



P.O. Box 1749  
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**Item No. 9.2**  
**Heritage Advisory Committee**  
**May 23, 2018**

**TO:** Chair and Members of the Heritage Advisory Committee

*-Original Signed-*

**SUBMITTED BY:**

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Kelly Denty, Acting Director, Planning and Development

*-Original Signed-*

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Jacques Dubé, Chief Administrative Officer

**DATE:** May 10, 2018

**SUBJECT:** **Case H00452: Request to Include an Unaddressed Property on Great Beech Hill, Lower Sackville in the Registry of Heritage Property for the Halifax Regional Municipality**

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### **ORIGIN**

Application by a third party, Jane Zathey and Thadd Camara to register a property as a municipal heritage site.

### **LEGISLATIVE AUTHORITY**

*The Heritage Property Act*

### **RECOMMENDATION**

It is recommended that should an unaddressed property (PID 40347957) on Great Beech Hill Road, Lower Sackville, as shown on Map 1, score more than 35 points, the Heritage Advisory Committee recommend that Regional Council:

1. Set a date for a heritage hearing to consider the inclusion of the subject property in the registry of heritage property for the Halifax Regional Municipality; and
2. Approve the request to include an unaddressed property (PID 40347957) on Great Beech Hill Road, Lower Sackville, as shown on Map 1, in the registry of heritage property for the Halifax Regional Municipality, as shown on Map 1, as a municipal heritage property.

## **BACKGROUND**

Jane Zathey and Thadd Camara have submitted an application to include an unaddressed property (PID 40347957) located on Great Beech Hill, Lower Sackville (Map 1) in the Registry of Heritage Property for the Halifax Regional Municipality. The property comprises approximately 4,350 square metres of vacant land located along Cobequid Road at the end of Great Beech Hill.

### **Brief History**

Prior to European settlement in Nova Scotia, there was a strong Mi'kmaq presence in the Sackville area. Travel routes through the forest were created to facilitate movement between major waterways and seasonal encampments or hunting areas. Following the establishment of Halifax in 1749, a British fortification was built in Sackville to support its defense. As settlement continued to take place throughout the province, demand for formal land access between Halifax and the settlements to the north grew. In 1762, one of the existing Mi'kmaq pathways was expanded for this purpose and became known as Cobequid Road. Sackville's strategic location at the crossroads of Nova Scotia's two chief roadways at the time, Cobequid Road (which led to Shubenacadie) and Old Sackville Road (which led to Windsor) supported further growth and development of the community.

The Cobequid Road pathway originally acted as a portage route between the Shubenacadie River and the Sackville River, both of which were major transportation routes for the Mi'kmaq. Great Beech Hill, which rises approximately 100m above sea level, was used as a detour to avoid swamps and to provide travellers with a sense of direction as a result of its views of the surrounding countryside. There are anecdotal accounts that the Mi'kmaq may have used the crest of the hill (located 50m to the north on a separate parcel of land) as a temporary camp and look-out.

Cobequid Road continued to be formalized and enhanced over the years. When stage coach service was established on the road in 1815, a diversion along the north side of the Great Beech Hill was established to avoid its steep inclines. As transportation methods improved, the need to avoid topography was reduced and the roadway was straightened to its current form. This resulted in the creation of a number of crescents including Great Beech Hill Road and Settlers Lane, which continued on as provincial roadways (see below).



*A map of Cobequid Road showing the existence of a number of crescents similar to the former Great Beech Hill Road (circled in red) which resulted from a re-aligning of the roadway early in the 20th century.*

The subject site comprises the property that originally made up the provincial road right-of-way. A comparison of the route as shown on an 1817 map of Cobequid Road and a satellite image of the current road is included in Attachment A. There is no evidence that the subject site corresponds with the original route of either the 1815 roadway, or the original Mi'kmaq portage, which is believed to have been several hundred metres to the west. The property was owned by the Province of Nova Scotia until 2015 when it was declared surplus and sold to the current owner, Stoneridge Properties Limited, in 2016.

Staff have contacted the property owner to make them aware of the heritage registration application. The property owner has indicated that they are not supportive of the registration of the property as they have completed research and consultation with local elders and historians and are not aware of any heritage value associated with the lands. As a result, they do not believe that registration is warranted. The property owner's complete comments are included in Attachment B.

