

Cape Breton Regional Municipality

Heritage Advisory Committee

AGENDA

**Wednesday, December 5th, 2018
4:00 p.m.**

**Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS**

Committee Members:

**Councillor Clarence Prince
Councillor Eldon MacDonald
Thomas Ashford, Citizen Appointee
Vanessa Childs Rolls, Citizen Appointee
Neal MacDonald, Citizen Appointee
Spyro Trifos, Citizen Appointee**

Cape Breton Regional Municipality

Heritage Advisory Committee

Wednesday, December 5th, 2018

4:00 p.m.

Council Chambers 2nd Floor – City Hall

AGENDA

Roll Call

1. Election/Selection of Chair and Vice Chair:
2. Approval of Minutes: April 9, 2018 (previously distributed)
3. Approval of Agenda: (Motion Required)
4. Follow-up on the May 7, 2018 Workshop on the Roles and Responsibilities of the Heritage Advisory Committee - Heritage Incentive Program: Rick McCready, Senior Planner / Heritage Officer (See page 3)
5. Criteria For Qualifying Properties for Heritage Registration: Rick McCready, Senior Planner / Heritage Officer (See page 8)
6. Amendments to the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street (PID 15054174) in the District: Rick McCready, Senior Planner / Heritage Officer (See page 13)

Adjournment



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Cape Breton Regional Municipality

Rick McCready
Planning Department

November 21, 2018

MEMO TO: Chairman and Members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Follow-up on May 7, 2018 workshop on the roles and responsibilities of the Heritage Advisory Committee- Heritage Incentive Program

Background Information

As the Committee members are aware, a workshop was held on May 7 regarding the roles and responsibilities of the CBRM Heritage Advisory Committee. The workshop was facilitated by Ron Dauphinee and Emily Pond from the Department of Municipal Affairs (DMA).

During the workshop, a number of issues were discussed and staff at CBRM and DMA did collect some additional information on these issues following the event. The issues discussed included:

- Travel Policy for citizen members of HAC who wish to attend conferences
- Reviving the Heritage Speaker Series
- Improvements to the Heritage Property Program section of the CBRM website
- Clarification of the role of the HAC (decision making vs. advisory)
- The need to have Council formally approve the criteria for the Heritage Incentive program (HIP) and to set up an appeal process for rejected applicants

The purpose of this memo is to specifically address the need to have Council formally approve the criteria for HIP.

The CBRM Heritage Incentive Program

The *Municipal Government Act* greatly restricts Council's ability to provide any form of financial assistance to private property owners and religious organizations. The *Heritage Property Act*, however, does permit municipalities to provide grants to the owners of municipally registered heritage properties and to owners of properties within municipal heritage conservation districts.

The need for an incentive program for owners of heritage properties was identified in the North End Sydney Heritage Conservation District Plan that was approved by Council in 2008. The following year (2009-2010) funds were included for the Heritage Incentive Program in the Planning Department budget that was submitted to Council for approval, and every year since that time we have had a budget for the program. However, Council has never formally approved the criteria that are used to evaluate applications for funding under the program, nor the process that is followed to administer the program.

Benefits of the Program

The program has been successful by:

- **Leveraging additional funding, both from the private sector and other grant programs**
- **Encouraging high quality restoration projects**
- **Encouraging individuals to register their properties**
- **Providing support for private property owners and religious organizations who are generally not eligible for grants from other sources such as ACOA**

For the current fiscal year, the budget for the program is \$60,000. Over the last several years, 20-24 applications have been received each year, of which about 50% are approved. Most years the amount of non-CBRM money that has been leveraged by the program exceeds the HIP budget by a considerable amount, usually by a ratio of 3 to 1 or greater. Over the past five years, grants have been disbursed to applicants in Sydney, North Sydney, Sydney Mines, Louisbourg, Grand Narrows, New Victoria, Glace Bay, Albert Bridge and Dominion.

Recommendation

It is my recommendation that the Committee endorse the attached criteria for the Heritage Incentive Program, and forward the criteria to Council for approval.

