

Please note: A Public Hearing re Hemford Forest Secondary Planning Strategy & Land Use By-law will be held at 8:00 a.m. on Tuesday, April 13, 2021.

Municipal Council Meeting AGENDA

Tuesday, April 13, 2021 – 9:00 a.m.

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

Via Video/Audio Teleconferencing

1. CALL TO ORDER

1.1 Mi'kma'ki Territorial Acknowledgement

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION

2.1 CAMA Long Service Recognition - Tom MacEwan..... 1

3. APPROVAL OF AGENDA (as circulated)

4. APPROVAL OF MINUTES – March 23, 2021

5. BUSINESS ARISING FROM MINUTES (Nil)

6. AWARDING OF TENDERS/RFPs

6.1 Award of Tender 2020-05-004 Septic Pumping Services..... 2-4

7. PRESENTATIONS/SCHEDULED TIMES

7.1 Mahone Islands Conservation Association (MICA) – John Meisner, Chair.... 9:15 a.m. 5-11

7.2 Sherbrooke Lake Stewardship Committee – Garth Bangay, Chair 10:15 a.m. 12-28

7.3 Variance Appeal – Dan Geck, 90 Eisenhower Road, Oakland NS 1:00 p.m. 29-58

8. CONSIDERATION OF CORRESPONDENCE (Nil)

9. RECOMMENDATIONS FROM COMMITTEES & BOARDS

9.1 Finance Committee

9.1.1 Corporate Greenhouse Gas Emissions Reduction Target..... (59) 60-80

9.2 Planning Advisory Committee

9.2.1 First Reading - By-law 043 Heritage Property By-law (2021) (81) 82-112

9.2.2 Proposed Amendment – Policy 027 Alteration Review Procedure to Municipal Heritage Property (81) 82-112

10. STAFF REPORTS

10.1 Planning & Development Department

10.1.1 Second Reading - By-law 035A Amendments to Municipal Planning Strategy, By-law 044 Hemford Secondary Planning Strategy & By-law 045 Hemford Forest Land Use By-law..... 113

10.2 Administration Department

10.2.1 Proposed Amendments to MODL Policy 036 Fire & Emergency Services..... 114-122

10.3 Engineering Department

10.3.1 Pre-Budget Approval of Permanent, Full Time Project Manager 123-124

10.3.2 Pre-Budget Approval of Harold Whynot & Craig Chandler Paving Projects..... 125-126

11. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS

11.1 MJSB Update

11.2 Deputy Mayor’s Update

11.3 Mayor’s Update

12. ADDED ITEMS

13. IN CAMERA

13.1 Contract Negotiations re Billie Lane under section 22(2)(e) of the MGA

14. ADJOURNMENT

Jake Rudolph
President / Président

Jack Benzaquen,
First Vice-President /
Premier vice-président

Cory Bellmore
Second Vice-President /
Deuxième vice-présidente

Beverly Hendry
Treasurer / Trésorière

Jeff Renaud
Past President /
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Dawn Chaplin,
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Tony Kulbisky
Director / Directeur

Jamie Paik
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Mike Dolter
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Brenda Orchard
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March 29, 2021

Mayor Carolyn Bolivar-Getson
Municipality of the District of Lunenburg
210 Aberdeen Road
Bridgewater, NS
B4V 4G8

Dear Mayor Bolivar-Getson,

The Canadian Association of Municipal Administrators' (CAMA) Long Service Recognition Awards Program recognizes and celebrates the dedication to public service and municipal management of our members, which is a significant priority for our Association. These awards are based on the number of years of full-time, paid employment in municipal government in a management capacity (a Chief Administrative Officer or reporting directly to a Chief Administrative Officer). They are granted at ten years and given in five year increments.

This year in your municipality we acknowledged the commitment of your Chief Administrative Officer, Mr. Tom MacEwan, for his twenty years of municipal service in a management capacity. His recognition pin has been mailed to him directly.

We ask you to assist us in recognizing Mr. MacEwan (by perhaps making a special presentation to him at City Council) for his ongoing support of the municipal profession and for the part that he continues to play in helping to make CAMA the leading organization in fostering and sustaining municipal excellence.

Our sincere gratitude to you for your continued support of this valued CAMA member and dedicated employee of your organization. We trust that your municipality has tremendously benefited from his membership in CAMA and we are confident that it will continue to do so.

Sincerely,



Jake Rudolph
CAMA President

cc Tom MacEwan, Chief Administrative Officer

Council
Item: #6.1
Date: April 13, 2021
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Memorandum

REPORT TO: Council
SUBMITTED BY: Maria Butts, LaHave River Project Manager
DATE: April 13, 2021
RE: Tender Award: Septic Pumping Services – LaHave River Straight Pipe Replacement Program

RECOMMENDATION

Authorize staff to award Tender 2020-05-004 to Dalton Jodrey Plumbing and Heating Ltd. in the amount of \$69,179.42 plus HST.

EXECUTIVE SUMMARY

Two (2) bids were received and accepted for *Tender 2020-05-004 Septic Pumping Services – LaHave River Straight Pipe Replacement Program.*

The scope of work consists of pumping the septic tanks for 218 On-Site Sewage Disposal Systems installed between 2018 and 2020 under the LaHave River Straight Pipe Replacement Program. The successful bidder will remove sludge between April- August of each year for a total duration of three years.

BACKGROUND

Under the LaHave River Straight Pipe Replacement Program, the Municipality takes ownership for all On-Site Sewage Disposal systems for seven (7) years following installation. Nova Scotia Environment recommends septic tanks be pumped every three (3) to five (5) years to ensure accumulated solids do not carry over into the disposal bed, potentially causing the system to malfunction. To ensure maintenance is carried out as required by the province, seventy-four (74) tanks installed in 2018 will be pumped empty of solids in 2021, seventy-one (71) tanks installed in 2019 will be pumped in 2022, and seventy-three (73) tanks installed in 2020 will be pumped in 2023.

No Municipal dollars are being spent on this tender; funds are directly recovered from property owners as per Policy MODL-72-*LaHave River Wastewater Management District Cost Recovery*.

DISCUSSION

Tender 2020-05-004 was posted on Thursday, March 4th, 2021 and closed on Thursday, March 18th, 2021.

Two (2) bids were received and accepted by the deadline. Accepted tenderer names and bids are described in Table 1 below:

Funding	Total Bid (w/o HST)
Property Owner	100%
Tenderers	
Dalton Jodrey Plumbing and Heating Ltd.	\$69,179.42 (\$304.35/YR 1, \$317.40/YR2, \$330.44/YR3)
RE Group – Royal Flush Services Ltd.	\$114,657.10 (\$525.95/YRS 1-3)

Table 1: Accepted Bids for Tender 2020-05-004

Under the scope of work for this tender, the successful bidder is required to empty all septic tanks during their pump out year as per the pumping requirements stated in the Tender document.

CONCLUSION

Tender 2020-05-004: Two (2) bids were submitted and accepted. Of the two accepted bids, the lowest bid was received by Dalton Jodrey Plumbing and Heating Ltd of Pleasantville, NS.

Tender Award Recommendation

Tender: 2020-05-004 Septic Pumping Services – LaHave River Straight Pipe Replacement Program.

Scope of Work: Pump septic tanks for all On-Site Sewage Disposal Systems installed between 2018 and 2020.

Closing Date: March 18, 2021

Funding	Total Bid (w/o HST)
Property Owner	100%
Tenderers	
Dalton Jodrey Plumbing and Heating Ltd.	\$69,179.42
RE Group – Royal Flush Services Ltd.	\$114,657.10

Table 1: Accepted Bids for Tender 2020-05-004

Tender Award Recommendation:

Council award Tender 2020-05-004 to Dalton Jodrey Plumbing and Heating Ltd. in the amount of \$69,179.42 plus HST.

Mahone Islands Conservation Association




MICA

The purpose of this presentation is to:

1. Provide an update on the tremendous resource MICA has acquired with our partners since 2003 to the benefit of the local area and visitors.
2. Bring you up to date on the threat that private moorings have on this resource.
3. Present our proposed solution to this threat.

MICA was formed by concerned residents in fall of 2002 in response to the accelerated private development of many of the Mahone Bay Islands.

According to Dr. Ian Spooner of Acadia University, these Mahone Bay islands are unique in the world.

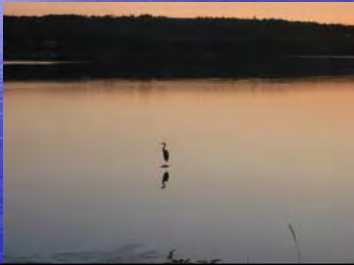


MICA Organization:

- Established in fall of 2002.
- Registered non profit society with charitable status.
- Volunteer Board of Directors and Committee members.
- Tremendous support from membership, friends and corporate community and both municipal and provincial governments.
- TOTAL VOLUNTEER WORK.

MICA Mission:

- To protect and conserve the natural environment of the islands and shoreline of Mahone Bay, and the traditional, social and recreational opportunities valued by its various communities.



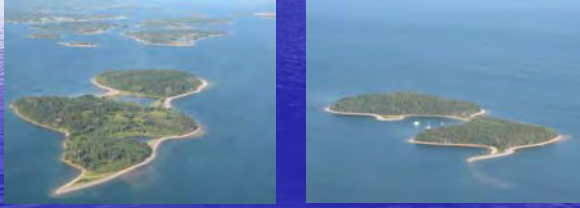
Our first acquisition, Andrews Island:

- Partnered with Nova Scotia Department of Natural Resources for the purchase of Andrews Island in the fall of 2005.
- MODL contributed \$18,400 towards the acquisition.



Backmans, Covey Islands:

- Partnered with the Province of NS in March 2007 for the acquisition of Backmans and Covey Islands.
- Two prime recreational islands in Mahone bay with a very rich history and tradition.



Masons Point:

- MICA initiated the acquisition of the northern end of Masons Island in partnership with the Municipality of the District of Lunenburg (MODL) in 2008.
- MICA contributed \$100,000 towards this important acquisition.
- MODL holds title.



LIPS Donation:

- MICA facilitated the very generous donation of the Long Island Preservation Society (LIPS) islands (Long, Dry, Centre, Snipe) to the province of Nova Scotia in the spring of 2007.



Sacrifice Island:

- Sacrifice Island was acquired by MICA in partnership with the Province of Nova Scotia in April 2009.
- The Municipality of the District of Lunenburg contributed \$25,000 towards the acquisition.



Shag Island (Indian I).

- Shag Island was acquired by MICA in partnership with the Province of Nova Scotia in March 2012.





Bella Island:
 Acquired December 2013, in partnership with province of Nova Scotia.

Masons Island lots.

- Lots were acquired in the central portion of Masons Island in fall of 2014.
- Project involved a land swap such that MODL ended up with title to the Wiles Lake Lands and Forest Depot.
- Big win for MICA, MODL and PNS.



Little Duck Island:
 A 4 acre island 5km SSE of Long Island.
 Acquired in a tax sale Sept 2014.

Squid Island:

- Acquired in March 2015, in partnership with the Province of Nova Scotia with support from the Municipality of the District of Chester.

Goat Island donation:

- MICA facilitated the very generous donation of Goat Island to the province of Nova Scotia by the family of John McLennan in the spring of 2015.



Zwicker Island Lots donation:

- Thanks to the Cluett and Court families, two significant lots on Zwicker island were donated in fall 2016.



Ernst Island lot donation:

- Thanks to the Reynolds family, a very significant portion of Ernst Island was donated in the fall of 2016.

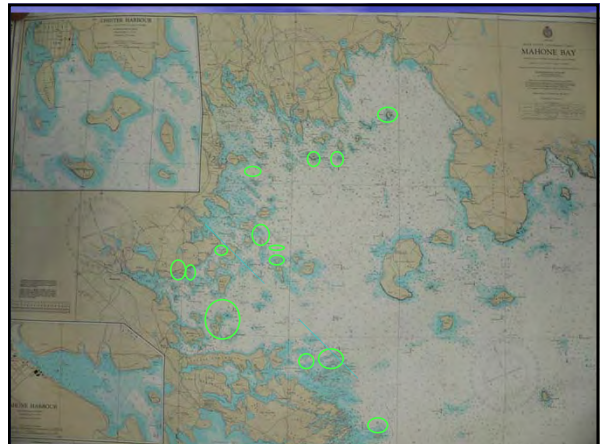


Quaker, Lynch and Snake Islands:

- MICA contributed \$100,000 to the Nature Conservancy of Canada towards the acquisition of Quaker, Lynch and Snake Islands off Chester in the spring of 2017.
- MICA and NCC have typical Stewardship Agreements for these very important islands.

Oakland Property:

- MICA was very pleased that MODL partnered with MICA in the acquisition of this very significant and important property in the fall of 2020.
- MICA contributed \$262,500 towards this acquisition – by far the largest ever for MICA.
- The inclusion of the upland property was a bonus.
- MODL holds title to the properties.

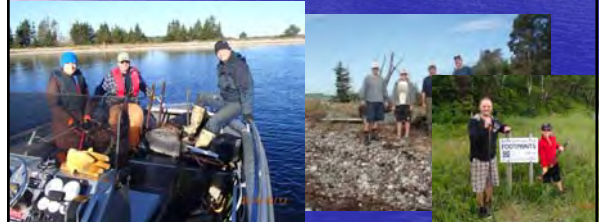


MICA acquisitions summary:

- These islands and shoreline properties are now conserved, protected and available for all to enjoy.
- MICA has invested over \$1,500,000 towards these acquisitions.
- These acquisitions contribute to the growth of our local economy and the sustainability of our community and are a very important component of our municipality.
- Every year there is increasing activity on the bay and on our island properties.
- Note all but Squid I and the NCC islands are in MODL.

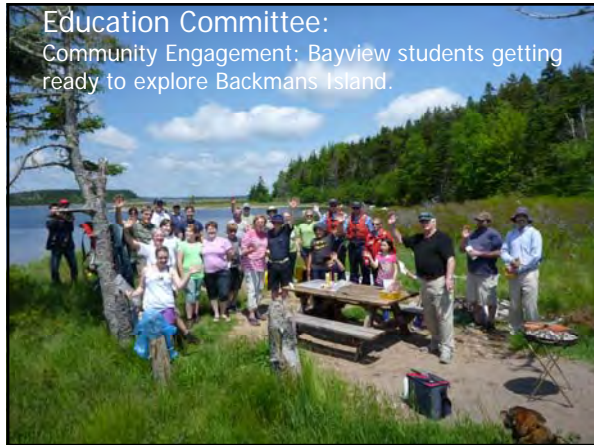
Island Stewardship:

- MICA has Stewardship Agreements with each title holder.
- MICA stewards the islands on behalf of the owners.
- MICA has conducted numerous island cleanups.
- MICA Stewardship goal is that island users are the best island stewards



Education Committee:

Community Engagement: Bayview students getting ready to explore Backmans Island.



Private Moorings:

- When we acquired these islands, there were no private moorings, with the exception of Backman's big cove and Long Island (placed by the former owners).
- A mooring consists of a weight dropped to the bottom connected by rope or chain to a float on the surface with a line that can be picked up and attached to a visiting boat.
- Traditional public use of our islands has been by anchoring (and by direct beach landing for smaller boats).
- In the last several years there has been a significant increase in the number of private moorings around MICA islands.
- MICA has discussed this issue with the Nova Scotia Department of Lands and Forestry and Department of Environment who have recommended an educational process to explain why MICA advocates for no private moorings around MICA islands. MICA began that process in 2017.





Private Moorings:

Following is why MICA is against Private Moorings off MICA properties:

- a. Private moorings can restrict access to the shore.
- b. Unattended or abandoned moorings are a hazard.
- c. Moorings 'stake a private claim' by the owner.
- d. Private moorings can and have led to confrontation on the water regarding their use.
- e. Most private moorings are set in preferred popular locations.
- f. Private moorings reduce space available for anchoring.
- g. These islands have been used and enjoyed over many years without the need for private moorings.

- h. When soliciting for financial support to acquire these islands, MICA states that the islands will be left in their natural state. MICA is now trying to balance preservation with reasonable public access.
- h. All MICA islands have Stewardship Agreements signed with the owner (either PNS, MODL or NCC) stating that the islands will be left in their natural state.
- i. Private moorings are contrary to everything MICA has worked for in acquiring these islands.
- j. If we do not address this now the number of private moorings will further increase to the detriment of island users.
- k. Private moorings can be considered as being against the public good and are a direct threat to MICA.

- h. Over \$5.5 million has been invested in the acquisition of the MICA island and shoreline properties by private, corporate, municipal and provincial government investments to provide public access.
- h. This does not include the value of the donated islands and island properties.
- i. We must ensure that they remain available for public access and are not restricted or closed off by illegal private moorings.

Oakland Property

- There is a concern that private moorings may be set off the Oakland property as they have been off Masons Island north end (owned by MODL) and the other MICA islands.
- This would negatively impact the dynamics of the property and is certainly not part of the MICA/MODL vision for the property.
- There could be signage or floats to discourage any power boating activity in consideration of the safety for swimmers.

MICA's Plan

- Understanding that our desire of having no moorings around MICA islands is regrettably becoming unrealistic, MICA is considering having MICA identified public registered moorings placed in strategic locations around MICA islands.
- MICA/MODL would be applying for approximately 30 registered moorings to occupy the remaining available space with public moorings for public access and by doing so prevent further private moorings being dropped in prime locations. This does not include Backmans Island big cove which at last count had 14 private moorings.
- These moorings would be for public use.
- These moorings would be installed and regularly inspected by an insured local marine contractor.
- MICA also plans to continue to communicate the undesirability of private moorings in the hopes that they would be removed over time as the owners consider our request and do not see the need for them because free serviced moorings are available.

- MICA has been advised that DLF will not register private moorings around MICA islands.
- MICA has requested DLF that the Mahone Islands Conservation Area be considered a special marine area in light of the fact that the MICA islands and island properties are public property and should be managed as such with the placement of public moorings.
- MICA has also asked for action from DLF and DOE in dealing with the private unregistered moorings around MICA islands.
- MICA has been in recent discussions with MODL to request that MODL partner with MICA in requesting provincial approval for the acquisition, placement and management of these moorings. The approximate cost for 30 moorings is in the order of \$45,000. MICA considers this issue very serious and will be offering to contribute, in principal pending confirmation of details, 50% towards the capital cost of these moorings.
- DLF has asked for a proposal from MODL regarding MODL involvement. It is hoped that Council will give MODL the approval to proceed with developing that proposal.
- Time is of the essence, as the boating season is fast approaching.

