

**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.**

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**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

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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.

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

## **Public Participation Meeting Process Outline**

### **1. Opening of the Public Participation Meeting**

*A Public Participation Meeting provides members of the public with an opportunity to learn about a proposal and make their views known to the Planning Advisory Committee (PAC). A Public Participation Meeting is required under the Town's Public Participation Program for certain Planning related applications/proposals.*

*In terms of process, after the Public Participation Meeting is held, the PAC may make a recommendation to Council to approve First Reading and proceed to a Public Hearing or defer decision to a later date. Please note that time for questions from the gallery is during the Public Participation Meeting. Once the Public Participation Meeting is closed, discussion is to be between the PAC members only.*

### **2. Review of General Rules of Conduct**

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

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

### **3. Public Participation Meeting**

- (i) Presentation by Interim Planner Arthur MacDonald
- (ii) Written submissions:  
  
Irma Da Sie, Architect and Stephen Richards;  
Lunenburg Heritage Society  
Leslie Wright; Leaf + Branch Lands + Building Corporation Inc.
- (iii) Public input (oral submissions)

### **4. Closing of the Public Hearing**

Motion: moved and seconded to close the Public Participation Meeting.

Good evening.

Your worship, distinguished councillors, committee members, town staff, ladies & gentlemen of the town of Lunenburg.

My name is Irma Da Sie. My husband & I have lived in Lunenburg for 17 years at 106 Pelham street directly next door to the Lunenburg arms hotel.

I am & have been a working architect for almost 40 years. To be clear, I am not against any development, only insensitive development. We need good, & yes, modern design that enhances the pedestrian experience in old town & ensure that the streetscapes are conserved, that the scale & form harmonise with the surroundings & projects have a high aesthetic value, while minimising any negative impacts on old town's heritage value.

But, here we are once again to fight for the protection of our built heritage.

What this meeting is about, is the protection of our newly adopted Municipal Planning Strategy & Land Use By-law. I firmly believe we should NOT be allowing development agreements in old town for real estate developers to increase the allowable lot size & street frontages which will simply contribute to oversized building projects.

To quote from the MPS text, "Lot frontage is typically the key lot dimension that affects community character."

For the public's benefit, I would like to explain; A development agreement (DA) is a contractual relationship between the owner of a lot and the Town. It circumvents the planning process. It maximizes the benefits of a development in ways that the current zoning & by-laws would not otherwise allow. It is a practice considered undemocratic by some. Once entered into such an agreement, It provides certainty to the developer that his project cannot be subjected to any changes in planning policy for its duration & they can be binding for up to 10 years or even more. It's also a mechanism used to provide a benefit to the town, such as infrastructure improvements, parks or monetary payment, in exchange for that privilege & long term certainty. These are PRIVATE negotiations, mostly likely taking place during "in camera" meetings, so thus, the community will not be involved.

The first item for discussion is a general blanket amendment that will allow any future council for years to come, possibly 40 years, to enter into negotiations with any future developer, possibly of unknown reputation, for reasons the public will not know about or be allowed to comment on. We are to entrust that all future governments, mayors & 6 councillors, will always be able to judge for themselves what is in the best interest of the residents, & they alone can determine what the “in lieu” payment might be, if any.

Now, there’s one thing I really have trouble comprehending.

Mr. MacDonald laid out 2 options for consideration to the PAC, or 3 if you count the simple refusal of the application which was within their power to do so. The first was to simply change the maximum lot size & lot frontage in the new zoning strategy for everyone.

But, Mr MacDonald’s advice was & I quote “ Considering the above, as well as the potential impacts on the urban form of the WHS (World Heritage site), it is not recommended at this time to enable a blanket as-of-right increase to the maximum lot area & maximum lot frontage for the entire Lot Zone 1.”

He’s right. This would be a clear threat on our UNESCO status.

Yet, Option 2 as chosen by the PAC enabling council to consider applications on a case by case nature is essentially worse, as it can allow, by DA, even bigger projects over time, as economic pressures heighten, as governments choose different agendas, as egos take over & disregard what is beneficial to the town. This scenario is an even **bigger** threat to safeguarding our built heritage. And yet this is what we are asked to consider.

Lunenburg’s planning documents are based on the Comprehensive Community Plan. It is the 40-year strategic plan for the Town based on lots of community input, best practices & technical analysis.

“Since February 2019, the Town engaged its citizens over an 18-month process to define the community's goals and aspirations, and to chart a course that will have community efforts moving in the same direction, contributing to a shared vision for the future. Project Lunenburg was completed with the partnership of Upland Planning + Design”... who incidentally, won the Atlantic Planners Institute 2021 Award for Planning Excellence for this work.

I feel this is an amazing legacy left by former mayor Rachel Bailey, & the former councillors & staff who made this possible. It reflected well on the new government who adopted the CCP & moved forward with the new municipal planning strategy & land use by-law. To quote the town's website, "The town's new regulations present an exciting & ground breaking approach to Urban planning"

The Planning Strategy was carefully & specifically drafted to protect our built heritage & incorporated what is required to ensure the preservation of the UNESCO criteria of Lunenburg's Outstanding Universal Value. It called for the protection of the rigid urban grid & small lot sizes in Old Town. It focussed on access to housing, putting the needs of residents before tourism & good, well paying jobs all year long.

So now, within 2 months of its adoption, we are gathered to discuss gutting the of the very heart of the Planning Strategy to meet the needs of Mr. Richard Homburg & his privately owned international conglomerate. He is not a resident of Lunenburg.

Our UNESCO designation is not something we can afford to take for granted. It is not out of the realm of possibilities for Lunenburg to be delisted. If we open the doors to the pressures of tourism & uncontrolled development, it could begin to happen.

Liverpool in the UK was delisted due to a development project that resulted in a serious loss of historic authenticity, stating that the city's historic urban landscape had been permanently unbalanced.

Old City in Jerusalem is on the endangered list due to uncontrolled urban development, general deterioration of the state of conservation due to tourism. As is the historic centre of Vienna.

So let me ask council, is this to be **your** legacy?

We can't get heritage back.

So please, let's just follow the planning strategy, as paid for by our taxes, as it was drafted by the consultants & experts that were hired to do so, and let's not get distracted by outside influencers who pretend to know what is good for the town's residents. There are many other development opportunities available elsewhere in town for projects requiring larger lots.

With regards to specifically items 2 & 3 on the application, these should also be dismissed as neither proposal contains anything that would be beneficial to the town's residents.

An important objective of the CCP was to create a balanced economy & year round well paying jobs. These are really not the well paying jobs the community is seeking. The tourist industry employs workers from May to October, 4 maybe 6 months max. The other tourism businesses in town have no problem providing these seasonal jobs. So I ask the question, How many additional well paying long term career jobs are they proposing to add?

That then creates further problems, where to house them.

The primary objective of the planning strategy is access to quality housing. Where will these new seasonal employees live? Will additional stress be created on our already strained housing market? Will there be the creation of additional good quality long term housing or employee housing in any of these buildings?

Specific to item 2)

I've explained so much in my letter of October 11. This was written in direct response to Mr. MacDonalds analysis to the initial demolition permit request. These documents are no longer part of this package, so I am assuming the demolition request will be heard under a separate hearing once the HAC committee has weighed in with their recommendations if this goes ahead.

The gist of my letter describes the importance of not allowing any more demolition of perfectly sound heritage buildings & the need to protect each individual asset. H1 -H2

As well, I describe & analyse why the new extension does not fit into the surrounding streetscape. It is explained in detail, which I hope you have taken the time to read. I would be happy to answer any questions you may have.

I do have a few new points to make on the presentations newly included in the documents.

M0 - M1

Firstly the way the new extension is depicted in the harbour view photo. When accurately imported into autocad, you can see that the length is misrepresented by almost 5 feet in length.

M2

SECONDLY, the developers rendering of the south side of pelham is so out of scale with the streetscape...

M3

...as you can see in this elevation depicting the new extension in relation to our building next door.

M4-M5

I have sketched the proposed building mass from a pedestrian's view from the corner of king street & pelham which is a more realistic representation.

M6-M7

I have added imilar sketches showing the mass of the proposal from the corner of Pelham & Duke street.

M8

The massing diagram has been left out of the agenda package & I thought it should be included for a better understanding of the scale of the request.

Finally M9

Showing the already dominate massing of LA hotel on the surrounding 2 & 3 story buildings.

I would also like to add that by granting the development agreement on these 2 lots, before the HAC is allowed to weigh in, you are potentially condemning this little heritage building to an unknown fate. I do not envision the public's support for more demolition of our built heritage, especially this structurally sound, well maintained, pre-1900 building that was once a commercial establishment & then a former residence.

If we can learn from a very sad & recent example. The land & house next door to the golf course was captive in a development agreement for 10 years, only to be demolished due to neglect. 94 Pelham is of minimal use to the Hotel, & the option to sell it off & return it to the housing stock in town could therefore always be considered if left as a separate property. If you agree to consolidation of these 2 lots, this building could potentially be another casualty of the negligence of our town council to protect a UNESCO asset.

I'd like to bring up another issue, which relates to Mr. Homburg's organisation's commitment to the community & respect for town by-laws.

I think it is important to state a few facts from our experience between the LA hotel, ourselves & other neighbours.

When the original Lunenburg Arms Hotel was built & operational in 2002, it was agreed by all parties to install the kitchen fans high above the roof line on the east facade where they would cause no disruptions. Some years later, after we purchased our house, these fans were brought down to the level of our deck & pointed towards us & other apartments nearby. The sound was so loud, from 6 am until 11 pm, that we could no longer enjoy our deck during the summer or engage pleasantly in conversation. Despite the involvement of town lawyer, Mr Burke, advising the Hotel that they did in fact contravene the town's sound by-law, the Homburg International Group refused to consider the impact of their newly modified equipment on the neighbourhood, nor did they take any action to improve the situation. This can all be validated by Mr. Burke.

So, I would caution against entering into a DA with an organisation that knows that they have the ability to pick & choose which by-laws they can ignore.

The 3<sup>rd</sup> proposal on the agenda asks for an increase in the maximum lot size as a special accommodation for a 2 storey above ground parking and more hotel rooms above.

I believe it is wishful thinking that this decorated shed of a parking garage is going to alleviate the additional stress on old town's parking woes. It is well known that curb parking is convenient. Drivers fill up the curb first, no matter how much off-street space exists nearby.

BUT the issue of parking is HUGELY important in old town.

That is precisely why it is premature to accept this lot consolidation based on a street level parking garage.

The Planning Strategy clearly states that on-site parking in old town is clearly contrary to good community development. It is for that reason that no minimum parking requirements are established in the new by-laws. They recommend the public provision of parking, such as off-site parking lots & improved street parking, as a desirable alternative to destroying the building fabric of old town.

Agree or not, **This is not the time or the place for this discussion.**

As the CCP states, the town needs good governance, community participation & expert consultation to create a comprehensive parking policy for the town during the tourist season.

Not like this.

Accepting this development agreement for a parking garage would be a tragic misstep, a “race to the bottom” and a failure of council to seize the opportunity to address the parking problem properly.

For the town council to foolishly lock themselves into a legally binding document that would secure Mr. Homburg’s right to a private above ground parking structure for years to come is not in anyone’s best interest except Mr. Homburg himself.

The town needs to stay focused on the pedestrian experience, continuity of street-level activity, & diversity of uses which is what heritage tourism is all about.

Parking garages should not be at street level, put them underground if need be. We need to enhance the pedestrian experience for residents all year round, not create a street that will be desolate for half the year.

P1

I just want to add some information to the discussion about the former king’s hotel. Here is a picture from 1896 showing a very pedestrian friendly design in harmony with the sloping site, giving life & vibrancy to the area.

In closing, we, as owners of 104-106 Pelham, firmly object to giving special accommodation to bypass the zoning regulations of our town. We all have to

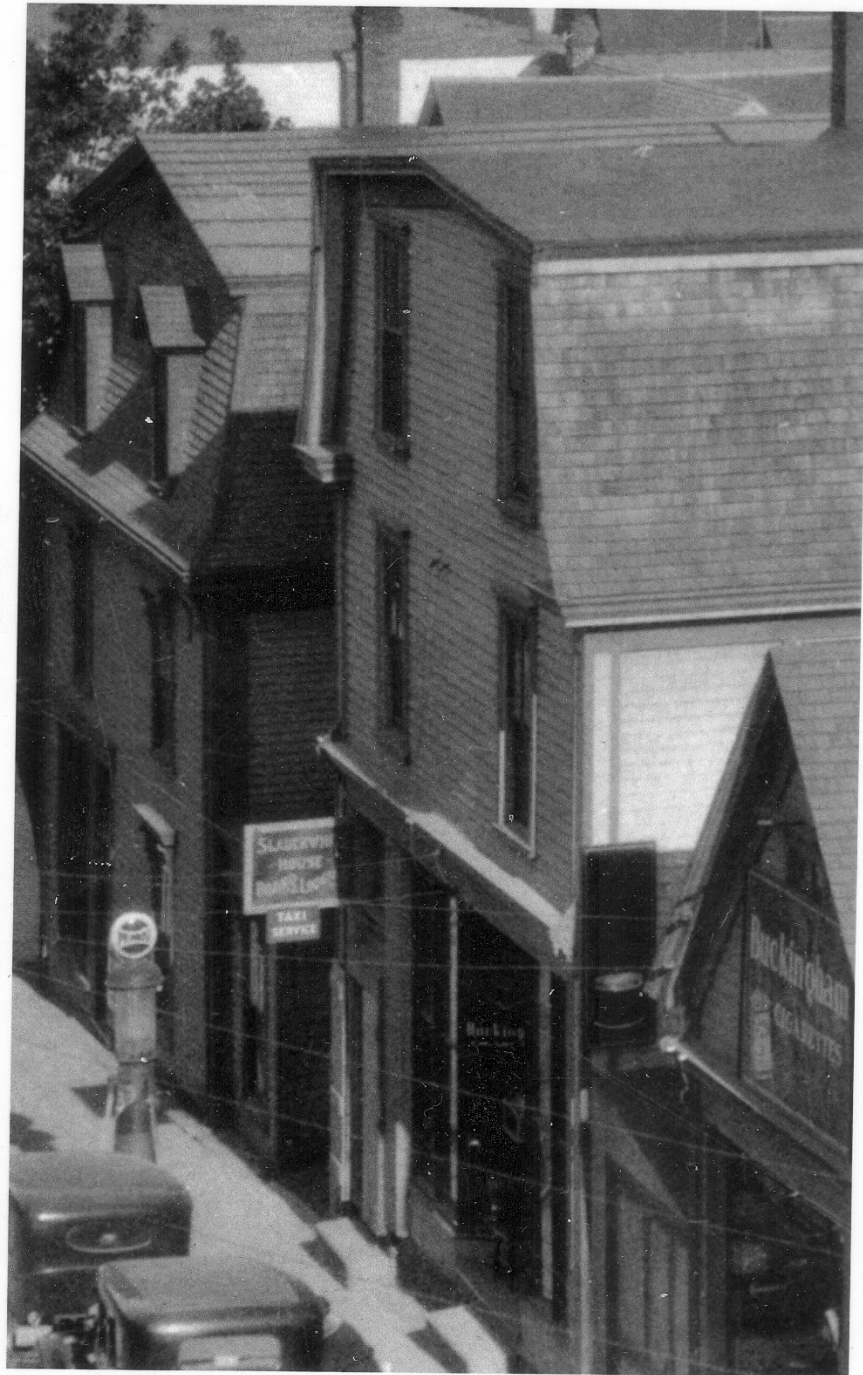
conform to the rules & Mr. Homburg is no exception. His business will not collapse if he doesn't get his way.

Thank you all for allowing me to express our views.

Irma Da Sie,  
Stephen Richards.

NOVA SCOTIA MUSEUM

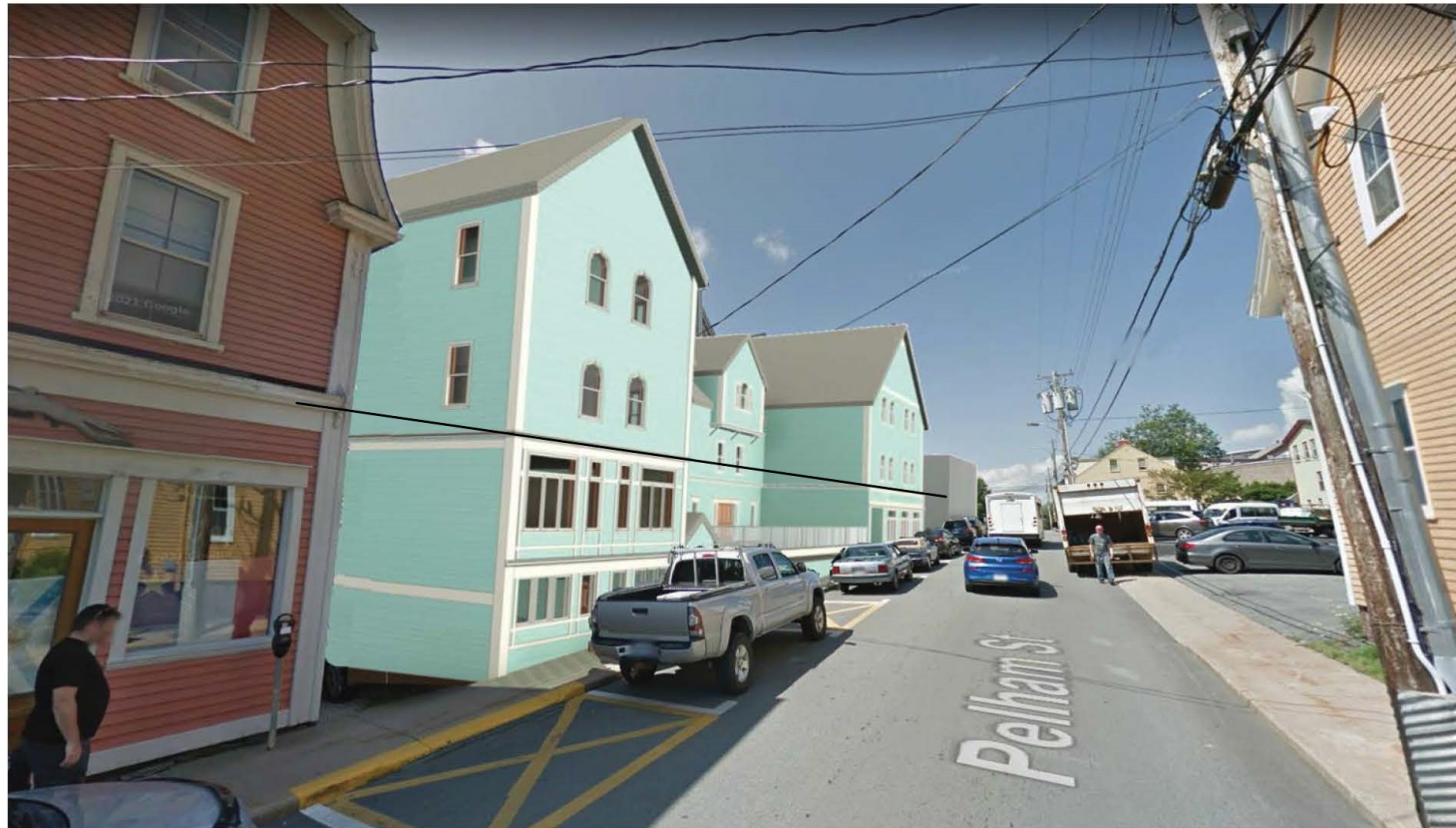








# RENDERING







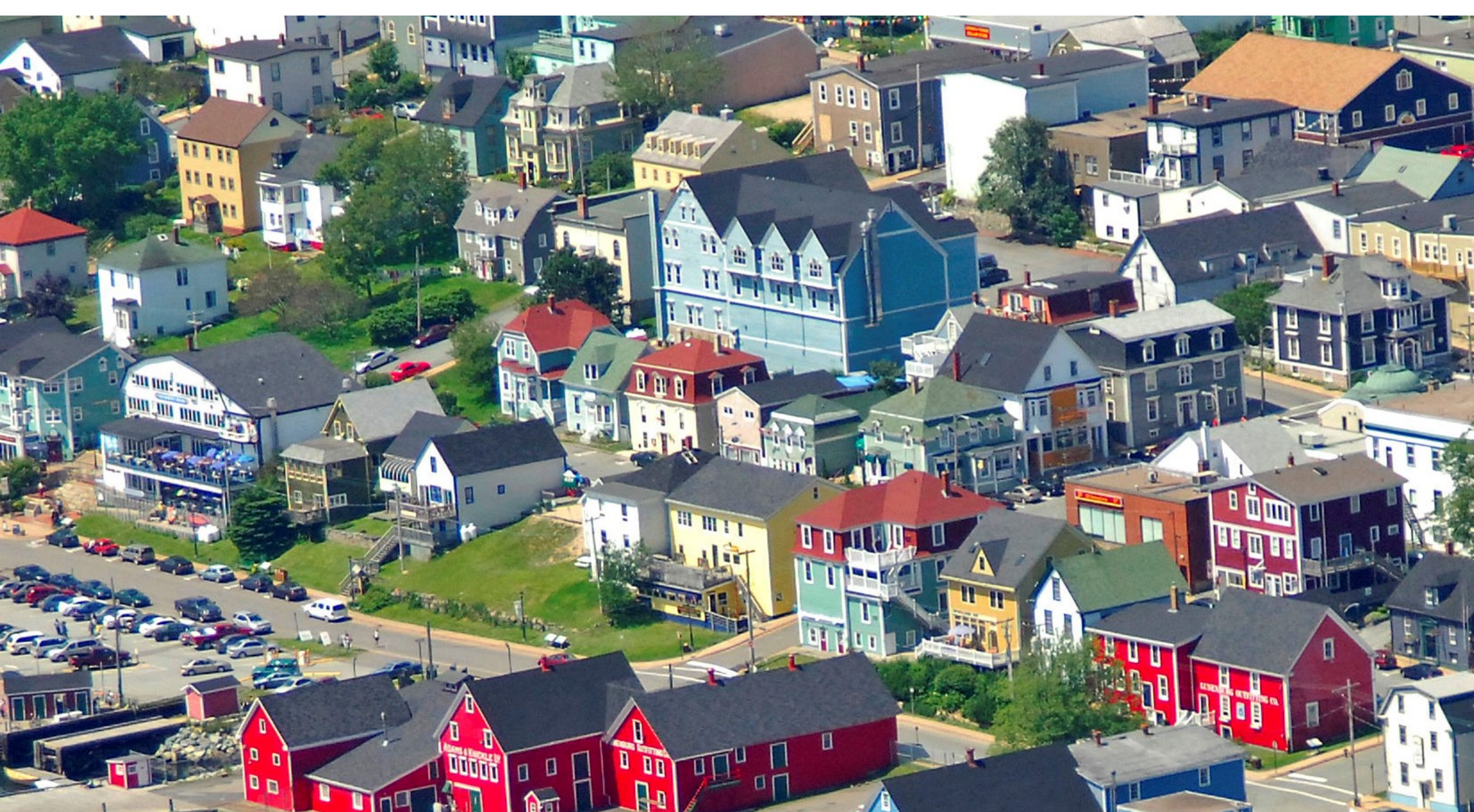






# RENDERING







Lunenburg PAC Public Participation Meeting - November 24, 2021

Nathalie Irving, 297 Pelham Street

Chair of the Lunenburg Heritage Society

I feel that this evening's meeting is a precursor to the topic to which the society was requested to advise earlier this fall. In its letter to the Mayor and Council, dated October 14, 2021 the Society opposed the demolition of 102 Pelham Street. This demolition is to make way for part of the development plans of the Lunenburg Arms Hotel.

