

Please note: A Special Council Meeting regarding the 2021/2022 Budget is scheduled for 11:00 a.m.

## **Municipal Council Meeting AGENDA**

**Tuesday, May 11, 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 Proclamation – Falun Dafa Day – May 13, 2021..... 1
- 3. APPROVAL OF AGENDA (as circulated)**
- 4. APPROVAL OF MINUTES – April 27, 2021**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. AWARDING OF TENDERS/RFPs (Nil)**
- 7. PRESENTATIONS/SCHEDULED TIMES (Nil)**
- 8. CONSIDERATION OF CORRESPONDENCE (Nil)**
- 9. RECOMMENDATIONS FROM COMMITTEES & BOARDS**
  - 9.1 Planning Advisory Committee**
    - 9.1.1 By-laws 005C & 006C Amendments to Lunenburg Municipal Industrial Zone  
Secondary Planning Strategy and Land Use By-law ..... (2) 3-18
  - 9.2 Dangerous & Unsightly Committee**
    - 9.2.1 Approval of Contractor for Property Clean up – Mines 2 Road, Hebbs Cross..... (19) 20-23
- 10. STAFF REPORTS**
  - 10.1 Administration Department**
    - 10.1.1 Council Summer Schedule ..... 24-25
    - 10.1.2 Extension of Current Fire & Emergency Services Committee Members..... 26-27
  - 10.2 Engineering Department**
    - 10.2.1 Notification of Installation of Streetlights on Copeland Road..... 28-29
- 11. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS**
  - 11.1 Deputy Mayor's Update
  - 11.2 Mayor's Update
- 12. ADDED ITEMS**

**13. IN CAMERA**

13.1 Legal Advice re Litigation under Section 22(2)(f) of the MGA

**14. ADJOURNMENT**

## **Proclamation**

### **Falun Dafa Day**

Whereas Falun Dafa, also known as Falun Gong, is a peaceful self-improvement practice system centred around the universal principles of Truthfulness, Compassion and Forbearance, and consists of five gentle exercises, including mediation; and

Whereas Falun Dafa was first introduced to the world by Mr. Li Hongzhi; and has demonstrated a steadfast commitment to improving health in mind, body and spirit, and to enhancing the wellbeing of people from all walks of society, who follow its tenet; and

Whereas all Falun Dafa activities, including classes and practices, are offered by volunteers, opened to the public, and free of charge; over 100 million practitioners in 114 countries have been benefited from practicing Falun Dafa; and

Whereas Falun Dafa practitioners across Canada celebrate the Falun Dafa Day on May 13;

THEREFORE, BE IT RESOLVED THAT, I, Mayor Carolyn Bolivar-Getson, on behalf of the Municipality of the District of Lunenburg do hereby proclaim May 13, 2021 to be Falun Dafa Day, honouring Truthfulness compassion forbearance.

---

Mayor Carolyn Bolivar-Getson

---

May 11, 2021

Council

Item: #9.1

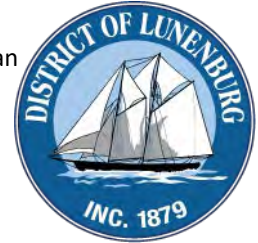
Date: May 11, 2021

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](http://www.modl.ca)



April 29, 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, April 29, 2021, made the following  
recommendations to Council:

- 1. That the Planning Advisory Committee recommend Municipal Council to give notice of its intention to approve By-laws 005C and 006C, the amendments to the Lunenburg Municipal Industrial Zone Secondary Planning Strategy and Land Use By-law, and conduct First Reading of the same.**

Respectfully submitted,

Chairperson and Members  
Planning Advisory Committee

/jh  
Attachment

**Council**  
Item: #9.1.1  
Date: May 11, 2021  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Memorandum**

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** May 11, 2021  
**RE:** The Villas at Osprey Ridge – First Reading Memo

---

#### **DISCUSSION**

At a meeting of the Planning Advisory Committee, a concern was raised regarding the boundary of fire protection districts. A couple of Committee members wondered if the fire district boundaries should be reconsidered to reflect the on-going changes to settlement patterns.

If the Municipal Council wishes to discuss this item further, it may be referred to the Fire & Emergency Services Committee, as this is out of scope of the Planning Advisory Committee.

---

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-05-04

Report approved by: Jeff Merrill, Director

Date: 2021-05-04

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2021-05-06



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Planning Advisory Committee  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** April 29, 2021  
**RE:** The Villas at Osprey Ridge  
(By-laws 005C and 006C: Amendments to Lunenburg Municipal Industrial Zone Secondary Planning Strategy and Land Use By-law)

---

#### **RECOMMENDATION**

Staff recommends the following motion:

[To the Chairperson and the members of the Planning Advisory Committee, I move] **“that the Planning Advisory Committee recommend the Municipal Council to give notice of its intention to approve By-laws 005C and 006C, the amendments to the Lunenburg Municipal Industrial Zone Secondary Planning Strategy and Land Use By-law, and conduct First Reading of the same.”**

#### **ORIGIN**

MODL Resolution 2021-061: “that Municipal Council direct staff to hold a public information session and direct the Planning Advisory Committee to review the application submitted by Osprey Ridge GP Limited on March 3, 2021” (March 23, 2021).