It should be noted that the attached criteria indicate that the decision of the HIP Committee is final. In other words, there is no provision to appeal the Committee's decision. This matter was discussed at the workshop, and the possibility of including in the criteria an appeal process (to Council or the CAO) was debated. However, it is my opinion that it would be better to have the HIP Committee have the final say on these applications. There are two reasons for this:

1. **The HIP Committee membership includes a licensed professional architect and the CBRM Heritage Officer, both of whom have some expertise in the built heritage field. As the purpose of the program is to promote the conservation of built heritage, those making the final decision on these funding requests should have some expertise in this field. Will that be the case if appeals can be made to the CAO or Council?**

2. **The budget for the program is limited, and every year all of the funds allotted are spent. If appeals are filed after all of the budget has been committed, and those appeals are successful, where will the additional monies come from for these additional projects? It should be noted that the Heritage Property Act does not make any reference to appeals of these decisions (unlike, for example, zoning amendments) and that for other grant programs (such as those offered by ACOA) no formal process exists to appeal decisions of staff.**

If the Committee feels that an appeal process is desirable, I would suggest that the appeal be made to the Director of Planning for the Municipality. Given the fact that the Director is a professional planner, having the appeal directed to that individual addresses the first of the two concerns I raised above. If this is the direction the Committee wishes to take, I will add an appeal procedure to the attached criteria before they are forwarded to Council for approval.

Yours very truly,

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer



CBRM Heritage Incentive Program 2018

1. Objective

To encourage owners of registered municipal heritage properties to upgrade their properties in a manner that is consistent with the heritage value of the property as stated in the statement of significance for the property and the associated character defining elements

2. Available Incentive

The incentive shall be 50% of the cost of the repairs or renovations up to a maximum of \$12,000 per property. In the case of roof replacement and/or repair, the maximum grant shall be 30% of the cost up to a maximum of \$6,000. In exceptional circumstances the Committee may award a higher percentage of cost sharing, as outlined in 4. D.

3. Eligible applicants

All owners of municipally registered heritage properties and all owners of properties located within municipal heritage conservation districts, except:

- A. Government owned properties, except where the property is leased to a registered non-profit society which is partially or totally responsible for building maintenance
- B. Properties within a heritage conservation district that were built in 1940 or later
- C. Properties which are assessed entirely for commercial purposes under the Assessment Act of Nova Scotia, unless the property is owned by a registered non-profit society

4. Criteria

- A. All work done must be approved under the Heritage Property Bylaw or, in the case of properties within the Heritage Conservation District, the Heritage Conservation District Bylaw. All work must comply with the Building Bylaw and the Land Use Bylaw.
- B. Work funded under the program should be carried out on the exterior of the property and shall include but not be limited to windows, doors, cladding, roofing, and steps. Landscaping, fencing, and driveway paving are not eligible under any circumstances.
- C. In the case of cemeteries, repairs to gravestones and other monuments are eligible for cost sharing, but funding will not be provided for the upgrading or maintenance of the grounds.
- D. Work that is necessary to ensure the long term viability of a structure (for example, repairs to the foundation, repairs to beams or trusses, or repairs to address significant stormwater infiltration problems) may be considered by the committee for funding assistance at levels higher than the normal amounts in exceptional circumstances. In these cases assistance may be provided for work in the structure's interior if necessary.
- E. Architectural, engineering and other consulting fees are eligible for funding; consultants may have to supply proof of professional qualifications to the HIP Committee
- F. When an application is being considered priority shall be given to projects that significantly enhance the heritage value of the property. An example would be the removal of windows that are inconsistent with the original windows and replacing them with ones that more closely resemble the originals.
- G. When considering an application priority shall be given to projects that are unlikely to proceed without CBRM assistance. Where a property is owned by a non-profit

organization, the availability of funds from other sources (such as federal government programs) shall be a consideration.

- H. Only one project may be approved per property in any given fiscal year. Properties which have received grants in one fiscal year may apply in subsequent years but priority shall be given to first time applicants.
- I. Use of original materials (such as brick or wood) shall normally be required for exterior cladding and corner boards although exceptions may be made where a substitute material is used that very closely resembles the original in appearance. Under no circumstances shall an incentive grant be provided to assist with the cost of replacing or installing vinyl or metal siding on a building originally clad in wood or brick.

5. Application Procedures

- A. Applicants must submit an application to the CBRM Heritage Officer. Applications will be reviewed and approved by the Heritage Incentive Program (HIP) Committee, which is comprised of the Heritage Officer, one other CBRM employee or Heritage Advisory Committee member, and an architect licensed to practice in Nova Scotia. Any applicants whose projects do not meet the criteria will be informed of the reason why their projects are not acceptable and will be given an opportunity to revise and resubmit their applications.
- B. All decisions of the HIP Committee shall be final.

6. Disbursement of funds

Funds will be disbursed only after completion of the work and inspection of same by the Heritage Officer. Proof of payment in the form of paid invoices, cancelled cheques, or credit card receipts must be submitted prior to the disbursement of any funds. CBRM will not reimburse any portion of the harmonized sales tax.



