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Planning Advisory Committee Meeting Agenda

Thursday, February 22, 2024 – 7:00 p.m.

MODL Council Chambers, 10 Allee Champlain Drive, Cookville NS

In Person and Via Audio and Video Conference

- 1. Call To Order**
 - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Review of Procedure for Public to Address the Committee – Chairperson (below)**
- 3. Approval of Agenda** (any other items to be added)
- 4. Approval of Minutes of Thursday, January 25, 2024**
- 5. Business Arising from Minutes**
- 6. Planning Advisory Committee Matters - Nil**
- 7. Heritage Advisory Committee Matters**
 - 7.1. New Elm Union Church – Substantial Alteration 1-4
 - 7.2. Proposed Revisions to Policy 027 Heritage Property 5-15
- 8. Added Items**
- 9. In Camera**
- 10. Next Meeting Date: Thursday, March 28, 2024**
- 11. Adjournment**

Procedure for Addressing the Committee

An opportunity will be provided to all citizens to address the Committee on each agenda item shown on this Agenda or added to the Agenda by the Committee. Individuals who wish to address the Committee are asked to note the following:

- On each matter on the Committee's Agenda, the Chair will seek public comment upon the completion of staff's presentation.
- Each person shall state their name.
- All statements and questions shall be directed to the Chairperson.
- Presentations shall be limited to 10 minutes. Persons wishing to address the Committee a second time will be given opportunity to do so once all others in attendance have had the opportunity to address the Committee. Persons addressing the Committee for a second time shall limit their presentations to 5 minutes.

Anyone wishing to address the Committee on a matter not included on this Agenda can have the matter added to the next meeting's Agenda by contacting Jeff Merrill, Director of Planning, at 902-541-1340 or by email at planning@modl.ca

Planning Advisory Committee
Item #7.1
Date: February 22, 2024
Authorization: J. Merrill



Municipality of the District of Lunenburg

Report To: Planning Advisory Committee/Heritage Advisory Committee

Submitted By: Ella R. Gindi, Heritage Planner

Date: February 22, 2024

Re: New Elm Union Church, adding a wheelchair ramp- Substantial Alteration

Recommendation

Staff recommends the Heritage Advisory Committee consider making a positive recommendation to Council, permitting the proposed alteration as requested by the applicant. This would be in keeping with past applications of a similar nature.

Motion

That the Heritage Advisory Committee recommends to Council that Council approve the alteration to the municipal registered heritage property New Elm Union Church, to permit the installation of a wheelchair ramp.

Background

- Following By-law 043 subsection 10 (1), on January 30, 2024, planning staff received a letter from the committee of New Elm Union Church in New Elm that indicates the committee is planning on adding a wheelchair ramp, replacing the door with the same kind, window putty, and interior renovation to the building and chimney. Of these alteration requests, only the wheelchair ramp is considered a substantial alteration.
- The building currently has a one-step concrete entrance, and it is unknown if it is the original entrance to the building.
- Staff reviewed the proposal against Council's policy for the review of alterations to Municipal Heritage Properties and as per Subsection 5, clause e (viii) regarding stairs, porches and decks, the policy emphasizes considerations related to removal or addition of all or part of the structure. Furthermore, Subsection 6(b) regarding non-substantial

alteration explicitly addresses repairs or replacement of existing materials, where no size, style, placement, orientation, or materials change is intended to municipally registered heritage properties are deemed to be **substantial alterations** and require the review and approval of the Heritage Advisory Committee and Council.

The question for the Advisory Committee is whether the proposed alteration adversely affects the heritage essence of the building's exterior architecture or if prioritizing accessibility is paramount considering the building's intended use as a venue space.

Discussion

New Elm Union Church, New Elm (PID #60318136) was registered in June 2007 as a Municipal Heritage Property. The reasons provided for heritage designation at that time were associated with:

- **Age:** of the structure (erected in 1906)
- **Local historical significance:** the church has a local significance as it is the only church built in area.
- **Building architectural style:** 'Greek Revival' style, but the style was simplified and was only partially decorated. character-defining elements includes:
 - Temple-plan
 - Symmetrical façade
 - Simplifies corner boards.
 - Window ornaments
 - Wooden shingles

As such the stairs are not considered to be a character defining element.