The current application to include the subject property in the Registry of Heritage Property for the Halifax Regional Municipality is being evaluated based on the property's heritage value and the evaluation criteria established through HRM's Heritage Property Program.

This application is being considered in accordance with Sections 14 and 15 of the *Heritage Property Act*.

### **HRM's Heritage Property Program**

The purpose of the HRM Heritage Property Program is to help protect and conserve significant heritage resources including buildings, streetscapes, sites, areas, and conservation districts that reflect the rich heritage found in local communities throughout HRM. One of the ways that the Program accomplishes this is through the inclusion of properties featuring significant heritage resources in the Registry of Heritage Property for the Halifax Regional Municipality.

Under the Heritage Property Program, all registration applications for heritage sites are evaluated by the Heritage Advisory Committee (HAC) using the "Evaluation Criteria for Registration of Heritage Sites" (Attachment C). This process is somewhat different than the evaluation process for heritage properties which is used more frequently in registration applications. One notable difference is that the maximum number of points which can be attained is 70 in the evaluation of heritage sites, rather than 100.

The Evaluation Criteria for scoring a property are broken down into four categories as follows:

<b>Criterion</b>	<b>Highest Possible Score</b>
1. Age of Site/Continuity of Use	25
2. Historical Importance	25
3. Integrity	10
4. Context/Community Value	10
<b>Total</b>	<b>70</b>

Should the HAC give a property a score of more than 35 points, a positive recommendation will be forwarded to Regional Council.

### **Nova Scotia Heritage Property Act**

HRM's Heritage Property Program receives its authority from the *Heritage Property Act* which seeks:

*"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".*

The current application has been submitted by a third-party applicant. In HRM, heritage registration applications are most commonly submitted by the owners of heritage properties. However, the *Heritage Property Act* does not limit who may apply to register a property. For example, in 1978 the Former City of Halifax initiated the registration of a large number of heritage properties following the adoption of the *Evaluation & Protection System for Heritage Resources in Halifax*, which provided evaluations and recommendations regarding unregistered heritage resources in the community.

Sections 14(2) and 15(1) under the *Heritage Property Act* require that notice of recommendation be given to the property owner at least thirty (30) days prior to any Council decision to include the property in the Registry of Heritage Property for the Halifax Regional Municipality. The property owner is also given an opportunity to address Council before they make a decision on the registration request. Should a positive recommendation be forwarded to Council, heritage staff will ensure the required notices are sent to the owners and filed at the Registry of Deeds. Should a negative recommendation be reached, the process ends and the application is not forwarded to Regional Council.

## **DISCUSSION**

Registration applications for heritage sites are evaluated by the HAC relative to four evaluation criteria as outlined above and described in greater detail in Attachment C. To assist the HAC in their evaluation and scoring, staff offer the following comments based on historical research provided by the applicants.

### **1. Age:**

#### Age of Site or Continuity of Use

The subject property is an undeveloped parcel of land located along Cobequid Road on Great Beech Hill Road. Cobequid Road was historically a path used by the Mi'kmaq to travel through the Sackville area. The path was later formalized and expanded by European settlers to serve as a roadway between Halifax and the Truro area. Great Beech Hill was a notable feature of this road, providing high ground away from swamp land and views of the surrounding area for navigation.

While Cobequid Road and the Great Beech Hill area have a rich history mainly due to the longstanding transportation route nearby, there is limited information regarding the subject property itself. Staff have found no evidence of any historic use or event specifically associated with the property. As a result, there is insufficient information available to determine an age or continuity of use related specifically to the subject property.

### **2. Historical Importance**

The applicants have provided anecdotal evidence that Mi'kmaq artifacts have been found on the subject property by local residents in previous years. The subject property is not identified by the Regional Municipal Planning Strategy as an Area of Elevated Archaeological Potential. Heritage Staff contacted the Province's Department of Communities, Culture and Heritage, which supports the preservation of archaeological sites in Nova Scotia, for comment regarding the application. Their staff indicated that the property has not been identified as a place of heightened archaeological importance.

Staff also contacted the Province's Office of Aboriginal Affairs to determine if there has been any documented First Nations interest in the property. They indicated that when the Province declared the property surplus in 2015 the Assembly of Nova Scotia Mi'kmaq Chiefs was consulted and did not have any concerns regarding the sale of the property to a private property owner. The Office of Aboriginal Affairs' complete comments are included in Attachment D.

