure 1 are the subject of this application. These properties are in the Industrial designation and Marine Industrial (MI) Zone with the exception of #6 on the map, which is in the Residential Designation and Residential (R) Zone. Part 16 Marine Industrial (MI) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule C.

Please note that the views and view planes are not protected. Design and use are currently regulated by the Land Use By-law.

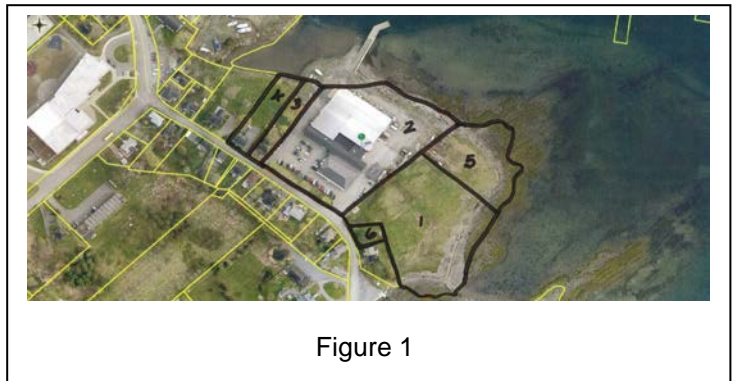
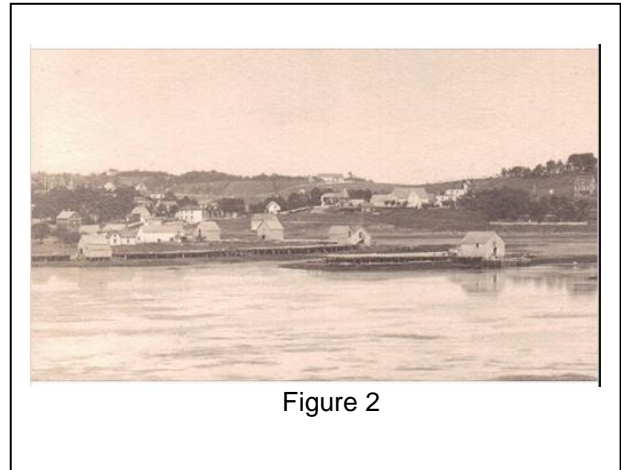
These lots are within the Architectural Control Area along Tannery Road. An excerpt from the Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road is attached as Schedule D. Please note that Little

Island (AKA Burns Island) is not part of this application as it is not within the Architectural Control Area. The island is within the Marine Industrial (MI) Zone.

The lots are located off Tannery Road and are on the south west side of Lunenburg Harbour. The lots are relatively flat and, with the exception of Lot 09-1, PID 60672839 (#6 on the mapping), abut the shore. All are accessed off of Tannery Road.

The uses on the lots vary. The ABCO Industries Inc. lands have been used for traditional fishing industries. In an undated post card, Figure 2 shows fish shacks on Burns Island and on the other ABCO lands. The Camp Norway monument is located on Lot A, PID 60053188 (#1 on mapping). Briefly, Norwegian sailors were housed at Camp Norway after the Nazis invaded Norway during World War II. ABCO is responsible for and maintains the Camp Norway memorial allowing public access to the site at all times. The former barracks are being used as office space. The large industrial addition on the building is used by ABCO for a variety of industrial and marine industrial uses including fabrication of food processing machinery, marine fabrication (aluminium boats and fishery and aquaculture processing machinery), environmental equipment (water treatment, solid waste recycling and separation, composting) and custom industrial design and fabrication. ABCO is considered a major employer in the Town, employing over 60 people with intentions of expanding their operation and employee resource base.

There are two residential properties (houses) at 57 and 61 Tannery Road. 57 Tannery Road is a rental property while 61 Tannery Road is currently used for ABCO storage.



The two houses are listed permitted uses in the MI Zone, which affords them certain property rights even though they are in an industrial area. Three lots are currently vacant (#1, 5, 6 on mapping) with the exception of the Camp Norway monument on #1. #6 on the map is vacant but in the Residential (R) zone, as it was severed from the parent lot at 97 Tannery Road in 2009.

The abutting properties and those across Tannery Road (south) have residential uses.

2. ISSUES AND OPTIONS ANALYSIS

A. Land Use Designation and Zone

The preservation and protection of Lunenburg's working waterfront is an important component of Lunenburg's planning documents as evidenced in Part 8 Industrial Development and Land Use of the Municipal Planning Strategy. It is noted that much industrial activity occurs on front harbour waterfront with most related to shipping and fishing industries. Although the Municipal Planning Strategy was written in 1996, it is relevant. It notes that there is very limited additional development potential on the waterfront. Continued use of the waterfront is to be accommodated and encouraged.

All but one of the properties are in the Industrial Designation and Marine Industrial (MI) Zone. Any proposed expansion of the ABCO facility would occur in the MI Zone. To be clear, the MI Zone allows for marine industrial and industrial uses as well as general commercial uses. There are specific residential properties that are listed as existing residential uses in the MI Zone. With the exception of the vacant lot beside 97 Tannery Road, Lot 09-1(PID 60672839, #6 on the map in Figure 1), the subject lands are designated for industrial uses. This is where industrial uses are encouraged to go and to expand. There is no issue with the zoning for any proposed expansion. A subdivision would be necessary to consolidation and reconfigure the boundaries of certain lands, which is not an issue.

As noted above, there are residential properties listed in the MI Zone as existing residential uses. There are seven (7) such properties. These properties are listed so that they have certain property rights even though they are in a MI Zone where all other residential uses are not permitted. They are considered as conforming to the Land Use By-law so that the structure may be added on to and use extended into that addition. There is an area of friction between the intent of policy to allow for industrial uses to be sited and expanded and the overlay of architectural control provisions, which limit the size of an addition and does not allow for typical industrial cladding such as metal or concrete.

B. Architectural Control

The preamble in Part 10 Architectural Heritage of the Municipal Planning Strategy sets out that Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. It acknowledges that Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated. The architectural control areas regulate the

appearance of buildings through special provisions in the Land Use By-law. Architectural controls are a way of ensuring the protection of Lunenburg's built heritage.

The Architectural Control Areas are shown on the Municipal Planning Strategy's Map 2 Future Land Use Map. There are two areas: Falkland/Dufferin Streets and Tannery Road. "Old Town" was originally an architectural control area before becoming a Heritage Conservation District. If a property is in one of these areas, then it is subject to the architectural controls that are contained with the Land Use By-law.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule E. Regulation is through the Land Use By-law. Part 26G Architectural Control Area of the Land Use By-law regulates heritage design. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, style. ABCO Industries Inc. wishes to be removed from these restrictions.

ABCO is part of a working waterfront with industrial activity. A quick survey of similar areas in the Town of Yarmouth and CBRM indicate that there are no architectural controls or heritage regulations with similar zones and uses in their planning documents.

ABCO Industries Inc. is planning an expansion to their operations. It will require the ability to expand their current building foot print considerably. LUB Part 26G.3.a Additions and Alteration to Existing Buildings sets out that the total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996. The applicant has related that ABCO had increased the footprint of the building in 1999 by 7835 ft². The total square footage of ABCO, prior to 1996, was 41,098 ft² which means, at the time, ABCO had the freedom to expand by 10,275 ft² (25% as per the current control rules). This leaves 2440 ft² (approx. 50ft x 50ft) that ABCO can expand. ABCO has related that they will not be able to expand their manufacturing line given the current restrictions.

