



## AGENDA

---

### Planning Advisory Committee

Monday, February 6th, 2023 at 6:00 p.m.

Council Chamber, 120 Townsend Street

(Agenda is subject to change due to additions and/or amendments)

---

1. Call to Order – Councillor Sanford, Chair
2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People – Chair
3. Agenda – motion to approve

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

4. Planning Advisory Committee November 24, 2021 Meeting Minutes

**Motion:** moved and seconded that the minutes of the November 24, 2021 meeting of the Planning Advisory Committee meeting be approved, as presented.

5. Public Participation Meetings - Nil
6. New Business
  - a. Amendment to the Land Use By-law by deleting Schedule “G” Vending
  - b. An amendment to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas
7. Business Arising from the Public Participation Meetings
8. Next Meeting Dates
  - February 27, 2023 – Public Participation Meeting.
9. Adjournment – Chair and draft motion

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

**PLANNING ADVISORY COMMITTEE MEETING RECOMMENDATIONS**

**WEDNESDAY, NOVEMBER 24, 2021**

**RECOMMENDATIONS**

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

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

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

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

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

**PLANNING ADVISORY COMMITTEE MEETING MINUTES**

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

---

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

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

---

1. Call to Order

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

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

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

3. Agenda

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

4. Approval of minutes

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

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

5. Public Participation Meetings

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

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

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

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

The following comments/submissions were received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Brian MacKay-Lyons – 80 Pelham Street

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

- Cheryl Stenstrom – 71 Lawrence Street

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

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

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

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

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

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

- Theresa Quilty – 45 MacDonald Street

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

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

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

- Oliver Osmond, 95 Buenavista Court

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

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

- Barry Olivella, 81 Townsend Street

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 6. New Business (Nil)

## 7. Business Arising from the Public Participation Meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Next Meeting Dates

- As required.

9. Adjournment

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

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

---

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

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

---

Document No:

Meeting: PAC, February 6, 2023

Circulate To: JD, KB, LD,TJ

File:

---

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

**TO: PLANNING ADVISORY COMMITTEE**

**FROM: ARTHUR MACDONALD, DIRECTOR OF COMMUNITY DEVELOPMENT**

**DATE: JANUARY 25, 2023**

**RE: AMENDMENT TO LAND USE BY-LAW BY DELETING SCHEDULE "G" - VENDING**

---

### **1. FACTS**

During the Council meeting of May 10, 2022 Council passed the following motion:

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

The development of a new Vending By-law has been addressed in a separate report. This report focuses on the amendment to the Land Use By-law (LUB) to delete Schedule "G" - Vending.

### **2. ISSUES AND OPTIONS**

The proposal involves the creation of a new Vending By-law that will accommodate all the aspects related to vending within the Town without the need for cross-referencing with the Town's LUB. Upon completion and adoption, vending will be solely regulated through the new Vending By-law and the LUB will be silent in this regard.

#### **The Municipal Planning Strategy (MPS):**

Policy 6-9 (**Attachment A**) enables Council to consider an amendment to the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19. The MPS is silent with regarding to "vending" and as such an amendment to the Land Use By-law (LUB) with regards to Schedule "G"- Vending, would not be considered to be inconsistent with the intent of the MPS. In addition, the proposed amendment is considered to meet the general evaluation criteria as set out in Policy 6-19 (**Attachment B**).

Any amendment to the MPS and LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
Statement 1: Drinking Water  Goal: To protect the quality of drinking water within municipal water supply watersheds.	Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on the municipal water supply.
Statement 2: Flood Risk Areas  GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on flood risk areas.
Statement 3: Agricultural Land  GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on agricultural lands.
Statement 4: Infrastructure  GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on infrastructure.
Statement 5: Housing  GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on housing.

There are three (3) options:

- 1) To refuse the amendment; or
- 2) To approve the amendment;
- 3) To approve the amendment with changes.

Schedule "G" - Vending of the Land Use By-law includes a section on yard sales. As yard sales will not be covered under the Vending By-law, it would be best to maintain these provisions and have been substituted therefore, under Part 6.12. of the Land Use By-law.

**3. FINANCIAL IMPACT**

The deletion of Schedule "G"-Vending from the LUB and regulating vending activities solely through a new Vending By-law will not have any financial impacts on the Town.