The subject property has not been identified as having archaeological or cultural value by the Municipality or the Province and no additional information regarding the history of the property has been identified beyond its proximity to Cobequid Road. As a result, staff advises that there is insufficient evidence to indicate that the property is related to an important occasion, institution, individual or group.

The Department of Communities, Culture and Heritage suggested that if there is a concern that archaeological resources could be damaged as a result of development on the property, the property owner or a third party could flag the property with their staff. The Department would then review the area and make a recommendation to the property owner regarding the completion of an Archaeological Resource Impact Assessment for the lands. Their complete comments are included in Attachment E. Staff notes that

this would be a more appropriate process for the subject property and would include the involvement of the property owner.

### 3. Integrity

The subject property is a wooded parcel of land. It is generally undeveloped, with the exception of a private road that travels along the western edge of the lot and connects at either end to Cobequid Road. This private road was a provincial right-of-way until 2015 when it was declared surplus and sold by the Province. The site is covered in young mixed forest, suggesting that it has been cleared in the recent past. Because the property is not specifically associated with any historical events, institutions, individuals or groups, it is difficult to identify character defining elements that have been preserved.

### 4. Context

#### Relationship to Surrounding Area or Community Value

The subject property is located along Cobequid Road in an area comprised mainly of large wooded properties, some of which have been developed with single detached dwellings. The surrounding lands are mainly provincial crown lands interspersed with private land holdings. While the general forested area to the west of Cobequid Road has had a long history of recreational use with local residents, there is little evidence that the property in question is integral to the continuation of that use or access.

As discussed above, Heritage Staff contacted the Province's Office of Aboriginal Affairs for comment regarding the application. Their staff indicated that the Assembly of Nova Scotia Mi'kmaq Chiefs did not identify the property as having heritage value when they were consulted regarding its sale in 2015. Furthermore, the Province's Department of Communities, Culture and Heritage did not identify the property as a place of heightened archaeological importance. As a result, they were of the opinion that there is insufficient evidence of heritage value to justify undertaking additional consultation with First Nations communities regarding the subject property, stating:

*"[...] there is no legal duty to consult, nor is there an overly strong argument for engagement given representatives of the Mi'kmaw community have reviewed these lands and had no concerns and the provincial body responsible for cultural designations also reviewed the land with no concerns."*

As a result, staff advises that the subject property does not have any demonstrated community value.

#### **Assessing Heritage Value**

Staff have been clear with both the applicants and the property owner that the readily available evidence to support heritage registration in this case is lacking. Some research material was provided by the applicants in support of the registration, however much of this information was anecdotal or did not withstand scrutiny (such as the suggested correlation between the subject site and the original Mi'kmaq portage route). Also, staff have completed their due diligence by contacting the Province to determine the likelihood of archeological potential, and by confirming that there is no interest by First Nations in supporting heritage registration for the site.

Staff advise that there is insufficient evidence to support a registration in this case, and note that further research by the municipality in support of the application would not be warranted. However, the committee has the option to direct staff to undertake further study by hiring a contracted researcher to confirm the findings of staff and the information provided by the applicants. This option is not recommended.

### **FINANCIAL IMPLICATIONS**

The costs associated with advertising and processing this application can be accommodated within the approved 2018/2019 operating budget for C002 – Urban Design.

### **COMMUNITY ENGAGEMENT**

The community engagement process for a heritage registration is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was information sharing achieved through public accessibility to the required Heritage Advisory Committee meeting. As a provision of the Heritage Property Act, no registration of a municipal heritage property shall take place until Regional Council has given the owner of the property an opportunity to be heard.

### **ENVIRONMENTAL IMPLICATIONS**

No concerns identified.

### **ALTERNATIVES**

1. The Heritage Advisory Committee may choose to deny the request to include the subject property in the registry of municipal heritage properties.
2. The Heritage Advisory Committee may choose to recommend that Regional Council approve the request to include the subject property in the registry of municipal heritage properties.
3. The Heritage Advisory Committee may choose to recommend that HRM staff engage a consultant to conduct further research regarding the heritage value of the subject property and provide the results of this exercise in a further report to HAC regarding the application.