They wish for any addition to be clad with metal – the same steel cladding that is currently on the existing additions. In addition, they wish to have the flexibility to expand their operation as needed (in excess of the 25% of the ground floor area found in LUB Part 26.G.3) and be subject only to the standards of the Marine Industrial (MI) Zone. They would like the ability to use more modern cladding as well. Flexibility and timely permitting are concerns.

If the subject properties were removed from the architectural control area, they would still be subject to the MI Zone provisions and any other applicable provisions (e.g. parking, signage). There would be no control on the size of addition or design (e.g. roof shape, cladding, window area to wall area ratio). Any new buildings or additions could have modern design and cladding. There would be no limit on the size of additions and there would not be a requirement for these addition to be sensitive to the existing architecture of the area. This would have a negative impact on the existing streetscape.

The view from the wharves along Bluenose Drive across the harbour cannot be protected under the Provincial *Heritage Property Act*. This would be a view across a federal body of water. Land use planning regulates development on the land, such as building height or a defined view plane on the land. If the proposal goes forward, the view would be of an addition to the ABCO manufacturing facility.

It should be noted that the applicant would not have to construct an addition as shown in the 3D rendering. There would be no restriction on size, roofline, etc. Height would not exceed 45 ft. Yard requirements (setbacks) in the MI Zone are nil but are subject to building code.

C. Heritage Conservation District linkage

This is a planning application and, as such, a discussion on a proposed revised Heritage Conservation District Plan and By-law is not within the duties and responsibilities of the Planning Advisory Committee. Below is for information and context.

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law have been reviewed by the Heritage Advisory Committee but has not begun the Council approval process. The draft includes the Tannery Road Architectural Control Area as well as Burns Island becoming part of an expanded Heritage Conservation District along with the Dufferin Street architectural control area. After this application was received, the revised Heritage Conservation District By-law had been amended to allow for metal cladding. ABCO Industries Inc. wishes to be removed from the Tannery Road Architectural Control Area and does not wish to be included in a new Heritage Conservation District. They wish to have the same regulations to operate under as the Lunenburg Foundry does, which is the MI Zoning only.

D. Provincial Statements of Interest

Development undertaken by the Province and municipalities should be reasonably consistent with the statements. As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

1. Statement of Provincial Interest Regarding Drinking Water
Goal: To protect the quality of drinking water within municipal water supply watersheds.
Basis: A safe supply of drinking water is a basic requirement for all Nova Scotians.
Application: This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.
Comment: Not applicable. The properties are not within a water supply watershed.

2. **Statement of Provincial Interest Regarding Flood Risk Areas**
 Goal: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.
 Basis: Floodplains are nature's storage area for flood waters. New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development. Five floodplains have been identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.
 Application: This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are
 - (1) East River, Pictou County,
 - (2) Little Sackville River, Halifax County,
 - (3) Sackville River, Halifax County,
 - (4) Salmon and North Rivers, Colchester County, and
 - (5) West and Rights Rivers and Brierly Brook, Antigonish County.
 Comment: The properties are not within the identified Flood Risk Areas. There is a risk of impact from storm surge and tidal inundation. There are uses on the property that are marine related, which make location on the shoreline beneficial.

3. **Statement of Provincial Interest Regarding Agricultural Land**
 Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.
 Basis: The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development. There are land-use conflicts between agricultural and non-agricultural land uses.
 Application: This statement applies to all active agricultural land and land with agricultural potential in the Province.
 Comment: The properties are not in agricultural production or considered to have soils with high capability for agricultural development.

4. **Statement of Provincial Interest Regarding Infrastructure**
 Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.
 Basis: All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.
 Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.
 Application: All communities of the Province.
 Comment: The properties are currently serviced. Development on these properties would be considered infill. There is no "leap frog" development proposed.

5. **Statement of Provincial Interest Regarding Housing**
 Goal: To provide housing opportunities to meet the needs of all Nova Scotians.
 Basis: Adequate shelter is a fundamental requirement for all Nova Scotians. A wide range of housing types is necessary to meet the needs of Nova Scotians.
 Application: All communities of the Province.

Comment: There is no impact on the provision of housing. With one exception, the properties are in the Industrial designation. The related development proposal is for industrial and marine industrial use, which is in keeping with the uses set out in the Land Use By-law. There would be no impact on the Residential (R) zoned lot as it continues to be subject to the provisions of that zone.

E. Economic Development

As part of Project Lunenburg, a discussion paper dated January 2020 was prepared Upland Planning and Design in association with Turner Drake and Partners. The introduction of the paper sets out that:

The Town of Lunenburg has a diverse economy, one that has adapted to changing micro- and macro-economic conditions throughout its history. Farming, fishing, shipbuilding and ocean-based commerce formed the foundation of the early economy. To varying degrees these sectors maintain an important presence today, alongside accommodations, hospitality, manufacturing, and creative and service industries, which play an important role in Lunenburg's economy...

Just as Lunenburg has adapted throughout its history, continuing to explore ways to develop and innovate how the town's economy functions will be critical to the prosperity of the town. Economic development and innovation can create an environment where people want to invest, live, and work.

The discussion paper further sets out that Lunenburg's built heritage and harbour represent two of the Town's strongest assets to attract visitors and new residents. The fact that Lunenburg's harbour is a working waterfront gives visitors an authentic destination experience. Tourism plays an important role in our economy.

Having a diverse economy adds resiliency to a community. The two greatest proportion of employers are in the retail trade and accommodations & food services industries. The highest proportion of employees are in the health & social care, manufacturing, and accommodation & food services industries. Manufacturing, health & social care, information & culture, and professional services are associated with a high level of jobs per employer. Manufacturing plays an important role in our economy.

Will removal of the architectural controls on the subject properties have an impact on the economy of Lunenburg?

The view from across the harbour will be impacted as the removal of architectural controls will allow for a large expansion of the existing manufacturing facility. It is doubtful that this will had a great impact on tourism. Tourists will continue to come to see the UNESCO world heritage site, visit our restaurants and museums, and explore Old Town and the waterfront along Bluenose Drive. It would have an impact on the streetscape of Tannery Road in that there would no longer be the requirement to have compatible architecture and materials on new or additions to existing buildings. There would be an obvious delineation of areas under and not under architectural control. The

streetscape would be impacted and thus attractiveness to tourist who are drawn by the vernacular architecture along Tannery Road would be diminished.

ABCO Industries has a long history of industrial activity in Lunenburg. It has provided many full time permanent jobs to residents of Lunenburg and the surrounding area over the years. ABCO employs engineers, machinists, welders, etc. on a year round basis. The intention is to grow and expand the business which will require a significant expansion to the building. It is anticipated that new positions will be created by the expansion. It contributes to Lunenburg's offering of marine related services on and around our harbour. Many of these businesses work together to offer a complete range of services. This strengthens and reinforces the concept of Lunenburg having a working waterfront area.

Successful businesses evolve to meet market demand. If a company's business plan determines that innovation and expansion are necessary to remain viable and competitive in the global marketplace, it is realistic to expect that a company will change its operations. ABCO Industries wishes to expand its operations in order to be able to accommodate new business opportunities. If unable to expand, it will have a negative impact on the vision for their business and may draw into question the suitability of their current location. Repercussions of a departure of one of our major employers would include job relocation or loss, reduction of commercial tax base, vacant buildings, as well as impact on those in the area that are in a business relationship with ABCO.

