



**WEST HANTS REGIONAL MUNICIPALITY
Windsor Area Advisory Committee (WAAC) Agenda
November 5, 2020 – 6:00p.m.
Sanford Council Chambers/Zoom**

1.0 Call to Order

2.0 Election of Chair and Vice-Chair

3.0 Approval of Agenda and Additions

4.0 Approval of Minutes

5.0 Business Arising from the Minutes

5.1 Restructured Windsor Land Use By-law (Madelyn LeMay)

5.2 Update: File # 20-17 O'Brien Street, Windsor Rezoning (Sara Poirier)

6.0 Building and Development Activity Report

7.0 New Business

7.1 Planning Documents and Committee Roles and Responsibilities

7.2 File # 20-10 Heritage Property By-law (Madelyn LeMay)

7.3 File # 20-23 Standards and Guidelines for the Conservation of Historic Places in Canada
(Madelyn LeMay)

7.4 File # 20-12 Heritage Conservation Work Grant Guidelines (Madelyn LeMay)

7.5 File # 20-11 Criteria for Inclusion in the Registry of Heritage Properties (Madelyn LeMay)

7.6 File # 20-13 Heritage Permits and Alterations to Registered Heritage Properties (Madelyn
LeMay)

8.0 Notices from Adjacent Municipal Units

9.0 Questions and Comments from Public

10.0 Adjournment



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee (HAAC)
(information only)
Members of Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: HAAC November 3, 2020
WAAC November 5, 2020

Subject: Heritage Property By-law
File #20-10

1.0 LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act

2.0 RECOMMENDATIONS

If WAAC wishes to forward positive recommendations the following motions would be in order:

..that WAAC recommends that PAC/HAC recommend that Council hold a public hearing to consider replacing the existing Heritage Property By-laws for the former Town of Windsor and Municipality of West Hants with the Heritage Property By-law (RH-001) contained in Appendix C of the November 5, 2020 report to the Windsor Area Advisory Committee.

...that WAAC recommends that PAC/HAC recommend that Council approval the replacement of the present Notice of Registration in the Land Registry Office with a Notice bearing the corrected time frames for each of the five (5) Windsor Municipally Registered Heritage Properties.

3.0 BACKGROUND

The former Town of Windsor and the former Municipality of West Hants each have a Heritage Property By-law in place which applies to the respective geographic

area. In order to ensure that regulations regarding heritage are the same across the Region, it would be reasonable to have one Heritage Property By-law for the Region.

There are other heritage related issues which need to be addressed for the Region; these will be addressed in individual reports.

4.0 DISCUSSION

4.1 West Hants

On September 18, 2018, the Minister of Municipal Affairs approved a revised Heritage Property By-law for West Hants which had been approved by Council on July 10, 2018. The revised By-law had followed the usual West Hants process of review and recommendation by the Planning/Heritage Advisory Committee. The changes from the 1992 By-law were primarily changes to reflect the 2010 amendments to the Heritage Property Act which need to appear in the By-law.

The changes made to the Act that are reflected in the revised West Hants By-law (Appendix B) included:

- broadening the By-law to include 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*" rather than just "*buildings, streetscape and areas*" to incorporate all elements enabled by the Provincial legislation.

Since interiors can be the reason for registration of public buildings, the word "exterior" was removed throughout the By-law

- adding the definition of "*substantial alteration*" as "*any action that affects or alters the character-defining elements of a property*" to provide direction to Council on what constitutes a substantial alteration.
- The 2010 amendments to the Heritage Property Act allow municipality to take up to three (3) years to consider an application to substantially alter a municipal heritage property. If following consideration Council refuses the request to alter, the property owner may 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 one year from the date of the application but not more than two years from the date of application. For some owners this a significant change.

4.2 West Hants Notices

One additional change was made in 2018 to the West Hants Heritage Property By-law which was not required by the Heritage Property Act. The time frame for

altering a property following Council's refusal of a permit is stated in both Form A and B of the Heritage Property By-law. Since there is no requirement that the Forms be part of the By-law, they can be attached as templates to be used without forming part of the official By-law. This would make changes to the Forms easier to accomplish in the future.

There are six (6) West Hants Municipally Registered Heritage properties. These each had inaccurate information attached to them in the Land Registry office. To ensure that owners and potential purchasers had the correct information, the Notice of Registration for each property was replaced with a Notice bearing the correct time frames.

4.3 Windsor By-law

On January 28, 2020, Windsor Town Council approved a revised Heritage Property By-law which was intended to be identical in content (although somewhat different in form) to the 2018 West Hants Heritage Property By-law. The Council-approved By-law had followed the usual process of review and recommendation by the Heritage Advisory Committee. The By-law was submitted to Municipal Affairs by the Windsor Clerk, but was not approved by the Minister prior to the April 1 consolidation of Windsor and West Hants. It could not be approved following consolidation as the Town no longer exists. As a result, the April 13, 1994 Heritage Property By-law is still in place for the community of Windsor.

The Council-approved changes to the By-law included all of those listed above for West Hants; there were no substantive additional changes.

4.4 Windsor Notices

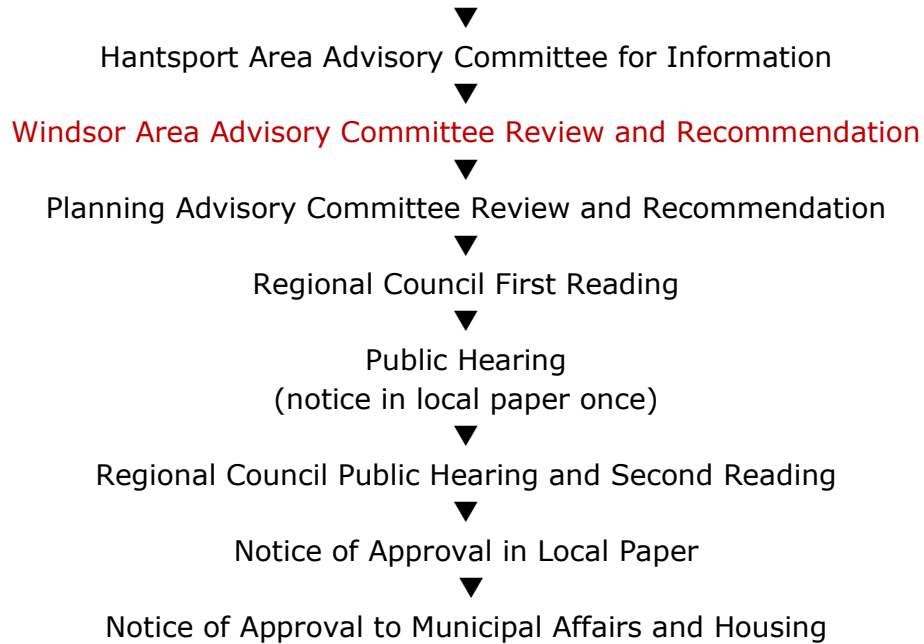
There are five (5) Windsor Municipally Registered Heritage properties. These each have inaccurate information attached to them in the Land Registry Office. To ensure that owners and potential purchasers have the correct information, it is recommended that the Notice of Registration for each property be replaced with a Notice bearing the correct time frames.