- While many Union churches within the municipality were taken down in favour of building new and larger churches or cease to exist due to lack of attendance, the New Elm Union Church continues to hold service and acts as a gathering space for community events. Thus, the building is important to the local community as this is the only building in the local community for worshipping and community gatherings.

Standards and guidelines

Rehabilitation involves the sensitive adaptation of an historic place or individual component for continuing or compatible contemporary use, while protecting its heritage value. Rehabilitation entails adaptively repurposing a historic site or component for contemporary use while preserving its heritage value, including the replacement of missing features with accurate replicas or compatible new designs. Rehabilitation allows buildings compatible use through actions aimed at communicating and conveying their heritage value.

Consider Rehabilitation as the primary treatment when

- (a) Repair or replacement of deteriorated features is necessary
- (b) Alterations or additions to the historic place are planned for a new or continued use;** and,

(c) Depiction during a particular period in its history is not appropriate.

Moreover, the development aligns with the following General Standards for Preservation, Rehabilitation and Restoration:

Standard 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.

Standard 12: Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

Additional Guidelines For rehabilitation regarding Accessibility

Providing people of all ages, interests, and abilities with access to historic places is highly desirable and a frequently mandated social goal. Generally, the solutions that best balance accessibility needs with heritage value are those that enhance the use and appreciation of an historic place for everyone. Work should be carefully planned and undertaken so that impact on an historic place’s heritage value and character-defining elements is minimized: the objective is to provide the highest level of access with the lowest level of impact. Since the steps are not deemed to be Character Defining Element, there is no conflict with replacing the current deck to be wider to accommodate a wheelchair accessible ramp.

Standards and Guidelines: Accessibility Considerations	
Complying with accessibility requirements in a manner that conserves character-defining circulation systems or features.	Damaging character-defining circulation systems or features while making modifications to comply with accessibility requirements.

Conclusion

After a thorough evaluation, it has been determined that the structure, designated as a municipal heritage property, has undergone no substantial modifications since its designation. According to the staff’s assessment, the deck and steps are not considered character-defining elements, aligning with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Covering the current steps to accommodate a wheelchair ramp will improve accessibility without compromising the property’s heritage significance. This alteration is seen as essential to enhance usability for all community members. Neglecting to make these modifications may inadvertently exclude a portion of the population from accessing the church.

Given the church’s current operational status and its role as a focal point within the community, setting it apart from other cultural sites that have experienced a decline, the planning staff

recommends that the Heritage Advisory Committee consider making a positive recommendation for the proposed alteration and by prioritizing the cultural and community aspects over the architectural elements.

Report Preparation	
Department	Planning and Development Services
Report Prepared by	Ella R. Gindi, Heritage Planner
Report Approved by	Jeff Merrill, Director
Date Reviewed by C.A.O.	

Planning Advisory Committee

Item #7.2

Date: February 22, 2024

Authorization: J. Merrill



Municipality of the District of Lunenburg

Report To: Heritage Advisory Committee

Submitted By: Ella R. Gindi Planner I/ Heritage Planner

Date: February 22, 2024

Re: Revisions to Policy 027- Heritage Property Policy

Recommendation

Staff recommends that the Heritage Advisory Committee consider making a positive recommendation to Council, approving the proposed amendment to Policy 027- Heritage Property Policy.

Motion

That the Heritage Advisory Committee recommends council approve the proposed amendment to Policy- 027 Heritage Property Policy to deem accessibility enhancements as non-substantial alterations, provided they do not alter any character-defining elements.

Background

On February 13, 2024, Municipal Council directed staff to review the heritage property policy. The primary objective is to deem accessibility alterations, such as a wheelchair ramp, to be non-substantial. This strategic approach is designed to streamline the process, eliminating the need for staff to present each proposed alteration to the heritage advisory committee and seek the council's approval. The overarching goal of the policy review is to foster a smoother and more efficient decision-making process in which the heritage planner will assume the responsibility of making decisions while still ensuring the preservation of the property's historical significance and character-defining elements are maintained. By adopting this revision, there can be a balance between expediting the process, increasing accessibility to municipal heritage properties, and safeguarding the property's heritage value.

Section 5 of the Heritage Property Policy: Substantial Alteration

Section 5 subsection e (v) and (viii) of the heritage property policy explicitly considers the replacement of doors with respect to size, style, placement, materials and the addition of sidelights and transoms and stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure as substantial alteration.

