



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 02, 2019

FROM: Planning Services Department

DATE: November 27, 2019

SUBJECT: Heritage Easement Agreement - 191 Burnhamthorpe Road East

LOCATION: 191 Burnhamthorpe Road East

WARD: 7

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RECOMMENDATION:

1. That, as part of the approval of Heritage Permit Application HP050/19-42.20, the property owner of 191 Burnhamthorpe Road East enter into a heritage easement agreement (including the provision of securities) with the Town prior to the dismantling of the connected barn in order to ensure the long-term conservation of the heritage building;
2. That a Conservation Plan, including dismantling and salvage, storage and reconstruction details, for a Built Heritage Resource be approved by Heritage Planning staff and included in the heritage easement agreement; and
3. That the Town Solicitor be authorized to discharge the heritage easement agreement from title, at the expense of the owner, once the requirements in the agreement have been satisfied to the satisfaction of the Manager of Policy Planning and Heritage.

KEY FACTS:

The following are key points for consideration with respect to this report:

- Following Council's direction, a Notice of Intention to Designate under section 29, Part IV of the *Ontario Heritage Act* was issued for this property in January 2018. The property owner objected to the heritage designation and the issue has been referred to the Conservation Review Board.
- Heritage Planning staff and the agent for the property owner have been working to find a solution to conserve the cultural heritage value of the connected barn. Following numerous discussions with other town staff, and consultants for the property owner, a potential solution has been proposed.
- Section 30(2) of the *Ontario Heritage Act* requires Council approval for alterations to properties that are subject to a Notice of Intention to Designate, even though a designation by-law has not been passed for this property.

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- A heritage permit application was submitted for the dismantling, storage and reconstruction of the connected barn on a new town-owned site.
- Staff recommends that the Town of Oakville enter into a heritage easement agreement with the property owner to ensure the conservation of the cultural heritage value or interest of the property as described in the heritage permit application.

BACKGROUND:

A Heritage Permit Application was considered by the Heritage Oakville Advisory Committee on November 26, 2019 for the property at 191 Burnhamthorpe Road East to undertake the following alterations:

1. Dismantle the connected barn at 191 Burnhamthorpe Road East, salvaging materials required to reconstruct proposed new barn structure;
2. Store the barn materials in a safe location off-site
3. Reconstruct the barn as a park shelter in a town-owned park.

The subject property is located on the north side of Burnhamthorpe Road East, west of Trafalgar Road and east of Sixth Line. See Appendix A for the Location Map. The property is currently subject to a Notice of Intention to Designate for the heritage building, which was issued by the Town of Oakville in January 2018. The property owner has appealed the Notice of Intention to Designate and the matter has been referred to the Conservation Review Board. Despite the on-going appeal, the agents for property owner have been working with town staff to arrive at a potential solution to conserve the cultural heritage value or interest of the connected barn while still achieving development goals within the site.

The Heritage Oakville Advisory Committee recommended approval of the Heritage Permit Application and conditionally supported the proposal to relocate the connected barn to a town park to be reconstructed as an open-air park structure.

COMMENT/OPTIONS:Heritage Building

The property at 191 Burnhamthorpe Road East has been identified by the Town of Oakville as having cultural heritage value or interest and, following the applicant's issuance of a Notice of Intention to Demolish, Town Council issued a Notice of Intention to Designate (NOID) in January 2018. The NOID has been appealed by the property owner and the matter has been referred to the Conservation Review Board (CRB). While the appeal is ongoing, the property owner has been working with town staff to arrive at a solution that will conserve the cultural heritage value of the heritage resource.

As described in the NOID, the property's cultural heritage value resides in the McDuffe Connected Barn, which has cultural heritage value in its design and physical value as a rare and representative example of a historic timber frame barn in Oakville. Further, it demonstrates a high degree of craftsmanship in its rare and unique features. The barn is an excellent rare and representative example of mid-19th century timber frame barn construction methods, which evolved to include 20th century elements. The McDuffe Connected Barn has cultural heritage value in its historic and associative value with the theme and activity of the agricultural development of Trafalgar Township and in its direct associations with the early settlers of Trafalgar Township, including the McDuffe and Biggar families who, collectively, owned and farmed the subject lands for almost 180 years.