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Cape Breton Regional Municipality

Rick McCready
Planning Department

November 22, 2018

MEMO TO: Chairman and Members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Criteria for Qualifying Properties for Heritage Registration

Background Information

Requests by property owners to have their properties registered on the CBRM Municipal Heritage Registry are received by staff on a regular basis. Past practice in dealing with these requests has been as follows:

- Staff visit the property, discuss the implications of registration with the owner
- Assuming the owner wishes to proceed with the registration following the visit, staff evaluate the heritage value of the property using a simple matrix that assesses its architectural, historical and cultural significance, and then prepare a report for the Heritage Advisory Committee
- The Heritage Advisory Committee reviews the report and recommendations from staff and then decides whether or not to recommend to Council that the property be registered. If the Committee decides to recommend registration, the request is then forwarded to Council for its consideration. (The Heritage Property Act, which governs heritage registrations, requires Council to take the recommendations of the HAC into account when making a decision)
- Council considers the request and either rejects it or approves a motion to give notice of its intent to register the property
- A copy of the Notice of Intent to register the property is filed at the Registry of Deeds; a copy is sent to the property owner at least 30 days before the meeting where Council is scheduled to make a final decision
- At a subsequent meeting, Council, after hearing submissions from the property owner (if any), approves or rejects the registration
- Assuming Council agrees to register the property, staff prepares the registration document and files it at the Registry of Deeds; the property is added to the CBRM Municipal Heritage Registry
- A plaque recognizing the property's heritage status is prepared and provided to the property owner to be placed on the exterior of the building

This process, as outlined above, has worked reasonably well until recently. In the last year or so, however, the committee has struggled with some of the requests for registration that have been received. In some cases, we have inadequate information on the history of the property. In other cases, it is apparent that the property has undergone renovations that detract from the building's heritage value and it is uncertain that the owner has the capacity to undertake the conservation work required to correct or at least minimize the impact of these inappropriate interventions.

It is staff's opinion that we need more detailed, specific criteria in place to assist both staff and Committee members in evaluating whether or not a property should be registered. This does not mean that the criteria should be so restrictive that all properties with inappropriate interventions should be excluded. For example, Sacred Heart Church on George Street in Sydney, which is a registered property, was subjected to an inappropriate intervention a few years ago when it was covered in vinyl siding. However, the building's overall form and character are still very much intact, and that fact, combined with the structure's cultural and historical significance, justifies its status as a heritage property.

It is important that new and improved criteria for evaluating heritage properties be put in place soon. In 2018 we have seen an uptick in the number of property owners requesting registration. There are currently on file:

- Four formal written requests for registration (all these properties have been visited by staff and documented)
- Two requests that were reviewed by the Committee already and deferred
- Five requests for registration for properties that staff has not completing documentation
- Several inquiries about registering cemeteries that are separate from places of faith properties (in the past we have registered cemeteries only when they were on the same lot as a place of faith)

In principle, of course, it is highly desirable to have more properties registered, in that it helps achieve our goal of preserving more of CBRM's built heritage. However, it must also be recognized that as we increase the number of registered properties we also increase the number of potential applicants for funding from our Heritage Incentive Program, which has a very limited budget.

Proposed new criteria for adding properties to the CBRM Municipal Heritage Property Registry

It is proposed that every property where heritage status is being considered be scored using the following matrix:

Historic Significance	
Age of Property	20 points
Association of the property with prominent local leader in the community's economic, social, political, athletic or cultural history	10 points
Association of the property with a well known person provincially or nationally	10 points
Association of the property with a significant event in community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points
Architectural Significance	
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, etc.)	10 points
Very good example of a particular architectural style (such as a coal company house)	10 points
Exterior is wood, clay brick or natural stone	10 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-15 points
Property is in a deteriorated state, requiring major repairs	-15 pts
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points
Building is unique in the CBRM	15 points
Cultural Significance	
Association of the property with the history of a particular religious or ethnic group in the CBRM	15 points
Association of the property with social or sports events within a community over a long period of time	10 points
Cemeteries not on the same property as a place of faith shall be considered for registration where a significant percentage of the grave markers indicate that the graves predate 1900 and where the grounds of the cemetery are maintained in good condition at the time of registration. Other criteria do not apply.	Maximum 125 pts

It is intended that the scoring criteria would be used as a guide; it is not recommended that a specific score would be required in order for registration to proceed. However, it is assumed that in order to register a property a reasonably high score would be needed overall, or a very high score in at least one of the three categories.