- ### In Closing:
- MICA success to date has been the result of:
 - thousands of volunteer hours.
 - strong partnerships with:
 - Province of Nova Scotia
 - Municipality of the District of Lunenburg
 - and recently the Municipality of the District of Chester.
 - tremendous support from members and friends.
 - tremendous support from the corporate community.
 - MICA would be pleased to organize a tour of the bay for councilors and staff when the weather improves and COVID dependent.
 - MICA is working very hard to preserve our unique island and shoreline environment.
 - Immediate action is needed if we are not to loose control of the bay.



- Prepared For:
 - MODL Council
 - Date: Tuesday April 13, 2021
- April 7 2021 DRAFT*

Council
Item: #7.2
Date: April 13, 2021
Authorization: T. MacEwan

Sherbrooke Lake Baseline Water Quality Program and Toxic Cyanobacteria Monitoring Program 2021



Sherbrooke Lake



Public
Access

Sherbrooke Lake



Sherbrooke Lake Stewardship Committee

- Decision by MODL Council in 2015 to establish a public access site on Sherbrooke Lake.
- This decision was accompanied by widespread public concern about the need to protect the environment of Sherbrooke Lake.
- MODL and MOC agreed to establish a Stewardship Committee as per the MOU that was signed in March 2017.
- The Committee of 5 members was appointed by respective Councils in summer of 2017. Coastal Action is an exofficio member of the Committee.
- Coastal Action was engaged to provide ongoing technical support to the work of the Committee.

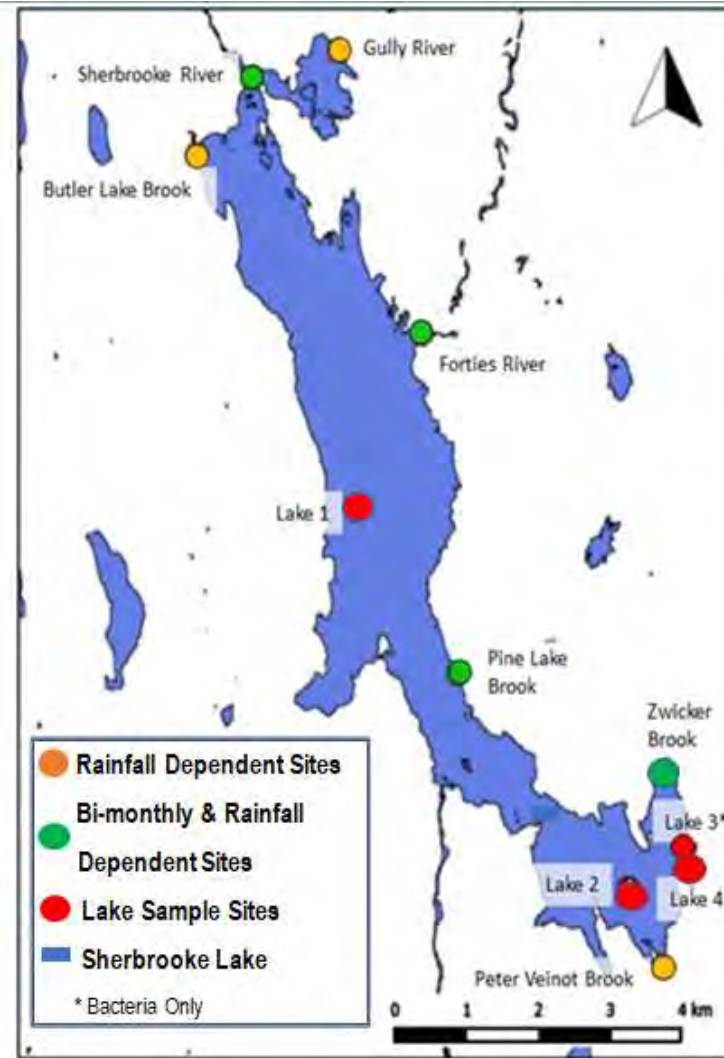
Stewardship contd.

- MODL/MOC requested Coastal Action design and implement a five-year baseline water quality monitoring program for the lake.
- The Committee was also asked to conduct a program on public information concerning the need to protect the lake's environment.
- To date, Councils have funded two baseline WQ surveys over the summers of 2018 & 2019 administered by Coastal Action.
- Two report cards and associated technical reports on the state of the lake have also been provided to the public, produced by Coastal Action.
- Last summer's 2020 planned and approved program was not implemented due to COVID restrictions.

Stewardship contd.

- The lake monitoring program is conducted monthly by trained teams of volunteers using their own boats from May to October.
- Technical support, sampling protocols, and equipment are provided by Coastal Action.
- A comprehensive QA/QC program is also managed concurrently by Coastal Action to ensure the validity of results.
- Samples are analyzed by the Bureau Veritas Lab in Bedford.

Water Quality Sampling Sites



Results to date:

- Sherbrooke Lake is generally healthy; however, the lake remains vulnerable to impacts from human activities such as use of fertilizer, removing shoreline vegetation, and poor septic system maintenance.
- No detectable hydrocarbons in lake surface water.
- Bacteria levels in lake water are below acceptable levels for water-based recreation.
- Lake tributaries do, however, exhibit elevated bacterial counts during periods of high runoff following major rainfall events.

Results contd.

- Lake water nutrient levels are in the low to mid-range.
- There are elevated levels of some metals in lake bottom sediments including Arsenic, Cadmium, and Mercury, potentially having negative effects on aquatic life.
- The recent rapid change in the growth and appearance of algal blooms gives concern about a deteriorating state of water quality and possible human health issues.

This issue has brought us to the need for this morning's presentation.

Blue Green Algae and Cyanobacteria

- Algae are a natural component of any lake ecosystem and there are many different kinds.
- One form, blue-green algae is often found in association with cyanobacteria.
- These bacteria can excrete microcystins which can be toxic.
- Determining whether microcystins are present or not is a complicated and expensive process.

Blue Green Algae and Cyanobacteria contd.

- There are many contributing factors to the growth of cyanobacteria blooms, but the one humans can influence is the addition of nutrients from lawn fertilizer, faulty septic systems, and farm animal waste into the lake.
- Currently the NS Department of Environment and Climate Change relies on public reporting of algal blooms and visual field checks to base their public advisories.

Potential Impacts of Cyanobacteria

- Contact in water can cause:

- skin irritation and rash
- sore throat
- sore, red eyes
- swelling of the lips
- hay fever-like symptoms

- Ingesting water containing them can cause:

- fever
- weakness
- headache
- diarrhea
- liver damage
- nausea and vomiting
- muscle and joint pain
- cramps in the abdomen

July 2019, algae along Sherbrooke Lake shoreline



NS Environment Blue-Green Algae Advisory



We're aware of blue-green algae blooms on Big Mushamush Lake and Sherbrooke Lake in Lunenburg County, and a suspected bloom on Lake Ainslie in Cape Breton.

Blue-green algae can be dangerous to you and your pets, as it can produce toxins that can make you sick. You shouldn't use untreated water from lakes or rivers for drinking water. It could be contaminated with toxins from blue-green algae.

If you think you've seen blue-green algae in a lake or river, call one of our local offices: <https://novascotia.ca/nse/dept/regional-office-locations.asp>

Learn more about blue-green algae at <https://novascotia.ca/nse/environmental-health/blue-green-algae.asp> .

NOVASCOTIA.CA

Blue Green Algae | Inspection, Compliance and Enforcement | Nova Scotia Environment

Advisories contd.

- The advisories are based on observations and not science.
- There was no laboratory analysis to determine whether toxic microcystins were in fact present in the 2020 bloom.
- The advisory in this case extended for the entire summer season.
- Communication of the advisory was only based on a notice on the department's website.
- There was considerable public unease once the information in the advisory circulated through informal means to the public.
- The members of the Stewardship Committee were unaware and ill-equipped to address residents' questions.

Moving forward -

- The Stewardship Committee has approached the province with a proposal to collaborate on a pilot program developed by Coastal Action to monitor and analyze for the presence of cyanobacteria and any associated toxins in Sherbrooke Lake.
- The intent is to improve the scientific validity of any public advisories as well as improving the means of informing the public.
- The Committee is also preparing information for the public on this issue including the responsibility that lake users must reduce sources of nutrients to the lake.
- The Ministry has indicated their support for the proposal but will be unable to decide about resources before mid April.

Getting it done!

- The proposed pilot program would see an increase in the costs of the baseline WQ program of approximately \$12 K (the 2018 to 2020 range was \$22 – \$25 K) and one time \$2.7K for the algae probe.
- The program will require more volunteer time and associated training.
- The program will provide a major improvement in any public advice going forward and will start the process of educating the public about their responsibility in protecting the lake's aquatic ecosystem.
- The Committee will work with Municipal communications staff to raise cottage owner awareness of behaviors that harm vs protect the lake.
- The pilot could become a model for how to address this threat to the health of NS lakes.

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Dan Geck, 90 Eisenhauer Road, Oakland, NS
April 13, 2021 — 1:00 pm

APPEAL AGENDA — Variance

1. CALL TO ORDER
2. OPENING REMARKS by Chairperson
 - i. Introduction of Council Members (if public in attendance)
 - ii. Introduction of Staff (if public in attendance)
 - iii. Review of Agenda and Rules of Conduct (see below)
3. REPORTS AND PRESENTATIONS BY DEVELOPMENT OFFICER (10 minutes)
 - i. Review of Legislation and Notification Process
 - ii. Recommendation from Development Officer
4. WRITTEN AND/OR ORAL PRESENTATION (10 minutes)
 - i. Review of Written Submissions by CAO/Clerk
 - ii. Presentation by Assessed Owner(s) or Applicant if in attendance (Verbal)
5. COMMITTEE MEMBERS AND ASSESSED OWNER OR APPLICANT DISCUSSION (10 minutes)
 - i. Clarification only, if Required
6. DEVELOPMENT OFFICER CLOSING REMARKS (5 minutes)
 - i. Provide Final Comments/Clarification
 - ii. Review of Council Options:

Council Options:
 - a. **Grants Assessed Owner's Appeal**
 - b. **Upholds Development Officers decision to approve variance**
 - c. Grants Applicants Appeal
 - d. Upholds Development Officers decision to refuse variance
6. CLOSING OF THE APPEAL
 - i. No further debate or discussion

Rules of Conduct - Persons who wish to speak are asked to note the following:

- i. State their name and address
- ii. Direct all statements and questions to the Chairperson
- iii. Try to limit presentations to 10 minutes



Municipality of the District of Lunenburg

Report to Council

REPORT TO: Mayor Bolivar-Getson and Municipal Council
SUBMITTED BY: Norma Schiefer, Municipal Development Officer
DATE: April 6, 2021
RE: Variance appeal by adjacent property owner
– reduction of rear yard setback 90 Eisenhauer Road, Oakland

BACKGROUND

A Development Permit (DP190074) was issued November 19, 2019 for a 1-bedroom cabin (tourist accommodation). Building Permit BP190449 was issued November 1, 2019 for a 1-bedroom single family dwelling. The Building Official conducted the first inspection of the structure February 14, 2020 at which time the footprint of the building was GPS'd. At that time, the results satisfied the Building Official. It was later brought to my attention that the location of the structure may encroach on the property line, therefore may not comply with the setbacks in the Oakland Land Use By-law. On October 22, 2020, the Building Official revisited the site to GPS the location again. At this time, there was a discrepancy in our two GPS readings, so a stop work order was placed on the structure and a surveyors location certificate was requested to confirm the location. The location certificate, dated November 17, 2020, indicates the location of the structure under construction with a deck is crossing the property line. On December 18, 2020, an application for a variance to the rear yard setback was received. I have granted the variance to reduce the rear yard setback on February 23, 2021. A letter of appeal was received on March 12, 2021 from an adjacent property owner.

LEGISLATIVE REQUIREMENTS

The Oakland Land Use Bylaw, Section 4.22 outlines the requirements for a variance. The Land Use By-law, in accordance with the Municipal Government Act, states that a Development Officer may grant a variance to size or other requirements related to yards (setbacks) provided that the variance is **not granted** where the:

- Variance violates the intent of the Land Use Bylaw
- Difficulty experienced is general to the properties in the area, or
- Difficulty experienced results from an intentional disregard for the requirements of the Bylaw

DISCUSSION

The Oakland Land Use By-law, Section 5.3.2 indicates the Rural Zone Requirements (setbacks from property lines). Setbacks are: Minimum front yard – 5 metres; minimum side yard – 1.5 metres, and rear yard – 1.5 metres.

As part of the building/development permit application, the landowner provided a site diagram showing the location of the proposed structure indicating the distances from property lines.

As part of my review, prior to issuing the Development Permit, the proposal is examined against the appropriate sections of the Land Use By-law for compliance (permitted uses, setbacks, etc). As this property has frontage on both Eisenhower Road and Oakland Road, the definitions outlined in the Land Use By-law were used to determine the front and rear lot line to be able to apply the yard setbacks correctly. Access to the property is provided from Eisenhower Road. The setbacks were applied with the front yard being the distance from Eisenhower Road and the rear yard the distance from the property line abutting Oakland Road.

Definitions:

10.56 LOT LINE means a boundary line of a lot.

(b) FRONT LOT LINE means the line dividing the lot from the street or other means of access, and

i) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;

ii) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or

iii) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

10.53 d) **THROUGH LOT means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a Corner Lot and a Through Lot as defined above, such lot shall be deemed to be a Corner Lot for the purposes of this By-law.**

Once the location certificate was received, it was determined that the deck on the structure crosses the property line. With the deck removed, the outline of the structure would be 2.8' (0.8 metres) from the property line.

The landowner has requested a variance to the rear yard setback to reduce the setback from 1.5 metres to 0.8 metres for the corner of the structure. The landowner has indicated he

measured the location based on a survey marker, which once the location certificate was completed, was found to be incorrectly placed. The deck will be removed from the structure.

Prior to issuing the variance, I have consulted with the Municipality's Building Inspector to ensure reducing the setback for the structure will not violate the Building Code requirements. The Building Inspector has indicated the deck will need to be removed and then the structure will meet their requirements. I have also consulted with Nova Scotia Transportation as the rear lot line abuts their property, Oakland Road. NSTAT has indicated they have no issues with the variance being approved.

APPEAL

As part of the variance process, once a variance is approved/or refused, notice is given to property owners within 30 metres of the subject property with the right of appeal to Council. The Municipality has received a letter of appeal from Joshua E. Bryson, of Wells, Lamey, Bryson, Schnare & Mailman representing Mr. Derek Montgomery.

CONCLUSION

The Municipal Government Act states that where a Council hears an appeal from a variance approval, the Council may make any decision that the Development Officer could have made.

Therefore, Council's options are:

1. Uphold the Development Officer's decision to approve the variance.
2. Grant assessed owners appeal which would require the landowner to relocate the structure to meet the setback requirements before any stop work order will be lifted.

Department: Planning and Development Services

Report Prepared By: Norma Schiefer, Development Officer

Date: April 6, 2021

Report Approved By: Jeff Merrill, Director

Date: Apr. 6, 2021

Reviewed By CAO:

Date:



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Planning & Development Services

Phone: 902.541.1334 Email: planning@modl.ca Web Site: www.modl.ca

February 23, 2021

Daniel Geck
90 Eisenhauer Road
Mahone Bay, NS
B0J 2E0

Dear Mr. Geck:

Re: Proposed Variance - reduction of the rear yard setback
PID: 60709938, 90 Eisenhauer Road, Oakland, NS

Your application, received December 18, 2020, is requesting a reduction of the rear yard setback for the location of the cabin (currently under construction BP190449). The rear yard setback is approved to be reduced from the required 1.5 metres to 0.8 metres.

I have today granted your requested variance.

There is an opportunity for anyone owning property within 30 meters of the above property to appeal this decision to Municipal Council. A copy of the letter and the list of those to whom it has been sent are attached for your information.

Should there be no appeal I will be in a position to issue an amended development permit on March 15, 2021.

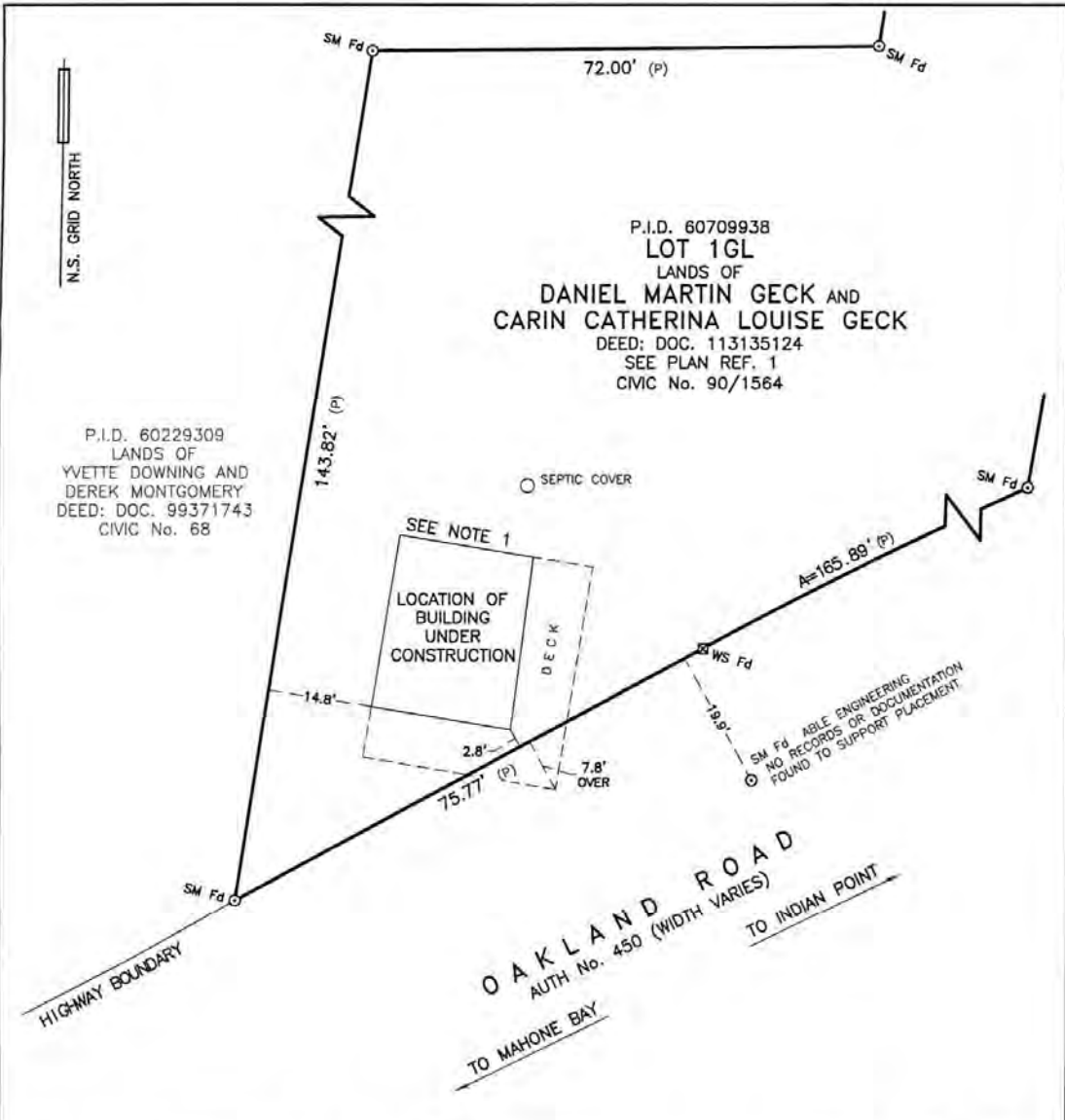
Prior to the 'stop work order' being lifted by the building department, the Building Inspector is requesting:

- The deck to be cut back to the DOT property line or removed to accommodate the setback.
- A new NSTIR work within the highway right-of-way permit to reflect location of the structure 0.8 metres from the property line.