F. UNESCO World Heritage Site: Impact on the Outstanding Universal Value

In order to be a World Heritage site, the location must be of Outstanding Universal Value, demonstrating international significance. It must "transcend national boundaries and be of common importance for present and future generations of all humanity" (UNESCO's Operational Guidelines 2012). It must also meet at least one of the six cultural (I-VI) or four natural (VII-X) heritage criteria.

Old Town meets criteria iv and v:

- iv. To be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. To be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

UNESCO sets out the following for Old Town Lunenburg, A UNESCO World Heritage Site with respect to the statement of Outstanding Universal Value:

Brief synthesis

Old Town Lunenburg is the best surviving example of a planned British colonial settlement in North America. Established in 1753, it has retained its original layout and overall appearance, based on a rectangular grid

pattern drawn up in the home country. The inhabitants have safeguarded the town's identity throughout the centuries by preserving the wooden architecture of the houses and public buildings, some of which date from the 18th century and constitute an excellent example of a sustained vernacular architectural tradition. Its economic basis has traditionally been the offshore Atlantic fishery, the future of which is highly questionable at the present time.

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

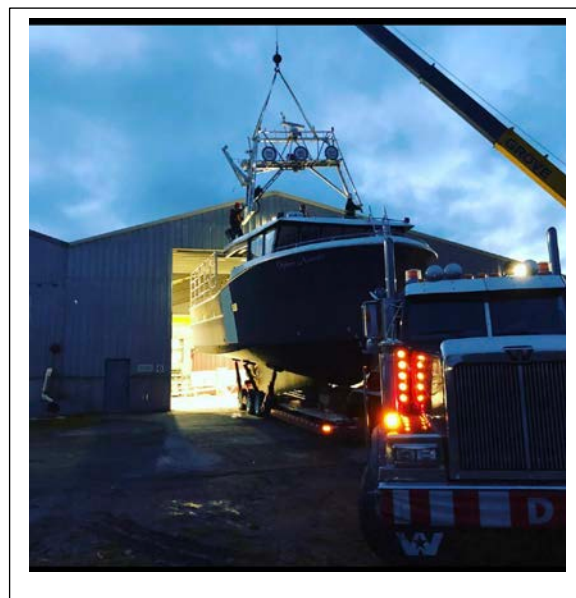
Criterion (v): Old Town Lunenburg is an excellent example of an urban community and culture designed for and based on the offshore Atlantic fishery which is undergoing irreversible change and is evolving in a form that cannot yet be fully defined.

The subject properties are not in or near the designated World Heritage Site. They do not form part of the buffer. They are located across Front Harbour. They can be seen from areas within the site.

A component of the ABCO operations is related to the offshore Atlantic fishery. ABCO manufactures aluminium boats, such as 60 ft aluminium boats that are used in the offshore Atlantic fishery. It does repairs to fishing boats. It develops specialized processing machinery used in the fishing industry, for use on board and on shore. It is one of a number of marine related business around Lunenburg's harbour. Uses at ABCO support the integrity and authenticity of the site through Criterion v.

Other considerations:

A removal of these properties from the architectural control area will not create a financial burden for the Town in relation to such things as cost associated with services. It would allow a larger building to be built. With the increase in capacity of the facility, there would be additional traffic from more employees and trucks. The site is currently serviced with municipal water and sewer services. There is potential for land use conflict given that there are residences nearby and the industrial use will expand. The lands have experienced storm surge. Where a portion of the facility is dedicated to the construction of aluminium boats where testing often occurs at ABCO's small launch area, the use is considered marine related with harbour access being important. The



facility is not a source of pollution as waste is dealt with properly. The use does not contribute to soil erosion or siltation of watercourses. There is little risk of an expansion to the facility causing a flooding problem. The site is suitable in terms of grade.

OPTIONS:

- A. Grant the request to remove all 6 properties from the Architectural Control Area along Tannery Road.

This option would provide flexibility and the ability to expand operations in a timely manner in response to market demands. It would allow the applicant to carry out future operations on the subject properties. There would not be any restrictions on the size of additions or heritage design. It would allow the highest and best use of these industrial lands in terms of physical form (not nuisance).

- B. Partially grant the request by removing properties except the front portion of the lots containing 57 Tannery Road and 61 Tannery Road.

Please note that a minimum of 20 ft for the rear yard must be maintained. The remainder of the lot in the rear would no longer be in the architectural control area with Option B.

- C. Amend Part 26 G Architectural Control Area of the Land Use By-law to allow for special provisions for the Marine Industrial (MI) Zone such as:

Insert after Part 26G.4

26G.5 Industrial and Marine Industrial uses in the Marine Industrial (MI) Zone

Notwithstanding the above, new main buildings, additions and alterations to existing buildings, and renovations and replacements shall be compatible in terms of cladding and form with the existing main buildings or with buildings in the Architectural Control Area along Tannery Road that have been used for an industrial or marine industrial use.

This option would give more flexibility but still have a small measure of control over architectural character. Marine industrial uses would need to be defined. This option would involve a planning process in that any Land Use By-law amendments would have to begin again with PAC holding a Public Information Meeting. The proposed text of the above provision may change as a result of public participation.

- D. Do not grant the request. No change.

- E. Other

It would be the decision of Council as to whether to include any, all, or part of the Tannery Road Architectural Control Area in a revised Heritage Conservation District Plan and By-law. A revised Heritage Conservation District Plan and By-law requires Council approval. Responsibility for recommendations regarding the revised Heritage Conservation District Plan and By-law is with the Heritage Advisory Committee.

3. FINANCIAL IMPACT

Potential financial impacts have been discussed in the report.

4. STRATEGIC PLAN RELEVANCE

4) Foster an environment for business success

5. RECOMMENDATION AND DRAFT MOTION

Option A will allow the allow the highest and best use of industrial lands and encourage future industrial development on the subject properties, with the exception of Lot 09-1(60672839, #6 on the map in Figure 1), which is in the Residential (R) Zone. The designation and zoning on this lot will be subject to review as part of Project Lunenburg.

As such, staff recommend the following motion:

THEREFORE BE IT RESOLVED THAT:

the Municipal Planning Strategy's Map 2 Future Land Use Map be amended to remove 6 properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area along Tannery Road.

Attachments –

Schedule A, application form and accompanying letter
Schedule B, LUB Part 26G Architectural Control Are
Schedule C, Part 16 Marine Industrial (MI) Zone of the Land Use By-law
Schedule D, Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road

Schedule E, Part 10 Architectural Heritage in the Municipal Planning Strategy

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Schedule A - Application form and accompanying letter

**Town of Lunenburg Planning Application for a
Municipal Planning Strategy Amendment**

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name Jason Huskilson	Name 3-H ABCO Holdings Inc.
Company Name ABCO Industries Inc.	Company Name ABCO Industries Inc.
Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0	Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0
Email jason@abco.ca	Email jason@abco.ca
Phone 	Phone (902) 634-8821
Cell 	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address 81 Tannery Road, Lunenburg, NS, B0J 2C0	<input checked="" type="checkbox"/> Copy of Deed
PID # 60386000 60053188 60053196* 60053204** 60053212** 60386018 60672839	<input checked="" type="checkbox"/> Survey Plan or Equivalent
Present Use of Property Manufacturing* Residential** Empty	<input checked="" type="checkbox"/> A Letter Explaining the Proposal
Proposed Use of Property Allowable uses under the Marine Industrial Zoning	<input checked="" type="checkbox"/> Application and Advertising Fees \$945.15 (\$245.15 + \$700.00)

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

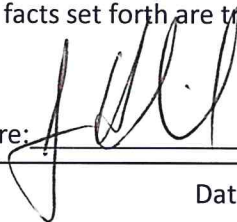
A significant expansion of the manufacturing foot print of ABCO Industries Inc. This increased space will house new machinery and facilitate work space for new hires.