Recommendation

It is my recommendation that the Committee endorse the above criteria for evaluating requests for the registration of municipal heritage properties. In my view doing so would lead to a more streamlined process and better decision making. The Committee may wish to forward the criteria to Council for formal approval as a policy of the CBRM.

Should these criteria (with or without changes) be adopted, it is my suggestion that the Heritage Officer score the properties and present the results to the members of the Committee before any decisions regarding registration are made. The Committee would review the scoring at a meeting and revise at its discretion. Alternatively, the Committee could appoint a sub committee to work with staff on the scoring prior to bringing the results back to the entire committee.

If new criteria are adopted, it is my recommendation that the committee agree to meet again relatively soon to make decisions on the four requests that have been submitted and the two that were deferred earlier. Some of the property owners affected have been waiting for a decision on their request for quite some time.

For the committee's information, I have attached a copy of our current Heritage Registry.

Yours very truly,

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer

Property	Location	PID #	Owner	Community	Date of Con
Grand Narrows Hotel	11 Derby Point Road, Grand Narrows	15306426	Terrance V. MacNeil	Grand Narrows	25-Oct-05
Jost House	54 Charlotte Street Sydney	15053994	Old Sydney Society	Sydney	21-Feb-06
Donald and Mary Landry House	79 Charlotte St., Sydney	15054703	Kenneth MacKelgan	Sydney	21-Feb-06
Peter House	16 Campbell St., Sydney	15055072	Eric Keys	Sydney	21-Mar-06
Little Red School House	6715 Seaside Drive, Dominion	15640030	Nova Scotia Natural Resources	Dominion	15-Jan-08
Lakeview House	7271 East Bay Highway/Loch Lomond Rd	15328560	W. Sharise McKelgan	Big Pond	23-Aug-01
Glace Bay Heritage Museum/ Former Town Hall	14 McKeen Street, Glace Bay	15395999	Glace Bay Heritage Museum Society	Glace Bay	15-Feb-00
Sacred Heart Roman Catholic Church	217 George St., Sydney	15058514	Roman Catholic Episcopal Corporation	Sydney	20-Dec-05
Mitchell Island Union Church	2645 Point Edward Highway	15211824	Mitchell Island Union Church	Point Edward	15-Feb-94
Fort Peirle	3479 New Waterford Highway	15518772	Sydney Harbour Fortifications Society	New Victoria	15-Feb-94
UNIA Hall	35 Jessome Street, Glace Bay	15447493	Universal Negro Improvement Association	Glace Bay	26-Jun-07
St. Paul's Rectory	2652 Morlen Highway, Port Morlen	15371479	Stan and Carol Munroe	Port Morlen	26-Jun-07
St Andrews Church	40 Bentinck Street, Sydney	15062383	Kevin Colford	Sydney	21-Nov-06
Sydney and Louisbourg Railway Station	7330 Main Street, Louisbourg	15460751	CBRM	Louisbourg	15-Feb-11
Sydney and Louisbourg Railway Freight Shed	7328 Main Street, Louisbourg	15753668	CBRM	Louisbourg	15-Feb-11
Carman United Church	1 Clyde Avenue, Sydney Mines	15174337	Carman United Church	Sydney Mines	15-Feb-11
Carman United Church Manse	24 Huron Avenue, Sydney Mines	15172802	Carman United Church	Sydney Mines	15-Feb-11
Bank of Montreal (former)	175 Charlotte Street, Sydney B1P 1C4	15061971	Old Sydney Society	Sydney	15-Jan-08
Union Presbyterian Church	4220 Louisbourg Highway, Albert Bridge	15340995	Union Presbyterian Church	Albert Bridge	21-Apr-09
St. Joseph's Church	2734 Ungan Rd, Ungan	15268188	Jody Rockett	Ungan	24-Sep-13
Red Row	603 Main St Sydney Mines	15175433	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	601 Main St Sydney Mines	15175441	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	599 Main St Sydney Mines	15175458	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	597 Main St Sydney Mines	15175466	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	595 Main St Sydney Mines	15175474	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	593 Main St Sydney Mines	15175482	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	591 Main St Sydney Mines	15175490	Deborah Gwinn	Sydney Mines	24-Sep-13
Red Row	589 Main St Sydney Mines	15175508	Joseph Duplessis	Sydney Mines	24-Sep-13
Red Row	587 Main St Sydney Mines	15175516	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	585 Main St Sydney Mines	15175524	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	583 Main St Sydney Mines	15175532	Richland Development Corporation	Sydney Mines	24-Sep-13
Red Row	581 Main St Sydney Mines	15175540	Richland Development Corporation	Sydney Mines	24-Sep-13
Richard Brown House	32 Brown Street, Sydney Mines	15171069	Darryl Boudreau	Sydney Mines	23-Sep-14
Lewis House	7528 Main Street, Louisbourg	15462518	Saul MacNeil	Louisbourg	23-Sep-14
Heritage Home Bed and Breakfast	110 Queen St North Sydney	15017996	Juana Moreland	North Sydney	21-Feb-12
St. Michael's Polish Hall	972 Victoria Rd Sydney	15136518	St. Michael's Polish Benefit Society	Sydney	13-Aug-13
St. Michael's Polish Hall	972 Victoria Rd Sydney	15136526	St. Michael's Polish Benefit Society	Sydney	13-Aug-13
500 Purves Street	500 Purves St North Sydney	15030398	Jason Morrison	North Sydney	21-Feb-12
192 Mitchell Avenue	192 Mitchell Av Dominion	15376585	Deborah Lever	Dominion	21-Feb-12
1 Ankerville Street	1 Ankerville St Sydney	15084502	Kenzie MacNeil	Sydney	23-Sep-14
Fairholme Farm	439 Johnson Rd George's River	15192362	Thomas Ashford	George's River	21-Jun-16
Bank of Commerce (former)	299 Commercial St North Sydney	15029473	Paul Finney et al	North Sydney	15-Aug-17
Navy League	7563 Main St Louisbourg	15458292	Mike Mondor	Louisbourg	15-Aug-17
St. George's Church	119 Charlotte Street, Sydney	15054448	Wardens of St. George's Church	Sydney	15-Aug-17
Christ Church	60 Church Lane, South Head	15607914	Anglican Diocese of Nova Scotia and PEI	South Head	07-Aug-18