If you have questions or require further information, please contact me at your convenience.

Sincerely,

Norma Schiefer
Municipal Development Officer



SURVEYOR'S LOCATION CERTIFICATE

SCALE : 1" = 20'

CERTIFIED TO : DANIEL GECK AND CARIN GECK

RE: LOCATION OF BUILDING ON LOT 1GL,
LANDS OF DANIEL MARTIN GECK AND
CARIN CATHERINA LOUISE GECK,
AT 1564 OAKLAND ROAD,
OAKLAND,
LUNENBURG COUNTY, NOVA SCOTIA.
P.I.D. 60709938

⊙ SM	SURVEY MARKER	(C)	CALCULATED
⊙ IB	IRON BAR	(M)	MEASURED
● RP	ROCK POST	(P)	PLAN
⊙ IP	IRON PIPE	(D)	DEED
⊙ DH	DRILL HOLE		
⊙ WS	WOODEN STAKE FOUND		
L.R.O.	LAND REGISTRATION OFFICE		
O.H.W.M.	ORDINARY HIGH WATER MARK		
P.I.D.	PROPERTY IDENTIFICATION NUMBER		

I, DYLAN M. MOSSMAN, NOVA SCOTIA LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEYOR'S LOCATION CERTIFICATE WAS PREPARED UNDER MY SUPERVISION, AND IN ACCORDANCE WITH THE LAND SURVEYORS ACT, REGULATIONS AND STANDARDS MADE THEREUNDER.
DATED THIS 17TH DAY OF NOVEMBER, 2020

Dylan M. Mossman N.S.L.S.

THIS SURVEYOR'S LOCATION CERTIFICATE SHALL NOT BE USED FOR BOUNDARY DEFINITION, OR AS A DOCUMENT FOR THE PREPARATION OF LEGAL DESCRIPTIONS.

PLAN REFERENCES :

1. PLAN REFERS TO L.R.O. No. 112990750.

NOTES:

1. BUILDING AND DECK ON SCREW PILES. NO CONCRETE FOUNDATION.

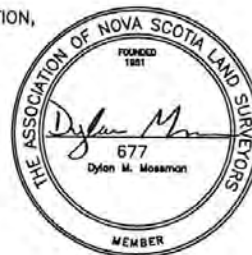
DATE (S) OF FIELD SURVEY : OCTOBER 29, 2020

PROJECT #: 201028-02

ABLE ENGINEERING SERVICES INC.

TEL. 1-833-756-8433 FAX. 902-273-3072

S.L.C. #72833

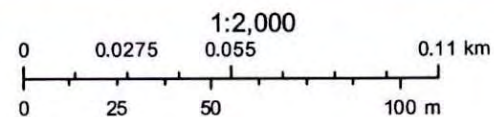




April 7, 2021

The Province of Nova Scotia makes no representations, expressed or implied, as to the accuracy, completeness and timeliness of the information, maps and other data, including PID numbers or property boundaries, which are displayed on this page.

The data is provided on the understanding that it is not guaranteed to be correct or complete or current, and conclusions drawn or decisions made, based on an interpretation of the data, are the responsibility of the user.



Service Nova Scotia and Internal Services
Internal Services Department

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Municipality of the District of Lunenburg
Planning & Development

REQUEST FOR A VARIANCE

Name of Applicant: DANIEL CECK

Mailing Address: 90 EISENHAWER RD
MAHONE BAY
BOJ ZEO

Telephone: Home: N/A Business: N/A Cell Phone: 250-246-7735

Name of Owner (if different than applicant): _____

Mailing Address: _____

Telephone: Home: _____ Business: _____ Cell Phone: _____

What is the nature of the variance requested? (Please check appropriate box)

- | | |
|--|--|
| a) reduced front yard <input type="checkbox"/> | e) number of parking spaces <input type="checkbox"/> |
| b) reduced side yard <input type="checkbox"/> | f) height/area of sign <input type="checkbox"/> |
| c) reduced rear yard <input type="checkbox"/> | g) area of home occupation <input type="checkbox"/> |
| d) lot area <input type="checkbox"/> | h) height/area of structure <input type="checkbox"/> |

Please provide the civic address, assessment account number or parcel identifier number. 60709938

Indicate the existing use of the subject property. HOME / RESIDENTIAL
AND CABIN FOR RENTAL.

Give a general explanation of the proposal. see attached

Why is it not possible to comply with the provisions of the Municipality's Land Use By-law? _____

see attached.

NOTE: IF THIS FORM IS SIGNED BY A PERSON WHO IS NOT THE ASSESSED PROPERTY OWNER(S), WRITTEN AUTHORIZATION FROM THE OWNER(S) MUST ACCOMPANY THIS APPLICATION.

Legal Declaration:

I, Daniel Geck of 90 Eisenhower Rd., Oakland do solemnly declare that all the above statements and attachments are true and accurate and I make this solemn declaration conscientiously believing it to be true and accurate knowing that it is the same force and effect as if made under oath.

Dated at Oakland this 18th day of December, 2020.

Daniel M Geck
Signature of Applicant

Application Fee 75.00
~~\$79.00~~

Receipt Number 2020/007944

Space below for office use only	
Date Received: <u>Dec. 18/20</u>	PID: <u>60709938</u>
By-law: <u>Oakland</u>	Zone: <u>RU</u>

Request for a Variance
(Daniel Geck)

General explanation of the proposal


Reduce rear yard from 1.5m to 0.8m on the corner of the cabin (**attachment 1**). As noted, the existing property pins were used for the cabin footing location. After we received the building permit #BP190449, we proceeded to have the pilings installed, as per the setbacks to the existing pins. We requested the building inspector inspect the pilings and location which he did and passed both. We then commenced building. The framing is now 3/4 complete and at this stage the building inspector came by and did a second GPS reading. As a result, we were informed that the building is now encroaching on the property line and requested a Site Survey Certificate and issued a Stop Work Order. We note that the pins we relied on are legal survey markers, with the pin in question belonging to Able Land Surveying Inc (**photo attached**). If we were made aware of this problem at the piling stage, we would have been able to move the pilings. Now there is a 3/4 framed cabin sitting on the pilings.

Why is it not possible to comply with the provisions of the Municipality's Land Use Bylaw?

- adhering to the 1.5m. setback, will force us to cut not only the deck but also the corner of the building.
- With the 0.8m setback we will still have to cut the deck, but can leave the corner of the building and the footing intact. The cost and delay of this project otherwise will be a real hardship for us.
- The property line is 125 feet from the centre of Oakland Road.
- The bank is part of the old Oakland Rd roadbed. Our property was expropriated mid 1960's from the original property to allow the road to be moved down to its current location. Since the expropriation, the land has never been migrated back to this property.
- The adjoining property (Ray & Anne Wagner) goes all the way down to the edge of Oakland Road, as does the property two over (Dries & Haylee Smith) (**attachment 2**)
- The bank has been historically used by this property since expropriation and remains unused by TIR (**attachment 3** - letter & map of September 12, 2019 from TIR proposing an exchange of this land). The TIR proposal was not accepted by us since it involved them utilizing a large part of our meadowed, flat land by our two duck ponds.
- The exiting bank gives us access to our deeded property across Oakland Road (wharf & boathouse).
- The variance requested will be much more cost effective for us (on a retired/disability pension), since the main structure can remain unchanged. We will simply be removing the deck. The foundation will not be affected.

From: Dan Geck dangeck@icloud.com
Subject: Able pin
Date: December 18, 2020 at 11:02 AM
To: Dan Geck dan9@telus.net



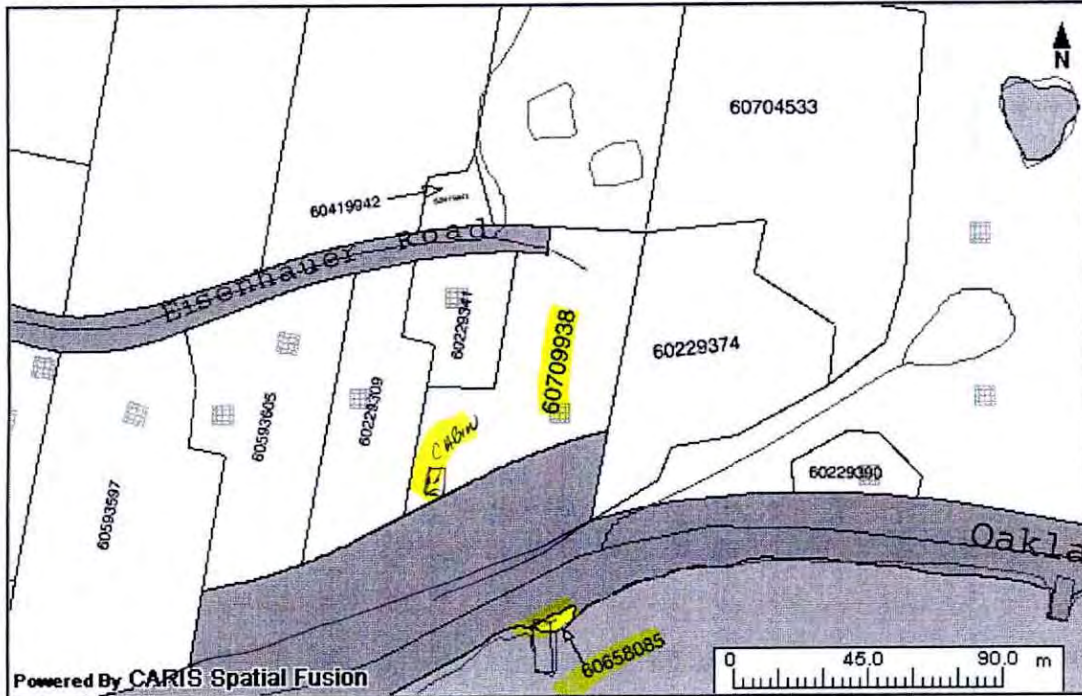
From: Dan Geck dangeck@icloud.com 
Subject: Pin picture
Date: December 18, 2020 at 10:03 AM
To: Dan Geck dan9@telus.net



Sent from my iPhone

Property Online Map

Date: Oct 31, 2019 12:26:22 PM



PID:	60709938	Owner:	DANIEL MARTIN GECK CARIN CATHERINA LOUISE GECK	AAN:	01386409
County:	LUNENBURG COUNTY	Address:	90 EISENHAUER ROAD OAKLAND	Value:	\$423,900 (2019 RESIDENTIAL TAXABLE)
LR Status:	LAND REGISTRATION				

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

Property Online version 2.0

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**Transportation and
Infrastructure Renewal**

449 Jubilee Road
P O Box 409
Bridgewater, NS B4V 2X6

Bus: 902-543-4121
Fax: 902-543-5596
Our File # PENDING
September 12th, 2019

Daniel Martin Geck
Carin Catherina Louise Geck
90 Eisenhower Road Mahone Bay
B0J 2E0

RE: Eisenhower Road, Turning Area.

Dear Carin and Daniel Geck;

Please see attached plans pertaining to a proposed exchange of lands for purposes of improving turning access in the area of your property referred to as PID 60229358. In exchange for your 446.79 square meter portion we would offer 560.80 square meters along the Oakland Road, Highway #450.

Please review the plans, if possible I would like to meet with you to discuss. Note you would still be able to access the remainder of your property behind this turning area.

Kindest regards,

A handwritten signature in blue ink, appearing to read "Kevin Rudderham", written over a horizontal line.

Kevin Rudderham
Right of Way Officer
Western District.
902-527-5997

PID NO. 60229358
REMAINING AREA = 13.8 ACRES ±
(SEE PLAN REFERENCE NO. 4)

PID NO. 60419942
(SEE PLAN REFERENCE NO. 3)

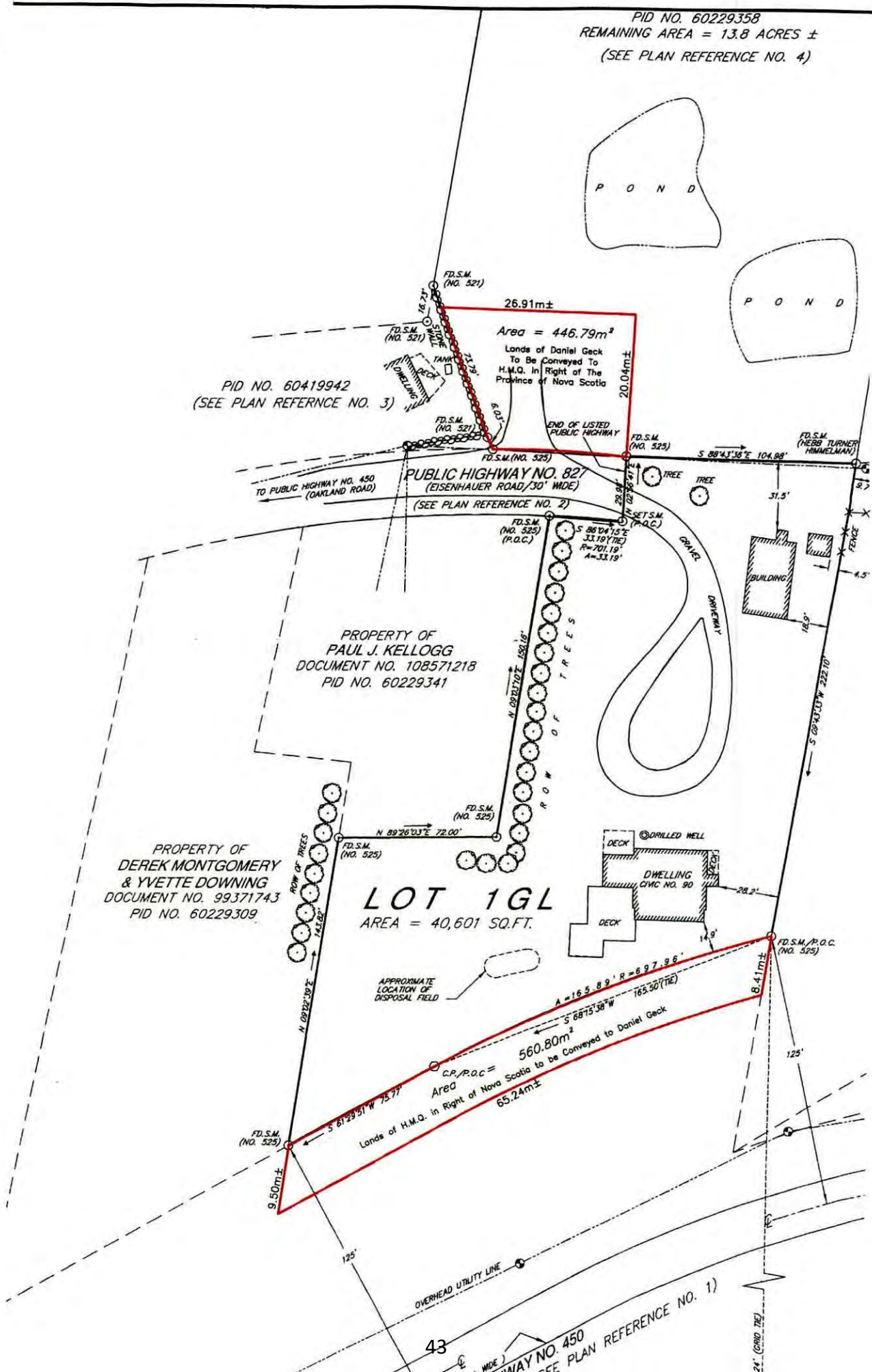
PROPERTY OF
PAUL J. KELLOGG
DOCUMENT NO. 108571218
PID NO. 60229341

PROPERTY OF
DEREK MONTGOMERY
& YVETTE DOWNING
DOCUMENT NO. 99371743
PID NO. 60229309

LOT 1GL
AREA = 40,601 SQ.FT.

Area = 560.80m²
C.P./P.O.C.
Area = 65.24m²
Lands of H.M.Q. in Right of the Province of Nova Scotia to be Conveyed to Daniel Geck

Area = 446.79m²
Lands of Daniel Geck
To Be Conveyed To
H.M.Q. In Right of the
Province of Nova Scotia



Wells, Lamey, Bryson, Schnare & Mailman

Barristers - Solicitors - Notaries

Derek M. Wells, Q.C.*
Samuel R. Lamey, Q.C.*
Joshua E. Bryson, BBA, B.A., LL.B.*
Derek R. Schnare, B.Sc. (Hon.), LL.B.
Jodi D. Mailman, B.A. (Hon.), LL.B.
Erin L. Wagner, B.A., J.D.

RECEIVED

MAR 29 2021

P.O. Box 310
24 Pleasant Street
Chester, Nova Scotia B0J 1J0

Telephone: (902) 275-3544
Fax: (902) 275-3473
Email: reception@chesterlaw.ca
www.chesterlaw.ca

*Incorporated as D.M. Wells Law Inc.
*Incorporated as S.R. Lamey Law Inc.
*Incorporated as Bryson Law Inc.

March 25, 2021

Ms. Sherry Conrad, Municipal Clerk
Municipality of the District of Lunenburg
10 Allee Champlain Drive,
Cookville, NS B4V 9E4

Dear Madame Clerk Conrad,

**Re: Notice of Appeal of Proposed Variance
PID 60709938, 90 Eisenhower Road, Oakland, NS**

As per your request, please find enclosed my original correspondence dated March 12, 2021, which was sent via fax and e-mail on the same date.

Yours very truly,
WELLS, LAMEY, BRYSON, SCHNARE & MAILMAN



for / Joshua E. Bryson
Barrister & Solicitor

/jmr
Enclosure

Wells, Lamey, Bryson, Schnare & Mailman

Barristers - Solicitors - Notaries

Derek M. Wells, Q.C.*

Samuel R. Lamey, Q.C.*

Joshua E. Bryson, BBA, B.A., LL.B.*

Derek R. Schnare, B.Sc. (Hon.), LL.B.

