



COUNCIL MEETING AGENDA
Tuesday, June 16, 2015 @ 7:30 pm
Municipal Administration Centre (Council Chambers)

- 1) Call to Order – Chairman, Warden Russell Boucher
- 2) Approval of Agenda
- 3) Approval of Municipal Council Minutes of May 19th, 2015
- 4) Business Arising from Minutes
- 5) Public Hearings
 - i. Amendments to the **Rural General (RG-1) Zone** of the Land Use By-law for the **Antigonish Fringe Planning Area** to add “**Storage Buildings**” as a permitted use in the zone and adding special requirements for a storage building (which is a main use) with respect to the size of the building and the conditions under which an Environment Approval or Qualified Persons Report verifying soil conditions adequate to contain an onsite sewer system may be required.
- 6) Presentation(s)
 - i. Brenda – Seaside Communications
 - ii. John Ouellette – Bell Aliant
- 7) Correspondence
 - i. UARB – Boundary Review Decision
 - ii. Staff Sft. Glassford – RCMP Monthly Report
 - iii. NS Dept. of Municipal Affairs – Notice of Upcoming Increase in Out of Court Settlement Amounts of Summary Offense Tickets for By-law Offences
- 8) Committee Reports
 - i. Committee of the Whole – May 26, 2015
 - ii. Planning Advisory Committee – June 3, 2015
 - iii. Committee of the Whole – June 16, 2015 (Will be provided at the meeting)
- 9) Motion(s)
- 10) Reports from Individual Council Members on Outside Boards, Committees, and Commissions
- 11) Miscellaneous Business
- 12) Adjournment



MUNICIPALITY OF THE COUNTY OF ANTIGONISH

Municipal Council Meeting - Minutes

Tuesday, May 19, 2015

7:30 to 8:20 pm

Present: Warden Russell Boucher, Chairperson
Deputy Warden Owen McCarron

Councillors: Donnie MacDonald Bill MacFarlane
Mary MacLellan Vaughan Chisholm
Angus Bowie Pierre Boucher
Hugh Stewart Rémi Deveau

Also present: Glenn Horne, Municipal Clerk/Treasurer
Beth Schumacher, Deputy Clerk
Adam Rodgers, Solicitor – Boudrot & Rodgers Law Firm
Corey LeBlanc, Antigonish Casket
Matt Draper, The Reporter
Greg Morrow, The Hawk
Ken Kingston, CJFX
Shannon Long, Constituency Assistant, Antigonish MLA
Gallery

Regrets: None

The meeting was called to order at 7:41 by the Chair, Warden Russell Boucher.

APPROVAL OF AGENDA

Warden Boucher called for any additions or deletions to the agenda. No changes were identified.

Min #2015-069 (Approval of Agenda)

MOVED by Deputy Warden McCarron, SECONDED by Councillor MacFarlane, that the agenda be approved. Motion carried.

APPROVAL OF MINUTES

Warden Boucher called for the approval of the Municipal Council Minutes of April 21, 2015.

Min #2015-070 (Approval of April 21st Council Minutes)

MOVED by Councillor MacDonald, SECONDED by Councillor Chisholm, that the Municipal Council Minutes of April 21, 2015 be approved. Motion carried.

PRESENTATIONS

Alec Ross – Flag Design Contest Winner – H.M. MacDonald Elementary School

Mr. Alec Ross, accompanied by Mr. Daniel Ross and Mr. J. Dayman (H.M. MacDonald School Principal), was introduced by Councillor MacLellan. Alec was the winner of a school flag design held at the school, which was part of a class activity that involved learning about the history of the Canadian flag to commemorate the 50th anniversary of its design.

Mr. Ross explained that his inspiration was a desire to create a design that was “simple, unique, and symbolic”, incorporated the school colours, and had a way of representing the school’s mascot – a black bear. Mr. Ross was congratulated and thanked for his presentation by the Warden on behalf of the members of Council.

CORRESPONDENCE

Correspondence has been received from the following:

1. Staff Sgt. Glassford – RCMP Monthly Report - April.

COMMITTEE REPORTS

Committee of the Whole Report – April 30, 2015

Min #2015-071 (Bulky Waste Collection Tender)

MOVED by Councillor MacFarlane, SECONDED by Councillor MacLellan that the tender for the Bulky Waste Collections be awarded to Eastern Sanitation Limited in the amount of \$41,630.61. Motion Carried.

Min #2015-072 (1st Reading – Storage Building Amendment)

MOVED by Councillor Bowie, SECONDED by Councillor MacDonald that the amendment to allow for storage buildings (which include “Accessory Buildings”) as a permitted use in the Rural General development areas of the Plan Areas be given first reading. Motion Carried.

Min #2015-073 (South-West Antigonish Area Advisory Committee)

MOVED by Councillor Bowie, SECONDED by Councillor Chisholm the County disbands the South-West Antigonish Area Advisory Committee. Motion Carried.

Min #2015-074 (2015/2016 Sewer Rate)

MOVED by Councillor MacDonald, SECONDED by Deputy Warden McCarron that the 2015/2016 Sewer Rate be set at \$311.00 per user unit. Motion Carried.

Committee of the Whole Report – May 5, 2015

Min #2015-075 (Low-Income Tax Exemption Threshold)

MOVED by Councillor Deveau, SECONDED by Councillor MacFarlane that the maximum income threshold for the low-income tax exemption be raised to \$20,000.00 a year. Motion Carried.

Committee of the Whole Report – May 19, 2015

Min #2015-076 (Tax Account Write-Offs)

MOVED by Councillor Stewart, SECONDED by Deputy Warden McCarron that Municipal Council write-off the tax accounts as identified in the staff memo dated May 5, 2015. Motion carried.

Min #2015-077 (2015 Single-Axle Cab & Chassis Plow Truck Tender)

MOVED by Councillor Stewart, SECONDED by Councillor Deveau that Municipal Council approve the recommended Tender for a new 2015 single-axle cab & chassis for a plow . Motion carried.

Min #2015-078(Big Marsh Branch Road Petition)

MOVED by Councillor MacDonald, SECONDED by Councillor Deveau that Municipal Council endorses a letter to accompany a petition submitted by the Big Marsh Branch Road residents for ditching and gravelling. Motion carried.

Min #2015-079 (Bonvie-MacDonald Rinks to Links Golf Tournament)

MOVED by Councillor Stewart, SECONDED by Councillor Bowie that Municipal Council fund a team at a cost of \$1500 for the Bonvie-MacDonald Rinks to Links Golf Tournament, to be held on June 15, 2015. Motion carried.

MOTIONS

Min #2015-080 (Striking the Tax Rate)

MOVED by Councillor Deveau, SECONDED by Councillor MacLellan that Municipal Council adopt the budget and strike the tax rate as per the resolution attached to the May 19, 2015 Municipal Council Minutes. Motion carried.

Min #2015-081 (Borrowing Resolution)

MOVED by Councillor MacFarlane, SECONDED by Deputy Warden McCarron that Municipal Council approve the borrowing resolution as attached to the May 19, 2015 Municipal Council Minutes. Motion carried.

UPDATES/REPORTS FROM INDIVIDUAL COUNCIL MEMBERS

Councillor MacFarlane wished to express praise to Mr. Horne and Municipal Staff for all of the work that had been done in the preparation of this year's budget.

Councillor Chisholm reported that he had attended:

- The Liberal Party breakfast session where Mr. Ford Rice from the Strait Regional School Board had given a presentation

Councillor Deveau reported that he had attended:

- A Crime Prevention meeting

Councillor MacLellan reported that she had attended:

- Saltscapes Expo in Halifax, which had excellent attendance and where local Antigonish Town and County business had donated a basket worth over \$1600 for a raffle

- An ACALA meeting
- Visits with Victoria County representatives regarding cell phone services in rural areas, as part of looking into service concerns in District 1.