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed):

Jason Huskilsen

Signature:



Date:

Oct 25, 2019

OFFICE USE ONLY: Type of Application:

Date received:

To Whom it may concern,

ABCO Industries Inc. is a world class supplier of manufactured metal products. Since 1947, ABCO has built a customer base that spans the globe. This customer base, coupled with new investment from the New Ownership, puts ABCO in a position to grow if we had an adequately sized facility. This is impossible with the current rules and by-laws which is why we are asking to be removed from the Architectural Control zone. This will give ABCO Industries the freedom to grow. Our current foot print has been pushed to the limit in recent years and we are looking to make a change.

ABCO is looking to expand the existing floor space up to, and possibly beyond, 100% of the current foot print. ABCO would like to build new infrastructure that may include detached structures or additions to the existing building. Any new additions could be of similar shape and colour of the existing structure which Lunenburg has been accustomed to seeing for over 50 years. We feel that this expansion will be a welcome part of the working waterfront of Lunenburg and we look forward to continued community investment.

The Marine Industrial zoning would give ABCO the architectural freedom to manage our growth. Removal from the Architectural Control Zone will facilitate the transition to being limited only by the Marine Industrial controls. We appreciate the consideration thus far, and we look forward to continuing our growth within the Town of Lunenburg.

Regards,

A handwritten signature in blue ink, appearing to read 'J. Huskilon', is written in a cursive style.

Jason Huskilon

Director ABCO Industries

Oct 25, 2019

Schedule B - LUB Part 26G Architectural Control Area

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.

PART 16 MARINE INDUSTRIAL (MI) ZONE

16.1 Permitted Developments

Developments Permitted

any use permitted in the Industrial (I) Zone
any use permitted in the General Commercial (GC) Zone, **with the exception of residential uses**

dry cleaning or laundry establishments or depots
funeral homes
medical clinics
places of entertainment, recreation and assembly
boatyards, including boat storage
existing residential uses as follow:

Civic Address	Owner
29 Falkland Street	Cynthia and Adam Dial
49 Falkland Street	Lunenburg Foundry & Engineering
175 Montague Street	Adams and Knickle
43 Tannery Street	Clarence Dauphinee
49 Tannery Road	ABCO
57 Tannery Road	ABCO
61 Tannery Road	ABCO

fish uses, including fish processing
marinas, including boat rentals and charters, fuel sales, and pump-out facilities
marine railways
marine uses
marine-related commercial uses
parking lots
parks
public uses and buildings
sale of fish and other seafood
shipbuilding and repair
ship chandlery and provisioning
storage buildings for commercial fishing gear
wharves and docks
wholesale fish establishments
outdoor yacht and boat sales and displays, including yachting and boating merchandise

16.2 Developments Permitted by Development Agreement

- (i) industrial development which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.7
- (ii) Places of entertainment, recreation or assembly in accordance with Municipal Planning Policy 8.7A.

16.3 **Marine Industrial (MI) Zone Standards**

Minimum Front Yard	nil
Minimum Side Yard	nil
Minimum Rear Yard	nil
Maximum Height of	13.5 metres (45 feet)
Minimum Lot Area	37 square metres (400 square feet)
Minimum Frontage	nil

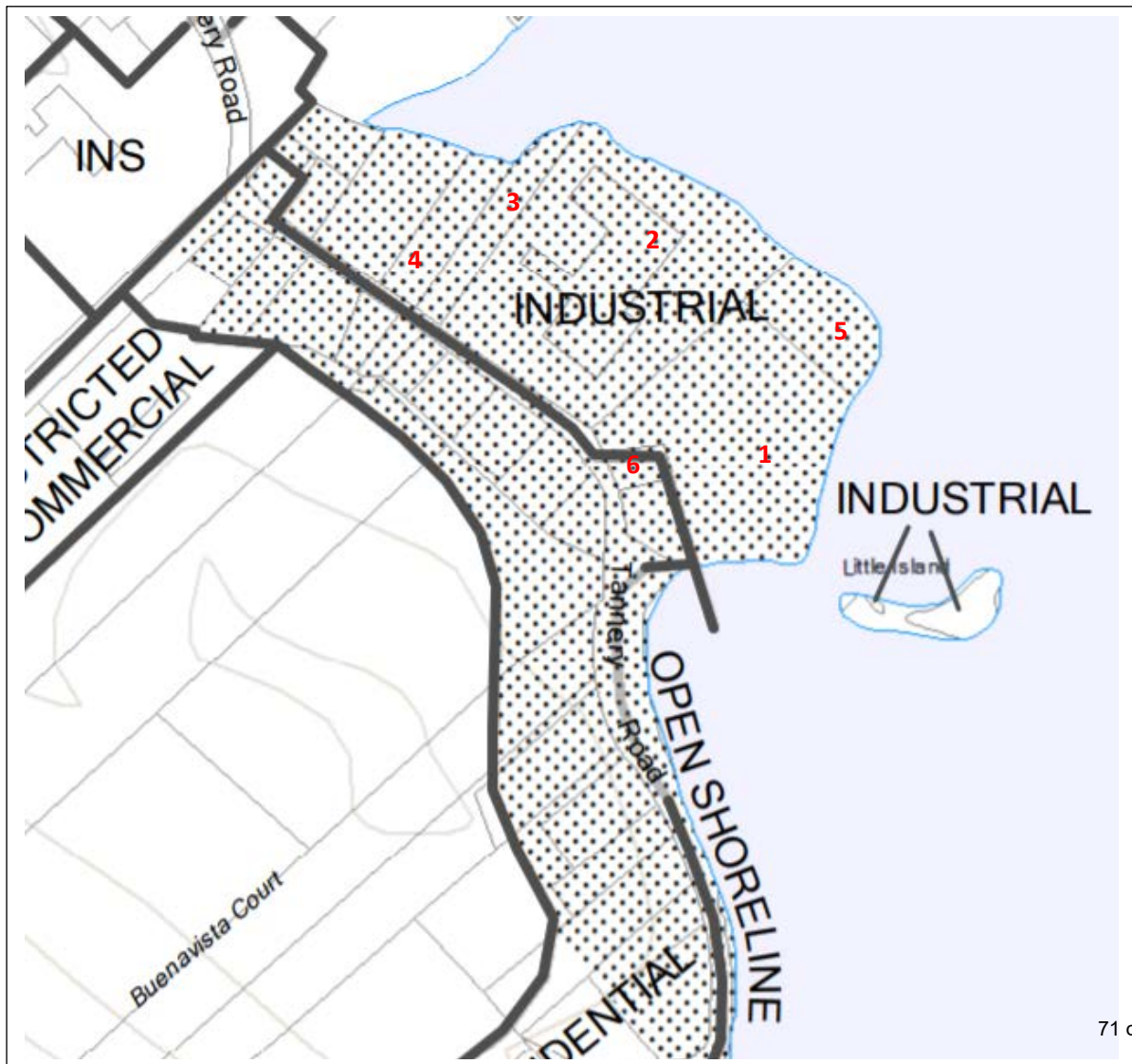
16.4 Notwithstanding section 16.3, a boathouse may be erected on a lot that is at least 37 square metres (400 square feet).