Section 6 of the Heritage Property Policy

Section 6 of the heritage property policy discusses alterations that are deemed non-substantial. Section 6(b) specifically mentions repairs or replacements of existing materials where no change in size, style, placement, orientation, or materials will occur. For instance, replacing wooden steps with wooden steps.

Interpretation of the Policies

Following a thorough analysis of the policy provisions outlined in Section 5 subsection e (v) and (viii) and Section 6(b), it has been determined that the replacement of changing the material of doors, steps, decks constitute a substantial alteration. Thus, it is vital to note that Subsection 6 of the policy explicitly identifies a change of materials as falling within the category of substantial alterations. Therefore, based on the combined interpretation of these sections, it is evident that the alteration of doors, steps or decks is to be deemed as substantial alteration and thus subject to the corresponding guidelines and approval processes.

Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada are essential references in making informed decisions regarding the preservation of heritage properties.

The Canadian Standards and Guidelines for the Conservation of Historic Places in Canada provide guidance on accessibility considerations for historic places. While they do not specifically outline accessibility standards, they emphasize the importance of integrating accessibility features sensitively and compatibly with the site's heritage value. Here are some critical points regarding accessibility from the Standards and Guidelines:

Inclusivity: The Standards and Guidelines stress the importance of making historic places accessible to all individuals, including those with disabilities. This involves ensuring that people with mobility challenges can access and navigate the site without barriers.

Compatibility with Heritage Value: When incorporating accessibility features into historic places, it's essential to do so in a way that respects and preserves the site's heritage value. This

may involve using materials and designs that are sympathetic to the property's historic character.

Sensitive Modifications: Any modifications made to improve accessibility should be done sensitively and minimally to avoid compromising the integrity of the historic fabric. This may include discreetly and thoughtfully integrating features like ramps, handrails, or lifts.

Consultation and Collaboration: The Standards and Guidelines advocate for collaboration and consultation with stakeholders, including individuals with disabilities, heritage professionals, and regulatory authorities, to ensure that accessibility improvements are appropriate and effective.

Flexible Approaches: Recognizing that each historic place is unique, the Standards and Guidelines encourage flexible approaches to accessibility, taking into account factors such as the site's significance, condition, and use.

While the Canadian Standards and Guidelines for the Conservation of Historic Places do not provide specific accessibility standards, they promote a holistic approach to integrating accessibility features into historic sites while preserving their heritage value (please see table 1 for specific recommendations pertaining accessibility). Local regulations and codes, along with international accessibility standards, may provide more detailed requirements for accessibility modifications.

Accessibilty Considerations	
Recommended	Not Recommended
Complying with accessibility requirements in a manner that conserves character-defining circulation systems or features.	Damaging character-defining circulation systems or features while making modifications to comply with accessibility requirements.
Respecting the landform when locating new accessibility related features. For example, introducing a gently sloped walkway instead of a constructed ramp with handrails.	
Finding solutions to meet accessibility requirements that are compatible with the built feature. For example, introducing a gently sloped walkway instead of a	

<p>constructed ramp with handrails in a manner that does not detract from the built feature.</p>	
<p>Finding solutions to meet accessibility requirements that are compatible with the exterior form of the historic building. For example, introducing a gently sloped walkway instead of a constructed ramp with handrails in front of an historic building.</p>	<p>Radically altering the building’s exterior form to comply with accessibility requirements. Relocating primary entrances when undertaking interventions to accommodate accessibility-related features.</p>
<p>Working with accessibility and conservation specialists and users to determine the most appropriate solution to accessibility issues with the least impact on the character-defining elements and overall heritage value of the historic building.</p>	<p>Altering character-defining elements, without consulting the appropriate specialists and users.</p>
<p>Complying with accessibility requirements in a manner that conserves, where possible, character-defining doors and storefronts, including their decorative and operating hardware. This can include using an automatic door opener instead of providing the required manoeuvring space for wheelchairs at doors</p>	<p>Installing new hardware that damages character-defining doors and mouldings without considering alternate means of meeting accessibility requirements</p>
<p>Respecting the location of existing entrances, and porches when providing new accessibility-related features, such as ramps and lifts. For example, providing new functions for the public on the ground floor, or in areas already served by exits</p>	<p>Relocating a main entrance when undertaking interventions to accommodate accessibility-related features.</p>
<p>Exploring all options for modifications to existing entrances, porches and balconies to meet accessibility requirements prior to considering removal or replacement.</p>	<p>Removing an entrance, porch or balcony that does not meet accessibility requirements, and not replacing it with a compatible new assembly.</p>
<p>Introducing a new feature to meet accessibility requirements in a manner that</p>	

conserves the constructed element and respects the overall heritage value of the engineering work	
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Nova Scotia Accessibility Act

According to the province accessibility act section 2 “The purpose of this Act is to

- (a) achieve accessibility by preventing and removing barriers that disable people with respect to
 - (i) the delivery and receipt of goods and services,
 - (ii) information and communication,
 - (iii) public transportation and transportation infrastructure,
 - (iv) employment,
 - (v) the built environment,
 - (vi) education, and
 - (vii) a prescribed activity or undertaking;”

Incorporating accessibility features, such as wheelchair ramps, into heritage properties aligns with provincial accessibility standards and regulations, including the Nova Scotia Accessibility Act, which addresses explicitly built environments. Ensuring compliance with these standards, heritage sites become more inclusive and accessible to individuals of all abilities, underscoring a commitment to fostering diversity and inclusivity within the community. Moreover, integrating such features enhances the overall visitor experience and facilitates greater enjoyment of the municipality's rich cultural heritage for those with mobility challenges. Through a focus on accessibility within MODL's municipal heritage property policy, these properties will play a crucial role in creating a welcoming environment for both residents and visitors, all while preserving and honouring the distinctive history and identity of the region.

Regional Accessibility Coordinator

According to the Regional Accessibility Coordinator, an obligation under the Accessibility Act, MODL partnered to create the Lunenburg County Accessibility Plan (2021). This plan makes the commitment: “1.7 Internal Policy– Apply an accessibility lens to all policy, procedures, and practices.” The proposed amendment to the Heritage Property Policy represents a change that would enable property owners to remove barriers to access in a more efficient and clearer way.

The province’s position on accessibility is that it is a Human Right, which is also recognized in the United Nations Convention on the Rights of Persons with Disabilities (2008). This approach recognizes that persons with disabilities are entitled to enjoy their human rights alongside

everyone else. Taking steps to remove institutional barriers to accessibility, such as those present in policies, is one way of ensuring these rights are upheld.

The Proposed Nova Scotia Built Environment Accessibility Standard (2023) does not specifically address heritage properties except to say that, “Government of Nova Scotia is to explore best practices for adapting buildings with a designated heritage status.” This implies that the province will be turning attention to this topic, recognizing there is a gap in current guidance.

The value of preserving and maintaining heritage properties is well accepted, while the incorporation of accessibility features into existing heritage properties has been a challenging topic around the world. There is currently a lack of guidance in Nova Scotia around how to meet the objectives of preserving and maintaining our built heritage while also ensuring the rights of persons with disabilities are respected.

Our province continues to have the highest rate of disability in the country with 37.9% of Nova Scotians over age 15 now reporting having a disability. With such a high number of people experiencing barriers to access in our community, the need to remove accessibility barriers that prevent people from participating in the lives of their communities, workplaces, and families is becoming even more evident.

Recognizing that preserving and maintaining heritage properties is also a priority, it is important to approach this topic with sensitivity and flexibility as described in the Standards and Guidelines for the Conservation of Historic Places in Canada. The proposed amendment appears to take this into consideration, ensuring that each proposed change to a heritage property is reviewed, providing opportunities for collaboration and creativity to solve accessibility issues.

Conclusion

Staff recommends that **a new Subsection** to Section 6, explicitly stating that accessibility enhancements shall be considered non-substantial alterations, provided they do not alter any character-defining elements.

For a comprehensive understanding of the proposed amendments to the heritage property policy, please see the attached document in Appendix I. These revisions are primarily aimed at improving the clarity and effectiveness of Policy 027-Heritage Property Policy. Furthermore, the suggested changes aim to offer flexibility for accessibility improvements, benefiting all members of the community.

By striking a fair balance between heritage preservation, adaptability, and accessibility, these revisions seek to uphold the municipality's cultural heritage legacy while fostering sustainable development that accommodates the diverse needs of MODL's community.