## **INTRODUCTION**

On March 3, 2021, Osprey Ridge GP Limited (NS Reg. Number 3296025), the landowner of Osprey Ridge Golf Club, applied to construct 16 semi-detached houses off Harold Whynot Road in 2 phases. Phase 1 involves the construction of 10 homes on PID 60489549, which is a 7-acre lot typically referred to as Lot 1000. Phase 2 includes the construction of 6 homes on part of the golf club property (PID 60253366), where a couple of existing barns are situated. This proposed development, as shown in Appendix A, is not permitted under Section 3.3 and clause 4.1 a) of the existing Land Use By-law:

**(Section 3.3): “A development permit shall be issued for more than one dwelling on a lot only where the lot has sufficient area and frontage to enable the lot to be subdivided into two lots or more which meet all the applicable zone requirements and where the dwellings are located on the lot in such a way that the new lots may be created around them which meet all applicable area, frontage and yard requirements, or where a development agreement has been executed.**

**(Section 4.1): “In a Mixed Residential (MR) Zone, no development shall be permitted nor shall any land, building or structure be used on a lot within the Mixed Residential Zone for any other purpose than: a) One of the following Main Uses:**

- i) a single-unit dwelling,**
- ii) a two unit dwelling or**
- iii) a multi-unit dwelling; and,”**

Section 3.3 provides a couple of ways to construct multiple dwellings on a lot. The first option, by subdivision design, requires each dwelling to have an on-site septic system in proximity because a sewer pipe cannot cross a lot boundary. Since the proposed houses are designed to share one on-site septic system, the proposed site cannot be subdivided in the future.

Other options are to enter into a new development agreement or to amend the Land Use By-law. The applicant requested the Municipality to amend the Land Use By-law so that the construction of multiple dwellings in a single lot is permitted as-of-right. The difference is that a development agreement applies to a specific site and imposes detailed regulations – whether it mandates vegetation buffers, hours of operation, or grading of land for stormwater. Amending the Land Use By-law applies to the entire zone or plan area and imposes general regulations.

Clause 4.1 a) lists the permitted uses in the MR zone as singular nouns, prohibiting the construction of more than 1 dwelling on a lot.

## **BACKGROUND**

Both Section 3.3 and clause 4.1 a) in the Land Use By-law are deemed to receive its direction from Sections 2.0.3 and 3.0.2 of the Secondary Planning Strategy:

**(Section 2.0.3) “Due to the incompatibility of mobile homes and mobile home parks, with the existing land uses within and surrounding the planning area, it shall be Council’s policy to prohibit mobile homes within the Mixed Residential (MR) Zone.”**

**(Section 3.0.2) “It shall be the policy of Council to permit office and public buildings, national defense buildings, ground search and rescue operations, emergency measure operations, warehousing, hotels, motels, manufacturing uses, residential, recreational, agricultural uses, and retail shopping facilities, excluding mobile homes or mobile home parks, within the Lunenburg Municipal Industrial Zone.”**

While the Land Use By-law does not prohibit mobile home parks in an explicit way, their construction is realistically prohibited by the following provisions in the Land Use By-law:

- the definition of a single-unit dwelling excludes a mobile home; and
- the construction of multiple dwellings on a single lot is prohibited unless it is either
  - by design suitable for subdivision, which decreases the density and therefore reduces profitability to build mobile home parks, or
  - by development agreement, which imposes restrictive regulations.

Staff determined that the 2 sections in the Secondary Planning Strategy prohibiting mobile homes and their parks must be repealed to permit multiple dwellings in a single lot. This change is consistent with a direction of the Municipal Council for the following reasons:

1. Section 2.0.2 of the Secondary Planning Strategy encourages a mix of residential uses to accommodate a variety of housing types in the MR zone, where Phase 1 is situated;
2. the proposed site for Phase 1 (PID 60489549) is the last remaining vacant lot in the MR zone, so a new mobile home park is unlikely after this proposal is approved;
3. the last application to construct a mobile home park or a land-leased community was in 1977, further reducing the likelihood of mobile home park construction; and
4. a Council direction changed to halt the discouragement of manufactured homes in 2019 when the Land-Leased Community By-law was repealed.

Because this is a by-law amendment, the proposed changes would apply to the Plan Area, not just to the proposed site. Note that there are restrictive covenants in place for Danica Drive Subdivision, as shown in Appendix B, in which Section 3 prohibits the construction of more than one dwelling house.

**DISCUSSION**

To permit the construction of multiple dwellings in a single lot as-of-right, staff recommends repealing policy directions to prohibit manufactured homes, the implementing provisions of the policy directions, and striking out definitions that are no longer being referenced, as stated in Table 1. The proposed by-laws amending the Secondary Planning Strategy and the Land Use By-laws are attached as Appendices C and D.

**Table 1**

The list comparing the existing and the proposed Secondary Planning Strategy and Land Use By-law for Lunenburg Municipal Industrial Zone.

