

PLANNING ADVISORY COMMITTEE MEETING RECOMMENDATIONS

WEDNESDAY, NOVEMBER 24, 2021

RECOMMENDATIONS

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

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

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

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

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

PLANNING ADVISORY COMMITTEE MEETING MINUTES

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

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

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

1. Call to Order

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

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

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

3. Agenda

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

4. Approval of minutes

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

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

5. Public Participation Meetings

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

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

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

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

The following comments/submissions were received.

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

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

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

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

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

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

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

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

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

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

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

- Alastair Jarvis, First South (Schedule "B")

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

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

- Brian MacKay-Lyons – 80 Pelham Street

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

- Cheryl Stenstrom – 71 Lawrence Street

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

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

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

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

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

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

- Theresa Quilty – 45 MacDonald Street

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

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

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

- Oliver Osmond, 95 Buenavista Court

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

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

- Barry Olivella, 81 Townsend Street

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. New Business (Nil)

7. Business Arising from the Public Participation Meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Next Meeting Dates

- As required.

9. Adjournment

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

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

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