Rather than reading my letter this evening, I would like to express some of my concerns:

- The possibility of amendments to the new Municipal Planning Strategy and Land Use Bylaw a mere two months after they came into effect.
- The additional mass of an expanded Lunenburg arms building
- an additional densely massed structure across the street to the Lunenburg arms on the corner of Pelham and Duke
- The height of structures. Section 3.2 of the design guidelines for the Old Town Heritage Conservation District state that the maximum height of a commercial building should be 35 ft. more than a story below the proposed addition

The pillars of sustainability include culture and heritage evenly, along side 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.

As stated in our letter, the collective of the buildings in Town create our story and I am concerned that this development does not add positively to our story.

Mayor & Councillors  
Town Of Lunenburg  
119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS B0J 2C0

October 14, 2021

Dear Mayor Risser and Councillors:

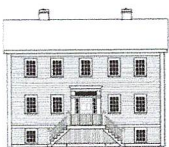
**Re: Demolition of 102 Pelham Street, Lunenburg, NS**

As requested in a letter from Arthur MacDonald, Heritage Manager, on September 17, 2021 the Lunenburg Heritage Society wishes to provide advice with regards to the application to demolish 102 Pelham Street. One goal of the Lunenburg Heritage Society is to preserve and promote Lunenburg's unique heritage and this goal is the basis for our opposition to the application to demolish 102 Pelham Street. This building has served many purposes through its years on Pelham Street: barn, records office, store, home, and business. If nothing else, this building is a good example of pre-1940 commercial structure and preserves the scale and architectural characteristics of the commercial district.

The collective of the buildings in Town create our story: the interesting, the elaborate and the every day. There is concern that demolishing 102 Pelham Street to make way for further development would not be in keeping with Lunenburg's UNESCO designation. If we were to determine the historical worth of a building based solely on its being a registered property, then many of the treasured homes and commercial buildings in the Town of Lunenburg could easily be lost to demolition.

The Lunenburg Arms towers over Pelham Street between King and Duke and its expansion will only add to the mass of the structure (even if considered as four masses). The character of the block will be lost entirely if we also consider the proposed new parking garage and 30 or more micro-suites across the street on the corner of Pelham and Duke. Feedback from our membership has indicated concern over the additional massing having a "detrimental" impact and turning the block into an "urban wasteland" with little pedestrian traffic and speeding drivers.

In the Town staff's draft report to the Heritage Advisory Committee/Town Council, Section 4.8.2 of the Old Town Heritage Conservation District Plan Demolition Policy considers the design features of an expanded Lunenburg Arms, with respect to the overall structure. However, it does not consider the design features of the existing structure of 102 Pelham and the impact of replacing it. This makes an approval of the application seem like a foregone conclusion. The draft report also states that the applicant is willing to move the structure, but have they considered incorporating it into the expansion



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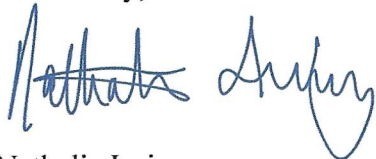
plans? Why does preservation have to suffer in the name of development? Can the old not be incorporated with the new? Tell a new story, educate our visitors, and share our heritage.

The economics of preservation will very rarely win over demolition and starting anew when business owners consider capital costs. The properties owned by the applicant capitalize on their charm, character, and unique locations: all of which can be found in Lunenburg.

Various arguments can be mounted to demolish 102 Pelham Street, as indeed for any building. However, what is the Town's duty to the preservation of its built Heritage? That duty may require a deeper reflection, and that is what the Lunenburg Heritage Society is asking Council to do and deny the application to demolish 102 Pelham Street.

Thank-you for your consideration of our advice.

Yours truly,

A handwritten signature in blue ink, appearing to read "Nathalie Irving". The signature is fluid and cursive, with the first name being more prominent.

Nathalie Irving  
Chair, Lunenburg Heritage Society



November 22 2021

Mayor Risser and Councillors  
Town of Lunenburg  
119 Cumberland Street  
Lunenburg NS  
B0J 2C0

**RE: Proposed Expansions of the Lunenburg Arms Hotel**

Dear Mr. Mayor and Councillors,

Leaf + Branch Lands + Building Corporation Inc is the owner of the Burns Block property at 228/232 Lincoln Street that abuts the parking lot property that is one of the subjects of the application by Richburg LP Management Inc for expansion of their Lunenburg Arms Hotel operation.

Leaf + Branch has owned and operated the Burns Block for more than 10 years.

Having reviewed the minutes of the Planning Advisory Committee's November 3 2021 meeting, we are writing to register our opposition to the proposal to build a four storey parking garage and residential suites structure on the existing parking lot.

While we have many concerns about both the proposed expansions, our opposition specifically notes "Item xiv" in "Evaluation Criteria Policy 6-19 Review" which identifies "land use conflicts that could place limits on existing operational procedures at existing businesses."

We take exception to the Staff report claiming that the proposed land use development will have no such effect.

For your information, the Burns Block is home to six businesses that employ a total of 15 people. To a very large extent, these businesses rely on the light and views that are available from the south side of the building. The proposed project would eliminate this important amenity.

As a consequence, Leaf + Branch would suffer financial loss as we would no longer be able to charge the current rental rates and our operating income would be reduced.

As a further consequence, this proposal would also affect the market value of our asset causing further loss of our investment at the time of sale.

Yours sincerely,

**LEAF + BRANCH LANDS + BUILDING CORPORATION INC**  
Leslie Wright



November 23 2021

Councillor Susan Sanford  
Chair  
Planning Advisory Committee  
Town of Lunenburg  
119 Cumberland Street  
Lunenburg NS  
B0J 2C0

**RE: Public Participation Meeting November 24 2021**

Dear Councillor Sanford,

As owners of the property at 228/232 Lincoln Street, a representative of our firm would like to make a brief slide presentation at tomorrow's public participation meeting regarding lot consolidations for the expansion proposals by Richburg LP Management Inc. Our property abuts one of the lots in question.

Please advise if there are any specific coordination requirements as we will be bringing our presentation on a flash drive.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Leslie Wright", written over a horizontal line.

**LEAF + BRANCH LANDS + BUILDING CORPORATION INC**  
Leslie Wright

CC: Kevin Malloy, Interim CAO  
cao@townoflunenburg.ca

Arthur MacDonald  
amacdonald@explorelunenburg.ca

**Speaking notes to accompany the slide presentation by Leaf + Branch to the Planning Advisory Committee of the Town of Lunenburg on Wednesday, November 24 2021.**

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**SLIDE 1**

Brian Arnott

Leaf + Branch Lands + Building Corporation Inc

We develop properties in Ontario and Nova Scotia for ourselves and for other developers and investors.

We own 232 Lincoln St. This property abuts the present hotel parking lot.

We are speaking specifically to the parking garage proposal by Richburg LP Management.

For the record, we are strongly opposed.

**SLIDE 2**

This slide shows the original lot plan for Old Town with its grid of equal sized lots

Each lot is 40 ft by 60 feet (4,800 square feet in area.)

This town plan is the basis for the UNESCO inscription.

This plan also establishes the character of the townscape – Small IS beautiful.

**SLIDE 3**

This slide shows the lots in Old Town that still have their original boundaries.

Most of these are in the residential parts of Old Town.

**SLIDE 4**

This slide shows (in red) the previously consolidated lots that exceed the current maximum lot size of 465 m<sup>2</sup>/5,003 square feet.

**SLIDE 5**

This slide zooms in to show how the concentration of lot consolidations in the Old Town core has had impact on the original town plan.

The character and scale of the Old Town core have been gradually eroded by lot consolidations in the mid-to-late 20<sup>th</sup> century.

In order to prevent further loss of the character of the Old Town core, the Comprehensive Community Plan has had lot consolidations capped at 465 m<sup>2</sup> (5,003 sf) or 4% more than two of the original lot sizes.

The parking garage/micro-suites proposal requires a lot of 662 M2 (7,127 sf) – 42% bigger than the current maximum allowable area and 48% bigger than two originals lots.

The consideration of such a proposal begs the question of why have we gone to the trouble of consulting extensively with our community and approving this maximum lot size – only to break it before the ink is dry on our resolution?

## **SLIDE 6**

This slide shows the applicant's proposal for the parking garage – this is a plan view of the upper level showing an entrance off Duke Street.

What this plan does not show is that the applicant proposes an additional two storeys above this containing 30 to 38 micro-suites.

It also does not tell you that this proposal will generate the need for more parking – there are only 40 spaces in the parking garage to serve up to 76 suites – a further need 36 more parking spaces.

## **SLIDE 7/8**

This slide compares the size of the proposed parking garage/micro-suites (shown in red) to other large buildings in Lunenburg and shows that the proposed parking garage/micro-suites structure is as big as the Lunenburg Academy.

## **SLIDE 9**

This slide shows the existing condition including our building at 232 Lincoln Street with its distinctive windows.

For the record, this building houses 6 companies with a total of 15 employees.

Leaf + Branch believes that the proposed parking garage/micro suites structure will have a negative financial impact both on our operations and on our asset value. We also believe that we have a right-to-light that the proposed structure would infringe upon.

## **SLIDE 10**

This slide shows the streetscape views of the current and proposed conditions looking both west and east along Pelham. It is clear that the parking structure will have a negative impact on the streetscape as it offers nothing for pedestrians.

## **SLIDE 11**

This slide shows the parking garage/micro-suites structure in its urban context and illustrates that it would be the biggest building in Old Town – several times bigger than its neighbours.

## **SLIDE 12**

Is this what we want to see in future aerial views of Old Town?

In summary, the evidence is overwhelming that the parking garage/micro-suites proposal runs entirely contrary to the spirit, principles and intent of the Comprehensive Community Plan.

It is abundantly clear that:

- That the parking structure is massively out of scale in its urban context
- That both the building form and the building type are inappropriate to the character of Old Town and are unprecedented
- That the whole project makes no contribution to the Pelham or Duke streetscapes
- That the project will generate the need for more parking (as many as 36 additional spaces)
- That this consolidation would be precedent setting

On behalf of Leaf + Branch, I therefore respectfully request that this Committee deny the applicant's request for the lot consolidations before you – and further request that you decide here today that this application should not move forward into the development agreement process.

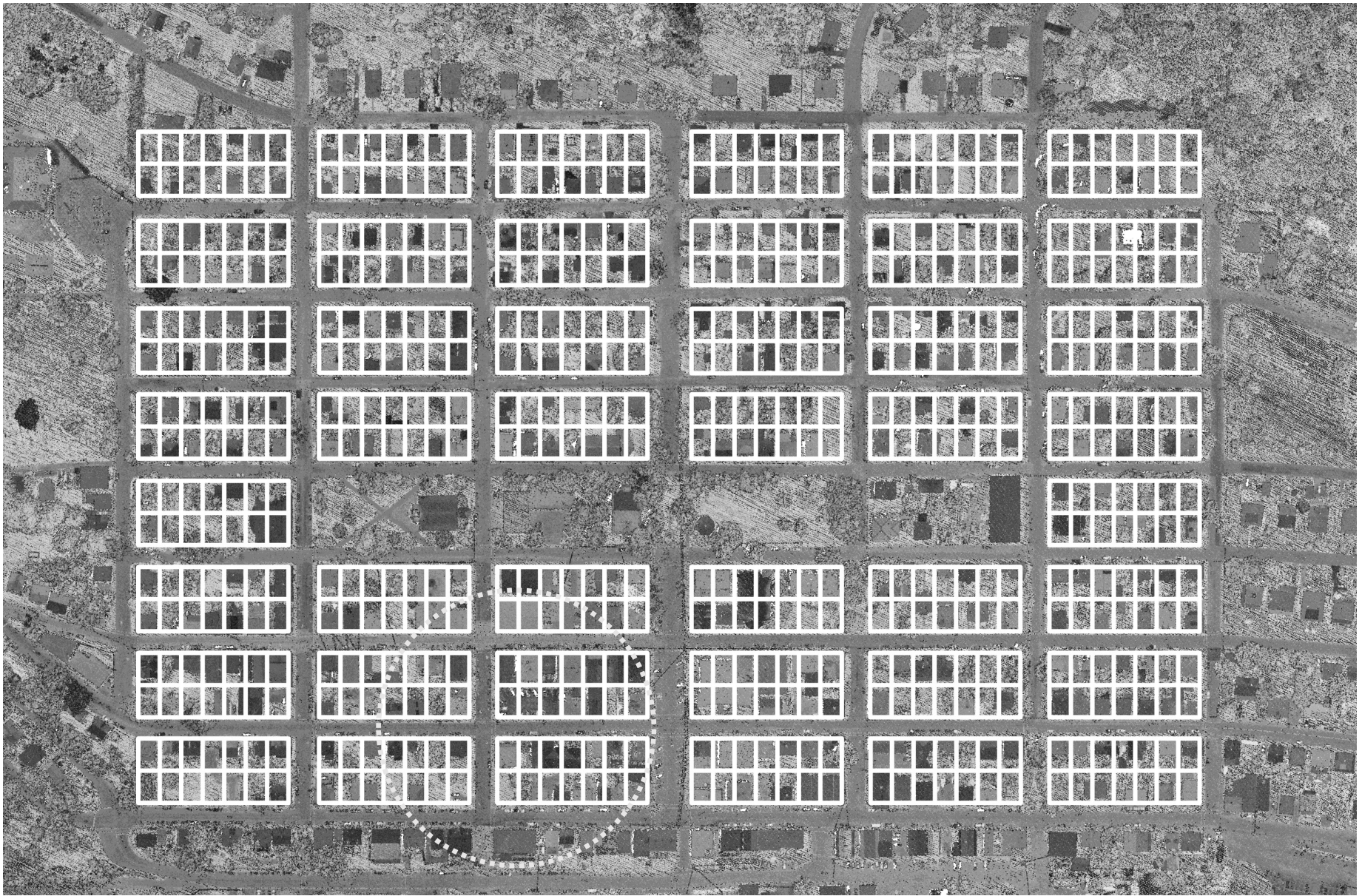
Finally, in light of all the work that went into the Comprehensive Community Plan and the expectations of all those who participated, I urge you to re-consider passing the amendment granting you authority to entertain any and all future lot consolidations as-of-right -- rather than dealing with all future lot consolidation proposals strictly on a case-by-case basis.

Thank you for your attention.

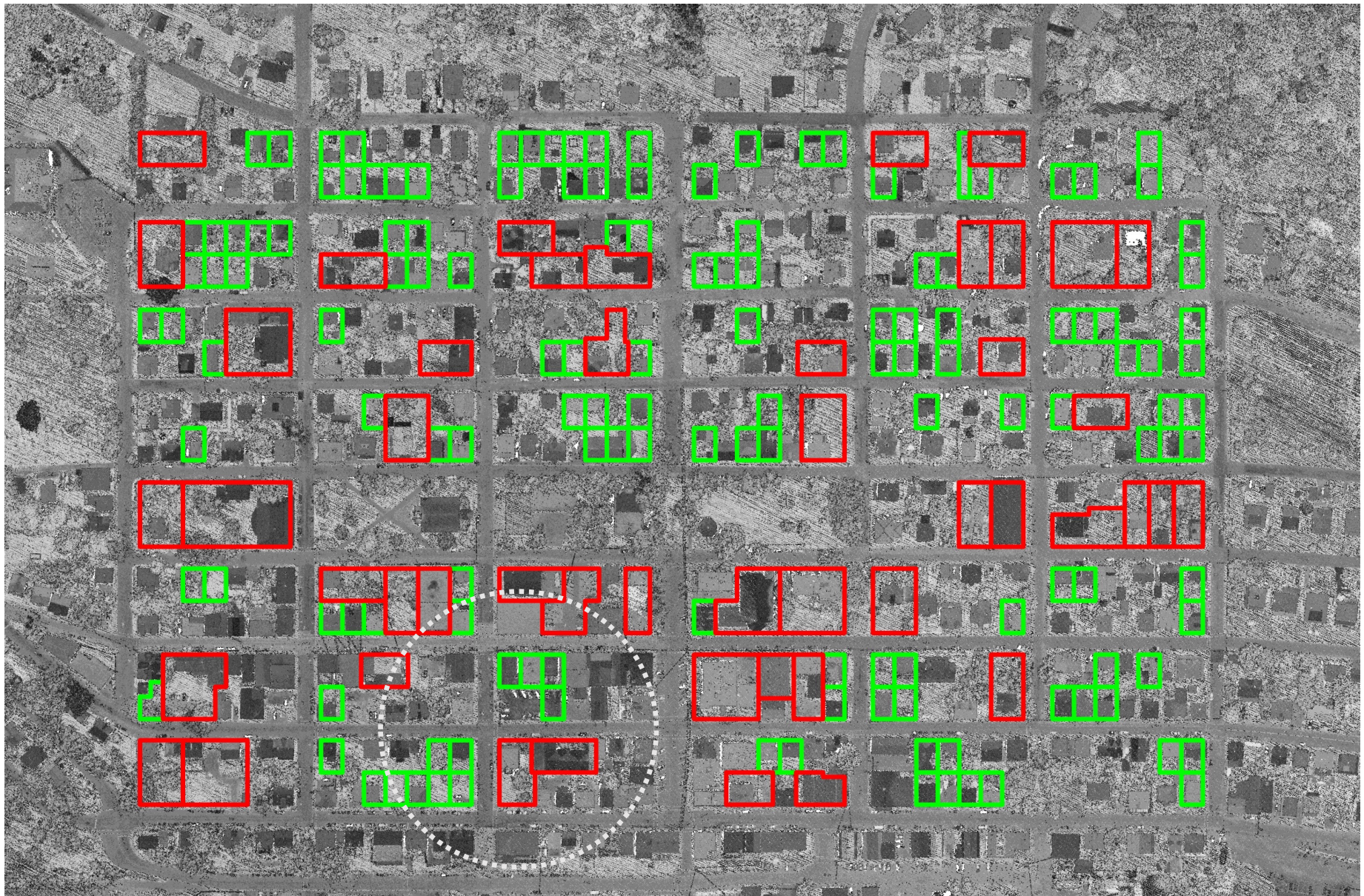
Town of Lunenburg  
Planning Advisory Committee  
November 24, 2021