Jodi D. Mailman, B.A. (Hon.), LL.B.

Erin L. Wagner, B.A., J.D.

P.O. Box 310
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Chester, Nova Scotia B0J 1J0

Telephone: (902) 275-3544
Fax: (902) 275-3473
Email: reception@chesterlaw.ca
www.chesterlaw.ca

*Incorporated as D.M. Wells Law Inc.

*Incorporated as S.R. Lamey Law Inc.

*Incorporated as Bryson Law Inc.

March 12, 2021

VIA: Email (sherry.conrad@modl.ca) and Fax (543-7123)

Ms. Sherry Conrad, Municipal Clerk
Municipality of the District of Lunenburg
10 Allee Champlain Drive,
Cookville, NS
B4V 9E4

Dear Madame Clerk Conrad,

**Re: Notice of Appeal of Proposed Variance
PID 60709938, 90 Eisenhower Road, Oakland, NS**

I represent Mr. Derek Montgomery with respect to the February 23, 2021 notice of proposed variance which was received by my client on March 5, 2021. Mr. Montgomery is the owner and resident of 68 Eisenhower Road in Oakland, which abuts the property in question. Pursuant to s.236(3) of the *Municipal Government Act*, Mr. Montgomery appeals the decision of Development Officer Norma Schiefer to grant a variance in this matter.

OVERVIEW

Development Officer Schiefer's letter dated February 23, 2021 proposes to grant a variance to Mr. Daniel Geck, of 90 Eisenhower Road, PID #: 60709938, which effectively enables him to encroach on two separate yard clearance requirements. Development Officer Schiefer refers to the area in question solely as the rear yard. However, this fails to consider the fact that the "rear yard" faces Oakland Road and contains a partially constructed driveway. It also fails to consider Mr. Geck's Location Plan dated November 4, 2019 that depicts the front yard as facing his existing dwelling, which significantly encroaches on the 5 metre front yard and 1.5 metre side yard clearance requirement under the Oakland Land Use By-Law.

The subject property contains 40,601 square feet of land and contains an existing 4-bedroom home. Mr. Geck commenced construction on an additional dwelling on the subject lot to be used as a rental property which is the subject of this proposed variance.

Mr. Geck submitted an application for a Development Permit on November 4, 2019, which represented that all clearance distances would be met. Mr. Geck's Development Permit dated November 19, 2019 confirmed that the proposed development conforms to the requirements of the Oakland Land Use By-Law and, in particular, By-Law 5.3.2.- clearance requirements.

Despite Mr. Geck's representations and conditions attached to his Development Permit, Mr. Geck unilaterally and without permission commenced construction on his dwelling in contravention of the lawfully required set-back requirements.

Mr. Geck had sufficient land to construct his building in full compliance with all setback requirements as evidenced by his lot size and the attached photo, marked as photo "B", depicting the vacant land that sits behind his partially constructed dwelling.

Mr. Geck had several disputes with local residents including Mr. Montgomery, a 26-year resident of Oakland; during one such interaction, Mr. Geck advised Mr. Montgomery that he intended to move this dwelling to a location that maximized his intrusion of Mr. Montgomery's view of the Mahone Bay waters. Mr. Geck carried through with this promise as the location for this dwelling clearly changed in a way to minimize the distance away from Mr. Montgomery's residence and maximize his interference with Mr. Montgomery's view of the water and enjoyment of his property.

The proposed variance will negatively impact Mr. Montgomery's property as it will have a deleterious effect on his view of the Mahone Bay waters, negatively impact his property value and his use and enjoyment of his property.

GROUND OF APPEAL:

Mr. Montgomery brings this appeal on the following grounds:

1) The proposed variance is in violation of section 235(3)(c) of the *Municipal Government Act*

Section 235(3)(c) of the *Municipal Government Act* states: "[a] variance may not be granted where the difficulty experienced results from an intentional disregard for the requirements of the development agreement or land-use by-law." As noted above, Mr. Geck's lot size could have easily accommodated a dwelling that conformed to all existing yard requirements. Mr. Geck's own Location Plan depicted conforming set back requirements. Mr. Geck intentionally and

spontaneously disregarded his development agreement and land use bylaws at Mr. Montgomery's expense.

As is apparent from photo "B", and Mr. Geck's lot size of 40,601 square feet, Mr. Geck could have easily complied with all set back requirements but intentionally elected not to.

2) The proposed variance is in violation of section 235(3)(a) of the *Municipal Government Act*

Section 235(3)(a) of the *Municipal Government Act* states that "[a] variance may not be granted where the variance violates the intent of the development agreement or land-use by-law." This proposed variance violates the intent of the Municipal Planning Strategy and Land Use Bylaws for the Oakland area which are designed to promote a harmonious relationship between new development activity and existing land uses, and to do so in a way that minimizes conflicts. Mr. Geck has partially constructed a dwelling that does not conform to his development permit which represented that all clearance distances would be met.

To the best of our knowledge, this construction occurred in advance of any permission to disobey the clearance distances and should not be condoned, especially where it has such a deleterious impact on Mr. Montgomery's quality of life. Photo "A" was taken from the deck of Mr. Montgomery's property and shows the level of intrusion this rental property will cause to Mr. Montgomery's view and quality of life if the clearance requirements are not adhered to. Photo "B" depicts the vacant land that sits behind this dwelling and clearly shows that set back requirements could have been maintained.

3) Development Officer Schiefer erred in law when granting the variance

Development Officer Schiefer defined the offending setback requirement as the "rear yard" setback. The Front Lot Line is defined under By-Law 10.56 as "the line dividing the lot from the street or other means of access..." The rear yard requires a 1.5 metre clearance while the front yard requires a 5 metre clearance. In either case, the proposed dwelling contravenes the yard requirements given the 0.8 metre clearance on its southern boundary.

In addition, given the fact that the partially constructed dwelling deviated from the Location Plan, it does not run parallel to its southern boundary but rather at a 45-degree angle, thus encroaching on two-yard clearance requirements as noted on the attached surveyor's location certificate dated November 17, 2020 and apparent from a viewing of the site. To my knowledge, the encroachment of the eastern yard has not been measured. By-Law 10.110 states that yard measurement is determined by taking the minimum horizontal distance from the respective lot line, in which case the eastern yard appears to be also less than 1 metre from the southern lot line when measured as per the By-Law.

In addition, what Development Officer Schiefer identifies as the rear yard, which requires a 1.5 metre clearance is more aptly described as the front yard thus requiring a 5 metre clearance distance. This yard abuts Oakland Road and contains a partially constructed driveway that leads to the south east side of the dwelling. In addition, this dwelling has no access to the road that sits behind it (Eisenhower Road). The only driveway that has been contemplated is the one leading to Oakland Road which favours a finding that the true front yard was incorrectly defined as the rear yard.

Mr. Geck's Location Plan also differs from Development Officer Schiefer's determination as it depicts the front yard as the yard that faces Mr. Geck's existing dwelling which also encroaches on the yard requirements (shown on the surveyor's location certificate as the eastern side of the building under construction).

Either the eastern yard, as noted by Mr. Geck, or the southern yard as evidenced by the partially constructed driveway and the fact this yard faces Oakland Road are the true front lot lines as defined under By-Law 10.56. In either case, at least one of these yards must meet the 5-metre clearance distance. No variance has been proposed or granted from this 5-metre requirement.

Respectfully, Development Officer Schiefer also erred when she concluded in her letter dated February 23, 2021 that the highway right-of-way was excessive, and that it would not have a negative impact on the surrounding area. To my knowledge, the highway right-of-way has never been lawfully found to be excessive. Transportation and Infrastructure Renewal (TIR) requires a permit for any and all work within 100 metres of any highway and this dwelling sits roughly 38 metres away from the centre of this highway. Development Officer Schiefer exceeded her authority in defining TIR's right-of-way as excessive in this instance.

4) There were unauthorized and unlawful changes to Mr. Geck's Development Permit construction plan

Clause 2.6 of the Municipality of the District of Lunenburg's Secondary Planning Strategy for Oakland states that an application for a development permit must include measurements of the lot frontage and front, side and rear yards and any other information to enable a determination as to whether the proposed development conforms with the existing By-Law. Mr. Geck unilaterally moved the location of his dwelling as depicted on the Location Plan such that it no longer conformed to the By-Law. This unilateral and unlawful amendment to construction serves to negatively impact Mr. Montgomery's quality of life and should not be condoned.

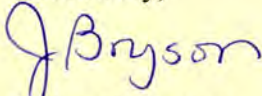
As noted above, if this variance is sustained there will be a negative impact on the surrounding area and, specifically, Mr. Montgomery's quality of life. Mr. Montgomery has enjoyed Oakland and called this dwelling home for over 25 years. Mr. Geck proposes to construct a dwelling as

close to Mr. Montgomery's dwelling as possible when all of this could have been avoided had he simply constructed his dwelling in its original intended location and in conformity with the yard requirements. The lot size permitted same. As a result, as shown in Photo "A", Mr. Montgomery's beautiful view of the Mahone Bay waters from his deck is obstructed.

ORDER SOUGHT:

We respectfully ask that the Council of the Municipality of the District of Lunenburg exercise its powers pursuant to s. 237(1) of the *Municipal Government Act* and 1) identify the southern yard boundary as the Front Yard, and/or 2) rescind Development Officer Schiefer's variance of the yard setbacks.

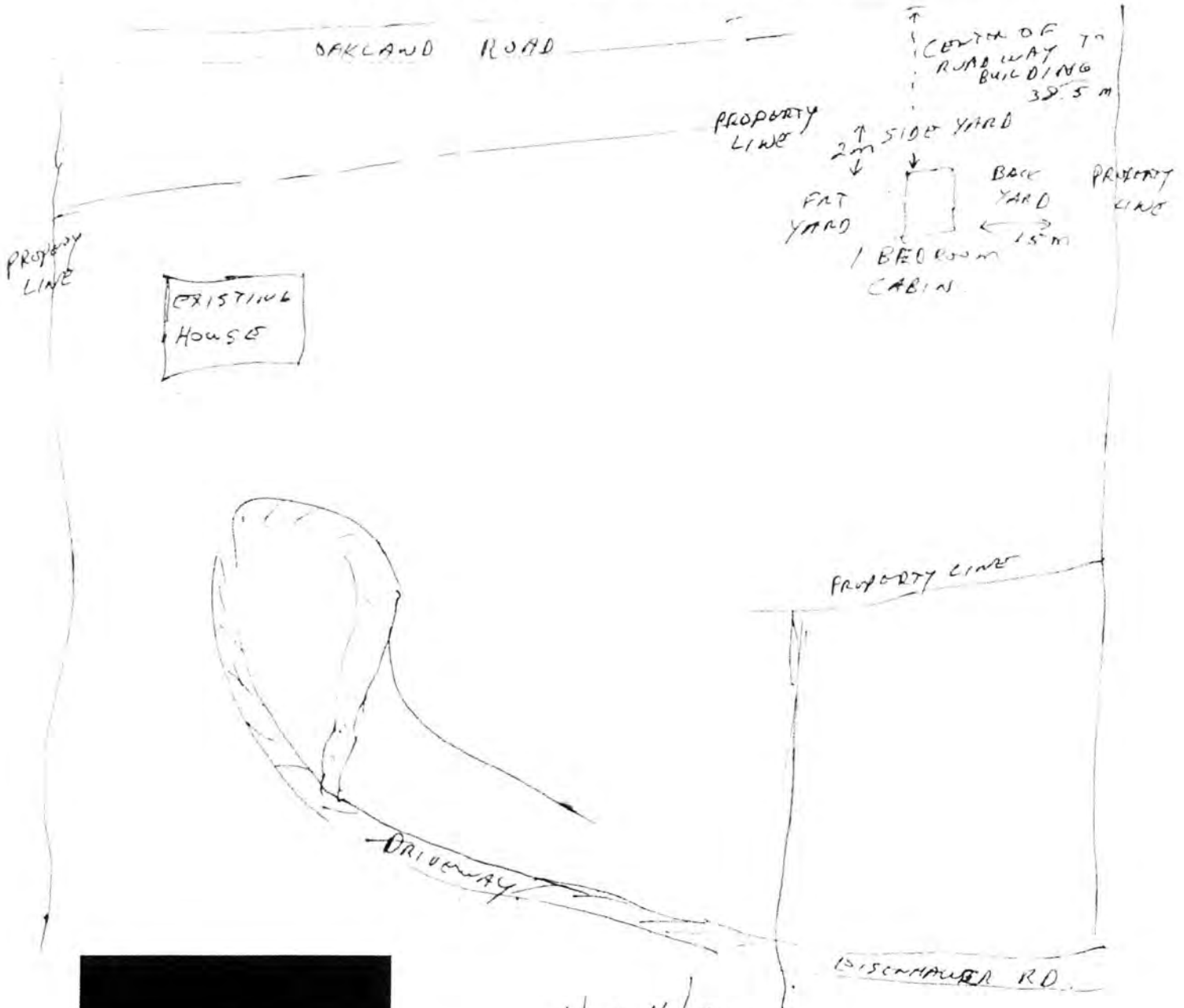
Yours truly,

A handwritten signature in blue ink that reads "J. Bryson". The signature is written in a cursive style with a large initial "J" and "B".

Joshua E. Bryson
Barrister & Solicitor

Location Plan

Application: PID 60709938



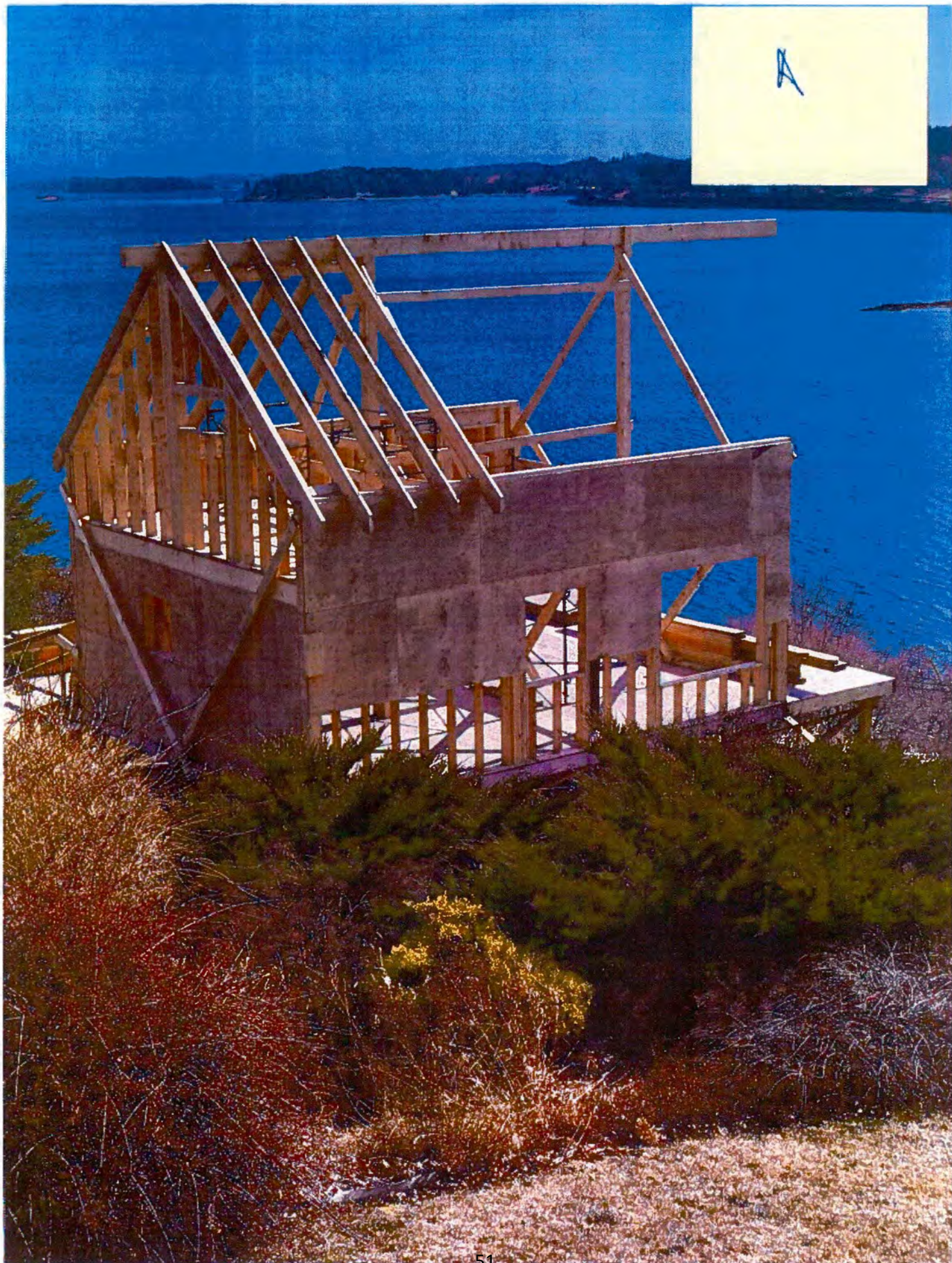
EXISTING HOUSE

[Redacted Signature]

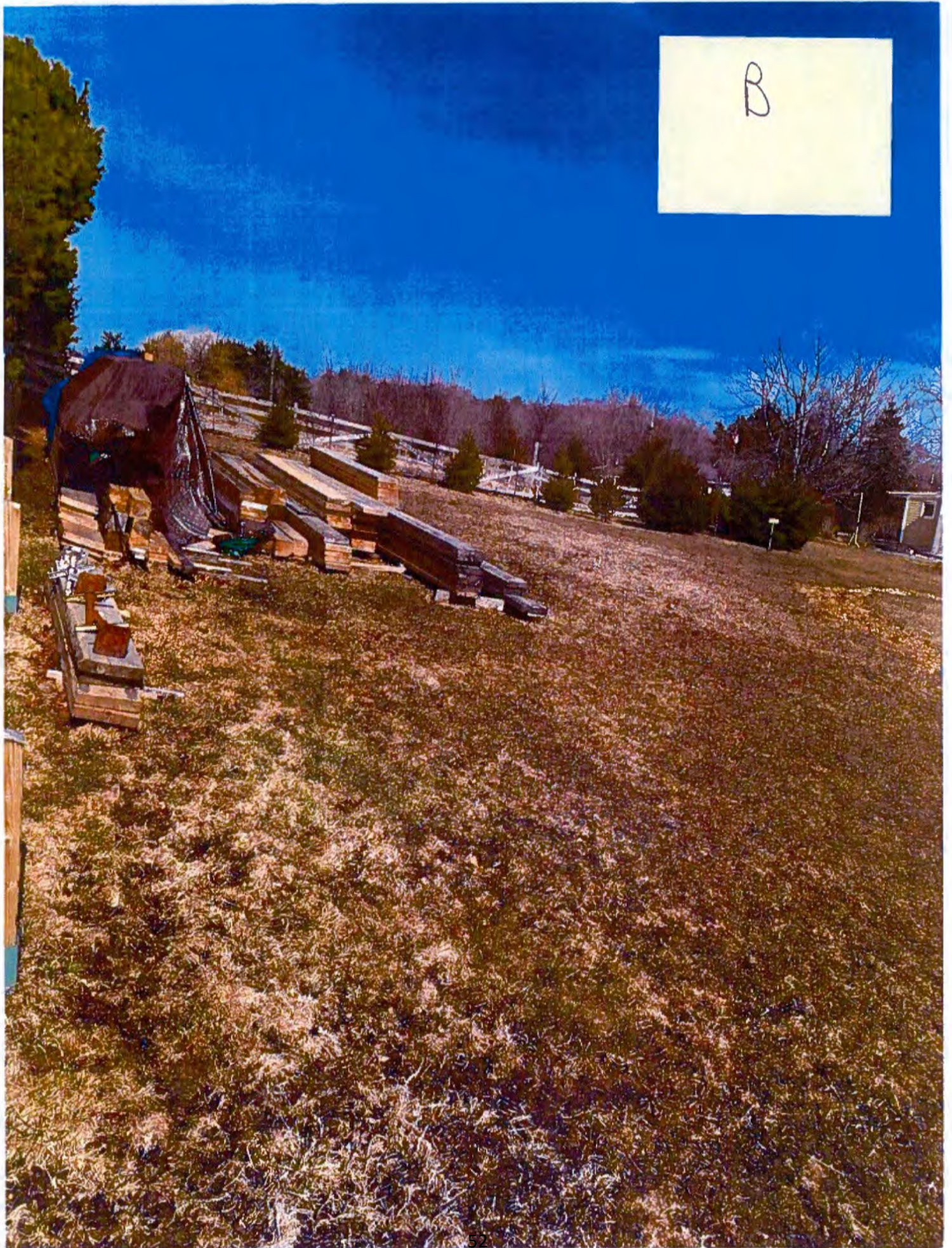
SIGNATURE

Nov 4/19
DATE

I hereby certify: That I am the owner/duly authorized agent of the land on which this building / development is proposed; that the statements herein contained are true; and that the plan & specifications submitted are prepared for the construction or alteration of the building or buildings described.