### **ATTACHMENTS**

Map 1: Location Map

Attachment A: Cobequid Road Maps

Attachment B: Property Owner Comments

Attachment C: Evaluation Criteria

Attachment D: Office of Aboriginal Affairs Comments

Attachment E: Department of Communities, Culture and Heritage Comments

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

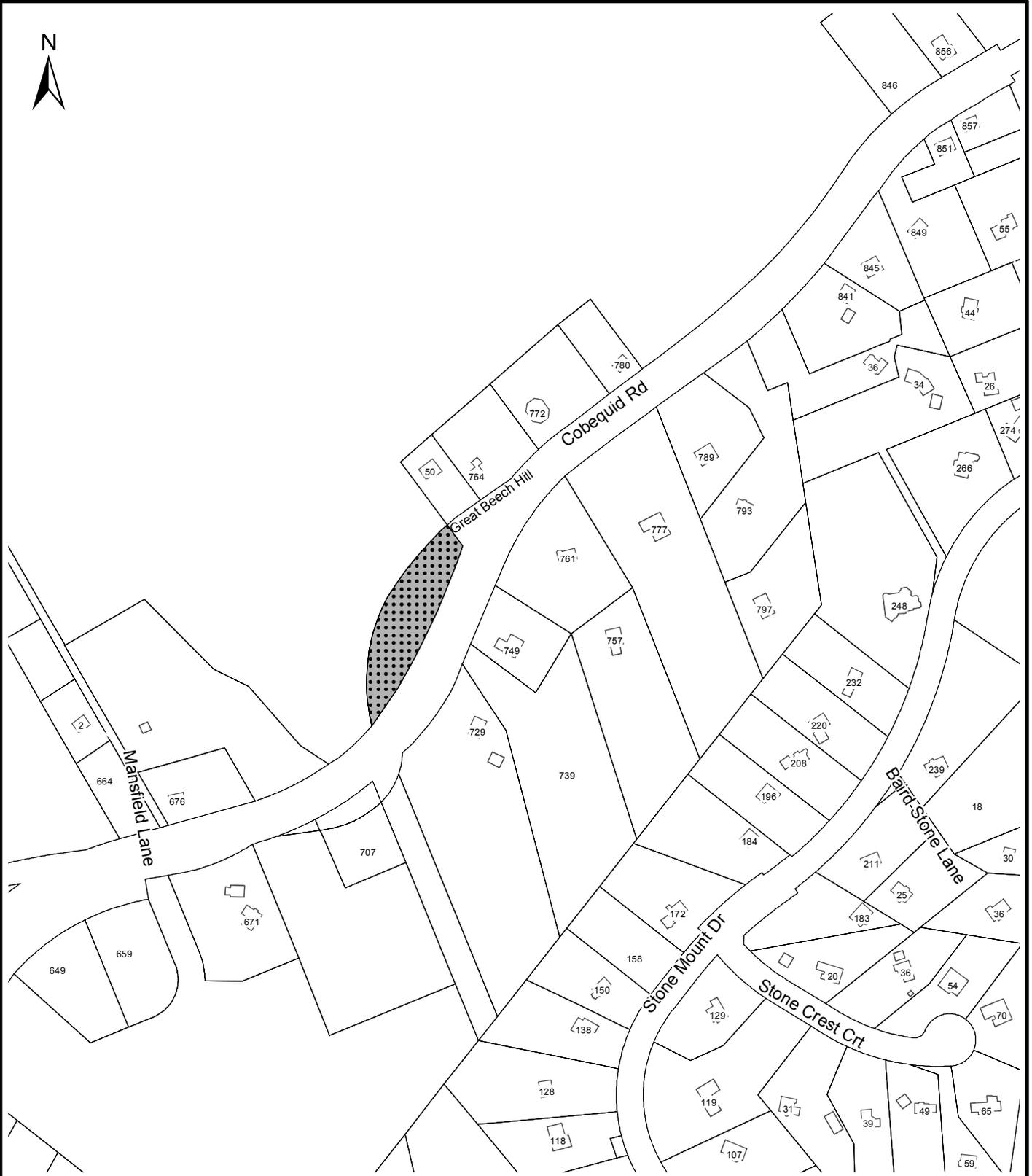
Report Prepared by: Kathleen Fralic, Planner II, 902.490.4904

*-Original Signed-*

Report Approved by:

