



Conservation
Review Board

Ministry of
Culture and
Communications

Commission des
biens culturels

Ministère de la
Culture et des
Communications

4th floor
400 University Ave
Toronto ON M7A 2R9
Tel (416) 314-7137
Fax (416) 314-7175

4e étage
400 avenue University
Toronto ON M7A 2R9
Tél (416) 314-7137
Télé (416) 314-7175

RE: TOWN OF CARLETON PLACE
INTENTION TO DE-DESIGNATE
222 WILLIAM STREET, "THE HUGH WILLIAMS HOUSE"
and
274 BRIDGE STREET, "THE ABNER NICHOLS HOUSE"

Hearing pursuant to section 31(6) of the Ontario Heritage Act,
R.S.O. 1980 Chapter 337 on the Notice of Intention given by the
Council of the Town of Carleton Place to repeal the designation of
222 William Street and 274 Bridge Street known as the Hugh
Williams House and the Abner Nichols House respectively as
properties of historic and architectural value or interest.

APPEARING FOR THE TOWN OF CARLETON PLACE

K.B. Bruun

Solicitor

APPEARING FOR THE OWNER

Judith Hughes representing herself

APPEARING FOR THE OBJECTORS

Rosemary Campbell

REPORT

The Board attended at the Town Hall, Town of Carleton Place at 10
A.M. Wednesday January 14, 1991 to conduct a public hearing to
determine whether the designations of the properties known as 274
Bridge Street and 222 William Street should be repealed.

The hearing proceeded on the basis that proper notice had been
given (Exhibit 1).

The hearing, as advertised, was to deal with the intention to designate both properties and the Conservation Review Board decided to issue a single report since the issues and circumstances can be applied similarly to the two properties in question.

FINDINGS OF FACT

Ownership:

Judith Hughes is the registered owner of both properties as shown in Exhibit 2 (copies of deeds and land registry records) and agreed by all parties to the hearing.

Notice to Registered Owner:

The Board was satisfied that the appropriate procedures had been followed by the Town of Carleton Place regarding the Notice and that the hearing had been properly called.

Summary:

The Council of the Town of Carleton Place had passed a motion to repeal of the designation of the subject properties on 24 July 1990.

The solicitor for the Town of Carleton Place introduced Exhibits 2, 3, and 4 (the Deeds and Title Abstracts for both properties, Bylaw 37- 84 designating 274 Bridge Street and Bylaw 46-84 designating 222 William Street). He indicated that both properties had been designated at the request of the owner, Judith Hughes. He also submitted Exhibits 5 and 5a that provided information regarding the zoning of the properties and the relevant extracts from Official Plan of Carleton Place setting out the Town's policies regarding heritage preservation. He noted that the Bridge Street property is

zoned for commercial uses but that the applicable zoning, C3 permits a wide range of commercial uses.

He further indicated that beyond passing the required motion to initiate repeal of the designations, the Town would not intervene in the proceedings to make a case either for or against repeal.

Ms. Judith Hughes, the owner of the building presented both testimony and evidence in favour of repealing the designation of the two subject properties. She indicated at the outset that she was keenly interested in heritage preservation but, as a property owner, found that designation of her properties had become a financial liability. Exhibit 7 outlines the various efforts that Ms. Hughes has made for several years to attempt to sell her property at 274 Bridge Street. She also pointed out that her request for repeal was the result of the lack of protection for the context of properties designated under the Heritage Act (Exhibit 6). Exhibit 9, provided photographic evidence of a new commercial structure wedged between 274 Bridge Street and another older home.

Ms. Hughes called Ms. Mary Thurston, a sales representative for Century 21-McVeigh, who gave evidence that she had been attempting to sell 274 Bridge Street for four months. She indicated that there was considerable interest in purchasing the property. It had not been sold, she believed, because of the modern commercial building beside it and also had lost value because of the designation.

Judith Hughes provided evidence that she had long been a proponent of heritage preservation (supported by efforts documented in Exhibit 10). As a former chair of the Carleton Place LACAC, she had worked to preserve the architectural heritage of the Town. In addition, Exhibit 11 demonstrated her interest in the preservation of architecturally significant buildings in neighbouring municipalities.

During cross-examination, Ms. Hughes agreed that the buildings were in fact of architectural value but argued that there are hundreds, of other buildings that are equally significant that have not been designated. Restoration and repair work on the undesignated buildings is not subject to the delays required to obtain approval of the local LACAC

The objector to repeal of the designation of the two properties, Ms. Campbell, called Mr. John Edwards, restoration architect and former member of the LACAC, as her witness. Mr. Edwards stated that, in his opinion, the original reasons that led him, as a member of LACAC to support designation of the two properties, were still valid. He also pointed out that the policy of the Carleton Place Town Council and of the LACAC was not to designate any property without the agreement of the property's owner.