B



Zoom council meeting on April 13, 2021

April 6, 2021

To: Lunenburg County Council Members

Re: Variance at 90 Eisenhower Road, Oakland/Mahone Bay

Dear Council members:

My name is Daniel Geck. My wife, Carin, and I are the owners of the property located at 90 Eisenhower Road. The variance request pertains to a cabin we are building on our property. The variance letter was sent out to our neighbours for approval on February 23, 2021. All parties have agreed to the variance, except for one appeal which I understand is the focus of this meeting. Two of the three adjoining property owners approached us personally to advise they are happy to grant the variance.

The TIR has also approved the variance.

Below is my response:

1. Building permit no. BP190449 was granted on November 19, 2019 for the cabin.
2. Pilings were put in place and approved on February 10, 2020. In addition, the piling location was GPS'd and passed on the same date. We were also issued a civic address for Oakland Road at that time.
3. Building of the cabin commenced. Framing is now 3/4 completed.
4. On October 21, 2020 (9.5 months later), the building inspector stopped by to re-GPS the location. He stated there may be a discrepancy in the setbacks. At that time, he requested a site survey location certificate.
5. On October 22, 2020, a Stop Work Order was issued.
6. On October 29, 2020, the requested Site Survey Location Certificate was completed by Able Surveys and brought to light that there was a survey marker that was not registered.
7. The unregistered survey marker that we relied on is shown on the Site Survey Location Certificate that has been provided to you.
8. If the original GPS coordinates had been accurate, it would have brought to light there may be a question on the setbacks.
9. It would have been easy, at that time, to move some of the pilings so that the setbacks would have been in compliance.
10. As a result, we are asking for the variance to be granted from 1.5m to 0.8m.
11. Without the granting of this variance to 0.8m from 1.5m setback, the contractor has quoted upwards of \$10,000 in added costs.
12. The granting of this variance does not, in any way, negatively affect any of the adjoining property owners.











Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

April 6, 2021

To Her Worship, Mayor Bolivar-Getson, and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, April 6, 2021, made the following
recommendations to Council:

1. That Municipal Council choose Option B and set a greenhouse gas emissions reduction target of 40% below the 2019 inventory levels by 2030, as well as make a statement of support for reducing emissions from the LCLC.

Respectfully submitted,

Chairman and Members
Finance Committee

/rh
Attachments



Municipality of the District of Lunenburg

Report to Finance Committee

Report To:

Submitted By: Zachary Thompson

Date: April 6th 2021

Re: PCP Milestone 2 Corporate GHG Reduction Target

Milestone 2 of the PCP program requires Council to set a greenhouse gas reduction target. Previously two meetings have been held on setting a target ranging from 30% to 45% with the general consensus appearing to favour a target of either a 40% or 45% reduction below 2019 levels by 2030. Staff was directed to prepare a report showing the financial costs of these targets which have been attached below.

The 45% reduction target is estimated to cost \$1,500,000 with an expected savings of \$1,525,299 over the projects lifetime (20 years solar, 7 years vehicles). The 40% target is estimated to cost \$1,385,000 with a savings of \$1,390,462 over the projects lifetime (20 years solar, 7 years vehicles).

The draft 5-year capital plan includes \$2,280,000 for climate change and adaptation projects. It also includes monies for EV fleet replacement at a budgeted cost differential of \$130,000.

Staff is still recommending that the target be set at 45% because preliminary costing demonstrates this is achievable in our 5-year financial plan.

____Zachary Thompson Sustainability Committee_____
Print Name & Position

/xxx
Attachments

PCP Milestone 2

Finances

- ▶ Have priced out Solar Projects
- ▶ EV's
- ▶ MARC Retrofits

► Solar Costs

Project	Cost	Yearly Savings	20 year Savings Total
Office Solar	\$280,000	\$12,627.34	\$325,574.84
New Germany WWTP Solar	\$280,000	\$12,718.49	\$327,924.95
Hebbeville Solar	\$100,000	\$4,409.64	\$113,695.08
Pump station 20 Solar	\$80,000	\$4,016.46	\$103,557.72
MARC Solar	\$250,000		

- ▶ Electric Vehicles
- ▶ Yearly fuel Savings of \$20,104
- ▶ \$1.20 per litre of fuel
- ▶ \$0.15 per KWH electricity
- ▶ Cost of \$200,000 for additional chargers
- ▶ Vehicle prices in yearly plan

MARC

- ▶ Currently uses 12,902 litres fuel oil for heating
- ▶ Cost ~ \$13,947.06
- ▶ 30,046 KWH Electricity
- ▶ Cost \$5,981.17
- ▶ Retrofit to close to Net Zero (All electric heating, Insulation, Windows, Doors)
- ▶ Energy Audit RFP for summer
- ▶ Est Cost to retrofit \$180,000
- ▶ Plus solar \$250,000

- ▶ 40% Target
- ▶ Cost \$1,385,000
- ▶ Savings \$1,390,462

- ▶ 45% Target
- ▶ Cost \$1,500,000
- ▶ Savings \$1,525,299

Project	Lifetime	Lifetime Savings	Cost	Lifetime Net
Office Solar	20 Years	\$ 325,574.84	\$ 280,000.00	\$ 45,574.84
New Germany Solar	20 Years	\$ 327,924.95	\$ 280,000.00	\$ 47,924.95
Hebbeville Solar	20 Years	\$ 113,695.08	\$ 100,000.00	\$ 13,695.08
Pump Station 20 Solar	20 Years	\$ 103,557.72	\$ 80,000.00	\$ 23,557.72
MARC Retrofits and Solar	20 Years	\$ 513,815.88	\$ 430,000.00	\$ 83,815.88
Vehicle (per Vehicle)	7 Years	\$ 15,636.83		
Total Vehicles	7 Years	\$ 140,731.50	\$130,000	\$ 10,731.50
Chargers		\$ -	\$200,000	\$ (200,000.00)
Total		\$ 1,525,299.96	\$ 1,500,000.00	\$ 25,299.96



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March 16, 2021

To Chair & Members of the Finance Committee
of the Municipality of the District of Lunenburg

Dear Members:

The Policy & Strategy Committee, in session on Tuesday, March 16, 2021, made a motion to refer Options A and B of the Corporate Greenhouse Gas Emissions Reduction Target to the Finance Committee for further discussion and debate when more information is provided on costs for same.

Respectfully submitted,

Chairman and Members
Policy & Strategy Committee

/jp
Attachment



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy and Strategy Committee
SUBMITTED BY: Zach Thompson
DATE: 16/03/2021
RE: Corporate Greenhouse Gas Emissions Reduction Target

RECOMMENDATION

That the Policy and Strategy Committee recommend that council choose Option A and set a greenhouse gas emissions reduction target of 45% below the 2019 inventory levels by 2030, as well as make a statement of support for reducing emissions from the LCLC.

DISCUSSION

Council declared a climate emergency in October 2019 and joined the Partners for Climate Protection Program (PCP) to help reduce GHG emissions within the municipality. Milestone 1 of the PCP program was achieved in September 2020 and council now needs to set a GHG reduction target in order to achieve milestone 2.

There are three options available to the Policy and Strategy committee to recommend to council: Option A a 45% reduction, Option B a 40% reduction, and Option C a 30% reduction. All options use the 2019 GHG inventory as the baseline year from where GHG emission reductions will be measured. Furthermore, council may make a statement supporting GHG emissions reductions at the LCLC while recognizing that it is not include within the MODL corporate inventory.

Option A is recommended by staff as setting a GHG reduction target of 45% will ensure that MODL is aligned with the goals of the Paris Accord and is doing its part to help limit warming to 1.5°C.

Once approved the GHG reduction target will need to be signed by council and sent to the Federation of Canadian Municipalities to be recorded.

BUDGET IMPLICATIONS

None. Projects requiring a budget will be brought to council on an annual basis.

STRATEGIC PLAN

Reducing emissions aligns with councils Climate Emergency strategic priority.

ALTERNATIVES

Recommend Option B a reduction of 40%

Recommend Option C a reduction of 30%

CONCLUSION

MODL must set a GHG reduction target to achieve Milestone 2 of the PCP program. Staff recommends a reduction target of 45% below the 2019 inventory by 2030 to align MODL with the Paris accord and the overall goal of limiting warming to 1.5°C.

Department:

Report Prepared By: Zach Thompson Date:16/03/2021

Report Approved By: Date:

Reviewed By CAO: Date:



1



2

Assumptions

- ▶ Costs are based on estimates from EnergyHub
- ▶ <https://www.energyhub.org/nova-scotia/>
- ▶ Cost for solar \$2.43 - \$2.68 per watt
- ▶ Vehicle savings based on gas \$0.96 per litre
- ▶ Emissions factor 484 g CO₂e per KWH

3

Option A

- ▶ Reduce emissions by 45% below 2019 inventory by 2030
- ▶ Meets Paris accord
- ▶ In line with doing our part
- ▶ Strongest doable option
- ▶ Highest Cost
- ▶ Highly Ambitious

4

Includes

► Solar:

Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	80	194.4	214.4	14,808
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65
Pump 20 (Sewer pump Jubilee Road)	33	80.19	88.44	5,738.99

5

► Vehicles

► Replace all vehicles with EV's

Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2014 Chev Express	1200	6000
2014 Ford Truck	1350	8100
2016 Escape	1300	7800
2016 Nissan Frontier	1350	8100
2019 Dodge Truck	1300	7800
2019 Jeep	1300	7800
2019 Jeep	1300	7800
Toyota Truck	1600	9600

6

- ▶ Retrofits
- ▶ Retrofit MARC to full electric heating (or geothermal)
- ▶ Cost ~\$180,000 est
- ▶ MARC achieves net zero emissions with solar panel

7

- ▶ Waste Trucks fully EV by 2030
- ▶ Corporate waste reduced by 10%

8

Total Costs and Savings

Projects	Cost	Savings per year
Solar	857.79 - 946.04	58,528
EV's	-180,000	12,300 in fuel
Retrofits	-180,000	13,000
Totals	1,306,000	83,528

9

Option B

- ▶ Reduce emissions by 40% below 2019 inventory by 2030
- ▶ More Achievable
- ▶ Flexibility
- ▶ Does not meet Paris Accord

10

Includes

► Solar

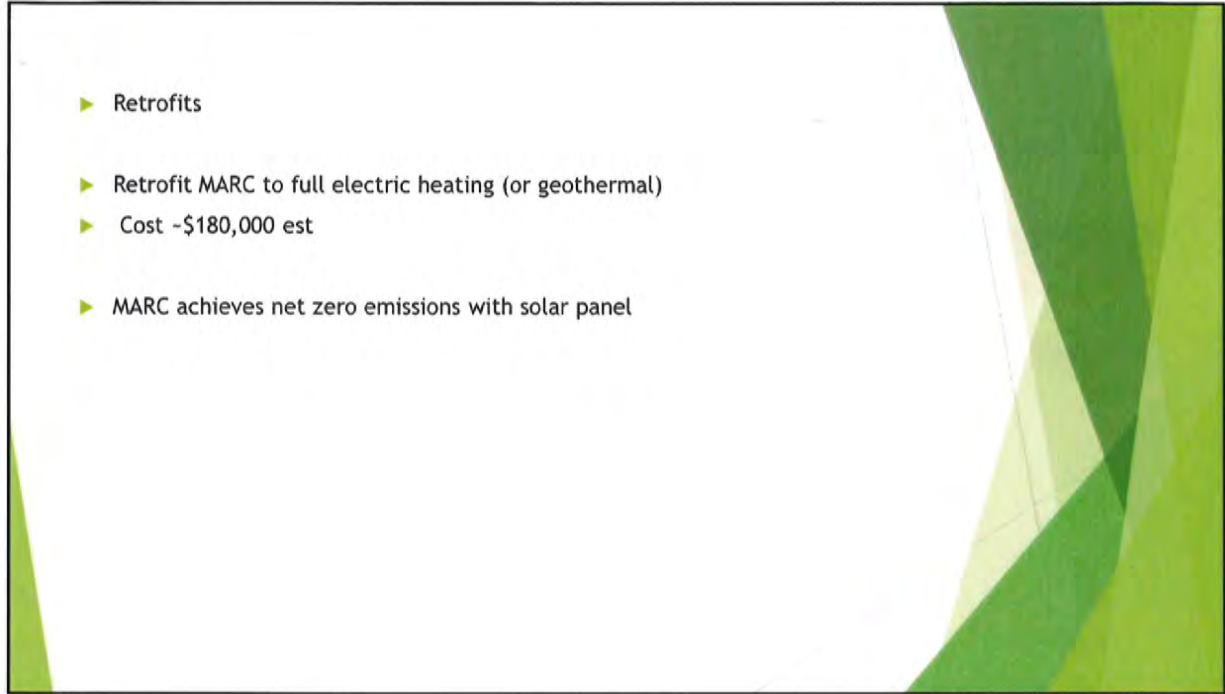
Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	80	194.4	214.4	14,808
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65

11

Replace most vehicles with EV's

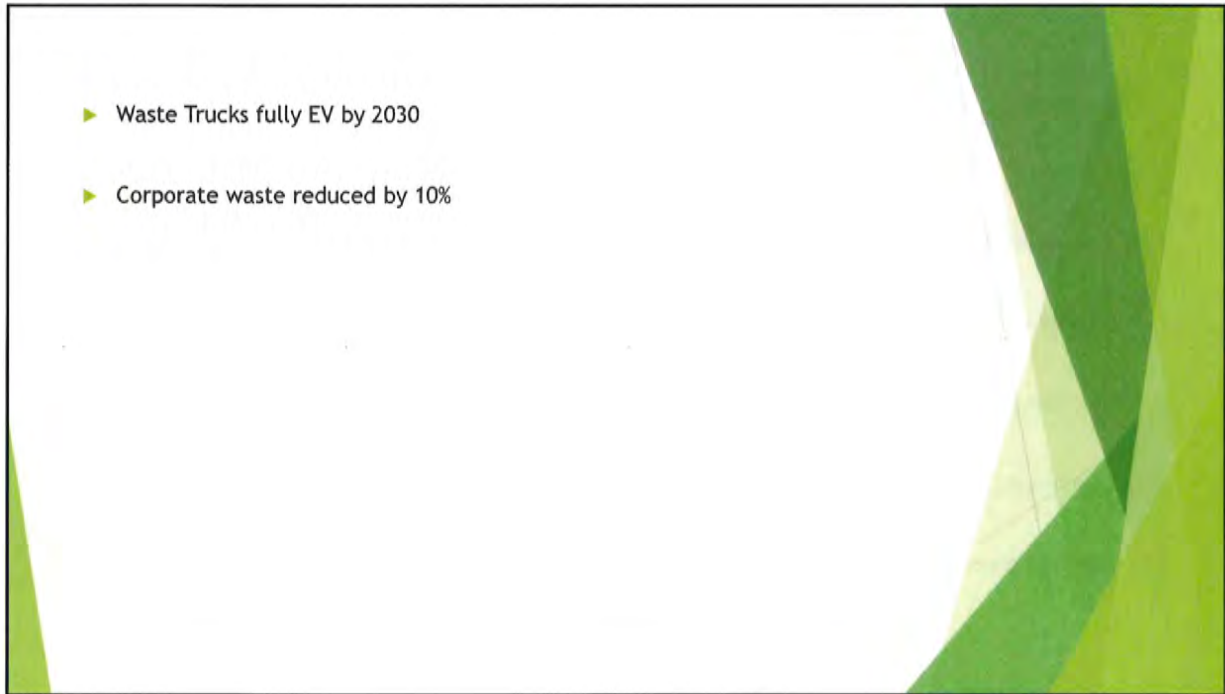
Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2014 Chev Express	1200	6000
2014 Ford Truck	1350	8100
2016 Escape	1300	7800
2016 Nissan Frontier	1350	8100
2019 Jeep	1300	7800
Toyota Truck	1600	9600

12



13

- ▶ Retrofits
- ▶ Retrofit MARC to full electric heating (or geothermal)
- ▶ Cost -\$180,000 est
- ▶ MARC achieves net zero emissions with solar panel



14

- ▶ Waste Trucks fully EV by 2030
- ▶ Corporate waste reduced by 10%

Total Costs and Savings

Projects	Cost	Savings per year
Solar	777,600 - 857,600	52,789
EV's	-140,000	9,700 in fuel
Retrofits	-180,000	13,000
Totals	1,177,600	75,489

15

Option C

- ▶ Reduce emissions by 30% below 2019 inventory by 2030
- ▶ Easy to achieve
- ▶ Low cost
- ▶ Low target
- ▶ Does not meet Paris Accord

16

Includes

► Solar

Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	28	68	75	5,183.85
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65

17

Replace most vehicles with EV's

Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2016 Escape	1300	7800
2019 Jeep	1300	7800
Toyota Truck	1600	9600

Waste Trucks Natural Gas by 2030

Corporate waste reduced by 10%

18

Total Costs and Savings

Projects	Cost	Savings per year
Solar	651,200 - 718,200	43,164.50
EV's	-80,000	5,800 in fuel
Totals	937,600	48,964.50

19

LCLC

- ▶ All options can include a statement about LCLC that we will help to reduce emissions from the LCLC.
- ▶ Energy Audit found that a reduction of -18% was possible.
- ▶ Total LCLC emissions in 2018 were 2540 tonnes of CO₂e
- ▶ I.E Council sets a Corporate GHG emissions reduction target of 45% below the 2019 GHG inventory level by 2030, as well as endorses funding GHG reduction projects at the LCLC.