Councillor Boucher reported that he had attended:

- The UNSM conference in White Point

Deputy Warden McCarron reported that he had attended:

- Arena Commission Meeting (noted that the 50/50 is still ongoing)
- A meeting a Wayne O'Connor (Clerk with NSP) regarding service concerns and communications
- The morning session of the St. FX graduation ceremonies

Warden Russell Boucher reported that he had attended:

- REN meetings as part of the Liaison Oversight Committee
- Lieutenant Governor's Awards in Mabou
- The afternoon session of the St. FX graduation ceremonies
- The UNSM Spring Workshop at White Point
- The St. FX Kehoe fundraising dinner in Halifax

MISCELLANEOUS BUSINESS

Highway 337 Paving Concerns

Councillor MacLellan brought forward a concern from District 1 resident Velma MacEachern regarding the condition of the road surface on Highway 337 for a six (6) kilometer stretch in the Cape George-Ballantyne's Cove area, and asked that the Municipality endorse a letter to provincial transportation department personnel, TIR minister Geoff MacLellan and Antigonish MLA Randy Delorey. Discussion followed.

Min #2015-082 (Highway 337 Resurfacing Request)

MOVED by Councillor MacLellan, SECONDED by Councillor Deveau that Municipal Council endorses a letter to provincial representatives requesting the resurfacing of a portion of Highway 337. Motion carried.

MOTION TO ADJOURN

Min #2015-083 (Motion to Adjourn)

MOVED by Deputy Warden McCarron, SECONDED by Councillor Boucher that the Council meeting adjourns at 8:19pm. Motion carried.

Warden Russell Boucher

Glenn Horne, Municipal Clerk/Treasurer

To: **Municipal Council
Municipality of the County of Antigonish**

From: **John Bain, Planning Director
Eastern District Planning Commission**

Date: **April 30, 2015**

Reference: **Nova Scotia Power Connections for Parked Recreational Vehicles, Travel Trailers and Utility Buildings in the New Fringe Plan Area.**

Background and Information:

Recently the Antigonish County Eastern, Fringe, Central and Central Interim Plans were amended to address issues raised by constituents who had been refused building permits which they need in order to have *Nova Scotia Power* connect their recreational vehicles or travel trailers to the electrical system. All of these by-laws were amended to allow for storage buildings as a permitted use in the rural general development areas of the plan areas. Unfortunately the amendment was not added to the new fringe document. Staff had requested the Department of Municipal Affairs add the change to their Ministerial amendments however they received legal advice to the contrary.

Section 246(3) of the *Municipal Government Act* states that: “A development permit that is inconsistent with a proposed land-use by-law or a proposed amendment to a land-use by-law may not be issued for one hundred and fifty days from the publication of the first notice advertising the council’s intention to adopt or amend the by-law.” Given that the new Fringe Plan was advertised November 26, 2014 the one hundred and fifty (150) days expired April 25, 2015. Provincial Approval was given April 24, 2015.

Therefore if there are any Storage Buildings which need permits in the Fringe area these permits can be issued now and up until the new Fringe Plan is published next Wednesday. Staff understand there is at least one such permit that will be issued.

Recommendation:

That Council give First Reading approval to the attached amendments and set a public hearing date so that these amendments can be added to the document as soon as possible.

Amending Pages

A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH
ANTIGONISH FRINGE PLANNING AREA

The Land Use By-law for the Municipality of the County of Antigonish, **Antigonish Fringe Planning Area** is hereby amended as follows:

1) Inserting the following immediately following “Single detached dwellings” in Section 1 of Part 8 Rural General (RG-1) Zone:

z. Storage Buildings

2) Inserting the following immediately following the end of Section 16 of Part 8:

Special Requirements Storage Buildings

8.17 A storage building shall not be an “Accessory Building” as defined in sub clause 1.2.1.2(2)(a) of the Nova Scotia Building Code Regulations.

8.18 An Environment Approval or Qualified Persons Report verifying soil conditions adequate to contain an onsite sewer system may be required.

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Antigonish held on the ____ day of ____ 2015

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of ____ 2015.

Mr. Glenn Horne, Municipal Clerk

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MUNICIPAL GOVERNMENT ACT

- and -

IN THE MATTER OF AN APPLICATION by the **MUNICIPALITY OF THE COUNTY OF ANTIGONISH** to confirm the number of councillors and to alter the boundaries of polling districts

BEFORE:

 David J. Almon, Member

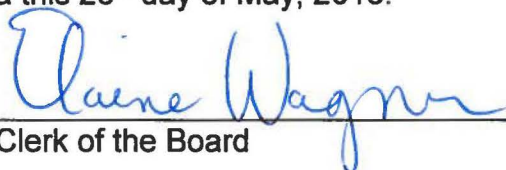
ORDER

An application having been made by the Municipality of the County of Antigonish pursuant to s. 369 of the *Municipal Government Act* and the Board having issued its Decision on May 5, 2015;

IT IS HEREBY ORDERED that the number of polling districts for the Municipality is confirmed at ten, each electing one councillor. The Board approves the proposed changes to the polling district boundaries. The polling districts are approved as set out in the maps annexed to this Order;

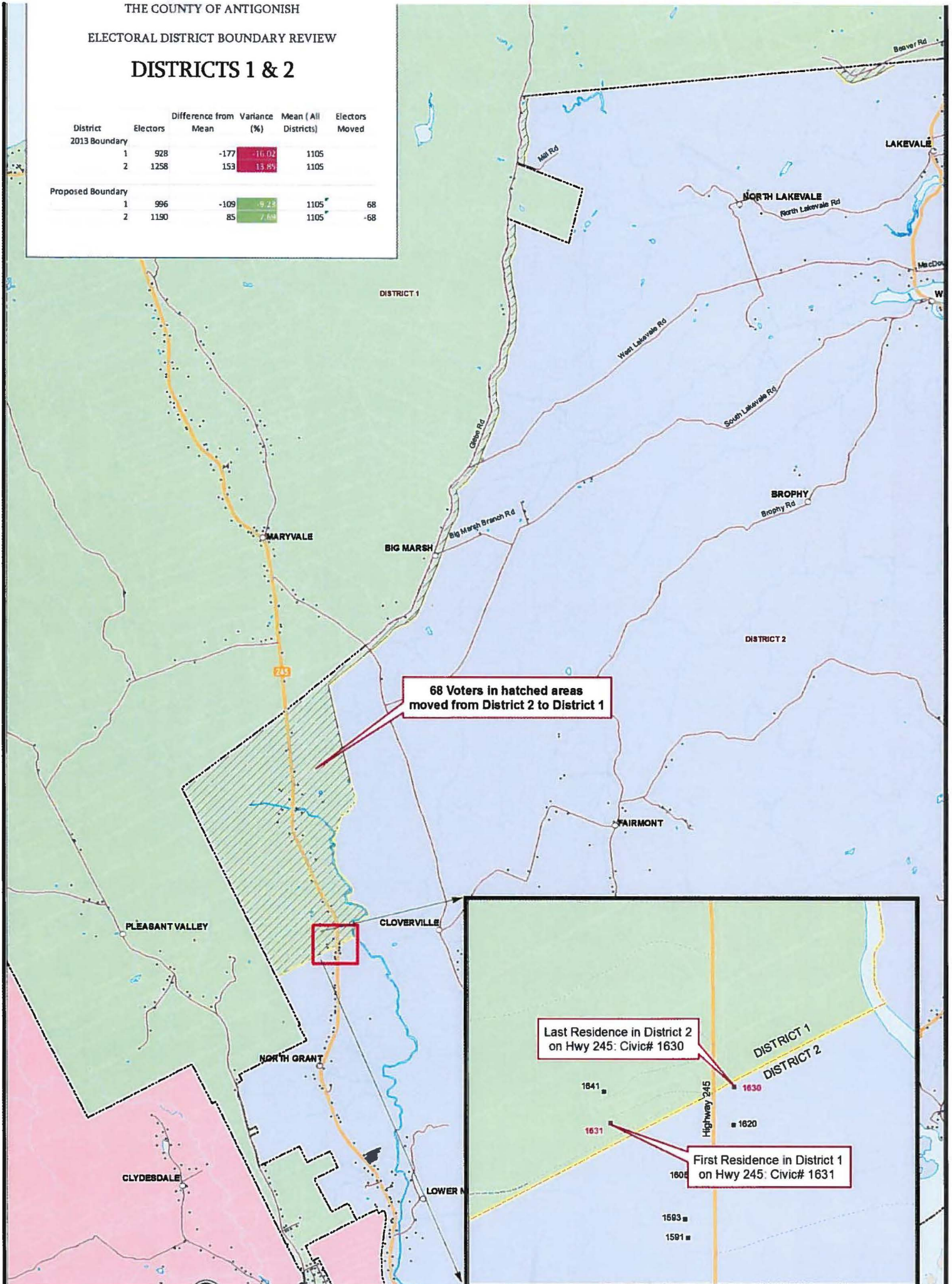
AND IT IS FURTHER ORDERED that all provisions of the *Municipal Government Act* and the *Municipal Elections Act* and any other acts of the Province of Nova Scotia applying to the preparation for and holding of the regular election of councillors of the Municipality in the year 2016 will be complied with as if the above-noted changes had been made on the first day of March, 2016, but for all other purposes, such changes shall take effect on the first day of the first meeting of the Council after the election of councillors for the year 2016.

DATED at Halifax, Nova Scotia this 26th day of May, 2015.


Clerk of the Board

DISTRICTS 1 & 2

District	Electors	Difference from Mean	Variance (%)	Mean (All Districts)	Electors Moved
2013 Boundary					
1	928	-177	-16.02	1105	
2	1258	153	13.8%	1105	
Proposed Boundary					
1	996	-109	-9.2%	1105	68
2	1190	85	7.6%	1105	-68

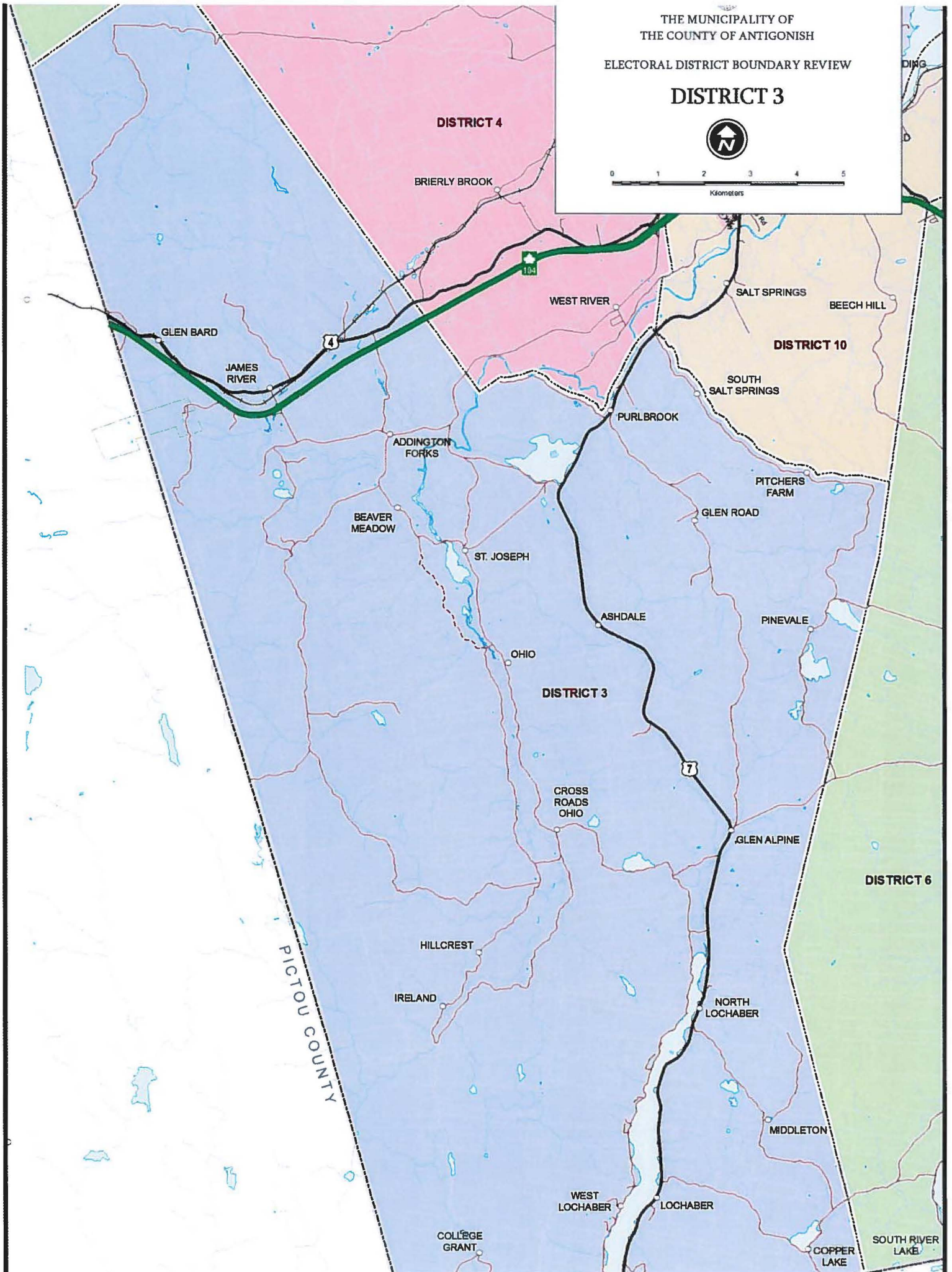


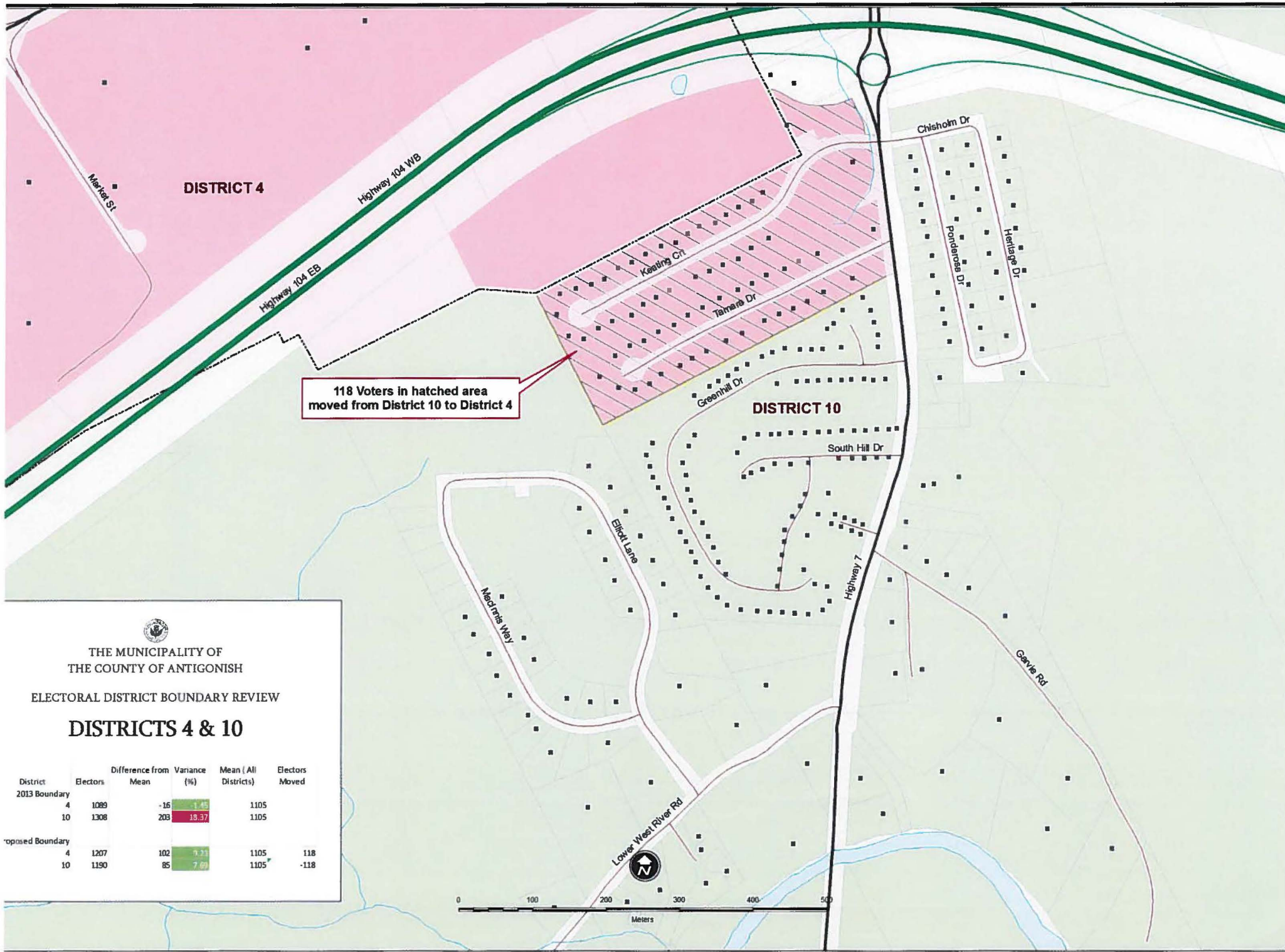
68 Voters in hatched areas moved from District 2 to District 1

Last Residence in District 2 on Hwy 245: Civic# 1630

First Residence in District 1 on Hwy 245: Civic# 1631

DISTRICT 3





118 Voters in hatched area
moved from District 10 to District 4



THE MUNICIPALITY OF
THE COUNTY OF ANTIGONISH

ELECTORAL DISTRICT BOUNDARY REVIEW

DISTRICTS 4 & 10

District	Electors	Difference from Mean	Variance (%)	Mean (All Districts)	Electors Moved
2013 Boundary					
4	1089	-16	1.4%	1105	
10	1308	203	18.3%	1105	
Proposed Boundary					
4	1207	102	9.2%	1105	118
10	1190	-85	7.6%	1105	-118

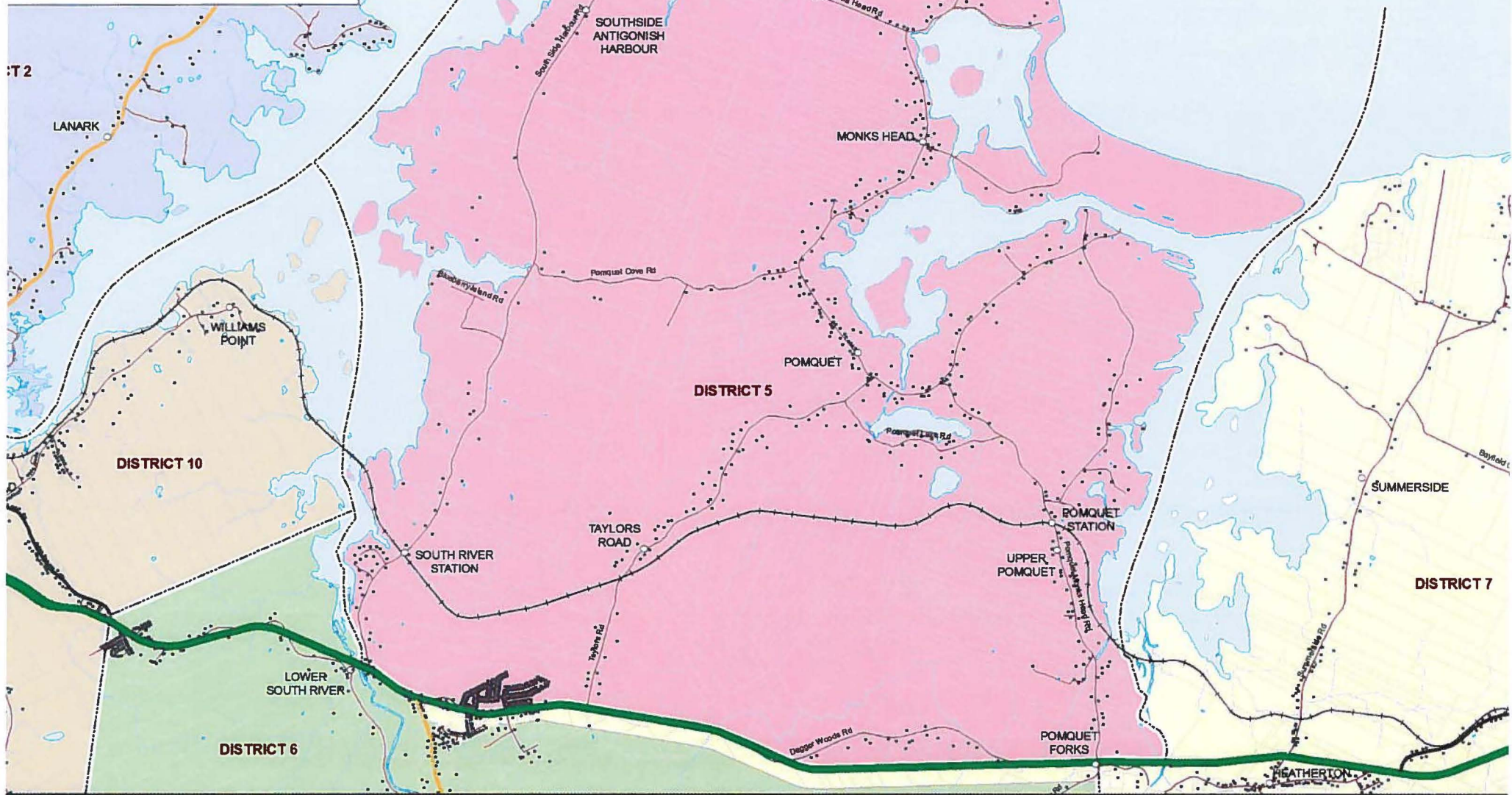
THE MUNICIPALITY OF
THE COUNTY OF ANTIGONISH