Lunenburg Municipal Industrial Zone Secondary Planning Strategy (By-law 005)	Lunenburg Municipal Industrial Zone Secondary Planning Strategy (By-law 005C)
<p><b>Existing Section 2.0.3</b></p> <p>Due to the incompatibility of mobile homes and mobile home parks, with the existing land uses within and surrounding the planning area, it shall be Council’s policy to prohibit mobile homes within the Mixed Residential (MR) Zone.</p>	<p><b>Proposed Section 2.0.3</b></p> <p>Repealed.</p>
<p><b>Existing Section 3.0.2</b></p> <p>It shall be the policy of Council to permit office and public buildings, national defense buildings, ground search and rescue operations, emergency measure operations, warehousing, hotels, motels, manufacturing uses, residential, recreational, agricultural uses, and retail shopping facilities, <b>excluding mobile homes or mobile home parks</b>, within the Lunenburg Municipal Industrial Zone.</p>	<p><b>Proposed Section 3.0.2</b></p> <p>It shall be the policy of Council to permit office and public buildings, national defense buildings, ground search and rescue operations, emergency measure operations, warehousing, hotels, motels, manufacturing uses, residential, recreational, agricultural uses, and retail shopping facilities within the Lunenburg Municipal Industrial Zone.</p>

<b>Lunenburg Municipal Industrial Zone Land Use By-law (By-law 006)</b>	<b>Lunenburg Municipal Industrial Zone Land Use By-law (By-law 006C)</b>
<p><b>Existing Section 3.3 (One dwelling per minimum size lot or parcel)</b></p> <p>A development permit shall be issued for more than one dwelling on a lot only where the lot has sufficient area and frontage to enable the lot to be subdivided into two (2) lots or more lots which meet all the applicable zone requirements and where the dwellings are located on the lot in such a way that the new lots may be created around them which meet all applicable area, frontage and yard requirements, or where a development agreement has been executed.</p>	<p><b>Proposed Section 3.3</b></p> <p>Repealed.</p>
<p><b>Existing Section 4.1 (Permitted developments in the MR zone)</b></p> <p>No development shall be permitted nor shall any land, building or structure be used on a lot within the Mixed Residential (MR) Zone for any other purpose than:</p> <p>a) One of the following Main Uses:</p> <ul style="list-style-type: none"> <li>i) a single-unit dwelling,</li> <li>ii) a two unit dwelling or</li> <li>iii) a multi-unit dwelling; and,</li> </ul> <p>b) One of the following Secondary Uses in conjunction with a single-unit dwelling or a building accessory to a single-unit dwelling:</p> <ul style="list-style-type: none"> <li>i) subject to Section 3.18, a home occupation use</li> </ul>	<p><b>Proposed Section 4.1 (Permitted developments in the MR zone)</b></p> <p>No development shall be permitted nor shall any land, building or structure be used on a lot within the Mixed Residential (MR) Zone for any other purpose than:</p> <ul style="list-style-type: none"> <li>a) residential uses and facilities; and</li> <li>b) One of the following Secondary Uses in conjunction with a single-unit dwelling or a building accessory to a single-unit dwelling: <ul style="list-style-type: none"> <li>i) subject to Section 3.18, a home occupation use</li> </ul> </li> </ul>

<p><b>Existing Sections 4.2 and 5.2 (Zone requirements)</b></p> <p>Detached Single-Unit Dwelling</p> <p>Attached Dwellings on Separate Lots</p> <p>Two- Unit Dwelling</p> <p>Multi-Unit Dwelling</p>	<p><b>Proposed Sections 4.2 and 5.2 (Zone requirements)</b></p> <p>Detached Single-Unit Dwellings</p> <p>Attached Dwellings on Separate Lots</p> <p>Two- Unit Dwellings</p> <p>Multi-Unit Dwellings</p>
<p><b>Existing Part 7 (Definitions)</b></p> <p>Dwelling, detached single-unit, means a completely detached dwelling, other than a mobile or mini home, containing only one dwelling unit.</p>	<p><b>Proposed Part 7 (Definitions)</b></p> <p>Dwelling, detached single-unit, means a completely detached dwelling containing only one dwelling unit.</p>
<p><b>Existing Part 7 (Definitions)</b></p> <p>Mobile home means any dwelling which is pre-manufactured and designed to be transported to a site as one intergral unit on its own chassis and wheels, and where it may be located on wheels, jacks, posts, piers, blocks or permanent foundations, and which may be connected to sanitary facilities.</p>	<p><b>Proposed Part 7 (Definitions)</b></p> <p>Repealed. (This definition is no longer referenced in the Land Use By-law.)</p>
<p><b>Existing Part 7 (Definitions)</b></p> <p>Mobile home park means an establishment comprising land or premises under single ownership, designed and intended for residential use, where residence is in two or more mobile homes.</p>	<p><b>Proposed Part 7 (Definitions)</b></p> <p>Repealed. (This definition is no longer referenced in the Land Use By-law.)</p>
<p><b>Existing Part 7 (Definitions)</b></p> <p>Semi-detached dwelling - See DWELLING, SEMI-DETACHED.</p>	<p><b>Proposed Part 7 (Definitions)</b></p> <p>Repealed. (This definition was never referenced in the Land Use By-law.)</p>

## **IMPLICATIONS**

A public information session (<https://www.facebook.com/watch/live/?v=245680837292575>) was held on April 1, 2021 for citizens to ask questions about this proposed development, and multiple stakeholders were contacted to ask whether this proposal is appropriate as shown in Appendix A.