232 Lincoln Street, Lunenburg

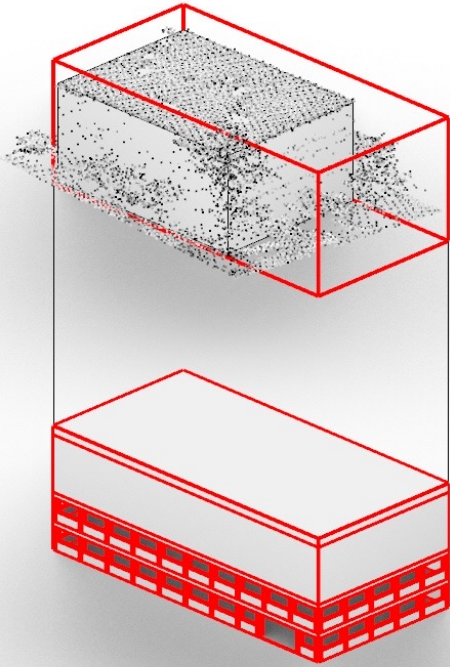




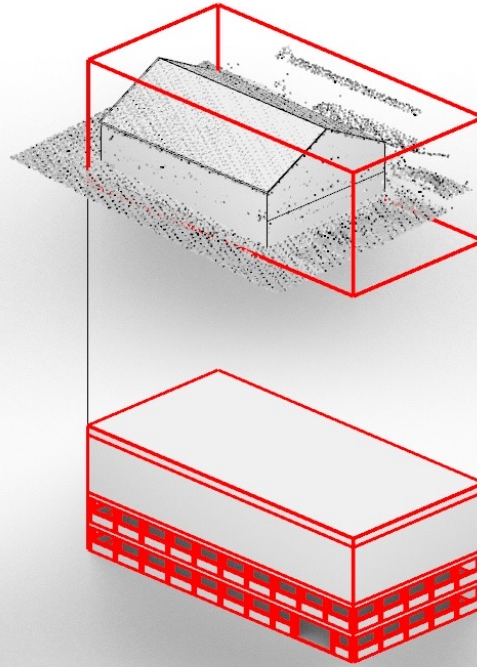




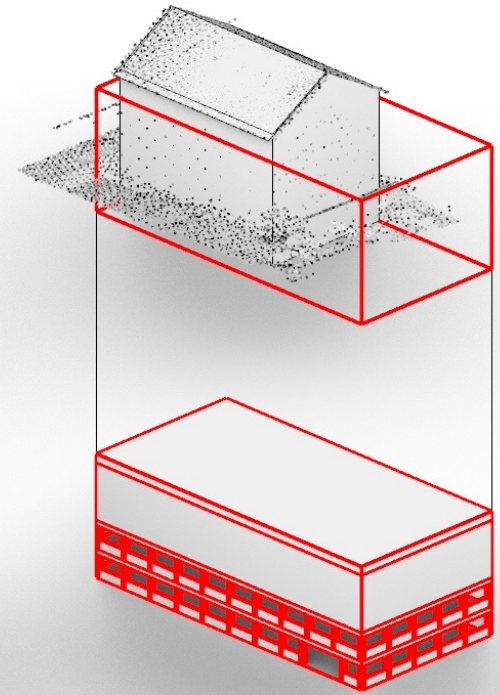




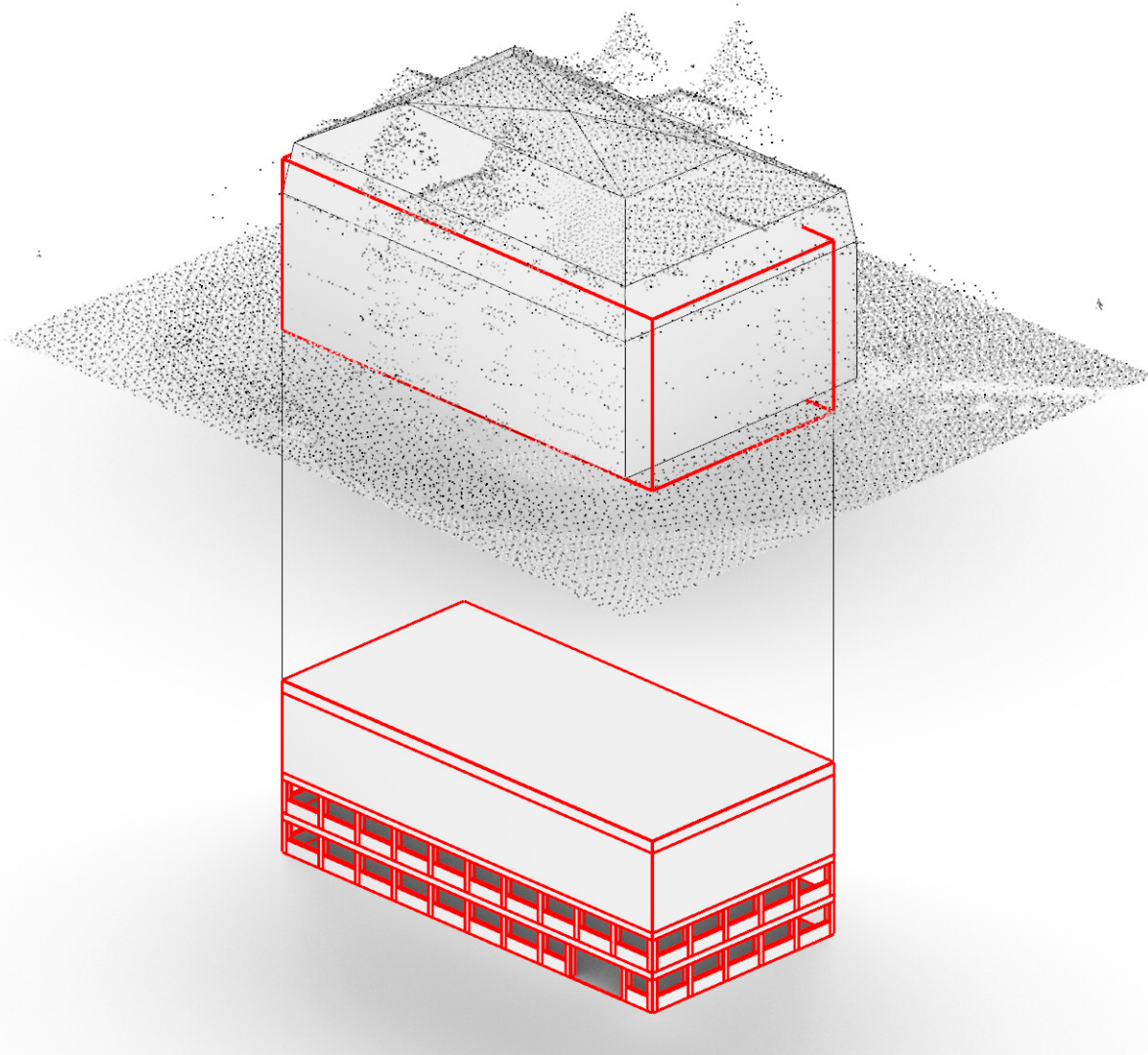
Old Post Office



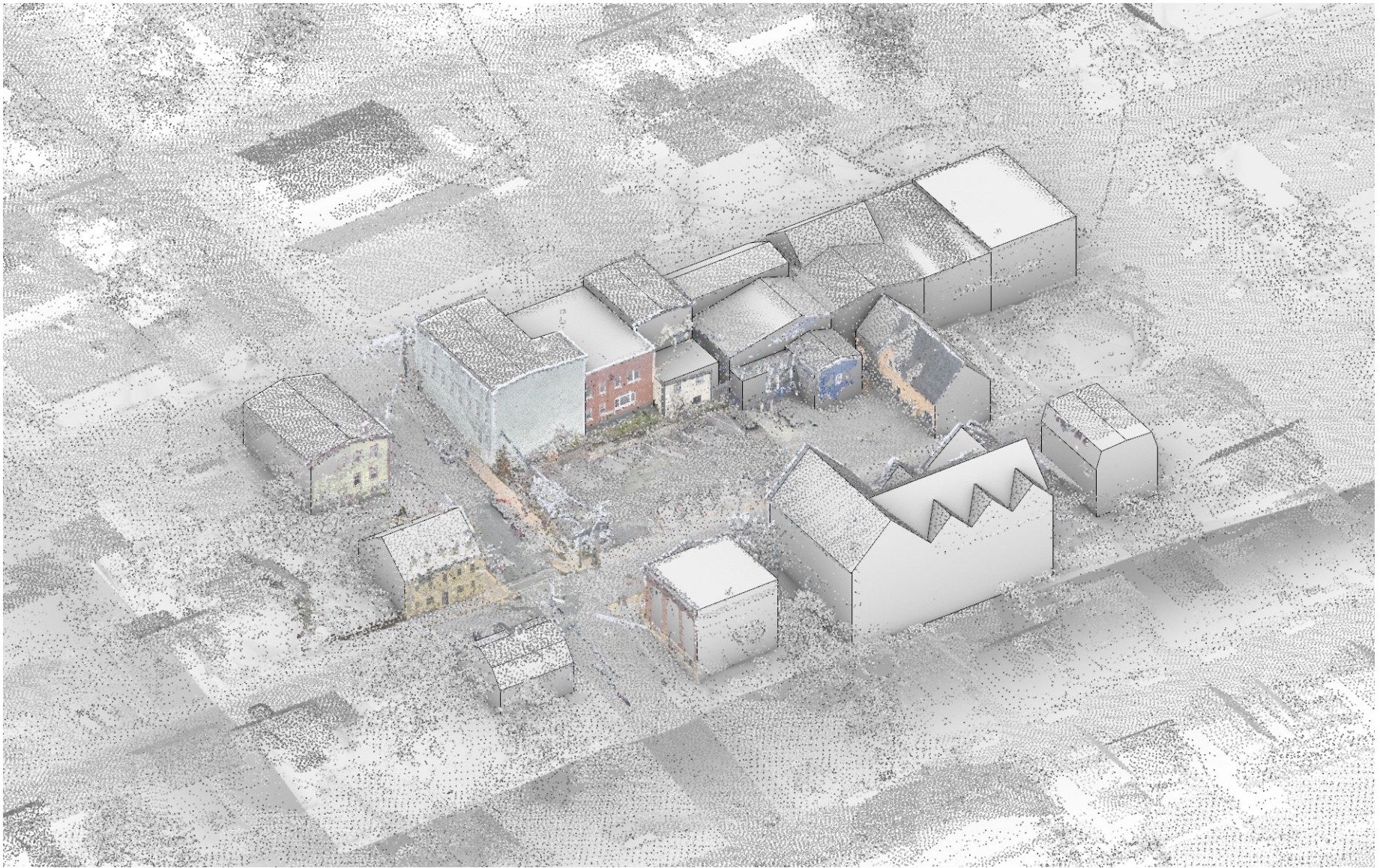
Mermaid Vision



Opera House

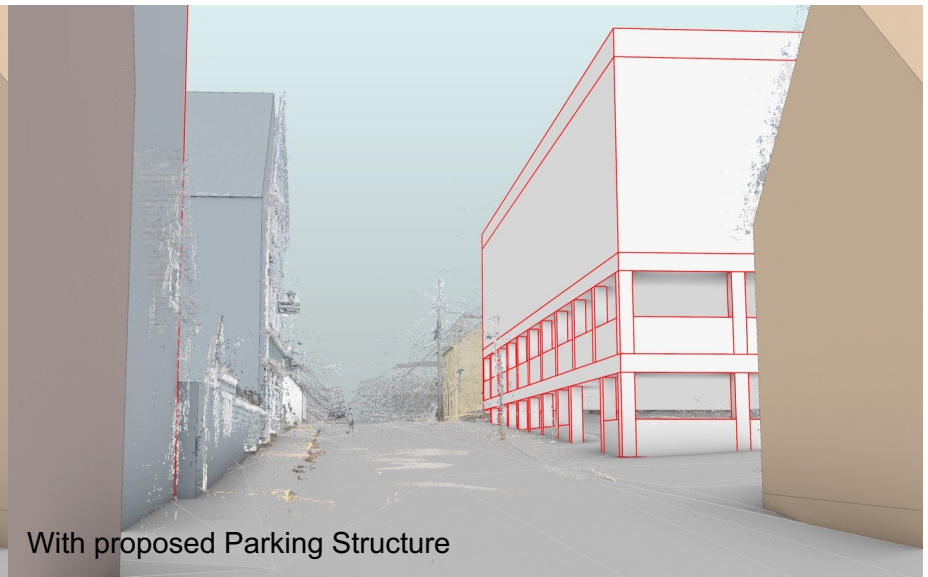


Comparison of proposed Parking Building scale to Lunenburg Academy

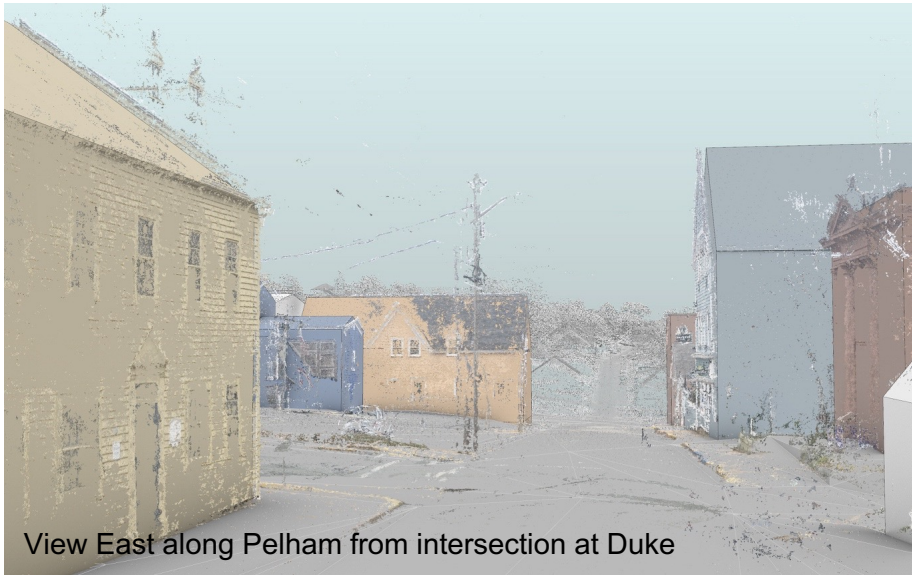




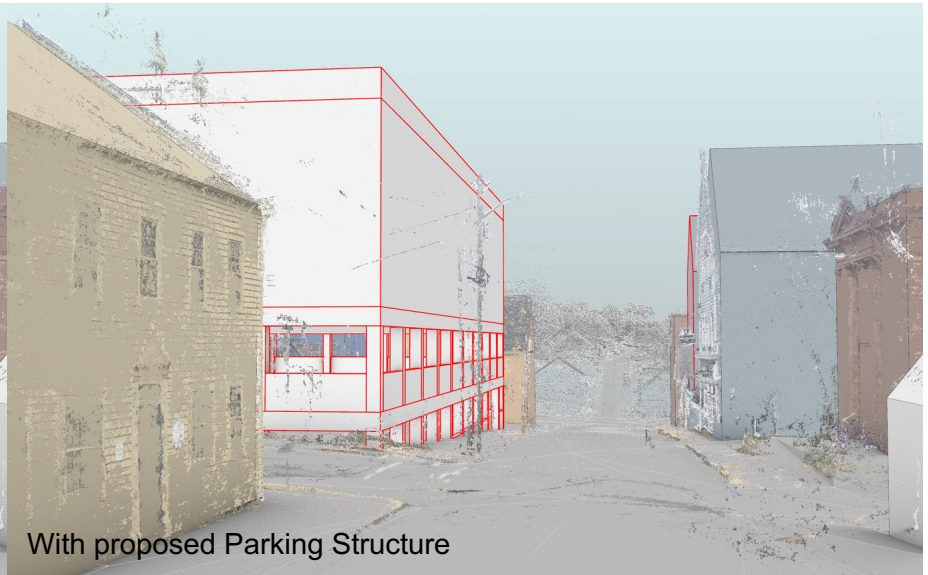
View West along Pelham from intersection at King



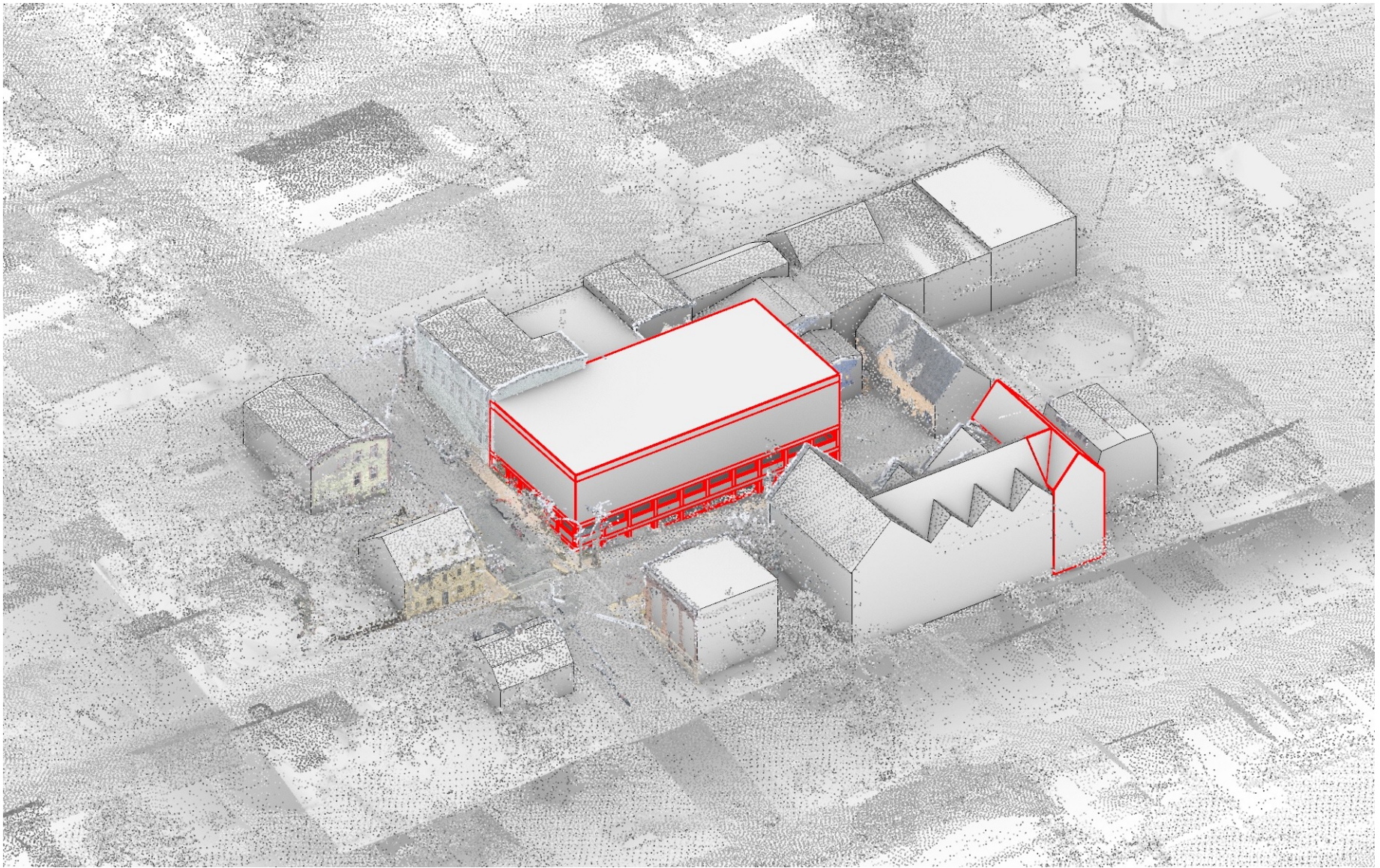
With proposed Parking Structure



View East along Pelham from intersection at Duke



With proposed Parking Structure





Alastair Jarvis  
1520 Hwy 332  
First South, NS B0J 2C0

Madam Chair, your worship, members of the committee and council,

I am a former resident of Lunenburg. I now live in First South, but I call Lunenburg home.

I came to Lunenburg to work at HB Studios, I've contributed to several efforts to recruit staff and businesses to Nova Scotia and Lunenburg in particular. It's safe to say I'm a fan and a booster of Lunenburg.

