



TOWN OF LUNENBURG PLANNING & DEVELOPMENT

January 21, 2020 -- Recently there have been public inquiries regarding planning applications that ABCO Industries Inc. may or may not have submitted to the Town of Lunenburg; answers can be found below. **Please note that the Town of Lunenburg does not speak for ABCO Industries Inc.**

Status re: ABCO Industries Inc. Application(s)

1. What has ABCO applied for and why?

ABCO Industries Inc. has applied for an amendment to the Municipal Planning Strategy (MPS) Map 2 Future Land Use Map to remove six properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area (ACA) along Tannery Road. The request has been made to allow for manufacturing expansion.

In their application, ABCO states their desire to expand their current manufacturing footprint with additions to existing buildings. The ACA puts limits on the size of expansion and regulates appearance. They wish to have the flexibility to expand their operation as needed (in excess of the 25% of ground floor area allowed under ACA restrictions), and be subject only to the standards of the Marine Industrial Zone, such as the ability to use more modern cladding.

There are two ACAs within the MPS, along Falkland/Dufferin Streets and Tannery Road. If a property is in one of these areas, then it is subject to the architectural controls that are contained within the Land Use Bylaw. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft., and there are restrictions on size of additions and such things as cladding, roof shape, and style.

2. Why was the Mahone Bay Brewing Company plan for a brew pub and cidery on the ABCO property not mentioned at the January 13th public information meeting?

Several news articles about the Mahone Bay Brewing Company (parent company of Saltbox Brewery) opening a facility in Lunenburg have appeared since July, the most recent of which appeared the same evening as the public information meeting.

The Town has not yet received an application for a Development Permit for the proposed brewery, and until then is not in a position to disclose information about any proposal. A proposal under current regulations has no bearing on ABCO's MPS amendment application before the Planning Advisory Committee (PAC).

The proposal, when received, will have to meet the conditions currently set out in the Land Use Bylaw Part 16 Marine Industrial Zone, Part 26G Architectural Control Area as well as regulations for parking, signage, etc. in order to receive a Development Permit. This would be an "as of right" development, where a Development Permit would be issued if the development met all of the conditions, and does not require a public hearing process.

3. What was the recent work done on the ABCO site?

The Town does not regulate lot preparation, so owners can remove trees, grade, add or remove fill, add a retaining wall, or landscape their lot without a permit.

4. What is the process and timeline for ABCO's MPS application for removal from the Architectural Control Area? Are there other opportunities for public input?

Town Council referred the application to the PAC at their Council Meeting of October 22, 2019. This does not indicate endorsement but initiated a process to gather more information and determine merit.

- Now that the PAC's public information meeting has been completed, the committee will next meet on February 10th (4:30 p.m. in Council Chamber, Town Hall) to discuss the application. They will make a recommendation to Council accompanied by a staff report and the minutes of the public information meeting. The public is welcome to attend PAC meetings.
- If Council agree to proceed, they can give first reading and set a public hearing to take place after advertising twice and sending a mailing to all assessed owners within 100 ft., normally approximately a month later.
- The public hearing takes place before Council, and anyone can speak or provide advance written feedback.
- Council meets in public session to make a decision following the public hearing. If not approved, there is no appeal process.
- If approved, it goes to the Province for their review. There is no appeal process.
- After Provincial review, the amendment is advertised again, then comes into force.

See attached document "MGA Chart 1 – Planning Documents Approval Process".

5. If a property is removed from an Architectural Control Area, does that mean there are no controls on development on their land?

No. Even if a property was not subject to ACA restrictions, zoning under the Land Use Bylaw is still in place. Any development would still be required to meet use, height, minimum lot area, and other standards, and would be subject to the development permitting process.

Removal from an ACA does not mean a property is free from planning and development control. Please note that views and view planes are not protected.

6. What do the Architectural Control Areas have to do with the Heritage Conservation District?

Currently nothing. However, a revised Heritage Conservation District Plan and Bylaw review process is now underway by the Heritage Advisory Committee. It includes the proposal that the two ACAs be removed from the Land Use Bylaw and moved into an expanded Heritage Conservation District. There is policy in the MPS to have the Architectural Control Areas become part of a revised Heritage Conservation District.

The Municipal Planning Strategy and Land Use Bylaw will be reviewed and revised as part of the "Project Lunenburg" Comprehensive Community Plan Project.

7. What is the status of ABCO’s sea bed acquisition inquiry and/or mixed residential-commercial design concepts that ABCO approached Town Council about?

Regarding the sea bed acquisition inquiry: Lunenburg Harbour is a federal harbour owned by Transport Canada. ABCO approached Town Council in the spring of 2019 for a “letter of non-objection” to the Federal government for their potential purchase of a parcel of the Lunenburg Harbour sea bed.

After legal review and after receiving additional information from the Province and Transport Canada (see below), Town Council made a decision at the Council Meeting of September 10, 2019 that it would be premature to consider ABCO’s request at this time.

- a. Transport Canada reported in a July 31, 2019 letter that they had not received a formal expression of interest for a purchase, and noted that the process to purchase federal land *“can be complex and lengthy in nature”* and would be evaluated *“bearing in mind the interests of all stakeholders”*.
- b. The NS Department of Business reported in a July 4, 2019 letter that:

“Transport Canada has approached the provincial government to assume ownership of fourteen harbour bottoms in eleven communities, including Lunenburg. A multi-departmental committee is reviewing and assessing the request.

“When a decision to divest of a property is made, it must also be circulated to priority organizations for a public purpose acquisition prior to being made available for sale on the open market. These organizations include, in order of priority, federal government departments, agent Crown corporations, provincial government departments, and municipal governments. Transport Canada would also be required to undertake consultation with any indigenous group that may be affected by the sale.”

Regarding the mixed residential-commercial design concepts: there have been no application(s) for mixed-use zoning, development permitting, etc. for such a project.

Town of Lunenburg Planning & Development:

<https://explorelunenburg.ca/planning-and-development.html>

Town of Lunenburg Heritage:

<https://explorelunenburg.ca/heritage.html>

For further information, please contact:

Mayor Rachel Bailey
Town of Lunenburg
rbailey@explorelunenburg.ca
902-634-4410, ext. 224

Dawn Sutherland
Planning & Development Manager
Town of Lunenburg
dsutherland@explorelunenburg.ca
902-634-4410, ext. 255