### **Fire protection**

The proposed site is under the jurisdiction of Oakhill & District Fire Department. Overall, the fire department is confident on its ability to provide fire protection services in the proposed site (Oakhill Fire Department, personal communication, 5 April 2021).

Although Oakhill Fire Hall is 8.0 kilometres away via Highway 325, an access gate on Highway 103 is the primary response route for the fire department to suppress fire in Pine Grove. The access gate, which is located between Exit 12 and Northfield Drive overpass, reduces the response time from 10 minutes to 5 minutes. An automatic mutual-aid agreement is also in place to request assistance from Northfield Fire Department and Bridgewater Fire Department, if more support is needed.

Recommendations from Oakhill Fire Department and the municipal Fire Services Coordinator are as follows:

- it is preferable to have one hydrant for each phase of development, if possible;
- if fire hydrants are planned, a review from Oakhill Fire Department is encouraged to provide suggestions on fire flow rating during the design phase of development;
- if fire hydrants are not planned or unable to provide sufficient fire flow of water, access to a pond by the proposed site is recommended; and
- driveways should have sufficient widths and corner radii to allow fire apparatus to pass each other.

### **Safety & security**

Lunenburg District Royal Canadian Mounted Police (RCMP) oversees the policing activities in the Municipality. Although the proximity of the proposed site to the office of RCMP Bridgewater Detachment is not relevant to the level of service, the addition of 32 residential units to Lunenburg County will not impact police service delivery (RCMP, personal communication, 6 April 2021).

### **Emergency management**

From an emergency management perspective, there is relatively a low risk for this proposed development (Lunenburg County Emergency Management Organization [REMO], personal communication, 13 April 2021).

The REMO advised that, in case of evacuation, Harold Whynot Road is the only way out from the proposed site. Even if Harold Whynot Road is connected to Charlie Lane or Naugler Road in the future, it would likely be private roads. A part of Harold Whynot Road may be prone to an inland flooding, which may further impede an evacuation. Highway 103, the nearby industrial area carrying chemical and hazardous materials, and the two federal police and military facilities make the proposed site fall under the evacuation zone.

### **Environment**

In general, the on-site sewage disposal system would require either a notification or an approval through NS Environment & Climate Change, in which the system must be engineered. While the water main installation and road ditching do not require an approval, culverts and stormwater lines require a notification or an approval, if intended.

During construction, with all the exposed soils, the developer is expected to construct erosion and sedimentation controls by following provincial guidelines (NS Environment & Climate Change, personal communication, 17 March 2021).

### **Water infrastructure**

The applicant stated that a contract for central water exists with Bridgewater Public Service Commission (PSC). Under the 1996 Golf Course Waterline Agreement between the PSC, the Municipality, and the now-dissolved Lunenburg Municipal Industrial Commission, 16 US gallons per minute of water have been allocated to a potential expansion of subdivision of 40 homes. The PSC recognizes the commitment to provide water services to the properties in the agreed quantities. (Bridgewater Public Service Commission, personal communication, 15 April 2021).

### **Traffic safety**

The addition of 32 semi-detached homes will have an insignificant impact to traffic along Harold Whynot Road and the intersections at Cook's Lane and Pinegrove Road. The increased traffic would amount to a maximum of 25 trips in the morning or evening peak hours.

The approach speeds and stopping sight distances have been checked at this existing Golf Club entrance and found to be adequate. Although setback measurements from the Harold Whynot Road were not supplied, the scaled distances on the attached plan are also adequate.

Overall, the provincial department has no concerns with the proposed development (NS Transportation & Active Transit, personal communication, 6 April 2021).

## **WORK PLAN**

The following is a tentative schedule for this planning process:

- Application received on March 3, 2021;
- Public information session held online on April 1, 2021;
- Planning Advisory Committee meeting to be held on April 29, 2021;
- Council conducts a first reading on May 11, 2021;
- Municipality circulates a notice of intention to approve on May 19, 2021;
- Council conducts a public hearing and a second reading on June 8, 2021; and
- NS Municipal Affairs approves the amending by-laws by July 21, 2021.

## **ALTERNATIVES**

The Planning Advisory Committee may recommend against the amendments to the Secondary Planning Strategy and the Land Use By-law for Lunenburg Municipal Industrial Zone Plan Area. If so, the applicant cannot proceed with the construction of the proposed development as shown in Appendix A, unless by development agreement.

However, the existing Land Use By-law allows one building of 20 units by as-of-right, achieving the same level of residential density with a different structural type.

## **APPENDICES**

Appendix A: 21-035 Villas at Osprey Ridge Concept Plan Final

Appendix B: Restrictive covenants of Danica Drive Subdivision

Appendix C: Proposed By-law 005C (Lunenburg Municipal Industrial Zone Secondary Planning Strategy)

Appendix D: Proposed By-law 006C (Lunenburg Municipal Industrial Zone Land Use By-law)

---

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-04-14

Report approved by: Jeff Merrill, Director

Date: 2021-04-15



**LEGEND**

- Site Boundary
- - - Adjacent Property Boundary

**SITE SUMMARY:**

- PID: 60489549
- Total Land Area: 10.42Acres

**NOTES:**

- Subject to survey. Property lines and topographic features are approximate only.
- Site subject to by-law review and regulations.

**SOURCES:**

- Property lines and topographic features are from provincial mapping.