4.5 Heritage Advisory Committee

Municipal Affairs has advised that the Committee of the Whole cannot be named as the Heritage Advisory Committee. As a result, the Planning Advisory Committee is now the only existing committee that can also be named as the Heritage Advisory Committee. An entirely separate committee which contains both Council and resident members may be established if Council prefers.

5.0 NEXT STEPS

The following process is being used for adoption of the proposed by-law:
Staff Review



6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing By-laws with the proposed new By-law.

The cost of replacement of the Notice of Registration for each property in the Land Registry files will be approximately \$1,375.00 for the five (5) Windsor Municipally registered properties. This money is included within the budget.

7.0 ALTERNATIVES

WAAC may recommend that PAC/HAC:

- not recommend in favour of the Heritage Property By-law included as Attachment C;
- not recommend in favour of replacing the Notices in the Land Registry Office;
- provide alternate direction such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A	Windsor Heritage Property By-law
Attachment B	West Hants Heritage Property By-law
Attachment C	Proposed Heritage Property By-law, RH-001

Report Prepared by: _____
 Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____
 Rhonda Brown, Municipal Clerk

ATTACHMENT A



**TOWN OF WINDSOR
BYLAW # 25
HERITAGE PROPERTY BYLAW**

Town of Windsor, NS
Walter B. Stephens Building, PO Box 158, 100 King Street,
Windsor, NS B0N 2T0

.....
HERITAGE PROPERTY BYLAW
.....

Approved April 13, 1994
Hon. Sandy Jolly, Minister of Municipal Affairs
Province of Nova Scotia

APPENDIX A
TOWN OF WINDSOR
HERITAGE PROPERTY BYLAW,

Approved 15 February 2001

- 25.01** This Bylaw shall be known and may be cited as the *Heritage Property Bylaw*.
- 25.02** In this Bylaw:
- (a) “Act” means the Heritage Property Act;
 - (b) “Applicant” means the person, persons or organization, requesting registration of a property for municipal heritage status under this Bylaw;
 - (c) “Area” includes such visibly physical features as cemeteries, historical gardens, statues and monuments, where they are of architectural, historical or cultural value;
 - (d) “Council” means the Town Council of the Town of Windsor;
 - (e) “Clerk” means the Clerk of the Town of Windsor;
 - (f) “Committee” means the Heritage Advisory Committee, established pursuant to this Bylaw;
 - (g) “Town” means the Town of Windsor;
 - (h) “Municipal Heritage Property” means a building, streetscape or area registered in a Municipal Registry of Heritage Property;
 - (i) “Registered Owner” means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Registry of Deeds, and includes a person assessed with respect to the occupancy of the land;
 - (j) “Registry” means the Municipal Registry of Heritage Property, within the meaning of the Act;
- 25.03** There shall be established for the Town of Windsor, a Municipal Registry of Heritage Property, where all prescribed documents relating to the registration of heritage property under this Bylaw shall be filed.
- 25.04** The maintenance of the Registry shall be the responsibility of the Town Clerk.
- 25.05** The Heritage Advisory Committee shall be appointed by Council, in accordance with the following criteria:

- (a) all members of the Windsor Planning Advisory Committee shall be members, and two other members shall be selected from residents of the Town who are not Council members and have a demonstrated interest in heritage properties;
- (b) following the coming into force of this Bylaw, Council shall appoint the members of the Committee as follows;
 - (i) the members of the Planning Advisory Committee shall serve for the same period as they are members of the Planning Advisory Committee.
 - (ii) on the initial appointment of the two additional members, one shall serve a term of approximately two years, such term to expire in the November following one full year of appointment, and one shall serve a term of approximately three years, such term to expire in the November following two full years of appointment; thereafter each member shall serve for two years;

and Council shall on or before the last day of November of each and every succeeding year make appointments in accordance with this paragraph to fill vacancies created by the termination of any term of office.

- (c) Council may at any time upon determining that a vacancy or vacancies exist on the Committee appoint one or more individuals to fill said vacancies. Such individual or individuals shall serve the remainder of the term of the individual or individuals to be replaced;
- (d) a member of the Committee may be reappointed upon the expiry of the member's term of office;
- (e) all members of the Committee including those that are members of Council shall be appointed with no remuneration by the Town for attendance at Committee meetings, except for the position of secretary;
- (f) all members appointed shall remain members only during such time as they continue to be residents of Windsor.

25.06

The Heritage Advisory Committee shall operate under the following rules of procedure:

- (a) the committee shall appoint a chair and vice-chair from amongst its members at the first meeting of the committee;
- (b) a secretary shall be appointed to the committee who shall be responsible for the recording and keeping of minutes of committee meetings;
- (c) if a committee member is absent for three successive meetings, that member shall cease to be a member;

- (d) the committee shall meet monthly, when required, to discuss applications for registration of properties, applications to substantially alter or demolish a Municipal Heritage Property, or discuss the criteria for evaluation of a heritage property, or other matters necessary for the effective carrying out of the intent of the Bylaw; such meetings generally to be held on the same evening as the Planning Advisory Committee meeting; special meetings may be held as and when determined by the committee chair or on request of the majority of committee members;
- (e) quorum shall be five committee members;
- (f) a member of the Town's Planning Staff shall serve as advisor to the committee.

25.07 The Committee may advise the Town Council respecting:

- (a) the inclusion of buildings, streetscapes and areas in the Registry of Heritage Property;
- (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
- (c) building or other regulations that affect the attainment of the intent and purposes of this Bylaw;
- (d) any other matters conducive to the effective carrying out of the intent and purpose of this Bylaw.

25.08 The Committee may recommend to the Town that a building, streetscape or area be registered as a Municipal Heritage Property in the Registry.

25.09 (a) The Town shall cause notice of the recommendation of the Committee, in the format of Form "A" appended hereto, to be served upon each registered owner, of the building, streetscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

- (b) The notice shall contain:
 - (i) a statement that the building, streetscape or area described in the notice has been recommended for registration in the Municipal Registry of Heritage Property;
 - (ii) a brief statement of the reasons for the recommendation;
 - (iii) a summary of the consequences of registration;
 - (iv) a statement that no person shall substantially alter the exterior appearance of or demolish the building, streetscape or area for one hundred and twenty (120) days after the notice is served unless the Town sooner refuses to register the property; and

(v) notification of the right of the owner to be heard and of the date, time and place of the hearing.

(c) No person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for one hundred and twenty (120) days after notice respecting the building, streetscape or area has been served pursuant to Subsection (a) except in those cases where, prior to the expiration of one hundred and twenty (120) days, the Town refuses to register the property.

(d) A copy of the notice served pursuant to Subsection (a) shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.10

(a) The Town may register, in the format of the notice in Form "B" appended hereto, the building, streetscape or area as a Municipal Heritage Property in the Municipal Registry of Heritage Property at anytime not less than thirty (30) days nor more than one hundred and twenty (120) days after service of the notice pursuant to Section 25.09 hereof and on the advice of the Heritage Advisory Committee.

(b) No registration pursuant to Subsection (a) shall take place until the Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after service of the notice pursuant to Subsection (a).

(c) Notice of the registration shall be sent to each registered owner of the building, streetscape or area and a copy thereof shall be deposited at the Registry of Deeds at Windsor, Nova Scotia.

25.11

(a) On the application of an owner of a Municipal Heritage Property or on its own motion, the Town 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;

after holding a public hearing to consider the proposed deregistration.

(b) Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

(c) Where a Municipal Heritage Property is deregistered, Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Registry of Deeds at Windsor, Nova Scotia.