Schedule D – Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road

Property online search of “ABCO” shown on excerpt from Town of Lunenburg, Municipal Planning Strategy, Map 2, Future Land Use, showing Architectural Control Area along Tannery Road with lands owned by ABCO Industries Holdings Limited numbered in red

7 October 2019

	PID	OWNER	PROPERTY ADDRESS/AREA
1	60053188	ABCO Industries Holdings Limited	Lot A, Tannery Road (2.37 acres)
2	60053196	ABCO Industries Holdings Limited	81 Tannery Road (3.28 acres)
3	60053204	ABCO Industries Holdings Limited	61 Tannery Road (19375 sq ft) residential
4	60053212	ABCO Industries Holdings Limited	57 Tannery Road(19845 sq ft) residential
5	60386018	ABCO Industries Holdings Limited	Lot 2, Tannery Road (29900 sq ft)
6	60672839	ABCO Industries Holdings Limited	Lot 09-1 (6013 sq ft)



MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: FEBRUARY 6, 2020

**RE: PLANNING ADVISORY REPORT (AMERO)
Proposed amendments to the Municipal Planning Strategy's Map 2
Future Land Use Map to remove Lot A1 (PID 60642741) from the
Architectural Control Area along Dufferin Street.
(Amero application)**

Applicant	Joseph Amero & Eldona Amero
Land Owner	Joseph Amero & Eldona Amero
Proposal	Application for MPS map amendments to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street
Lot Area	10641.0 sq. ft
Designation	Residential
Zone	Residential (R)
Surrounding uses	residential
Architectural Controls	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal)

1. FACTS

Joseph and Eldona Amero, have submitted an application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street. Mr. Amero appeared before Council on 27 August 2019 to seek permission to apply. Council invited Mr. Amero to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying documentation are attached as Schedule A.

Mr. Amero has related that he has had Lot A1 for sale for a number of years and believes that the architectural control area restrictions have hindered its sale. He wishes to be removed from the architectural control area and be subject only to the Residential (R) Zone provisions.

A public information meeting was required under the Town of Lunenburg's Public Participation Program. This meeting was held on 13 January 2020 to provide members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC).

The purpose of this meeting is for PAC to consider the application, public comments, and staff report and then make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

Detailed information on the process is below.

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	<ul style="list-style-type: none"> -Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, - Applicant notified -PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	<ul style="list-style-type: none"> -PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	<ul style="list-style-type: none"> -Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	<ul style="list-style-type: none"> -Approved advert sent to paper -Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	<ul style="list-style-type: none"> -Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation

8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

B. Property Information

The subject property is in the Residential designation and Residential (R) Zone. Part 5 Residential (R) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule B. The surrounding uses are all residential. The lot is currently vacant.

The lot was originally part of the property next door at 95 Dufferin Street. The Ameros severed the parent property in 2005 to create Lot A1 (subject property) and Lot A2, which contains the home at 95 Dufferin. 95 Dufferin Street is no longer owned by the Ameros.

The property slopes from a higher elevation at Dufferin Street to a lower elevation at the rear. The rear of the property was found to be quite wet during the site visit on 16 October 2019. The property to the north at 107 Dufferin Street is at a higher elevation as fill was brought in at the time of construction. Drainage from this property has been a concern from some adjoining neighbours.

Figure 1 shows the change in grade from the rear of the lot to the front of the lot abutting Dufferin Street. Figure 2 shows the streetscape from the corner of Dufferin and Tupper Streets. Figure 3 shows the 2005 subdivision that created Lot A1.



Figure 1



Figure 2

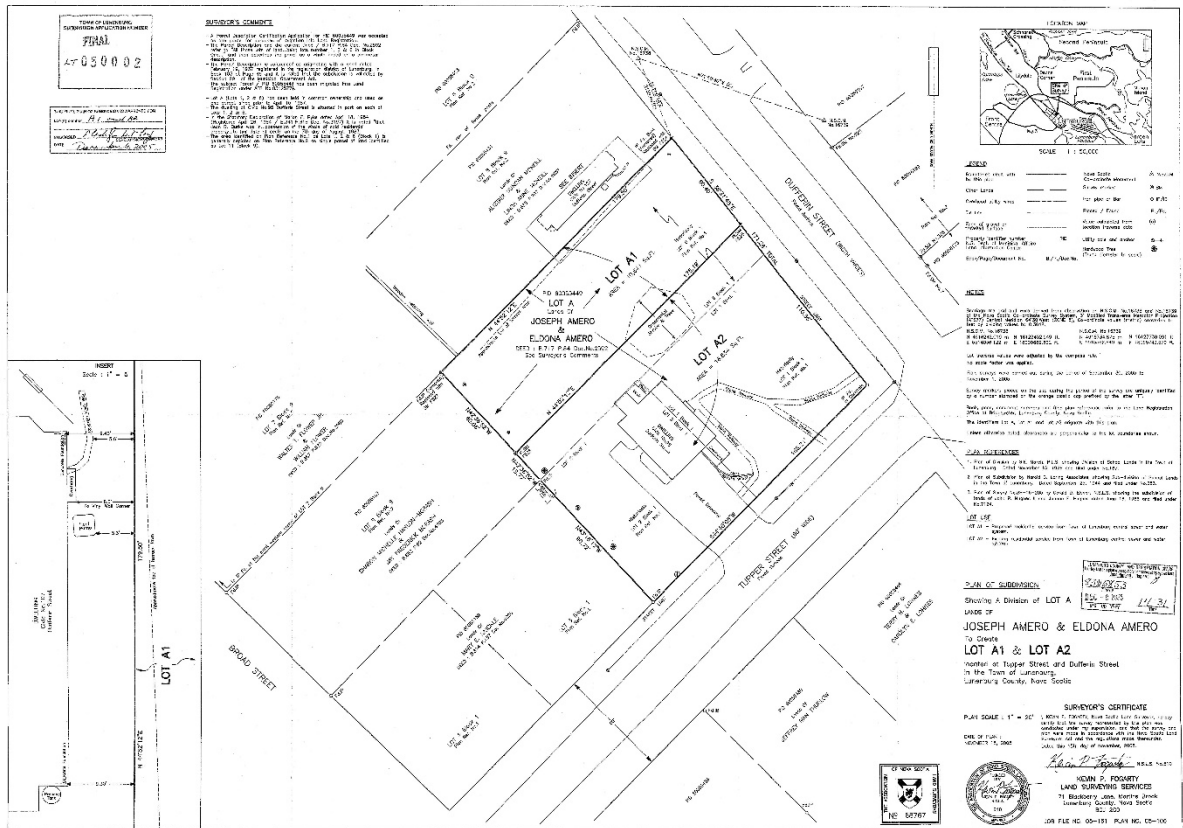


Figure 3

2. ISSUES AND OPTIONS ANALYSIS

A. Land Use Designation and Zone

The subject properties and surrounding properties are in the Residential designation and Residential (R) Zone. The area is intended for residential uses with one and two unit dwellings listed as permitted uses in the zone (via development permit) and multi-unit dwellings allowed through the development agreement approval process. The subject property is surrounded by low density residential development. The lot is approximately 60 ft wide so no further subdivision of the lot can be done. This is an infill lot (vacant between two existing residences).

