

**Conservation
Review Board**

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**RE: TOWNSHIP OF ERAMOSIA – INTENTION TO REPEAL A BY-LAW
DESIGNATING THE BOW STRING BRIDGE, EDEN MILLS, ONTARIO**

December 19, 1997

February 12, 1998

February 13, 1998

Robert Bowes, Chairman
Stuart W. Henderson, Member

The hearing was convened at the Rockmosa Community Centre, Township of Eramosa, in the Town of Rockwood, Ontario, to determine whether the property known municipally as the Bow String Bridge, Eden Mills, Ontario should have the designation By-Law repealed pursuant to section 31.(6) of the Ontario Heritage Act, R.S.O., 1990, c.O.18 (as amended).

A Notice of Hearing was given under the Act in the Wellington Advertiser and The Guelph Mercury on December 1, 1997; the relevant Affidavit by the Board being Exhibit 1. The Board, in accordance with its customary practice had the opportunity to view the site and the surrounding area prior to the Hearing.

The Township of Eramosa was represented by Robin-Lee A. Norris, Solicitor, and called one witness, Gordon Tosh, a Councillor with the Township of Eramosa. The Friends of Eden Mills Inc. (the main objector to the repeal of the designating By-Law), was represented by Sue Metcalfe, Solicitor.

The Friends of Eden Mills Inc. called seven witnesses:

- Chris Wilson; who provided the Board with an audio-visual presentation
- Charles Simon, Architect
- Betty-Lou Clark, Chairperson of the Local Architectural Conservation Advisory Committee
- Joe Martin, former CEO of the Co-Operators Group Insurance Company
- Leon Rooke, author and director of the Eden Mills Writer's Festival
- Terry Gregg, Professional Engineer, and
- David Cuming, Heritage Conservation and Planning Consultant

This structure was the subject of a prior Conservation Review Board Hearing held on February 26, 1991 which is attached as Schedule "A" to this decision.

THE CASE FOR THE TOWNSHIP OF ERAMOSA

The Township provided the Board with a true copy of the consolidating By-Law of the County of Wellington confirming that the responsibility for Road No. 28, of which the Eden Mills Bow String Bridge is a part, fell under the auspices of the Township. The Board was provided with three volumes of documents, (Exhibits 3 and 18), by The Friends of Eden Mills Inc.

Witness: Gordon Tosh

Mr. Tosh reviewed for the Board the chronology of events leading up to the eventual decision made by the Township to repeal the designating By-Law and replace the existing Bow String Bridge with a two-lane, modern facility. It was Mr. Tosh's belief on behalf of the Council of the Township of Eramosa, that it had undertaken all necessary steps both statutorily and procedurally to follow through with the de-designation, and had even completed an artist's rendering of the new bridge with simulated arches.

He testified that over-riding safety issues and the need for an efficient roadway system outweighed the Heritage considerations with respect to this bridge. Over time, the Town had felt it necessary to reduce the load limit on the bridge from 5 tonnes to 3 tonnes and finally to close the bridge altogether due to the load limit concerns.

It was Mr. Tosh's opinion that this structure was a dangerous bridge due to the absence of sidewalks, guard-rails, and load limitations. These factors, coupled with the Township Council's belief that a replacement bridge would be more functional and cost effective in the future, took precedence over the admittedly considerable heritage aspects of the bridge. It was also Mr. Tosh's opinion that a new two-lane bridge would do little to increase traffic flow.

Cross-examination elicited from Mr. Tosh that there had been no funds of any significance contributed to the Bow String's rehabilitation, restoration or ongoing maintenance since its designation in 1991. In addition, the witness could provide no hard estimates on how much it may cost to rehabilitate and restore the structure. Mr. Tosh also confirmed that notwithstanding a request from the Trustees of the former Police Village of Eden Mills in October of 1992 for the commissioning of a condition survey of the structure, it was not until August of 1997 that such a report was completed.