In his view, the reasons for designation should be set out so that there would be flexibility in the manner in which renovations could be carried out. He noted that in the case of 274 Bridge Street because it was designated on the grounds of its historical interest, this flexibility existed. As for the other property at 222 William Street, the reasons listed architectural elements at the front of the building and not at the rear which could therefore be changed. He also expressed his personal sympathy for designation of the core area of the town if this were done in small steps by designating individual storefronts.

He provided information that in Carleton Place, applicants for designation were assisted as much as possible in terms of information about grants as well as the restrictions that applied to a property once designation takes place. He noted that the process for approving alterations to a designated property could lead to delays since the application for a building permit did not have a section to allow an explanation of whether the changes would affect the reasons for designation (Exhibit 13). Also, the overwhelming majority of those seeking permission to alter properties did not seek professional advice. Further delay

could result because LACAC does not meet in the summer and the Town of Carleton Place did not employ a planning officer with the experience in heritage matters to assist those applying to alter a building. The Town's official plan (Exhibit 5a) contained only the basic statement of a commitment to heritage preservation but no elaborations explaining how these principles would be applied to local circumstances or setting out incentives for preservation.

The next witness, the Chair of the Carleton Place LACAC, Mr. Tim Campbell, stated that although the town had designated 19 properties, no additional properties had been designated for three years. In contrast to Mr. Edwards, he felt that LACAC moved promptly in approving requests for altering buildings on designated properties, and could hold meetings to discuss an application within a week of submission. He also noted that the LACAC would call upon local specialists to volunteer their expert advice.

With regard to the request to repeal the designation of the two subject properties, he pointed out that the original reasons for designation have not changed and therefore ought not to be challenged. Mr. Campbell also supported Judith Hughes's contention that the Town should work toward the designation of the core commercial area. At the same time, he pointed out the need for public education and involvement in order for designation of a larger area to succeed.

The objector, Rosemary Campbell, proceeded to give her own evidence as representative of the Carleton Place and Beckwith Historical Society and the Victoria School Museum, the municipal museum. She argued that exhibits 14 and 15, the documentation that was prepared to argue in favour of designation, continues to be valid. Exhibit 18, presented by the objector, sets out Judith Hughes position on these two matters. This exhibit, a letter from Judith Hughes published in the Carleton Place Canadian does not dispute the heritage value of the properties.

With regard to the Abner Nichols House at 274 Bridge Street, Exhibit 14 sets out the historical significance of the property as the first home of a family that, over three generations, provided three mayors of the town. At the same time, the family was involved in the lumber trade that contributed so greatly to the nineteenth century prosperity of the Ottawa Valley and of Carleton Place. Later, the house served as the rectory for St. James Anglican Church. The exhibit also sets out the architectural features of the property, notably:

The massing and Structure of the house is transitional between the 1 1/2 story Greek revival-inspired home with its symmetrically organized facade and the gothic revival Ontario home with its steeper roof slope. The ample, sloped cornice with no return eaves is common in Carleton Place homes of this period. It is a result of the influence of the gothic revival. The siding, corner boards and base trim are also original to the house... The House makes a significant contribution to the architectural character of Bridge Street.

Also included in the Exhibit is the Notice of Intention to Designate and the By-law giving the reasons that the Abner Nichols house is historically significant.

With regard to the Hugh Williams House, 222-224 William Street, Exhibit 15 sets out the information used in reaching the decision to designate the property on architectural grounds. The Exhibit states that:

This house is significant because of the very elaborate woodwork on the front porch. There is also a flower patterned wrought iron cresting around the top of the bay window.

The House was the home of Samuel Allen, printer and co-editor of the Carleton Place Herald for some years.

This description was included in the Notice of Intention to Designate and the designating by-law.

At the same time, Mrs. Campbell drew attention to Judith Hughes's commitment to preserving significant architectural and heritage properties. Exhibit 15 also includes a submission by Judith

Hughes to the Council of the Municipality of Carleton Place that indicates some difficulties over the nature of the restoration of the property. She also requested consideration and assistance in undertaking the restoration of her property. Mrs. Campbell pointed out that to the best of her knowledge, Judith Hughes did not benefit from grants nor seek professional advice in restoring her houses and that the houses were restored of Ms. Hughes "free choice".

Exhibit 16, introduced by Mrs. Campbell, outlines the position of the Carleton Place LACAC and Municipal Council with regard to the repeal of designation. LACAC noted that "while it cannot support de-designation which could render her properties more vulnerable to destruction, it will not oppose her request to Council." Council heard from Judith Hughes at its meeting on 24 July 1990 when she argued that designation of individual properties penalizes the owner and that heritage districts are the only way to deal with detrimental change in the architectural context. Where individual designation is desirable, she urged that the property be purchased by public funds and either sold or put to public use. In her written submission she argued that:

Individual designations are a waste of time and costly to the owner. I myself no longer believe that it is the right of the majority to insist that individuals maintain their property in a certain way, without assisting that these rules apply to all equally, as it is ultimately for the benefit of the community.

After this presentation, the Council passed a motion that the by-laws designating 274 Bridge Street and 222 William Street be considered for repeal.

The last series of exhibits and witnesses discussed the impact of heritage designation on an individual property, the place of the municipality in putting in place policies to ensure the overall protection of designated properties and the role of the provincial government in setting guidelines through legislation and its program activities.

The next witness, Mrs. Jean Maennling, the former Chair of LACAC, put forward the contention that the official plan of Carleton Place does not address heritage issues in a meaningful manner. She also gave the opinion that the Town of Carleton Place had acted within the letter of the zoning regulations in permitting an addition to the commercial property next to 274 Bridge Street. However, she believed that this addition, was inappropriate and unsympathetic alteration given that the commercial property was extremely close to the adjacent designated property. She stated that the Carleton Place LACAC had opposed the changes to the commercial building but the plans were not altered and the structure went up (See Exhibit 8). In commenting on the attitude of the municipal council, she also noted that the Council of the Town of Carleton Place had authorized a non-conforming use for the property next to the Victoria School Museum that might adversely affect the architectural context of the museum itself.

The next witness, Cliff Bennett, Chair of the Almonte-Ramsay LACAC and president of a local tour company, provided evidence in favour of expanding the range of designated properties in Carleton Place and of retaining the designation of the Bridge Street and William Street properties. Mr. Bennett maintained that tourism was one means for Lanark County to overcome its economic disadvantages (Exhibits 19 and 20). As a tour promoter, he sold bus tours to both Europeans and Americans who were interested in the architectural heritage of the area. He also pointed out that in serving as a guide for these tours, he used the Nichols house on Bridge Street, as an example of the manner in which an unsympathetic adjacent development could impair the context of an important heritage property.

He also noted that in nearby Almonte, the municipal council had designated fifty properties and was in the process of designating a further sixteen. Given that Carleton Place had only designated nineteen, he felt that the Town was slower in recognizing the value of its architectural and historical resources.

Another perspective was presented by Mr. Jim Mountain, Director of the Lanark Heritage Regions Project, Heritage Canada Foundation. In discussing the subject properties, Mr. Mountain in his expert opinion, stated that the repeal of the designation of the Nichols house would affect the heritage value of the whole neighbourhood. In part, this is because the municipal zoning does not protect the heritage value of Bridge Street - a common state in many towns where zoning is open and the municipal council is loose in its interpretation of zoning requirements.

All the witnesses called by the objector - Mrs. Maennling, Mr. Bennett and Mr. Mountain - addressed the broader implications of the question of heritage preservation in the context of the current legislation and its application by the Town of Carleton Place. Mr. Bennett isolated the problem that although heritage preservation is accomplished for the common good, the owner of a designated property is called upon to hold this trust personally and to bear the financial burden. Mrs. Maennling pointed out that the problem lay outside the jurisdiction of the Town of Carleton Place. She argued that the Ontario Heritage Act gives owners little to fall back on. Mr. Mountain stated that the maintenance of integrity in restoring a heritage property puts an onus both on the owner and on the funder. The 'aesthetic' approach, he pointed out, does not necessarily lead to this goal. In continuing the comments on the financial viability of a restored property, he noted that the issue is difficult but that with proper research and restoration, heritage properties can remain financially viable. At the same time, he identified the importance of local involvement. The uniqueness of a property can only be identified by local people who are able to relate its value to a neighbourhood, street or town. In his view, heritage programs should support local people who are the best stewards of local heritage.

With regard to the effect of designation on an individual property, Ms. Campbell disputed the contention that the appraised value of a property would be lowered. She quoted several real

estate appraisers and agents who set out the argument that designation might in fact increase the value of a house. She argued that the saleability of a property is not dependent solely upon its heritage features but results from a whole range of factors including price, location, condition, amount of land etc. If properties, including those owned by Ms. Hughes were slow to sell, she pointed out that this might have as much to do with the recession as with the fact that these two properties were designated by the Ontario Heritage Act.

SUMMARY OF ARGUMENTS

Judith Hughes based her arguments for repeal of designation on the economic cost to her of attempting to sell a property that was designated under the Ontario Heritage Act. In addition, she provided evidence taken from her presentation during the recent review of the heritage policy of Ontario. She argued that expropriation with adequate compensation to the owner was a better solution to preserving buildings than the current restrictions on private property imposed by the Ontario Heritage Act (Exhibit 9). She urged a review of the nature of heritage designation in Carleton Place and stated her view that the architecturally significant buildings on Bridge Street could be better preserved by establishing a heritage district than by designating individual properties (See also Exhibit 18).

Mrs. Campbell argued that, apart from the fact that the original reasons for designation continue to be valid, repeal was unnecessary and costly. She also pointed out that since the property at 274 Bridge Street was zoned for commercial use, it might be more desirable to a purchaser without the house on it. (If the designation were repealed, the house could be razed). She noted the work of local historian Howard Morton that commented on the contribution of Abner Nichols and his sons to the social, political and economic life of the town. With regard to the Hugh Williams House, she mentions the local notables who lived in it and urged that since those individuals are part of

the human history of the town and their physical legacy endures in the houses they built or lived in, they deserve to be protected through designation. Finally, Mrs. Campbell argued that the reason that the property was not sold could be the result of many factors unrelated to heritage designation.

RECOMMENDATION

In many ways, this request for repeal is easily answered. We should note that the Conservation Review Board has no powers under the Ontario Heritage Act except to make recommendations on the basis of the assessments of the architectural and/or historical value or interest of a property. All parties to the hearing agreed that both 222 William Street and 274 Bridge Street currently have the same architectural and historical value or interest that led to their designation in the first place.

Under the provisions of the Ontario Heritage Act, therefore, the original designations should remain in place and this Board recommends that the Council of the Town of Carleton Place not repeal the designating by-law for either the Abner Nichols house or the Hugh Williams house.

Given the nature of the testimony that we heard both from the objector and from the property owner, this Board would be remiss if we did not address some of the issues that they raised. While we are restricted in our recommendations, our comments can be wider ranging and are intended to help in conciliating present circumstances and in preventing future difficulties. As is this Board's custom, we visited the two properties and were impressed by the wealth of the architectural heritage of Carleton Place - they represent but two examples.

We also were impressed by the unanimity of all of those who gave evidence at the hearing. Participants were unanimous in their view that the Town of Carleton Place did not have adequate mechanisms in place to deal with preserving the built heritage of the Town.

It was distressing to the Board to hear someone as committed to the preservation and restoration of historic properties as Judith Hughes arguing that she had been penalized by designation. However limited the powers of this Board to deal with it, her grievance is a real one. Designation does impose obligations on a property owner. Even though, in this case, the designation was requested by Judith Hughes, the obligations placed on her are nonetheless real and can be seen as a benefit to all the citizens of the Town.

There is a principle of equity at work here. If a municipality is prepared to designate a property and to put a property owner under an obligation to conform to Ontario's heritage legislation, for equity's sake, the municipality also should recognize its own obligation to that property owner. This means, for example, setting up an adequate infrastructure of zoning, heritage planning and other available tools in order that to give the owner (or potential purchaser) of a designated property the ability to make plans with some protection against the whims and vagaries of a change in the membership or views of council or of municipal staff. Institutional memories are short and unless there is some concrete policy in place, there is a natural tendency to minimize the importance of the promises of one's predecessors. Within the limits imposed by circumstance, citizens' views and fiscal capacity, the Council of the Town of Carleton Place might investigate other options than letting the owners of designated properties sink or swim on their own. This includes considering the impact of future development on designated properties.

There are other reasons that the Council of the Town of Carleton Place might consider a review of the heritage activities that lie within municipal jurisdiction. A LACAC, as an volunteer advisory

body to council on the designation of architecturally and historically significant properties, also deserves the support that heritage planning tools can provide. We also heard considerable evidence concerning the economic benefits of heritage preservation and conservation in terms of its growing importance for tourism in Carleton Place and the surrounding area. A more comprehensive heritage plan might, therefore, be considered an investment that will bring a long term economic benefit to the town.

On another level, all parties to the hearing commented on the need for revisions to provincial heritage legislation. While this may indeed be necessary, we must recognize that for the time being, the Ontario Heritage Act as it currently stands, provides the legal framework which regulates certain heritage activities including those of this Board.

(Original Signed by)

Michael B. Vaughan, Q.C.
Chairman

William R. Young
Member