LECTORAL DISTRICT BOUNDARY REVIEW

DISTRICT 5



1 2 3
Kilometers



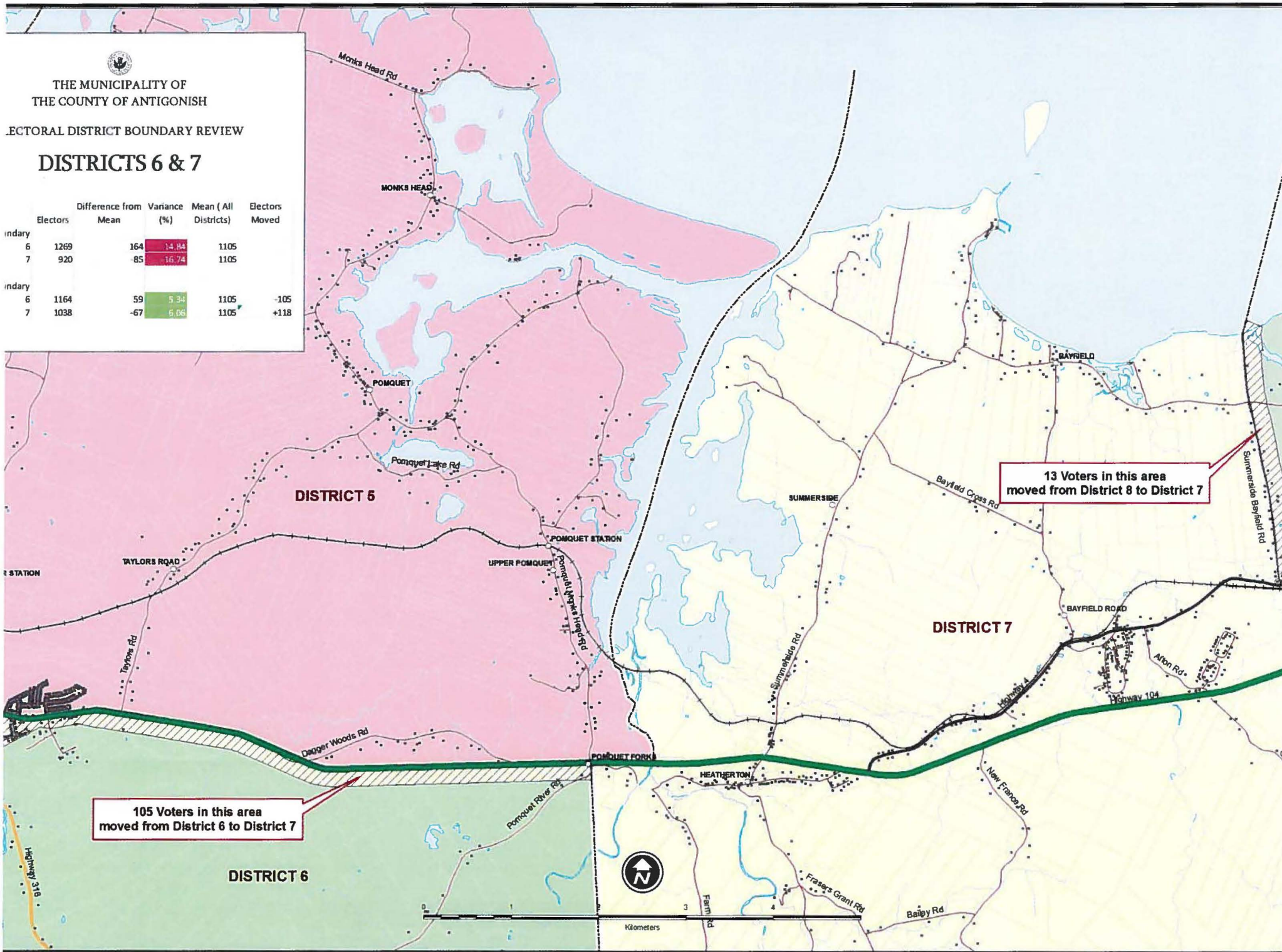


THE MUNICIPALITY OF
THE COUNTY OF ANTIGONISH

LECTORAL DISTRICT BOUNDARY REVIEW

DISTRICTS 6 & 7

		Difference from	Variance	Mean (All	Electors
	Electors	Mean	(%)	Districts)	Moved
Boundary					
6	1269	164	14.84	1105	
7	920	85	16.74	1105	
Boundary					
6	1164	59	5.34	1105	-105
7	1038	-67	6.06	1105	+118



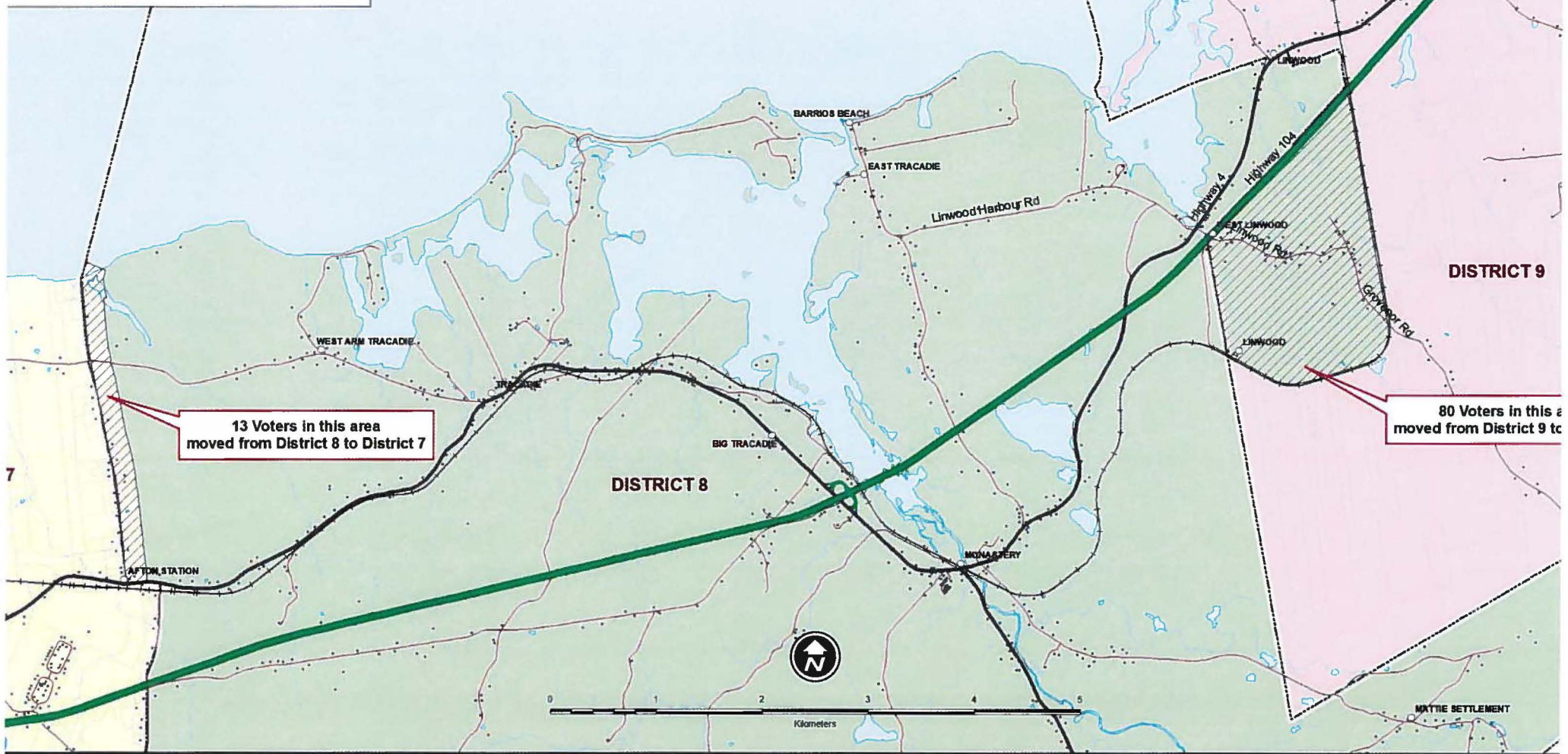


THE MUNICIPALITY OF
THE COUNTY OF ANTIGONISH

ELECTORAL DISTRICT BOUNDARY REVIEW

DISTRICTS 8 & 9

	Electors	Difference from Mean	Variance (%)	Mean (All Districts)	Electors Moved
Boundary					
8	939	-166	15.02	1105	
9	1090	-15	1.36	1105	
Boundary					
8	1006	-99	8.96	1105	67
9	1010	-95	8.60	1105	-80