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Kurt Pyle, Social & Economic Research Program Manager, 902.490.6011

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**Map 1 - Location Map**  
Great Beech Hill, Lower Sackville

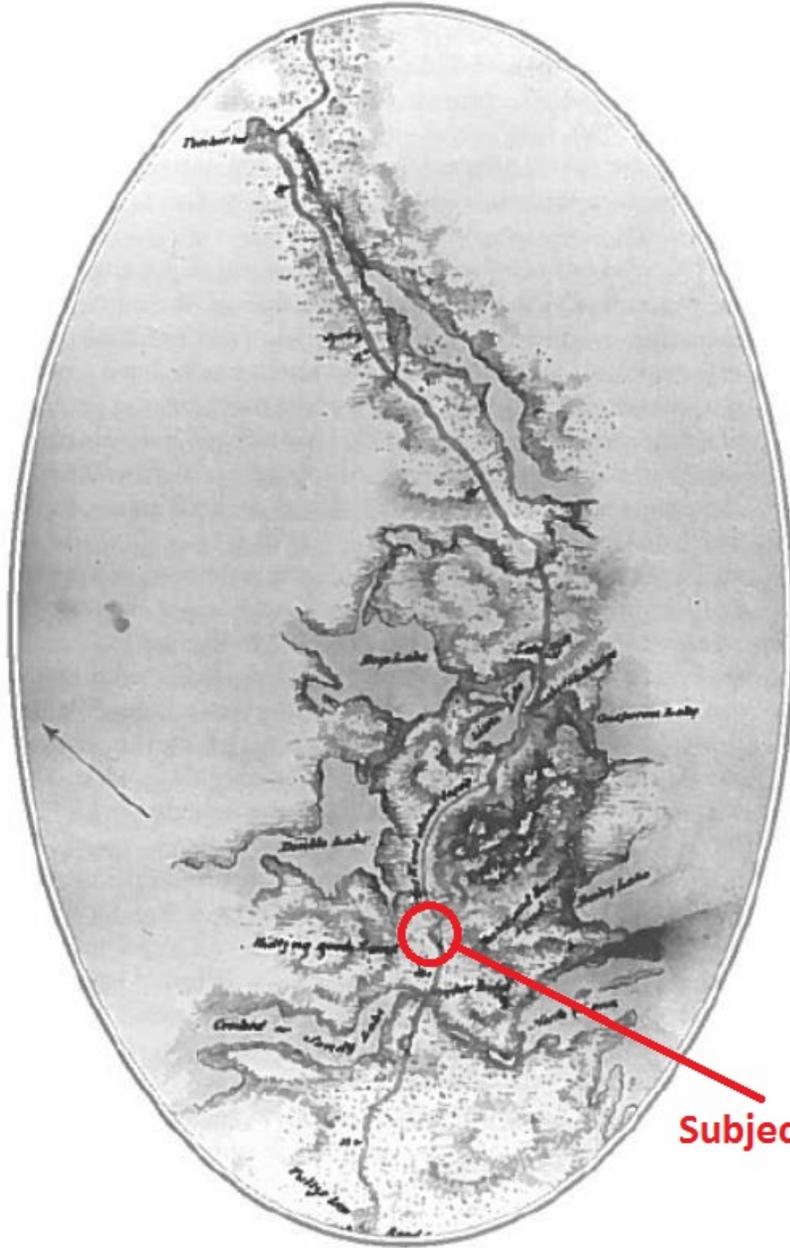
 Subject Property

**HALIFAX**

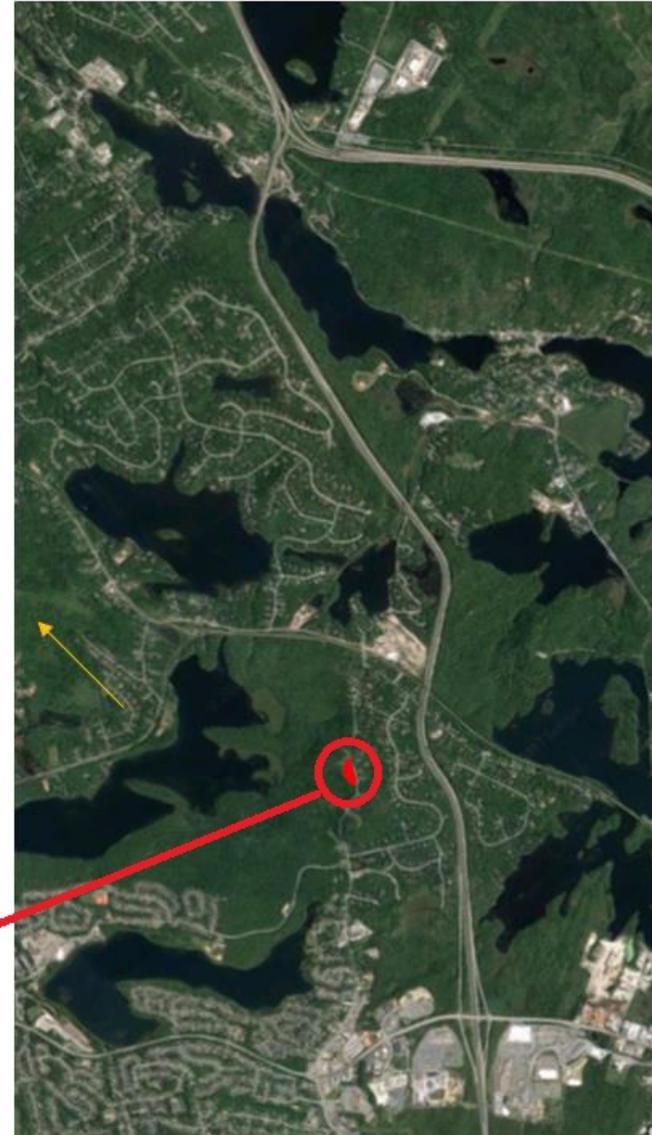


HRM does not guarantee the accuracy  
of any representation on this plan.

# Attachment A – Cobequid Road Maps



JOHN WOOLFORD'S MAP OF 1817 SHOWING THE COBEQUID ROAD



2017 Image of Cobequid Road  
(subject property shown in red)

**Kevin Saunders, Stoneridge Properties Ltd. (Property Owner)**

*Email Dated March 26, 2018*

About 30 years ago while developing my subdivision Stone Mount Village and when receiving approvals from The Department of Transportation it was agreed that I would sell a couple of parcels of my land to the Dept. and as well I would buy some rights that the Dept. may have had on my land. The Dept. also wanted to sell me a small portion of road way which was left over after they had straightened out the original Cobequid Road. I did agree to purchase their land and have it consolidated with my small piece of ground which was also created when the Dept. straightened out the Cobequid Road.

During this lengthy period of time I met with members of the community many of which were elders who were very knowledgeable and very proud about the history of the local area. I also spoke to the local councilor and Historian Mr. Harvey on many occasions about coach roads, trails, burial grounds etc.

Because of my extensive research and knowledge of this particular piece of ground I'm 100% against the Heritage Advisory Committee recommending Lot CS for registration!