The witness confirmed under cross-examination that Council did not explore the various Governmental agencies for funding assistance for rehabilitation because it was his view that the general consensus of Council over the last number of years had been for the demolition and replacement of the bridge instead of preservation and rehabilitation.

THE CASE FOR THE FRIENDS OF EDEN MILLS INC.

Witness: Charles Simon, Architect and Urban Planner

The parties agreed that Mr. Simon could give evidence and was qualified to give expert testimony with respect to matters in Urban Planning and Village Enhancement.

Mr. Simon is a resident of Eden Mills and lives in the local mill. He felt that there exists a very high commitment among the citizens of the Village to support the Hamlet's ambience and that the bridge is an integral and key part of the heritage character of the area.

The witness also provided a chronology of events that had occurred since the designation of the bridge. He felt that a condition survey should have been carried out some years ago. It appeared to him, and others within his organization, that a foregone conclusion to demolish and build a new bridge had already been arrived at by the Councillors of the Township. He alluded to the perception by some residents of Eden Mills that there existed veiled threats that the rehabilitation of the structure would result in a possible loss of parkland and that increased tax and capital levies would be assessed against the residents themselves by the Township if efforts persisted to restore the bridge.

Mr. Simon was especially concerned with the impact of a replacement two-lane bridge upon life in the Village. It is his belief that the bridge is the heart of the community and it serves many functions both as a social centre and "village square." The bridge, he believed, was a central part of the scenic route through Eden Mills which could not be divorced from the context of the Village and surrounding area. His comments on traffic calming were that the best way to preserve such conditions were to maintain the one-lane bridge in order to prevent the main street from becoming dangerous and noisy, detracting from the social interaction that exists as a consequence of the span. He believes a two-lane bridge would lead to faster traffic and that slower traffic is safer and also better for business.

Witness: Betty-Lou Clark

Ms. Clark has been active in LACAC since 1973 and is the present Chairperson. It was Ms. Clark's belief that there has been a consistent failure of the local Council to properly consult with LACAC throughout the de-designation process. It was baffling to her how both the County and presently the Township have neglected the structure.

Witness: Joseph Martin

In his capacity as former Chief Executive Officer of the Co-Operators Insurance Group, it was his opinion that, notwithstanding the Township's position that the bridge was

uninsurable, a one-lane bridge was eminently insurable and a rehabilitated Bow String Bridge would have no difficulty in obtaining such liability coverage.

It was his view that the bridge is an icon of the Village and if the icon were to be destroyed, the loss of the character of the Village would soon follow.

Witness: Leon Rooke

Mr. Rooke is a resident of Eden Mills, a Professor at the University of Guelph and one of the founders of the Eden Mills Writer's Festival which, the Board was advised, has been carried out in the Fall of every year since 1989. He described the festival as a celebratory event attracting between three to four thousand people for the one day of activities, with the bridge and the road being closed during the festival.

It was his sentiment that the main virtues of the area included the buildings themselves sitting in a bowl of the surrounding rolling countryside in conjunction with the resurrected pond and two branches of the river. It was his belief that the bridge itself was the heart of this area and the link to the Village's past. He feared there would be a great sense of erosion of the lifestyle of the community if the bridge were to be replaced and a serious threat to the ongoing existence of the festival should it be demolished.

Witness: Terry Gregg

The parties agreed that Mr. Gregg could give evidence and was qualified to give expert testimony with respect to bridge rehabilitation. It was Mr. Gregg's evidence that, in considering rehabilitation, it was essential to have a condition survey carried out in order to identify the residual strength left in the structure itself and the areas most in need of repair and rehabilitation. It had been his experience with the Ministry of Transportation that it was very co-operative and always willing to lend technical assistance when bridges are planned to be rehabilitated.

It was his evidence that the Ontario Bridge Code unquestionably allows for a one-lane structure, and that the projected volume of vehicles on the bridge would not be a burdensome one. His past experience with the Ministry of Transportation was that they were prepared to fund the rehabilitation of one-lane bridges. He felt that safety concerns could be satisfied with the installation of a sidewalk without difficulty.