**4. STRATEGIC PLAN RELEVANCE**

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

**Economic Development:** Direction to support economic development.

**Governance:** Direction to enhance internal and external relations through policies, procedures and resources.

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that Planning Advisory Committee schedule a Public Participation Meeting to receive public input on the proposed amendments (as described in Attachment D) to delete Schedule "G"- Vending from the Land Use By-law and report back to Council.

Motion: That the Planning Advisory Committee schedule a Public Participation Meeting to receive public input on the proposed amendments (as described in Attachment D) to delete Schedule "G"- Vending from the Land Use By-law and report back to Council.

**ATTACHMENTS:**

- A.** MPS Policy 6-9
- B.** Evaluation of Policy 6-19
- C.** Section 6.12. and Schedule "G"- Vending
- D.** Amendments to LUB

Acknowledged only by:

Jamie Doyle  
Town CAO

**Attachment A**  
**MPS Policy 6-9**

**6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law**

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

**Policy 6-9:** Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

**Attachment B**  
**Evaluation of Policy 6-19**

**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 not inconsistent with the MPS. The MPS is silent on the issue of vending.
- (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 proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
  - ii. impacts on existing drinking water supplies, both private and public;  
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
  - 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;  
The proposal is not premature or inappropriate due to 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. No services are required for vending operations and the sites vary throughout the Town.
  - 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 difficult to assess this evaluation criteria as no specific site is being proposed. The proposed amendment is to delete vending regulations from the LUB and incorporate vending regulations under a new Vending By-law. Considering the above, the proposal does not seem to be premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
  - v. the adequacy of fire protection services and equipment;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vi. the adequacy and proximity of schools and other community facilities;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
No impacts on the UNESCO World Heritage Site are anticipated.

- 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 amendment will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;  
The amendment will not cause or increase any site-specific climate risks.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;  
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg 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  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The amendment to delete vending regulations from the LUB will not, by itself, cause any land use conflicts with existing businesses. However, the new Vending By-law may, by its nature, impact existing businesses. The proposed Vending By-law strives to strike a balance between fixed roof businesses and mobile vending operations by regulating their locations and fees to ensure a fair and transparent process to permit vending within the Town of Lunenburg.

**Attachment C**  
**Section 6.12. and Schedule “G”- Vending**

**6.12. Vending**

6.12.1 Vending shall comply with the *Vending By-law* and with Schedule ‘G’, Vending, of this Land Use By-law.

6.12.2 Where the *Vending By-law* references a section of this Land Use By-law, that reference shall be considered as a reference to the section with the same name within Schedule ‘G’, Vending, of this Land Use By-law.

## Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

### Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

### Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
  - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
  - ii. only two yard sales may take place on any property during each calendar year; and
  - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

### Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.

### Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

### Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;
- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and

- (e) outdoor food sales at Craft Markets and Farmers' Markets.

#### Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

#### Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

#### Mobile Canteens

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

- (a) Commercial Mixed Use Zone

## **Attachment D Amendments to LUB**

- 1) **Amendment to the Land Use By-law thereby deleting “6.12. Vending” from the Table of Contents on Page vii of the Land Use By-law and substituted therefore by the words “6.12. Yard Sales”.**
- 2) **Amendment to the Land Use By-law thereby deleting “Schedule “G”- Vending” in its entirety from the Table of Contents on Page viii of the Land Use By-law and substituted therefore by the words “Schedule “G”- Vending “DELETED””.**
- 3) **Amendment to the Land Use By-law thereby deleting Section “6.12. Vending” in its entirety including Subsection 6.12.1 and Subsection 6.12.2 inclusive as outlined on Page 23 of the Land Use By-law and substituted therefore by the following words:**

### **“6.12. Yard Sales**

6.12.1. Yard sales are permitted in any use zone provided that:

- (a) articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
- (b) only two yard sales may take place on any property during each calendar year; and
- (c) yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.

6.12.2. No development permit is required for yard sales permitted under Part 6.12.1.”

- 4) **Amendment to the Land Use By-law thereby deleting the words “Schedule “G”- Vending” from the list of Schedules on Page 66 of the Land Use By-law and substituting therefore the words “Schedule “G”- Vending “DELETED””.**
- 5) **Amendment to the Land Use By-law thereby deleting “Schedule “G”- Vending” in its entirety from the Schedules as outlined on Pages 73 and 74 inclusive of the Land Use By-law and substituting therefore the words “Schedule “G”- Vending “DELETED””.**

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

---

Document No:

Meeting: PAC, February 6, 2023

Circulate To: JD, KB, LD, HG

File:

---

## MEMORANDUM

**TO: TOWN COUNCIL**

**FROM: ARTHUR MACDONALD, DIRECTOR OF COMMUNITY DEVELOPMENT**

**DATE: JANUARY 25, 2023**

**RE: AMENDMENT TO MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO DELETE THE ARCHITECTURAL CONTROL AREAS**

---

### **1. FACTS**

In keeping with the Town's Comprehensive Community Plan (CCP) and Council's direction, the Town intends to adopt a new Heritage Conservation District (HCD) Plan and By-law and delete the Architectural Control Areas (ACA's) from the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The Dufferin Street ACA will be incorporated within the HCD. The Tannery Road ACA will be eliminated. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the narrative of the new Old Town Heritage Conservation District. This also follows the rationale for the boundaries of the new District as outlined in the Background Study approved by Council on August 9<sup>th</sup>, 2022.

This report will cover the deletion of the ACA's from the Town's MPS and LUB. The adoption of a new HCD Plan and By-law will be covered under a separate document. The existing MPS and LUB provisions are outlined in **Attachment A**. The Evaluation Criteria, Implementation Policy, 6-19 is outlined in **Attachment B**. The MPS amendments are outlined in **Attachment C**, and the LUB amendments are outlined in **Attachment D**.

### **2. ISSUES AND OPTIONS**

The proposal involves the creation of a new HCD Plan and By-law and the deletion of the ACA's from the Town's MPS and LUB. This enables the creation of one document focusing on architectural provisions and eliminates the need for cross-referencing with the Town's MPS and LUB when it comes time to consider development proposals. Architectural provisions will be regulated through the HCD Plan and By-law through the issuance of a Certificate of Appropriateness. Registered Heritage Properties will be reviewed in light of the Heritage Property Act and the Alteration Guidelines for Municipally Registered Heritage Properties with regards to a Heritage Permit application.

**The Municipal Planning Strategy (MPS):**

Policy 6-9 of the MPS enables Council to consider an amendment to the text of the LUB if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. To ensure consistency and compatibility, the MPS will be amended to remove any inconsistencies with the new HCD Plan and By-law as well as ensuring that the LUB is consistent with the MPS.

Any amendment to the MPS and LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
Statement 1: Drinking Water Goal: To protect the quality of drinking water within municipal water supply watersheds.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 1.
Statement 2: Flood Risk Areas GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 2.
Statement 3: Agricultural Land GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 4.
Statement 5: Housing GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 5.

There are three (3) options:

- 1) To refuse the amendment; or
- 2) To approve the amendment;
- 3) To approve the amendment with changes.

**3. FINANCIAL IMPACT**

The deletion of the ACA's and regulating architectural control provisions through a new HCD Plan and By-law will not have any financial impacts on the Town.

**4. STRATEGIC PLAN RELEVANCE**

The approval of this proposal is in keeping with the Town's Comprehensive Community Plan, in particular:

**Economic Development:** Direction to support economic development.

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

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

**Culture and Recreation:** Direction to support community life and assets in Lunenburg, including cultural identity, heritage interpretation, and the arts sector, as well as parks, open spaces, sports, and other activities.

**Governance:** Direction to enhance internal and external relations through policies, procedures and resources.

**5. RECOMMENDATION AND DRAFT MOTION**

It is recommended that the Planning Advisory Committee schedule a Public Participation Meeting to receive public input on the proposed amendment as described in Attachment C and D and report back to Council.

Motion: That the Planning Advisory Committee schedule a Public Participation Meeting to receive public input on the proposed amendment as described in Attachment C and D and report back to Council.

**ATTACHMENTS:**

- A. Existing MPS and LUB Provisions
- B. Evaluation of Policy 6-19
- C. Amendments to MPS
- D. Amendments to LUB

Acknowledged only by:

Jamie Doyle  
Town CAO

## **Attachment A Existing MPS and LUB Provisions**

### **Municipal Planning Strategy Provisions:**

#### **5.3 Heritage and Architectural Control**

##### **5.3.1 Introduction**

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first adopted under the *Heritage Property Act*, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law.

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

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation

district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

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

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

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council.

In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.

### 5.3.2 Heritage Conservation District and Architectural Control Areas

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

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

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property By-law.