**Attachment B**  
**EVALUATION CRITERIA**  
**FOR REGISTRATION OF HERITAGE SITES**  
**IN HALIFAX REGIONAL MUNICIPALITY**

A Heritage site is defined as an area, cultural landscape, or feature, together with any structures thereon, which is significant to the social, cultural, commercial, military or political history and development of Halifax Regional Municipality, the Region, Province or Country. *The Heritage Value* of a site is derived from a number of sources, including age of a site or duration of use, as well as community and historical associations.

**1. AGE OF SITE/CONTINUITY OF USE**

**1 a) Age of Site**

Age is an important factor in the popular understanding of the value of heritage sites. The following age categories are based on local, national and international occasions that may be considered to have defined the character of what is the Halifax Regional Municipality and how it was developed. A site may receive points for its age **or** its continuity of use.

<b>Date of Original Use</b>	<b>Points</b>	<b>Timeline</b>
1749 - 1785	23-25	Halifax Garrison Town to the Loyalist migration
1786 - 1830	20-22	Boom period following construction of Shubenacadie Canal
1831 - 1867	17-19	From construction of Shubenacadie Canal to Confederation
1868 - 1899	14-16	Confederation to the end of the 19 <sup>th</sup> Century
1900 - 1917	11-13	Turn of the Century to the Halifax Harbour Explosion
1918 -1945	8-10	The War Years
1946 - Present	5-7	Post-War

**OR**

**1 b) Continuity of Use**

A site may also be deemed to have heritage value because it has served the same function or a similar function over a long period of time.