**SCALE:**

0 10 20 50 100m  
1 : 2,000

**OSPREY RIDGE GOLF CLUB**

**EXISTING TREES (APPROX.)**

**EXISTING BARNs (APPROX.)**

**EXISTING OSPREY RIDGE GOLF COURSE SIGN**

**ON-SITES SEPTIC AREA**

**LOT 1  
6.77 Ac.**

**LOT 2  
3.65 Ac.**

**DANICA DRIVE**

**HAROLD WYNOT ROAD**

**N**

**DWELLING EXAMPLE**



SCHEDULE "A"

██████████  
Place Name: HAROLD WHYNOT ROAD OAKHILL  
Municipality/County: MUNICIPALITY OF DISTRICT OF LUNENBURG/LUNENBURG COUNTY  
Designation of Parcel on Plan: ██████████  
Title of Plan: S/D LOT 1 - 7 & 9 - 15 ERIC WHITE CONSTRUCTION AT OAKHILL  
Registration County: LUNENBURG COUNTY  
Registration Number of Plan: ██████████  
Registration Date of Plan: 2005-10-24 10:53:19

Together with a Right of Way from the Harold Whynot Road over Danica Drive as shown on Plan No. ██████████

1. The lands to which these building restrictions shall apply (hereinafter called the said lands) include the lot hereinbefore described in Schedule A hereto annexed.
2. The Grantee agrees not to cut down or remove from the said lands any living tree standing on the said lot, more than three (3) inches in diameter and more than ten (10) feet from the foundation, without the consent in writing of Eric White Construction Limited ( which consent will not be unreasonably withheld) and that, subject to the exception aforesaid, if any tree more than three (3) inches in diameter and more than ten (10) feet from the foundation, is cut down or removed without such consent first had and obtained, the Grantee will forthwith replace the same, at his expense, under the supervision of Eric White Construction Limited.
3. The Grantee agrees that no more than one dwelling house shall be erected or stand at any one time upon the lot herein described.
4. No addition to any building shall be erected unless the plans and specifications have been submitted to Eric White Construction Limited or its agent and its approval in writing obtained.
5. No signs, billboards, notices or other advertising matter of any kind (except the ordinary signs offering the said lot or buildings thereon for sale or rent) shall be placed on any part of the said lot or in any buildings or on any tree, fence, or any kind of structure on the said lot without the consent of Eric White Construction Limited.
6. No trailer of any kind used for the purposes of living, sleeping or eating accommodation shall be parked or placed upon any part of the said lot.
7. No part of the said lands shall be used for the placing or storage or any mobile or modular home, except for the storage of an unoccupied travel trailer.
8. No part of the said lands shall be used for the dumping or storage of building waste or other material of any kind except of clean earth for the purposes of leveling in connection with the erection of a building thereon or the immediate improvements of the grounds.
9. The Grantee will not permit the condition of the surface of the lands or any part thereof to be in such a condition as to be below the standard of landscaping of the surface of lots which is normally found in a first class residential neighbourhood. Homeowners will be responsible for maintenance of ditches along the property line of each lot.
10. The Grantee will not permit the installation and use of any outdoor wood furnaces, incinerator or other refuse burning device.
11. The Grantee covenants and agrees to commence construction of the new home within a period of three (3) months from date of conveyance of the within lot from Eric White Construction Limited. In the event the Grantee has not commenced construction of the new home within the prescribed period and has not made arrangements in writing with Eric White Construction Limited for an extension or should the Grantee decide not to build on the said lot, the Grantee agrees to re-convey the said lands to Eric White Construction Limited at 75% of purchase price paid by the Grantee to Eric White Construction Limited this date. This option shall be at Eric White Construction Limited sole discretion.

12. Eric White Construction Limited will be the exclusive builder on said lands unless other plans and specifications have been submitted to Eric White Construction Limited or its agent and its approval in writing obtained.

13. The Grantee shall not withhold its consent to the erection or installation and maintenance along the side or the rear of the lot herein described of electric, telephone and/or television poles, lines, equipment and guys and anchors, and underground cables, all for common use with all necessary access from time to time for the employees of the person, firm or corporation or persons, furnishing, maintaining or repairing same.

14. Danica Drive is a Private Road therefore pole lighting on lots Danica Drive shall be added to taxes of said lots. Paving will commence after 75% of lots are sold.

15. The Grantee agrees that no dwelling house shall be erected or stand upon the said lot or any part thereof which has in total less than the minimum area of habitable living space set out opposite the most closely applicable description of dwelling house set out below:

Description of Dwelling House Minimum Ground floor area

One Storey: 1600 sq. ft. One and One-Half Storey: 1200 sq. ft. Two Storey: 1400 sq. ft.

The measurements for calculation of the area referred to in this paragraph shall be taken as outside measurements of the main wall of the dwelling house, excluding garage, porch, verandah, sunroom, attic and unfinished basement.

16. Notwithstanding anything herein contained, no building, fence or erection of any kind shall be erected on the said lot unless the plans, dimensions, specifications and location thereof as indicated by a site plan (including the distance from the front, side and rear lines) shall have first been submitted and approved in writing by unless the plans and specifications have been submitted to Eric White Construction Limited (which approval shall not reasonably be withheld) and no building, fence or other erection shall be constructed or placed on the said lot otherwise than in conformity with such plans, specifications and site plan.