B. Architectural Control

The preamble in Part 10 Architectural Heritage of the Municipal Planning Strategy sets out that Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. It acknowledges that Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated. The architectural control areas regulate the appearance of buildings through special provisions in the Land Use By-law. Architectural controls are a way of ensuring the protection of Lunenburg's built heritage.

The Architectural Control Areas are shown on the Municipal Planning Strategy's Map 2 Future Land Use Map. There are two areas: Falkland/Dufferin Streets and Tannery Road. "Old Town" was originally an architectural control area before becoming a Heritage Conservation District. If a property is in one of these areas, then it is subject to the architectural controls that are contained with the Land Use By-law.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule C. Regulation is through the Land Use By-law. Part 26G Architectural Control Area of the Land Use By-law regulates heritage design. Please refer to Schedule D for Part 26G. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, and style. Mr. Amero has related that pending sales have been lost when buyers become aware of the restrictions in the Architectural Control Area. He has asked that Lot A1 be removed from the Dufferin Street Architectural Control Area and does not wish to be included in a new Heritage Conservation District.

The subject lot is on the south west boundary of the Dufferin Street Architectural Control Area. It had been part of the parent lot when this boundary was defined. The property to the north of Lot A1 at 107 Dufferin Street is not within the boundary. The property directly across the street at 102 Dufferin Street is within the boundary. While the Georgian style home at 95 Dufferin Street, beside Lot A1 at the corner of Dufferin and Tupper Streets, was built sometime after 1946, the homes that are across Dufferin

Street at 90 Dufferin Street (1888-1890), 96 Dufferin Street (1891-1893) and 102 Dufferin Street (1910) are much older. Please refer to Schedule E for a map showing the Amero lot, Lot A1, in Architectural Control Area on Dufferin Street.

Removing the architectural controls on this lot would have much the same impact as that of 107 Dufferin Street, which abuts the subject lot to the north. The boundary of the architectural control area would move roughly 60 ft. Where the lot is at the edge and it is vacant, there is less impact on the integrity of the architectural control area. It is a unique situation in the Dufferin Street architectural control area.

C. Heritage Conservation District linkage

This is a planning application and, as such, a discussion on a proposed revised Heritage Conservation District Plan and By-law is not within the duties and responsibilities of the Planning Advisory Committee. Below is for information and context.

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law have been reviewed by the Heritage Advisory Committee but has not begun the Council approval process. The draft includes the Dufferin Street architectural control area becoming part of an expanded Heritage Conservation District. Mr. Amero wishes to be removed from the architectural control area and does not wish to be included in a new Heritage Conservation District. He wishes to have the same regulations to operate under as 107 Dufferin Street, which is R Zoning only.

D. Provincial Statements of Interest

Development undertaken by the Province and municipalities should be reasonably consistent with the statements. As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

1. Statement of Provincial Interest Regarding Drinking Water
Goal: To protect the quality of drinking water within municipal water supply watersheds.
Basis: A safe supply of drinking water is a basic requirement for all Nova Scotians.
Application: This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.
Comment: Not applicable. The property is not within a water supply watershed.

2. Statement of Provincial Interest Regarding Flood Risk Areas
Goal: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.
Basis: Floodplains are nature's storage area for flood waters. New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development. Five floodplains have been

identified as Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program.

Application: This statement applies to all Flood Risk Areas that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) East River, Pictou County,
- (2) Little Sackville River, Halifax County,
- (3) Sackville River, Halifax County,
- (4) Salmon and North Rivers, Colchester County, and
- (5) West and Rights Rivers and Brierly Brook, Antigonish County.

Comment: The property is not within the identified Flood Risk Areas. The property is wet at the rear and water flows across this property onto neighbouring properties. It does not contribute to a flood risk situation.

3. Statement of Provincial Interest Regarding Agricultural Land

Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Basis: The preservation of agricultural land is important to the future of Nova Scotians. Agricultural land is being lost to non-agricultural development. There are land-use conflicts between agricultural and non-agricultural land uses.

Application: This statement applies to all active agricultural land and land with agricultural potential in the Province.

Comment: The properties are not in agricultural production or considered to have soils with high capability for agricultural development.

4. Statement of Provincial Interest Regarding Infrastructure

Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.

Basis: All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

Application: All communities of the Province.

Comment: The properties is capable of being serviced. Development on this properties would be considered infill. There is no "leap frog" development proposed.

5. Statement of Provincial Interest Regarding Housing

Goal: To provide housing opportunities to meet the needs of all Nova Scotians.

Basis: Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

Application: All communities of the Province.

Comment: The development of this lot would add to housing stock as it is in a residential zone. Removal from architectural controls will not affect the ability for residential development.

B. UNESCO World Heritage Site: Impact on the Outstanding Universal Value

In order to be a World Heritage site, the location must be of Outstanding Universal Value, demonstrating international significance. It must “transcend national boundaries and be of common importance for present and future generations of all humanity” (UNESCO’s Operational Guidelines 2012). It must also meet at least one of the six cultural (I-VI) or four natural (VII-X) heritage criteria.

Old Town meets criteria iv and v:

- iv. To be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- v. To be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change;

UNESCO sets out the following for Old Town Lunenburg, A UNESCO World Heritage Site with respect to the statement of Outstanding Universal Value:

Brief synthesis

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

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

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

The subject properties are not in or near the designated World Heritage Site. It does not form part of the buffer. It cannot be seen from areas within the site. Removal from the

architectural control area will not impact the integrity or authenticity of the world heritage site.

Other considerations:

A removal of the property from the architectural control area will not create a financial burden for the Town in relation to such things as cost associated with services. The site has direct access to municipal water and sewer services. There is little potential for land use conflict given that there would be low density residential development on the infill lot. The lot is not considered a source of pollution. The permitted uses in the R Zone do not contribute to soil erosion or siltation of watercourses. The site would require grade alterations as the rear is at a much lower elevation and is wet. Neighbours have concerns regarding storm drainage coming onto their properties should the site be developed.

OPTIONS:

A. Grant the request to remove Lot A1 (PID 60642741) from the Architectural Control Area along Dufferin Street.

This option would not require any new home to be built in accordance with the architectural controls set out in LUB Part 26G. Modern design would be permitted.

B. Amend Part 26 G Architectural Control Area of the Land Use By-law to have less restrictions on heritage design.

Any amendment would likely apply to all residential uses in the architectural control area along Dufferin Street (not site specific). This option is not preferred as it would impact the integrity of the area as a whole. This option would involve a planning process in that any Land Use By-law amendments would have to begin again with PAC holding a Public Information Meeting.

D. Do not grant the request. No change.

E. Other

It would be the decision of Council as to whether to include any, all, or part of the Dufferin Street Architectural Control Area in a revised Heritage Conservation District Plan and By-law. A revised Heritage Conservation District Plan and By-law requires Council approval. Responsibility for recommendations regarding the revised Heritage Conservation District Plan and By-law is with the Heritage Advisory Committee.

3. FINANCIAL IMPACT

There would be little financial impact on the Town.

If a home is constructed on the lot, then there would be increased residential assessment. The lot is not with the Old Town Lunenburg UNESCO World Heritage Site and will have little impact on tourism or local economic development.