<b>Duration of Continue/Similar Function</b>	<b>Points</b>	<b>Comments</b>
100+ Years	20-25	
75-99 Years	15-19	
50-74 Years	10-14	

*Maximum score of 25 points in this category*

## 2. HISTORICAL IMPORTANCE

Historical importance refers to relationships to important occasions, institutions, individuals or groups.

<b>Nationally</b>	<b>Points</b>	<b>Comments: Please give reference to relationship below</b>
Intimately Related	20-25	
Moderately Related	15-20	
Loosely Related	10-15	
<b>Provincially</b>	<b>Points</b>	<b>Comments: Please give reference to relationship below</b>
Intimately Related	15-20	
Moderately Related	10-15	
Loosely Related	5-10	
<b>Locally</b>	<b>Points</b>	<b>Comments: Please give reference to relationship below</b>
Intimately Related	10-15	
Moderately Related	5-10	
Loosely Related	0-5	

*Maximum score of 25 points in this category - scoring from only one of three categories*

## 3. INTEGRITY

Integrity refers to the degree to which the site reflects its original state during the period it was used. This may include the presence of physical features or structures.

<b>Points</b>	<b>Comments</b>
6-10	Largely intact with presence of original features or structures
1-5	Moderately intact with vestiges of original features or structures

*Maximum score of 10 points in this category.*

#### 4. CONTEXT

A site may receive points for its relationship to its surrounding area **or** for its inherent value to the community.

##### 4 a) Relationship to Surrounding Area

Points	Comments
6-10	The site is an important asset contributing to the heritage character of the surrounding area
1-5	The site is compatible with the surrounding area and maintains its heritage character

**OR**

##### 4 b) Community Value

Points	Comments
6-10	The site is well documented in local history (written or oral)
1-5	The site is little known or not documented in local history

*Maximum score of 10 points for either relationship to surrounding are or community value for this category.*

## SCORING SUMMARY

PROPERTY	DATE REVIEWED	REVIEWER

Criterion	Highest possible Score	Score Awarded
1. a) Age of Site <b>or</b> 1. b) Continuity of Use	25	
2. Historical Importance	25	
3. Degree of Intactness	10	
4. a) Relationship to Surrounding Area <b>OR</b> 4. b) Community Value	10	
<b>TOTAL</b>	<b>70</b>	

**Score necessary for designation** **35**

**Designation Recommended?** **YES** **NO**

**Comments:**

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**Beth Lewis, Consultation Advisor, Nova Scotia Office of Aboriginal Affairs**

*Email Dated September 13, 2017*

Currently and generally, there is no clearly defined legal duty to consult on the part of Municipalities, however, many do engage with Indigenous groups in the spirit of partnership and relationship building and certainly whenever issues around archeology/cultural resources arise. However, this property was declared surplus but TIR several years ago (and subsequently sold). We have on record here at OAA that in 2015, our negotiations department informed the Assembly of Nova Scotia Mi'kmaq Chiefs that TIR declared the land surplus. Informing the Assembly in this way is standard process we have. We have no record of any concerns coming back from the Assembly (which makes sense because the sale would not have proceeded until any such concerns were resolved). This coupled with the CCH's decision to not pursue any cultural designation on the land leads me to think the application for the historical designation is not overly strong here.

In short, from my perspective, there is no legal duty to consult, nor is there an overly strong argument for engagement given representatives of the Mi'kmaw community have reviewed these lands and had no concerns and the provincial body responsible for cultural designations also reviewed the land with no concerns.

**Sean Weseloh McKeane, Coordinator, Special Places**

*Email Dated December 12, 2017*

If there was an area where development was planned and a third party thought that there was potential for damage to archaeological resources then generally the process is that they would flag this with the developer directly and / or with the Department of Communities, Culture and Heritage (CCH). CCH staff would then review the information that we have about archaeological sites and potential for the given property and then make a recommendation to the property owner with respect to whether an Archaeological Resource Impact Assessment should be carried out as part of the planning phase for the project. These studies are the responsibility of the developer to finance as part of the overall development project. It is important to note that a third party cannot contract an archaeologist to carry out an archaeological study on a property unless they have the landowners consent.