He also testified that rehabilitation of the existing bridge could provide an extended service life due to the reality that new concrete bridges are simply not as strong as old concrete such as is found in the Bow String Bridge. He believed that the weight, safety and life-cycle cost concerns of the Township were in fact wrong presumptions and that the condition survey carried out in August of 1997 was an excellent starting point to determine the extent of the deterioration on the bridge and to identify key points of repair.

It was his expert opinion that rehabilitation should have been the approach taken in light of the fact that he believed this structure to be a most significant bridge.

Witness: David Cuming, Heritage Conservation and Planning Consultant

It was agreed that Mr. Cuming could give evidence as an expert witness in the fields of Heritage Conservation and Planning and as well he was qualified by the Board to give expert testimony in the field of Environmental Assessments. Mr. Cuming's report, prepared for The Friends of Eden Mills Inc., provides a comprehensive summary of the history of this structure. In it he notes that the bridge was a very early use of reinforced concrete and the builder, Charles Mattaini, used as his trademark the dimples found on the structure itself. Mr. Cuming stated that the bridge was a prototypical example of bridge design that flourished in the early 1900's in Ontario. It is a unique remnant, early example and rare survivor of concrete Bow Strung Truss construction and as such, is of Provincial, National and even International interest.

He pointed out that designation was important because it informs decision-making under the Official Plan, the Environmental Assessment process and the Ontario Bridges Program.

It was the testimony of this witness that upon his review of the various Official Plan policies of the Township of Eramosa relating to heritage, it was his view that these provisions were well-crafted and a clear advocate of the conservation and protection of the heritage components of the area. It was Mr. Cuming's opinion that the proposed de-designation and demolition of the bridge offended the very policies and intent of the Township's own Official Plan and such action could also be in contravention of the Planning Act.

Mr. Cuming provided the Hearing with a review of the Ontario Heritage Bridge Program, noting that this structure merited considerable heritage value in the context of the criteria used by the program to identify significant bridges. The Canadian Heritage River System was also documented by the witness as being an important factor to take into account when considering the future of the bridge. He felt that demolition would contravene the Grand Strategy, the management plan of the Authority, and that the loss of the human heritage values associated with this heritage structure would contribute to the degeneration of the Eramosa River itself.

The witness also was of the belief that from an environmental assessment perspective, there had been an improper classification of the Municipal project to replace the bridge as a Schedule "A" project as opposed to his belief that it should be a Schedule "C" project due to the significant environmental effects of demolition and new construction. It was his opinion that a large piece of the environmental planning process had been entirely missed in this situation.

FINDINGS

The Board finds the Bow String Bridge, Eden Mills, Ontario, to continue to be of sufficient architectural and historical interest and value to merit designation for an abundance of reasons and therefore this Board recommends to the Township of Eramosa that it reconsider and withdraw its intention to repeal the original designating By-Law. This Board reaffirms its own decision rendered on February 26, 1991. Reasons for the continued meriting of designation include:

- The structure was constructed by a notable Bridge Engineer of the time and his use of the Bow String style of trussing complemented the innovative and unique building material.
- The bridge is of Provincial, National and International interest as a unique remnant, early example and rare survivor of this type of construction and material.
- Its placement in the landscape of the Village of Eden Mills is of paramount importance; it is a landmark within the community and serves as a focal point for social discourse and events.

The Board shares the concern that the speedier traffic and possibly higher volume of traffic that a two-lane bridge would bring could conceivably destroy the very fabric of the Village proper.

The Board finds that the bridge has not been well cared for by the Township over the years but rather has been allowed to deteriorate through neglect.

It is also the Board's opinion that the Township has not pursued meaningful consultation with its LACAC on the matter of de-designation, as is required by the Ontario Heritage Act. The past lack of interest of the Township in rehabilitation is evidenced by its unwillingness to do a condition survey for such a long period of time. The Township's suggestion that a new bridge could have decorative arches, in keeping with the style of the old structure, was met with derision by the majority of the objector's witnesses and is not acceptable heritage conservation practice.