20

Council

Item: #9.2

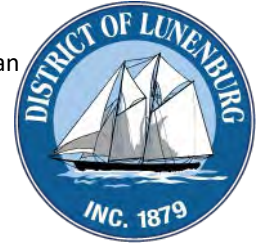
Date: April 12, 2021

Authorization: T. MacEwan

Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca



March 25, 2021

To Her Worship, the Mayor Bolivar-Getson and Councillors
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors;

The Planning Advisory Committee, in session on Thursday, March 25, 2021, made the following
recommendations to Council:

- 1. That the Planning Advisory Committee recommend Municipal Council to repeal By-law 004, the Heritage Property By-law (1996), and replace it with By-law 043, the Heritage Property By-law (2021), as presented in revised Appendix A of the Staff report dated March 25, 2021 and conduct First Reading of the same.**
- 2. That the Planning Advisory Committee recommend Municipal Council to amend Policy 027, the Alteration Review Procedure to Municipal Heritage Property Policy, as proposed in Appendix B of the staff report dated March 25, 2021.**

Respectfully submitted,

Chairperson and Members
Planning Advisory Committee

/jh
Attachment



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Planning Advisory Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: March 25, 2021
RE: Adoption of Heritage Property By-law (2021)

RECOMMENDATIONS

That the Planning Advisory Committee recommends Municipal Council to repeal By-law 004, the Heritage Property By-law (1996), and replace it with By-law 043, the Heritage Property By-law (2021), as ~~proposed in~~ **presented in revised** Appendix A of the staff report dated March 25, 2021, and conduct First Reading of the same. ([Motion revised at the PAC meeting.](#))

That the Planning Advisory Committee recommend Municipal Council to amend Policy 027, the Alteration Review Procedure to Municipal Heritage Property Policy, as proposed in Appendix B of the staff report dated March 25, 2021.

~~That the Planning Advisory Committee recommend Municipal Council to appoint the Planner as the Heritage Officer of Municipality.~~ ([Motion retracted at the PAC meeting.](#))

LEGISLATIVE AUTHORITY

Heritage Property Act, Section 12 and **Municipal Government Act**, Sections 48 and 166.

DISCUSSION

Chapter 39 of the Acts of 2015, amendments to the **Heritage Property Act**, received its Royal Assent on December 18, 2015. The new **Heritage Property Act**, along with the **Heritage Property Regulations**, will be proclaimed in the near future as the Nova Scotia Communities, Cultures, and Heritage is making final changes to the **Regulations**. Some of the major changes to the **Heritage Property Act** include:

- A municipality may now deregister a municipal heritage property if continued registration will cause significant financial difficulty for the owner;

- A heritage advisory committee has the authority to recommend its council to deregister a heritage property;
- The process to amend a heritage by-law was clarified that the Minister of Municipal Affairs must approve or refuse the by-law within 60 days of its submission;
- New regulations will be adopted.

Staff identified that, while the **Heritage Property Act** was amended in 1991, 1998, 2010, and 2015, our Heritage Property By-law was last amended in 1996. Staff determined that the By-law and its Policy require a complete overview. The following principles were considered when the By-law and the Policy, as shown in Appendices A and B respectively, were drafted:

- to modernize the By-law and the Policy to be consistent with the **Heritage Property Act**;
- to prepare the By-law and the Policy to conform to the upcoming **Heritage Property Act**;
- to sustain the Council’s direction on heritage properties until the completion of the MODL2040 project, if the policy direction on heritage changes.
 - The Council’s direction on heritage properties has been “no heritage designation without the property owner’s consent”.

Nova Scotia Municipal Affairs and Nova Scotia Communities, Cultures & Heritage started conducting a preliminary review of the draft By-law and Policy on October 22, 2020. The provincial departments issued a pre-approval on December 4, 2020, subject to the final approval after Municipal Council conducts Second Reading. [Municipal Solicitor finished a legal review on March 30, 2021 and identified no issue from a legal perspective, as long as it is clear that the Municipality will not force landowners to register their properties at this time.](#)

WORK PLAN

The procedure to adopt or amend a heritage property by-law and policy is stated in Table 1.

Table 1

Schedule for repealing By-law 004, adopting By-law 043, and amending Policy 027

Legislative Authority	Requirements	Expected Date
Heritage Property Act (2010) , Section 12	Heritage Property By-law must contain all provisions stated in the provincial Act and Regulations.	December 4, 2020
Municipal Government Act , subsection 200(4)	Planning Advisory Committee makes recommendations to council regarding the by-law and policy.	March 25, 2021

Municipal Government Act , subsection 168(1)	A by-law shall be read for the first time.	April 13, 2021
Municipal Government Act , subsection 48(1)	Before a policy is amended, the council shall give at least seven days notice to all council members.	April 13, 2021
Municipal Government Act , subsections 168(2)-(3)	At least fourteen days before a by-law is read for a second time, notice of the council's intent to consider the by-law shall be published in a newspaper circulating in the municipality.	April 21, 2021
Municipal Government Act , subsection 47(1)	Policy 027 is amended.	April 27, 2021
Municipal Government Act , subsection 168(1)	A by-law shall be read for the second time. No public hearing is required.	May 11, 2021
Municipal Government Act , clause 169(2)(b) Heritage Property Act (2010) , subsection 12(6)*	A heritage by-law must be submitted to the Minister of Municipal Affairs for approval. Upon the Minister's approval, the heritage by-law has the force of law.	June 30, 2021 (TBD)

*A publication requirement stated in Section 169 of the **Municipal Government Act** is not applied to a heritage by-law to have the force of law, as the requirement is superseded by subsection 12(6) of the **Heritage Property Act**.

APPENDICES

- Appendix A: proposed MODL By-law 043 (Heritage Property By-law, 2021)
- Appendix B: proposed MODL Policy 029 (Heritage Property Policy, 2021)
- Appendix C: MODL By-law 004 (Heritage Property By-law, 1996)
- Appendix D: MODL Policy 029 (Procedure for the Review of Alterations to Heritage Properties)
- [Appendix E: Heritage Property Act \(2010\), Sections 1-3, 12-19](#)
- [Appendix F: Heritage Property Act \(2015\), Sections 1, 3-8, 15](#)

Department: Planning & Development Services
 Report Prepared By: Byung Jun Kang, Planner
 Report Approved By: Jeff Merrill, Director
 Date: 2020-12-07
 Date: 2021-01-21

**Municipality of the District of Lunenburg
BY-LAW**

Title: Heritage Property By-law	
By-Law No. 043	Legislative Authority: Heritage Property Act, Section 12
Effective Date: N/A (June2021)	Amended Date: N/A

BE IT ENACTED by the Council of the Municipality of the District of Lunenburg, under the authority of Section 12 of the **Heritage Property Act**, as follows:

Short title

1 This By-law may be cited as the **Heritage Property By-law**.

Definition

2 In this By-law, “Act” means the **Heritage Property Act**.

Registry of Heritage Property

- 3 (1) The Municipality must maintain a municipal registry of heritage property at its administration office.
- (2) The Registry of Heritage Property must
- (a) be properly indexed;
 - (b) contain data with respect to recommendations, registrations, notices, and any other documents required by the Act to be deposited with the registry of deeds;
 - (c) contain information about municipal heritage properties for their identification purpose; and
 - (d) be accessible to the public at no charge during the regular business hours of the administration office.

Heritage officer

4 The Municipality must designate a person employed by the Municipality as the heritage officer to administer this By-law.

Heritage Advisory Committee

- 5 (1) The Municipality must establish a Heritage Advisory Committee to advise the Council on the matters listed in Section 13 of the Act.
- (2) The Planning Advisory Committee of the Municipality is also the Heritage Advisory Committee in subsection (1).
- (3) Terms of office for members of the Heritage Advisory Committee are consistent with subsection 5(1) of the Planning Advisory Committee Policy.
- (4) The membership requirement in Subsection 4(1) of the Planning Advisory Committee Policy must be consistent with the requirements in subsection 12(3) of the Act.

Recommendation

- 6 The Heritage Advisory Committee may recommend to the Municipality that a building, public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property by following the procedure in Section 14 of the Act.

Evaluation guidelines

- 7 (1) The Council may, by policy, adopt and amend guidelines for the registration of a municipal heritage property that the Heritage Advisory Committee must use to evaluate the heritage value of a recommended building, public-building interior, streetscape, cultural landscape, or area in Section 6.
- (2) The Council adopts the Standards & Guidelines for the Conservation of Historic Places in Canada, published by Parks Canada, as the guiding document for heritage conservation practice in the Municipality.

Registration

- 8 (1) Subject to subsection (2), the Municipality may register a municipal heritage property by following the procedure in Section 15 of the Act.
- (2) In addition to subsection 15(2) of the Act, no registration in subsection (1) takes place if an owner of the property is against the registration, expressed in writing before a public hearing in clause 14(3)(e) of the Act takes place.

Deregistration

- 9 Municipality may deregister a municipal heritage property by following the procedure in Section 16 of the Act, including the procedure for conducting public hearings.

Alteration and demolition

- 10 (1)** The owner of a municipal heritage property must apply to the Municipality for permission in writing to alter, renovate, or demolish the exterior or public-building interior appearance of or demolish the municipal heritage property.

- (2)** If the application in subsection (1) is not deemed as non-substantial by the Municipality under the Heritage Property Policy, the Municipality must grant, either with or without conditions, or refuse the application by following the procedure in Section 17 of the Act.

Repeal

- 11** By-law 004, the Heritage Property By-law, is repealed.

Annotation for Official By-law Book	
Date of Adoption	May 11, 2021
Amended	N/A
Date of First Reading	April 13, 2021
Date of Advertisement of Notice of Intent to Consider	April 21, 2021
Date of Second Reading	May 11, 2021
Date of mailing to Minister a Certified copy of By-law	May 14, 2021
*Date of advertisement of Passage of By-law or Policy	June 16, 2021 (TBD)
*Effective Date of the By-law unless otherwise specified in the text of this By-law	
I certify that this “Heritage Property By-law” was adopted by Council and published as indicated above.	
<hr/> Sherry Conrad, Municipal Clerk	<hr/> Date

**Municipality of the District of Lunenburg
POLICY**

Title: Heritage Property Policy	
Policy No. 027	Legislative Authority: Heritage Property By-law, Sections 6 and 9
Effective Date: May 11, 2004	Amended Date: April 27, 2021

Short title

1 This Policy may be cited as the Heritage Property Policy.

Definitions

2 In this Policy, the Heritage Advisory Committee is as defined in subsection 5(2) of the Heritage Property By-law.

Minimum threshold

- 3 (1) The Heritage Advisory Committee may recommend to the Municipality that a building be registered as a municipal heritage property in the Registry of Heritage Property, if the heritage value of the recommended building is scored at least 75 out of 100 points.
- (2) The Heritage Advisory Committee may recommend to the Municipality that a public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property, if the Heritage Advisory Committee deems the heritage value of the recommended public-building interior, streetscape, cultural landscape, or area as significant.

Evaluation guidelines

- 4 (1) The score in subsection 3(1) is calculated by combining all the points of the criteria stated in the evaluation guidelines in Schedule A.
- (2) The criteria in Section 3 must not be inconsistent with the Standards & Guidelines for the Conservation of Historic Places in Canada.

Substantial alterations

5 Substantial alterations to a municipal heritage property may include

- (a) demolition;
- (b) addition;
- (c) changing the colour scheme of the structure;
- (d) alterations that change the massing of the building;
- (e) alterations that change the building's original style, such as
 - (i) building form with respect to orientation, proportion, and height,
 - (ii) roof shape with respect to style, pitch, and the addition of roof elements such as towers and dormers,
 - (iii) visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches, and dormers,
 - (iv) windows with respect to size, style, placement, orientation, and materials,
 - (v) doors with respect to size, style, placement, materials and the addition of sidelights and transoms,
 - (vi) cladding with respect to style, placement, orientation, and materials,
 - (vii) moulding or trim with the respect to style, placement, materials and the removal or addition of,
 - (viii) stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure,
 - (ix) skylights with respect to the addition, removal, or replacement of, and
 - (x) dormers with respect to size, style, and placement.

Non-substantial alterations

6 Municipality deems the following alterations as non-substantial:

- (a) painting using the same colour scheme;
- (b) repairs to or the replacement of existing materials where no change in size, style, placement, orientation, or materials is to occur, such as wood clapboard with wood clapboard of the same exposure to the weather, and asphalt shingles with asphalt shingles.

Alteration approval process

- 7** After receiving an application in Section 10 of the Heritage Property By-law, the heritage officer must issue a letter to the owner of the municipal heritage property, stating that
- (a) under the criteria in Section 6, the application is a non-substantial alteration; or
 - (b) the approval from the Council is required for the proposed alteration.

Annotation for Official Policy Book	
Date of Adoption	May 11, 2004
Amended	February 23, 2021
Date of Notice to Council	May 4, 2004
Date of Passage of Original Policy	May 11, 2004
Date of Notice to Council of Intent to Consider Amendments	April 13, 2021
Date of Passage of Amendments*	April 27, 2021
*Effective Date of the Policy unless otherwise specified in the text of this Policy	
I certify that this “Heritage Property Policy” was adopted by Council and published as indicated above.	
_____	_____
Sherry Conrad, Municipal Clerk	Date

MUNICIPAL HERITAGE PROPERTY – EVALUATION CRITERIA

INTRODUCTION

The following is a system designed to provide a framework for the Heritage Advisory Committee when assessing the individual significance and character of potential heritage properties. The criteria enclosed was compiled using various Heritage Advisory Committee’s selection criteria (Housing & Municipal Affairs, Annapolis County, and the Town of Lunenburg).

EVALUATION CRITERIA

1. Age

Building materials, deeds, newspaper clippings, and architectural styles can be useful in determining the age of a structure. The following are the following recommended age groupings and the respective points.

Pre 1840	15 points
<u>1840- 85 years ago</u>	<u>10 points</u>
Potential Points	15 points

2 Historical Association & Land Mark

Age alone, is not a good determining factor. The historical significance of a building in relation to a person, event, group or organization, on a local, provincial or national level, is also an important factor in determining the historical significance of a potential property. In addition to this is the significance of the building as a land mark. This criteria should be of reasonable age, dating back at least two generations.

Importance at a Provincial Level	5 points
Importance at a Regional (Municipal Level)	5 points
Importance at a Local (Community) Level	5 points
<u>Of no special merit</u>	<u>0 points</u>
Potential Points	15 points

3. Architecture

The second set of criteria deals with the architectural merits of the property. The evaluation form breaks this set of criteria into Site, Construction, Alterations and Style.

Site: Of important consideration is whether the property occupies the original site of construction. The points awarded are based on 4 possible ranges

1. Structure has not been moved	15 points
2. Structure has been placed on new foundation on the original site	10 points
3. Structure has been relocated, but is in close proximity to its original site	5 points
<u>4. Structure has been moved to a new site</u>	<u>0 points</u>
Potential Points	15 points

Construction: Is the method of construction and build technology used, rare and unique to the area. (i.e. materials used) It is important to make assessment based upon the number of existing buildings in the area of this type.

1. A very rare example	15 points
2. A rare example	10 points
3. A common example, or	5 points
<u>4. A very common example</u>	<u>0 points</u>
Potential Points	15 points

Style: Is the property reminiscent of a unique or notable architectural style in history. Once again, it is important to make an assessment based upon the rarity of the style within the area.

1. A very rare example	15 points
2. A rare example	10 points
3. A common example	5 points
<u>4. A very common example</u>	<u>0 points</u>
Potential Points	15 points

Alterations: The extent to which the property has been visibly altered from its original construction on the exterior. This will range from a structure which has not been altered in any way, to one which has totally lost its character. Several things can be considered alterations, such as additions to the exterior, any change in the exterior surface materials etc. Obviously the number and type of alterations will affect the score.

No exterior alterations	15 points
A few minor exterior alterations	10 points
Several minor to major exterior alterations	5 points
<u>Building has lost its character</u>	<u>0 points</u>
Potential Points	15 points

The Heritage Property Act also empowers Council with the ability to register an Area. The Service Nova Scotia and Municipal Relations defines an Area as:

visibly physical and human-made features as old burial grounds with visible gravemarkers, historic gardens, or statues and monuments where they are of architectural, historical, or cultural- as opposed to archaeological or ecological – value (Dept. of Municipal Affairs: Registering Properties).

When an application is made for consideration by HAC, as to the registering of an Area, certain sections of the Evaluation form will not be applicable. Therefore, the total score required is reduced.

Municipality of the District of Lunenburg

POLICY

Title: Heritage Property By-Law	
Effective Date: June 5, 1996	Amended Date:

1.0 Definitions

In this By-Law:

- a) “Act” means the Heritage Property Act, R.S.N.S, 1989, Chapter 199;
- b) “Clerk” means the Municipal Clerk for the Municipality of the District of Lunenburg;
- c) “Committee” means the Heritage Advisory Committee;
- d) “Council” means the Municipal Council of the Municipality of the District of Lunenburg.

2.0 Heritage Advisory Committee

- 1) The Planning Advisory Committee of the Municipality shall be the Heritage Advisory Committee of the Municipality.
- 2) The Heritage Advisory Committee may advise the Municipality respecting:
 - a. The inclusion of buildings, streetscapes and areas in the municipal registry of heritage property;
 - b. An application for permission to substantially alter or demolish a municipal heritage property;
 - c. Building or other regulations that affect the attainment of the intent and purpose of this By-Law;
 - d. Any other matters conducive to the effective carrying out of the intent and purpose of this By-Law.
- 3) The Heritage Advisory Committee may recommend to the Municipality that a building, streetscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

- 4) The Municipality shall cause notice of the recommendation to be served upon each registered owner of the building, streetscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, streetscape or area in the municipal registry of heritage property, which Notice shall be as in form “A” attached hereto.
- 5) No building, streetscape or area shall be registered as a municipal heritage property unless all the registered owners of such building, streetscape or areas have given their prior consent in writing.