- 25.12** Council shall require fees associated with:
- (a) the costs required by the Registry of Deeds for registration of documents prescribed in this Bylaw; and
 - (b) the costs of a public hearing for the registering and de-registering of municipal heritage property;
- be payable by the applicant.
- 25.13**
- (a) A Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Town.
 - (b) An application for permission to substantially alter the exterior appearance of or demolish Municipal Heritage Property shall be made in writing to the Town.
 - (c) Upon receipt of the application, the Town shall refer the application to the Heritage Advisory Committee for its recommendations.
 - (d) Within thirty (30) days after the application has been referred by the Town, the Heritage Advisory Committee shall submit a written report and recommendation to the Town, respecting the Municipal Heritage Property.
 - (e) The Town may grant the application either with or without conditions or may refuse it.
 - (f) The Town shall advise the applicant of its determination.
- 25.14** Notwithstanding Section 25.13, where the owner of Municipal Heritage Property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out demolition at any time after one (1) year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two (2) years after the date of the application.
- 25.15** The Town may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property, with the cost of the sign, plaque or other marker to be borne by the Town.
- 25.16**
- (a) Service of any notice required to be made by this Bylaw shall be sufficient if served upon the person by registered mail at the person's last known address.
 - (b) Where a person upon whom service should be made cannot be identified or the address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property.

FORM "A"

TOWN OF WINDSOR

**NOTICE OF RECOMMENDATION
TO REGISTER AS A
MUNICIPAL HERITAGE PROPERTY**

1. Under the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*) located at (*insert brief description and address*) has been recommended for registration in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The property has been recommended for registration for the following reasons: (*describe reasons for recommendation*)
3. The Heritage Property Act provides that no person shall substantially alter the exterior appearance of or demolish a building, streetscape or area for 120 days from the date of service of this notice upon you, unless the Town Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and this hearing shall take place at the Council Chambers, 100 King Street, Windsor, Nova Scotia on (*insert date*) at the hour of (*insert time*). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property Bylaw provides that if a property is registered as a Municipal Heritage Property:
 - a. the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - b. an application for permission to substantially alter the exterior appearance or to demolish a property may be made to the Town;
 - c. the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - d. the Town may grant or refuse permission or attach conditions;
 - e. if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two years after the date of the application;
 - f. penalties for violation of the Bylaws are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - g. the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other

Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses;

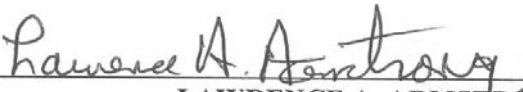
- h. a copy of this notice has been recorded at the Registry of Deeds at Windsor, Nova Scotia.

FORM "B"
TOWN OF WINDSOR
NOTICE OF REGISTRATION
OF
MUNICIPAL HERITAGE PROPERTY

1. Under Section 25.10 of the Heritage Property Bylaw, the Town of Windsor hereby gives notice that the property of (*insert name of owner*), located at (*insert brief description and address*), has been registered in the Municipal Registry of Heritage Property for the Town of Windsor.
2. The Heritage Bylaw provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in exterior appearance or be demolished without the approval of the Town;
 - (b) an application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Town;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Town may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least one (1) year but not more than two (2) years after the date of the application;
 - (f) penalties for violation of the Bylaw are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations;
 - (g) the Town has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the Bylaw, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this Bylaw and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Registry of Deeds at Windsor, Nova Scotia.

THIS IS TO CERTIFY that I, Larry A. Armstrong, Town Administrator of the Town of Windsor, in the County of Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the resolution to amend the Town of Windsor Heritage Property By-law passed by a majority of the whole Council of the Town of Windsor at a meeting duly called and held on the **18th** day of **December, 2000**.

GIVEN under the hand of the Town Administrator and under the corporate seal of the Town of Windsor this **20th** day of **December, 2000**.



LAWRENCE A. ARMSTRONG
TOWN ADMINISTRATOR

Service Nova Scotia
and Municipal Relations
Recommended for
approval of the Minister

.....
Department Solicitor
APPROVED this **15** day
of **February** **18, 2000**

.....
Minister of Service Nova Scotia and Municipal Relations

WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
- (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of the Municipality of the District of West Hants;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to this By-law;
 - (e) "Municipality" means the Municipality of the District of West Hants;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Municipal Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the character-defining elements of a property.

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.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint either of the following as the Heritage Advisory Committee:
 - (a) the Committee of the Whole; or
 - (b) the Planning Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the referral



of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
- (b) a brief statement of the reasons for the recommendation;
- (c) a summary of the consequences of registration;
- (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
- (e) the location of the building and the extent of the recommendation; and
- (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the

provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.

5.2 Notice of such registration shall be:

- (a) served upon each registered owner;
- (b) deposited with the Land Registry Office; and
- (c) filed in the Municipal Registry of Heritage Property.

5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.

5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion, may deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration 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 notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property

and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the refusal.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal Heritage Registry or any right therein.

9.0 General



BY-LAW

H-001

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at his last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated November 10, 1992 as amended is hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10th** day of **July, 2018**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	May 8, 2018
Notice Published:	June 26, 2018 and July 3, 2018
Second Reading & Approval	July 10, 2018
Final Publication	October 2, 2018
Notice to Municipal Affairs	July 11, 2018
Ministerial Approval	September 18, 2018
Description: Initial approval of the Heritage Property By-law H-001, which states the Repeal of Heritage Property By-law date November 10, 1992 as amended.	

Original By-law signed by Rhonda Brown, Municipal Clerk



**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

FORM "A"
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (Insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;



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- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
- (h) a copy of this notice has been recorded at the Land Registry Office.



WEST HANTS
NOVA SCOTIA

BY-LAW

H-001

FORM "B"

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY**

1. Under Section 5 of the Heritage Property By-law, the Municipality of the District of West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Municipality of the District of West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.

ATTACHMENT C
West Hants Regional Municipality
Draft Heritage Property By-law

1.0 Title and Definitions

- 1.1 This By-law is made pursuant to the Heritage Property Act, R.S.N.S. 1989, Chapter 199 as amended from time to time, hereinafter referred to as the "Act", and shall be known and may be cited as the "Heritage Property By-law".
- 1.2 This By-law shall be administered in accordance with the Heritage Property Act, R.S.N.S. 1989.
- 1.3 In this By-law:
- (a) "Act" means the Heritage Property Act;
 - (b) "Area" includes such physical features as cemeteries, historical gardens, statues and monuments;
 - (c) "Council" means the Municipal Council of West Hants Regional Municipality;
 - (d) "Committee" means the Heritage Advisory Committee established pursuant to this By-law;
 - (e) "Municipality" means West Hants Regional Municipality;
 - (f) "Municipal Heritage Property" means a building, public-building interior, streetscape, cultural landscape or area registered in the West Hants Regional Municipality Registry of Heritage Property;
 - (g) "Registered Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the Land Registry Office, and includes a person assessed with respect to the occupancy of the land;
 - (h) "Registry" means the Municipal Registry of Heritage Property of the Municipality;
 - (i) "Substantial Alteration" means any action that affects or alters the

character-defining elements of a property.

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.