Report Preparation	
Department	Planning and Development
Report Prepared by	Ella R. Gindi, Planner I / Heritage Planner
Report Approved by	Jeff Merrill, Director
Date Reviewed by C.A.O.	

Appendix I

Municipality of the District of Lunenburg

Policy Details

Name	Heritage Property
Number	027
Legislative Authority	Heritage Property By-law, Sections 6 and 9
Effective Date	May 11, 2004

Short Title

- 1 This Policy may be cited as the Heritage Property Policy.

Definitions

- 2 In this Policy, the Heritage Advisory Committee is as defined in subsection 5(2) of the Heritage Property By-law.

Minimum Threshold

- 3 (1) The Heritage Advisory Committee may recommend to the Municipality that a building be registered as a municipal heritage property in the Registry of Heritage Property, if the heritage value of the recommended building is scored at least 75 out of 100 points.

(2) The Heritage Advisory Committee may recommend to the Municipality that a public-building interior, streetscape, cultural landscape, or area be registered as a municipal heritage property in the Registry of Heritage Property, if the Heritage Advisory Committee deems the heritage value of the recommended public-building interior, streetscape, cultural landscape, or area as significant.

Evaluation Guidelines

- 4 (1) The score in subsection 3(1) is calculated by combining all the points of the criteria stated in the evaluation guidelines in Schedule A.

(2) The criteria in Section 3 must not be inconsistent with the Standards & Guidelines for the Conservation of Historic Places in Canada.

Substantial alterations

- 5 Substantial alterations to a character defining element of a municipal heritage property may include but not limited to
 - (a) demolition;
 - (b) addition;
 - (c) changing the colour scheme of the structure;

- (d) alterations that change the massing of the building;
- (e) alterations that change the building's original style, such as
 - (i) building form with respect to orientation, proportion, and height;
 - (ii) roof shape with respect to style, pitch, and the addition of roof elements such as towers and dormers;
 - (iii) visual balance with respect to the arrangement of parts or elements of the building including, but not limited to, windows, doors, bays, porches, and dormers;
 - (iv) windows with respect to size, style, placement, orientation, and materials;
 - (v) doors with respect to size, style, placement, materials and the addition of sidelights and transoms;
 - (vi) cladding with respect to style, placement, orientation, and materials;
 - (vii) molding or trim with the respect to style, placement, materials and the removal or addition of;
 - (viii) stairs, porches, decks, balconies, verandahs, and porticos with respect to style, materials, and the removal or addition of all or part of the structure;
 - (ix) skylights with respect to the addition, removal, or replacement of; and
 - (x) dormers with respect to size, style, and placement.

Non-substantial Alterations

6 Municipality deems the following alterations as non-substantial:

- (a) painting using the same colour scheme;
- (b) repairs to or the replacement of existing materials where no change in size, style, placement, orientation, or materials is to occur, such as wood clapboard with wood clapboard of the same exposure to the weather, and asphalt shingles with asphalt shingles.
 - (i) Changing to metal roof materials is permitted as long as the roof material is not deemed to be a character defining element.
- (c) Accessibility uses and features as long as the alteration is not deemed to be a character defining element.

Alteration Approval Process

- 7 After receiving an application in Section 10 of the Heritage Property By-law, the heritage officer must issue a letter to the owner of the municipal heritage property, stating that
- (a) under the criteria in Section 6, the application is a non-substantial alteration; or
 - (b) approval from the Council is required for the proposed alteration.

Policy Adoption	
Date of Original Passage	May 11, 2004
Date of Notice of Intent to Amend	November 14, 2023
Date of Council Approval	November 28, 2023
Date of Effective Date (if different from council approval)	N/A
I certify that this Policy 027 Heritage Property was adopted by Municipal Council as indicated above.	
Signature of Municipal Clerk	Date

Version	Amendment Description	Approval Date
Original V1	Passage of Original Policy	May 11, 2004
V2	Amendments included deletion of sections 1 through 4 and replacing with new sections 1 through 7	April 27, 2021

V3	Amend s. 5 substantial alterations by adding “character defining elements” and “but not limited” and s. 6 add new clause (b) that addresses roofing material alterations.	Nov 28, 2023
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