17. No part of the said lands shall be used for keeping any animals except those normally kept as household pets. No part of the said lands shall be used for breeding of pets for sale.

18. The Grantee shall not regrade or permit his property to be regraded in such a manner that it will block or impede any water course or swale or cause water to pond or build up on any adjacent property.

19. All homes built shall contain Brick, Cape Cod Wood siding or Stucco.

20. No major repairs to any motor vehicle shall be effected on the said lands save within a wholly enclosed garage.

Provided always that notwithstanding anything herein contained, Eric White Construction Limited, shall have the power by instrument or instruments in writing from time to time waive, alter or modify the above covenants and restrictions in their application to any lot or lots or to any part thereof comprising part of the said lands without notice to the owner of any other lot on the said lands.

Subject to a Nova Scotia Power Inc. utility Easement recorded at the Registry of Deeds Office for the County of Lunenburg on March 28, 2006 as Document No. 84683326.



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

<b>Title:</b> Amendments to Lunenburg Municipal Industrial Zone Secondary Planning Strategy (2021)	
<b>By-Law No.</b> 005C	<b>Legislative Authority:</b> Municipal Government Act, Section 216
<b>Effective Date:</b> TBD	<b>Amended Date:</b> N/A

**Title**

- 1 This By-law is entitled the Amendments to Lunenburg Municipal Industrial Zone Secondary Planning Strategy (2021).

**Multiple dwellings in a lot permitted**

- 2 Section 2.0.3 of By-law 005 is repealed.

**Multiple dwellings permitted in the MR zone**

- 3 Section 3.0.2 of By-law 005 is amended by striking out “, excluding mobile homes or mobile home parks,”.

<b>Annotation for Official By-law Book</b>	
<b>Date of Adoption</b>	<b>June 8, 2021</b>
<b>Date of First Reading</b>	<b>May 11, 2021</b>
<b>Date of Advertisement of Notice of Intent to Consider</b>	<b>May 19 &amp; 26, 2021</b>
<b>Date of Second Reading</b>	<b>June 8, 2021</b>
<b>Date of mailing to Minister a Certified copy of By-law</b>	<b>June 10, 2021</b>
<b>*Date of advertisement of Passage of By-law</b>	<b>TBD</b>
<b>*Effective Date of the By-law unless otherwise specified in the text of this By-law</b>	
<b>I certify that these “Amendments to Lunenburg Municipal Industrial Zone Secondary Planning Strategy (2021)” was adopted by Council and published as indicated above.</b>	
_____	_____
<b>Sherry Conrad, Municipal Clerk</b>	<b>Date</b>

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

<b>Title:</b> Amendments to Lunenburg Municipal Industrial Zone Land Use By-law (2021)	
<b>By-Law No.</b> 006C	<b>Legislative Authority:</b> <b>Municipal Government Act, Section 219</b>
<b>Effective Date:</b> TBD	<b>Amended Date:</b> N/A

**Title**

**1** This By-law is entitled the Amendments to Lunenburg Municipal Industrial Zone Land Use By-law (2021).

**Multiple dwellings in a lot permitted**

**2** Section 3.3 of By-law 006 is repealed.

**Multiple dwellings permitted in the MR zone**

**3** Clause 4.1 a) of By-law 006 is repealed and the following clause substituted:

a) residential uses and facilities; and

**Zone requirements amended in the MR zone**

**4** Subsection 4.2(1) of By-law 006 is amended by striking out “Dwelling” as the word appears in subclauses A) and B) and substituting “Dwellings”.

**Zone requirements amended in the LMI zone**

**5** Section 5.2 of By-law 006 is amended by striking out “Dwelling” as the word appears in a chart and substituting “Dwellings”.

**Definition amended**

**6** Part 7 of By-law 006 is amended by striking out “, other than a mobile or mini home,” in the definition of “dwelling, detached single-unit”.

**Definitions repealed**

**7** Part 7 of By-law 006 is further amended by striking out the definitions of “mobile home”, “mobile home park”, and “semi-detached dwelling”.

**Annotation for Official By-law Book**

<b>Date of Adoption</b>	<b>June 8, 2021</b>
<b>Date of First Reading</b>	<b>May 11, 2021</b>
<b>Date of Advertisement of Notice of Intent to Consider</b>	<b>May 19 &amp; 26, 2021</b>
<b>Date of Second Reading</b>	<b>June 8, 2021</b>
<b>Date of mailing to Minister a Certified copy of By-law</b>	<b>June 10, 2021</b>
<b>*Date of advertisement of Passage of By-law</b>	<b>TBD</b>

\*Effective Date of the By-law unless otherwise specified in the text of this By-law

**I certify that these “Amendments to Lunenburg Municipal Industrial Zone Secondary Planning Strategy (2021)” was adopted by Council and published as indicated above.**

\_\_\_\_\_  
**Sherry Conrad, Municipal Clerk**

\_\_\_\_\_  
**Date**

**Council**

Item: #9.2

Date: May 11, 2021

Authorization: T. MacEwan

May 11, 2021

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

Dear Mayor and Councillors:

The Dangerous & Unsightly Property Committee, in session on Wednesday, April 21, 2019,  
made the following recommendation to Municipal Council:

that Municipal Council approve the lowest bid from Cay Construction for the clean up of  
the property located at Mines 2 Road, Hebbs Cross, PID 60293511; that is \$2000.00 +  
\$300.00 HST, for a total of \$2300.00.