3.0 Heritage Advisory Committee

- 3.1 Council shall appoint the Planning Advisory Committee as the Heritage Advisory Committee.
- 3.2 The Heritage Advisory Committee shall be governed, where not inconsistent with the Act or this By-law, by the general rules of procedure applicable to Committees contained in the Council Procedural Policy.
- 3.3 The Committee may advise Council respecting:
 - (a) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes or areas in the Registry;
 - (b) an application for permission to substantially alter or demolish a Municipal Heritage Property;
 - (c) the preparation, amendment, revision or repeal of a Conservation Plan and Conservation By-law;
 - (d) the administration of Heritage Conservation Districts pursuant to the provisions of the Act;
 - (e) an application for a certificate that is required by this Act or the

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referral of a Conservation Plan and Conservation By-law to Council for a public hearing; and

- (f) any other matters conducive to the effective carrying out of the intent and purpose of this By-law and the Act.

4.0 Notice of Recommendation

4.1 The Municipality shall cause the Notice of Recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty (30) days prior to registration of the building, streetscape or area in the Municipal Registry of Heritage Properties.

One copy of the Notice of Recommendation shall be deposited in the Land Registry Office and one copy of the registration shall be filed in the Municipal Registry of Heritage Property.

4.2 The notice shall contain:

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Registry;
- (b) a brief statement of the reasons for the recommendation;
- (c) a summary of the consequences of registration;
- (d) a statement that no person shall demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, for one hundred and twenty (120) days after the notice is served unless the Municipality sooner refuses to register the property;
- (e) the location of the property and the extent of the recommendation; and
- (f) notification of the right of the owner to be heard and of the date, time and place where they may be heard.

5.0 Registration and Notification

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- 5.1 Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall include all of the information set out in Section 4.2 above.
- 5.2 Notice of such registration shall be:
- (a) served upon each registered owner;
 - (b) deposited with the Land Registry Office; and
 - (c) filed in the Municipal Registry of Heritage Property.
- 5.3 The Municipality may register the building, public-building interior, streetscape, cultural landscape or area in the Registry at any time not less than thirty (30) days nor more than one hundred and twenty (120) days after the service of the notice required by Section 5.2 above.
- 5.4 No registration pursuant to Section 5.1 shall take place until Council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three (3) weeks after the service of the notice required by Section 5.2.

6.0 Deregistration

- 6.1 The owner of a Municipal Heritage Property may apply to, or the Municipality on its own motion may, deregister a Municipal Heritage Property after holding a public hearing to consider the proposed deregistration 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 notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.
- 6.2 Such public hearing shall be held not less than thirty (30) days after notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

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- 6.3 Where a Municipal Heritage Property is deregistered, the Council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited at the Land Registry Office.

7.0 Alteration or Demolition

- 7.1 A Municipal Heritage Property shall not be substantially altered in appearance or demolished without the approval of the Municipality.
- 7.2 An application for permission to demolish or substantially alter the appearance of: a building; a public-building interior; a streetscape; a cultural landscape; or an area, which is entered in the Municipal Heritage Registry shall be made in writing to the Municipality.
- 7.3 The application shall be reviewed by staff and a report prepared for the Heritage Advisory Committee for recommendation to Council.
- 7.4 Within thirty (30) days after receiving a report, the Heritage Advisory Committee shall submit a written report and recommendation to Council respecting the application.
- 7.5 The Municipality may take up to three (3) years to consider an application and may require public notice of the application and information meetings respecting the application.
- 7.6 Council may grant the heritage permit either with or without conditions or may refuse the permit, and the Municipality shall advise the applicant of its determination.
- 7.7 Where the owner of a building, public-building interior, streetscape, cultural landscape or area which is entered in the Registry has made application for permission to substantially alter the appearance of or demolish the property and the permission is not received, the owner may make the alteration or carry out the demolition at any time after three (3) years from the date of the application, provided that the alteration or demolition shall not be undertaken more than four (4) years after the date of the application.

8.0 Acquisition

- 8.1 The Municipality may acquire a building, public-building interior, streetscape, cultural landscape or area which is entered in the Municipal

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Heritage Registry or any right therein.

9.0 General

- 9.1 The Municipality may cause a sign, plaque or other marker to be placed on a Municipal Heritage Property indicating the significance of that property.
- 9.2 Service of any notice required to be made by this By-law shall be sufficient if served upon the person by registered mail at their last known address.
- 9.3 Where a person upon whom service should be made cannot be identified or their address is not known, service shall be sufficient if the notice is affixed in a conspicuous place on the building, public-building interior, streetscape, cultural landscape or area and a copy is delivered to any occupant of the property.

10.0 Repeal

- 10.1 The Heritage Property By-law dated September 18, 2018, of the former Municipality of the District of West Hants, the Heritage Property By-law dated April 13, 1994, of the former Town of Windsor as amended and any other earlier Windsor By-laws related to Heritage Property are hereby repealed.

I, Rhonda Brown, Municipal Clerk of West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2021**.

R. N. Brown
Municipal Clerk

By-Law Adoption	
First Reading:	
Notice Published:	
Second Reading & Approval	

BY-LAW

Final Publication	
Notice to Municipal Affairs	
Description: Initial approval of the Heritage Property By-law which states the Repeal of Windsor Heritage Property By-laws dated April 13, 1994, as amended and West Hants Heritage Property By-law dated September 18, 2018.	

**NOTE: A and B forms (following) are not part of the
By-law but will be used as templates.**

FORM "A"
REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
NOTICE OF RECOMMENDATION
TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

1. Under the Heritage Property By-law, the Region of Windsor and West Hants Municipality hereby gives notice that the property of (insert name of owner) located at (insert brief description and address) has been recommended for registration in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The property has been recommended for registration for the following reasons: (describe reasons for recommendation)
3. The Heritage Property By-law provides that no person shall substantially alter the appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for 120 days from the date of service of this notice upon you, unless the Municipal Council sooner refuses to register the property.
4. Take notice that you have the right to be heard concerning the recommended registration, and you shall be heard at the Sanford Council Chambers, Municipal Building, 76 Morison Drive, Windsor, Nova Scotia on (insert date) at the hour of (insert time). You may make submissions orally or in writing and a written submission by you may be presented at any time prior to the hearing.
5. The Heritage Property By-law provides that if a property is registered as a Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish a property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a

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- term not exceeding six months for individuals and \$250,000.00 for corporations;
- (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law, or for an Order directing the restoration of the property or for any other Order to enforce the provisions of the By-law and as to costs and the recovery of expenses;
 - (h) a copy of this notice has been recorded at the Land Registry Office.

FORM "B"
REGION OF WINDSOR AND WEST HANTS
NOTICE OF REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

1. Under Section 5 of the Heritage Property By-law, the Region of Windsor and West Hants hereby gives notice that the property of (insert name of owner), located at (insert brief description and address), has been registered in the Municipal Registry of Heritage Property for the Region of Windsor and West Hants.
2. The Heritage Property By-law provides that where a property is registered as Municipal Heritage Property:
 - (a) the property shall not be substantially altered in appearance or be demolished without the approval of the Municipality;
 - (b) an application for permission to substantially alter the appearance or to demolish the property may be made to the Municipality;
 - (c) the Heritage Advisory Committee shall be given an opportunity to comment on any application to substantially alter the property;
 - (d) the Municipality may grant or refuse permission or attach conditions;
 - (e) if the application is not approved, the alteration or demolition may take place at least three (3) years but not more than four (4) years after the date of the application;
 - (f) penalties for violation of the By-law are a maximum fine of \$10,000.00 and in default of payment thereof to imprisonment for a term not exceeding six months for individuals and \$250,000.00 for corporations;
 - (g) the Municipality has the further right to apply for a Supreme Court Order restraining the continuance or repetition of any contravention of the By-law or for an Order directing the restoration of the property or for any other Order to enforce the provisions of this By-law and as to costs and the recovery of expenses.
3. A copy of this notice has been registered at the Land Registry Office.