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

**Policy 5-4:** Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

### 6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

**Policy 6-9:** Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

---

**Note: The review of the Implementation Policy 6-19 has been addressed in Attachment B.**

---

## Land Use By-law Provisions:

### 7.3. Architectural Control Area

#### New Buildings

7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

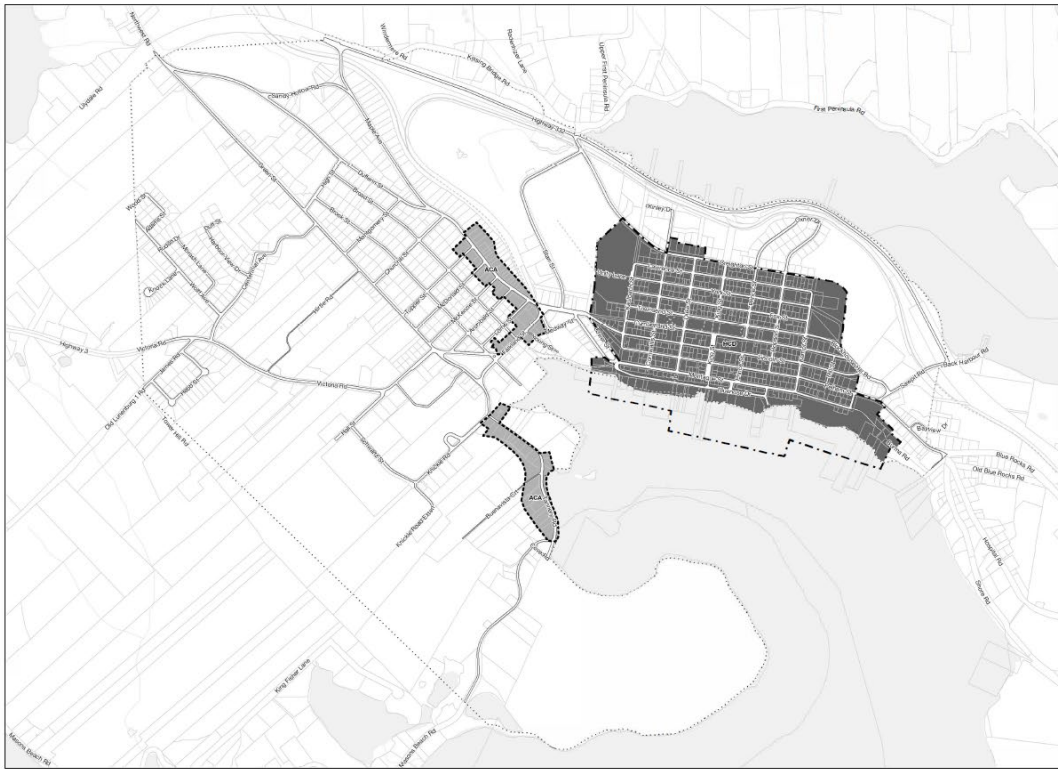
- (a) architectural style;
- (b) building length to width ratio;
- (c) height;
- (d) roof shape;
- (e) appearance of exterior cladding and roof materials;
- (f) architectural details and trim;
- (g) shape and size of porches, doors and windows;
- (h) window area to wall area ratio; and
- (i) location,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

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

#### Additions and Alterations to Existing Buildings

7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.

# Schedule "F" - Heritage Conservation District and Architectural Control Area Map



MAP  
Heritage Conservation District and Architectural Control Area Map

SCREEN # 2021.07.27

SCALE 1:10,000

- LEGEND
- HCD Heritage Conservation District
  - ACA Architectural Control Area
  - Town of Lunenburg

## **Attachment B**

### **Evaluation of Policy 6-19**

#### **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 to amend the MPS to ensure the deletion of the ACA's are consistent with the MPS.
- (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 proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
  - ii. impacts on existing drinking water supplies, both private and public;  
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
  - 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;  
The proposal is not premature or inappropriate due to 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.
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
The proposed amendment is to delete ACA's from the MPS/LUB and incorporate architectural provisions under a new HCD Plan and By-law. The Dufferin Street ACA will be incorporated with the HCD. The Tannery Road ACA will be eliminated. The amendment will not directly impact traffic or congestion. Considering the above, the proposal does not seem to be premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
  - v. the adequacy of fire protection services and equipment;  
There is no specific site being proposed for development. The proposal does not seem to be premature or inappropriate due to the adequacy of fire protection services and equipment.
  - vi. the adequacy and proximity of schools and other community facilities;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vii. impacts on UNESCO World Heritage Site statements of outstanding value;

The development of a new HCD Plan and By-law will strengthen the Town's provisions for the protection and enhancement of the UNSECO World Heritage Site statements of outstanding value. The removal of the two ACA's (Dufferin Street and Tannery Road) from the MPS/LUB does not seem to be premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding value. These two areas are outside of the UNESCO World Heritage Site.