Respectfully submitted,

The Chair and Members  
of the D&UPC

/sb

Attachments

Council  
Item: #9.2.1  
Date: May 11, 2021  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

### Request for Decision

**REPORT TO:** Dangerous & Unsightly Property Committee  
**SUBMITTED BY:** Ryan Whynot, Assistant Building Official  
**DATE:** April 21, 2021  
**RE:** Quote Recommendation  
Dangerous Premise – Werner Keller  
Property – Mines 2 Road, Hebbs Cross  
PID 60293511      AAN 08188556      NC190056

---

### RECOMMENDATION

Staff recommends:

**That the Committee recommend to Council that the lowest quote from Cay Construction be accepted for the remedy of the property located at Mines 2 Road, Hebbs Cross, PID 60293511; that is \$2000.00 + \$300.00 HST for a total of \$2300.00.**

### BACKGROUND

We received a complaint on November 5, 2019 in reference to the above-noted property. An initial inspection was carried out on November 7, 2019 which found the remains of an old building over a hole. Staff concluded that the property is considered dangerous under the terms of the *Municipal Government Act* (the "Act"). As per Policy MDL-07, a letter dated November 14, 2019 was sent to the property owners advising of the dangerous condition of the property and the remedy required to return the property to a safe condition.

On December 6, 2019 an email was received from the law firm that is listed as the address for the registered property owner indicating that the property owner resides in Germany and they will contact us if they receive a response. To date no response has been received from the property owner.

On January 6, 2020, a follow up inspection was conducted which found no change in the dangerous condition of the property. As a result of this inspection an Order was issued for the clean up of the dangerous condition of the property.

On January 13, 2021 a new Order was issued for the remedy of the dangerous condition. The follow up inspection concluded that nothing has been done to remedy the dangerous condition and quotes were obtained.

## **DISCUSSION**

- The Property Valuation Services Corporation (PVSC) records show the land as being assessed at \$13 500 in 2021.
- The lot area is 0.5276 acres
- Property taxes are outstanding since 2019

## **ALTERNATIVES**

- a) Do nothing and close file.
- b) Grant additional time.

## **CONCLUSION**

It is the opinion of the Administrator that the property is dangerous and recommends that the Committee recommend to Council to accept the lowest quote for the remedy of the dangerous condition at Mines 2 Road, Hebbs Cross, PID 60293511.

## **ATTACHMENTS**

Photos from last inspection

---

Department:	Planning & Development Services
Report Prepared By: Kyle Whynot	Date: April 21, 2021
Report Approved By: J Merrill	Date: April 21, 2021
Reviewed By CAO:	Date:





**Council**  
Item: #10.1.1  
Date: May 11, 2021  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Municipal Council

**Submitted By:** Sherry Conrad, Municipal Clerk

**Date:** May 11, 2021

**Re:** 2021 Council Summer Meeting Schedule

---

#### **RECOMMENDATION**

**“that Municipal Council approves a summer break from Council and Council committee meetings from August 2 – 27, 2021.**

#### **EXECUTIVE SUMMARY**

Council has agreed, over the last number of years, to take a break from Council and its committee meetings during a four-week period over the summer months. During this period, Council has the option of holding a special meeting, if required, to deal with any issues that arise.

#### **DISCUSSION**

Council has, for the last few years, taken its summer break during the first four weeks in August. Council has the option of taking the four weeks off during any period in the months of July and August.

Council took its summer break in 2020 from August 3<sup>rd</sup> – 29<sup>th</sup>. During this period, there were no special Council meetings.

Council took its 2019 break from July 29<sup>th</sup> to August 23<sup>rd</sup>. During this period, one Special Council meeting was called relating to a Personnel Matter.

Council took its summer break in 2018 from July 30<sup>th</sup> to August 24<sup>th</sup>. During this period, no Special Council meetings were required.

Staff is offering the following comparison of summer break date options:

July 19 <sup>th</sup> – August 13 <sup>th</sup>	August 2 <sup>nd</sup> – August 27 <sup>th</sup>
<p>Meetings not held –            REMO Advisory – July 19<sup>th</sup>            Policy &amp; Strategy – July 20<sup>th</sup>            Planning Advisory – July 22<sup>nd</sup>            Council – July 27<sup>th</sup> &amp; August 10<sup>th</sup>            Police Advisory Board – July 28<sup>th</sup>            Finance Committee – August 3<sup>rd</sup></p> <p>Meetings still required as they are meetings of an outside committee/board:            MJSB – July 28<sup>th</sup></p>	<p>Meetings not held –            Finance Committee – August 3<sup>rd</sup>            Council – August 10<sup>th</sup> &amp; 24<sup>th</sup>            Policy &amp; Strategy – August 17<sup>th</sup>            Planning Advisory – August 26<sup>th</sup></p> <p>Meetings still required as they are quarterly meetings or meetings of an outside committee/board:            LCLC – August 19<sup>th</sup>            MJSB – August 25<sup>th</sup></p>

**COMMUNICATION CONSIDERATIONS**

Post a notice of the meeting summer schedule on the webpage, social media outlets and in the local newspaper.