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Standards and Guidelines for the Conservation of Historic Places
in Canada
File # 20-23

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act

2.0 RECOMMENDATION

Should WAAC wish to forward a positive recommendation the following motion would be in order:
... that WAAC recommends that PAC/HAC recommend that Council consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* when reviewing applications for substantial exterior alterations to municipally registered heritage properties.

3.0 BACKGROUND

The *Standards and Guidelines* were adopted as a way of considering applications for substantial alteration by West Hants in 2009; no record has been found for a similar adoption in Windsor.

4.0 DISCUSSION

Statements of Significance (SoS) were developed for most municipally registered heritage properties in the Region at the time of registration. An SoS describes

the historic place and defines its heritage value and character defining elements, explaining why a property was registered and why it should be protected.

In conjunction with the program under which the SoS were developed Councils were asked to consider “*Standards and Guidelines for the Conservation of Historic Places in Canada*” when reviewing substantive changes to the exterior of registered buildings. The *Standards and Guidelines* are based on a minimal intervention approach to conservation and provide a framework for deciding which features of a historic place should be maintained and which may be altered and guidelines on how to go about the work.

The *Standards and Guidelines* provide an excellent resource when reviewing applications for substantial alterations to registered heritage buildings. Adoption of the *Standards and Guidelines* means that staff, the Heritage Advisory Committee and Council will consider the *Standards and Guidelines* when reviewing applications for substantial exterior alterations to registered municipal heritage properties.

Should Council not adopt the *Standards and Guidelines*, they will remain approved for West Hants but not for the remainder of the Region. Having the *Standards and Guidelines* approved for the entire Region will ensure that requests for substantial alterations to registered properties are treated the same way throughout the Region.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *Standards and Guidelines* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with adopting the *Standards and Guidelines* for the Region

7.0 ALTERNATIVES

Should WAAC not wish to recommend the *Standards and Guidelines* to PAC/HAC, WAAC may:

- recommend that the *Standards and Guidelines* is not needed throughout the Region at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 ATTACHMENTS

Attachment A Standards and Guidelines Summary and Link

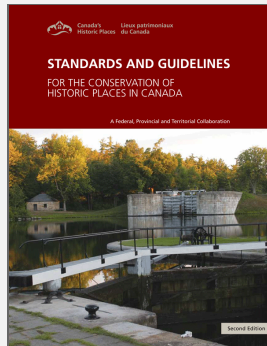
Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

ATTACHMENT A

Link to full document: <https://www.historicplaces.ca/media/18072/81468-parks-s+g-eng-web2.pdf>

SUMMARY from WEBSITE

The Standards & Guidelines for the Conservation of Historic Places in Canada



[The Standards and Guidelines for the Conservation of Historic Places in Canada](#) is the first-ever pan-Canadian benchmark for heritage conservation practice in this country. It offers results-oriented guidance for sound decision-making when planning for, intervening on and using historic places. This document establishes a consistent, pan-Canadian set of conservation principles and guidelines that will be useful to anyone with an interest in conserving Canada's historic places.

Changes since the last edition

This second edition of the *Standards and Guidelines* expands and clarifies the information contained in the original 2003 edition.

The revisions in this edition:

- Address comments received from users of the first edition of the *Standards and Guidelines*;
- Clarify the relationship between the *Standards and Guidelines* and a Statement of Significance;
- Better explain the conservation decision-making process;
- Provide interpretation of the fourteen Standards to clarify these important principles;
- Add guidance for typical sustainability-related interventions;
- Address new topics such as cultural landscapes, including heritage districts;
- Address recent heritage, including the specific issues of conserving modern materials and assemblies;
- Improve the guidance provided for engineering works; and
- Provide a more comprehensive set of Guidelines for Archaeological Sites generally, and in a specific setting.

The Conservation Decision-making Process



Conservation activities can be seen as a sequence of actions - from understanding the historic place, to planning for its conservation and intervening through projects or maintenance.

Understanding a historic place is an essential first step to good conservation practice. This is normally achieved through research and investigation. It is important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.



Planning is the mechanism that links a comprehensive understanding of a historic place with interventions that respect its heritage value. Planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints.

Intervening on a historic place, that is, any action or process that results in a physical change to its character-defining elements, must respect and protect its heritage value.

These three phases can further be defined through a series of steps:

UNDERSTANDING

- Refer to Heritage Value and Character-defining Elements
- Investigate and Document Condition and Changes

PLANNING

- Maintain or Select an Appropriate and Sustainable Use
- Identify Project Requirements
- Determine the Primary Treatment
- Review the Standards
- Follow the Guidelines

INTERVENING

- Undertake the Project Work
- Carry out Regular Maintenance

The Standards and Guidelines apply particularly to these three steps of the conservation decision-making process: Determine the Primary Treatment, Review the Standards and Follow the Guidelines.

DETERMINE THE PRIMARY TREATMENT	PRESERVATION	REHABILITATION	RESTORATION
REVIEW THE STANDARDS	GENERAL STANDARDS 1 – 9		
		Additional Standards for Rehabilitation (10–11–12)	Additional Standards for Restoration (13–14)
FOLLOW THE GUIDELINES	GENERAL GUIDELINES		
		Additional Guidelines for Rehabilitation	Additional Guidelines for Restoration

The Conservation Treatments

Conservation is the umbrella term in Canada. The conservation treatments of preservation, rehabilitation and restoration fall under conservation.

The Standards

The standards are based on internationally recognized conservation principles. The 14 standards are:

General Standards (for preservation, rehabilitation and restoration)

1. Conserve the *heritage value* of a historic place. Do not remove, replace or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* that, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character-defining elements*.



6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbing archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
8. Maintain *character-defining elements* on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where character-defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the restoration period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.

14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The Guidelines

The guidelines provide practical advice for decision making when interventions are undertaken on a historic place. The guidelines address four types of resources as well as materials.

- Cultural Landscapes
- Archaeological Sites
- Buildings
- Engineering Works
- Materials

KEY DEFINITIONS

Historic Place: a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value.

Heritage Value: the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.

Character-defining Element: the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place, which must be retained to preserve its heritage value.



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Hantsport Area Advisory Committee (HAAC)
Members of Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: HAAC November 3, 2020
WAAC November 5, 2020

Subject: Heritage Conservation Work Grant Policy
File # 20-12

1.0 LEGISLATIVE AUTHORITY

MGA 65

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

...that WAAC recommends that PAC/HAC recommend that Council approve the *Municipal Heritage Property Conservation Work Grant Policy*, in a manner substantively the same as that included as Attachment B to the report to WAAC entitled *Heritage Conservation Work Grant Policy* and dated November 5, 2020.

3.0 BACKGROUND

The *Municipal Heritage Property Conservation Work Grant Guidelines* for municipal heritage properties was adopted by West Hants Council in 2016 and amended in 2018 and 2019. A similar policy was not ever considered by Windsor. Although entitled "Guidelines", it is a policy and the document for the Region will be called a policy.

