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Item No. 8.2

**Halifax Regional Council
August 4, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

Dan English, Chief Administrative Officer

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: July 14, 2009

SUBJECT: **Case H00226 - Application to consider 7910, Highway #7, Musquodoboit Harbour, as a Municipally Registered Heritage Property**

SUPPLEMENTARY REPORT

ORIGIN

- Heritage Advisory Committee Meeting of April 22, 2009
- On June 23, 2009 Regional Council deferred decision on the Heritage Hearing for 7910 Highway #7, Musquodoboit Harbour and approved the following motion:

“That this matter be deferred pending further information from the Provincial Department of Transportation and Public Works in regards to a possible project and re-alignment of the East PetPeswick Road; and that the proposed registration be referred to local Community Visioning Committee and Ratepayers Association for comment.”

RECOMMENDATION

It is recommended that Regional Council approve the registration of 7910, Highway #7, Musquodoboit Harbour, as a Municipal Registered Heritage Property as shown on Map 1 of the April 7, 2009 staff report, under the HRM Heritage Property Program.

BACKGROUND

At the Heritage Registration Hearing for 7910, Highway #7, Musquodoboit Harbour, on June 22, 2009 Councillor Streach requested, prior to Council making a decision, information on:

1. How the proposed heritage registration of the building, located on the corner of the Highway #7 and the East Petpeswick Road, would affect the proposed realignment of the East Petpeswick Road and Route 352; and
2. That staff seek the input of two local community groups (Community Visioning Committee and the Musquodoboit Harbour Ratepayers Association) on the proposed registration.

DISCUSSION

Road Re-alignment

With respect to the proposed road realignment, the NS Department of Transportation and Infrastructure Renewal (DTIR) has indicated that the proposal is still some years away from being undertaken, and that land acquisitions have not been completed. DTIR staff see no issues arising from the registration of the Guild house. When the realignment project moves forward, the land on which the house is located will be transected by the new road causing a portion of the lot to be subdivided. This subdivided portion of land is auxiliary to the house, and heritage staff would recommend this portion of land be de-registered by Council at that time as this small parcel would not contain the building or any other heritage features. The Heritage Property Act allows Council to de-register on its own motion, after recommendation by the Heritage Advisory Committee and a public hearing. The de-registration of the subdivided lot will have no affect on the realignment project. In the meantime, staff recommend registration of the entire property, in accordance with normal heritage registration procedure under the Heritage Property Act.

Input from Community Groups

Until the June 22, 2009 Heritage Hearing, Regional Council had not previously deferred a hearing pending additional information from an outside source. Therefore, Planning Services sought input from HRM Legal Services on how to proceed with the registration process. Legal Services indicated that the Heritage Property Act outlines a specific legal process which must be adhered to when considering designating a property as a municipal heritage property. This process requires a recommendation from the Heritage Advisory Committee and decision of Council. There is provision for the owners of the property to speak at the Heritage Registration hearing but no other parties. Although the legislation does not contemplate referral to other bodies for comment, it does not preclude additional input being provided to Council before it makes its decision. The legislation requires the registration be undertaken no less than 30 days (from the date of Notice being served on the owner) and not more than 120 days (expires September 23, 2009).

Staff contacted both community groups, as requested by Councillor Streach, and received the following comments:

- The chair of the Musquodoboit Harbour Visioning Committee indicated that the community's vision plan supports preservation of local heritage character, and therefore supports registration of the Guild House.
- The Musquodoboit Harbour Residents and Ratepayers Association supports the heritage registration but expressed concern about the long, narrow strip of land at the rear of the property vis-a-vis the proposed road re-alignment. The Association requested "re-assurance that when the Province is ready to act on the road re-alignment, that this small strip of property can be removed from the heritage designation." In fact this is precisely what staff would recommend, as noted above.

BUDGET IMPLICATIONS

There are no budget implications related to this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Regional Council could choose not to register the property. This is not recommended.


ATTACHMENTS

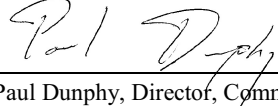
None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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