4. STRATEGIC PLAN RELEVANCE

1) Promote a high quality of life for residents

5. RECOMMENDATION AND DRAFT MOTION

Where the lot is at the edge of the architectural control area on Dufferin Street and the lot is vacant, the impact on the integrity of the area is lessened.

As such, staff recommend the following motion:

THEREFORE BE IT RESOLVED THAT:

the Municipal Planning Strategy's Map 2 Future Land Use Map be amended to remove Lot A1 (PID 60642741) from the Architectural Control Area along Dufferin Street.

Attachments –

Schedule A, application form and accompanying letter
Schedule B, Part 5 Residential (R) Zone
Schedule C, Part 10 Architectural Heritage in the Municipal Planning Strategy
Schedule D, LUB Part 26G Architectural Control Area
Schedule E, Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Schedule A - Application form and letter

Town of Lunenburg Planning Application for a
Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name Joseph Amero and Eldona Amero	Name Joseph Amero and Eldona Amero
Company Name N/A	Company Name N/A
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address Lot A1, Dufferin Street	<input checked="" type="checkbox"/> Copy of Deed
PID # 60642741	<input checked="" type="checkbox"/> Survey Plan or Equivalent
Present Use of Property VACANT	<input checked="" type="checkbox"/> A Letter Explaining the Proposal
Proposed Use of Property SALE FOR RESIDENTIAL USE	N/A Application and Advertising Fees \$945.15 (\$245.15 + \$700.00) FEES WAIVED BY MOTION OF COUNCIL 27 AUGUST 2019

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

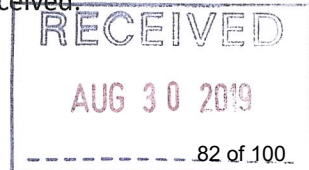
Please see the letter included

By submitting this application I affirm that the facts set forth are true and complete.

Eldona Amero *J Amero*
Name (printed): Joseph Amero Signature: J Amero Date: Aug 29, 2019

OFFICE USE ONLY: Type of Application: MPS, Map Amendment

Date received:



Joseph Amero
34 Archibald St.
Lunenburg ,NS
PO Box 1893
B0J 2C0
August 29, 2019

Mayor Bailey and Members of Town Council
Town Hall
Lunenburg,NS

Request to Remove Land Use By-Law Heritage Designation:

We are requesting the removal of our Lot PID #600 554 49 from the Land Use By-Law Heritage Designation for the following reasons:

1.Many people have been asking me why this lot is so designated as it is far removed from the Heritage area of Old Town.My answer is always,"I am not sure because when you look at where it is located ,it does not make sense.Furthermore ,I spoke to Michael Zinck , Funeral Director and owner of Sweeny' s Funeral Home. He told me that in his attempt to build his new Funeral Home there ,the question of a Heritage site was never brought up.

When we lived in 95 Dufferin St. we never considered it to be a Heritage House nor that it was located on a Heritage designated Lot. It was not in the description of sale nor ever mentioned to us by the real estate agent. It was an older Georgian but of modern design and a very beautiful one at that.So we purchased it.

The only time the question of this block being a Heritage site was when we tried to sell it.

2.We have lost many potential buyers as a result of this designation :e.g.

Families with children, retirees, working people and others who wanted to relocate to our beautiful town.Potential buyers have walked away scratching their heads after finding out from Mr. Arthur MacDonald that the lot was a Heritage Designated site and being told what kind of house they

could build by Mrs.Dawn Sutherland.This has caused us considerable frustration as well as to the potential buyers.

Many of these potential buyers had taken great care to draw up sketches and plans for their new home not to mention time and expense only to have their dreams squashed.

I would draw your attention to the attached email ,especially the last comment on that page.

“They certainly should change the by-law(s) with the loss of \$60000 to roughly\$80000 in tax revenues yearly.definitely ! No one except for a rich individual with a taste for old traditional housing in a newer developed area with newer **looking houses would ever want to purchase and build on it with the guidelines in place.”**

The town would also benefit from this change in that it would have a new revenue stream and be seen as providing for additional housing which we all agree is needed.

Also new residents have the potential of being assets to the Town’s culture and population growth.

3. This area in question creates a delineation halfway through this residential block which has a mix of older and newer homes which does not bear any correlation to a Heritage area.This lot is vacant and the home next to it is of modern construction. A house of Heritage construction would be out of place and appear as an anomaly.

5. We are ardent fans of heritage preservation as we live in a late 1800’s house .We feel that our request is reasonable under the circumstances.

Thank you .



Joseph and Eldona Amero

From: **Stephanie deVries** stephanie@viewpoint.ca
Subject: Buyers Comments re Arhicitucally Protected Area
Date: May 22, 2019 at 6:41 PM
To: **Joseph Amero** eamero@eastlink.ca

Hi Joseph and Eldona

Well that was was short lived-sorry. Please find the buyers comments below re his meeting with the Town today.

"Good afternoon Stephanie & David,

I've just completed a meeting with Mrs. Dawn Sutherland the Town Development/Planning Manager, Mr. Lee Fougere the Town Engineer had to attend another meeting and Mr. Arthur MacDonald the Town Heritage Manager is away from his office until May 27th.

Mrs, Sutherland and I discussed the architectural design guidelines of the Old Town Heritage bylaws, **a small portion of which I've attached**, along with application for the property in question to be removal from the Heritage designation by town council.

I was advised by Mrs, Sutherland that the home I proposed for placement on the property would not fit in with the present heritage guidelines and that application for the property to be removed from the heritage designation by council could take up to 6 months, without guarantees, along with the fact it could still be appealed by surrounding homeowners/residents even if it was granted.

I presented my case of lost tax revenue to the town over the 10 or more years it has been unoccupied, ranging from \$60,000 to \$80,000 and continuing due to the lot's restricted width and architectural guidelines but this didn't make a difference.

Given these circumstances I must withdraw my purchase proposal citing excessive expenditures required to meet the present design restrictions and it's unpalatable end result.

Please contact me should you have any further questions or concerns.

Sincerely,
(Attachment)

They certainly should change the bylaws with the loss of \$6000 to roughly \$8000 in tax revenues yearly, definitely ! No one except a for rich individual with a taste for old traditional housing in a newer developed area with newer looking houses would ever want to purchase and build on it with the guidelines in place !

Stephanie deVries
View Point Realty
Cell 902-521-1575
Fax 888-761-9052
<http://www.viewpoint.ca>

002592

THIS INDENTURE made this 20 day of April, A.D., 1999

BETWEEN:

DANIEL ZWICKER and JUDITH ANN ZWICKER, spouses, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia;

being the owner of the lands described in Schedule "A" herein.

(hereinafter called the "Grantor")

OF THE ONE PART

- and -

JOSEPH AMERO and ELDONA AMERO, husband and wife, both of Cambridge, in the Province of Ontario as JOINT TENANTS and not as Tenants-in-Common;

(hereinafter called the "Grantee")

OF THE OTHER PART

WITNESSETH THAT in consideration of One Dollar and other good and valuable consideration:

THE GRANTOR hereby conveys to the GRANTEE the lands described in Schedule "A" to this Warranty Deed as JOINT TENANTS and not as Tenants-in-Common and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia.

THE GRANTOR covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required.

IN THIS DEED the singular includes the plural and the masculine includes the feminine and neuter genders, with the intent that this Deed shall be read with all appropriate changes of number and gender required of the context.