4.0 DISCUSSION

4.1.1 Existing West Hants Guidelines

The West Hants *Guidelines* provides limited financial assistance to owners of registered municipal heritage properties to help owners preserve the property as a resource for the community. The grant is provided on a 50% cost sharing basis between the applicant and Council and is limited by the budget established annually by Council. A motion of Council is required for each grant provided.

The West Hants Guidelines established:

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

4.1.2 Proposed Policy

The topics now covered by the West Hants Guidelines are included in the proposed policy for the Region. The proposed policy includes the repeal of the present West Hants Guidelines policy. Content of the proposed policy is summarized below.

4.1.2(a) *Eligible owners*

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

4.1.2(b) *General Project Requirements*

- work must be done and final claim made by March 31 of the year the work is done;
- 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

4.1.2(c) *Eligible and Ineligible Work and Materials* *Eligible*

- 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.

Ineligible

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

4.1.2(d) *Project Evaluation*

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

4.1.2(e) *Application Review Process*

- takes approximately three (3) months
- staff review > HAC review and recommendation > Council decision

4.1.2(f) *Grants and Applications*

Since adoption in 2016, the West Hants *Guidelines* has been used in response to only three applications. One issue was quickly apparent when reviewing each of the applications. The Guidelines states: "*The maximum number of grants for a property is one (1) per fiscal year. and two (2) in any five (5) year fiscal period.*" In addition, the maximum grant per year is \$5,000.00; the total grant in a five (5) year period is \$10,000.00.

Applicants have commented that it would be both easier and more beneficial for them to be able to apply for a grant more often within the five (5) year period (with the five (5) year period beginning on the date of the first grant approved) with the total possible grant remaining at \$10,000.00. Since cash flow can be a problem, some applicants may wish to make application for smaller and less costly projects more often. Others may have a major

project which would require the entire grant; they may wish to apply only once during the five-year period. It seems reasonable to take a middle approach and permit up to two applications per year each year within the five (5) year period and not limit the annual amount. This ability has been included within the proposed Policy for the Region (Attachment B).

4.1.2(g) *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 is March 31 each year;
- any proposed changes to the approved work must receive Council approval before the work is done
- grants only given for work approved

4.2 Application of Existing Guidelines

There are six (6) properties with municipal heritage registration in the Region that are now eligible for a grant. There are five (5) additional properties with municipal heritage registration located within the community of Windsor that are not now 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.

5.0 NEXT STEPS

Nothing further is required of WAAC or PAC/HAC; Council approval of the PAC/HAC recommendation is needed for the *Municipal Heritage Property Conservation Work Grant Policy* to be effective throughout the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Guidelines* with the proposed policy, as the total amount given in grants each year is limited by the budget established by Council. The change recommended regarding applications could at a maximum increase the workload on the Finance Department by one (1) application per property per year.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this policy to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one *Municipal Heritage Property Conservation Work Grant Policy* for the Region is not needed at this time; or

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A** West Hants Municipal Heritage Property Conservation Work Grant Guidelines
- Attachment B** Proposed Municipal Heritage Property Conservation Work Grant Policy for the Region
-

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: _____
Mark Phillips, CAO

Report Reviewed by: _____
Rhonda Brown, Municipal Clerk

Report Reviewed by: _____
Carlee Rochon, Director, Finance

ATTACHMENT B
WEST HANTS REGIONAL MUNICIPALITY
Municipal Heritage Property Conservation Work Grant Guidelines

Objective

To provide information for owners of Municipal Heritage properties regarding the financial assistance program which supports conservation of this important resource.

Eligible Applicants

The program provides eligible owners of Municipal Heritage properties with access to financial assistance comparable to that available to Provincially registered heritage properties. Within the limits of the annual budget, the Heritage Funding Program provides a maximum grant of \$10,000 within a five (5) year period for eligible conservation work.

Eligible owners include only not-for-profit organizations incorporated under the Societies Act of Nova Scotia and private owners.

General Project Requirements

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

Eligible Conservation Work & Materials

Projects related to architectural elements which support the designation of the property including:

- **Preservation** of existing architectural elements, including but not limited to, repair of windows, doors, cladding, roof, foundation, and architectural trim;
- **Replacement** of architectural elements which still exist but which are beyond preservation or repair, including doors, windows, cladding, roofing, foundation materials, and architectural trim, using materials and configurations similar to the original;
- **Restoration** of significant architectural elements which have been lost but for which the appearance can be determined from physical evidence or documentary sources such as historic drawings or photographs; and
- **Replacement or repair of structural elements** which support the building or structure.

Ineligible Work & Materials

- modern materials or elements such as vinyl or aluminum clad windows, steel doors, vinyl siding, or synthetic cladding unless required to meet the requirements of the Building Code Act By-law;
- short-term routine maintenance, including minor repairs to non-original cladding or roofing;
- landscaping features and repairs to minor structures such as fences and retaining walls which do not support the building;
- work carried out prior to approval of the grant;
- poor or defective work;
- electrical, heating or plumbing work;
- construction of an addition;
- construction of an accessory building;
- new windows and doors that do not support the heritage character of the building; and
- owner's labour.

Project Evaluation

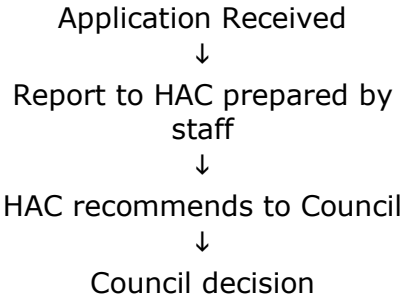
The project will be evaluated using criteria established under the Standards and Guidelines for the Conservation of Historic Places in Canada.

Priority will be given to:

- first-time applicants;
- work on structural or weatherproofing elements; and
- applications supported by a Building Conservation Plan (a drawing or a report which reasonably illustrates all intended work) prepared by an architect, building official, engineer, or restoration professional.

Application Review Process

The process for review of an application takes approximately three (3) months.



All eligible applications may not receive approval due to limited funds.

Grants & Applications

- Grants are awarded on a 50% cost-sharing, matching basis;

POLICY

- The minimum grant is \$500. per property;
- The maximum number of grants per property is two (2) per fiscal year and ten (10) in any five (5) year fiscal period;
- Grants are based on eligible expenses; in-kind contributions are not included in calculating the grant.

Conditions of Approval & Payment of Funds

- Projects must be completed within the fiscal year for which they were approved unless exceptional circumstances arise following approval. Approval for extending the grant into a second fiscal year must be requested from the Chief Administrative Officer as soon as the need is known;
- Grants are conditional on completion of the approved and submission of receipts and paid invoices;
- Deadline for submission of receipts and paid invoices is March 31 each year;
- The applicant shall notify the Municipality of any proposed changes to the approved work and shall receive approval from Council before doing the work;
- Grants are tied to the work approved and will not be given for work which was not approved.

Repeal

The Heritage Conservation Work Grant Guidelines policy approved by the former Municipality of the District of West Hants on May 8, 2018 is hereby rescinded.

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description:</i> A pproval of the Municipal Heritage Property Conservation Work Grant Guidelines for West Hants Regional Municipality	



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Criteria for Inclusion in the Municipal Registry of Heritage
Properties
File # 20-11

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s.313

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

... that WAAC recommends that PAC/HAC recommend that Council approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in a manner substantively the same shown in Attachment C to the report to WAAC entitled *Criteria for Inclusion in the Municipal Registry of Heritage Properties* dated November 5, 2020.