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A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

November 27, 2018

MEMO TO: Chairman and Members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Amendment to the North End Sydney Heritage Conservation District Plan and Bylaw to include 92 Charlotte Street (PID 15054174) in the District

Background

In 2008, Council adopted a Heritage Conservation District Plan and Bylaw for a portion of the North End of Sydney. Prior to adoption of the bylaw, several property owners objected to being included in the proposed District, including the owner of 92 Charlotte Street. As a result, 92 Charlotte was not included within the boundaries of the District despite the fact that it is one of the oldest houses in the neighbourhood. Photographs of the house are attached.

The ownership of 92 Charlotte recently changed, and the new owner, Craig Skrumedi, has contacted me requesting that the property be included in the District. A copy of Mr. Skrumedi's email is attached. In order to accommodate his request, the Heritage Conservation District Plan and Bylaw must be amended by Council.

Proposed Amendment

The proposed amendment is a simple change to the two maps contained within the Plan and Bylaw, to put the affected property within the boundaries of the District. Copies of the two maps are attached to this report for the Committee's perusal. Unfortunately, the provincial legislation governing Heritage Conservation Districts is quite onerous, so the amendment requires a public participation program to be undertaken by Council, and Ministerial approval.

Recommendation

Given that this property was originally proposed to be included in the District, I believe that it would be desirable to amend the bylaw now to include it. If the Committee agrees,

I would recommend that the attached resolution to conduct a public participation program be endorsed and forwarded to Council for approval.

Yours very truly,

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer

**Resolution of the
Cape Breton Regional Municipality**

Pursuant to the Heritage Property Act of Nova Scotia and any regulations made thereunder, the Council of the Cape Breton Regional Municipality hereby adopts the following Public Participation Program to gather public input into the possibility of amending the North End Sydney Heritage Conservation District Plan and Bylaw to include the property at 92 Charlotte Street in Sydney (PID 15054174) in the District.

THAT: A public meeting will be held in conjunction with a Council meeting to gather public input regarding the proposed changes as outlined above.

PASSED AS A RESOLUTION by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of a Resolution of the Cape Breton Regional Municipality, pursuant to Section 204 of the Municipal Government Act.

Deborah Campbell Ryan, *Clerk*





Rick McCready

From: Craig [REDACTED]
Sent: November-26-18 11:41 AM
To: Rick McCready
Subject: 92 Charlotte Street

Hi Rick,

As per our conversation this morning, I would like to include 92 Charlotte within the historical district of Sydney's north end.

It is my understanding that the property's antecedents begin around 1790 making it one of the oldest properties in the north end.

Can you please make this request part of the agenda this coming Wednesday's meeting?

Contact me if you require further information...

Please confirm receipt of this email.

Regards,
Craig

Sent from my iPhone