The heritage attributes identified in the NOID are:

The 19th century, two storey, timber frame connected barn with the following details:

- *its timber frame structure;*
- *its concrete masonry unit, or 'rock face' foundation;*
- *its timber Dutch door;*
- *its multi-paned wood windows, including the wood muntin bars;*
- *its wood hay doors;*
- *its wood man doors;*
- *its front façade, angled hay doors, tucked under the gable of the roof;*
- *its timber cathead;*
- *its squared log posts;*
- *its mortise and tenon joinery*
- *its wooden dowels, or treenails*
- *its set of pull-down wood stairs;*
- *its wagon lift;*
- *its octagonal wooden grain silo.*

Proposal

The heritage permit application for 191 Burnhamthorpe Road East proposes that the connected barn be dismantled, salvaged and then relocated off site to a town-owned park in North Oakville and reconstructed as a park shelter. The application proposes to accomplish this by dismantling the building (in accordance with set procedures), removing/demolishing the non-heritage elements of the barn, salvaging and storing the historic elements until the town park is ready for a shade structure and then reconstructing the barn as an open air park shelter that maintains the form of an 'L' shaped connected barn with slightly scaled down proportions.

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The heritage permit application includes a Technical Memorandum (the Memorandum) from Golder Inc. (as the heritage experts for the property owner), that describes the proposed work and provides an explanation of its merits and the processes required to complete the work. The Memorandum recognizes that the property is subject to a NOID and therefore requires consideration of the impact on the heritage attributes identified in the NOID and approval of the proposed alterations from Council. Attached to the memorandum is a Site Investigation Report completed by Blackwell Structural Engineers, who have visited the site and confirmed that the timbers are suitable for reuse in a new structure.

Design of the Park Shelter

The proposed new design for the reconstruction of the McDuffe Connected Barn is as an open air park shelter, while maintaining the 'L' shape of the connected barn. Heritage Planning staff have worked with the property owner and their various agents, including architects, heritage consultants and structural engineers, along with Parks and Open Space staff, on the proposed design to ensure that the reconstructed barn will meet the requirements of a structure in a town-owned park, while conserving the majority of heritage attributes and cultural heritage value of the connected barn.

The reconstructed barn would utilize the historic timber frame materials, including log posts and two sections of framing where the mortise and tenon joinery would be left completely intact with its wooden dowels in place. Several of the wood windows will be retained and used in the gable ends of the park structure, as well as the timber cathead. The wood siding of the barn would be used in the gable ends of the reconstructed barn/park structure, surrounding the salvaged windows.

The reconstructed barn would retain (in whole or part), the following heritage attributes that have been identified in the NOID:

- *its timber frame structure;*
- *its multi-paned wood windows, including the wood muntin bars;*
- *its front façade, angled hay doors, tucked under the gable of the roof;*
- *its timber cathead;*
- *its squared log posts;*
- *its mortise and tenon joinery*
- *its wooden dowels, or treenails*
- *its wagon lift;*

It is noted that the wagon lift is proposed to be salvaged and retained within the interior of the roof structure of the reconstructed barn. It would no longer be functional, but its new location in the roof system would echo its historic purpose of moving elements between the ground and the loft of a barn.

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The following elements will require replacement due to their existing condition:

- *its concrete masonry unit, or 'rock face' foundation;*

The concrete masonry units (CMUs) are held together with a relatively strong mortar and salvage of individual blocks without damage would not be possible. The CMUs will be replaced in the new foundation of the park structure with matching CMUs, as this type of block is still readily available.

The following elements will be removed from the reconstructed barn:

- *its timber Dutch door;*
- *its wood hay doors;*
- *its wood man doors;*
- *its octagonal wooden grain silo.*
- *its set of pull-down wood stairs;*

The doors will be removed as the reconstruction will be open air, with no doors retained. The pull down wood stairs will also be removed, as there will no longer be different floors within the reconstructed barn. The octagonal wood grain silo has since been identified as being of modern construction and is not proposed to be retained in the reconstruction.