Because of the significant heritage value of the bridge, its de-designation and subsequent demolition, in the opinion of this Board, would not be in conformity with the Official Plan or the Grand Strategy. Any consideration of changes to the structure under the Environmental Assessment Act should involve a thorough review of the heritage value of the bridge, such as would occur with a Schedule "C" project.

Notwithstanding the conflicts of the past, the Board is of the hope that the numerous issues that were put into sharper focus at the Hearing should be of interest to all parties. The Board finds that there is an overwhelming preponderance of evidence to support the preservation, rehabilitation and maintenance of the bridge. Perhaps the most significant evidence adduced at the hearing was the Cuming Report which indicates that the bridge is a piece of our architectural and engineering heritage and is of Provincial, National and International significance.

Also of valuable input was the testimony, principally by Mr. Gregg, on the process of rehabilitation which provided precedents and showed that it was possible to rejuvenate and at the same time address concerns about strength, safety, insurance, certification and life-cycle costs. The testimony of Mr. Simon, in relationship to Village enhancement, and the Bosselmann and Gahl assessment both concluded that future safety and traffic volume concerns would be best addressed by the preservation of this one-lane bridge.

It is notable that the condition survey, unavailable for much of the debate that has raged over this matter for the last several years, shows that the bridge has surprising strength and can unquestionably be rehabilitated. The Board finds a high level of support in the community for the preservation of this bridge and a willingness to work towards that end. Most see it as integral to the lifestyle and character of the Village, its heart and soul.

RECOMMENDATIONS:

It is the recommendation of the Board that the Bow String Bridge, Eden Mills, Ontario, not be de-designated by By-Law under Part IV of the Ontario Heritage Act.

Due to its considerable significance to the residents of the community, the bridge is an asset to the Township of Eramosa as a whole and the Board encourages the residents of Eden Mills and the Township Council to work together, to their mutual benefit, on its stabilization and eventual rehabilitation. In doing so they should take full advantage of the high rating of the bridge in the Ontario Heritage Bridges Program and make use of the experience of the Ministry of Transportation and the Ministry of Citizenship, Culture and Recreation in this field.

The Board urges all parties to work towards a result which identifies and respects the inherent heritage components and value of this structure.

The Board also encourages the Township to investigate Heritage Conservation District status for this unique Village and area, given the unusually high percentage of heritage structures located in Eden Mills. In doing this, the Township may well wish to consider the review and implementation of area-specific statutory legislation, such as is found in London, Oakville and several other communities around Ontario, which can buttress and strengthen the Ontario Heritage Act.

(Original Signed by)

Robert Bowes, Chairman

Stuart W. Henderson, Member

LIST OF EXHIBITS

1. Affidavit of Service of Notice of Hearing
2. By-Law Consolidating the County Road system
3. Volumes 1 and 2 of the Document Brief of The Friends of Eden Mills Inc.
4. Triton Infrastructure upgrade report, January, 1995.
5. Grand River Conservation Authority Correspondence October 23, 1997 and October 24, 1997.
6. Canadian Coast Guard Authorization.
7. Correspondence from Triton and the Canadian Coast Guard.
8. Artist's rendering of replacement bridge.
9. Correspondence from The Friends of Eden Mills Inc. regarding Artist's rendering.
10. Correspondence from Triton, June 18, 1997.
11. Correspondence from T. J. Colley & Sons Limited, June 17, 1997.
12. Official Plan for the Township of Eramosa.
13. Poster of the Bow String Bridge.
14. Eden Mills/Rockwood road map.
15. Correspondence from Triton, December 13, 1994.
16. McCormick/Rankin report.
17. Minutes of Township meeting, October 25, 1995.
18. Supplementary Document Brief.
19. Revised Chronology
20. Resume of Charles Simon
21. Videotape presentation

22. Audiotape of Gzowski show
23. Videotape regarding festival promotion
24. Videotape of TVO program
25. Writer's Festival Program from 1994
26. Report of Unterman McPhail Cuming Associates
27. Class Environmental Assessment Criteria