- 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 amendment will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;  
The amendment will not cause or increase any site-specific climate risks.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;  
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg 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  
It is difficult to assess this evaluation criterion as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The amendment will not, by itself, cause any land use conflicts with existing businesses.

## **Attachment C Amendments to MPS**

- 1) Amendment to the Municipal Planning Strategy thereby amending the Table of Contents under “Chapter 5 - Community Form & Heritage” by deleting “5.3 Heritage and Architectural Control” and substituting therefore “5.3 Heritage” and deleting “5.3.2 Heritage Conservation District and Architectural Control Areas” and substituting therefore “5.3.2 Heritage Conservation District”.
- 2) Amendment to the Municipal Planning Strategy thereby amending the Title “5.3 Heritage and Architectural Control” on page 32 and substituting therefore “5.3 Heritage”.
- 3) Amendment to the Municipal Planning Strategy thereby amending the subtitle “5.3.2 Heritage Conservation District and Architectural Control Areas” on page 34 and substituting therefore “5.3.2 Heritage Conservation District”.
- 4) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the last paragraph in Section “5.3.1 Introduction” on page 33 and substituted therefore the following paragraph:

“In 2023 Council approved a new Heritage Conservation District Plan and By-law. The former Dufferin Street and Falkland Street Architectural Control Areas were deleted from the Municipal Planning Strategy and Land Use By-law and incorporated within the new Old Town Lunenburg Heritage Conservation District. The Tannery Road Architectural Control Area was also deleted from the Municipal Planning Strategy and Land Use By-law but was not incorporated within the new District. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the main narrative of the new Old Town Heritage Conservation District. If properties wished to have heritage protection, they are encouraged to have their properties registered as municipal heritage properties under the Heritage Property Act. Council also retains the right to designate the Tannery Road are under its own Heritage Conservation District at a future date, if so desired.”

- 5) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second paragraph of subsection 5.3.2 and substitute therefore the following:

“In order to ensure the protection of Lunenburg’s built heritage, Council has adopted a two-fold approach to architectural control:”
- 6) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second bullet in subsection 5.3.2 on page 34.
- 7) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the third bullet in Subsection 5.3.2 on page 34 and substituting therefore the following:

- “
- **Establishment of a Heritage Conservation District comprised of the Old Town National Historic Site and World Heritage Site and the Dufferin Street and Falkland Street historic areas, with architectural controls implemented through the policies and design guidelines of the Heritage Conservation District Plan and By-law.”**

**8) Amendment to the Municipal Planning Strategy (MPS) thereby deleting Policy 5-4 and substituting therefore “Policy 5-4 “DELETED””.**

## **Attachment D Amendments to LUB**

- 1) Amendment to the Land Use By-law by thereby deleting 7.3 from the Table of Contents on page “vii” in its entirety and substituting therefore “7.3 ‘DELETED’”.
- 2) Amendment to the Land Use By-law thereby deleting Section 7.3 in its entirety on Page 29 and substituting therefore “7.3 “DELETED””.
- 3) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’ – Heritage Conservation District and Architectural Control Area Map” from the Table of Contents on page “viii” and substituting therefore “Schedule ‘F’ – “DELETED””.
- 4) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’- Heritage Conservation District and Architectural Control Area Map” and substituting therefore a blank page with the words “Schedule ‘F’- “DELETED””.
- 5) Amendment to the Land Use By-law thereby deleting subsection 4.2.1.(b) and substituting therefore the following:
  - “(b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.”
- 6) Amendment to the Land Use By-law thereby deleting subsection 6.13.3. and substituting therefore the following:
  - “6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings.”
- 7) Amendment to the Land Use By-law thereby deleting subsection 7.2.3. and substituting therefore the following:
  - “7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Old Town Lunenburg Heritage Conservation District. This provision shall not apply above a height of 2.4 metres (7.9 feet).”
- 8) Amendment to the Land Use By-law thereby deleting subsection 7.8.2. and substituting therefore the following:
  - “7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is located in the Old Town Lunenburg Heritage Conservation District.”