3.0 BACKGROUND

Windsor and West Hants each have *Criteria for Inclusion in the Municipal Registry of Heritage Properties* which applies to the respective community. Over the past two years the *Criteria* have been aligned by each Council in order to make it easier to develop one document which will apply to the entire Region.

4.0 DISCUSSION

The *Criteria* is used only when an owner asks to have their property registered as a Municipal Heritage Property. Information about the property is measured against each criterion and then scored. This ensures that properties really are of local heritage significance before being registered. The benefits to being registered include an increased feeling of pride in the property, having a heritage plaque on the property, the likelihood of the heritage value of the property being maintained after the present owner has moved on from the property, the opportunity for some advice from Provincial departments, and the possibility of Municipal grants.

There is no difference between the Windsor and West Hants *Criteria*. The *Criteria* have been in place in each community for over ten years; within the past two years changes were made to each document that:

- added criteria related to “association”, “continuity of ownership” and “condition”;
- assigned a graduated, but arbitrary, system of scoring similar to that used in other municipal units;
- provided specific periods within the History and Culture section, developed in conjunction with a local historian, in order to assist in consistent application of the criteria.

Having one *Criteria for Inclusion in the Municipal Registry of Heritage Properties* will make it easier for residents to understand and staff to administer.

Should Council not approve the *Criteria for Inclusion in the Municipal Registry of Heritage Properties*, each former municipal unit’s *Criteria* will remain in force.

The proposed *Criteria* includes rescinding the existing *Criteria*.

5.0 NEXT STEPS

Nothing further is required of WAAC; PAC/HAC recommendation and Council approval of the recommendation is needed to put *Criteria for Inclusion in the Municipal Registry of Heritage Properties* in place for the Region.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing *Criteria for Inclusion in the Municipal Registry of Heritage Properties* with the proposed *Criteria for Inclusion in the Municipal Registry of Heritage Properties*.

7.0 ALTERNATIVES

Should WAAC not wish to recommend the draft *Criteria for Inclusion in the Municipal Registry of Heritage Properties* to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;

- recommend that *Criteria for Inclusion in the Municipal Registry of Heritage Properties* for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

- Attachment A** Windsor Criteria for Inclusion in the Municipal Registry of Heritage Properties
- Attachment B** West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties
- Attachment C** Proposed Region of Windsor and West Hants Criteria for Inclusion in the Municipal Registry of Heritage Properties
-

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development



ATTACHMENT A TOWN OF WINDSOR

Criteria for Inclusion in the Municipal Registry of Heritage Properties Guidelines

The following criteria will be used by the Windsor Heritage Advisory Committee when recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, Address and PID:

Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY &

CULTURE Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer



Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

ARCHITECTURE

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example



Architect/builder

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

_____ TOTAL



WEST HANTS
NOVA SCOTIA

GUIDELINE

COPL-003.05

ATTACHMENT B
MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the West Hants Heritage Advisory Committee in recommending inclusion of a property in the municipal heritage registry. Points will be awarded as noted below.

Property Name, address and PID:
Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer

Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

ARCHITECTURE

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example



Architect/builder

The property is an example of an architect/builder's work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building's structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

____ TOTAL

I, (Municipal Clerk Name), Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the Guideline as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the ____ day of _____ (month), _____ (year).

*(Signature of Municipal Clerk)*_____
(Typed name of Municipal Clerk)

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



GUIDELINE

COPL-003.05



POLICY

ATTACHMENT C WEST HANTS REGIONAL MUNICIPALITY

Criteria for Inclusion in the Municipal Registry of Heritage Properties

The following criteria will be used by the Heritage Advisory Committee of West Hants Regional Municipality in recommending inclusion of a property in the Municipal Heritage Register. Points will be awarded as noted below.

Property Name, address and PID:

Initial Scoring By:

Date:

CONTEXT/ENVIRONMENT

Landmark

Importance as a visual landmark:

- (15) Symbol of provincial importance
- (10) Symbol of county or regional importance
- (5) Symbol of community importance
- (0) Little or no symbolic value

Environment

The extent the property contributes to the historical/architectural character of the area:

- (15) Essential to maintaining the dominant character
- (10) Important to maintaining the dominant character
- (5) Compatible with the dominant character
- (0) Incompatible with the dominant character

Integrity

- (10) On the original site with few or minor exterior alterations
- (7) On the original site with major exterior alterations
- (5) Building or structure has been relocated and has minor exterior alterations
- (0) Building or structure has been relocated and has major exterior alterations

HISTORY & CULTURE

Continuity

- (10) Owned, occupied or cared for by descendants of original owner or developer

POLICY

Period

Building, structure or evident relationship dates from:

- (automatic) Mi'kmaq
- (automatic) 1675-1755 Acadian
- (15) 1756-1800 New England Planter/United Empire Loyalist migration
- (12) 1801-1840 General development of education & transportation
- (10) 1841-1900 Age of Sail – rise of coastal communities
- (7) 1901-1914 Economic development and prosperity
- (5) 1915-1939 WWI – Interwar
- (5) 1940+ WWII to present

Association

Association with the life or activities of a person, group, organization, institution or event that has made a significant contribution to the community, province or nation.

- (25) Intimately connected to a person, group, event, etc. of primary importance
- (20) Loosely connected to a person, group, event, etc. of primary importance
- (15) Intimately connected to a person, group, event, etc. of secondary importance
- (10) Loosely connected to a person, group, event, etc. of secondary importance
- (0) No known connection to a person, group, event, etc. of importance

ARCHITECTURE

Style

In comparison to recognized historical building styles the style is considered a:

- (10) Very rare example or contains a very rare element
- (7) Rare example or contains a rare element
- (5) Common example
- (0) Very common example

Construction type/building technology

The type of construction or building technology used is considered:

- (10) Very rare or early example
- (7) Rare or fairly early example
- (5) Common example
- (0) Very common example

POLICY

Architect/builder

The property is an example of an architect/builder’s work that is considered:

- (20) Very rare or work from an architect/builder of exceptional interest
- (15) Rare or work from an architect/builder of special interest
- (5) Common or architect/builder of little interest
- (0) Very common or architect/builder of no interest or unknown

Condition

The building’s structural condition and state of repair is:

- (10) Excellent
- (7) Very good
- (5) Fair
- (0) Poor

Additional points may be assigned if there is a commitment to repair.

_____ TOTAL

Repeal

The Criteria for Inclusion in the Municipal Registry of Heritage Properties policy approved by the former Municipality of the District of West Hants on May 8, 2018 is hereby rescinded.

I, Rhonda Brown, Municipal Clerk of the West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the Policy adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____(month), _____(year).

(Signature of Municipal Clerk)
Rhonda Brown

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



**WEST HANTS REGIONAL MUNICIPALITY
RECOMMENDATION REPORT**

To: Hantsport Area Advisory Committee (HAAC)
Windsor Area Advisory Committee (WAAC)

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: November 3, 2020 HAAC
November 5, 2020 WAAC

Subject: Heritage Permits and Alterations to Registered Heritage Properties

File # 20-13

1.0 LEGISLATIVE AUTHORITY

Heritage Property Act 13(b) and 17

2.0 RECOMMENDATION

If WAAC wishes to forward a positive recommendation the following motion would be in order:

... that WAAC recommends that PAC/HAC recommend that Council approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, included as Attachment D to the report to WAAC entitled *Heritage Permits and Alterations to Registered Heritage Properties* dated November 5 2020.