Antigonish RCMP Monthly Report - May 2015

Submitted by S/Sgt. Holly Glassford – June 5th, 2015

Occurrence and Crime Reporting

Type of File	Town	County	Paqtnkek	Totals
Crime against Person	5	0	3	8
Crime against Property	7	10	4	21
Impaired Driving	5	2	0	7
Traffic Collisions	4	3	0	7
Traffic Offences	95	49	7	151
Traffic Warnings	51	22	0	73
Checkpoints	6	5	0	11
Drug related	1	0	0	1
Other Municipal	1	0	0	1
Other Provincial	19	11	3	33
Other Criminal Code	13	0	6	19
Total Calls for Service	207	102	23	332

RCMP Eastern Traffic Services Reporting Highlights:

impaired driving charges – 5

speeding charges – 50

seat belt charges – 26

cell phone charges - 22

Community Policing/School Resource Officer Initiatives

- 1) Police Week Activities – familiarization display at East Antigonish Education Centre and barbeque at the detachment
- 2) Healthy Relationships and Consent presentations to Grades 6-12 students at Paqtnkek Health Centre
- 3) Meetings with Mi'kmaq Legal Support Network (MLSN) to assist aboriginal youth at risk.
- 4) Cst. MacPherson set up display at Mayfest with Crimestoppers and Crime Prevention.
- 5) Fraud/Scam presentation to Lochaber Seniors Club. This was done in partnership with Senior Safety Officer. Also, assisted with the Boomer's class, a driver refresher training course for Seniors.

Upcoming Events

Planning resources for Evolve and Highland Games

Resources

Cpl. position still vacant as previous person identified had transfer cancelled. New Cpl. to be named.

June 10, 2015

Dear CAO's / Clerks:

**Re: Notice of Upcoming Increase in Out of Court Settlement Amounts
for Summary Offence Tickets for By-law Offences**

As a result of amendments to the *Summary Proceedings Act* in the *Financial Measures (2015)*, the court costs for summary offences matters are set to increase, **effective August 1, 2015**.

For all offences except parking ticket offences, the costs will increase from \$118.95 to \$122.50 (an increase of \$3.55). The increases for parking ticket offences will go from \$35.55 to \$36.60 (an increase of \$1.05).

The Department of Justice will adjust the schedules for each municipality under the *Summary Offence Ticket Regulations* to reflect the increase in the court fees portion of the out of court settlement amounts, and this information will become available on the Department of Justice website.

In the meantime, we recommend that your by-law enforcement staff be made aware of the pending increases and the effective date. By-law enforcement staff should ensure that they use the out of court settlement for the offence which is in effect on the alleged offence date.

Should you have any additional questions please contact Mr. Nick Barr at (902)-424-4656 or by email at nick.barr@novascotia.ca

Yours truly,



Mark A. Peck, MPA
Executive Director, Policy, Planning and Advisory Services

cc Nick Barr, Senior Policy Analyst, Department of Municipal Affairs

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: MAY 26, 2015

Committee of the Whole was convened at 5:23 pm on Tuesday, May 26, 2015. The following Councillors were present:

Warden Russell Boucher
Deputy Warden McCarron
Councillor MacLellan
Councillor MacFarlane
Councillor MacDonald
Councillor Bowie
Councillor Deveau
Councillor Boucher
Councillor Stewart

The following recommendations were made:

The Committee recommends that Municipal Council sponsor the Antigonish International Film Festival (2015) in the amount of \$100.00.

The Committee recommends that Municipal Council grant a reduction of 30% to the 2015 amount owing for tax account #09707956.

The Committee recommends that Municipal Council approve Councillor Chisholm to replace Councillor Stewart as one of the County's representatives on the RK MacDonald Board.

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: **PLANNING ADVISORY COMMITTEE REPORT**
DATE: JUNE 3, 2015

The Planning Advisory Committee was convened at 6:00 pm on Wednesday, June 3, 2015. The following members were present:

Councillor MacLellan
Councillor Boucher
Ms. Arsenault
Mr. MacAdams

The following recommendations were made:

The Planning Advisory Committee recommends to Municipal Council that the Cape George Lighthouse be designated as a municipal heritage property.

The Planning Advisory Committee recommends that Municipal Council direct staff to respond to the request from Department of Communities, Culture and Heritage staff noting no concerns with the proposed changes to the Heritage Property Act and Heritage Conservation District Regulations, as proposed..

Full and complete name of the registered owner of the property:

Antigonish North Shore Development Association

Full and complete mailing address of the owner:

Malignant Cove, Civic 4430
Antigonish Co. NS B2G 2L1

Deed Reference – Registry of Deeds

June 28, 1861 from Hugh Munro et al

Book No.: 16

Page No.: 415

Date Deed Registered: July 8, 1861

Property situated at:

Cape George Point, Antigonish Co., Nova Scotia Civic 03429

Land Lot Size:

2 acres, more or less, and a strip of land one rod in width and 59 ½ rods in length and a right-of-way

Buildings on Property:

Lighthouse

Size of Building(s):

Tower height is 45 feet (404 feet above the water).

Architectural style of building(s):

White octagonal structure and red octagonal lantern, with a flashing white light.

Brief history of the building:

Original (1861) Lighthouse Specifications

The original Cape George Lighthouse consisted of the following characteristics as reported in Sessions Papers of 1875 (no.4 Vol.8.).

Iron lantern ten feet in diameter, with eight sides, glazed with 18x12 glass, six spare panes being on hand the light shows all round, and the revolving frame has two triangular faces with three A lamps, and 12-inch reflectors in each. There are also two spare lamps with one reflector. About 120 gallons of oil are used here yearly, and forty- seven gallons were delivered when the light was inspected on June 20th. Three oil-tanks are supplied. The lantern is placed on the top of the dwelling, and there is an oil-stove and fuel-house 24x20. The buildings are in good order and new double windows have been supplied. The lantern deck will have to be stripped and re-covered with canvas, the materials being at the station and the work will be done next year. Mr. David Condon was appointed keeper in 1861.

This lighthouse was destroyed by fire in 1907.

Second (1908) Lighthouse Specifications

The second Cape George Lighthouse consisted of the following characteristics as reported in Sessions Papers of 1909 (Vol# XLIII, no.12).

A new wooden lighthouse tower and keeper's dwelling was built at this station in Antigonish County. The tower is octagonal in plan with sloping sides, surmounted by an octagonal iron lantern, and is 54 feet 6 inches high from it's base to apex of lantern. The dwelling is of framework, on concrete foundation, and is 26 feet by 24 feet by 14 feet 4 inches high. The work was done by contract by Mr. E. F. Munro of Westville, N.S.; the contract price being \$3,097, with an additional \$213.56 for necessary changes to the buildings.

The second lighthouse was constructed on the site in 1908, and stood until the third and current automated lighthouse was built in 1968. Farm buildings and a vegetable garden were added to the site.