When I left HB, we worked hard as a family to stay here. I co-founded a technology company, built it out of the Hub, a co-working space in Mahone Bay, but moved the business to Lunenburg to continue building it here. We were acquired in 2018 and the Canadian office of the American Forest Foundation (a national D.C. based Conservation non-profit) is now the business we operate out of Lunenburg. Our staff match the demographic we had at HB: young men and women, some of whom were already in Lunenburg and others we've attracted here from New Brunswick, British Columbia and overseas.

We occupy 3 offices in the Burns Block at 232 Lincoln St. I'm here less to deliver the message of not in my backyard – even though the development that the current amendments concerns is outside of the window I sit at every day. My choice, should the development enabled by these amendments enable proceed, is easy. We'll not renew our lease and move the office back to Mahone Bay or switch to 100% remote. Year-round full-time jobs that could be based in Lunenburg when we all return to the office post pandemic will be lost to the town. Of that, let there be no doubt.

I wish to address the committee and council, rather, to share my grief at the prospective loss of such a beautiful, well preserved and functioning historic office block in the heart of Lunenburg's Old Town Core. Brian and Leslie have curated and restored one of the most beautiful spaces in the town of Lunenburg. An asset which this development puts at risk. An outcome I believe we've worked hard together as a community to avoid.

I want to commend council for the award-winning Project Lunenburg. It was visionary and the document it produced has been rightly celebrated.

During the process I was reminded at many stages of Andy Fillmore's work with the team who created the Centre Plan in Halifax and the legacy they created – in evidence by the way in which that city has grown over the past 10 years. I celebrate Project Lunenburg for the same potential – if it's serving its purpose, the document should serve as a clear guide for constituents and developers alike of the intention and framework within which the shared vision of the town is being realized as we build it together.

The Comprehensive Community plan that emerged as the outcome of Project Lunenburg is the tool makes clear that this proposed development and the amendments before the committee which are conceived of to enable this development are *not* aligned with the shared vision we built together.

The proposed development does not represent *Residential Gentle Density* as expressed as the intention for the **Old Town Core**. It does not reflect the Land Uses as described in section 2.2 of the Comprehensive Community Plan.

Mid-rise housing types **ARE** described in section 2.5 of the CCP as the intended Land Use for the **Main Street Mixed Use** area along Victoria Rd, **NOT** the **Old Town Core**.

Development agreements for Mid-rise housing types such as multi-unit apartment buildings in the Old Town Core are not aligned with guidance the Comprehensive Community Plan. A municipal planning strategy amendment to allow lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage in this zone to enable such development agreements are clearly understood by the community to be out of alignment with guidance in the Comprehensive Community Plan for the Old Town Core.

I'm incredibly lucky to work in Lunenburg every day. I wasn't always so lucky – there was a time that I commuted daily to Halifax for work. Every day I would park in the parking garage in the block below MEC on Hollis St. I don't know if you can picture that block of Hollis St between Sackville and Salter St. If you can't, I invite you to load it up on Google Maps and go to a Street view ([bit.ly/3oTmPGY](https://bit.ly/3oTmPGY)). Knowing it as well as I do, I cannot fathom that such a similar structure as this could be considered to respect and complement the surrounding context of the Old Town Core of Lunenburg.

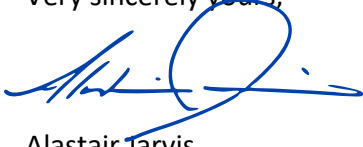
Again, I wish to congratulate, commend, and thank you for the Comprehensive Community Plan that you spearheaded and developed with the town, because I think it makes very clear what the right outcome is to the current proposal.

What made the Centre Plan so useful and successful in Halifax was clear guidance to developers who have with that clear guidance built a prosperous and vibrant Halifax in keeping with the vision laid out over a decade ago. As Andy and his successors learned in Halifax following the rollout of the Centre plan, though they stamped as much ambiguity as possible out of their plan to give clear guidance to developers, it still got challenged and tested for edge cases by proponents of developments many times. With each test, the shared vision became clearer, and the work of developers to respond to our invitation to co-create our shared vision of the future got easier. This is a good test.

Thanks therefore must go to the proponent of this development. Their proposal provides an excellent challenge for counsel. This is a good test of the soundness and effectiveness of the Comprehensive Community Plan. Reaffirming the clarity of the Comprehensive Community Plan will serve both the town's constituents and future proponents who with clarity will bring their vision, innovation, and capital to realize the enormous potential for development in line with the vision of our shared future we crafted together and endorsed as the outcome of Project Lunenburg. Thanks

again to counsel for creating the clear vision and guidance and principled justification for an answer of **no** to the proposed amendments and the future development they are conceived of to enable.

Very sincerely yours,

A handwritten signature in blue ink, appearing to read 'Alastair Jarvis', with a large, stylized flourish at the end.

Alastair Jarvis  
in Lunenburg  
on November 24<sup>th</sup>, 2021

REMARKS BY

THE HONOURABLE WILFRED P. MOORE, J.C.

AT THE  
PUBLIC PARTICIPATION MEETING  
OF THE  
PLANNING ADVISORY COMMITTEE  
OF THE  
TOWN OF LUNENBURG

WEDNESDAY, 24 NOVEMBER, 2021

6:00 P.M.

TOWN HALL

1.

Madam Chair, Committee Members and Members of the Public ~ my name is Wilfred Moore and I have an office at 169 Montague Street. My wife, Jane Ritey, and I have received Heritage Awards for restoring and maintaining our properties. Our family's business owns the property at 102 Pelham Street, opposite Irma's property at 106 Pelham, and three doors away from the massive development proposal before you.

I do not intend to repeat the comments made by speakers before me who spoke against the within three Motions. I wish you to know that I am firmly against those three Motions. We do not come to this Meeting with blinders on; the adoption of those Motions will result in

/2.

the development Applicant proceeding with its proposal. The adoption of these Motions would set a dangerous precedent, as pointed out by Olivier.

My wife and I, and others, signed a letter published in the local newspaper urging the public to support the recently adopted Town Planning Strategy and Land Use By-law. Yet, here we are a few months later dealing with proposed changes to our Planning Strategy and Land Use By-law. Jane and I would not have lent our support to that work if we were told that the within three Motions would receive the support of Town Council. So, to this Committee,

3;

and especially its Members who are Town  
Councillors. I urge you to not break  
faith with your public who supported our  
new Planning Strategy and Land Use By-law.

Thank you.



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Document No: 5(a)

Meeting: PAC – November 24, 2021

Circulate To: PAC, Council, KM, HM

File:

**MEMORANDUM**

**TO: PLANNING ADVISORY COMMITTEE/COUNCIL**

**FROM: ARTHUR MACDONALD**

**DATE: NOVEMBER 17, 2021**

**RE: LUNENBURG ARMS APPLICATION TO AMEND MAXIMUM LOT SIZE REQUIREMENTS IN LOT ZONE 1**

**1. FACTS****A. Background**

The owners of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street would like to consolidate 94 Pelham Street with 102 Pelham Street to enable a 14-suite expansion to the hotel. They would also like to consolidate the lands across the street (surface parking area at the corner of Pelham and Duke Streets) known as PID 60061199 and PID 60061181 to facilitate additional hotel suites and an accessory parking structure. They have made application to amend the maximum lot size as described for Lot Zone 1 in accordance with the Town's Land Use By-law.

The new planning documents under Project Lunenburg became effective on September 22, 2021. The Municipal Planning Strategy (MPS) and Land Use By-law (LUB) created new Lot Zones to govern lot zone standards for subdivision proposes. The relevant Policy and By-law provisions are attached in **Attachment A**.

The subject properties are in Lot Zone 1 which limits the maximum lot area to 465 m<sup>2</sup> (5,005 square feet) and the maximum lot frontage to 40 m (131 feet). The proposed lot consolidation of 94 and 102 Pelham Street will create a new lot with 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). The consolidation of PID 60061199 and PID 60061181 will create a new lot with 662.2 m<sup>2</sup> (7,127 square feet) and a frontage of 35.6 m (116.79 feet). The Lot Zoning Map is attached in **Attachment B**.

Note there is a separate application under the Heritage Conservation District (HCD) Plan and By-law to facilitate the demolition of 102 Pelham Street to make room for the hotel's expansion plans. There is also a separate application under the HCD Plan and By-law to consider the design of the new commercial building with an accessory

parking structure on the proposed consolidated lot (PID 60061199 and PID 60061181).

The planning application may necessitate a two-part process. First, the MPS amendment (development agreement) or alternatively, the LUB amendment (increasing the maximum lot sizes pursuant to Part 5.2.1 of the LUB), is required to be undertaken and become effective. If Council agrees with the recommendation to amend the MPS to enable an increase in the maximum lot size by development agreement, then a second step is required to approve the development agreement. Staff has attempted to lay out the process in **Attachment G**.

**B. Proposal**

The request is to enable subdivision approval for the proposed lot consolidations. This would require a mechanism where the maximum lot area and lot frontage requirements of the Lot Zone 1 are amended to enable the creation of lots that have 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). This may be done by increasing the maximum lot area and maximum lot frontage pursuant to Part 5.2.1 of the Land Use By-law (LUB) (an LUB amendment) or by enabling by Policy through the Municipal Planning Strategy (MPS) Council’s consideration through the development agreement process (an MPS amendment).

Lot Zone 1:	Maximum Lot Area	Maximum Lot Frontage
Part 5.2.1 of LUB	465 m <sup>2</sup> (5,005 square feet)	40 m (131 feet)
Request	823.5 m <sup>2</sup> (8864 square feet)	41.57 m (136.38 feet)

**2. ISSUES AND OPTIONS**

The development of maximum lot areas and maximum lot frontages is a relatively new planning tool that was not available to municipalities back when the Heritage Conservation District was created and when the last planning review was undertaken. Due to the Outstanding Universal Values (OUV’s) of the UNESCO World Heritage Site (WHS), the new MPS and LUB recognized the importance of preserving the traditional lot form and grid pattern of the Charles Morris 1753 Model Town Plan of Lunenburg. The Town was laid out in lots 40 feet wide and 60 feet deep which created a tight knit urban form and layout. Large lot consolidations began to erode this traditional form of development. To preserve or otherwise minimize the effect of large lot consolidations, the new MPS and LUB inserted maximum lot area and maximum lot frontage standards in the LUB (Part 5.2.1 as outlined in **Attachment A**). You may notice that the maximum lot area and maximum lot frontage provisions are only applicable in Lot Zone 1 and no other Lot Zone. Lot Zone 1 encompasses the WHS. Therefore, the decision to expand the maximum lot area and maximum lot frontage pursuant to Part 5.2.1 of the LUB should not be taken lightly.

Amendments to the MPS/LUB as well as development agreement requests are required to be reviewed by Council through Policy 6-19. Staff’s review of the evaluation review criteria pursuant to Policy 6-19 is enclosed in **Attachment C**. Please note that this review was undertaken to support Option 2 as laid out below.

## Options:

**Option 1)** To amend the LUB, Part 5.2.1, to increase the maximum lot area and maximum lot frontage as outlined in the following table:

“5.2.1. The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 1: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m <sup>2</sup> (1,185 ft <sup>2</sup> )	370 m <sup>2</sup> (3,983 ft <sup>2</sup> )	330 m <sup>2</sup> (3,553 ft <sup>2</sup> )	37 m <sup>2</sup> (399 ft <sup>2</sup> )
Maximum Lot Area	825 m <sup>2</sup> (8,880 ft <sup>2</sup> )	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	42 m (137 ft)	-	-	-

The proposed change in maximum lot frontage from 40 m (131 feet) to 42 m (137 feet) is not deemed a significant alteration and is well within the 10% variance enabled by the Municipal Government Act (MGA). However, the change in maximum lot area from 465 m<sup>2</sup> (5,005 square feet) to 825 m<sup>2</sup> (8,880 square feet) is deemed a significant change and is well outside the 10% variance enabled by the MGA.

Considering the above, as well as the potential impacts on the urban form of the WHS, it is not recommended at this time to enable a blanket as-of-right increase in the maximum lot area and maximum lot frontage for the entire Lot Zone 1.

## Option 2)

To address the request with minimal impact on the MPS and LUB with regards to maintaining the maximum lot area and maximum lot frontage requirements for Lot Zone 1, Council may wish to amend the MPS to enable them to be considered by development agreements. Rather than enabling a blanket as-of-right for the entire Lot Zone 1 (as outlined in Option 1), a development agreement process will enable Council to consider the applications on a case-by-case nature. This is the recommended course of action.

Such a request would require a two-stage process:

- a) First, Council may implement a new policy in the MPS to enable them to consider increasing the maximum lot area and/or maximum lot frontage by development agreement. Once the policy is effective, Council may then entertain a request through the development agreement process. The process to amend the MPS is attached in **Attachment D**.
- b) Second, once the policy is in place, Council may then entertain the request through the development agreement process. The process to enter into a Development Agreement is outlined in **Attachment E**.

***Please note that during a Planning Advisory Committee (PAC) on November 3, 2021, the PAC passed a motion to proceed with a Public Participation Meeting to consider Option 2 as outlined above. Option 2 is the subject of this Public Participation Meeting (November 24, 2021).***

**Option 3)** To refuse the application to amend Part 5.2.1 of the LUB. Reasons for such a refusal shall be provided by Council and is subject to an appeal to the Public Utilities and Review Board. Council may identify such a refusal based on Policy 6-19 (c) (vii) as reviewed and outlined in **Attachment C**. For example, concerns as expressed by Irma Da Sie, Architect as outlined in Attachment H may be used as a rationale to refuse the application.

### **3. FINANCIAL IMPACT**

The applicant has paid the standard application fee to amend the planning documents (\$750) plus a deposit of \$700 to cover the associated advertisement costs. In this case as the proposal is recommended for a two-step process with one application, it is recommended that the Town include the development agreement application fee as part-in-parcel of the \$750 application fee to amend the planning documents.

The Town may incur costs if an appeal is filed with the Public Utilities and Review Board.

### **4. STRATEGIC PLAN RELEVANCE**

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

*Economic Development:* Direction to support economic development.  
*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

### **5. RECOMMENDATION AND DRAFT MOTION**

**Motion:** Moved and seconded that PAC recommends to Town Council to approve First Reading and proceed to a Public Hearing in order to consider, and if deemed advisable, amend 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.”

**ATTACHMENTS:**

- A.** Relevant MPS Policy and Land Use By-law Provision
- B.** Lot Zoning Map
- C.** Evaluation Criteria Policy 6-19 Review
- D.** Application Process to amend MPS
- E.** Application Process to enter Development Agreement
- F.** UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's)
- G.** Planning Application Process
- H.** Written Submission from Irma Da Sie, Architect and Stephen Richards

**ATTACHMENT A**  
**Relevant MPS Policy and Land Use By-law Provision**

**Relevant MPS Policy:**

**3.2.2 Lot Zones**

Lots can vary in area and in dimensions. Lot frontage (the length of the lot line along the road) is typically the key lot dimension that affects community character, as well as the amount of infrastructure required to service each lot. The Land Use By-law contains “lot zones” that establish the standards for lot area and frontage when creating new lots. In this way the character of the various areas of Lunenburg can be reinforced.

**Policy 3-1:** Council shall, through the Land Use By-law, establish Lot Zones, shown on the Lot Zoning Map of the Land Use By-law, to establish standards for the subdivision of new lots. The Lot Zones shall generally conform to the following scheme:

- (a) Lot Zone 1 is intended to replicate the fine-grained lot pattern of development in and around Old Town. Lot Zone 1 shall contain maximum lot area and maximum lot frontage requirements to prevent large-scale consolidations that would fundamentally change the character of these areas.
- (b) Lot Zone 2 is intended to reflect the larger lots that can be found in New Town.
- (c) Lot Zone 3 is intended to enable relatively small lots in areas of new development in order to enable density and efficient use of services.
- (d) Lot Zone 4 is intended to provide very flexible lot requirements to accommodate sites with atypical development needs.

**Relevant Land Use By-law Provision:**

**5.2. Lot Standards**

**5.2.1.** The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 2: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m <sup>2</sup> (1,185 ft <sup>2</sup> )	370 m <sup>2</sup> (3,983 ft <sup>2</sup> )	330 m <sup>2</sup> (3,553 ft <sup>2</sup> )	37 m <sup>2</sup> (399 ft <sup>2</sup> )
Maximum Lot Area	465 m <sup>2</sup> (5,005 ft <sup>2</sup> )	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	40 m (131 ft)	-	-	-

# ATTACHMENT B - Lot Zoning Map



MAP  
Lot Zoning Map

REVISIONS  
B  
LAST UPDATED  
2021/07/27

SCALE  
1:10,000

- LEGEND
- LZ1 Lot Zone 1
  - LZ2 Lot Zone 2
  - LZ3 Lot Zone 3
  - LZ4 Lot Zone 4

**ATTACHMENT C**  
Evaluation Criteria Policy 6-19 Review

**6.5.1 Amending the Land Use By-law & Entering into Development Agreements**

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

**Policy 6-19:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;  
The proposal is an amendment to the Municipal Planning Strategy to enable the proposal to proceed through the development agreement process. Once the amendment becomes effective, the proposal would be consistent with the intent of the strategy.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;  
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb public costs related to the proposal;  
The Town is not obligated to absorb any costs related to the proposal.
  - ii. impacts on existing drinking water supplies, both private and public;  
There is adequate public drinking water to support the development consisting of a 14 suite expansion to the Lunenburg Arms as well as the 30 micro-suites and parking structure across the street.
  - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;  
There is adequate central water and sewage services to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites and parking structure across the street.
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
It is anticipated that the proposed development will not worsen any existing traffic hazards. The development of the additional suites will increase congestion on the road, in particularly when guests are leaving or arriving. However, currently the guests are limited to on-street parking and the use of the surface parking lot. The development of a parking structure will almost double the capacity of the surface parking lot and should help to alleviate some of the increased congestion associated with the hotel's expansion. With regards to cycling, the existing circumstance should remain relatively the same. With regards to the pedestrian network, it is anticipated that pedestrian traffic between the Hotel and the parking structure across the street will increase.

There is an existing crosswalk at the corner of Duke and Pelham to enable the safe passage of clients to and from the hotel to the parking structure. There is an opportunity for businesses to benefit from the increased pedestrian traffic.

- v. the adequacy of fire protection services and equipment;  
There is adequate fire protection services and equipment to service the proposed development.
- vi. the adequacy and proximity of schools and other community facilities;  
The proposed development is in the heart of the downtown area. The adequacy and proximity of schools is not a major concern due to the type of use – servicing accommodations for the travelling public. The adequacy and proximity of community facilities are considered adequate.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
The UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's) are attached in Attachment F. Under "Authenticity" it states:

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

The OUV'S identifies the importance of the "original British colonial plan ... including the regular layout of property parcels in a grid pattern". The Lunenburg Plan (1753) incorporated all the principles of the model town: geometrically regular streets and blocks; the allocation of public spaces; an allowance for fortifications; and a distinction between urban and non-urban areas. The plan consists of a gridiron of six divisions, which run north from the front harbour and are divided into eight blocks. The blocks in the grid are each subdivided into fourteen building lots with 40 feet of street frontage with a depth of 60 feet. Below is an excerpt from the Heritage Conservation District Plan:

#### **"5.4 Conservation of historic Old Town lot layout and block form.**

The urban form, scale and cohesive architectural character of the Old Town is also directly related to its original lot layout, where each block was divided into fourteen 40 ft x 60 ft lots. This rectangular grid, superimposed on the Old Town's hilly topography, resulted in the construction of many houses and buildings of similar scale and orientation, densely built in close proximity to each other, and overlooking each other on sloping sites. The small lots, as well as the town planning conventions of the colonial period, predetermined that buildings would be built close to the street with narrow side yards and small rear yards.

Most blocks in the Old Town have retained their original lot divisions, with anywhere from eight to fourteen buildings (along with attendant outbuildings) situated upon them. Where lot consolidations have occurred, they have most commonly been in combinations of two - either two lots deep, running through from street to street, 40 ft wide x 120 ft deep, or two lots side by side, 80 ft wide x 60 ft deep. There are only a few instances where larger lot consolidations have occurred - the largest having been four lots combined into one 80 ft x 120 ft parcel with one house on it.

Effective conservation of the Old Town's urban form implies that there should be a limitation on the size of lot consolidations in order to limit any propensity or pressure for the construction of large, out-of-scale buildings. However, this is difficult to achieve without significant change to the Planning Act (and the new Municipal Government Act) which enables municipalities only to establish minimum lot sizes, not maximum lot sizes.

Regulation of the maximum size of buildings (rather than lot sizes), however, is permitted under both the Planning Act/Municipal Government Act (through the Municipal Planning Strategy), and the Heritage Property Act (through the heritage conservation district plan and bylaw).

The current Municipal Planning Strategy does not regulate maximum building size except indirectly through criteria for development agreements; nor do the MPS & LUB architectural controls include specific mention of scale, size, bulk or massing as criteria for evaluating proposals. Criteria for building size will therefore be included in the conservation plan and bylaw in order to ensure that new development will be in keeping with existing scale and urban form.”