3.0 BACKGROUND

3.1 Registered Properties

The Heritage Property Act allows municipalities to identify and protect buildings, public-building interiors, streetscapes, cultural landscapes or areas which are of heritage significance to the Municipality. Following request from the owner

and investigation by the PAC/HAC, in the past Windsor Council registered five (5) properties and West Hants registered seven (7) properties (Attachment A).

As was common practice in Nova Scotia, registrations use wording which included not only the building but the entirety of the property, or lot, on which a building is located, even though the heritage value may rest only in the building. As a result, any change on the property must be considered through a heritage permit process.

3.2 **Substantial Alteration**

Once a property is registered as a municipal heritage property, no “substantial alteration” to the property can take place unless a heritage permit has been issued.

In the Heritage Property Act, “substantial alteration” is defined as “*any action which affects or alters the character defining elements of a property.*”

A description termed a “Statement of Significance” (SOS) was required for any property which was designated and added to the pan-Canadian heritage website “historicplaces.ca”. This process was in place in Nova Scotia from about 2001 to about 2009, with provincial funding provided only for a portion of this period. Properties designated before or after these dates may not have a SOS, but it is really helpful to have one done at the time of designation. An SOS is made up of 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.

For example, the character-defining elements of one property listed on the Register are:

- *position of the building as to the apex of the upper and lower business districts, and proximity to the Annapolis Basin;*
- *irregular massing of the building;*
- *gable end to the street;*
- *all Greek Revival elements including window size, proportion and pattern; original boxed cornice and frieze with paired brackets; and plain pilasters on the corners and across the front with the Doric capitals;*
- *original and historic wood clapboard, wood trim, and wood finish elements;*
- *originally styled wood and glass doors;*

As a result, the impact of a change requested to any of the items listed above, such as the style of the doors, would be a substantial alteration and would have to be considered and then determined by Council.

3.3 **Heritage Advisor**

“Heritage Advisor” is the term used across Nova Scotia for any staff member who provides advice on heritage matters. The term is not used in the Heritage Property Act.

3.4 **Application Process**

Once an application is made to alter a municipally registered heritage property, the Heritage Advisor reviews each application and determines whether the proposed change is considered a substantial or non-substantial alteration.

If the Heritage Advisor is unable to determine whether a proposed change is substantial or non-substantial, the application must follow the process for a substantial alteration. A report is also required if the proposed change is determined to be substantial.

If the proposed change is determined by the Heritage Advisor to be non-substantial, a letter would be sent to the applicant advising that a heritage permit is not required.

Whether a change is considered substantial or not, a development and/or building permit may be required.

3.5 **Non-Substantial Alterations**

In order to provide assurance to staff who administer the Heritage Property By-law, WAAC and PAC/HAC may recommend that Council approve a list of alterations which Council has determined are not substantial. When a request is made in future for an item that the Heritage Advisor considers to be non-substantial but is not on the list, the Heritage Advisor would recommend that that type of alteration be added to the list. Having a list of alterations which Council has determined to be not substantial speeds up the process for work on heritage property.

Windsor and West Hants each approved a *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*. Over the past three years the lists have been aligned as closely as possible in order to make it easier to develop one list for the Region.

The changes listed as non-substantial do not conflict with the requirements of the Windsor Architectural Design Manual or affect the heritage value of properties.

4.0 **DISCUSSION**

There are only two very small areas of difference between the Windsor and West Hants *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* (Attachments A and B). One is the size of an accessory building which would be considered non-substantial. Each intends to refer to a building which

does not require a building permit, so the number has been replaced by the phrase "*which do not require a building permit*". The second is an additional level of detail in the Windsor list regarding when shingles may be replaced with cladding and cladding with shingles. This detail has been included in the proposed list for the Region (Attachment C).

Should Council not approve the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial*, each former municipal unit's list will remain in force.

A single *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* will ensure registered properties are all treated the same way across the Region.

5.0 NEXT STEPS

Nothing further is required of WAAAC; PAC/HAC recommendation and Council approval of the recommendation is needed for the *List of Alterations to Heritage Properties which are to be Considered Non-Substantial* to be effective.

6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with replacing the existing lists with the proposed new list.

7.0 ALTERNATIVES

Should WAAC not wish to recommend this draft list to PAC/HAC, it may:

- recommend specific amendments to the proposed draft;
- recommend that one List of Alterations to Heritage Properties which are to be Considered Non-Substantial for the Region is not needed at this time; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A	Registered Windsor and West Hants Municipal Heritage Properties
Attachment B	West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment C	Windsor List of Alterations to Heritage Properties which are to be Considered Non-Substantial
Attachment D	Proposed Region of Windsor and West Hants List of Alterations to Heritage Properties which are to be Considered Non-Substantial

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

Report Approved by: _____
Mark Phillips, CAO

ATTACHMENT A

Registered Windsor and West Hants Municipal Heritage Properties

Updated: April 2, 2020

West Hants

PID	Civic	Name
45061421	652 New Ross Road Leminster	All Saints Anglican Church
45167269	744 Highway 236 Scotch Village	Dimock House
45179900	5959 Highway 215 Kempt Shore	Kempt Shore Presbyterian Church
45041894	1015 No. 14 Highway	South Waterville Hall
45005402	4839 Highway 1 Three Mile Plains	The Plains Community Hall (School Section No. 36.) AKA Five Mile Plains Community Hall
45036001	376 Falmouth Dyke Road, Falmouth	Greenwood
45249406	419 Gabriel Road, Falmouth	Sainte Famille Cemetery

WINDSOR REGISTERED HERITAGE PROPERTIES

PID	Civic	Name
45054145	653 King Street, Windsor	Lawson House
45059607	543 King Street, Windsor	Christ Church Anglican Church
45056058	281 King Street, Windsor	West Hants Historical Society Museum
45050598	646 King Street, Windsor	Thornton House
45059573	1291 King Street, Windsor	Old Parish Burying Ground

ATTACHMENT B
WEST HANTS 2017

**List of Alterations to Municipally Designated Heritage Properties which are to be
Considered Non-Substantial**

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor 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;
- 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);
- 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 are less than 215 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 215 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways or ground level "patios" which are not connected to the main building.

**ATTACHMENT C
WINDSOR 2019**

**List of Alterations to Municipally Designated Heritage Properties which are to be
Considered Non-Substantial**

- replacement of or repair to any element of the exterior where no change is intended;
- items which the Heritage Advisor 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);
- 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 are less than 200 sq. ft. in area;
- alteration of existing minor accessory structures which are less than 200 sq. ft. in area;
- placement of commercial advertising signs;
- construction and repair of fences; or
- landscaping elements such as stairways which are not connected to the main building or ground level “patios”.

ATTACHMENT D

WEST HANTS REGIONAL MUNICIPALITY 2020

List of Alterations to Municipally Designated Heritage Properties which are to be Considered Non-Substantial

- replacement of or repair to any element of the exterior or public building interior where no change is intended;
- items which the Heritage Advisor 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);
- 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; or
- landscaping elements such as ground level "patios" or stairways which are not connected to the main building.