



Heritage
HAAC November 3, 2020
Madelyn LeMay

HERITAGE

Heritage Property By-law: Purpose of Presentation

- ❖ provide information to new committee members & Council
- ❖ update information for former Windsor HAC members
- ❖ Regional By-law

More Topics...

- Canadian "Standards and Guidelines"
- Conservation Work Grant policy
- Criteria for Inclusion in the Heritage Registry
- Heritage Permits

HERITAGE PROPERTY BY-LAW

- establishes Heritage Advisory Committee
- establishes a Registry of Municipal Heritage Properties & specifies management



HERITAGE ADVISORY COMMITTEE

- may advise Council respecting:
 - inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - application for permission to substantially alter or demolish a Municipal Heritage Property;
 - preparation, amendment, revision or repeal of a Conservation Plan & By-law;
 - administration of Heritage Conservation Districts
 - application for a certificate related to a Conservation Plan and Conservation By-law
- any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act

HERITAGE REGISTRY

2.0 Registry

- 2.1 The Municipality shall establish and maintain a Municipal Registry of Heritage Property where all prescribed documents relating to the registration of Municipal Heritage Property pursuant to the Act or this By-law shall be filed.*
- 2.2 The Registry shall contain information with respect to recommendations, registrations and deregistrations, recording particulars of documents required to be lodged at the Land Registry Offices, and true copies of all notices required by the Act.*
- 2.3 The Registry shall be accessible to the public at no charge during regular business hours of the Municipality.*

REGISTRATION

Federal: importance to the nation as a whole

"The Blockhouse is a Classified Federal Heritage Building because of its historical associations, and its architectural and environmental value..."



Provincial: importance to the Province

The Clockmaker's Inn is valued for its association with Rufus Curry, a significant Nova Scotian industrialist in the late nineteenth and early twentieth centuries...



Municipal: importance primarily to local area

All Saints Anglican Church is valued for its role as a church and focal point in the community of Leminster as well as a representation of Gothic Revival architecture



PROCESS FOR REGISTRATION



DEREGISTRATION

- Municipality may deregister a Municipal Heritage Property at request of owner or on its own
- process:
 - 30 days notice
 - public hearing
- reasons:
 - property destroyed or damaged by any cause
 - property has lost heritage value (identified in the notice of recommendation) except when caused by neglect, abandonment or other action/inaction of owner



HERITAGE PROPERTY ACT 2010 CHANGES

- purpose of Act broadened: 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”*
- added definition of *“substantial alteration”* which clarifies intent & application: *“any action that affects or alters the character-defining elements of a property”*



ALTERATION OR DEMOLITION

- substantial alteration requires Council approval: *“any action that affects or alters the character-defining elements of a property” (includes demolition)*
- application in writing required
- staff report to HAC
- within 30 days > HAC recommends to Council
- Council: decision within 3 years
- decision: grant heritage permit with or without conditions or refuse



REFUSAL

HPA:

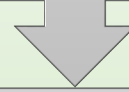
“Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application”

- prior to 2010, the time frame was at any time after 1 year from the date of the application but not more than 2 years from the date of application

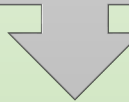


RESULT OF "REFUSAL"

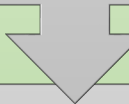
Sept 2020 Application: Heritage House to add front porch



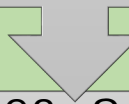
Report and Recommendation to HAC



HAC recommendation to Council



January 2020 Council refuses permission



September 2023- September 2024

(former: Sept 2021-Sept 2022)

Heritage House may add front porch

REGISTRY INFORMATION

For each Registered property:

- Notice of Recommendation
- Notice of Registration

filed in the Registry of Deeds/LRO

- information now inaccurate for any Notice of Registration filed before December 2010
- to ensure owners have correct information, Notice of Registration for each property should be replaced with a Notice bearing the correct time frames
- recommend that Notices be removed from By-law
- cost of revised LRO information ~ \$1,375.00
- reviewed and approved by Interim CAO

PRESENT HERITAGE PROPERTY BY-LAWS

- West Hants: September 18, 2018 Minister of Municipal Affairs approval
- Windsor: April 13, 1994 Ministerial approval
January 2020 Council approval; not approved by Minister

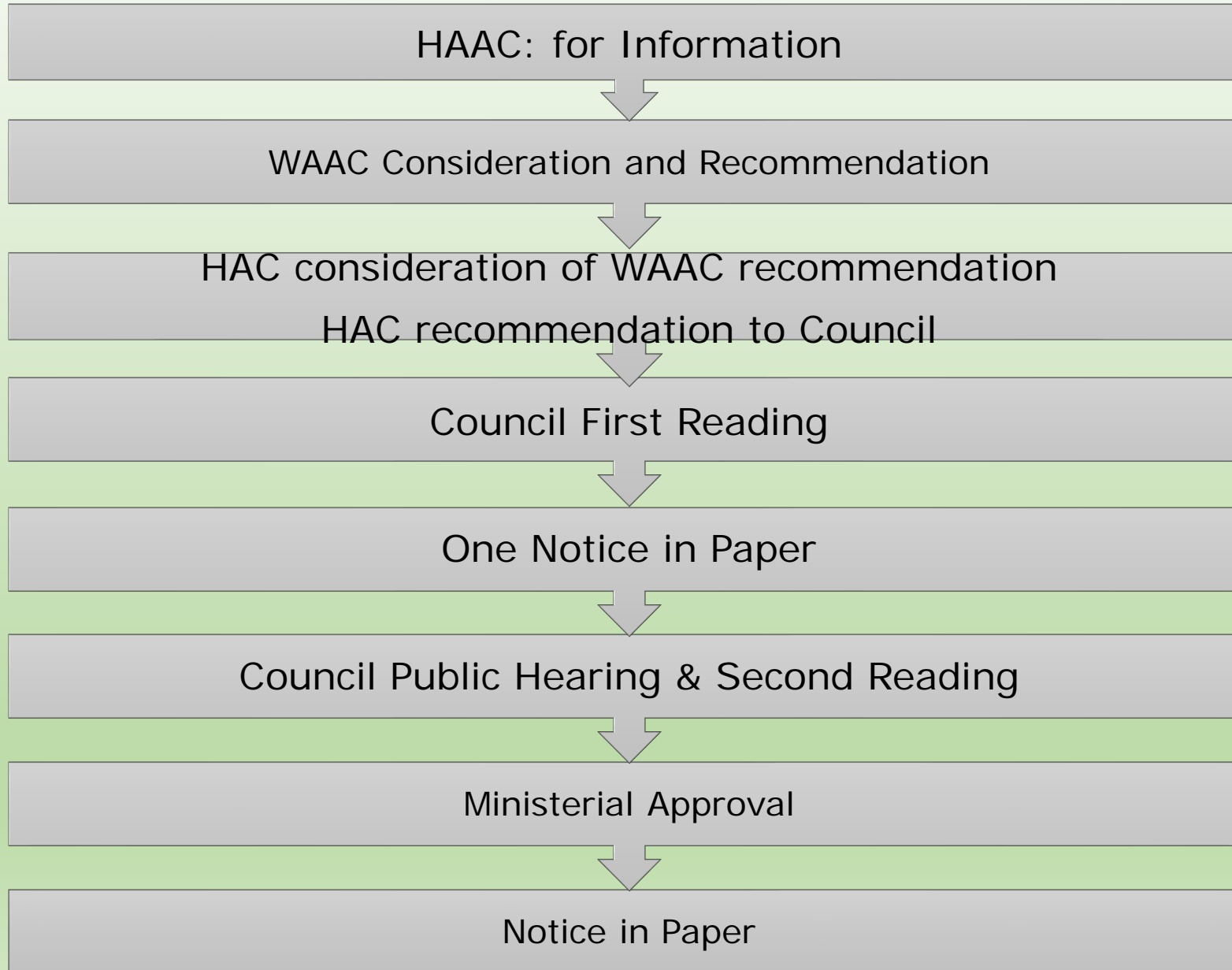


REGIONAL HERITAGE PROPERTY BY-LAW

- one By-law for the Region reasonable
- ensure that regulations and opportunities regarding heritage are the same across the Region



BY-LAW ADOPTION PROCESS





Canada's
Historic Places

Lieux patrimoniaux
du Canada

Standards and Guidelines for the Conservation of Historic Places in Canada

Standards and Guidelines

November 3, 2020 HAAC

WHAT?

- Standards and Guidelines for the Conservation of Historic Places in Canada
- created by Federal government in conjunction with heritage groups
- widely endorsed and used
- minimal intervention approach to conservation
- framework for deciding which features of a historic place should be maintained and which may be altered
- provide guidelines on how to go about the work
- Statements of Significance (SoS) tell you what should be preserved
- Standards and Guidelines tell you how, based on conservation of historic value and character-defining elements

HOW USED?

- application received
- investigate conditions and note changes which have occurred to the property
- determine the request and treatment
- review the Standards
- follow the Guidelines
- an addition: physically and visually compatible with, subordinate to and distinguishable from...
- S&G helpful with modern elements needed for rehabilitation (ramps for access)

WHY?

- minimal impact on the heritage value
- maintain and repair (rehabilitation)
- ensures that a historic place will last into the future



47 York St



physically and visually compatible with, subordinate to and distinguishable from the original?





Dimock House

Heritage Conservation Work Grant Policy
November 3, 2020 HAAC

EXISTING GRANT GUIDELINES FRAMEWORK

- Windsor: no grant policy
- West Hants: Grant Guidelines (policy) since 2016; amended in 2018 and 2019
 - provides limited financial assistance to owners of registered municipal heritage properties to help preserve the property as a resource for the community
 - grant is provided on a 50% cost sharing basis applicant / Council
 - limited by the budget established annually by Council
 - motion of Council is required for each grant provided

EXISTING GRANT GUIDELINES APPLICATION

- 6 properties with municipal heritage registration in community of West Hants eligible for a grant
- 5 properties with municipal heritage registration located within the community of Windsor not eligible for a grant
- if the proposed policy for the Region is not approved the existing West Hants *Guidelines* will still apply to heritage properties within the community of West Hants



Dimock House

EXISTING GRANT GUIDELINES CONTENT

West Hants Grant Guidelines established:

- general project requirements
- eligible and ineligible work & materials
- project evaluation
- application review process
- grants and applications
- conditions of approval & payment



Duncanson House

PROPOSED GRANT POLICY CONTENT

Eligible owners

- not-for-profit organizations incorporated under the Societies Act of Nova Scotia
- private owners



Duncanson House

PROPOSED GRANT POLICY CONTENT

General Project Requirements

- application must be completed and an estimate provided from one contractor
- grants are at discretion of Council
- no grant for work started before the grant is approved
- work completed and final claim made by March 31 of the year the work is done

PROPOSED GRANT POLICY CONTENT

Eligible Work and Materials

- projects related to architectural elements which support the designation of the property including:
 - preservation, replacement or restoration (as appropriate, depending on condition) of architectural elements such as windows, doors, cladding, roof, foundation, and trim
 - replacement or repair of structural elements which support the building or structure



Dimock House

PROPOSED GRANT POLICY CONTENT

Ineligible Work and Materials

- work carried out prior to approval of the grant
- modern materials unless required to meet Building Code Act By-law
- short-term routine maintenance
- landscaping or repairs to minor structures
- poor or defective work
- electrical, heating or plumbing work
- additions
- accessory buildings
- new windows and doors that do not support the heritage character
- owner's labour

PROPOSED GRANT POLICY CONTENT

Project Evaluation

- priority given to:
 - first-time applicants
 - structural or weatherproofing elements
 - applications supported by a Building Conservation Plan
- evaluated using Standards and Guidelines for the Conservation of Historic Places in Canada

GRANTS and APPLICATIONS

Background

- proposed policy differs from the West Hants Guidelines
- West Hants only three applications since 2016
- apparent issue: Guideline: *"The maximum number of grants for a property is one (1) per fiscal year and two (2) in any five (5) year fiscal period."*
- maximum grant per year is \$5,000.00
- total grant in a five (5) year period is \$10,000.00.

GRANTS and APPLICATIONS

Applicant comments

- easier & more beneficial to apply more often within the 5 year period with total possible grant remaining at \$10,000.00
- some applicants may wish to apply for smaller/less costly projects more often
- others may have a major project which would require the entire grant & may wish to apply only once during the five-year period

Conclusion

- middle approach reasonable: permit up to 2 applications per year each year within the 5 year period and not limit annual amount
- included within the proposed Policy for the Region

Conditions of Approval and Payment

- work must be completed within the fiscal year for which it was approved (can be extended by CAO)
- grants conditional on completion of the approved work and submission of receipts and paid invoices
- deadline for submission of receipts and paid invoices: March 31
- any proposed changes to the approved work must receive Council approval before the work is done
- grants only given for work approved



GRANT APPLICATION REVIEW PROCESS

Staff Review/Recommendation



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graph TD; A[Staff Review/Recommendation] --> B["HAC consideration Staff Recommendation  
HAC recommendation to Council"]; B --> C[Council Decision (Motion)];
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The diagram illustrates a three-step process for grant application review. It begins with a yellow box labeled 'Staff Review/Recommendation'. A large yellow arrow points down to a second yellow box containing two lines of text: 'HAC consideration Staff Recommendation' and 'HAC recommendation to Council'. A second large yellow arrow points down from this box to a final yellow box labeled 'Council Decision (Motion)'. The background is a light green gradient.

HAC consideration Staff Recommendation
HAC recommendation to Council

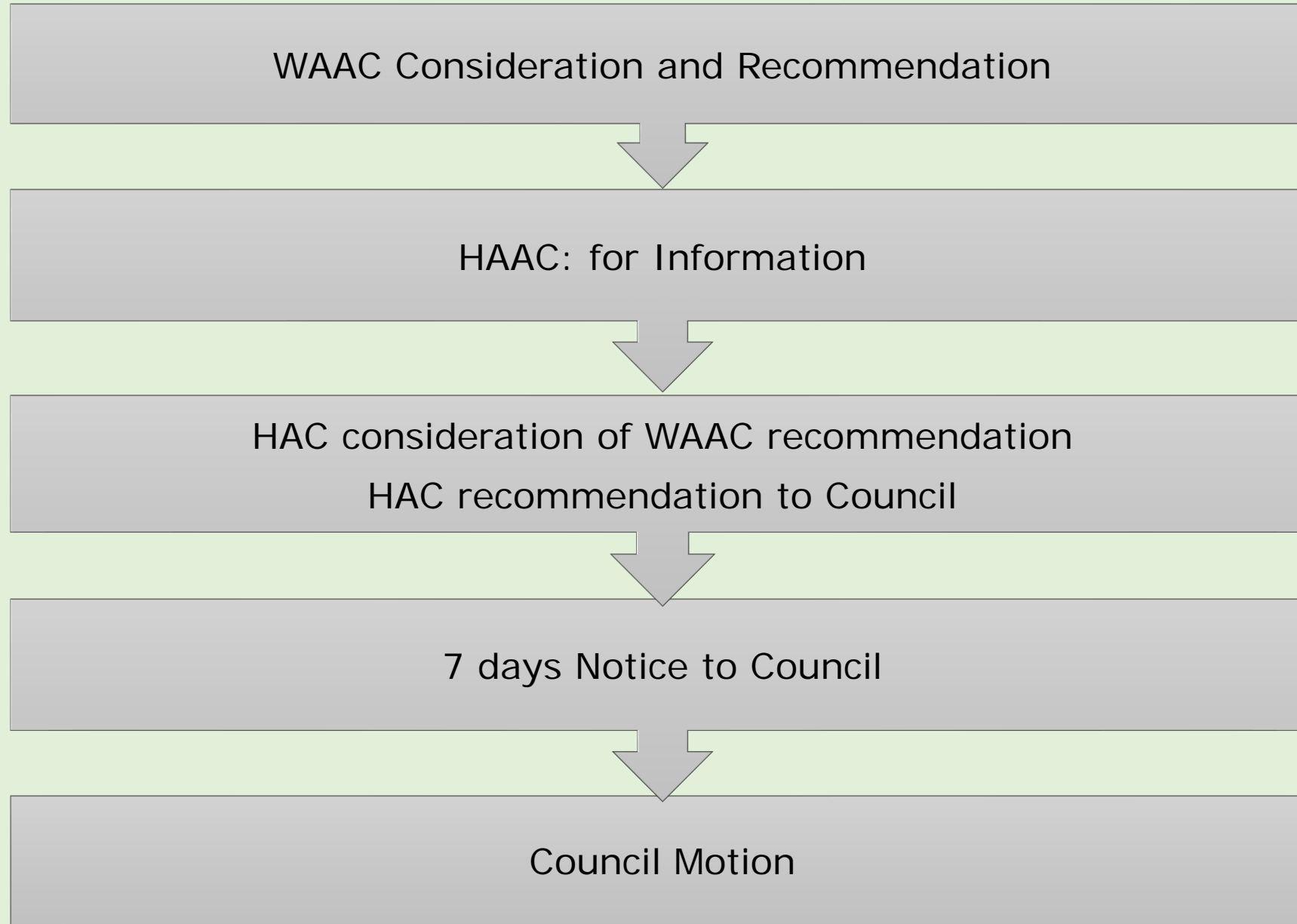
Council Decision (Motion)



Dimock House



POLICY PROCESS





Criteria for Inclusion in the Municipal Heritage Registry
HAAC November 3, 2020

HERITAGE PROPERTY BY-LAW

- establishes a Registry of Municipal Heritage Properties & specifies management



BENEFITS of REGISTRATION

Include:

- an increased feeling of pride in the property
- having a heritage plaque on the property
- heritage value may be maintained after the present owner leaves property
- opportunity for some advice from Provincial departments
- potential for Provincial grants or rebates
- possibility of Municipal grants



WHY CRITERIA?

- good practice to ensure fair treatment of properties
- provides guidance to staff, HAC and Council
- West Hants and Windsor have each had criteria for 10+ years
- now no difference between the sets of criteria
- reasonable to create one set of criteria for the Region



WHAT DO WE DO WITH IT???

Criteria used:

- only when owner requests their property be registered as a Municipal Heritage Property
- information about the property is measured against each criterion & scored
- ensures properties are of local heritage significance before registration



PROPOSED CRITERIA

- no changes from present criteria for each community
- graduated, arbitrary, system of scoring
- scoring used to try to create consistent standard for recommendation
- no automatic pass unless related to Mi'kmaw or Acadian (1675-1755) periods



3 sections to the scoring framework:

1: CONTEXT/ENVIRONMENT

- does it have importance as a visual landmark?
- does it contribute to the historical/architectural character of the area?
- is the structure on the original site?
- has it been altered?



2: HISTORY & CULTURE

- has it been owned, occupied or cared for by descendants of original owner/developer?
- what period does it date from??
- is it associated with a person, group, or event that made a significant contribution to the community, province or nation?



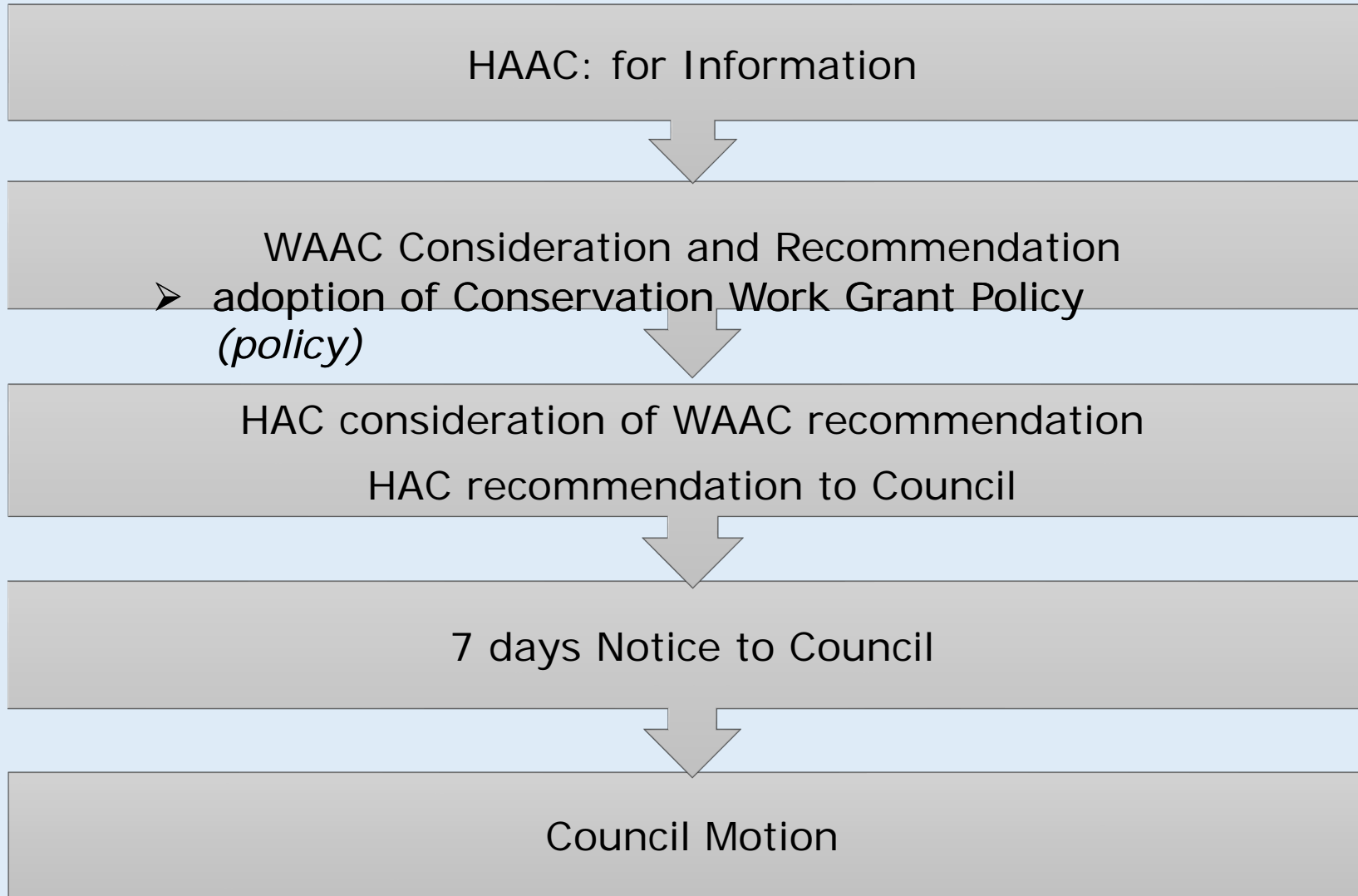
3:ARCHITECTURE

- how rare is the style compared to recognized historical building styles?
- is it an example of an architect/builder's work that is considered very rare or the work of an architect/builder of exceptional interest?
- what is the structural condition & state of repair?



POLICY PROCESS

- Criteria are a policy of Council





Heritage Permits and Alterations to Registered Heritage Properties
November 3, 2020 HAAC

REGISTERED PROPERTIES

- registrations include entire properties, not just a building
- heritage value may lie only in one building on the lot

Types of Description

- "the property at 281 King Street"
- "the land and building located at 43 Falkland Street Assessment #....."
- "all that real property including buildings contained thereon situate at civic # 438 St George Street, also described as Assessment # ... further described as those lands as are or were at one time recorded in Book 259 at page 173 at the Registry of Deeds for Annapolis County...."
- "containing the Sainte-Famille Cemetery and located at 419 Gabriel Road, Falmouth (PID #45249406) "



Mary Queen of Scots House Halifax

SUBSTANTIAL ALTERATION

- HPA and WHRM Heritage Property By-law:

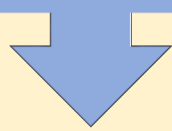
“Substantial Alteration” means any action that affects or alters the character-defining elements of a property.

- anyone intending to work on a registered property should complete a heritage permit application
- staff review the proposal and determine whether the work is a substantial alteration
- substantial alterations must be considered through the heritage permit process
- other (non-substantial) alterations do not require a heritage permit

APPLICATION REVIEW PROCESS

Non-Substantive Alteration

Staff Review



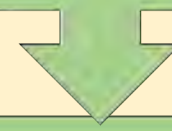
Letter to Applicant: no Heritage Permit Required



Art Gallery of NS

Substantive Alteration

Staff Review/Recommendation



HAC consideration Staff Recommendation

HAC recommendation to Council



Council Decision (Motion)

Statements of Significance

- description required for any property which was designated and added to the pan-Canadian heritage website "historicplaces.ca" from ~2001 to ~2009
- properties registered before or after these dates may not have a SOS
- really helpful to have one done at the time of designation; one is done for any requested registration now
- SOS has several elements:
 - Description of Historic Place: a brief description of the property
 - Heritage Value: a description of the importance of the property
 - Character-Defining Elements: a list of the items that are of particular importance to and contribute to the heritage value of the property.



Pictou Curling Club

LAWSON HOUSE



Description of Historic Place

Lawson House is located at the southeast corner of the intersection of St. John and King Streets in the town of Windsor, NS. Set among several grand historic homes on King Street, Lawson House stands out as a distinctive part of the streetscape. The land and building are included in the municipal designation.

HERITAGE VALUE

Lawson House is valued as one of two buildings in Windsor **designed by William Critchlow Harris** and for its **association with prominent Windsor residents** H.B. Tremain and W. Medford Christie. It is one of **the first buildings where Harris incorporated round towers with conical roofs - a later trademark** of his style.

On October 20, 1897, the "Hants Journal" reported the advance of a great fire that ended with Walter Lawson's house on King Street. In 1898 Lawson, a banker, commissioned Harris to design a new home to be built on the same site. Harris was also working on St. John's Roman Catholic Church and Presbytery further north on King Street.

HERITAGE VALUE

In 1903 the house was sold to Hadely Brown Tremain, a barrister and Member of Parliament for Hants (1911 to 1921). Tremain is credited with having the 112th Battalion of the Canadian Expeditionary Forces stationed at Fort Edward, Windsor.

It was circa 1898 that Harris began to incorporate towers in his designs. The **towers, along with the arched veranda, decorative scalloped shingles on the second storey, the large hipped dormer and decorative leaded and stained glass windows distinguish Lawson House from any other dwelling in Windsor.** In 1907 Lawson House was sold to W. Medford Christie, a Town Solicitor and the house remained in the Christie family until 1971.

A third tower was added with a single storey addition on the south end of the house in the 1980s. While this tower is sympathetic to the original design in its use of decorative shingles and an archway, it does detract from the symmetry of the original design.

CHARACTER-DEFINING ELEMENTS

Character-defining elements of Lawson House include:

- wood frame construction;
- original location;
- two original round towers with conical roofs;
- clipped gable roof;
- wood shingle exterior with scalloped shingles on upper storeys;
- large hipped dormer;
- central doorway;
- partially enclosed veranda with archways.



POTENTIAL NON-SUBSTANTIAL ALTERATIONS

Why a list??

- provides assurance to staff who administer the By-law
- speeds (and lighten up) up the process for work on heritage property

Can you add to the list?

- future requests for an item staff considers to be non-substantial not on the list would be recommended as additions to the list
- members of PAC/HAC or Council may suggest additions



Fort Point Lighthouse, Liverpool

PROPOSED LIST

- in place in Windsor and West Hants for several years
- two differences:
 - size of an accessory building considered non-substantial; the floor area has been replaced by the phrase *“which do not require a building permit”*
 - an additional level of detail in the Windsor list regarding when shingles may be replaced with cladding and cladding with shingles; this has been maintained in the proposed list
- items on the list do not conflict with the requirements of the Windsor Architectural Design Manual or affect the heritage value of properties



Manning Block Parrsboro

PROPOSED LIST

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which staff considers to be maintenance;
- changes in storm windows from painted wood to aluminum;
- use of vinyl (or other material) window inserts within the existing opening;
- replacement of shingles with clad board with the same exposure, or clad board with shingles unless cladding is specified as a character-defining element;
- replacement of doors or storm doors with doors within the existing opening;
- replacement of non-traditional elements with traditional (i.e. clad or replace concrete steps with wood; shingle a wall now covered in plywood);

PROPOSED LIST

- installation of wooden gutters;
- addition of utilities such as air-conditioning vents and “Selkirk” chimneys to walls which are not visible from the public street;
- installation of solar panels on any roof surface;
- addition of minor accessory structures which do not require a building permit;
- alteration of existing minor accessory structures which do not require a building permit;
- placement of commercial advertising signs;
- construction and repair of fences;
- landscaping elements such as ground level “patios” or stairways which are not connected to the main building.