IN WITNESS WHEREOF the Grantors have signed and sealed this indenture on the day and year first above written.

SIGNED, SEALED AND DELIVERED)

- in the presence of -)

Handwritten signatures of Daniel Zwickler and Judith Ann Zwickler on lines.

D. Zwickler DANIEL ZWICKER

Judith A. Zwickler JUDITH ANN ZWICKER

LUNenburg COUNTY REGISTRY OF DEEDS 2592 717 84-86
I certify that this document was registered as shown here.
Joan Plunkett Registrar 06 01 1999 11:50 AM

AFFIDAVIT OF SPOUSAL STATUS

CANADA
 PROVINCE OF NOVA SCOTIA
 COUNTY OF LUNENBURG

We, Daniel Zwicker and Judith Ann Zwicker, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia make oath and say as follows:

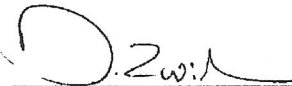
1. THAT We are the Grantors in the foregoing Warranty Deed and are of the full age of nineteen (19) years.
2. THAT We are now, and intend to be at the date of closing residents of Canada within the meaning of the Income Tax Act (Canada).
3. THAT for the purposes of this our Affidavit, "spouse" means either of a man or a woman who:
 - (i) are married to each other;
 - (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity; or
 - (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabitating or have cohabited within the preceding year.
4. THAT we are the spouses of each other and we have no other spouse as defined herein.

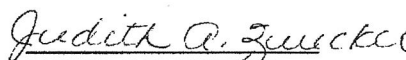
SWORN TO (severally) at
 Lunenburg, in the County
 of Lunenburg, Province
 of Nova Scotia, this 7th + 20th day
 of April, A.D., 1999.

A _____
 OF THE SUPREME
 COURT OF NOVA SCOTIA

David K. Macdonald
 A BARRISTER OF THE
 SUPREME COURT OF NOVA SCOTIA

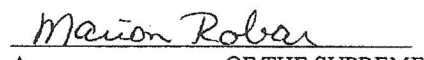
AFFIDAVIT OF EXECUTION


 DANIEL ZWICKER


 JUDITH ANN ZWICKER

PROVINCE OF NOVA SCOTIA
 COUNTY OF LUNENBURG

ON this 5 day of May, 1999 before me, the subscriber personally came and appeared David K. Macdonald, a subscribing witness to the foregoing indenture, who having been by me duly sworn, made oath and said that DANIEL ZWICKER and JUDITH ANN ZWICKER, two of the parties thereto, signed, sealed and delivered the same in his presence.


 A _____
 OF THE SUPREME
 COURT OF NOVA SCOTIA

C:\myfiles\deeds\zwicker.deed.wpd

MARION R. ROBAR
 A Commissioner of the
 Supreme Court of Nova Scotia

SCHEDULE "A"

All those lands and premises conveyed in a Trustee's Deed dated the 7th day of May, 1984 from Patrick A. Burke and Mary Ann Burke, Executors and Trustees under the last Will and Testament of Jean B. Burke, to Daniel Zwicker and Judith Ann Zwicker recorded in Bridgewater Registry of Deeds Office on the 8th day of May, 1984 in Book 342 at Page 204 and therein more particularly described as follows:

" ALL those certain lots of land situate, lying and being in the Town of Lunenburg and bounded as follows:

BEGINNING at an iron bolt at the Northwest intersection of Tupper and Dufferin Streets;

THENCE in a Westerly direction along said Dufferin Street One Hundred and Seventy (170') feet to a stake;

THENCE in a Southwardly direction One Hundred and Eighty (180') feet to a stake;

THENCE in an Eastwardly direction One Hundred and Seventy (170') feet to a stake on the bounds of Tupper Street, aforesaid;

THENCE along said Tupper Street Northwardly One Hundred and Sixty-seven (167') feet to the place of beginning and being lots Number 1, 2, and 6 in Block One according to a plan of division of School lands made by S.E. March, P.L.S. and dated November 15th, 1926.

BEING AND INTENDED TO BE the same lots of land as conveyed by the Board of Management of School Lands to William T. Powers by deed dated the 19th day of February, 1937 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 103 at Page 49 under No. 77.

For further reference to title see:

1. Last Will and testament of William T. Powers dated the 31st day of August, 1955 duly admitted to Probate at the Probate Court for the County of Lunenburg on the 31st day of October, 1955 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 120 at Page 408.

2. Last Will and testament of Jean Bernice Burke duly admitted to Probate at the Probate Court for the County of Lunenburg on the 11th day of August, 1982. "

JB
Dmz

Schedule B - Part 5 Residential (R) Zone

PART 5 RESIDENTIAL (R) ZONE

5.1 Permitted Developments

(a) Developments Permitted

existing commercial uses as follow:

Civic Address	Use
60 Dufferin Street	part-time upholstery business in accessory building
195 Green Street	retail florist

existing multi-unit dwellings as follow:

Civic Address	Number of Units
37 Blockhouse Hill Road	15
30-36 Broad Street	8
138-146 Centennial Avenue	5
119 Cornwallis Street	15
23 James Road	14
41 James Road	14
28 Sawpit Road	12
36 Sawpit Road	12

existing visitor-oriented commercial uses as follow:

Civic Address	Use
18 Lower Street	(1) use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys
	(2) use of 450 square feet of the property for outdoor sales and display
	(3) use of two signs, each a maximum of 5 square feet in area
34 Linden Avenue	(1) use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs
	(2) use of 100 square feet of the property for outdoor sales and display
	(3) use of three signs: <ul style="list-style-type: none">• one 25 square foot quilt hung on the dwelling• one 13.6 square foot ground sign; and• one 3.5 square foot flat fixed wall sign

guest houses up to 3 units subject to Section 3.1
 parking lots associated with uses permitted in the Residential (R) Zone
 single-unit dwelling
 two-unit dwellings

- (b) Developments Permitted by Development Agreement
- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
 - (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
 - (iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
 - (iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
 - (v) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

5.2 Residential (R) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Side Yard on Side with Common Wall	0 metres (0 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)
Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

5.3 Attached Dwellings on Separate Lots

Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

5.4 Special Requirements: Existing Visitor-Oriented Commercial Uses in the Residential (R) Zone

In the Residential (R) Zone visitor-oriented commercial uses listed in the zone may:

- (a) continue the use;
- (b) expand the building for residential purposes in accordance with the requirements of the Residential (R) Zone;
- (c) replace the building;
- (d) move the use to a different location within the building, provided that
 - (i) there is no increase in the size of the use beyond that listed in the

- Residential (R) Zone;
- (ii) there is no increase in the area of outdoor display and sales beyond that listed in the Residential (R) Zone;
 - (iii) there is no change in the type of item available for retail sale from those items listed in the Residential (R) Zone; and
 - (iv) all other activity related to the business use, such as parking, is in accordance with the requirements of Section 5.1 of the Land Use By-law.

10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

ARCHITECTURAL CONTROL

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.

Council will also consider the future possibility of extending the heritage conservation district to include the Dufferin Street, Falkland Street, and Tannery Road architectural control areas and other historic parts of the Town by future amendment of the conservation plan and bylaw and this municipal planning strategy.

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

- 10.1** regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

- 10.2** designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

- 10.3** incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:
- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 **New Main Buildings**

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 **Additions and Alterations to Existing Buildings**

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 **Renovations and Replacements**

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.

Schedule E – Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street