An antique lens, similar to that used in this lighthouse, now sits in the Bluefin Tuna Interpretive Centre in nearby Ballentyne's Cove Wharf in Cape George. Constructed from cut glass prisms, it was considered to be quite rare and unique. The initial illuminant was petroleum vapour that burned under an incandescent mantle with a candle power of 55,000. With the advent of electrical power, the illumination was created by a 500 watt bulb and the light powered by a small horsepower motor. Each evening, the light keeper would climb to the top of the light and manually turn a wheel, connected to a series of pulleys and chains and begin to turn the light manually. The lens sat above a lead basin and floated on a bed of mercury that helped to provide buoyancy to the heavy lens. Once started by hand, the rotation was continued by the energy generated by the small motor and the movement of the mercury.

Third (1968) Lighthouse Specifications

The third lighthouse building is a white, concrete octagonal structure with a red octagonal lantern that still stands on the site today. The tower is 45 feet (14 metres) tall, and the light mechanism is fully automated with a group flashing (12s) electric light. The lighthouse is still used for navigation by ships in the Northumberland Strait and travelling to the nearby Ballentyne's Cove Wharf.

Lighthouse Keepers

First lightkeeper- David Condon (1861-1898). For 29 years the Condon family operated the Cape George Lighthouse. This included David Condon's son W. J. Condon.

Second lightkeeper- Alex L. MacEachern (1898-1919). Alex MacEachern was appointed September 8th, 1898 at a salary of \$450.00 per annum.

Third lightkeeper- Charles Albert Falkenham (1919-1952)

Fourth lightkeeper- William Clark (1952-1968)

When constructed:

The original lighthouse on the site was built in 1861, and burned down in 1907.

The second lighthouse on the site was built in 1908, and was replaced in 1968.

The third lighthouse was built in 1968, and is still in operation today.

Previous owners:

Her Majesty the Queen
Federal Real Property

Present use:

Lighthouse - navigation tool that is still in operation and is associated with Trans-Atlantic shipping; particularly navigation through the Northumberland Strait and the entrance to the Canso Causeway route. The lighthouse also serves as a navigational aid to the local fishing and boating community.

Interpretive centre (panels) and trail head site.

Previous uses:

Lighthouse with residence for light keeper

Historic or unique features:**Pictures, if possible**

1908 Lighthouse (second lighthouse)



An antique Fresnel lighthouse lens, which is an exact match to the one originally used in the 1908 lighthouse



1968 lighthouse with keeper's house and barn



Current (1968) lighthouse

Additional information

Information Sources:

Pictou-Antigonish Regional Library: <http://www.parl.ns.ca/lighthouse/index.htm>

Proposed Amendments to Heritage Property Act and Heritage Conservation Districts Regulations

#1: Proposed Amendment – Municipal and Provincial Definition of substantial alteration

The present HPA defines the term ‘substantial alteration’ to better advise stakeholders with the conservation of registered heritage properties, specifically;

Interpretation

3(k[1]) "substantial alteration" means any action that affects or alters the character-defining elements of a property.

Currently, the definition does not prescribe if such an alteration is in compliance of standards and guidelines. With the adoption of the Standards and Guidelines for the Conservation of Historic Places in Canada as the standards and guidelines to be used by government, there is opportunity to better determine what would require consideration by an authority.

The proposed amendment to the definition would prescribe that substantial alterations are interventions that do not comply with the standards and guidelines of the HPA. This would provide a more consistent method to ensure the authority only respond to alterations that would negatively impact the character-defining elements of a registered heritage property.

Amend Section 3(k[1]) of the HPA with:

3(k[1]) ‘substantial alteration’ means any action not supported by the standards and guidelines that affects or alters the character-defining elements of a property.

#2: Proposed Amendment - Municipal Municipal Registry of Heritage Property

The Heritage Property Act (HPA) permits a municipality to create a heritage by-law and establish a municipal registry of heritage property, specifically:

Municipal registry of heritage property and heritage advisory committee

12 (1) A municipality may by by-law establish a municipal registry of heritage property.

The proposed amendment to the HPA would require the municipality to provide a copy of the municipal registry of heritage property to the Minister on an annual basis. The sharing of this information would provide Minister a better awareness of the number of municipal heritage properties registered under the HPA in Nova Scotia.

Amend Section 12(1) of the HPA with:

12(1) A municipality may by by-law establish a municipal registry of heritage property and if established, provide the Minister a listing of these properties every September 1st.

This amendment to an existing provision within the HPA will require that the listing of properties contained within the municipal registry of heritage property be provided to the Minister on an annual basis. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#3: Proposed Amendment - Municipal Composition of the Heritage Advisory Committee

This provision is already allowed for within the HPA. The current provision identifies that the heritage advisory committee (HAC) consist of at least two members of council and such persons or such number of persons as the council may determine. The current provision also provides for the municipal planning advisory committee to serve as the HAC, specifically;

Municipal registry of heritage property and heritage advisory committee

12(3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.

The proposed amendment would expand the provisions of the composition of the HAC to include at least two general members of the municipality. As an advisory body, such a committee should not be comprised of only municipal councillors, which can result under the current provisions. The amendment would enhance the committee's primary function; an advisory body to council.

Amend Section 12(3) of the HPA with:

12(3) The heritage advisory committee shall consist of at least two members of both the council and the general public, and such persons or such numbers of persons as the council may determine by by-law.

This amendment to an existing provision within the HPA will require that two members of the general public be part of the heritage advisory committee. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#4: Proposed Addition - Municipal**Scope of municipal heritage property registration**

The present HPA, where heritage value is determined, typically registers the entire parcel of land as a municipal heritage property. In most cases, not all of the land has heritage value but the blanket approach to designation implies it does.

Currently, the HPA may require a property owner to seek approval from council if they would like to develop a portion of their property that does not have any identified heritage value. The blanket approach to registration may result in unnecessary reviews and time delays for a property owner's enjoyment of their property, and provide a false sense of a property's true heritage value by the public.

The proposed amendment would permit the council the authority to amend the scope of a municipal heritage property provided the heritage value identified at the time of registration is maintained.

Add a new Section 15A to the HPA as follows:

Scope of municipal heritage property

15A(1) On the application of an owner of a municipal heritage property or on its own motion, the heritage advisory committee may recommend to the council that the scope of designation of municipal heritage property be amended.

(2) Such a recommendation may be made where

(a) the heritage value of the property is maintained;

(b) the property's owner has submitted supporting documentation, including mapping, describing the proposed amended scope of designation.

(3) Where the council receives a recommendation to amend the scope of designation from the heritage advisory committee or where it appears to the council that the amended scope of designation is reasonable.

(4) Where the council amends the scope of designation of a property, the council shall cause notice of the amended scope to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate.

This addition to the HPA will provide council the opportunity to consider requests to amend the scope of the municipal heritage designation for a registered municipal heritage property. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#5: Proposed Amendment - Municipal**Deregistration of municipal heritage property**

The present HPA provides a process to consider requests to deregister a municipal heritage property, including specific criteria that must be met before the request is considered by council, specifically;

Deregistration of municipal heritage property

16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where

- a) the property has been destroyed or damaged by any cause; or
- b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner,

After holding a public hearing to consider the proposed deregistration.

Currently, should a property owner be faced with a unique hardship issue, such as higher insurance rates based on the property's legal encumbrance of the municipal designation, the authority is not able to provide consideration.

The proposed amendment would permit council the authority to consider deregistration of a municipal heritage property provided the property owner's rationale is reasonable.

Amend Section 16(1) of the HPA with:

Deregistration of municipal heritage property

16 (1) On the application of an owner of a municipal heritage property or on its own motion, council may deregister a municipal heritage property where

- (a) the property has been destroyed or damaged by any cause; or
- (b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner; or

- (c) a reasonable rationale by the property's owner to justify deregistration,

After holding a public hearing to consider the proposed deregistration.