Analysis of Proposal

The disassembling of a historic structure as a method of relocation has been approved by the Town in the past (3369 Sixth Line and 2467 Old Bronte Road). While it is generally not the preferred method of conservation, the unique circumstances of this project justify the disassembly, especially in consideration of the size of the existing structure.

In regards to the relocation of the structure, the subject property is relatively small and it was determined in the town's secondary plans that that the town does not require a park within the property. Therefore, the barn is proposed to be reconstructed within North Oakville, in a town park located as close to the subject property as possible. The exact location will also be influenced by the timing of park development in North Oakville in order to ensure that the materials are kept in storage for the least amount of time possible.

In regards to the reconstruction, while significant changes are proposed to some of the heritage attributes of the property, the reconstructed barn/park structure will still be recognizable as a barn, with many of its historic elements intact. Likewise, much of the identified cultural heritage value of the connected barn will be maintained through the retention of the historic material, including the rare and representative timber connected barn form, the historic associations with Trafalgar Township and the McDuffe and Biggar families and the general agrarian context of North Oakville.

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Heritage Planning staff support the disassembly and storage of the historic elements of the barn in accordance with the methods generally outlined in the Addendum and to be further detailed in a Conservation Plan for a Built Heritage Resource (Conservation Plan) that will be required as a condition of approval for this heritage permit application and attached to a heritage easement agreement (HEA). The Conservation Plan will include details on the dismantling and salvage, storage and reconstruction details that will ensure the safety of the historic materials during this process.

Storage and Final Location

The salvaged materials from the connected barn will be carefully stored at a location to be finalized in the heritage easement agreement. The materials will be safe from the elements and secure from vandalism and fire.

The final location of the reconstructed barn/park structure is yet to be finalized. This is due to the development context of North Oakville, as the town has limited control over where and when new subdivisions are developed in North Oakville (following the approval of all town permits and processes). There are several potential locations that the town is currently considering, but at the time of writing of this report, the park site identified as NP9 in the Town's North Oakville Parks Facilities Distribution Plan dated July 4, 2017, is considered the preferred candidate. A pre-consultation for the development of this site has recently been held, indicating that development is intended to commence in the near future; as well, the property is also very close to the current location of the McDuffe Connected Barn.

Next Steps

Additional information would be required to be submitted as part of the Conservation Plan that would then be attached to the HEA. The Conservation Plan would require further details on the disassembly of the connected barn, which shall be undertaken by a qualified heritage professional (and a member of the Canadian Association of Heritage Professionals) who is approved by Heritage Planning staff. Recommendations contained with the Memorandum from Golder and the Site Investigation Report from Blackwell Engineers should be followed.

Following the completion of the Conservation Plan to the satisfaction of Heritage Planning staff, the HEA will be drafted by the Legal Department. The HEA will include securities to ensure the reconstructed barn/park structure can be rebuilt.

Conclusion

The heritage permit application recommended by Heritage Planning staff and the Heritage Oakville Advisory Committee proposes dismantling and storage of the connected barn and reconstruction as a park pavilion in a town park. Both are satisfied that the proposal conserves the cultural heritage value or interest of the connected barn and minimizes the impact on the heritage attributes of the property.

Staff recommend that the Town of Oakville enter into a Heritage Conservation Easement with the property owner in order to ensure the long term conservation of the McDuffe Connected Barn. A Conservation Plan for a Built Heritage Resource would also be required and attached to the HEA to ensure the process follows accepted heritage conservation principles and process.

CONSIDERATIONS:

(A) PUBLIC

No notification is required to the public at this time.

(B) FINANCIAL

It is anticipated that the property owner will be paying for all costs associated with the dismantling, salvage, storage and reconstruction, subject to any available and applicable development charge credits.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Heritage Planning staff have been working with staff in Parks and Open Space and Legal regarding the proposal.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

This heritage permit application generally complies with the sustainability objectives of the Livable Oakville Plan.

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APPENDICES:

Appendix A – Location Map

Appendix B – Proposal for McDuffe Connected Barn

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