3.0 The Registry of Heritage Property

- 1) The Municipality shall establish and maintain a Registry of Heritage Property at its business office, where all documents relating to the registration of heritage property pursuant to the Heritage Property Act or this By-Law shall be filed.
- 2) The Heritage Property Registry shall:
 - a. Be properly indexed;
 - b. Contain data with respect to recommendation, registration, if applicable, recording particulars of documents required to be lodged at the Registry of Deeds for Lunenburg County and true copies of all notices required by the Act;
 - c. Contain particulars of heritage property under recommendation or registered so as to adequately identify the property;
 - d. Be accessible to the public at no charge during regular business hours at the Municipal Office.

4.0

Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Form “B”, attached hereto.

5.0

Council may from time to time establish and amend guidelines for the registration of property as heritage property, and the Heritage Advisory Committee shall make recommendations in accordance therewith.

6.0

The Council may de-register a municipal heritage property in accordance with the Act.

7.0

A municipal heritage property shall not be substantially altered in the exterior appearance or demolished without the approval of the Municipality and in accordance with the provisions of the Act.

**NOTICE OF PROPOSED RECOMMENDATION FOR REGISTRATION IN THE
MUNICIPAL HERITAGE REGISTRY
FORM "A"**

1. _____, you are hereby notified that: the land and building located

(Legal description of property. Also civic address and/or assessment number where applicable.)

has been recommended to be registered in the Municipal Heritage Registry for the Municipality of the District of Lunenburg.

2. The reasons for this proposed designation are:

- a) approximate date of erection,
- b) type of architecture, typical of an era,
- c) part of streetscape (description of streetscape location),
- d) local significance, national significance.

3. No person shall substantially alter the existing appearance of or demolish the building, streetscape or an area for one hundred twenty days after the notice is served unless the Municipal Council refuses to register the property.

4. The effect of recommendation and registration in the Municipal Heritage Registry described in paragraph one is that no demolition or substantial alteration in the exterior may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. (Where an application is not approved the owner may make the alterations in his application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application).

5. You are hereby notified that the Council will hear submissions regarding the recommendation of the property described in this notice on the _____ day of _____, 20___. In the Council Chambers of the Municipality of the District of Lunenburg at the hour of _____ in the _____ noon.

DATED this _____ day of _____, 20__.

MUNICIPAL CLERK

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

FORM "B"

TO: (Owner's of Heritage Property)

You are hereby notified that:

- 1) The building, streetscape or area:

(address, local, legal description or other identification of property)

has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of the Council the day of 20__.

- 2) The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance may be undertaken from the date of the registration unless an application, in writing, for permission is submitted to the Municipality and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in this application or carry out the proposed demolition at any time after one year but not more than two years from the date of the application.

DATED this day of , 20__.

MUNICIPAL CLERK

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members
off Intent to Consider (7 days minimum)

Date of Passage of Current Policy:

I certify that this "*Heritage Property By-Law*" was adopted by Council as indicated
above.

Municipal Clerk

Date

POLICY MDL-27

Policy Establishing a Procedure for the review of alterations to Municipal Heritage Properties registered by the Municipality of the District of Lunenburg

1. Application

The policy applies to all heritage properties registered by the Municipality of the District of Lunenburg for which an application has been made to carry out exterior alterations.

2. Authority

Heritage Property Act

3. Purpose

To implement an approval process which differentiates between substantial and non-substantial exterior alterations to municipally registered heritage properties.

4. Key Definitions

4.1. Substantial Alterations

The following shall be considered substantial exterior alterations:

- a. Changing the colour scheme of the structure;
- b. Alterations which change the building's original style including:
 - i. building form with respect to orientation, proportion and height;
 - ii. roof shape with respect to style, pitch and the addition of roof elements (such as towers and dormers);
 - iii. Visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches and dormers;
 - iv. Windows with respect to size, style, placement, orientation and materials;
 - v. Doors with respect to size, style, placement, materials and the addition of sidelights and transoms;
 - vi. Cladding with respect to style, placement, orientation and materials;
 - vii. Moulding or trim with the respect to style, placement, materials and the removal or addition of;
 - viii. Stairs, porches, decks, balconies, verandahs and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
 - ix. Skylights with respect to the addition, removal or replacement of; and
 - x. Dormers with respect to size, style and placement.
- c. Alterations that change the massing of the building;
- d. Additions;
- e. Demolition.

4.2. Non-substantial Alterations

The following shall be considered non-substantial exterior alterations:

- a. painting using the same colour scheme;
- b. Repairs to or the replacement of existing materials where no change in size, style, placement, orientation or materials is to occur (i.e. wood clapboard with wood clapboard of the same exposure to the weather; asphalt shingles with asphalt shingles, etc).

4.3. Qualified Person - the Planner or such other person recognized by the Heritage Advisory Committee to provide expertise in the architectural design and historical character of municipal heritage properties.

5. Approval Process for Alterations

5.1. For All Alternations / Renovations:

Pursuant to Section 17 of the Heritage Property Act, a written request must be submitted to the Municipality stating the nature of the alternation(s).

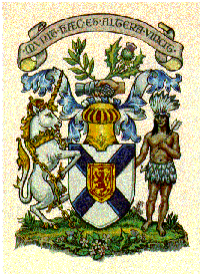
5.2. For Substantial Alterations:

- a. If the alterations are deemed substantial, by a qualified person, the application will be forwarded to the Heritage Advisory Committee for review and recommendation to Municipal Council.
- b. If approved by Municipal Council, the Municipal Clerk will forward a letter to the applicant advising that the substantial alterations and any provisos thereto must be completed within 12 months of the date of approval.

5.3. For Non-substantial Alterations:

- a. If the alterations are deemed to be non-substantial, by a qualified person, the qualified person will forward a letter to the applicant confirming the alterations to be non-substantial and therefore not requiring approval from Municipal Council.

<u>Clerks Annotation for Official Policy Book</u>	
Date of Notice to Council:	May 4, 2004
Date of Passage:	May 11, 2004
I certify that this Policy was adopted by Council as indicated above	
_____	_____
Chief Administrative Officer	Date



Heritage Property Act

CHAPTER 199

OF THE

REVISED STATUTES, 1989

amended 1991, c. 10; 1998, c. 18, s. 561; 2010, c. 54

NOTE - This electronic version of this statute is provided by the Office of the Legislative Counsel for your convenience and personal use only and may not be copied for the purpose of resale in this or any other form. Formatting of this electronic version may differ from the official, printed version. Where accuracy is critical, please consult official sources.

An Act to Provide for the Identification, Preservation and Protection of Heritage Property

Short title

1 This Act may be cited as the Heritage Property Act. *R.S., c. 199, s. 1.*

Purpose

2 The purpose of this Act is to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use. *R.S., c. 199, s. 2; 1991, c. 10, s. 1; 2010, c. 54, s. 1.*

Interpretation

3 In this Act,

(a) "Advisory Council" means the Advisory Council on Heritage Property;

(b) "alter the exterior appearance" includes move in whole or in part;

(c) "building" includes the land and structures appurtenant thereto;

(ca) "certificate" means a certificate of appropriateness issued by a heritage officer certifying that a proposed development conforms with the requirements of a conservation by-law;

(caa) "character-defining elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value;

(cb) "conservation by-law" means a heritage conservation district by-law adopted and approved pursuant to this Act;

(cc) "conservation plan" means a heritage conservation district plan adopted and approved pursuant to this Act;

(d) "council" means council of a municipality;

(da) "cultural landscapes" means a distinct geographical area or property uniquely representing the combined work of nature and of people.

(daa) "development" includes the demolition or removal of a building or structure;

(e) "heritage advisory committee" means a heritage advisory committee established by a municipality pursuant to this Act;

(ea) "heritage conservation district" means an urban or rural area with historic or architectural value that is established as a heritage conservation district pursuant to this Act;

(eb) "heritage value" means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings;

(f) "Minister" means the member of the Executive Council charged by the Governor in Council with the administration of this Act;

(g) "municipal heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property;

(h) "municipality" means a regional municipality, incorporated town or municipality of a county or district;

(ha) "prescribed" means prescribed by the regulations;

(i) "provincial heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in the Provincial Registry of Heritage Property;

(ia) "public-building interiors" means character-defining elements of publicly accessible interiors of a building owned by the Government of the Province in the case of a provincial heritage property or owned by a municipality in the case of a municipal heritage property;

(ib) "regional municipality" means a regional municipality as defined in the Municipal Government Act;

(j) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the registry of deeds, and includes a person assessed in respect of the occupancy of the land;

(k) "streetscape" means two or more adjacent properties whose collective appearance from the streets has heritage value.[;]

(k[l]) "substantial alteration" means any action that affects or alters the character-defining elements of a property. *R.S., c. 199, s. 3; 1991, c. 10, s. 2; 2010, c. 54, ss. 1, 2.*

Municipal registry of heritage property and heritage advisory committee

12 (1) A municipality may by by-law establish a municipal registry of heritage property.

(2) A by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee.

(3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.

(4) The by-law may provide the term for which members of the heritage advisory committee shall serve.

(5) The by-law may provide that the planning advisory committee of the municipality shall be the heritage advisory committee of the municipality.

(6) A by-law made pursuant to this Section is subject to the approval of the Minister of Municipal Affairs, and when so approved has the force of law. *R.S., c. 199, s. 12.*

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

(a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;

(b) an application for permission to substantially alter or demolish a municipal heritage property;

(ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

(bb) the administration of heritage conservation districts pursuant to the provisions of this Act;

(bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;

(c) building or other regulations that affect the attainment of the intent and purpose of this Act;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Act. *R.S., c. 199, s. 13; 1991, c. 10, s. 3; 2010, c. 54, s. 9.*

Recommendation as municipal heritage property

14 (1) A heritage advisory committee may recommend to the municipality that a building, public-building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

(2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, public-building interior, streetscape, cultural landscape or area in the municipal registry of heritage property.

(3) The notice shall contain

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and

(e) notification of the right of the owner to be heard and of the time and place for the hearing.

(4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public-building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. *R.S., c. 199, s. 14; 2010, c. 54, s. 10.*

Registration as municipal heritage property

15 (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, public-building interior, streetscape, cultural landscape or area as a municipal heritage property in the municipal registry of heritage property.

(2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.

(3) Notice of the registration shall be sent to each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. *R.S., c. 199, s. 15; 2010, s. 54, s. 11.*

Deregistration of municipal heritage property

16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner ,

after holding a public hearing to consider the proposed deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. *R.S., c. 199, s. 16; 2010, c. 54, s. 12.*

Approval to alter or demolish municipal heritage property

17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

(3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

(4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

(5) The municipality may grant the application either with or without conditions or may refuse it.

(6) The municipality shall advise the applicant of its determination. *R.S., c. 199, s. 17; 2010, c. 54, s. 13.*

Consideration by municipality of application to alter or demolish

18 (1) The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. *2010, c. 54, s. 14.*

Sign or plaque

19 The municipality may cause a sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property. *R.S., c. 199, s. 19.*

BILL NO. 118

(as introduced)



*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

Government Bill

Heritage Property Act (amended)

The Honourable Tony Ince
Minister of Communities, Culture and Heritage

[First Reading](#): November 13, 2015

[\(Explanatory Notes\)](#)

Second Reading: November 17, 2015

[Third Reading](#): December 8, 2015 (WITH COMMITTEE AMENDMENTS) ([LINK TO BILL AS PASSED](#))

Explanatory Notes

Clause 1 corrects an error in and adds a definition of undue hardship to the Heritage Property Act.

Clause 2 authorizes the Minister responsible for the Heritage Property Act to approve an amendment of the scope of provincial heritage property so that not all the property is necessarily included and to allow for development of a portion of that property so long as its heritage value is maintained.

Clause 3 authorizes the deregistration of a provincial heritage property if continued registration will cause significant financial difficulty for the owner.

Clause 4 replaces approval by the Governor in Council of a substantial alteration in the external appearance of or the demolition of a provincial heritage property with approval by the Minister.

Clause 5

(a) requires a municipal heritage advisory committee to include at least two members of the general public;

(b) permits the Minister to approve part of a heritage by-law or to approve a heritage by-law with amendments; and

(c) deems a heritage by-law to be approved by the Minister if the Minister does not approve or refuse to approve the by-law within 60 days of its submission to the Minister.

Clause 6 authorizes the heritage advisory committee of a municipality to advise the municipality respecting an application to deregister a municipal heritage property.

Clause 7 authorizes a municipality to amend the scope of a municipal heritage property.

Clause 8 authorizes the deregistration of a municipal heritage property if continued registration will cause significant financial difficulty for the owner.

Clause 9 removes from the Act some conditions that apply to heritage conservation districts and provides for conditions to be prescribed by the regulations made by the Governor in Council.

Clause 10 provides that the guidelines included in a conservation by-law must be as prescribed by the regulations made by the Governor in Council.

Clause 11 provides that certificates for development required by a conservation by-law are subject to the conditions prescribed by the regulations made by the Governor in Council.

Clause 12 provides that the responsibilities of a municipality's heritage officer respecting the administration of its conservation plan and its conservation by-law and the issuance of certificates under the by-law are as prescribed by the regulations made by the Governor in Council.

Clause 13 provides for the establishment of cultural landscapes by municipalities.

Clause 14 makes consequential changes to the regulation-making powers of the Governor in Council.

Clause 15 provides that this Act comes into force on proclamation.

An Act to Amend Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 199 of the Revised Statutes, 1989, the Heritage Property Act, as amended by Chapter 10 of the Acts of 1991 and Chapter 54 of the Acts of 2010, is further amended by

- (a) striking out the period at the end of the first clause (k) and substituting a semicolon;
- (b) relettering the second clause (k) as clause (l);
- (c) striking out the period at the end of that clause and substituting a semicolon; and
- (d) adding immediately after that clause the following clause:
- (m) "undue hardship" means a significant financial difficulty or other undue hardship.

3 (1) Subsection 9(2) of Chapter 199, as amended by Chapter 54 of the Acts of 2010, is further amended by

- (a) striking out "or" at the end of clause (a);
- (b) striking out the period at the end of clause (b) and substituting "; and"; and
- (c) adding immediately after clause (b) the following clause:

(c) the Advisory Council determines that continued registration will cause undue hardship to the owner that is sufficient to justify deregistration.

(2) Subsection 9(3) of Chapter 199 is repealed and the following subsection substituted:

(3) Where the Minister receives a recommendation from the Advisory Council for deregistration of a provincial heritage property or where it appears to the Minister in accordance with the criteria considered by the Advisory Council that the continued registration of the property is inappropriate, the Minister may deregister the property not fewer than thirty days after a notice giving particulars of the proposed deregistration is served on the registered owner of the property and published in a newspaper circulating in the area where the property is situate.

4 (1) Subsection 11(1) of Chapter 199, as amended by Chapter 54 of the Acts of 2010, is further amended by striking out "Governor in Council" in the last line and substituting "Minister".

(2) Subsection 11(5) of Chapter 199 is repealed.

(3) Subsection 11(6) of Chapter 199 is amended by striking out "Governor in Council" in the first line and substituting "Minister".

(4) Subsection 11(7) of Chapter 199 is amended by striking out "made by the Governor in Council" in the last line.

5 Section 12 of Chapter 199 is repealed and the following Section substituted:

12 (1) Subject to subsections (4) to (6), a municipality may adopt a heritage by-law to establish a heritage property program.

(2) A heritage by-law must

- (a) provide for the establishment of a heritage advisory committee;
- (b) provide the terms of office for members of the heritage advisory committee; and
- (c) establish a municipal registry of heritage property.

(3) The heritage advisory committee must consist of

- (a) at least two members of the council;
- (b) at least two members of the general public; and
- (c) such other persons appointed by the council as the heritage by-law provides.

(4) A heritage by-law must be submitted to the Minister of Municipal Affairs for approval.

(5) Within sixty days of the heritage by-law being submitted to the Minister for approval, the Minister shall

- (a) approve all or part of the heritage by-law;
- (b) approve the heritage by-law with amendments; or
- (c) refuse to approve the heritage by-law,

and return to the municipality two copies of the heritage by-law as approved, amended or refused with written reasons for the decision.

(6) Where no decision is made in accordance with subsection (5), the heritage by-law is deemed to be approved on the sixty-first day following its submission to the Minister.

(7) Upon approval pursuant to subsection (5) or deemed approval pursuant to subsection (6), the heritage by-law has, subject to clauses (a) and (b) of subsection (5), the force of law.

6 Section 13 of Chapter 199, as amended by Chapter 10 of the Acts of 1991 and Chapter 54 of the Acts of 2010, is further amended by adding immediately after clause (a) the following clause:

(aa) an application to deregister a municipal heritage property;

7 Chapter 199 is further amended by adding immediately after Section 15 the following Section:

15A (1) On the application of an owner of a municipal heritage property, the heritage advisory committee may recommend to the council that the scope of the designation of municipal heritage property be amended.

(2) A recommendation may be made pursuant to subsection (1) if

(a) the heritage value of the property is maintained; and

(b) the owner has submitted supporting documentation and a survey plan prepared in accordance with the Standards of Practice of the Association of Land Surveyors of Nova Scotia describing the proposed amendment to the designation and bearing a surveyor's certificate.

(3) Where the council receives a recommendation from the heritage advisory committee to amend the scope of the designation or where the council considers that the proposed amendment of the scope of designation is reasonable, the council may amend the designation as recommended or proposed.

(4) Where the council amends the scope of the designation of a municipal heritage property, the council shall cause notice of the amendment to be sent to the registered owner of the property and a copy of it to be deposited in the registry of deeds for the registration district in which the property is situate.

8 Subsection 16(1) of Chapter 199 is repealed and the following subsection substituted:

(1) On the application of an owner of a municipal heritage property or on its own motion, the heritage advisory committee may recommend to the council the deregistration of the property and the council may deregister the property if

(a) the property has been destroyed or damaged by any cause;

(b) the continued registration of the property appears to the committee to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner; or

(c) the council determines that continued registration will cause undue hardship that is sufficient to justify deregistration,

and a public hearing has been held by the council to consider the proposed deregistration.