This amendment to an existing provision within the HPA will provide council the opportunity to consider the deregistration of a municipal heritage property based on a reasonable rationale for such a request. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#6: Proposed Amendment - Municipal Advice on deregistration application

The present requirements of the HPA permits council to consider a variety of applications affecting proposed or registered municipal heritage property. The majority of applications are forwarded to the HAC for advice prior to council's consideration, specifically;

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

- (a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;
- (b) an application for permission to substantially alter or demolish a municipal heritage property;
- (ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;
- (bb) the administration of heritage conservation districts pursuant to the provisions of this Act;
- (bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;
- (c) building or other regulations that affect the attainment of the intent and purpose of this Act;
- (d) any other matters conducive to the effective carrying out of the intent and purpose of this Act.

Currently, all applications to deregister a provincial heritage property are forwarded to the Advisory Council on Heritage Property to better advise the Minister before consideration is provided.

The proposed amendment to the powers of the HAC would permit its review of applications to deregister a municipal heritage property. While most municipalities currently forward such applications to its HAC, the HPA does not require this advice.

Amend Section 13 of the HPA with:

13 The heritage Advisory committee may advise the municipality respecting

- (aa) an application to deregister a municipal heritage property

Amend Section 16(1) and 16(1)(b) of the HPA with:

16(1) On the application of an owner of a municipal heritage property or on its own motion, the heritage advisory committee may recommend to the council that the municipal heritage property cease to be registered in the Municipal Registry of Heritage Property; and

16(1)(b) the continued registration of the property appears to the heritage advisory committee to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

This amendment to an existing provision within the HPA will require advice from the heritage advisory committee on applications to deregister a municipal heritage property. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#7: Proposed Addition - Municipal**Timeline to consider municipal heritage conservation districts**

The present requirements of the Heritage Conservation Districts Regulations (HCDR) permits council to consider the approval of a municipal heritage conservation district. The steps to develop and consider the proposed plan and by-law for the proposed district are clear, however, there is a defined timeline to complete this process.

The proposed addition to the HCDR would provide council a reasonable timeline of three-years to complete the consideration of a HCD; the process would begin with council's adoption of the necessary public participation program. Without a set timeline, there is uncertainty for council, property owners and the general public regarding the future conservation and development for the area.

Add a new section as HCDR Section 5(5) as follows:

Processing time for consideration

5(5) Council shall have not more than three years to complete the process to consider the approval of a municipal heritage conservation district. This timeline shall begin upon the adoption of a public participation program outlined in Section 6(1) of the HCDR.

This addition to the HCDR enables council, property owners and the general public to be better aware of the timeline to process the application to consider a new municipal heritage conservation district. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#8: Proposed Amendment - Municipal**Public notice to adopt a conservation plan and by-law**

The present requirements of the HCDR require council to provide individual notice to each property owner of its intention to adopt a conservation plan and by-law associated with a HCD by mail, specifically;

Public hearing for adoption, amendment or repeal

8 (1) Before adopting a conservation plan and by-law, a council shall hold a public hearing at which oral and written submissions regarding the proposed conservation plan and by-law are received.

(2) The council shall cause notice to be given of the public hearing and of its intention to adopt a conservation plan and by-law by an advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area of the district, the first of such notices to be published at least twenty-one clear days before the date fixed for the public hearing.

(3) The council shall cause notice of its intention to adopt a conservation plan and by-law to be delivered by personal service upon or by ordinary mail to each assessed owner, or any subsequent owners shown on the records in the regional assessment office, of property within the proposed district at least twenty-one clear days before the date fixed for the public hearing.

(4) The notices required by subsections (2) and (3) shall

(a) describe the proposed district by metes and bounds, by a plan, map or sketch or other description adequate to identify the district;

(b) give a synopsis of the proposed conservation plan and by-law and the effect of the conservation by-law on development of the property; and

(c) state the date, time and place fixed for the public hearing and the place where and hours during which the proposed conservation plan and by-law may be inspected by the public.

(5) The council shall provide copies of the proposed conservation plan and by-law or a portion thereof to interested persons and may charge an amount for copies sufficient to recover the cost of reproduction of copies provided.

While effective, it becomes a burden to municipalities that have numerous property owners within the proposed district, including seasonal owners. This provision is inconsistent with the reasonable notice requirements of the Municipal Government Act (MGA); notice is provided by an advertisement in the local paper.

The proposed amendment to the HCDR would provide council a reasonable method to provide the public notice of its intention to adopt a conservation plan and by-law that is consistent with the MGA.

Amend Section 8(3) of the HCDR with:

8(3) The council shall cause notice of its intention to adopt a conservation plan and by-law in a newspaper circulating in the municipality at least twenty-one clear days before the date fixed for the public hearing.

This amendment to the HCDR enables reasonable public notice of council's intention to adopt a conservation plan and by-law associated with a municipal heritage conservation district. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

**#9: Proposed Addition - Municipal
Approval procedures**

The present HCDR provides a process for the approval of a conservation plan and by-law, including the roles of the council and Minister, however there is no defined timeline for Minister to review and approve the documents.

The proposed addition to the HCDR would provide Minister a sixty day period to consider the approval of these documents. This timeline would be consistent with the MGA.

Add a new Section 9(1)(a) to the HCDR as follows:

9(1)(a) Within sixty days after the date of a written notice that conservation plan and conservation by-law are subject to the approval of the Minister, the Minister shall

- (a) approve all or part of the documents;
- (b) approve the documents with amendments; or
- (c) refuse to approve the documents,

And return to the clerk two copies of the conservation plan and conservation by-law as approved, amended, or refused with written reasons for the decision.

This addition to the HCDR enables council to better plan for the consideration of new or amended conservation plan and conservation by-law. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?

#10: Proposed Amendment – Municipal Consideration of a Cultural Landscape

The present HPA defines the term 'Cultural Landscape' and Section 13(a) provides opportunities for the municipal heritage advisory committee to advise the municipality respecting cultural landscapes, specifically;

Interpretation

3(k[1]) "substantial alteration" means a distinct geographical area or property uniquely representing the combined work of nature and of people.

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

- (a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;
- (b) an application for permission to substantially alter or demolish a municipal heritage property;
- (ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;
- (bb) the administration of heritage conservation districts pursuant to the provisions of this Act;
- (bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;
- (c) building or other regulations that affect the attainment of the intent and purpose of this Act;
- (d) any other matters conducive to the effective carrying out of the intent and purpose of this Act.

Currently, the HPA does not provide a provision which allows for the establishment of Cultural Landscapes. The 2013 Heritage Conference *Shaping Cultural Landscapes* hosted by the Region of Queens Municipality provided direct input from stakeholders on how cultural landscapes should be developed in Nova Scotia. During the Round Table Workshop, stakeholders supported that the process for a municipality to consider a cultural landscape be aligned with the current process for heritage conservation districts.

The proposed amendment to Section 19A of the HPA would permit the municipality to determine the boundaries of a cultural landscape, specific cultural landscape plan and by-law, and for the municipality to designate a person employed by the municipality as a cultural landscape officer. Regulations similar to those supporting heritage conservation districts would be developed for cultural landscapes.

Amend Section 19A of the HPA by adding a provision which allows for the establishment of Cultural Landscapes similar to Heritage Conservation Districts as seen in Section 19A.

This amendment to an existing provision within the HPA will permit for the establishment of Cultural Landscapes which will align with the process for Heritage Conservation Districts. Does this cause concern for your municipality? If so, please describe your concern. Can you suggest any changes that would help address your concern?