



Lunenburg Heritage Society
PO Box 674
Lunenburg, NS
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902-634-3498
lunenburgheritagesociety@hotmail.com

FAX COVER

TO: Nova Scotia Utility and Review Board
Attention: Elaine Wagner, Clerk of the Board

Fax: 902-424-3919

Number of pages, including cover: 4

Message: Attached please find a Notice of Planning Appeal by the Lunenburg Heritage Society, comprising 3 pages (2-page appeal notice plus Schedule "A").

Sincerely,

Paula Rennie
Secretary, Lunenburg Heritage Society

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NOV 30 2009
Nova Scotia
Utility and Review Board

FORM A

NSUARB-

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF: An Appeal under Section 247 of the *MUNICIPAL GOVERNMENT ACT*

NOTICE OF PLANNING APPEAL

TAKE NOTICE that Lunenburg Heritage Society
(State Name(s) of Person(s) Appealing)

appeal from a decision made by Lunenburg Town Council
(Municipal Council)

on Nov 3/09 respecting property located at 164 Cumberland St.
(date)

in the County of Lunenburg, which decision states (or attach a copy of the decision):
The approval of a demolition permit for 164
Cumberland Street, Town of Lunenburg

Notice of the decision was published in the newspaper on Nov 10, 2009
(date)

Section 250(1) of the *Municipal Government Act* provides that an aggrieved person or an applicant may only appeal on the grounds that the decision "does not reasonably carry out the intent of the municipal planning strategy".

Specify each policy of the MPS which you allege council has not reasonably carried out the intent of and briefly describe how they have failed to do so: See attached Schedule "A"

(Attach additional pages if necessary)

DATED at Lunenburg, Nova Scotia this 30th day of November, 2009.

P. Zernie
Appellant, Solicitor or Agent

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Mailing Address:

PO Box 674
 (Street)
Lunenburg NS
 (City, Province)
B0T 2C0
 (Postal Code)

Home Phone: _____


Work Phone: 902-634-3498

Fax Number: _____

E-Mail Address: lunenburgheritagesociety@
hotmail.com

UNDERTAKING

The Appellant(s) hereby agrees to pay the costs of any advertising of the Notice of Public Hearing for the Appeal, and further undertakes to keep the list of names and addresses of assessed owners, which will be provided, confidential, and not disclose it to any person, nor use it for any purpose, not related to this planning appeal.



 (Signature)

Schedule "A"

1. Lunenburg Town Council ("LTC") failed to reasonably
 - (i) carry out or consider objectives 1 and 2 of the Heritage Conservation District By-law, specifically, the conservation of historic architecture and the conservation of historic urban form;
 - (ii) impose conditions on the decision to issue a certificate of appropriateness to demolish as established under the Heritage Conservation District By-law;
 - (iii) consider the recommendations of the Town Heritage Advisory Committee and the Lunenburg Heritage Society pursuant to the Heritage Conservation District By-law;
2. The LTC failed to take into consideration the higher standard of care it has in considering an application to demolish given its international recognition and responsibility as a UNESCO World Heritage Site.
3. The LTC based its decision on factors unrelated to objectives 1 and 2 of the Heritage Conservation District By-law and the decision was based on speculation and conjecture and not on professional opinion as provided for under the Heritage Conservation District By-Law, and the LTC failed to consider alternatives to demolition.
4. The LTC failed to consider a forthcoming Management Plan being prepared in accordance with an RFP by and for the Town that may, in part, deal specifically with conservation management and similar issues.
5. Such further grounds as may be raised on a review of the November 3, 2009 Minutes.

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