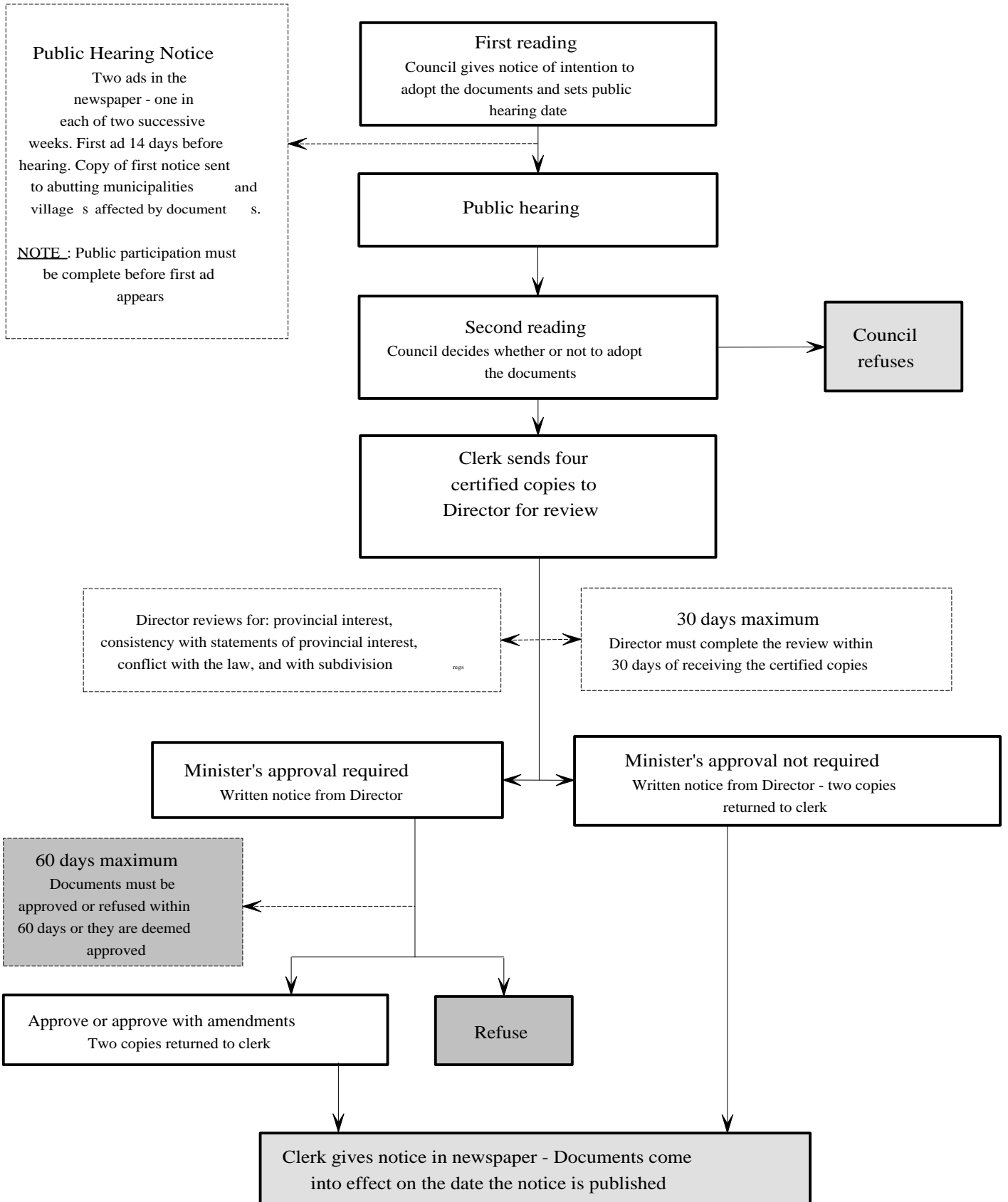
In this case the proposal is located on a commercial block on one of the three prime commercial streets which include Montague Street, Pelham Street and Lincoln Street. The commercial needs for larger lot sizes derive from their inherent qualities as commercial enterprises are quite different to the needs of smaller residential developments further up the hill. The spatial relationships between commercial and residential properties are recognized as inherently different in the Heritage Conservation District Plan and By-law where the separation distances between the built environment is quite small in the commercial fabric as buildings are placed closer together, whereas there are larger spatial separations in the residential areas. This helps to frame the public realm and provide a tight commercial flavour to the commercial street. The grid patterns are more evident in the residential areas, whereas less so in the commercial areas due to these inherent qualities.

The essential blocks of the model Town Plan, consisting of the street grid pattern, will not be affected. The internal 40 ft. by 60 ft. lot pattern will be affected but many may say that it has already been affected due to the inherent qualities of the commercial layout. Many commercial lots in the commercial areas have already gone beyond the historic 40 ft. by 60 ft. lot delineations. The proposal is to help facilitate the expansion plans of an existing commercial facility catering to the travelling public in the heart of Old Town which helps promote the site to visitors, providing a heightened awareness for the Town's WHS as well as by providing an economic return to help facilitate the maintenance and well-being of the WHS.

This criterion requires Council to review as to whether Council is satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV). Both lots (the Lunenburg Arms site as well as the surface parking lot site) already exceed the 40 ft. frontage as noted in the 1753 Model Town Plan. The expansion plans for the hotel will enable them to grow and expand providing life, energy, and economic benefits for the WHS. In staff's opinion, there is a balance that needs to be recognized regarding the positive and negative impacts on the statements of OUV's and the overall health for the WHS. As previously stated, the commercial nature of the site has inherent qualities that reduces such impacts – for example, a similar application in the residential areas would be seen as having more of an impact on the OUV's. In this case it is reasonable for Council to take a position that they are satisfied the proposal is not premature or inappropriate due to impacts on UNESCO WHS statements of outstanding universal value (OUV).

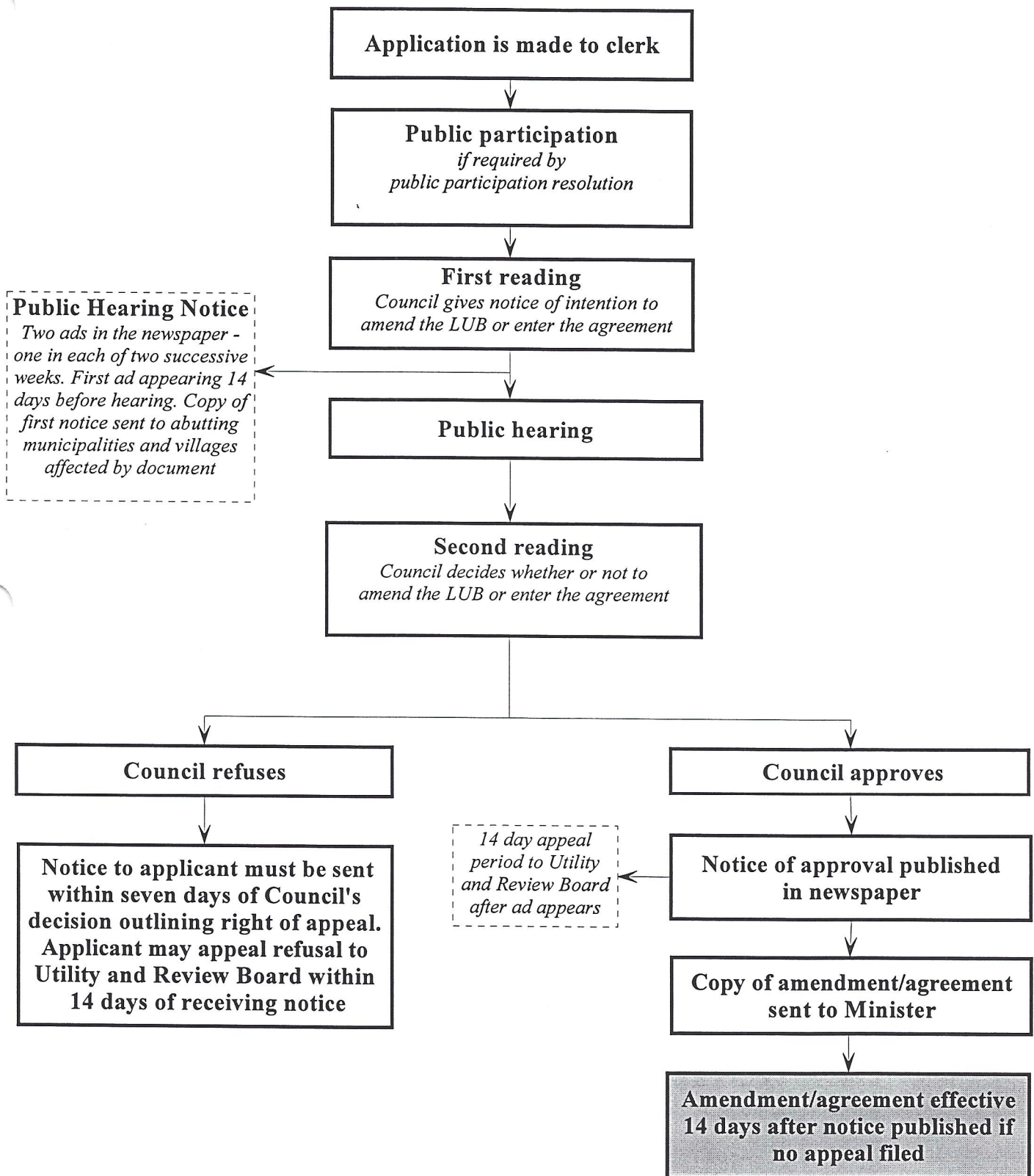
- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;  
The proposed development will not create or worsen pollution problems in the area nor create any soil erosion and/or siltation of watercourses.
- ix. site-specific climate change risks;  
There are no known site-specific climate changes risks associated with the proposed development.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
There are no known potentials to create flooding or serious drainage issues.
- xi. impacts on known habitat for species at risk;  
There are no known impacts on known habitat for species at risk.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
There are no known impacts on the navigability and/or environment of Lunenburg's Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
The sites do not impose concerns related to the suitability of grades, soil, geological conditions, watercourses, wetlands, and proximity to rights-of-ways.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The proposed development is an extension to an existing hotel. The hotel expansion should not create any additional land use conflicts that could place limits on existing operational procedures at existing businesses other than, at times, increased traffic congestion during periods associated with arrivals and departures.

# Chart 1 - Planning Documents Approval Process ATTACHMENT D



# Chart 2 - Land Use Bylaw<sup>1</sup> / Development Agreement Approval Process

ATTACHMENT E



<sup>1</sup> non implementing land use bylaw amendments only  
 Shaded boxes indicate that the process has come to an end.  
 Source: MGA sections 206, 210 and 230

# ATTACHMENT F

## Old Town Lunenburg

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

## Outstanding Universal Value

### Brief synthesis

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

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

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

### Integrity

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

## **Authenticity**

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

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

## **Protection and management requirements**

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

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

**ATTACHMENT G**  
**Planning Application Process**

<b>Planning Application Process</b>	
<b>Step One:</b>	
1.1 PAC meeting to approve advertisement for Public Participation Meeting for MPS or LUB amendment.	November 3, 2021
1.2 PAC holds Public Participation Meeting for MPS or LUB amendment.	November 24, 2021*
1.3 Recommendation to Council to approve First Reading and advertise for a Public Hearing.	December 7, 2021*
1.4 Council holds Public Hearing and votes.	January 25, 2022*
1.5 If Council votes positive package of amendments forwarded to Province for review.	January 31, 2022*
1.6 If Province advises they are okay, advertisement is placed and the amendment becomes effective the date of the advertisement. (No appeal)	Date unknown
<b>Step Two:</b>	
2.1 PAC meeting to approve advertisement for Public Participation Meeting for Development Agreement (if MPS amendment is chosen)	Date unknown
2.2 PAC holds Public Participation Meeting for Development Agreement.	Date unknown
2.3 Recommendation to Council to approve First Reading and advertise for a Public Hearing.	Date unknown
2.4 Council holds Public Hearing and votes.	Date unknown
2.5 If Council votes positive package of amendments forwarded to Province for review.	Date unknown
2.6 If Province advises they are okay, advertisement is placed and with rights to appeal.	Date unknown
2.7 Once appeal period has elapsed, Development Agreement can then be filed at the Land Registration Office (LRO).	Date unknown
2.8 Once registered at LRO, subdivision plan consolidating the lots may be approved and filed at LRO.	Date unknown



\* Dates are approximate.

The Public Participation Meeting (Step 1.2) may be combined with Public Participation Meeting (Step 2.2) to speed up the process. However, Council cannot approve the Development Agreement until such time as the amendment to the MPS becomes effective.

## ATTACHMENT H

October 11, 2021

Irma Da Sie, Architect & Stephen Richards  
106 Pelham, PO Box 196  
Lunenburg, NS BOJ 2C0

**Town Of Lunenburg**  
**Mayor & Council Members**  
**Heritage Advisory Committee Members**  
**Planning Advisory Committee Members**

119 Cumberland Street  
P.O. Box 129  
Lunenburg, NS BOJ 2C0

Re: Demolition of 102 Pelham Street

To all concerned,

As the direct neighbour of The Lunenburg Arms Hotel, we are writing this letter to voice our objection to the demolition of 102 Pelham Street requested by Richmond LP Management Inc., as well as to object to the consolidation of the lands with 90/94 Pelham Street.

This little building is part of the UNESCO World Heritage Site & is in the Old Town Historic District and that alone makes it worthy of protection.

We strongly believe that demolition is no way beneficial to anyone residing or visiting Lunenburg and only serves to whittle away at the fabric of our UNESCO town. It is important to safeguard each individual asset, no matter how small, to preserve the value of heritage tourism that is so crucial to Lunenburg's economic well-being.

We also suggest that the application for development be focussed on the vacant lot owned by the hotel at the corner of Pelham & Duke Streets, which is a wonderful opportunity for the creation of thoughtful & innovative integration of a new building in the historic context, as well as providing the capacity to add the additional suites required for economic sustainability. In a real estate listing in which the Lunenburg Arms went up for sale in 2014, it boasts, "Across the street are two lots ... that provide...(an) opportunity to build up to an additional 35 annex rooms."

Photos #1 & #2, attached, show a historical view looking east on Pelham Street confirming that this little building has played a role, historically, in the social fabric of the town.

On the right of the bird's eye view photo #1, you can see the edge of the old Dolphin Tavern (now the main structure of the Lunenburg Arms Hotel) preserved in shape & style to its original self.

It is unfortunate that the two buildings to the east of the Tavern were demolished by the then owner of the Tavern. The Lunenburg Arms now sits where these buildings once were. Note the way these two old buildings descend in height from the Tavern, acknowledging that the street slopes to the east, thereby creating a sensitive rhythm of scale & proportion.

Photo #2 shows a more detailed in view of 102 Pelham (right) authenticating its presence as a tobacconist in the early 1900's. There is no reason to believe that this building is not the one depicted in the map of 1890, showing a structure with the same shape & height as it is today, yet simply reduced in length.

As discussed with the former owner of 102 Pelham, it is built with timber construction in the style of the local vernacular tradition of the time, an important characteristic of the UNESCO designation. The fact that alterations to the facade have been allowed to occur over the years in no way diminishes its importance to the fabric of the streetscape.

The second defining characteristic, as outlined in UNESCO's description of Old Town Lunenburg, claims of the town's authenticity;

*"The original British colonial town plan remains evident, including the regular layout of property parcels in a grid pattern with geometrically regular streets..."*

The assignment of lots by the random drawing of playing cards is a well documented & fascinating historical account of Lunenburg's history. Some of the lots have already been consolidated due to past developments, thereby highlighting the importance of preserving what is left to keep Lunenburg's character as "authentic" as possible.

Also, allowing an expansion to the Lunenburg Arms Hotel in no way guarantees its financial success in what is a struggle for most of the hotels & inns already trying to survive in such a seasonal industry. This unique little property could, one day perhaps, be sold off separately & restored as a small commercial undertaking that would truly be a valuable addition to the fabric of the street.

And what if the Lunenburg Arms is "unsustainable in its current form"? Could not the building be repurposed into long term housing? Would this be a bad thing?

#### **Review of the 94 Pelham Street Expansion Design: Attachment D**

Mr. MacDonald states that "the expansion design is considered to be in conformance with the Design Guidelines of the Heritage Conservation District By-law", yet we strongly believe that this is not the case.

#### Compatibility with the style, scale & material of the existing building:

*"The scale is similar to the western end..."*

The existing western end wall of the building is at a height of approx. **28'-6"** measured from its grade level at Pelham street with the gable roof pitch angling eastward away from the side, whereas the eastern end wall of the new addition measures approx. **39'-6"** with a gable end wall reaching a height of approx. **53'-4"** at its peak measured from its grade level at Pelham street. The soffit is approx. **4'-9"** higher on the new extension than the main building. The design does not take into account the sloping nature of the street which drops approx. **6'-9"** on the length of the properties. All of this contributes visually to a much higher structure than that of the western end & would be totally out of scale with its surroundings.

Size, massing & proportions:

*"New buildings shall not exceed 4,200 sq. ft."*

*"As the building is broken into masses that provides the appearance of a multitude of buildings."*

*"The proposed size, massing...are deemed in keeping with the intent of the design guidelines."*

The design guidelines specifies that new buildings be under 4,200 sf. The fact that the existing building is already over these guidelines should be pause for reflection, yet justifying the expansion by finding one suitable clause (under 25% expansion area) is disconcerting.

Section 3 of the guidelines stresses the importance that buildings not be too large or bulky for their context. Allowing expansion to an already massive structure to be almost 7,000 sf in no way satisfies the intent of the by-law.

**"Massive buildings under single roof forms can appear visually dominant in the small scale varied context of the Old Town." (3.3 of the guidelines)**

As viewed from the south, the waterfront or across the harbour, (the iconic Lunenburg Town photo), the current building has the appearance of one massive form under one roof with dormers applied. This new extension only amplifies the size of its massive form and makes no attempt to break it up or **"to have an additive form with varied rooflines..." (3.3 of the guidelines)**. The hotel is already a dominant feature of the town & looms over the 2 & 3 storey heritage buildings below. Allowing the addition of 20% of its mass would be offensive & would be a serious fail to the protection of the charm of the Heritage Old Town. (see photo #3 & #4)

Facade Design should...have a rhythm along the street:

As viewed from one of the most prominent intersections of town, the corner of King & Pelham, the existing Lunenburg Arms does have the appearance of varied roof forms, & its current setbacks create a rather interesting streetscape. Its current design plays off rather sympathetically with the form of 102 Pelham. (photo #5)

Yet, when compared to the proposed view (photo #6), the addition of an overpowering "4<sup>th</sup> element" will only obscure the rhythm pattern of the street and does not reinforce it at all.

Compatibility with the character of the streetscape:

*"The 3 ½ storey addition is considered compatible with the character of the street"*

**Additions shall be designed "in a manner which is compatible with the ... character of the immediate neighbourhood." (7.2 of the guidelines)**

**"Maximum height restrictions of 35 ft." (3.2 of the guidelines)**

All the buildings in the immediate neighbourhood are 2 or 3 storeys maximum. Our 3 storey building at 104/106 Pelham has a height of **31'-6"** from the average grade to the very peak of the gambrel. The hotel's new extension will have a peak height of aprox. **53'-6"** from the average grade. It will have the appearance of a high 4 storey structure & if the upper suites are similar to the existing building, they may even have an additional mezzanine level within the roof space (mezzanine levels of the existing upper floor suites are omitted on the plans). This new addition will have the appearance of being the equivalent of 2 storeys higher than the neighbouring building & other buildings in the vicinity, not to mention being way over the maximum 35 ft allowable height.

Off-set from Main facade:

**“Additions... should be offset from the main facade...to visually distinguish the addition from the main facade” . (7.5 of the guidelines)**

Height should not exceed original structure:

**“An addition should be visually subordinate to the original structure and distinguishable from it...” (7.6 of the guidelines)**

The analysis put forward in the above 2 items addresses only the Pelham street facade & does not address the more visually prominent South facade. The addition as viewed from the south is such that it is designed as a continuation of the existing building. There is no set-back, nor any height variation that distinguishes it from the original structure. Consequently, the design, form & height of the new addition is not in keeping with the intent of the design guidelines.

In conclusion, it is our position that this demolition permit, as well as the demand for the consolidation of lands, be denied as it does not, in any way, contribute positively to the needs of the town. It does not respect the Heritage Conservation District Plan’s Design Guidelines nor satisfy its intent. It does not respect the newly drafted Comprehensive Community Plan which calls for a focus for the continued preservation & enhancement of the Old Town core. It is an insult to all of the residents & businesses of the Town that have been required to developed their properties in compliance with the current zoning by-laws.

Given that a perfectly acceptable alternative solution is available by developing their vacant properties, the argument that demolition is the only solution for economic sustainability seems misguided.

Respectfully yours,

The image shows two handwritten signatures in blue ink. The top signature is 'Irma Dasie' and the bottom signature is 'Stephen Richards'. Both are written in a cursive, flowing style.

Irma Da Sie, Architect & Stephen Richards  
irma.dasie@gmail.com  
(902) 298-1556



PHOTO #1 - Early 1900's view of Pelham looking East

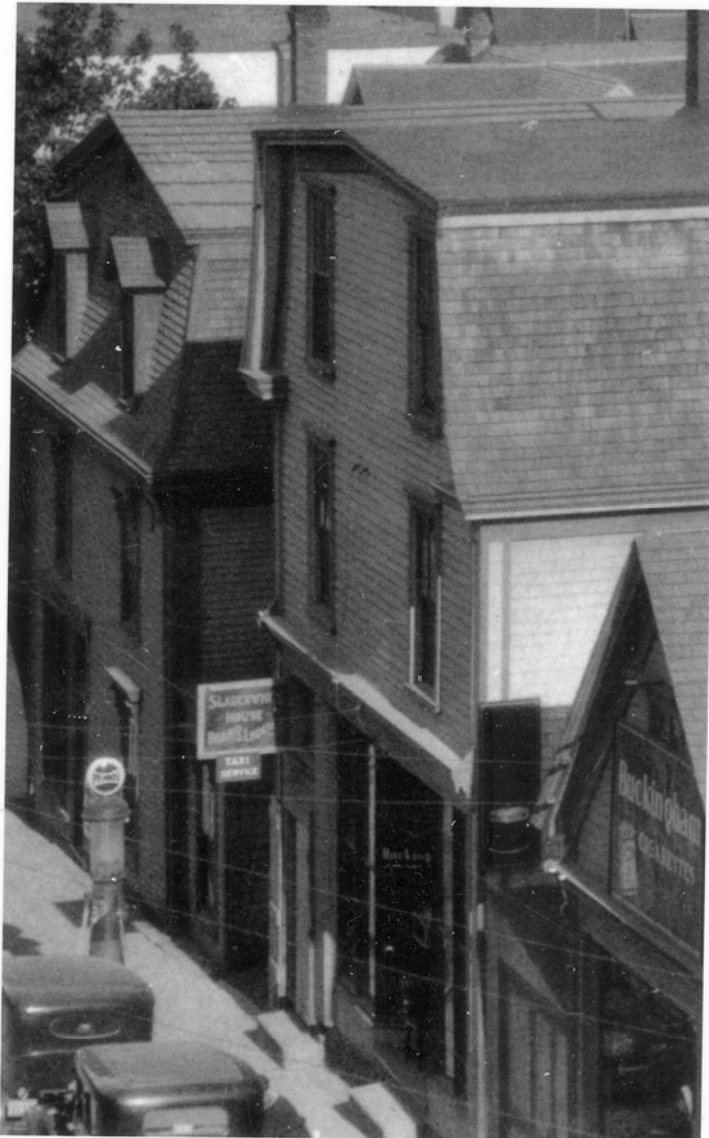


PHOTO #2

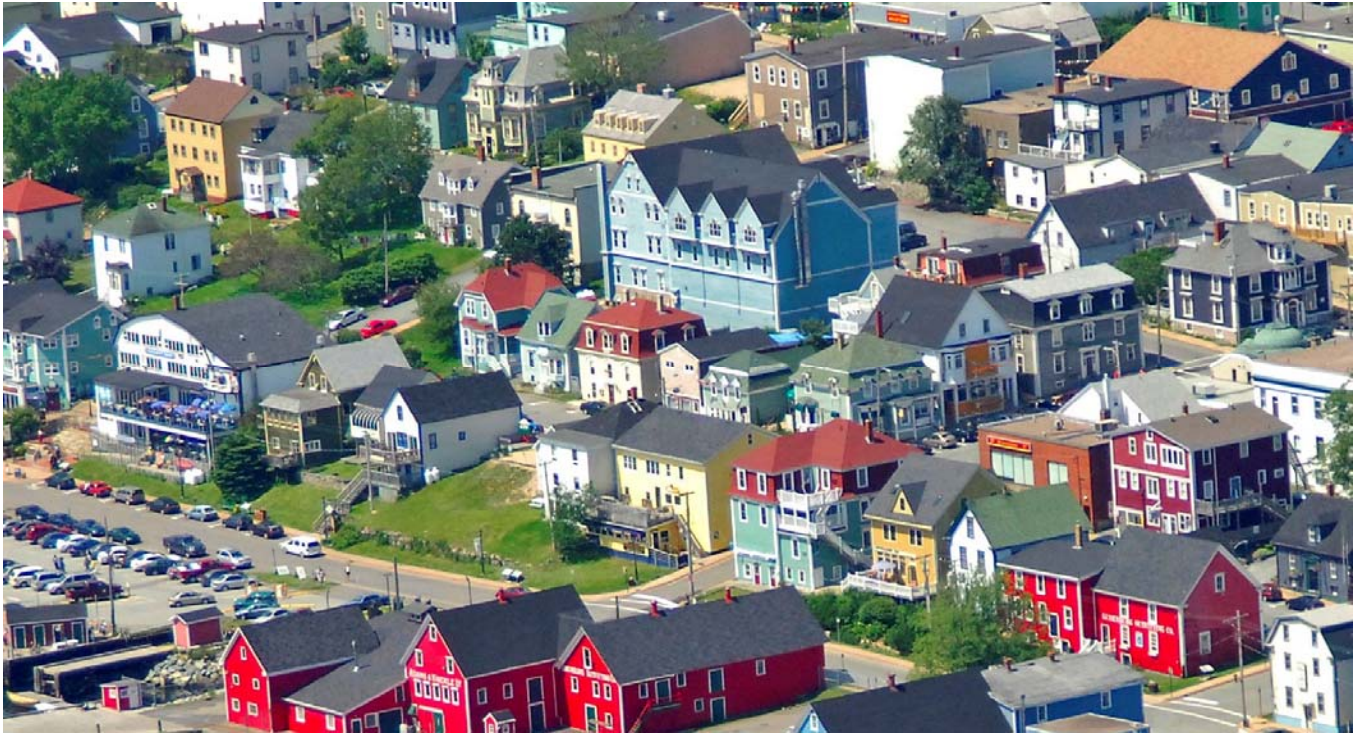


PHOTO #3 - Current view of the Lunenburg Arms Hotel looming over the neighbouring 2 & 3 storey structures



PHOTO #4 - Lunenburg Town view from the Harbour



PHOTO #5 - Current view from the corner of King St. & Pelham



PHOTO #6 - View showing the massing of the proposed addition

# LUNENBURG ARMS PROPOSAL

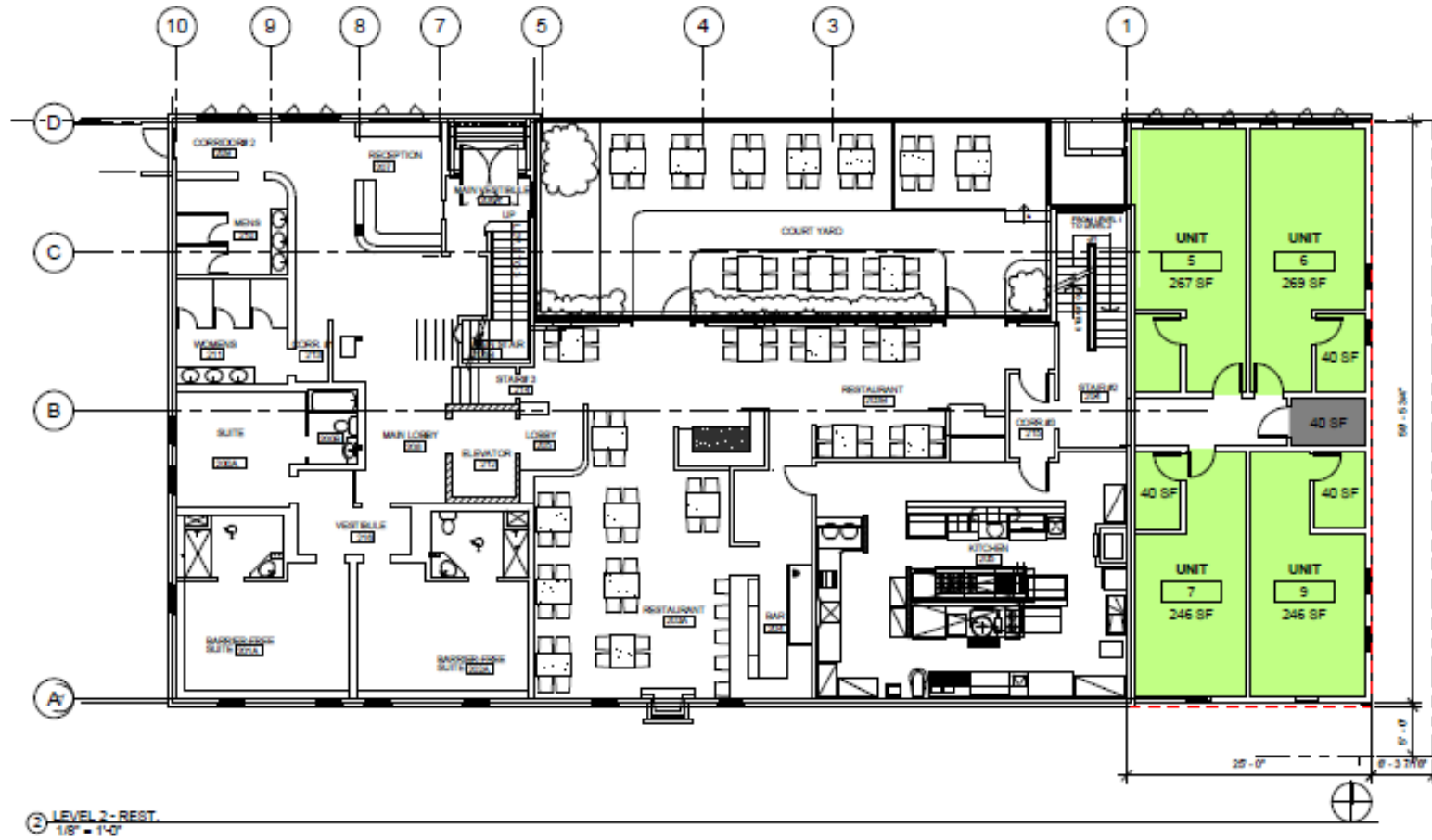
PLANNING ADVISORY COMMITTEE – PUBLIC PARTICIPATION MEETING  
NOVEMBER 24, 2021



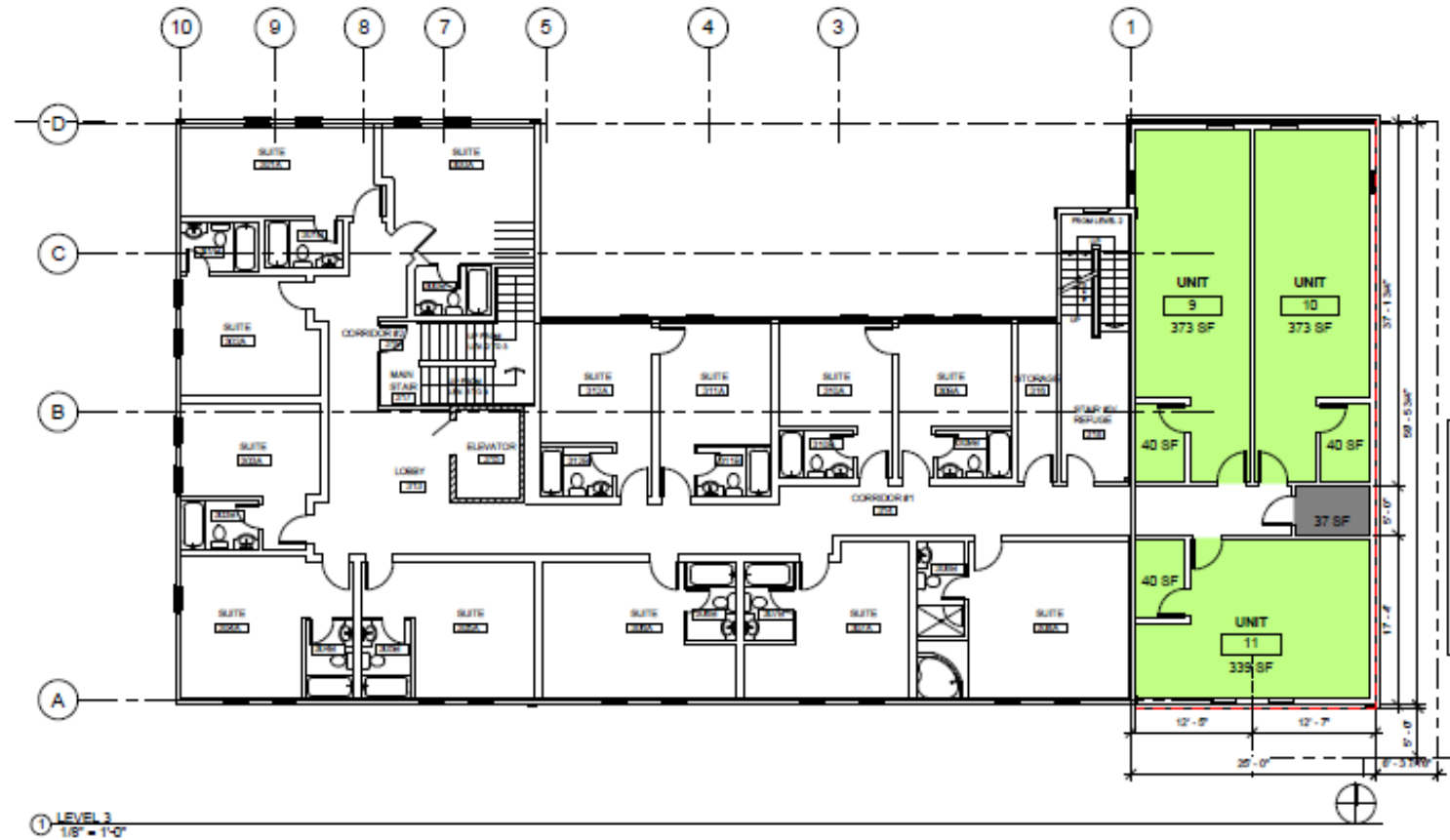




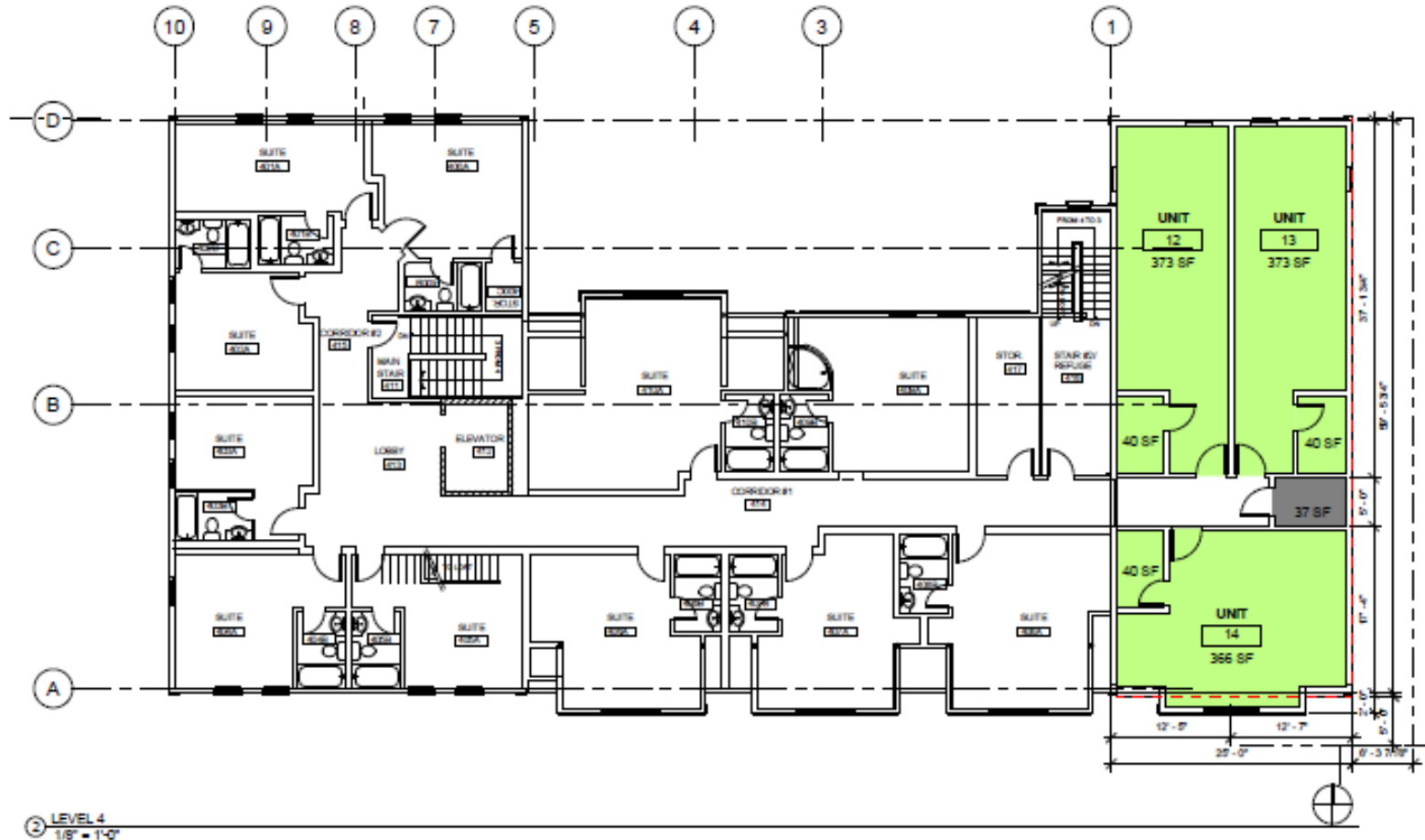
# LEVEL 2 FLOOR PLAN – LUNENBURG ARMS EXPANSION



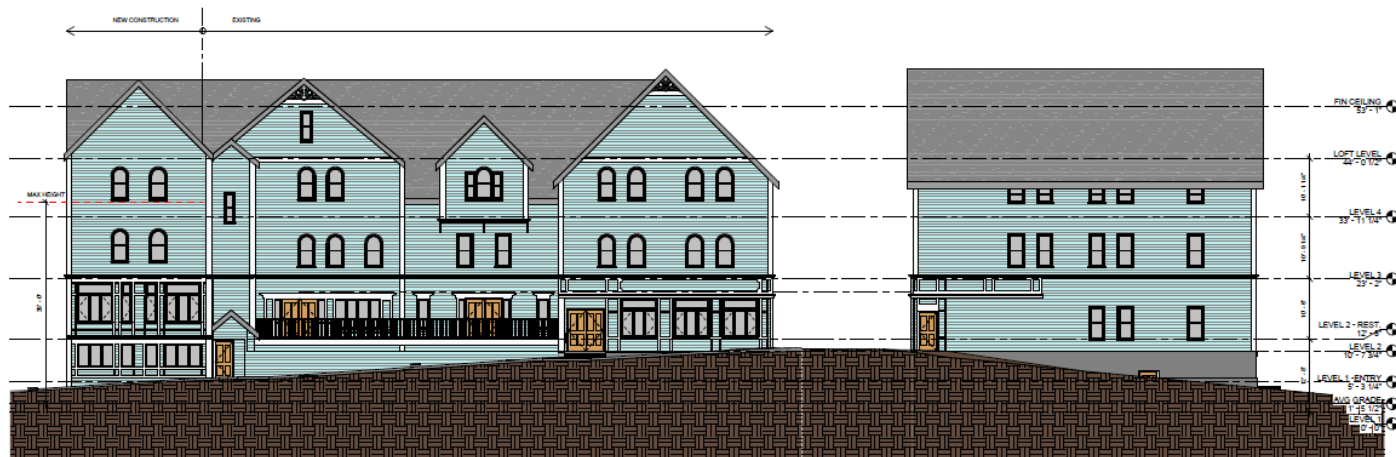
# LEVEL 3 FLOOR PLAN – LUNENBURG ARMS EXPANSION



# LEVEL 4 FLOOR PLAN – LUNENBURG ARMS EXPANSION



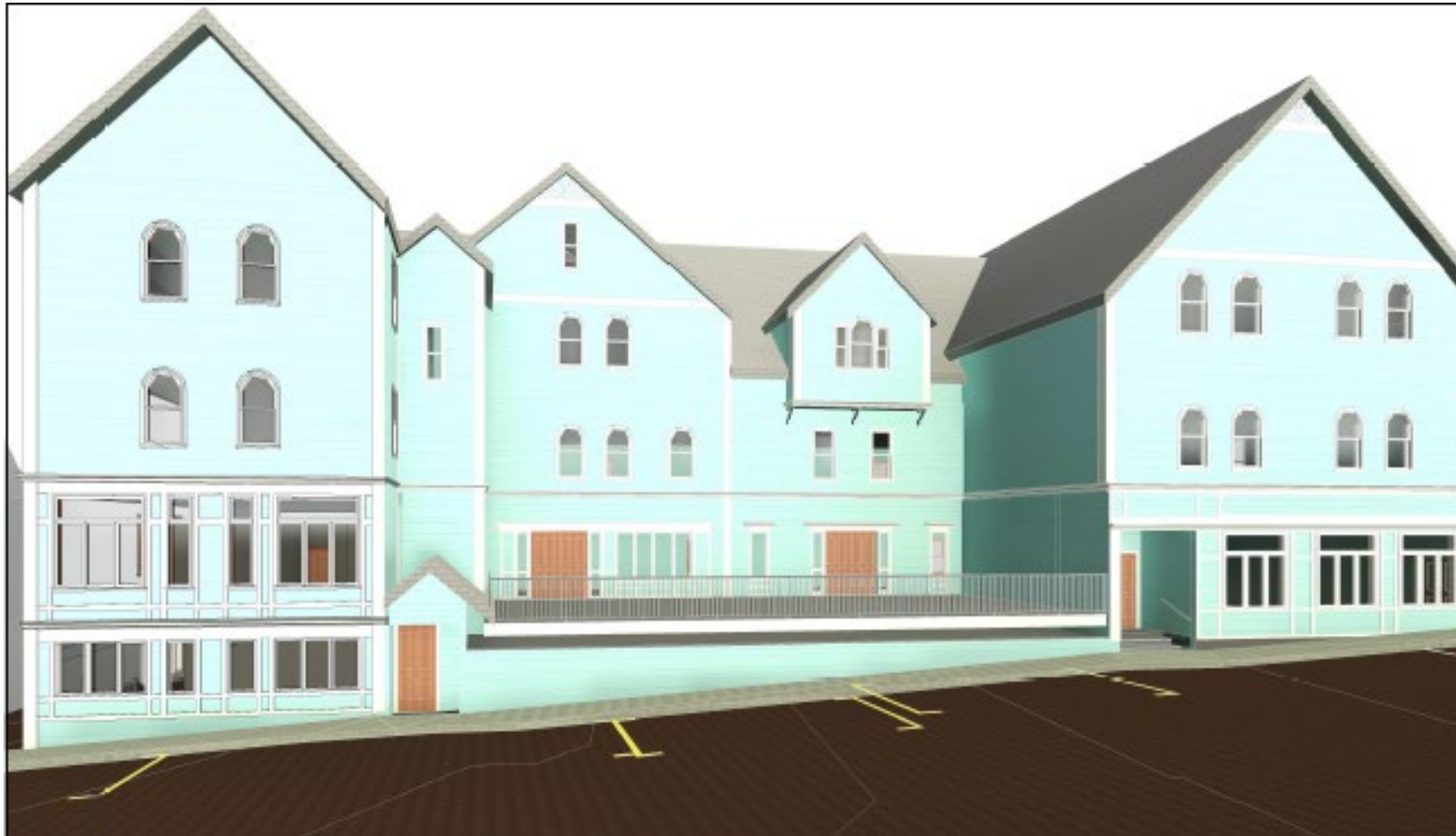
# ELEVATIONS – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – LUNENBURG ARMS EXPANSION



# ELEVATION – LUNENBURG ARMS EXTENSION



# RENDERING – LUNENBURG ARMS EXPANSION



# RENDERING – SOUTH SIDE OF PELHAM



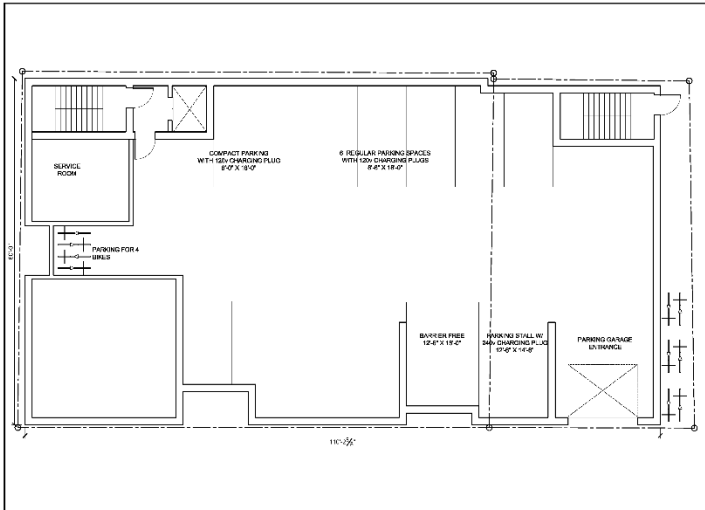
# RENDERING – SOUTH SIDE OF PELHAM



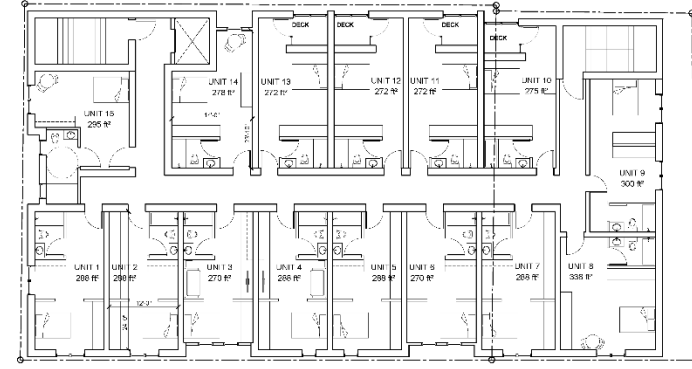
# FLOOR PLANS - NORTH SIDE OF PELHAM



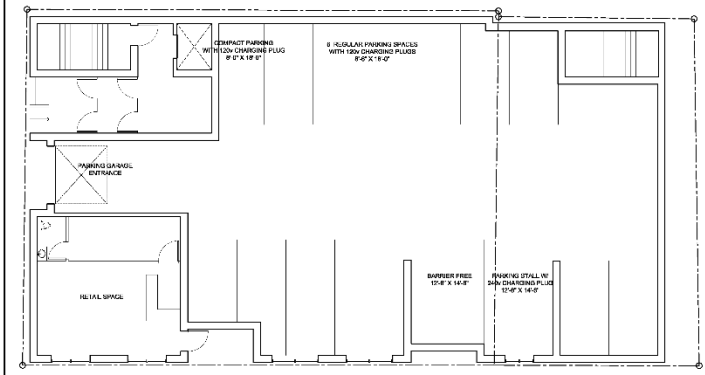
**root**  
ARCHITECTURE  
15 Victoria Road  
Dorchester, NS  
B7Y 7J5  
902-461-4600  
www.rootarchitect.ca



1 SITE PLAN - LOWER LEVEL PARKING  
A-101 1/8" = 1'-0"

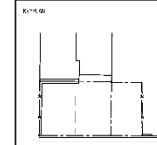


3 HOTEL LEVEL 1: FLOOR PLAN  
A-101 1/8" = 1'-0"



2 SITE PLAN - UPPER LEVEL PARKING  
A-101 1/8" = 1'-0"

C.I.N.:



5	ISSUED FOR REVIEW	2/27/20
4	ISSUED FOR REVIEW	2/27/20
3	ISSUED FOR REVIEW	1/16/20
2	ISSUED FOR REVIEW	1/16/20
1	ISSUED FOR REVIEW	11/26/19
0	ISSUED FOR REVIEW	11/26/19

PROJECT:  
LUNENBURG ARMS  
LUNENBURG, NS

ISSUED BY:  
EXISTING  
SITE PLAN

C.I.N. 217  
PROJECT NUMBER 11  
SCALE AS SHOWN  
DRAWN BY C  
DATE 23 MAY 2020

A-101

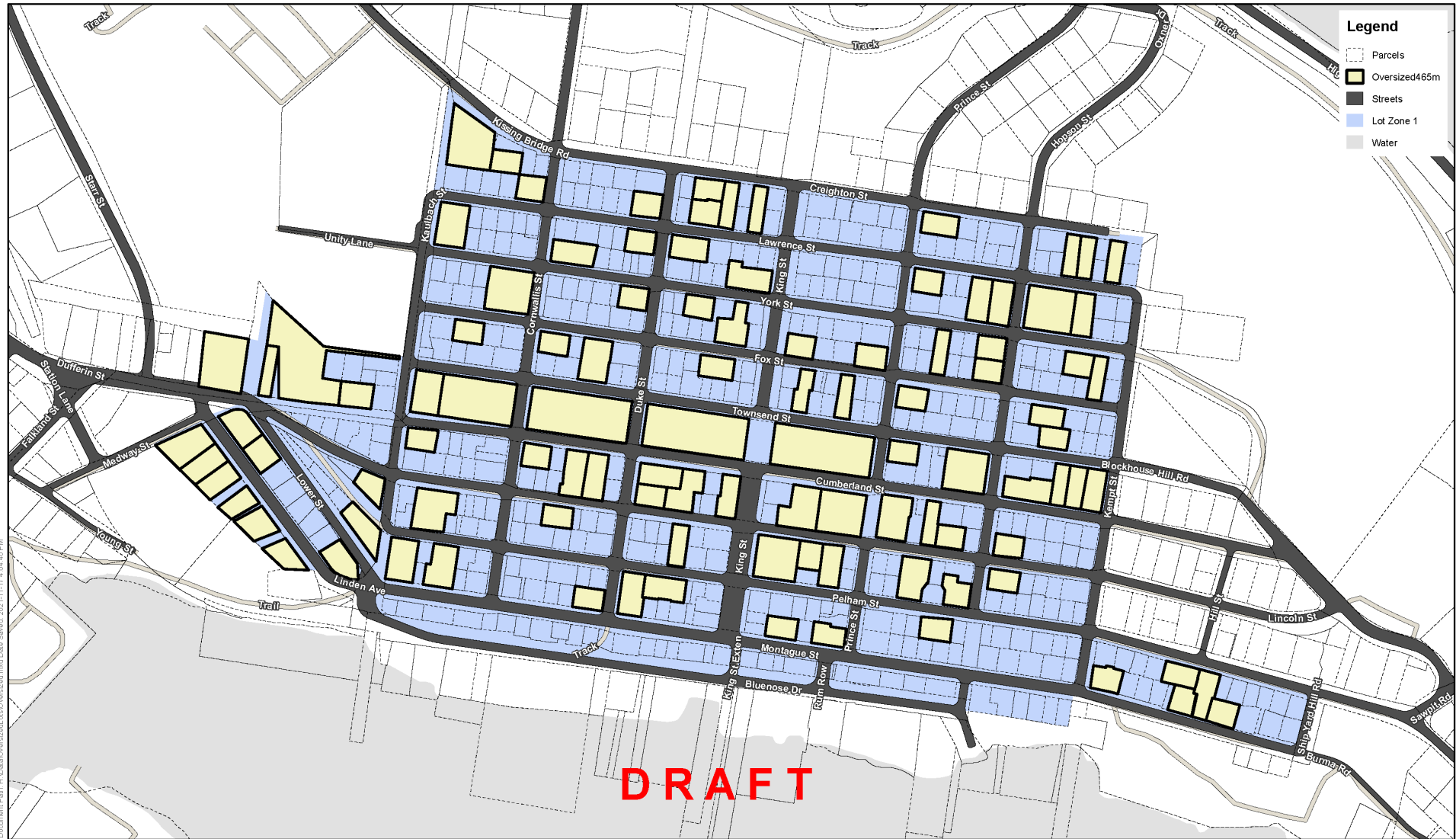
# ELEVATION DRAWINGS – NORTH SIDE OF PELHAM



**root**  
ARCHITECTURE  
15 Victoria Road  
Dorchester, NS  
B9J 7J5  
502-461-6660  
www.rootarchitect.ca



C114																			
R114-01																			
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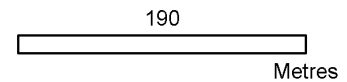
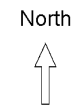


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Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume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

TOWN OF LUNENBURG  
Non-conforming Lots (> 5,005 ft<sup>2</sup>), Lot Zone 1



1:3,000



Circulated: \_\_\_\_\_

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Document No: 5(b) and 5(c)  
 Meeting: PAC – November 24, 2021  
 Circulate To: PAC, Council, KM, HM,  
 File:

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## M E M O R A N D U M

**TO: PLANNING ADVISORY COMMITTEE/TOWN COUNCIL**

**FROM: ARTHUR MACDONALD**

**DATE: NOVEMBER 17, 2021**

**RE: DEVELOPMENT AGREEMENT APPLICATION BY LUNENBURG ARMS HOTEL TO APPROVE LOT CONSOLIDATION IN EXCESS OF THE MAXIMUM LOT SIZE REQUIREMENTS IN LOT ZONE 1**

---

### 1. FACTS

#### A. Background

The owners of the Lunenburg Arms Hotel (Richburg LP Management Inc.) located at 94 Pelham Street would like to consolidate 94 Pelham Street with 102 Pelham Street to enable a 14 suite expansion to the hotel. They would also like to consolidate the lands across the street (surface parking area at the corner of Pelham and Duke Streets) known as PID 60061199 and PID 60061181 to facilitate additional hotel suites and an accessory parking structure. They have recently made application to amend the maximum lot size as described for Lot Zone 1 in accordance with the Town's Land Use By-law. Council will be considering an amendment to The Municipal Planning Strategy (MPS) to enable larger maximum lot sizes (frontage and area) through the development agreement process pursuant to a new Policy as outlined below:

#### **“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.”

The subject properties are located in Lot Zone 1 which limits the maximum lot area to 465 m<sup>2</sup> (5,005 square feet) and the maximum lot frontage to 40 m (131 feet). The proposed lot consolidation of 94 and 102 Pelham Street will create a new lot with 823.5 m<sup>2</sup> (8864 square feet) and a frontage of 41.57 m (136.38 feet). The consolidation of PID 60061199 and PID 60061181 will create a new lot with 662.2 m<sup>2</sup> (7,127 square feet) and a frontage of 35.6 m (116.79 feet).

## B. Proposal

The request is to enable subdivision approval for the proposed lots consolidations as shown in **Attachment A**. Policy 3-2A and Policy 6-19 are reviewed in **Attachment B**.

Lot Zone 1:	Maximum Lot Area	Maximum Lot Frontage
Part 5.2.1 of LUB	465 m <sup>2</sup> (5,005 square feet)	40 m (131 feet)
Lunenburg Arms Hotel	823.5 m <sup>2</sup> (8864 square feet)*	41.57 m (136.38 feet)*
PID 60061199 and PID 60061181	662.2 m <sup>2</sup> (7,127 square feet)*	35.6 m (116.79 feet)*

\* Approximate – plus or minus

## 2. ISSUES AND OPTIONS

The Town will be considering an amendment to the Municipal Planning Strategy by inserting a new policy, Policy 3-2A as outlined above. This new Policy enables Council to enter into a Development Agreement to enable the consolidation of lots in excess of the maximum lot size (frontage and area) outlined in the Land Use By-law. Council may either approve the entering into the proposed Development Agreements or may refuse to enter into the proposed development agreements. The Developments agreements will be tied to the lots and run with the title of the properties.

### Options:

**Option 1)** To 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) (**Attachment C**) as well as for the lot consolidation of PID 60061199 and PID 60061181 (**Attachment D**).

**Option 2)** To refuse the request to 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) as well as for the lot consolidation of PID 60061199 and PID 60061181.

**Note:** For clarity, Council may approve the Development Agreement to enable the lot consolidation of 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793) and refuse the Development Agreement to enable the consolidation of PID 60061199 and PID 60061181 or vice versa provided they give their reasons for refusal. Any approval or refusal to enter into a Development Agreement is appealable to the Public Utility and Review Board pursuant to Section 247(2) of the Municipal Government Act.

**3. FINANCIAL IMPACT**

The applicant has paid the standard application fee to amend the planning documents (\$750) plus a deposit of \$700 to cover the associated advertisement costs. In this case as the proposal is for a two-step process with one application, it is recommended that the Town include the development agreement application fee as part-in-parcel of the \$750 application fee to amend the planning documents.

The Town may occur costs if an appeal is filed with the Public Utilities and Review Board.

**4. STRATEGIC PLAN RELEVANCE**

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

*Economic Development:* Direction to support economic development.  
*Urban Design:* Direction to enhance residents' and visitors' experience of the built environment.

**5. RECOMMENDATION AND DRAFT MOTION**




- 1) 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) (Attachment C).
- 2) 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 lands known as PID 60061199 and PID 60061181 (Attachment D).

**ATTACHMENTS:**

- A. Site Plan shown Proposed Lot Consolidations
- B. Review of Policy 3-2A and Policy 6-19
- C. Proposed Development Agreement for Lot Consolidation of 94 Pelham Street (PID 60061801) and 102 Pelham (PID 60061793)
- D. Proposed Development Agreement for Lot Consolidation of PID 60061199 and PID 60061181
- E. UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's)



# ATTACHMENT A Site Plan

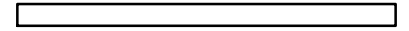
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

60061199

60061181

Pelham St

60061801

60061793

Montague St

**ATTACHMENT B**  
**Review of Policy 3-2A and Policy 6-19**

**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

There seems to be a clear need to exceed the maximum lot area and/or frontage in this circumstance. For 94 Pelham Street, without the proposed lot consolidation, Lunenburg Arms Hotel would not be able to expand. For the lot across the street, the potential number of hotel suites and number of potential on-site parking spaces would be severely affected due to the Building Code set-back requirements as well as the set-back standards of the Land Use By-law.

Lunenburg Arms Hotel is a positive asset to the health and wellbeing of the WHS. It provides services to the travelling public and provides local employment for the citizens. The hotel is an existing asset that cannot be easily moved to another location. The economic benefits for maintaining the hotel and enabling its expansion suggest that it would be a benefit to the Town and the residents of Lunenburg. The Town benefits by the additional revenue in taxation that may be redirected into cultural and heritage promotions and programs.

- (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.”  
Policy 6-19 is reviewed below:

**Policy 6-19:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;  
The proposal is reasonably consistent with the intent of Policy 3-2A.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;  
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
- i. the ability of the Town to absorb public costs related to the proposal;  
The Town is not obligated to absorb any costs related to the proposal.

- ii. impacts on existing drinking water supplies, both private and public;  
There is adequate public drinking water to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites across the street.
- iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;  
There is adequate central water and sewage services to support the development consisting of a 14-suite expansion to the Lunenburg Arms as well as the 30 micro-suites across the street.
- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
It is anticipated that the proposed development will not worsen any existing traffic hazards. The development of the additional suites will increase congestion on the road, in particularly when guests are leaving or arriving. However, currently the guests are limited to on-street parking and the use of the surface parking lot. The development of a parking structure will almost double the capacity of the surface parking lot and should help to alleviate some of the increased congestion associated with the hotel's expansion. With regards to cycling, the existing circumstance should remain relatively the same. With regards to the pedestrian network, it is anticipated that pedestrian traffic between the Hotel and the parking structure across the street will increase. There is an existing crosswalk at the corner of Duke and Pelham to enable the safe passage of clients to and from the hotel to the parking structure. There is an opportunity for businesses to benefit from the increased pedestrian traffic.
- v. the adequacy of fire protection services and equipment;  
There is adequate fire protection services and equipment to service the proposed development. The proposed development will not hinder the Town's ability to provide adequate fire protection services to the area.
- vi. the adequacy and proximity of schools and other community facilities;  
The proposed development is in the heart of the downtown area. The adequacy and proximity of schools is not a major concern due to the type of use – servicing accommodations for the travelling public from afar. The adequacy and proximity of community facilities are considered adequate.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
The UNESCO World Heritage Site statements of Outstanding Universal Value (OUV's) are attached in **Attachment E**. Under "Authenticity" it states:

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

The OUV'S identifies the importance of the "original British colonial plan ... including the regular layout of property parcels in a grid pattern". The Lunenburg Plan (1753) incorporated all the principles of the model town: geometrically regular streets and blocks; the allocation of public spaces; an allowance for fortifications; and a distinction between urban and non-urban areas. The plan consists of a gridiron of six divisions, which run north from the front harbour and are divided into eight blocks. The blocks in the grid are each subdivided into fourteen building lots with 40 feet of street frontage with a depth of 60 feet. Below is an excerpt from the Heritage Conservation District Plan:

#### **"5.4 Conservation of historic Old Town lot layout and block form.**

The urban form, scale and cohesive architectural character of the Old Town is also directly related to its original lot layout, where each block was divided into fourteen 40 ft x 60 ft lots. This rectangular grid, superimposed on the Old Town's hilly topography, resulted in the construction of many houses and buildings of similar scale and orientation, densely built in close proximity to each other, and overlooking each other on sloping sites. The small lots, as well as the town planning conventions of the colonial period, predetermined that buildings would be built close to the street with narrow side yards and small rear yards.

Most blocks in the Old Town have retained their original lot divisions, with anywhere from eight to fourteen buildings (along with attendant outbuildings) situated upon them. Where lot consolidations have occurred, they have most commonly been in combinations of two - either two lots deep, running through from street to street, 40 ft wide x 120 ft deep, or two lots side by side, 80 ft wide x 60 ft deep. There are only a few instances where larger lot consolidations have occurred - the largest having been four lots combined into one 80 ft x 120 ft parcel with one house on it.

Effective conservation of the Old Town's urban form implies that there should be a limitation on the size of lot consolidations in order to limit any propensity or pressure for the construction of large, out-of-scale buildings. However, this is difficult to achieve without significant change to the Planning Act (and the new Municipal Government Act) which enables municipalities only to establish minimum lot sizes, not maximum lot sizes.

Regulation of the maximum size of buildings (rather than lot sizes), however, is permitted under both the Planning Act/Municipal Government Act (through the Municipal Planning Strategy), and the Heritage Property Act (through the heritage conservation district plan and bylaw).

The current Municipal Planning Strategy does not regulate maximum building size except indirectly through criteria for development agreements; nor do the MPS & LUB architectural controls include specific mention of scale, size, bulk or massing as criteria for evaluating proposals. Criteria for building size will therefore be included in the conservation plan and bylaw in order to ensure that new development will be in keeping with existing scale and urban form."

In this case the proposal is located on a commercial block on one of the three prime commercial streets which include Montague Street, Pelham Street and Lincoln Street. The commercial needs

for larger lot sizes derive from their inherent qualities as commercial enterprises are quite different to the needs of smaller residential developments further up the hill. The spatial relationships between commercial and residential properties are recognized as inherently different in the Heritage Conservation District Plan and By-law where the separation distances between the built environment is quite small in the commercial fabric as buildings are placed closer together, whereas there are larger spatial separations in the residential areas. This helps to frame the public realm and provide a tight commercial flavour to the commercial street. The grid patterns are more evident in the residential areas, whereas less so in the commercial areas due to these inherent qualities.

The essential blocks of the model Town Plan, consisting of the street grid pattern, will not be affected. The internal 40 ft. by 60 ft. lot pattern will be affected but many may say that it has already been affected due to the inherent qualities of the commercial layout. Many commercial lots in the commercial areas have already gone beyond the historic 40 ft. by 60 ft. lot delineations. The proposal is to help facilitate the expansion plans of an existing commercial facility catering to the travelling public in the heart of Old Town which helps promote the site to visitors, providing a heightened awareness for the Town's World Heritage Site (WHS) as well as by providing an economic return to help facilitate the maintenance and well-being of the WHS.

This criterion requires Council to review as to whether Council is satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV). Both lots (the Lunenburg Arms site as well as the surface parking lot site) already exceed the 40 ft. frontage as noted in the 1753 Model Town Plan. The expansion plans for the hotel will enable them to grow and expand providing life, energy, and economic benefits for the WHS. In staff's opinion, there is a balance that needs to be recognized regarding the positive and negative impacts on the statements of OUV's and the overall health for the WHS. As previously stated, the commercial nature of the site has inherent qualities that reduces such impacts – for example, a similar application in the residential areas would be seen as having more of an impact on the OUV's. In this case it is reasonable for Council to take a position that they are satisfied the proposal is not premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding universal value (OUV).

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;  
The proposed development will not create or worsen pollution problems in the area nor create any soil erosion and/or siltation of watercourses.
- ix. site-specific climate change risks;  
There are no known site-specific climate changes risks associated with the proposed development.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
There are no known potentials to create flooding or serious drainage issues.
- xi. impacts on known habitat for species at risk;  
There are no known impacts on known habitat for species at risk.

- xii. impacts on the navigability and environment of Lunenburg Harbour;  
There are no known impacts on the navigability and/or environment of Lunenburg's Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
The sites do not impose concerns related to the suitability of grades, soil, geological conditions, watercourses, wetlands, and proximity to rights-of-ways.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The proposed development is an extension to an existing hotel. The hotel expansion should not create any additional land use conflicts that could place limits on existing operational procedures at existing businesses other than, at times, increased traffic congestion during periods associated with arrivals and departures.

**Attachment C**  
**Proposed Development Agreement for Lot Consolidation of 94 Pelham Street**  
**(PID 60061801) and 102 Pelham (PID 60061793)**

**THIS DEVELOPMENT AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

**BETWEEN:**

**RICHBURG LP MANAGEMENT INC.**

(a body corporate, incorporated pursuant to the laws of the Province of Nova Scotia,  
hereinafter called the “Developer”)

**OF THE FIRST PART**

- and -

**THE TOWN OF LUNENBURG,**

(a body corporate pursuant to the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended,  
having its chief place of business at Lunenburg, Lunenburg County, Nova Scotia, an incorporated Town  
hereinafter called the “Town”)

**OF THE SECOND PART**

**WHEREAS** the Developer has agreed to enter into this Agreement with the Town pursuant to Section 225 of the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended, and Policy 3-2A of the *Municipal Planning Strategy*; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 1” which lands are more particularly described in Schedule A attached hereto and which are known as 94 Pelham Street and Property Identification (PID) Number 60061801; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 2” which lands are more particularly described in Schedule B attached hereto and which are known as 102 Pelham Street and Property Identification (PID) Number 60061793; and

**WHEREAS** the Developer has made application to the Town for subdivision approval in order to consolidate Property 1 with Property 2; and

**WHEREAS** Policy 3-2A of the Town’s *Municipal Planning Strategy* implemented on September 22, 2021, A.D., and amendments thereto enables the Town to enter into a Development Agreement to enable subdivision approval for lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage as prescribed in the *Land Use By-law*; and

**WHEREAS** the Town by resolution of Town Council passed at a meeting on \_\_\_\_ day of \_\_\_\_, 2022, approved this Development Agreement;

**NOW THIS AGREEMENT WITNESSETH** that in consideration of the sum of \$1.00 now paid by the Developer to the Town, the receipt of which is hereby acknowledged, the parties here to mutually covenant and agree to the Lot Consolidation of Property 1 with Property 2 subject to the following terms and conditions:

### **1. Subdivision Approval**

**1.1** The Developer hereby agrees to submit a Subdivision Plan for the lot consolidation of Property 1 and Property 2 as shown in Schedule C in conformance to the Town's Subdivision By-law by no later than December 31, 2025.

**1.2** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 825 m<sup>2</sup> (8880.2 square feet) in area and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

**1.3** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 42 m (137.8 feet) in street frontage and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

### **2. Amendments and Discharge**

**2.1** Any amendments to this Agreement which are substantive shall be made subject and pursuant to requirements set forth in the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall require a public hearing.

**2.2** Any and all amendments to this Agreement shall be substantive.

**2.3** Notwithstanding Section 2.2 of this Agreement, discharge of this Agreement is not a substantive matter, and this Agreement may be discharged by Council at the request of the Developer without a public hearing.

**2.4** Notwithstanding Section 2.2 and 2.3, Council may discharge this Agreement without the consent of the Developer if the developer fails to submit a Subdivision Plan in accordance with the Town's Subdivision By-law for approval by December 31, 2025. This discharge shall be defined as not substantive under the meaning of the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall not require a public hearing.

### **3. Signing of Development Agreement**

**3.1** The Developer shall sign this Agreement within sixty (60) days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the Development Agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

### **4. Warranties by Developer**

**4.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## **5. Compliance with other By-laws and Regulations**

**5.1** Nothing in this Agreement shall exempt the Developer from complying with Federal, Provincial and Town laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Town license, permission, permit, authority or approval required thereunder.

**5.2** The Town does not make any representations to the Developer about the suitability of the Property for the development proposed by this Agreement. The Developer assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

**5.3** The Developer is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

**5.4** The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

**5.5** Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

## **6. Provisions of Land Use By-law**

**6.1** Any provisions or regulations not set out or specifically mentioned in this Agreement shall be governed by the provisions of the Town's Land Use By-law, implemented on September 22, 2021, and any amendments thereto.

## **7. Breach of Terms or Conditions**

**7.1** Upon the breach by the Developer of the terms or conditions of this Agreement, the Town may undertake any remedies permitted by the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended.

## **8. Termination of Agreement**

**8.1** That this Agreement shall be in effect until discharged by resolution of the Council of the Town in accordance with the relevant statutes; whereupon the Land Use By-law shall apply to the lands.

**8.2** That the Council of the Town retains the option of discharging this development agreement should any fact provided to the Town by the Developer or its agents constitutes a material misrepresentation of the facts upon which this Agreement is based.

**8.3** That the Council of the Town may discharge this Agreement if the Developer breaches any terms of the Agreement.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of: **TOWN OF LUNENBURG**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matt Risser, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bea Renton, Town Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**DEVELOPER**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**RICHBURG LP MANAGEMENT INC.**

PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY

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

---

A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY

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

---

A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

Schedule A - Property 1 Description

**PID 60061801**

MUNICIPALITY/COUNTY: Town of Lunenburg, Lunenburg County

REGISTRATION COUNTY: Lunenburg

LOCATION: Pelham Street

DESIGNATION OF PARCEL ON PLAN: Lot 4

TITLE OF PLAN: Plan Showing Consolidation of Lot 1, Lot 2 & Lot 3 to create Lot 4, Property of GMT Software Systems Ltd., 90 Pelham Street, Town of Lunenburg, Lunenburg County, Nova Scotia

REGISTRATION DATE OF PLAN: June 11, 1999

REGISTRATION REFERENCE OF PLAN: Plan No. 11165

TOGETHER WITH the Grantors right to continue the encroachment of the building and any land occupied by the said building as it may extend over the land to the west hereof, as referenced in the Statutory Declaration in Book 261 at Page 1079 and in Deed in Book 488 at Page 102.

TOGETHER WITH the benefit of the Utility Easement running over a 10 foot strip of land from the above described Lot 4 to Montague Street, over lands now or formerly owned by CIBC Mortgage Corporation, as defined and described in the Grant of Utility Easement in Book 355 at Page 766 and shown on the above referenced plan of Lot 4.

SUBJECT TO a Right of Way for the benefit of Lands at 102 Pelham Street, formerly owned by Vera Louise Levy, being shown on the above referenced plan, and also on Plan No. 75788969, and further defined and described in the Deed in Book 138 at Page 450 and further defined by the Right of Way Agreement in Book 956 at Page 399.

SUBJECT TO the Restrictive Covenant defined in the Deed in Book 300 at page 973.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: LUNENBURG COUNTY

Registration Year: 1999

Plan or Document Number: 11165

## Schedule B – Property 2 Description

**PID 60061793**

MUNICIPALITY/COUNTY: Town of Lunenburg, Lunenburg County

REGISTRATION COUNTY: Lunenburg

LOCATION: Pelham Street

DESIGNATION OF PARCEL ON PLAN: Property of Donald Cedric Levy & Dianne Johnson

TITLE OF PLAN: Plan Showing Survey of Property of Donald Cedric Levy & Dianne Johnson, Property of Mary Elizabeth Jordan and Property of Kathryn Ann White at 102 Pelham Street, 106 Pelham Street and 103 Montague Street, respectively, Town of Lunenburg, Lunenburg County, Nova Scotia

REGISTRATION DATE OF PLAN: August 25, 2005

REGISTRATION REFERENCE OF PLAN: Plan No. 82833733

TOGETHER WITH the Grantors right, title and interest in the building and any land occupied by the said building as extends over the land hereinbefore described as referenced in the Deed in Book 732 at Page 764.

TOGETHER WITH the Right of Way over the existing driveway located along the western boundary of the land hereinbefore described, as shown on the aforementioned plan and further shown on Plan No. 75788969, and as referenced in the Deed in Book 120 at Page 534 and further defined and described in the Right of Way Agreement in Book 956 at Page 399.




\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.



# SCHEDULE C Site Plan

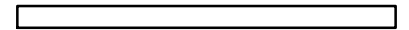
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

Pelham St

Montague St

PID: 60061801  
Property 1

PID: 60061793  
Property 2

**Attachment D  
Proposed Development Agreement for Lot Consolidation of  
PID 60061199 and PID 60061181**

**THIS DEVELOPMENT AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

**BETWEEN:**

**RICHBURG LP MANAGEMENT INC.**

(a body corporate, incorporated pursuant to the laws of the Province of Nova Scotia,  
hereinafter called the “Developer”)

**OF THE FIRST PART**

- and -

**THE TOWN OF LUNENBURG,**

(a body corporate pursuant to the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended,  
having its chief place of business at Lunenburg, Lunenburg County, Nova Scotia, an incorporated Town  
hereinafter called the “Town”)

**OF THE SECOND PART**

**WHEREAS** the Developer has agreed to enter into this Agreement with the Town pursuant to Section 225 of the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended, and Policy 3-2A of the *Municipal Planning Strategy*; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 1” which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 60061199; and

**WHEREAS** the Developer is the owner of certain lands and premises (hereinafter called the “Property 2” which lands are more particularly described in Schedule B attached hereto and which are known as Property Identification (PID) Number 60061181; and

**WHEREAS** the Developer has made application to the Town for subdivision approval in order to consolidate Property 1 with Property 2; and

**WHEREAS** Policy 3-2A of the Town’s *Municipal Planning Strategy* implemented on September 22, 2021, A.D., and amendments thereto enables the Town to enter into a Development Agreement to enable subdivision approval for lot consolidations that exceed the Maximum Lot Area and Maximum Lot Frontage as prescribed in the *Land Use By-law*; and

**WHEREAS** the Town by resolution of Town Council passed at a meeting on \_\_\_\_\_ day of \_\_\_\_\_, 2022, approved this Development Agreement;

**NOW THIS AGREEMENT WITNESSETH** that in consideration of the sum of \$1.00 now paid by the Developer to the Town, the receipt of which is hereby acknowledged, the parties here to mutually covenant and agree to the Lot Consolidation of Property 1 with Property 2 subject to the following terms and conditions:

### **1. Subdivision Approval**

**1.1** The Developer hereby agrees to submit a Subdivision Plan for the lot consolidation of Property 1 and Property 2 as shown in Schedule C in conformance to the Town's Subdivision By-law by no later than December 31, 2026.

**1.2** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 825 m<sup>2</sup> (8880.2 square feet) in area and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

**1.3** The Town shall here by approve the Subdivision Plan for the lot consolidation of Property 1 and Property 2 provided the newly created Lot does not exceed 42 m (137.8 feet) in street frontage and provided all other requirements of the Land Use By-law and Subdivision By-law are adhered to.

### **2. Amendments and Discharge**

**2.1** Any amendments to this Agreement which are substantive shall be made subject and pursuant to requirements set forth in the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall require a public hearing.

**2.2** Any and all amendments to this Agreement shall be substantive.

**2.3** Notwithstanding Section 2.2 of this Agreement, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Developer without a public hearing.

**2.4** Notwithstanding Section 2.2 and 2.3, Council may discharge this Agreement without the consent of the Developer if the developer fails to submit a Subdivision Plan in accordance with the Town's Subdivision By-law for approval by December 31, 2026. This discharge shall be defined as not substantive under the meaning of the *Municipal Government Act, S.N.S., 1998, Chapter 18*, as amended and shall not require a public hearing.

### **3. Signing of Development Agreement**

**3.1** The Developer shall sign this Agreement within sixty (60) days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the Development Agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

### **4. Warranties by Developer**

**4.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## **5. Compliance with other By-laws and Regulations**

**5.1** Nothing in this Agreement shall exempt the Developer from complying with Federal, Provincial and Town laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Town license, permission, permit, authority or approval required thereunder.

**5.2** The Town does not make any representations to the Developer about the suitability of the Property for the development proposed by this Agreement. The Developer assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

**5.3** The Developer is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

**5.4** The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

**5.5** Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

## **6. Provisions of Land Use By-law**

**6.1** Any provisions or regulations not set out or specifically mentioned in this Agreement shall be governed by the provisions of the Town's Land Use By-law, implemented on September 22, 2021, and any amendments thereto.

## **7. Breach of Terms or Conditions**

**7.1** Upon the breach by the Developer of the terms or conditions of this Agreement, the Town may undertake any remedies permitted by the *Municipal Government Act*, S.N.S., 1998, Chapter 18, as amended.

## **8. Termination of Agreement**

**8.1** That this Agreement shall be in effect until discharged by resolution of the Council of the Town in accordance with the relevant statutes; whereupon the Land Use By-law shall apply to the lands.

**8.2** That the Council of the Town retains the option of discharging this development agreement should any fact provided to the Town by the Developer, or its agents constitutes a material misrepresentation of the facts upon which this Agreement is based.

**8.3** That the Council of the Town may discharge this Agreement if the Developer breaches any terms of the Agreement.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Town of Lunenburg, duly authorized in that behalf, in the presence of: **TOWN OF LUNENBURG**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Matt Risser, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Bea Renton, Town Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:

**DEVELOPER**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**RICHBURG LP MANAGEMENT INC.**

**PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY**

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

\_\_\_\_\_  
A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

**PROVINCE OF NOVA SCOTIA  
LUNENBURG COUNTY**

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

\_\_\_\_\_  
A COMMISSIONER OF THE SUPREME  
COURT OF NOVA SCOTIA

## Schedule A – Property 1 Description

**PID# 60061199**

ALL those two certain lots of land situate in the Town Plot of Lunenburg, being lots numbered 1 and 2 in Block "B" in Moreau Division of the Town Plot of Lunenburg, measuring on Pelham Street a frontage of eighty feet (80), more or less, and sixty feet (60) on Duke Street and being the same land conveyed from Bluenose Motors Limited to Ronald Beatty by Deed dated the 24th day of November, 1966 and recorded in the Office of the Registrar of Deeds at Bridgewater, N.S., in Book 136 at page 2 under number 4.

This land was conveyed by Ronald Beatty, et ux, to Dolphin Tavern Limited by Deed dated April 1, 1970 and registered in the Registry of Deeds at Bridgewater, N.S., on April 23 1970 in Book 141 at page 110 under number 168.

BEING AND INTENDED to be the same property conveyed by Dolphin Tavern Limited to Lunenburg Dinner Theatre Company Limited by deed dated August 2, 1994 and recorded at the Office of the Registrar of Deeds at Bridgewater, N.S., on August 6, 1994 in Book 570, Page 910, under No. 5849.

\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

## Schedule B – Property 2 Description

### PID# 60061181

All that certain lot of land situate in the Town of Lunenburg, in the County of Lunenburg and Province of Nova Scotia, shown as 'Remaining Property of Weldon Allen, Remaining Area = 1935 Sq. Ft' on a plan of subdivision prepared by Lester W. Berrigan, N.S.L.S. No. 409, dated September 18, 1992 and filed at the Registry of Deeds Office, Bridgewater on October 14, 1992 as plan number 9125, described as follows:

Beginning at a survey marker on the northern boundary of Pelham Street and at the southeast corner of property of Stellar Investments Inc., formerly of William Patrick Towndrow;

Thence North 07 degrees 19 minutes 23 seconds East along the property of Stellar Investments Inc. , for a distance of 59.56 feet, more or less, to a survey marker on the Southwest corner of property now or formerly of Himmelman's Jewelers Limited, formerly J. Nelson Dibbin and G. Annette Dibbin;

Thence in a northwesterly direction, along the southern boundary of the property of Himmelman's Jewelers Limited, for a distance of 32.5 feet, more or less, to the northeastern corner of property of Atcan Hotels Inc.;

Thence South along the property of Atcan Hotels Inc., sixty feet, more or less, to a stake on the Southwest corner of the property of Atcan Hotels Inc. and the north boundary of Pelham Street;




Thence in an southeasterly direction along the north boundary of Pelham Street for a distance of 32.5 feet, more or less, to the survey marker at the place of beginning.

#### MGA Compliance Statement:

The parcel complies with the subdivision provisions of Part IX of the Municipal Government Act.



# SCHEDULE C Site Plan

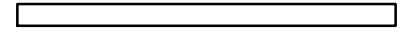
-  Proposed Consolidation
-  Edge of Pavement
-  Parcels

North



1:500

25



Metres

Duke St

Lincoln St

PID: 60061199  
Property 1

PID: 60061181  
Property 2

Pelham St

Montague St

# ATTACHMENT E

## Old Town Lunenburg

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

## Outstanding Universal Value

### Brief synthesis

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

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

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

### Integrity

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

## **Authenticity**

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

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

## **Protection and management requirements**

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

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