**CONCLUSION**

Council will have to cancel seven meetings if it breaks from July 19<sup>th</sup> to August 13<sup>th</sup> and five meetings if it breaks from August 2<sup>nd</sup> to August 27<sup>th</sup>.

At this time, there are no issues that would require these meetings to be held during either period. If an emergency arises during that period, a Special Meeting could be held and the date of same advertised.

<u>Department:</u>	Administration	
<u>Report Prepared By:</u>	<b>Sherry Conrad, Municipal Clerk</b>	Date: <b>May 5, 2021</b>
<u>Report Approved By:</u>	<b>Alex Dumaresq, Deputy CAO</b>	Date: <b>May 5, 2021</b>

**Council**  
Item: #10.1.2  
Date: May 11, 2021  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Mayor Carolyn Bolivar-Getson & Municipal Council  
**Submitted By:** Alex Dumeresq Deputy CAO, Chris Kennedy, Fire Services Coordinator  
**Date:** May 11, 2021  
**Re:** Extension of current Fire and Emergency Services Committee (FESC) Members

---

#### **Recommendation**

**That Municipal Council approve an extension to time served by the current fire and emergency services representatives serving on the Fire and Emergency Service Committee until the Municipality of the District of Lunenburg can safely hold the Annual General Meeting, at which time nominations and voting for committee members will take place.**

#### **Background**

The Annual General Meeting (AGM) of the FESC scheduled for April 14, 2021, was postponed due to the Covid-19 increasing and local cases of Covid 19 in the Western Zone. As a precaution, staff is recommending to Council that the current fire and emergency services representatives serving on the Fire & Emergency Services Committee continue to serve on the Committee until later in 2021 or whenever an Annual General Meeting can be held. This will allow the Committee to operate for an extended period, enabling them to work on fire service projects with the Fire Services Coordinator and see them through to a solution.

Below is Section 6 of the Terms of Reference for the FESC:

6. Nominations for Committee Members at the Annual General Meeting [Amended Sept25, 2018]
  - 6.1 Nominations can be submitted in the following ways: (Amended Sept. 24, 2019)
    - 6.1.1. In writing to the Fire Service Coordinator seven days prior to the meeting date;

- 6.1.2. Currently serving members of the committee may be included in the re-election by advising of their intention to the Fire Services Coordinator, in writing seven days prior to the meeting date; or
- 6.1.3. Verbally from the floor when nominations are asked for. The person must be present at the meeting to accept the nomination or provide written confirmation from the person if not present accepting the nomination.
- 6.1.4. A report with any names received prior to the meeting night will be presented by the Fire Services Coordinator at the AGM prior to the voting process.
- 6.2 Members who let their name stand will be included in the voting process.
- 6.3 Voting will be done by way of ballot, one vote per fire department present at the AGM.
- 6.4 If a tie occurs after three consecutive votes, those names will be put into a hat or similar vessel, the required number of names to fill the remaining committee positions will be picked by a person appointed by the Chair of the meeting.

Chris Kennedy  
Fire Services Coordinator

Council  
Item: #10.2.1  
Date: May 11, 2021  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

### Notification to Council

**REPORT TO:** MODL Council  
**SUBMITTED BY:** Stephen W. Pace, MBA, P.Eng.  
**DATE:** May 11, 2021  
**RE:** Notification of Installation of Streetlights on Copeland Road

---

#### NOTIFICATION

Council is notified of the request made by Councillor Moore to install street lighting along the Copeland Road in the New Germany Lighting District in accordance with Policy MDL-35 Street Light Policy. The proposed streetlights will not exceed the maximum 10% allowable additional streetlights in the charge area.

#### DISCUSSION

As stated in Section 6.3 of Policy MDL-35 Street Light Policy, **“At least 7 days prior to approving the addition or removal of streetlights, the Director of Engineering shall give notification of the pending change at a public meeting of Committee of the Whole or Council.”** The Copeland Road request is exempted from the petition process in accordance with Section 6.2 of Policy MDL-35 Street Light Policy as, **“the request for the addition or removal of fewer than 10% of the streetlights in a charge area will be made by the Councillor(s) for the District(s) in which the area exists.”** This notification is intended to make Council aware of the proposed change to the New Germany streetlight charge area as requested by Councillor Moore.

The new lights will be installed on the Copeland Road between Route 10 and Civic address number 120.

#### BUDGET IMPLICATIONS

Cost for installing, maintaining and operating the streetlights will be recovered through the New Germany streetlight area rate of \$0.039 per \$100 of assessment. The ratepayers that will be serviced by the new streetlights will be included in the New Germany charge area.

## **CONCLUSION**

Council is notified of the request made by Councillor Moore to install streetlighting along the Copeland Road in the New Germany Lighting District in accordance with Policy MDL-35 Street Light Policy. The proposed streetlights will not exceed the maximum 10% allowable additional streetlights in the charge area. The Engineering Department will proceed with this work.

---

Department: **Engineering Department**

Report Prepared By: **Jamie Burgess, P. Eng.** Date: **May 11, 2021**

Report Approved By: **Stephen W. Pace, MBA, P. Eng.** Date: **May 11, 2021**

Reviewed By CAO: Date: