

A. Introduction

It is an objective of the Town to protect and enhance its identity and character through careful and considerate management of its cultural heritage resources. Specifically, the Town's Official Plan provides for:

- The conservation of the Town's cultural heritage resources by identifying, recognizing, preserving, protecting, improving and managing those resources, including the potential of their adaptive reuse;
- The integration of the conservation of cultural heritage resources into the Town's general planning approach; and
- The promotion of an understanding and appreciation of the cultural heritage resources of the Town to both residents and visitors.

It is important, therefore, that informed decisions be made with respect to development applications which may impact the conservation of potentially significant cultural heritage resources. In order to achieve this, the Town may require the preparation of a heritage impact assessment and/or conservation plan to guide the evaluation of a proposed development, demolition permit or site alteration permit that may affect a cultural heritage resource. Conservation is defined as 'the careful preservation and protection of an asset to prevent its exploitation, destruction or neglect of physical quality.'

These terms of reference have been prepared to assist developers and consultants and are intended to ensure that heritage impact assessments contain consistent, complete and comprehensive information to facilitate this evaluation.

What is a Cultural Heritage Resource?

A cultural heritage resource, for the purposes of these Terms of Reference, is:

- built heritage, such as buildings, structures, monuments or remains of historical, cultural and/or architectural value;
- cultural heritage landscapes, such as rural, hamlet and urban areas that are of historic and scenic interest; and / or,
- archaeological resources that are identified in the Town of Milton's Heritage List or are over 40 years old and, although as yet unidentified, are found as part of the site assessment.

What is a Heritage Impact Assessment?

A Heritage Impact Assessment (HIA) is a study:

- to evaluate the significance of a cultural heritage resource(s);
- to determine the impact that a proposed development or site alteration will have on a cultural heritage resource(s); and
- to recommend an overall approach to the conservation of the cultural heritage resource(s).

An accepted HIA will explain the significance of a cultural heritage resource(s) and how a proposed land use, development, demolition or site alteration may impact that resource. It will also include a conservation plan and mitigation measures and / or salvaging options that are required to be taken into account in the review of a development application. These studies identify and recommend a range of mitigative measures based on a range of decision making factors including: significance, rarity and integrity of the cultural heritage resource; structural condition; location; contextual and environmental considerations; municipal policy objectives; proposed land uses and other factors.

When and Why is a Heritage Impact Assessment Required?

A HIA may be required in support of the following application types, if the proposal affects a cultural heritage resource(s) or affects a property that is adjacent to a cultural heritage resource:

- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision
- Site Plan
- Consent
- Minor Variance
- Building Permit
- Heritage Permit
- Demolition Permit
- Heritage Property Designation

The basis for the requirement to provide a HIA arises from:

a) The Ontario Heritage Act.

Part IV Section 27 of the Ontario Heritage Act requires that the Town keep a record of properties within the municipality that are “*of cultural heritage value or interest*”. This register can contain properties that are both designated under the provisions of this Act as well as

other properties that *“the council of the municipality believes to be of cultural heritage value or interest”*.

If the owner of a property that is included on the register proposes the demolition of a building or structure on that property they must notify the municipality in writing and this notification must be accompanied by *“such information as the council may require.”* In addition, if the owner of a property that is designated under the provisions of this Act proposes to alter the designated property’s heritage attributes they must apply in writing to the municipality. That application must be accompanied by *“such information as the council may require.”*

b) The Planning Act.

Part 1, Section 2 of the Planning Act states that, amongst other matters, the council of a municipality shall have regard to *“the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest”* when it is carrying out its responsibilities under the Planning Act.

c) Provincial Policy Statement (PPS)

This directs that *“significant built heritage resources and significant cultural heritage landscapes shall be conserved.”* Significant cultural heritage resources are defined by the PPS as *“resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.”* The PPS defines conserved as meaning *“the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.”* It goes on to say that this *“may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”*

The PPS also states that:

“Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved”.

d) The Town of Milton Official Plan

The Town of Milton Official Plan was adopted in 1997 and includes policies that emphasize the importance of heritage resources. Section 2.1.3.18 of the Official Plan states that one of the Plans objectives is to *“protect and enhance the Town's heritage”* through the designation of built heritage areas and features in accordance with the provisions of the Heritage Act to ensure their protection.

Paragraph 2.10.3.16 of the Official Plan states that prior to the Town's approval of any alteration, partial demolition, removal or change in use of a designated heritage resource, the applicant may be required to prepare a **heritage impact statement**, to demonstrate that the proposal will not adversely impact the heritage significance of the property. In addition paragraph 2.10.3.20 states all new development which involves, or is located in or near, heritage resources shall be required to "*study and consider the preservation, relocation and/or adaptive reuse of heritage buildings or structures...*"

e) Town of Milton Corporate Policy No. 9 – Demolition.

Part B, Section 3 of this Corporate Policy states that all applications to demolish buildings on properties that are identified on the Town's Heritage Inventory shall be accompanied by a Heritage Assessment Study. It states that this Study "*shall be prepared in accordance with Heritage Assessment Study Guidelines and the Heritage Policies of the Official Plan.*"

B. HIA Requirements.

The HIA must be prepared by qualified professionals such as architectural heritage consultants, and/or landscape heritage consultants with applied and demonstrated knowledge of accepted standards of heritage conservation, historical research, identification and evaluation of cultural heritage value, mitigation and similar matters. The qualifications and background of the heritage consultant shall be included in the report.

All heritage consultants submitting heritage impact assessments must be members in good standing of the Canadian Association of Heritage Professionals (CAHP).

- 1 The HIA will apply appropriate conservation principles including:
- 2 The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (2003);
- 3 Ontario Ministry of Culture's Eight Guiding Principles in the Conservation of Historic Properties (1997);
- 4 Ontario Ministry of Culture's Heritage Conservation Principles for Land Use Planning 2007); and
- 5 Well Preserved: the Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation (1988).
- 6 The HIA will be broad in scope but provide sufficient detail to communicate the site issues and inform the evaluation of the recommended conservation approach for the cultural heritage resource(s).
- 7 Three hard copies of the HIA and one electronic in pdf format burned on a CD will be submitted to the Director of Planning and Development.
- 8 The HIA will be available for review by the public. Copies may be given to local historical societies and / or may be placed in the Town's library at the discretion of the Town of Milton.

Format.

The HIA will include, but is not limited to, the following information:

- 1 Introduction and Description of the Property
 - a. A Location Plan and aerial photograph indicating the subject property.

- b. A concise written description of the site identifying significant features, buildings, landscapes and vistas. Photographs of the identified significant features, buildings, landscapes and vistas will be included.
 - c. Present owner contact information.
- 2 Analysis of Design and Physical value of the Buildings and / or Structures on the property.
- a. A complete listing and full description of all existing structures, with specific mention of all heritage resources on the subject property to include:
 - b. Structures;
 - c. Buildings;
 - d. Building elements, features and / or remains;
 - e. Building materials;
 - f. Architectural and interior finishes;
 - g. Floor plan;
 - h. Natural heritage features;
 - i. Landscaping; and
 - j. Archaeological resources as applicable
 - k. The description will include a chronological history of the structure(s) developments, such as additions, deletions, conversions, etc.
 - l. Documentation of the heritage resource shall include:
 - i. Photographs of each existing façade and/or measured drawings, floor plans and a site plan, at an appropriate metric scale (such as 1:100);
 - ii. Photographs of the existing interior of the buildings including:
 - 1. each room;
 - 2. existing original or early windows and doors;
 - 3. Original or early baseboards, architraves, cornices, dado rails, picture rails, shutters etc.;
 - 4. original floors and ceilings where visible;
 - 5. Staircase including banisters, newel posts etc.
 - 6. Hallways.
 - 7. Other features that are of heritage interest.
 - iii. Historical photographs, drawings or other archival material that relate to the heritage resource(s).
 - iv. The HIA will include a clear statement of the conclusions regarding the design and or physical value and heritage attributes of the cultural heritage resource(s). The conclusions shall relate to the appropriate guidelines and/or regulations such as Ontario Regulations, the Ontario Heritage Tool Kit and Official Plan policies. This statement will be written in a way that does not respond to or anticipate any current or proposed interventions / development proposals.
- 3 Historical Analysis.
- a. A detailed site history of the property which will include:
 - i. A listing of owners from the Land Registry Office;
 - ii. A history of the site use(s);
 - iii. A list of any existing heritage recognition that the property has where applicable; and
 - iv. A detailed history of the significant persons and events that relate to the subject property - to include relevant copies of historic maps and atlases,

- a. An assessment of alternative options, mitigation measures, and conservation methods that would avoid or limit the negative impact on the cultural heritage resource(s). Methods of minimizing or avoiding a negative impact on a cultural heritage resource(s) as stated in the Ontario Heritage Tool Kit include, but are not limited to:
 - i. Alternative development approaches;
 - ii. Isolating development and site alteration from significant built and natural features and vistas;
 - iii. Design guidelines that harmonize mass, setback, setting and materials;
 - iv. Limiting height and density
 - v. Allowing only compatible infill and additions
 - vi. Reversible alterations.
- b. When a property cannot be conserved a full analysis will be provided explaining the reasons for why this conclusion has been drawn. In addition alternative mitigation measures will be provided, where possible, and the salvaging potential of the property will be analysed.
- c. Only when other options can be demonstrated not to be viable will options such as relocation, ruinification or symbolic conservation be considered.
- d. Relocation of a heritage resource may indicate a move within or beyond the subject property. The appropriate context of the resource must be considered in relocation.
- e. Ruinification allows for the exterior only of a structure to be maintained on a site.
- f. Symbolic conservation refers to the recovery of unique heritage resources and incorporating those components into new development, or using a symbolic design method to depict a theme or remembrance of the past.

8 Conservation Strategy

- a. The preferred strategy recommended to best protect and enhance the cultural heritage value and heritage attributes of the cultural heritage resource(s) including, but not limited to:
 - i. A mitigation strategy including the proposed methods;
 - ii. A conservation scope of work including the proposed methods; and
 - iii. An implementation and monitoring plan.
- b. Recommendations for additional studies/plans related to, but not limited to:
 - i. conservation;
 - ii. site specific design guidelines;
 - iii. interpretation/commemoration;
 - iv. lighting;
 - v. signage;
 - vi. landscape;
 - vii. stabilization;
 - viii. additional record and documentation prior to demolition; and
 - ix. Long term maintenance.
 - x. Referenced conservation principles and precedents.

9 Summary Statement

- a. A Summary Statement will be included. This should provide a full description of:
- b. The significance and heritage attributes of the cultural heritage resource(s);
- c. The impact of that the proposed development will have on the cultural heritage resource(s) and its surroundings;

- d. An explanation of conservation or mitigation measures, or alternative development, or site alteration approaches that are recommended; and
 - e. Clarification as to why specific conservation or mitigation measures, or alternative development or site alteration approaches are not appropriate.
- 10 Recommendation.
- a. The HIA must include:
 - i. a recommendation as to whether the subject property is worthy of heritage designation in accordance with the heritage designation criteria detailed in Ontario Regulations 9/06 and 10/06 or
 - ii. a justification why a the property is not considered to meet the criteria for heritage designation;
 - iii. a recommendation regarding the future preservation of the heritage resource(s), appropriate mitigation measure such as relocation, ruinification or symbolic conservation; and (if necessary)
 - iv. a list of items that should be salvaged, if demolition is proposed.
- 11 Appendices
- a. A bibliography listing source materials used and person(s) and / or institutions consulted in preparing the HIA.

C. Approval Process

- 1 The HIA be reviewed by Staff to determine whether all the requirements of this Terms of Reference have been met and to evaluate the preferred option(s).
- 2 The HIA will be circulated to Heritage Milton for information and discussion.
- 3 The HIA may be subject to peer review by a qualified heritage consultant.
- 4 The applicant will be notified of Staff's comments and acceptance, or rejection of the report.
- 5 An accepted HIA will become part of the further processing of a development application. The recommendation(s) within the HIA may be incorporated into development related legal agreements between the Town of Milton and the proponent at the discretion of the municipality.

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