15 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

Council
Item: #10.1.1
Date: April 13, 2021
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Municipal Council
SUBMITTED BY: Byung Jun Kang, Planner
DATE: April 13, 2021
RE: Hemford Forest Plan Adoption – Second Reading

RECOMMENDATION

that Municipal Council conduct Second Reading of

- **By-law 035A, the Amendments to the Municipal Planning Strategy (2021);**
- **By-law 044, Hemford Forest Secondary Planning Strategy; and**
- **By-law 045, Hemford Forest Land Use By-law,**

as presented at the Public Hearing, and hereby adopts the proposed by-laws.

DISCUSSION

No written responses or verbal submission requests were received from the public by Wednesday, April 7, 2021 at 8:00 a.m. There may be a few members of the public who may contribute their inputs through online comments.

ALTERNATIVES

Council may choose not to proceed with the adoption of the proposed by-laws, and direct staff to re-evaluate the by-laws further with the Planning Advisory Committee with the necessary direction from Council as to which section of the By-law is to be reviewed.

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner	Date: 2021-03-30
Report approved by: Jeff Merrill, Director	Date: 2021-03-30
Reviewed by CAO: Tom McEwan, Chief Administrative Officer	Date: 2021-04-08

Council
Item: #10.2.1
Date: April 13, 2021
Authorization: T. MacEwan



Municipality of the District of Lunenburg

Report to Council

Report To: Mayor and Municipal Council Members
Submitted By: Sherry Conrad, Municipal Clerk
Date: March 23, 2021
Re: **Proposed Amendments to MODL Policy 036 "Fire & Emergency Services"**

Municipal Council, in session on March 23, 2021, reviewed proposed amendments to MODL Policy 036 Fire and Emergency Services that were recommended by the Fire & Emergency Services Committee. Council made a motion to accept the recommendation of the Fire & Emergency Services Committee to approve the proposed amendments and gave notice of its intention to consider approval of the amendments at the April 13, 2021 Council meeting.

Section 48(1) of the *Municipal Government Act* states, "Before a policy is passed, **amended** or repealed, the Council shall give at least seven days' notice to all council members." Therefore, in accordance with Section 48(1), the proposed amended Policy 036 will be presented for Council's approval at the April 13, 2021 Council session.

If Council approves of the proposed Policy amendments, the following motion would be necessary:

"That Municipal Council approve the proposed amendments to MODL Policy 036 Fire and Emergency Services as presented".

Sherry Conrad

/sac
Attachment

Municipality of the District of Lunenburg POLICY

Title: Fire and Emergency Services	
Policy No. 036	
Effective Date: September 11, 2007	Amended Date: Feb. 12, 2008, Oct. 13, 2009, Feb. 8, 2011, Jan. 28, 2014, May 9, 2017, Feb. 27, 2018

Council of the Municipality of the District of Lunenburg hereby adopts the following policy respecting fire and emergency services in the Municipality of the District of Lunenburg:

1.0 Definitions:

- 1.1 “Fire Department” means the incorporated entity that provides the service, assists others in providing the service, or works with others to provide the service or a combination of means to properties in the Municipality of the District of Lunenburg.
- 1.2 “Municipality” means the Municipality of the District of Lunenburg.
- 1.3 “Rate Payer” means the name(s) of the person assessed for the property.
- 1.4 “Registration” means the acceptance of the Municipality to permit a “Fire Department” to provide fire and emergency services to a prescribed area within the Municipality.
- 1.5 “Body Corporate” refers to the incorporated organization requesting to be registered as a fire and emergency services provider.
- 1.6 Incorporated organization refers to those organizations that are set up to provide Fire Protection and are incorporated by way of: an Act of Legislature, The Rural District Fire Act, or the Societies Act.
- 1.7 Acts of Incorporation refer to the organization’s Memorandum of Association and/or articles of incorporation and/or by-laws.
- 1.8 “Pump Testing” means testing to assess that apparatus pump pressure and flows meet the ULC plate or manufacturers requirement for the pump being tested.

2.0 Form of Request

Requests for registration as a fire and/or emergency services provider shall be made through the completion of the Fire and Emergency Services Provider Registration package. The registration package can be found on the Municipality’s website [amended Feb. 27, 2018]. Requests must be accompanied with the organization’s Act of Incorporation and a description of the area of coverage. The application must be signed by the individual(s) as assigned with signing authority under the incorporation document.

3.0 Considerations for Approval

- 3.1 The Municipality must be satisfied that the body corporate is capable of providing the services it has applied to provide and has to meet the requirements outlined in Section 4-5 of this Policy.
- 3.2 The Municipality will pay the Workers' Compensation Board (WCB) premiums for all registered volunteer fire department firefighters and junior firefighters. This will be at the minimum yearly salary used by WCB and set by the Municipality to calculate premiums for all registered volunteer firefighters.
- ~~3.2~~ 3.3 The Body Corporate carries group liability insurance in the minimum amount of \$10,000,000.00 [amended Jan.28, 2014]
- ~~3.3~~ 3.4 The Body Corporate does not provide the fire and or emergency services for profit.
- ~~3.4~~ 3.5 The Municipality does not provide the same service for the same area.
- ~~3.5~~ 3.6 The Body Corporate carries a group personnel (accident and sickness insurance) policy for active volunteer firefighters and for volunteers assisting during non-firefighting activities ~~or workers' compensation coverage for all its members.~~ [amended Feb. 8, 2011]

4.0 Department Requirements

4.1 Pump Testing

- 4.1.1 Fire Apparatus pump testing results are required starting on the June 15, 2021, registration cycle and continuing each fiscal year after.
- 4.1.2 Apparatus mounted pumps shall be tested annually, portable pumps may be tested although not a requirement for registration.
- 4.1.3 Pump maintenance and testing shall be performed by a certified Emergency Vehicle Technician (EVT).
- 4.1.4 The Fire Services Coordinator will work with any Fire Department towards a plan if issues arise from pump testing.
- 4.1.5 In the event a pump fails its annual pump testing, registration may remain in effect if the registered fire department does the following:
- 4.1.5.1 The Department provides the Fire Services Coordinator with a written plan for repairs required to the pump(s); or
- 4.1.5.2 A temporary replacement apparatus in good standing can be found and is in place.
- 4.1.6 If repairs are extensive and the fire department is unable to afford repairs or, on the advice of the EVT, repairs are not cost justifiable due to the condition of said apparatus pump, the fire department shall put a neighbouring department(s) on automatic callout for any/all emergency calls requiring the use of a pumper/pumper tanker including, but not limited to, structure fires of any kind, motor vehicle fires, wildland fires, emergencies, etc.

4.1.7 Failure to complete a pump test in advance of the registration deadline may result in the Municipality withholding grants to the department until a successful pump test is completed.

4.1.8 Where a total disregard for pump testing occurs, the Fire Services Coordinator will notify Council and recommend the de-registration of the department and options for alternative fire service coverage.

4.1.9 Council may de-register the department on recommendation of the Fire Services Coordinator. Council shall not consider re-registration of the department until the department re-applies for registration with a satisfactory pump test.

4.0 5.0 Registration

The Municipality, if satisfied by all categories of Sections 3 and 4, shall register the Body Corporate as a fire and emergency services provider. This registration shall continue in force until withdrawn by the Municipality for cause or the fire department requests that the registration be revoked.

4.15.1 Annual updates of the registration form shall be submitted to the Municipality no later than June 15th of each year. [amended Jan. 28, 2014]

4.25.2 Any changes to the services provided by the body corporate shall be filed immediately with the Municipality throughout the year. [amended Jan. 28, 2014]

4.35.3 All other required forms and documentation, including the annual registration form updates, financial statements, officer, rate and grant forms shall be submitted to the Municipality no later than June 15th of each year, in order to receive collected fire taxes and grant monies. [amended Jan. 28, 2014]

4.45.4 All fire tax payments shall be made available to approved fire and emergency service providers 30 days from the due date of municipal taxes. [amended Jan. 28, 2014]

5.0 6.0 Notification

The Municipality shall advise any new Body Corporate, by providing a letter stating approval as a registered Fire and Emergency Services provider as per sec 5. [amended Feb. 27, 2018]

6.0 7.0 Rate Payers Meeting

Every registered fire and emergency services provider must have an annual ratepayer meeting. Minutes of these meetings [amended Feb. 27, 2018] must be maintained in the minute books of the organization.

6.17.1 Fire Service providers shall have proposed budget documents available to the public seven (7) days prior to their ratepayer meeting and the budget shall be linked to the service levels being provided. [amended Jan. 28, 2014]

6.27.2 Fire Service providers may conduct an information session on the proposed budget seven (7) days prior to the ratepayers meeting to assist the ratepayers in understanding the fire service levels being provided and any costs associated with providing such service. [amended Jan. 28, 2014]

~~6.3~~7.3 All proposed fire tax rates shall be supported by the service provider's budget, which is to be presented to the ratepayers at the annual ratepayers meeting. **[amended Jan. 28, 2014]**

~~6.4~~7.4 Ratepayers shall have the opportunity to discuss service level expectations during a ratepayer meeting. **[amended Jan. 28, 2014]**

~~6.5~~7.5 Ratepayers shall not request a reduction in the proposed fire rate that diminishes the overall operation of the fire service provision. **[amended Jan. 28, 2014]**

~~6.6~~7.6 The notice of the annual ratepayers meeting must be advertised in the local paper (a weekly circular) for a minimum of (2) two weeks prior to the annual meeting date. This advertisement shall include the following:

- fire service provider name;
- date of meeting;
- location of meeting;
- contact name and phone number; and
- where proposed budget documents may be viewed. **[amended Jan. 28, 2014]**

For the departments that are required to have an annual ratepayer's meeting to set the fire tax rate that must be specified as well.

~~6.7~~7.7 All annual ratepayer's meetings must be conducted before June 15th of the following fiscal year.

~~6.8~~7.8 Requests shall be made to the Municipality for appropriate rate payer's list a minimum of (2) weeks prior to the meeting date.

- This list will provide the chair of the meeting with information to confirm that only those who are ratepayers may vote on motions that are made at the meeting. **[amended Jan. 28, 2014]**
- The Municipality will also provide upon request a property civic report to help the department locate properties. **[amended Jan. 28, 2014]**
- Since fire departments members do not need to be a ratepayer or a resident of the area, a member of the fire department can move motions but the seconder shall be a ratepayer.
- Once the question has been called, only ratepayers can vote on the motion. 50 % + one of the ratepayers in attendance at the meeting in favor of the motion shall be required to pass a motion.
- Voting may be done by secret ballot. **[amended Oct. 13, 2009]**

~~6.9~~7.9 All fire tax requests by a registered fire and emergency services provider shall be provided to the Municipality on the approved registration package forms found on the Municipal website no later than June 15th of the current year. **[amended Jan. 28, 2014 & Feb. 27, 2018]**

~~6.10~~7.10 For all registered fire and emergency services providers who do not have fire taxing power provided by their Act of Incorporation, the Municipality shall approve the rates.

For those providers that have taxing power for fire tax, these approved rates will be added to the fire tax schedule for inclusion with approved rates for that fiscal year.

Annotation for Official Policy Book

Date of Adoption:	September 11, 2007
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	January 21, 2014
Date of Passage of Amendments:	January 28, 2014
Date of Notice to Council Members of Intent to Consider: (7 days minimum)	April 27, 2017
Date of Passage of Amendments:	May 9, 2017
Date of Notice to Council Members of Intent to Consider:	February 13, 2018
Date of Passage of Amendments:	February 29, 2018

I certify that the amendments to this the *"Fire and Emergency Services Policy"* was adopted by Council as indicated above.

Sherry A. Conrad, Municipal Clerk

Date



Memorandum

To: Fire & Emergency Services Committee (FESC) Members

From: Chris Kennedy, Fire Services Coordinator

Date: March 08, 2021

Re: Mandatory Pump Testing and MDL-36 Policy, Fire and Emergency Services Amendments

Recommendation

“Move that the FESC recommend that Municipal Council approve amendments to Policy MDL-36 Fire and Emergency Services as presented”

Background

Fire Apparatus pump testing has been a topic of discussion amongst fire services in our county for many years and has been discussed at the County level and FESC meetings. Pump testing in prior years was done voluntarily by fire and emergency services. At the September 19, 2019, Lunenburg Fire and Emergency Services (LRFRES) meeting held at the Lunenburg fire station, a vote was held unanimously passing a motion by its membership to have annual pump testing performed as part of the annual registration and be mandatory starting in June of 2021. This was also in conjunction with Municipal cost sharing for half the cost of the new pump testing facility with the Town of Bridgewater and the Bridgewater FD, allowing for all departments to gain access to the new testing area without any additional cost.

Prior to pump testing being performed, a certified Emergency Vehicle Technician (EVT) will do pump and related maintenance to get all pump related parts ready for the pump test. The cost of this varies depending on the work required. Typically, if an apparatus is having this done annually the cost for this maintenance reduces. The first time an apparatus has this maintenance performed that has not been maintained on an annual basis usually has a higher cost, due to wear of parts and lack of this type of regular maintenance. Cost estimate could be \$300 to \$2000.00 or higher depending on work done. A typical pump test can run between \$300- \$500.00 on average. Several departments who never did pump testing in the past saw initial costing around the \$2000.00 mark.

Wiles Lake Depot has been used for pump testing purposes and those departments using this MODL park have signed agreements for the use of the area. (OP-16 Wile’s Lake Park – Fire

Department Usage) The park is shut down during these activities to limit interaction with the public and keep them safe allowing firefighters to conduct their testing unimpeded. Although they still need to be vigilant of their surroundings and anyone who may wander into the park or test area. The area that is used for testing is small, and care needs to be taken when driving apparatus and setting up for the test. This is a very labour-intensive exercise getting out suction lines and putting them safely into the lake along with lines run for testing.

Current Pump Testing Rates & Standards Estimates

There are 3rd party standards for pump testing. NFPA 1911 Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles states that: "Pump tests shall be conducted at least annually or whenever repairs to major components or modifications are carried out to an emergency vehicle that is used in pumping operations."

The standard goes on to say all the other requirements are checked by a certified (EVT) who will put the apparatus through the required testing. Vacuum leak test, primer operation, verify pump panel plate showing ULC certification in Canada. pump pressure, flow and time to meet the ULC rating for any given apparatus etc. Any new apparatus in Canada must meet ULC S515-13.

DISCUSSION

The purpose of pump testing is to ensure that any given apparatus meets the ULC requirements and can operate at the different pressures and flow rates with all lighting/emergency lighting operating. The annual results can be compared year to year for consistency, if any of the data shows a downward trend in any of the pumping capacities during the test this could indicate issues with the pump or associated devices. This allows apparatus to be checked by a Certified EVT who can then troubleshoot cause, correct any deficiencies, and bring the truck up to the necessary requirements or recommend required action and cost of repairs. Annual pump testing shows due diligence on behalf of the fire department and these records are very important to show historical data on pump and apparatus maintenance.

Apparatus not subjected to an annual pump test are in an unknown state as to ULC requirements and if the apparatus can still meet them. Even though the pumping capacity may seem normal to operators the pump may or may not perform as required when high demands are put on them at active fire scenes. Pump failure or reduced capacity could occur leaving interior or exterior firefighters on hose lines in danger due to loss of water flow and pressure.

BUDGETARY IMPLICATIONS

None, cost contribution to the pump testing facility has already been made.

CONCLUSION

Pump testing is a basic part of ensuring firefighter safety while engaging in firefighting activities using apparatus supplied hose lines. The new test area has been used by several departments and that number is expected to grow each year. It is safer to work around, no interruptions and private. However, some departments may decide not to utilize the new test area and that is their alternative. Travel distance from their respective community may play a factor in their decision.



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: MODL Council
SUBMITTED BY: Stephen W. Pace, Director of Engineering & Public Works
DATE: April 13, 2021
RE: Pre-Operating Budget Approval – Hiring of a Permanent, Full Time Project Manager

RECOMMENDATION

Staff recommends the hiring of a permanent, full time Project Manager to join the Engineering & Public Works Department in executing capital projects approved by Council. The Budget implications are in the range of \$63,024-\$93,374, plus benefits annually, depending upon the proponent's qualifications and experience.

DISCUSSION

Over the past number of years, MODL's Engineering & Public Works Department has been limited in its ability to execute all the capital projects desired by MODL Council. An ambitious list of upcoming capital project over the next five years is expected to stretch existing resources further. In anticipation of approval of the capital projects, staff are recommending an increase in expertise and resources to facilitate the execution of more projects. Pre-operating budget approval is being sought to allow time for recruitment in preparation of projects in the upcoming 2021/2022 capital budget.

BUDGET IMPLICATIONS

Operating budget implications are in the range of \$63,024-\$93,374, plus benefits annually, depending upon qualifications and experience.

STRATEGIC PLAN

Additional resources are required by the Engineering & Public Works Department in order to execute capital projects of strategic importance to MODL Council.

ALTERNATIVES

Reduce the number of capital projects.

CONCLUSION

Additional project management resources are required in MODL's Engineering & Public Works Department in order to execute all the capital projects identified by MODL Council.

Department: Engineering & Public Works

Report Prepared By: Stephen W. Pace, MBA, P.Eng.

Date: April 13, 2021

Report Approved By:

Date:

Reviewed By CAO:

Date:



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: MODL Council
SUBMITTED BY: Stephen W. Pace, Director of Engineering & Public Works
DATE: April 13, 2021
RE: Pre-Capital Budget Approval - Street Rehabilitation
Harold Whynot Road and Craig Chandler Drive
Tender No. 2021-05-001

RECOMMENDATION

Council provide Pre-Capital Budget approval for staff to proceed with the Street Rehabilitation of Harold Whynot Road and Craig Chandler Drive Project - Tender No. 2021-05-001 for the estimated amount of \$900,000, including HST.

EXECUTIVE SUMMARY

Roads are a major priority for MODL. Well maintained, good quality roads are essential for our communities. The Municipality recognizes the importance of roads to our residents. This work will significantly improve Harold Whynot Road and Craig Chandler Drive as well as reduce the need for annual maintenance, such as grading and dust control.

DISCUSSION

Exp Services Inc. has prepared a detailed design and tender package for this rehabilitation work for Harold Whynot Road and Craig Chandler Drive. The proposed work will include drainage improvements; the Craig Chandler cul-de-sac will be increased in size to meet MODL specifications; and the two municipally-owned roads will be paved.

BUDGET IMPLICATIONS

The estimated cost of this work is \$900,000, including construction oversight services, has been included in the 2021/2022 Capital Budget.

CONCLUSION

Council give Pre-Capital Budget approval for staff to proceed with the Street Rehabilitation of Harold Whynot Road and Craig Chandler Drive Project - Tender No. 2021-05-001 for the estimated amount of \$900,000 excluding HST.

Department: Engineering and Public Works

Report Prepared By: Jamie Burgess, Tyler Richardson Date: April 13, 2021

Report Approved By: Stephen W. Pace Date: April 13, 2021

Reviewed By CAO: Tom MacEwan Date: